

LABOUR MIGRATION AND DEMOCRATIC INSTITUTIONS IN THE CZECH REPUBLIC: THE EXAMPLE OF UKRAINIAN WORKERS

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1. Introduction, objectives and methods

It is not surprising that the ongoing transition and transformation processes in Central and Eastern European countries (CEEC) are reflected in international migration/mobility patterns. Newly established democracies, free-market economic models, a re-orientation of interests towards the West, combined with various socioeconomic conditions and living

standards amongst CEEc have been contributing to really dramatic changes in the migration scene of this region. The important message is that, even if many other details are included, there is no “homogeneous” Central and Eastern Europe in terms of international migration. Interrelated factors such as relative political stability, the given geographical position (bordering on the classical western world), and strict migration policies of the western developed democracies have contributed to the creation of a specific migratory buffer zone between the real West and the real East (e.g. Wallace-Chmular- Sidorenko 1996). This buffer zone is composed of the Czech Republic, Poland, Hungary and Slovakia - the countries which, despite many problems, have gone through the transition relatively successfully in comparison with many other ex-communist countries and have been able to maintain reasonable living standards (e.g. Garson-Lemaitre-Redor 1996). Accordingly, they did not become emigration countries. On the other hand, political instability and a very difficult socioeconomic situation in many other CEEc (including the former Soviet Union) are very often a decisive trigger of emigration outflows of a domestic population. Apparently, as one moves East, the “push” factor is stronger and outweighs the “pull” factor offered by the buffer zone. The socioeconomic conditions, including the labour market situation, the relatively liberal legislation, and the “treatment” of immigrants in the respective buffer zone countries seem to be the main enticement for migrants from the “East”. In general terms, migratory trends among these buffer zone countries in question are more similar than different (except for Slovakia which has very limited numbers of immigrants). This compact area creates conditions for intensive transitory movements, “East-West” cross-border movements as well as massive labour circular (temporary) migration within the region. Migratory trends of these buffer zone countries might be summarized in the following way: 1) Huge inflows of labour circular migrants, 2) a variety of migrants, 3) asylum seekers and refugees - small inflow of foreigners, minimal outflow of domestic population, 4) stabilization or decline of permanent emigration of own populations, 5) huge transit migration, and 6) significant attractiveness of capital cities for immigrants. There is also another common strategic feature: while trying to join the “Western” structures, chiefly the EU at this moment, the given CEEc have, step-by-step, been harmonizing their migration policies as much as possible to those which are found in Western Europe currently.

Despite the above similarities within the buffer zone countries, the Czech Republic represents an important exception in terms of its foreign labour force. Its contingent, regarding registered foreign workers having a work permit, was approximately three and half times bigger than that in Poland and five times bigger than that of Hungary (setting aside

quite minimal numbers in Slovakia) (data for 1996 - see Okolski 1997). Nevertheless, the differences diminish when taking into account undocumented workers. An estimated hundreds of thousands of foreigners are irregularly employed not only in the Czech Republic but also in other CEEc (see also Salt 1996 - according to Okolski 1997).

Only international labour migration, as the most important component of the whole migratory mosaic, will be primarily dealt with within this grant project. When tackling the issue in the Czech Republic, then, it is only logical to focus on Ukrainian economic migrants (including all the related aspects) who create the most important immigrant community there.

The main objective of this project is to monitor what is going on in the field of international labour migration in the Czech Republic and to focus on the behaviour of the democratic institutions which deal with international migration. Special attention will be devoted to Ukrainian workers and their “relevant institutional ties”. Accordingly, the preparedness as well as problems, which the legislation and the whole institutional network including political parties and non-governmental organizations are confronted with, will be specified and analyzed.

To achieve this, library research will be used (using articles in journals and newspapers, legislative materials, statistical data and analyses). Besides library research, qualitative analysis - a questionnaire survey and interviews - targeting relevant institutions and “very important persons” will be conducted.

The complex character of this study will contribute to better understanding of the international migration issue in the Czech Republic, where still many fundamental problems related to international migration remain unresolved or even untouched.

For achieving these goals the following structure of the study has been developed: We begin with describing and, to some extent, explaining the situation in the field of international labour migration in the Czech Republic with special attention to its the most important segment - the Ukrainians. Then, the socioeconomic and migratory situation in Ukraine itself is characterized. Logically, another chapter deals with Ukrainians and their assessment of the situation in the field of real and potential labour migration abroad - results of a questionnaire survey carried out in the Ukraine are presented. Further, we concentrate upon analyzing political parties and civic associations in the Czech Republic in relation to the migratory issue. Importantly, international migration is also researched in relation to another political

institution - the Czech state and its administrative bodies. Conclusions and recommendations create a final chapter of this report.

2. International labour migration in the Czech Republic with special regard to Ukrainian circular labour migrants (analysis - description and explanation)

The main goal of this chapter is to very briefly describe and explain current international labour migration trends in the Czech Republic with special regard to its most important migratory type - Ukrainian circular labour migrants. Generally, stress is placed upon the current situation (mainly 1995 - 1999). The basic regional units of evaluation are a district (76 including the largest cities) and region (8 including Prague).

International labour migration very quickly gained a foothold in the newly established Czech market economy. When characterizing registered cases, there is a pool of 155,836 immigrants who were granted a long-term residence permit and have been residing in the country since the very beginning of 1999. Ninety percent of them are in the Czech Republic for employment and business activity. To gain an overall picture of economic immigrants, one should add to this number at least another 200,000 foreign workers who stay and/or work illegally in the Czech Republic often just temporarily but usually for more than a few months (see Drbohlav 1997 a). What are the main patterns regarding the economic immigration/immigrants? Below, the “long-term residence permit”, at the expense of other migratory types because it is, in many cases, a prerequisite for being granted work permits and trade licenses, will be discussed. Other migratory categories will also be dealt with in part..

1) The increase of economic immigrants, measured by registered long-term residence permits, was enormous between 1991 and 1996 from 9,000 up to 153,000. During the last two years in question the numbers increased annually by 68% and 27%, respectively. A turning point occurred in 1997. Between 1997 and 1998, the number only grew by some 3,000. Thus, family-based immigration, i.e., permanent residence permits linked mostly with marriage and family reunion, increased more than economic grounds for the first time. The official (registered) number of Ukrainians - within some migratory categories or regions - dropped mainly due to growing socioeconomic problems of the Czech Republic in tandem with not so great demand as there used to be and thus smaller room for immigrants to operate on the market, and, last but not least, a more restrictive policy (see also tab.1). For example, regarding work permits for Ukrainians, the decrease was very sharp between 1997 and 1999 - from 42,000 to 19,000. Changes in passports in the Ukraine and the decentralization of the

registration process in the Czech Republic, along with the reason cited above, have likely contributed to this trend. Nevertheless, there are also no indications that the inflow of “economic illegals” coming into the country has been decreasing. Rather, as experience (see, for example, the results of the opinion polls below) and theory indeed teach us, the inflow might be stabilizing or even increasing (see also tab. 2).

Tab. 1

Ukrainians with long-term residence permits in the Czech Republic and Prague, 1992 - 1998 (December)

Year	CR	Prague
	Long-term stay	
1992	320	21
1993	4,809	1,021
1994	12,667	5,204
1995	26,038	10,208
1996	43,534	13,962
1997	38,778	13,308
1998	46,444	12,972

Source: Directorate of Alien and Border Police of the Ministry of the Interior

Tab. 2

Estimate of communities of foreign undocumented migrants in Prague for 1999

Ethnicity	Number
North Americans	some 20,000
Ukrainians	some 20,000
Chinese	10,000 - 20,000
West Europeans	5,000 - 10,000
Transit migrants	some 10,000

Source: Own assessment

2) The capital city of Prague is very popular among immigrants. For example, 30% of the total number of economic migrants (those with long-term residence permits) were registered there at the end of 1998¹. Prague is the largest city in the Czech Republic and, consequently, it is the primary gateway for foreign actors entering the country. It attracts labour migration from underdeveloped regions because it offers better labour and income opportunities, benefiting from the spillover of “internationalisation” as it has become more

¹ However, to have more realistic picture one has to add undocumented migrants as well. Thus, the current number of foreigners in Prague (excluding tourists) might be about or even higher than 10% of the total population (see also Ěermák-Drbohlav-Hampl-Kužera 1995).

One can deduce that while, for example, North Americans, Chinese and Western Europeans - illegal migrants - will be predominantly typical of Prague or its surroundings, Ukrainians and transit migrants operate throughout the whole republic. It is not difficult to believe that, in the case of Ukrainian workers, the overall number of undocumented migrants in Czechia exceeds that of legally registered (see also Drbohlav, 1997 a).

westernised than any other area in the Czech Republic. Moreover, Prague creates bridges between developed Western Europe and other parts of the Czech Republic and CEEc in transition as well (the concentration of Western immigrants - see more Drbohlav - Sýkora 1997).

3) A total of 47% of all foreigners with long-term residence permits are concentrated in Prague and the Central Bohemia region (December 1998). Unlike Prague itself, which is losing economic immigrants over time, the surrounding region is gaining them. North and South Moravia are also important (albeit, as compared to Prague, to a much lesser extent) when measuring the proportion in relation to absolute numbers. In contrast, the mostly rural (not highly urbanized) area of South Bohemia has the lowest proportion (5%). However, in relative terms (per 1,000), the importance of both the Moravian and East Bohemia regions is lower in comparison with other areas.

4) The trend towards “migrant dispersion and diffusion” within the country, is evident over time, as the position of Prague has been weakening and other regions have become more attractive. For example, while the proportion of all long-term residence permits issued in Prague was 45% in 1992, it was “only” 30% at the beginning of 1999. It has to do with a demand for foreign labour which has been in part satisfied in Prague and also with successful foreigners’ attempts to find a job or a good business environment in other regions of the country. There are some “stimuli” on the Czech side that feed nation-wide needs for immigrants like: i) The professional and qualification structure of the current Czech society does not correspond to the demands of the current Czech labour market; ii) There are no preconditions for the spatial mobility of the labour force. There is insufficient capacity for temporary housing, no existing housing market; iii) There is little effort by employers to support the re-qualification of their employees; iv) No efficient policy has been implemented for integral regional development (see Statistická 1998). The “process of diffusion” and “deconcentration” has also been confirmed by applying a stepwise regression model (at the level of Czech districts) to work permits. The total number of work permits issued was the dependent variable. The model is entered by various independent variables characterizing selected important segments of the geographic, economic, social and demographic reality of the Czech districts. While the former analysis (and the data) relates to the beginning of the 1990s (the dependent variable for December 1993 - see Drbohlav 1995), the latter relates to the middle of the 1990s (the dependent variable for April 1998 - see Šelepová 1998). Regarding the former, the quality of the model was fairly good ($R^2 = 0.773$) and apparently confirmed the view that the numbers of foreigners with work permits in the districts of the

Czech Republic are clearly related to the urban environment and an “atmosphere”, in which the variable “realized investment” played an outstanding role (Drbohlav 1995). Regarding the latter, the model was not able to explain reliably the reality by the used characteristics ($R^2 = 0.262$) and the relationship towards urban environment itself was not so strong and direct (see Šelepová 1998). The main message of this latest analysis is that the foreign labour force measured by work permits is active/employed in a kaleidoscopic mosaic of “structurally” different districts (in terms of economic orientation as well as geographic, sociodemographic and other characteristics). It is hardly possible to find some typical “structural and/or zonal features/patterns” which they would share.

5) As far as the ethnic composition of immigrants is concerned, as of the beginning of 1997, the predominant majority of migrants, out of the total economic immigrant group, were from European countries (81%), while Asia ranked second with its 16% proportion.

A distinction must be made between two very different immigrant groups in the Czech Republic. The first “Eastern”, quite populous category (also so called “Ukrainian model”) is mainly composed of young males with (probably only alleged - see Drbohlav 1997 a) very low educational and skill levels and active in manual, unskilled labour contracts. The second one is the more heterogeneous immigration from the “West” that is characteristically made up of more females, children and older persons in comparison with the “East”. Typically, the latter community also contains people with a high level of education who are mostly engaged in “white-collar” spheres of work (managers, advisers, language teachers, etc.).

As of the very beginning of 1999, the largest immigrant labour force community with long-term permits in the Czech Republic is that of the Ukrainians (46,000) followed by Slovaks (35,000). In fact, Slovaks have special “free rules” under which they can be here², hence, for example, 61,000 Slovaks were registered and worked with work permits as of January 1999. The next, less important group, is formed by Vietnamese and Poles; however, they are still fairly numerous ethnic communities (16,000 and 10,000, respectively). Other communities, such as people from Russia, China, Bulgaria, Germany, the USA, Austria, Romania and Croatia are not so populous.

It is worth sketching the main “behavioural patterns” which are typical of important immigrant labour ethnic groups in the current legal and illegal Czech labour market. Though

² Slovaks, unlike any other foreigners, are not supposed to ask for a work permit (in fact, a Slovak can compete on the Czech labour market without “being discriminated” vis-a-vis Czechs; Generally, an alien can take a vacant job provided no other citizen of the Czech Republic is willing to accept it). All they are required to do is register themselves.

somewhat of a simplification of reality, table 3 summarizes some basic trends. Apparently, no homogeneous, compact pattern is visible. A colourful mosaic of various activities, strategies and mechanisms is demonstrated. Individual national groups have found their specific sectors, areas and niches in which they are active and have been accepted by Czech society.

Table 3
Important individual segments of the immigrant labour force in the Czech Republic (documented and undocumented), 1998; (Highly simplified)

Ethnic group/Region of origin	Form of stay, Type of work	Social and demographic structure, social relations	Range/ Regional patterns
Ukrainians	Work permits - individual, trade licenses, illegally; manual work, auxiliary work; mainly construction but also industry (e.g. food- processing, textile), agriculture	Poor; manual workers, (relatively high educational level purposely undervalued), young, males; frequent trips to mother country	Throughout the whole country, especially Prague, Central Bohemia, large cities
Slovaks	¹⁾ “Permanent jobs”, to a lesser extent seasonal ones, commuting within the border zone; heavy industry (mining and metallurgy), agriculture and forestry, construction, light industry and services - within the border zone, mainly construction - within the interior; manual auxiliary workers and qualified workers as well	Manual workers, a wide mosaic of “patterns and strategies”	Ostrava, Karvina and the whole zone bordering on Slovakia, Prague and Central Bohemia but also some other districts
Vietnamese	Trade licenses, illegally; small-scale market entrepreneurs/sellers; buying and selling clothes and electronics	Quasi - “middle class”	Throughout the whole country, especially “western” border zone - near Germany and Austria, large cities
Poles	Work permits - contracts; manual work, auxiliary work; construction, heavy industry (metallurgy, mining), textile industry, agriculture, forestry	Manual workers	Central Bohemia, the whole zone of Bohemia and Moravia bordering on Poland
Chinese	Illegally, via trade or entrepreneurial companies;	Strong kinship ties and regional social networks,	Prague

	representatives of firms in China and small-businessmen; import, distribution (wholesale) and retail of apparel, shoes and light industrial goods	relatively frequent trips to mother country	
North Americans	1) Work permits, short-term stays; top managers, advisers, employees of multinational and international companies; 2) Illegally ²⁾ , trade licenses; lecturers, teachers of English, small-scale businessmen	1) Rich; university-educated, highly skilled, intellectual background; 2) a “mixture of structures”	Prague
Western Europeans	1) Work permits, short-term stays; top managers, advisers, employees of multinational and international companies 2) Illegally, trade licenses; lecturers, teachers of “western” languages, small-scale businessmen ³⁾	1) Rich; University-educated, highly skilled, intellectual background; 2) a “mixture of structures”	Prague, a zone bordering on Germany and Austria

Note:

¹⁾ *In fact, Slovaks are an integral part of the Czech labour market even after the split of Czechoslovakia - with no social, cultural and very limited geographical barriers. They are not required to ask for employment in the Czech Republic like other foreigners. They are only supposed to report their employment and to register themselves.*

²⁾ *Especially in the case of Western immigrants, frequent undocumented stays seem to be caused, to some extent, by a demanding and time-consuming process of registration when asking for a long-term residence permit and also, by reluctance of some Czech firms to register their foreign employees as soon as possible.*

³⁾ *By far, not as many undocumented immigrants (in absolute terms) in this category in the Czech Republic as compared to the Northern Americans.*

This characterization is not based on any representative surveys/research. It follows from the authors' personal experience, through consulting the issue with selected experts and through some rather pioneering insights into migratory and residence patterns of some ethnic immigrant communities in Prague/Czech Republic (see e.g., Drbohlav 1997 a, Wang 1998, Chan 1998). The indicated facts stress only the most significant trends; missing information does not necessarily mean that, in fact, there are no clearer trends in relation to selected aspects and given ethnic immigration groups. Rather, so far, they have not been tackled or simply detected and widely publicized.

6) How is international migration at the district level related to the geographic, economic, social and demographic environments? Are there any common international migration features which would tie some districts together and create specific, regionally compact types? These questions are answered below via an interpretation of a correlation matrix. The following facts are worthwhile to point out.

The international migration characteristics (long-term residence permits, work permits and permanent residence permits for 1996) are relatively closely interrelated with each other (the level of relevance exceeds $p=0.01$) with one exception: no correlation has been found

between family-based migration and work permits. On the contrary, the highest correlation has been found between long-term and work permits ($r=0.605$). It is not surprising at all since there is a link between the two variables (to a large extent, the former should be a prerequisite for the latter). The relationship between permanent and long-term residence permits ($r=0.471$), in other words, between migration realized on economic grounds and that which is family-based has also been detected. It has been proved that there is some “common preference” of certain districts irrespective of migrants’ declared reasons. This relationship is obvious despite a fact that owners of long-term residence permits are much more concentrated in Prague than those with permanent residence permits. See below, how this relationship is “specifically split”.

Relationships between international migration characteristics and those reflecting the geographic, economic, social and demographic milieu differ by individual migration variables. Regarding work permits for foreign employees, the relation is generally very weak (see also above the results of the stepwise regression). On the other hand, as far as permanent and long-term residence permits are concerned, the connection is clearer. Both characteristics are correlated with those which represent the rather negative social, demographic and ecological climate (e.g., criminality, suicides, abortions, children born within incomplete families and the like). Nevertheless, regarding family-based migration, these relationships are much stronger and, in some cases, are exhibited via other links (e.g. close relations to mortality indicators). From a regional perspective, this configuration corresponds to, in many “problematic” aspects, the western and northern border area parts of Bohemia (also typical of a high level of urbanization, a lower proportion of those proclaiming Czech nationality and a higher proportion of those who were not born in the given regions) and, to a lesser extent, the Ostrava region which has some similar features. On the other hand, economically-motivated migration, represented by long-term residence permits, is also more, or exclusively, oriented towards the environment favouring the entrepreneurial climate and activities (higher wages, more entrepreneurial activities, more highly educated people). It should be noted that while family-based migration is not related to unemployment, economically-motivated migration grows with decreases in the unemployment rate ($r=-0.327$). The economically-motivated migration stream also correlates with the most important internal migration flow (of those between 20 and 34 years). Apparently, these parameters are, inter alia, characteristic of the main metropolitan centre - the capital of Prague. In other words, from this perspective, economically-motivated foreign immigration helped propel, at least until 1997 when the Czech economy was “booming”, the motors of the transformation processes in the most

important “poles of development”. No doubt, Ukrainian circular migrants contributed significantly to these indicated trends.

2.1. Ukrainians and statistical reality

To elaborate on some of the data given above, there are and were Ukrainians officially operating in the territory of the Czech Republic under a different status other than with long-term residence permits (see above):

1) Those with permanent residence permits:

1994 - 1,563; 1995 - 2,120; 1996 - 2,769; 1997 - 4,632; 1998 - 6,240

2) Those with work permits:

1994 - 12,682; 1995 - 26,748; 1996 - 42,056; 1997 - 25,166; 1998 - 19,255

3) Those with trade licenses:

1995 - 809; 1996 - 2,670; 1997 - 8,696; 1998 - 9,942

(Source: Horáková 1998, 1999, Ministry of Work and Social Affairs - internal materials; the data concern stocks at the very end of the given years).

2.2. Ukrainians as they are perceived by the Czech public

In January 1999 we carried out, in collaboration with the Institute of Opinion Polls in Prague (IVVM), a survey to ascertain what is the perception of the foreign labour force (both in terms of quantity and “quality”) among the Czech public. The survey was representative; 925 persons, more than 15 years old, took part in the survey throughout the whole country. The “quantitative aspects” of the issue are pointed out below:

60% of the sample population stated that they know some foreigners who has worked in Czechia for a long time, hence, 40% did not know anyone in that given context. What is important is that during a two-year period (since February 1997) this figure has increased significantly by 17 points - from 43% to the above 60% (see Drbohlav 1997 a). Thus, it seems that despite recent stabilization or decrease of a foreign labour force (as it follows from the official statistics), the “real trend” might probably, due to illegal/clandestine immigration, be reverse - the continued growth of intensive inflow of circular labour migrants to the Czech Republic. Out of these 60%, 25% mentioned that they know Ukrainians, 9% Vietnamese, 7% representatives of the former Soviet Union and 6% Slovaks. Ukrainians were pinpointed significantly more by residents of South Bohemia (39%) and West Bohemia (38%) as well as by persons in charge.

The related question was centred upon whether the respondents know someone in their community who has hired a foreigner who has worked in the country for a long time and comes from the "East". 58% answered that they know one or more foreigners. As follows, 42% do not know anyone fitting into that context.. The most positive reactions came from respondents from South Bohemia (69%) and West Bohemia (55%), males, those between 45 and 59 years old (48%), people having secondary education without graduation (43%) and those with university education (52%).

3. The Ukraine: Transition toward democracy, the development of a market economy and social rights for its citizens

3.1. Public reform in the Ukraine

In Ukrainian society, the transition from a Soviet-style society toward democratic and market institutions is currently in the process of public reform.

The first stage involved the transition of government, changing the bodies of the Communist party of the Soviet Union to state bodies which no longer have the trusteeship of the Communist party.

In the Ukraine, this stage was completed in 1991 after an unsuccessful „August putsch“ which resulted in the disintegration of the Communist party of the Soviet Union, followed by the creation of the independent Republic of the Ukraine (the independence of the Ukraine was declared on 24th August 1991).

The second stage under public reform led to the creation of a new system of public power based on principles of a prevalent law, a strict division in the branches of power competence, a gradual reduction of direct state regulation in the economy and in other spheres of life. The development of voluntary social institutions, the development of human rights and freedoms and the strengthening of the juridical and material guaranty toward the development of democracy in the Ukraine was also considered as an inevitable part of the second stage. In 1991, after independence was acquired, these principles were, on the one hand, ceremonially declared but, on the other hand, their realisation was effective only in part.

For this reason, an unstable parliamentary-presidential regime combined with remnants of the soviet system of society existed during the period 1991-1994 in the Ukraine. The instability of the political regime was conditioned by the under-development of a party system and by the hegemony of a broadly based national political movement (Ruch of Ukraine). Due to the state of the political/ juridical system, the executive was noted for its

high level of instability. During the period mentioned above, five governments took turns and, thus, the variances between the president and the parliament were deepened, as well as the variances at the level of state authorities, between executive authorities and boards of representatives.

These sharp variances between particular components of power do not only characterize the first years of the existence of an independent Ukraine, these variances also emerged in other post-Soviet republics at the same time (i.e. in Russia, Boris Yeltsin resolved the dispute between the president and the parliament in October 1993 by tearing his own parliament to pieces). These controversies have indubitably had a negative influence on the process of transformation in the post-Soviet republics.

A subscription to the Constitution agreement between the president and the Ukrainian parliament in 1995 began the next stage of public reforms in the Ukraine. According to this document, the Ukrainian president and parliament received additional competence which should have increased the effectiveness of the political system and should have addressed the deepening crises in society.

The basic postulates of the Constitution agreement (the so-called small constitution) were codified in the Constitution of the Ukrainian Republic which was adopted by the Ukrainian parliament 28th June 1996.

The newly adopted Fundamental law of the Ukraine was considered by the majority of Ukrainian people as an effective instrument which would contribute to the rapid stabilization of economic and political conditions in the Ukraine (according to the data of sociological research, this opinion is supported by 57% of questioned persons).

With a lapse in time, the Ukrainian people are becoming increasingly aware of the fact that the Constitution itself does not guarantee democracy, economic reforms, or increases in the standard of living.

3.2. Economic guarantees of Ukrainian statehood

The current socio-economic situation in the Ukraine is characterised by a long-term and deepening economic crisis.

According to the estimates by experts, the main risk for Ukrainian statehood are not external factors (military or geopolitical) but mainly internal factors, namely the present state of Ukrainian economy.

The Ukrainian economy is known for three strategic dependencies:

1. Ukraine cannot operate normally without foreign economic assistance. The total indebtedness of the Ukraine is growing dynamically. For instance at the beginning of 1997, Ukrainian foreign debt reached the sum of USD 9.6 billion (30% of GDP). In the year 2000, according to the data of the World bank, Ukrainian foreign indebtedness can reach the sum of USD 15 billion, and, according to the Ukrainian Ministry of Finance, it may reach USD 20.2 billion.
2. The Ukraine is also energy dependent. Ninety percent of fuel imports come from Russia; at the same time, 100% of nuclear-based fuel is imported from Russia (nuclear power stations in the Ukraine produce up to 50% of electric power). The Ukraine has difficulty paying for the importing of fuels as well, i.e. the indebtedness of the Ukraine towards Russia and Turkmenistan. concerning imports of fuels, is more than USD 4 billion.
3. The black economy is taking an increasing share of the general economic structure of the state and it is considered the third strategic dependence. During the course of 1996, for example, the black economic sector in the Ukraine grew from 35-40% to 52-55%. According to certain data, this sector constitutes up to 60% of the economy. The sum of money circulating within the black economy is six times bigger than the sum of money which ensures the functions of the legal economy.

3.3. The social rights of citizens- declaration and reality

In accordance with the present Constitution of the Ukrainian Republic the state of Ukraine is defined as a social state. It is comprehensible that Ukraine which is passing through the process of transformation can't provide to its citizens indicators of living standard which are comparable with present standards in developed democratic countries. The constitutional declaration of social aspects of a state is interpreted with regard to the present period of transition of Ukrainian society as an commitment of power structures to minimise negative social impacts of economic transformation to Ukrainian society. However the analysis of a present state of the social sphere of the country and the analysis of the state social policy prove that the government structures don't meet their constitutional commitments but on the contrary they enforce rigorously the restrictions of social programmes. These restrictions compensate their own helplessness to realise reforms or their incapacity to provide the basic order in social-political process in progress.

The main commitment of the state according to the current Constitution is to ensure full employment of all people able to work and at the same time the level of wages must enable citizens to earn their living and the wages have to be paid in terms settled by the contract of service (article 43 of the Constitution of the Ukrainian Republic).

The real situation in this respect differs considerably from constitutional proclamations which is owing to the complicated situation in an Ukrainian labour market.

The Ukrainian labour market is noted for number of particularities above all: the unemployment of women and young people is considerably higher, the professional-territorial mobility of labour force is low, the necessary infrastructure in the framework of the Ukrainian labour market and especially in housing market is absent, the system of registration to permanent residence which represents an essential condition to get a job in certain regions is still administrative- it means soviet, the number of vacancies is dramatically falling (in 1996 there were two applicants for one vacancy, in the summer 1997 there were already 14 applicants for one vacancy), there is an evidence of hypertrophy of black labour market.

The most significant particularity of the labour market in Ukraine has been recently very low level of officially reported rate of unemployment. Without regard to considerable fall of the output (about 55% during the period 1991-1995) the official rate of unemployment didn't exceed 0,3-0,3% of working population which represents 80-90 000 of unemployed workers. Since 1996 the Ukrainian authorities have started to admit a considerable growth of unemployment: 1st January 1995 82,2 thousands of unemployed, 01.01.1996 126,9 thousands of unemployed, 01.01.1997 351,1 thousands of unemployed, 31.01.1998 1037 thousands of unemployed which represented 2,4% of working population and 01.10.1999 the rate of unemployment reached 7.9% of working population and by the end of 2000 it is expected that there will be about 7% of unemployed. In the end of the last year this indicator fluctuated in 12 regions of Ukraine (especially in West Ukraine) within 4.9% in region Zakarpatska but in other regions it reached far higher level, i.e. 9% in district Javorinsky, in region Lvovska, in the city Kovel in region Volynska 9.9% etc.).

At the beginning of 1999 women and young people up to 28 years represented 63% respective 42% of those who were looking for a job and people who haven't yet reached the pension age 53%. The hidden unemployment also acquires considerable

proportions in Ukraine/ workers of a large number of enterprises work only 2-3 days a week. They take at authorities of enterprises instance unpaid leave or they have a reduced regime of working day. During 1996 i.e. more than 3 millions people took a long-termed unpaid leave (which represents 20.4% of all employees working in enterprises).

According to estimation of State centre of employment attached to the Ministry of work of the Ukrainian Republic in Kiev there are about 8.5 millions of Ukrainians employed in the black labour market (approximately one third of working population). 3 millions people of all workers operating in the black labour market are unemployed. The presence of young people in the black labour market is remarkably spread, about 66% of all students and 65% of apprentices in Ukraine. Young people entering today's labour market come from the Ukrainian „baby boom: which occurred during the soviet era- at the beginning of 70s about 750-800 thousands of children were born each year. Records of the Ukrainian natality in the period mentioned above were reached especially in western regions of Ukraine (Halitch, Zakarpatsko, Ivano-Frankovska region) which are historically noted for a prevalence of a supply of labour force to its use in local production and services.

With regard to the characteristics of the development of Ukrainian labour market it is necessary to take into consideration the number of 300-400 thousands of workers especially of labour professions who will widen during following 4-5 years the group of unemployed from the reasons of restructuring in mining industry above all in the region like Donetska, Luganska, Dnipropetrovska, Kirovogradska, Volynska. Considerable restructuring is need also in the military-industrial complex and the agrarian-industrial complex being always under influence of soviet megalomania.

The social situation of those who are employed doesn't differ much from people who are unemployed. The amount of wages doesn't correspond to one important principle of the Ukrainian Constitution :the opportunity to earn Ukrainians' living“.

The resolution of the Ukrainian parliament (September 1998) determines the minimum wage in the amount of 72 talents („hrivna“) a month. The direction of the Ministry of health (October 1998) settled the minimum wage in the amount of 145 talents. The completion of direction of the Ministry of health expects that an Ukrainian citizen can for example consume every day: 300 grams of bread, 4 grams of fish, 57 grams of meat products, 1 big spoon of oil, 6 teaspoons of sugar, 1 apple and one third of egg. The analogical calculations executed by experts of the federation of trade-unions

of Ukraine fixed the minimum wage in the amount of 256 talents a month. According to the data of the Ministry of statistics this level was reached only by 7.6% of Ukrainians in the last year. The growth of the minimum wage was refused by Ukrainian government from fear of deepening of the budget deficit and risk of hyperinflation.

The analysis of a shopping basket in Ukraine wouldn't be complete if we didn't take in consideration the fact that people get part of food from their acquaintances and relatives living in the country. However the official statistics aren't able to reflect this fact.

According to the data of European Commission the index of purchasing power of Ukrainian population represents 17% of purchasing power of citizens of EU (1997). According to the data of the World bank originated from the same year one third of Ukrainian citizens live below poverty line which represents more than 17 millions people.

As mentioned above the Ukrainian Constitution ensures the right to the pay-roll in time.

The wide spread phenomenon in Ukraine is however noted for a delayed pay-roll. According to the data of the Ministry of statistics i.e. 10.03.1997 11.5 millions of workers didn't get their wage in time. The fact that 80% of workers received wages with delay from 2 to 6 months is also confirmed by the Ministry. In this context it is necessary to take in consideration the fact that some categories receive only part of wage in the monetary form and the other part is paid in the quasi-monetary form (cheques and coupons) and sometimes the wage is paid in kind (bricks, tyres etc.). For example in the nuclear power station Zaporozska the wages are paid in the form of coupons, which can be used only to do shopping in a trade network of nuclear power station. Each employee gets only 105 talons a month in cash and with one month delay.

In this case Ukrainians decided to find so called secondary occupation. The phenomenon of two or more occupations done at the same time is quite spread in the world but in Ukraine it became a real „national hobby“. The secondary occupation is effected by 3% of working population in the EU but in Ukraine this indicator reaches the level of 35% of working population. The other chance how to solve the economic and social crisis is an economic migration and frequent travelling to near or far foreign countries which is analysed in the following chapter.

The realisation of the constitutional article 42 of the Constitution of the Ukrainian

Republic is connected with the contents of the following article of the Constitution- it means with the right of each citizen to do business activities which isn't at variance with the valid legislation.

The burden laws, the credit policy, the absence of effective competition law which would eliminate existing hegemony of former state enterprises, all of these factors limit the space for business activities in Ukraine.

The soviet non-market practice of preferential subsidies to agriculture, mining industry still continues. Also the policy of the Ukrainian government causes the failure of these sectors- the more subsidies coming from the state budget to these branches the less enterprises are able to compete with their competitors. It is also necessary to mention that the subsidies are afforded to the detriment of the state social programmes.

Laws regulating sales and purchases of land aren't in their form consistent and for this reason they block the development of credit policy. The high level of corruption represents a brake of the development of market economy. This level is comparable only with some African countries. On the other hand the corruption is the only possible solution how to survive for state officers and the employees whose irregular wage fluctuates within 100-200 talents. Representatives of small and medium enterprises in Ukraine declare accordingly that the Ukrainian state is oriented only to big business (former state enterprises and production associations) which the highest political representatives are often very closely connected with.

In Ukraine there are about 150 thousands of small enterprises actually (in Poland about 2 millions), at the same time these enterprises employ 5% of population in Ukraine and 20% of population in Russia.

The number of real working small and medium enterprises is still falling. In 1992 there only 49% of real working small and medium enterprises of the total officially registered enterprises, in 1995 there were only 31% of these enterprises. Only 15% of small and medium enterprises intend to raise the number of their staff presently. 9% of small enterprises want to reduce their staff and 76% of small enterprises don't have any plans concerning this subject.

The situation in the sphere of revenue and pension security is also very tighten. Minimum old age pension is 20 talents, average old age pension makes 52 talents. The level of old age pensions doesn't secure covering of basic necessities of pensioners and it is thus in the contradiction with constitutional state obligation (article 46 of the Constitution of the Ukrainian Republic about population pension security). Actual

indebtedness in payment of pensions is 1-2 months and it is higher than 1.5 mld. talents.

As a limiting factor of the growth of salaries and pensions the Ukrainian government considers the limited sources of its own state budget. But the government ignores at the same time the feedback between population incomes and budget and also the reality that state budget of Ukraine is forming in the greatest to the detriment of citizens.

Analyses i.e. of budget for 1997 shows that taxes on companies' incomes contributed to the state budget 18.2%, privatization' incomes 0.7%, foreign trade incomes 3.3% and Ukrainian population contributed to the budget to 42% in the form of direct and indirect taxes.

In this connection the dynamism of population payment development for lodging and communal serviced is very symptomatic. At present inhabitation pays already 80% of lodging real costs. For comparison- this indicator is in Russia 30%. It considers at the same time that in the nearest time the inhabitation will pay in a full degree all lodging real costs. This increase of payments for rent, energy, water rate and sewage charges provokes directly increasing interest in different forms of state support and social security benefits which however state budget will not be able to cover.

At the end of the last year Ukrainian population paid only 57% of all charges for communal services. The total level population indebtedness for unpaid of mentioned charges is almost 2mld. of talents. It is surprising (but also comprehensible) why in this critical situation of charges unpaid the extreme pressure on debtors is use only exceptionally- energy disconnection, move away by force to debtors etc.

The authorities of the state power in Ukraine realised restrictive policy in the sphere of citizens' right to free of charge medical care (article 49 of the Constitution of the Ukrainian Republic). The standard of health care doesn't correspond to disastrous situation in Ukraine. It is generally known that the health of population is affected to a great extent by the social-economic situation of citizens. These parameters mentioned above are extremely unfavourable which contributed to the fact that in 1991 for the first time since 1945 the number of decreases (mortality) exceeded the number of new-born children (natality). However the most alarming fact is that the mortality of working population is growing (24% of total decreases in 1998). The mortality of new-born

children is also growing. In 1990 there were 12.48 decreases for 1000 new-born children, in 1995 14.68.

Total losses of population caused by the excess mortality in five past years represented 1.2 millions of people. The length of an average age of population is also getting 1.3 shorter. 62 years for men and 73 years for women represented an average age in Ukraine in 1996. According to these indicators Ukraine occupies 60th place in the world. According to the indicator of dynamism of dying out of population Ukraine occurs among first ten countries in the world.

The number of tuberculoses is growing (in 1990 there were 31.8 tuberculoses of 100 thousands citizens, in 1995 41.7). The number of people who fall ill of cholera, diarrhea and hepatitis is also growing. Since 1940 there has been no case of disorder of diarrhea but in 1992 this illness occurred again. There are no statistics of anaemia- the state which is due to the bad nutrition or starvation but mass media mention dozens cases of anaemia. The crash of the nuclear power station in Chernobyl afflicted considerably the health of population. As a consequence of this crash the health of more than 3.2 millions people among who 950 000 were children was damaged.

The number of people who have been infected by AIDS is growing- since 1990 this number has grown ten times. For example in Donetsk region 50 new AIDS carrier are registered each week.

Without the respect to alarming trends of health of Ukrainian population the budget financing in this field is stagnating. The budget requirements of the Ukrainian health service are covered by 20%. As a reason of reducing of finance of Ukrainian health service from the state budget the health care must be paid or its payment is hidden. Officially there is a system of paid services which involves about 2000 positions. There is also a general rule which means that patients in hospital must bring before their stay in hospital part of medical material and food. Very often patients are forced to contribute to different charity funds which operate in the basis on hospitals.

The important indicator of social comfort of Ukrainian citizens is the possibility to enforce their right to have their own flat (declared by the article 47 of the Constitution of the Ukrainian Republic). At present there are about 5 millions of families (approximately one third of population) who feel the need of their own flat. In 5 years past the house building fell two times and the state programme concerning the solution of the problem with the lack of flats doesn't still exist in Ukraine. The price of 1m² of

housing area was in 1997 in Kiev 300 talents. The studio flat (35 m²) in Kiev cost about 11 thousands talents. With respect to an average wage (135 talents) it would be very complicated to acquire this flat. These relations haven't changed since the past period.

At the elementary school parents must pay 20% of the price of school books. Technical vocational schools were transferred within the authorities of local budgets which caused reduction of their number in 1997 from 11 150 to 900. In 1994 the finance resources of education institutions weren't sufficient and they were enough only to pay wages of teachers and scholarships of students. In 1996 55% of wage costs and 70% of scholarships were paid by the budget. The universities must dismissed thousands of professors because of the lack of finance (in 1996 about 5000 of university professors have to be dismissed, 2000 among them were candidates of sciences and doctors of sciences at the age of 30-35 years).

These vacancies were staffed by pensioners and students of secondary schools. This resulted in a crisis of an education system supported by state. Most of people can't afford studying at private schools and for this reason private schools can't become an alternative of state education system.

The analysis carried out above confirms the declarative character of basic constitutional rights of citizens in Ukraine. The Constitution should be an instrument to achieve stability but in Ukraine it became useless factor of social-political situation.

The above situation is characterized below on the example of a sociological survey:

The Ukrainian foundation „Democratic initiative“ carried out a nation-wide sociological research in the framework of the programme „The Ukrainian society on the eve of XXIst century“. 1810 persons who represented a pattern of adult population of Ukraine according to the basic social-demographic indicators (sex, age, education, nationality), according to the structures of Ukrainian regions and the type of settlement were inquired. Some results of this research are stated below.

How do you appreciate the present economic situation in Ukraine? (% , 0- very bad, 10- very good)

0	1	2	3	4	5	6	7	8	9	10	median
very bad										very good	
43.3	14.3	17.0	15.3	5.4	3.8	0.5	0.1	0.2	0.1	0.2	1.42

Which economic situation in Ukraine do you prefer?

1. low prices with product deficit.....32.4
2. high prices without product deficit.....25.0
3. it is difficult to say.....42.7

What is your opinion of economic reform in Ukraine?

1. it is necessary to realise full transition to market economy.....20.3
2. only some changes in economy are necessary.....24.1
3. it is necessary to return to the economic model which existed in the period of Gorbachev reorganisation.....38.0
4. different.....2.7
5. it is difficult to say14.9

What is your opinion about the development of private business in Ukraine?

5. agree.....21.0
4. rather agree than disagree.....21.7
3. it is difficult to say if private business has a contribution or not.....29.5
2. rather don't agree.....14.4
1. don't agree at all.....13.4

What is your opinion about privatisation?

	rather negative	it is difficult to say if it is positive or negative	rather positive
land	29.7	24.2	46.1
big enterprises	49.0	32.3	18.7
small enterprises	22.0	27.5	50.5

Is it possible to realise privatisation of land in conditions of Ukraine?

1. yes.....38.2
2. no.....43.2
3. it is difficult to say.....18.6

Political associations divided into associations which want to come back to socialism and associations which want to build capitalism. What is your position towards these associations?

1. I support partisans of socialism.....20.9
2. I support partisans of capitalism.....10.9
3. I support both partisans of capitalism and socialism only because of avoiding problems.....16.9
4. I don't support anyone.....26.1
5. different.....2.1
6. it is difficult to say.....23.1

According to your opinion which social groups play the most important role in building independent Ukraine (state all acceptable answers).

1. workers.....19.1
2. villagers.....15.9
3. intelligence.....9.9
4. businessmen.....25.2
5. directors of state enterprises.....10.1

6. state officers.....	25.1
7. pensioners.....	1.2
8. heads of kolkhozes and sovkhoses.....	5.5
9. politicians- democrats.....	8.1
10. politicians- communists.....	6.9
11. politicians- nationalists.....	6.6
12. soldiers.....	5.5
13. militia workers, workers of security services.....	8.9
14. Mafia, gangland.....	42.0
15. other groups.....	0.5
16. no social group plays important role.....	4.6
17. it is difficult to say.....	18.3

Everything which happens in Ukraine does develop in right or bad way?

1. The development in Ukraine is right.....	20%
2. The development in Ukraine is bad.....	55%
3. It is difficult to say.....	25%

If you compare your present social (material) situation with last year, has your situation improved or got worse?

1. has improved.....	7%
2. hasn't changed.....	23%
3. is worse.....	69%
4. it is difficult to say.....	1%

If we take in consideration the period of five following years, the economic situation in that period in Ukraine will:

1. improve.....	27%
2. not change.....	17%
3. get worse.....	16%
4. it is difficult to say.....	40%

If you take in consideration the possibility of great purchases for your household (furniture, refrigerator, TV set, hi-fi), is the present situation favourable to do this kind of shopping?

Favourable.....	5%
Favourable and unfavourable at the same time.....	8%
Unfavourable.....	81%
It is difficult to say.....	6%

How do you estimate your monthly revenue?

It is fully sufficient.....	1%
We can save but not regularly.....	9%
We live from pay-day to pay-day.....	46%
We feel an absolute lack of money and we must still limit our consumption...44%	

Which characteristics are typical for Ukrainian businessmen?

1. calling round laws.....	40%
2. decision to risk.....	28%

3. ability to overcome obstacles.....	26%
4. cheating.....	26%
5. tenacious of purpose.....	23%
6. unreliability to meet agreements.....	12%
7. egoism.....	11%
8. innovation skills.....	10%
9. irresponsibility.....	7%
10. integrity.....	6%
11. other characteristics.....	1%
12. it is difficult to say.....	11%

Can the development of business help Ukraine to lead out of the impasse?

yes.....	35%
no.....	36%
it is difficult to say.....	29%

Is it possible to become a successful businessman without violating laws?

Yes, it is.....	10%
Yes, it is but at the price of lower profit.....	26%
No, it isn't.....	45%
It is difficult to say.....	19%

Is doing business in Ukraine perspective?

Yes, it is.....	23%
Yes, it is but in the far future.....	42%
No, it isn't.....	9%
It is difficult to say.....	26%

If you loose your job, what would you do?

I will start my own business, a mediation activity, craft.....	10%
I will apply to a local employment agency.....	10%
I will try to find a job concerning my profession.....	15%
I will try to find any job.....	24%
I will take an advantage of help of my relatives, friends.....	10%
I will leave for another city to find a job there.....	3%
I will try to return to my previous job.....	1%
I will retrain.....	2%
Other.....	7%
It is difficult to say.....	18%

What changes can according to you contribute to the improvement of your life? (the total exceeds 100% because respondents could choose several answers).

higher wage, higher social security benefits.....	52%
total change of social and economic policy of the Ukrainian government.....	40%
I rely only on me, on my skills and I can adapt to any situation.....	29%
acceleration of economic reform.....	29%
higher effectiveness of enterprise where I work.....	18%
improvement of work of local authorities.....	14%
aid of my relatives and friends.....	10%

other.....3%
it is difficult to say.....7%

Average wage and price of 22 most important food links according to particular regions of Ukraine (December 1995) (Resource: J.I.Pavlenko. Transformacija suspilstva i problemi socijalnoj politiki. N.2, 1997, Kijev, NICD 1997)

region	average monthly wage (in karbovanets)	% relation between average wage in the region and average wage in Ukraine	total price of 22 food links	% relation between total price of 22 food links in region and average price of these food links in Ukraine
Ukraine	12250	100	4949	100
Crimea	10410	85.0	5810	117.4
Vinitska	10042	82.0	4638	93.7
Volynska	9503	77.6	4242	85.7
Dnipropetrovska	15448	126.1	5556	112.0
Donetska	15371	125.5	5386	108.0
Zhytomyrska	10342	84.4	4543	91.8
Zakarpatska	8762	71.5	5168	104.4
Zaporohzska	13594	111.0	5617	113.5
Ivano-Frankovska	10287	84.0	4755	96.1
Kievsk (without Kiev)	12953	105.7	5122	103.5
Kirovohratska	10313	84.2	5016	101.4
Luganska	12953	105.6	5220	105.5
Lvivtska	10404	84.9	4969	100.4
Mykolayivtska	11333	92.5	4943	99.9
Odeska	11250	91.8	5193	104.9
Povltavska	13286	108.5	4743	95.8
Rovenska	10785	88.0	4562	92.2
Sumska	11307	92.3	4678	94.5
Ternopolska	9131	74.5	4330	87.5
Kharkhivtska	11571	94.5	5109	103.2
Khersonska	10073	82.2	4729	95.6
Khmelnitska	9929	81.8	4446	89.8
Cherkatska	10966	89.5	4937	99.8
Chernivetska	10029	81.9	4594	92.8
Chernigorska	10783	88.0	4626	93.5
city of Kiev	14349	117.5	5448	110.0

4. Migration situation in Ukraine

4.1. Ukrainian migration law

On the basis of the Declaration of independence Ukraine adopted several basic

rules of law which define an institute of migration law. In the context of the solution of migration right in Ukraine the following documents were adopted: „Law of citizen statute of the Ukrainian Republic: (08.10.19991) and its amendments (28.01.1993 and 14.10.1994) and the „Law of national minorities in Ukraine“ (June 1992). As to the solution of migration questions there are two laws which play an important role: „the Law of the Ukrainian Republic about the juridical statute of refugees“ (23.12.1993) and the „Law about the rules of leaving Ukraine for abroad and return to Ukraine of Ukrainian citizens“ (21.01.1994)- this law considerably facilitate (especially in comparison with the soviet stage of development in Ukraine) procedure rules of leaving Ukraine for abroad of Ukrainian citizens. Unfortunately not all of rules of law and directives are in harmony with this law which causes difficulties to Ukrainian citizens who want to go abroad. „the Ukrainian law of juridical statute of foreigners“ is important as well (04.02.1994). The law makers of Ukraine think of adoption of the „Law of the Ukrainian Republic“ about immigration and the „Law of the Ukrainian Republic about asylum right“.

Migration law which is being formed at present corresponds to relevant international rules of law concerning migration questions. The migration problems have since April 1993 within the authority of the Ministry of the Ukrainian Republic of national and migration affairs. Other specialised executive authority- Department of migration questions- should have been created on the basis of this Ministry.

As a result of several reorganizations (essentially the lack of information the statute of the Ministry mentioned above was limited to the level of State committee of Ukraine of national and migration affairs (26.07.1996). Within the laps of time it became evident that this reorganisation had worsened completion of migration legislation. Migration questions come across a large number of complications, however state institutions loose more and more the possibility of its enforcement and regulation.

4.2. Internal migration

In the soviet period of the Ukrainian Republic there were a big demand of labour force due to extensive type of economy. This influenced basic migration flows and resulted in depopulation of Ukrainian country (in the period of 1961-1989 the number of rural population represented 6.6 millions of people) and in outflows of highly skilled labour force to the republics of former USSR (Baltic states), in the regions of Siberia, Ural, polar circle(Norilsk).

Since 1990 new processes of internal migration have become to be applied in the Ukrainian Republic. Above all the flow of Ukrainians who come back to Ukraine from republics of the former USSR is growing, i.e. in 1990 up to 76.9% of migration augmentation of urban population in Ukraine were „provided“ by returns of Ukrainians. These returns also brought ethnic conflicts to a head in republics of former USSR (Caucasus, Middle Asia). In 1991 12.6% of migration growth in Ukraine came from sharpening of ethnic conflicts.

Other new phenomenon of internal migration occurred in 1992: returns of urban population to country considerably grow because it is easier to survive with rich agricultural land than with asphalt in a city. Young people of age 25-40 years prevailed this category. Refugees and displaced persons (due to ethnic conflicts mentioned above) and representatives of deported nations (Crimea Tartars) represent a particular problematic.

4.3. External migration

Ukraine loses its population in migration flows to Old and New world (Europe and America). Traditional regions Which Ukrainians chose to go to are Israel, America, i.e. in 1994 20.6 thousands of Ukrainians left Ukraine for Israel and 17.1 thousands for America, the third place was occupied by the Federal Germany Republic (6.1 thousands). The emigration to Canada, Australia, Hungary, Poland, Slovak and the Czech Republic is growing as well, Ukrainians also started to go to Africa.

4.4. Brain drain

Permanent economic crisis and growing social disorganization limit the space for self realisation of Ukrainian intellectual elite and cause them problems of elementary physical survival. Reaction was immediate: brain drain started. The number of emigrants are growing. In 1990 39 doctors of sciences left, in 1992 57 doctors of science, in 1993 68, in 1994 90 and in 1996 110. Doctors of science in the field of technical and mathematical-physical sciences dominate. 95 doctors left for Russia, 86 for the USA, 24 for Israel, 7 for Germany, 5 for Canada.

4.5. Ecological migration

Affected ecological migration is due to the crash of Chernobyl nuclear power

station. This crash affected 2412.8 thousands of people. 10715 families were moved in the period of 1990-19994 in the framework of the obligatory displacement. Other 8756 families displaced voluntarily.

Geography of possible ecological migration of populations spreading also for other reasons (industrial emissions) especially in the regions of Podnepri and Donbass.

4.6. Transit migration

It comes from the immigrant flows who take advantage of (rather misuse) tourism, transit, visa free traffic and thus they simply violate rules of entry to Ukraine and stay in this territory. Majority of transit migrants come from Africa and Asia. They try to cross the border of Ukraine and continue to more developed westerns countries

Transit migration is connected with growing number of illegal migrants in the territory of Ukraine. There were more than 90 thousands cases of illegal stays in Ukraine in 1998.

In 1998 about 40 millions people crossed the border of Ukraine, the majority of them were illegal migrants who took advantage of closeness of Ukraine to the West. In this year 12 channels of illegal migration which became lucrative business for criminal structures were liquidated.

5. Ukrainians and their assessment of the situation in the field of their real and potential labour migration abroad (Results of a “feeler” - questionnaire survey carried out in the Ukraine)

In May 1999, 61 Ukrainians were contacted and asked to fill in a questionnaire in which we asked them various questions which are closely linked with their real and potential mobility, mainly regarding circular labour migration abroad (quantity, structures, preferences, mechanisms, policy). The sample itself comes from the “Ternopol” area and the respondent group is mainly composed of young students (see below). Obviously, the research is based on a survey of a non-representative sample. It is a well-known fact that “non-probability samples makes it impossible to assess the generalizability of the results” (Fawcett-Arnold 1987), but it does not mean that they are entirely useless. On the contrary, they are very often used and found to be of importance (see e.g. Fawcett-Arnold 1987, Massey 1987). Thus, also our survey does not enable us to generalize. Nevertheless, it brings some results which might, to some extent, indicate some of the aspects relevant to what is and will be eventually go on in the field of Ukrainian labour migration. The survey seems to be of use also for the Czech side,

since it tackles Ukrainians, the most important ethnic labour migrant community in Czechia and also ascertains some details of their way of operating there. Furthermore, it, in some way, follows and develops the knowledge which has been brought by other surveys (e.g. Drbohlav 1997a, Labour 1997, Information 1998).

Most of the data are presented for the whole sample whereas some selected qualitative assessments were gained and interpreted only for a relatively homogeneous group of 33 students who are just beginning their careers and lack experience.

5.1. Sociodemographic characteristics

Males represented 44% and females 66% of the whole sample of 61 persons. Mostly young people participated in the survey - out of the whole sample 67% were between 18 and 22 years. Another 15% were under 30 and 5% between 30 and 40. Of course, other characteristics corresponded with the above age structure: 89% were single and only 10% had a child or children. The average size of a respondent's household was 3.6 persons and there were 3.5 persons per household in the place where the respondent lives currently. The educational level was relatively high since 58% finished secondary school and 37% university. As far as nationality is concerned, 92% were Ukrainians, the rest were composed of Poles, Russians and Estonian who, anyway, have stayed for a long time in the Ukraine. As already mentioned, students dominated the sample (78%), followed by "employees" from a private firm (9%) and "employees" from a state company (7%). When specifying the economic sector in which the respondents work (they likely have "second jobs" to improve their living standards) the sphere of "education and culture" was found to be the most important (29% - out of 41 who answered this question) followed by "industry" (20%) and "banking and insurance" (17%).

5.2. Language abilities

25% stated that they are able to speak fluently and read and write, without any problems, in at least one foreign language (except for Russian), 11 persons could function in English at this level, 4 mentioned fluency in the Polish language. Many others declared they can use languages in a not so perfect way (including English and Polish) or rather passively (e.g. mostly French, German, Italian, Czech).

5.3. Migratory experience - general patterns

8% admitted that they had already been abroad to work (including countries of the former Soviet Union). 92% have had no experience in this area yet. Out of the 5 who have been circular labour migrants abroad - their destinations were Poland and then Russia and the Czech Republic. The length of their stay in these countries was at least one month. However, when taking into account families/households of the respondents, the above 8% then climbed to 33%. Out of these 19 “migratory active families”, 5 sent their representatives to western developed countries (the USA, Germany, the UK, Greece), 4 to Russia and 3 to Poland, 2 others to more countries and the rest did not specify their destinations.

Approximately one quarter of the respondents estimate that just this share of the population in their settlement (24%) as well as in their region (“Ternopol”) (26%) work abroad at this moment. What is also important and “convincing” is that 95% believe that the share of those who migrated abroad because of work increased between 1996 and 1999.

When given the opportunity to chose which region or country they would like to work (as circular labour migrants) due to the current socioeconomic situation in the Ukraine, the USA (21 in absolute terms - one could choose more than one country) followed by the Czech Republic (15), Poland (14), Italy (14) and Germany (12) were stated as the most attractive destinations to seek work and they were also considered the most advantageous and profitable. For example, Russia, Poland, Slovakia and Hungary were rarely mentioned.

While evaluating the future development of the living standard in the Ukraine, no respondent believes it will improve during the next 1 or 2 years; 21% believe it will be better in a period of 3 - 5 years, 36% believe it will take 6 years or more. Moreover, 26% adhered to the opinion that it will be even worse in the short-term future.

The vast majority of respondents (92%) expressed their opinion that the Ukrainian administration (state entity) is more or less neutral in relation to the labour migration of their citizens abroad (they do not hinder it nor support it). Yet, 64% of Ukrainians feel that the state should improve conditions under which Ukrainians can travel abroad. The state could speed up of the process of issuing passports and other documents for Ukrainian citizens, offer counselling in relation to issues tied to travelling abroad, develop a database of jobs which are available abroad; they would like to combat the corruption and they expect that their officers will follow Weber’s demands of a rationally functioning bureaucracy. Also, some respondents expect that, for example, they will experience more favourable treatment on the Czech side concerning the Ukrainian labour force, namely, no visa requirement applied towards the Ukraine.

Thirty-three respondents - all young students -determined what the greatest obstacles are for “ordinary” Ukrainians when they try to go abroad and work. The most important “limiting factors” are linked with financial means: “lack of money to cover travel expenses and first weeks abroad” (3.2 - the weighted average of “importance”) and “lack of money to pay mediators who organize the work” (2.9). Then, “fear of their own safety and health in a strange country” (2.7) and the fact that “the family remains in the Ukraine” (2.7) to follow. By contrast, “the lack of courage to undertake something so demanding ...” (2.0) and paradoxically (see above), “ information about hostility to foreigners abroad” (1.9) are considered to be rather unimportant.

5.4. Migratory experience - Ukraine - Czech Republic

Thirteen percent of the whole sample (61) stated that they themselves and /or a member of their family (who lives together with the respondent) have already stayed and worked in Czechia. An overview of the ways/mechanisms of how they got to the Czech Republic is rather heterogeneous, representing many different “channels” with no one answer more significant than another (an invitation from friends, a signed contract with various subjects, “voucher” ..).

Higher wages and flexibility of the Czech labour market were given as the most notable advantages one has when living and working in Czechia. On the contrary, bad relations between Czechs and Ukrainians, problems connected with illegal work (mainly police controls), payments paid to the Ukrainian mafia and the obligation to pay taxes twice (both in Czechia, and the Ukraine) were among the most important disadvantages stated by the respondents.

More respondents (49% versus 36%) believe that the growing unemployment situation in Czechia does not influence the interest of Ukrainians who go there and work. Most of those who foresee a continued flow from the Ukraine to Czechia without many changes stated that most Ukrainians in Czechia are involved in work or occupations which are not at all attractive for Czech citizens.

When asked to assess what kind of stay will likely be used by Ukrainians in the Czech Republic in the future, in this case, again, only 33 students reacted in the following way: Clearly, there was high probability that the time periods abroad would be shortened: To go as a “tourist” was seen as the most probable (3.3 - the weighted average of “importance”), then, “to go to Czechia and work there for several months” (2.6) and followed by, “to go to Czechia and work there for several years (1.8).

Finally, the possibility to “stay in Czechia forever” was considered rather unlikely (1.5). On the other hand, fairly important weights were attributed to these responses: “I do not want to go to Czechia but to another country” (2.8) and “I do not want to leave the Ukraine at all” (2.6).

Eight percent of the respondents (both they themselves and members of their families) have planned to leave the Ukraine for Czechia and work there as labour migrants in 1999, 21% have not decided yet on this issue. Yet, such a step is rather unlikely for 28% of respondents and completely unlikely for 43%.

Despite the fact that some countries, namely, the Czech Republic, Hungary and Poland will soon start applying a visa requirement for citizens of the Ukraine which will significantly lessen the chances for Ukrainians to go to these countries, 41% believe that the flow of Ukrainians to these countries will not decrease because „the visa will be possible to obtain through bribes”. By contrast, 26% believe in decreasing the respective flows. Seven percent not suppose that such a visa duty will come into effect and 26% did not address this issue.

6. Political parties and civic associations in the Czech Republic and their relation towards problems of Ukrainian migrants-workers

Problems of international working migration, of its associated phenomenon's and its solution doesn't appear up to now as a specific problem in programmes of Czech parliamentary political parties.

At the beginning of 90s Czech electors looked back and voted like in a plebiscite where the question was: Shall we break with the past of so called real socialism? Yes or not? The half of 90s showed that election behaviour became to loose the features of plebiscite (elections in 1996) and campaign became to differ with regard to different social groups and questions. The elections in 1998 were again presented in consequence of cumulating problems of Czech transformation as a plebiscite with following questions: Shall we stay at right with Mr. Klaus (Civic democratic party) or go to the left with Mr. Zeman (Czech social/democratic party)?

With the laps of time it became more and more evident that elections before proper term hadn't led to any fundamental change even though the government changed and minority government of Czech social-democratic party came to power. The liberal regime in the Czech Republic was still firmly establishing in 90s and it couldn't be

menaced nor by a big number of parties in the parliament nor by instability of the government.

In the end of 90s the context of the development of the Czech republic changed fundamentally. From the point of view of internal (social-economic) development the situation in the Czech labour market is sharply getting worse continuously during two years- the dynamism of unemployment is growing considerably. From the external point of view the Czech Republic became a member of NATO and the process of approaching to EU started as well as consequent commitments, i.e. Schengen and Amsterdam agreement.

Like many times before the Czech government is forced to solve quickly in the form of crisis management without thorough concept and at the last minute the problems of Ukrainian migrants which is the result of general situation in the Czech labour market and the commitment towards EU. Objective solution of migration questions of Ukrainian workers (prepared application of visa obligation for the citizens of the Ukrainian Republic, amendment of the Trade law and the Law about residence of foreigners in the Czech Republic) is based on consensus of all spectrum of Czech parliamentary parties concerning the need of proposed governmental solutions.

The real contribute of proposed solutions can be only verified by the time. They shouldn't push wide objective discussion about relation between the Czech Republic and Ukraine into the background in regard to position of Ukraine as a „buffer state“ between Euroatlantic structures and Russia and about means of revitalisation of Czech economy which will create new jobs.

Civic associations play also an important role in solution of problems of Ukrainian workers-migrants. Ukrainian Diaspora in the world is very large (about 16 millions). In summer 1997 in Kiev IInd World wide forum of Ukrainians took place. Apart from a large number of difficulties and present problems of Ukrainian transformation Ukrainian Diaspora demonstrated its relationship to its native country.

In the Czech Republic in 90s the interests of Ukrainian Diaspora were represented by 5 civic associations. The most numerous and the most enterprising among them is Ukrainian initiative in the Czech Republic (UICR) which has about 2.7 thousands of members. The association mentioned above built its organisation structure and its representation in places of compact residence of Czech citizens who declare their

nationality as Ukrainian. In the territory of the Czech Republic (Prague, Pobebrady, Ceska Trebova, Brno, Ostrava etc.).

With the financial assistance of the Czech government the UICR publishes a three-month magazine „Porogy“.

Registered associations of Ukrainians and friends of Ukraine in the Czech Republic have good conditions for their activities because of the interest and merits of T.G.Masaryk, especially its support of Ukrainian emigration in the period of the first democratic Czechoslovak republic. From this reason it is impossible to pass over the authority of Czechs and the respect for the Czech Republic.

Further to old tradition there is still frank trust which in a certain way obliges the other side.

However the UICR haven't yet managed to appraise this capital. Its activity is specialised in organisation of different commemorative rallies concerning historical anniversaries of Ukraine, performance of Ukrainian art groups etc.

Until recently the problems of community of Ukrainian workers-migrants escaped absolutely notice of UICR. This suppress subject was reminded paradoxically by a letter of a Canadian reader who pointed out complicated situation of Ukrainian workers-migrants who come to Canada to find a job.

The presence of Ukrainian workers-migrants in the Czech Republic is reflected also in an activity of church associations.

The majority of workers in the Czech Republic divided their denominational orientation into Czech Greek-Catholic Church and Czechoslovak Orthodox Church.

Owing to flow of Ukrainian migrants the Czechoslovak Orthodox Church is the only Christian church which musters officially the rise in number of worshippers in comparison with the number in 1989 (more than 20 thousands of Orthodox worshippers in the Czech Republic).

Numerous and regular participation of Orthodox worshippers at worship represents a suitable basis to create informal contacts in the framework of which the problems concerning the residence of Ukrainian workers in the Czech Republic could be solved. The church hierarchy doesn't officially participate in solving these problems with the only exception when it renders a cleric who visits Ukrainians being hold under arrest or being in reformatory prison in the territory of the Czech Republic.

7. Czech state administrative bodies vis-a-vis problems linked with the Ukrainian labour force

7.1. Results of a questionnaire survey on problems which affect job and trade centres in relation to foreigners who work or do business in the Czech Republic

Between March and June 1998, we carried out a questionnaire survey tackling the issue as to what are the hot and pressing problems linked with the foreign labour force and way it operates in the territory of the Czech Republic. Altogether 86 individual district (including Prague district) job and trade centres were contacted via a questionnaire. The questionnaire itself, designed for officers of these “regional” institutions, was structured into three interconnected blocks:

1) What kind of “administrative problems” do you meet when granting a job permit/trade license to foreigners (e.g. linked with legislation, technical equipment, personnel, cooperation with ministerial bodies, etc.)?

2) How are the work activities of foreigners (those with job permits or job licenses) reflected in the territory of your district? What are the negative and positive aspects of these activities? Please, if possible, mention issues related to economic, social, cultural, psychological, and other environments.

3) What particular measures would you recommend as to how to improve the whole situation concerning the activities of foreign employees and small businessmen both at the state and district levels?

It was promised that this questionnaire survey will only be used for research purposes and if results were publicized, the anonymity of the respondents would be maintained. The questionnaire survey was supported by the directors of the respective departments of both the Ministry of Work and Social Affairs and the Ministry of Industry and Trade. They sent their letters out to inform the directors of district job/trade centres that their released opinions and experience would also be taken into account at the ministerial level.

Below we have summarized and pinpointed the most important facts derived from the questionnaires and also from discussions of the issue with some ministerial officers. It is a qualitative analysis, in fact, no precise quantification is made. Since the “Eastern” foreign labour force significantly dominates over the “Western” one, the respondents’ evaluations implicitly relate to the former immigrant community. Ukrainians themselves play a very important role and “supply” the issues with many problems.

The analysis is not at all meant to describe and explain the basic “legislative parameters” and practices which have been applied in the given field. For this purpose, see the individual laws/regulations (mainly Law No. 1/1991, Law No. 9/1991, Law No. 455/1991 and Trade Code No. 513/1991), international agreements, ministerial materials or other publications (e.g. Kroupa at al. 1997). The survey contributes to the current debates on how to improve “theory and practice” which is now seen as being far from acceptable, instead rather old fashioned and not able to solve the many problems raised. It brings, to some extent, structured and summarized experience, opinions and ideas of officers concerning foreigners’ working activities - on the people and their operations - with whom officers are in daily contact. Thus, their contribution is very useful and, in fact, irreplaceable (completing and supporting other information on this issue from other sources see e.g. Kroupa at al. 1997). Their views, as well as additional comments by the authors of this survey, serve as one of possible source as to what lessons should be learned when preparing the new laws and amendments (especially on the stay of foreigners in the country, their employment and their way of doing business). This new legislation is currently being prepared by the government and parliament. It is not expected to be in force until the year 2000. Despite the fact that the basic principles of the prepared new “mechanisms” are known, we do not dare to analyse and evaluate them at this moment because of possible changes during the process (it was, in part, planned within the project proposal).

7.1.1. Foreigners as employees (having a job permit)

Fifty-four directors of individual district job centres throughout the whole country reacted to the questionnaire and provided us with an evaluation of the situation. Four districts, namely, Milník, Teplice, Náchod and Pøerov sent letters informing us that they refuse, for various reasons, to participate in this survey.

It was clearly evident that granting work permits to a foreign labour force is closely interrelated with granting a trade license (for example, very often directors of job centres mentioned problems “exclusively” relevant to issuing trade licenses). Apparently, as it was also indirectly indicated by the respondents, the whole issue of foreigners’ work activities in the Czech Republic is complex in its character and calls for tackling problems in unison.

Negative Aspects of Minuses of the issue with respect to the Czech Republic (based on the experiences of individual districts)

The majority of respondents mentioned the fact that a very cheap foreign labour force decreases the price of work, salaries/wages in the Czech labour market. Thus, by having, on one hand, a currently low level of minimum wage and, on the other hand, “quite interesting” social subsidies for (at least some) unemployed Czech persons, Czech labour force is, by not accepting low wage jobs (which often do not correspond to the Wage Law), being displaced from the labour market in only some particular occupations (mainly unqualified) and mainly industrial branches are concerned. Furthermore, the willingness of foreigners to work hard, longer than usual (also during weekends), during night shifts, but mainly under “normally” unacceptable conditions - without breaks, refreshments, under bad working and hygienic conditions, limited or no safety measures (not at all corresponding to the work code) - erodes the “quality of the environment” of the Czech labour market as such. (Nevertheless, some respondents also add that this might function as a stimulus for the Czech labour force to work more efficiently with higher productivity than at present). If the Czech labour force cannot or refuses to compete, the rate of unemployment of Czech citizens in some regions might increase. Also, firms which employ cheap foreigners from the „East“ are at an advantage over other firms which employ only domestic labour when competing for various contracts.

It was stressed that there is a serious danger, stemming from a fact that relying on a foreign labour force may hinder the process of transformation of the Czech economy (delay structural changes). It may not appear so in the short-term, but over the long-term, it will be more advantageous to finance the modernization of productive technologies rather than finance labour-intensive sectors.

The following negative aspects were mentioned by some respondents:

- ignoring of delivery of taxes paid by those who employ a foreign labour force,
- ignoring of paying taxes, insurance and other obligatory payments by illegal workers,
- foreigners export their savings abroad, they do not spend the money in the Czech Republic,
- foreign labour force activities might be accompanied with some socio-pathological phenomena (i.e. criminality - drugs, prostitution, creating mafias, corruption),
- the spread of infectious diseases springing from very poor, primitive housing conditions in which foreigners often live.

Positive Aspects of the issue in respect to the Czech Republic (based on the experiences of individual districts)

Foreigners fulfill occupations which, due to the current system of social subsidies, would not be stocked by the Czech labour force - it mainly concerns unqualified, unskilled jobs in construction, textile, food and wood industries and agriculture (also in peripheral areas with limited transport networks). Also, foreigners help the Czech economy by filling positions such as welder, experienced seamstress, machinist, tool and dye maker, founder, bricklayer, carpenter, metal cutter, etc. - these occupations do not have enough Czech workers to fill the positions and, so far, there is no newly established system of training that has been able to produce and qualify enough representatives who could fill all the positions available in the market currently (to a large extent, the current supply does not correspond to the demand on the market in terms of individual occupations).

The following positive aspects were mentioned by some respondents:

- increasing of wages for Czech workers in firms which are owned or employ a “western” foreign labour force,
- hampering inflation by paying low wages to foreigners,
- foreign labour force is active in the non-profit sectors, mainly in education,
- higher productivity in firms which employ foreigners,
- enriching Czech society with new culture, language, experience.

“Administrative problems”

While as a whole, the cooperation between the individual district job centres with the Ministry of Work and Social Affairs (and its particular departments responsible for foreigners’ employment) was rather “neutral” (some mentioned that they cooperated without any problems; while others criticized the Ministry’s work), fairly harsh criticism was devoted to the existing or rather non-existing computerized register of the foreign labour force in the Czech Republic. The respondents blame the Ministry that there has been no effective centralized register and data file system that would provide them with reliable data on foreigners with work permits. Furthermore, there are strong calls to create a foreign population register which would enable one to get, at any moment in time, relevant information on any foreigner who is in the country (for example, those with work permits, trade licenses, long-term and permanent residence permits) There is also no interconnection with registers of other state administrative bodies (e.g. financial, insurance offices, etc.). The

respondents stressed that the existing “OK” software system is far from good (for example, it is very complicated to work with it, and Slovaks are not covered). Moreover, it was mentioned that the technical equipment is out-dated and there is not enough financial resources available to strengthen the number of personnel to deal with this issue. There is not enough training and improving skills at district job centres for personnel. All in all, the whole issue is undervalued and, thus, there is little possibility to keep control over foreigners and their activities.

According to the respondents, poor legislation regulating the stay of foreigners and their working activities in the country is behind this difficult situation. The legislation is considered out of date and it is very difficult to change within a short time period; thus, it does not reflect some of the important changes which have occurred over time to the labour market. Also, the legislation on the employment of foreigners is considered too general and the methodic rules, prepared by the Ministry, can be interpreted in various ways. Moreover, these methodic rules are not widely publicized and some points contradict the work code.

Generally, according to the respondents, there is a very strange practice (which is supported by the current rules) that allows a foreigner to change the purpose of his/her stay while remaining in the country.

Very frequent criticism touched upon the current agreement between the government of the Czech Republic and the government of Ukraine on the mutual employment of Czech and Ukrainian citizens, concluded on March 21, 1996. This agreement, namely the regulation of Ukrainian workers who go to Czechia (in fact, the stream in the opposite direction does not exist at all) is considered to be rather very ineffective. The process of granting Ukrainians a work permit in the Czech Republic is very complicated and time-consuming (ideally, it lasts 90 days but in practice much longer) and suffers from problems of communication between the both sides (e.g. decisions relayed to the Ukraine are not confirmed again to the Czech side). Also, it is a huge bureaucratic burden when administrative materials travel “in vain” between the two countries; there is a lack of information about the possibilities and conditions of being employed in Czechia on the Ukrainian side; and, furthermore, the whole process of asking about the permit is accompanied with corruption in the Ukraine. It was clearly stated by respondents that problems due to this “non-functioning agreement” leads Ukrainians to either switch to a “trade license” which is much easier for a foreigner to obtain, or to simply enter the black market and to operate illegally in the country. Apparently, restrictive measures applied within this agreement did not contribute to a decrease in the number of Ukrainians in

the Czech Republic. It is more likely the other way around (see above results of the opinion poll).

Similarly, it was also mentioned that an agreement between the government of the Czech Republic and the government of Vietnam on the mutual employment of Czech and Vietnamese citizens, made on June 4, 1994, does not function effectively. The reason is that the vast majority of Vietnamese in the Czech Republic is interested in private enterprise (which requires trade licenses); they are generally not employed (having a job permit) as assumed by the above agreement.

Finally, an agreement between the Czech and Slovak Republics on mutual employment, which was signed on October 29, 1992, has been criticised as well. Vis-a-vis other immigrant working communities, the respondents questioned the preferential status of this agreement where Slovak workers do not have to ask for a job, they must only be registered. Also, the respondents challenged the quality of the data in the register (by far, not all Slovak workers are registered and, on the contrary, many are unregistered - see also above the OK software system).

Some respondents criticized that there are different rules applied depending on what country is taken into account. As well, other respondents questioned that, considering the demands which have to be met, there are no differences made as to whether highly qualified or unqualified labour immigrants come into the country.

There are some other underlying problems:

There is a very complicated process of communicating with foreigners due to false addresses and foreigner's unregistered mobility and activities in other regions/places (the "fruits" of a non-existing centralized and reliable register). In addition, there is a specific tie to "official procedure" which "delays" the communication process and hinders the resolution of problematic cases quickly.

Applicants are not prepared to discuss the issue with the administration (due to poor language abilities, very limited knowledge of Czech legislation and rules, lack of valid documents (e.g. to show qualifications) which are often difficult to prove.

It is very difficult to control whether or not everything surrounding the employment of a foreigner is according to the law and the given rules (e.g. whether the employer pays their employees according to what has been declared before, whether working conditions are adequate, etc.). There is a problem of issuing work permits to those who intend to stay and work in the country for a very short period of time (usually several days or weeks) within

rather specific professions (university teachers, lecturers, top sportsmen, artists, mass media professionals, etc.). Illogically, the procedure is the same as it is for all other cases, such as with the circular labour migrants.

Inevitably, it is very difficult to punish those who break the rules.

Recommendations on how to improve the situation

Among the many detailed and “specialized” recommendations which often emerge from the shortcomings specified above, we will mention only those recommendations which have been pinpointed by respondents rather frequently or are generally considered more valid.

Generally, there is a strong call for applying more restrictive policies and practices towards foreign employees and their employers in the Czech Republic. It concerns, in particular, the establishment of a new centralized register of foreign employees compatible with other data files on immigrants in the country; an improvement in mutual cooperation among ministries which deal with foreigners; the requirement of foreigners to ask for various permits to operate in the Czech Republic only at Czech embassies abroad; the enforcement of a visa requirement for those applying from many Eastern European countries in transition, mainly those originated from the former Soviet Union; the balancing of conditions under which individual ethnic groups might be employed in the country and to harmonize them with those in EU countries as much as possible, which means changing the “Slovak model” and abolishing the preferential regime status which exists in the current agreement between the Czech Republic and Slovakia concerning mutual employment; efforts to increase the effectiveness of the control processes in a given field and, consequently, to gain more power when punishing those who break the given laws/rules; new consideration whether the current agreement between the Czech Republic and the Ukraine should totally revamped due to its ineffectiveness.

7.1.2. Foreigners as small business persons (having trade licenses)

Twenty directors of individual district trade centres throughout the whole country reacted to the questionnaire and provided us with an evaluation of the situation. Nine representatives of local municipalities (which are responsible for issuing trade licenses in “free business” - in our case mainly buying and selling goods) sent their opinions and shared their experience with us. As well, many officers working for job centres commented on issues linked with trade centres and trade licenses, thus, demonstrating the close mutual interrelationships between these two sides of one coin - the work of foreigners in Czechia.

Obviously, there are two different types of foreign-businessmen which dominate in the Czech Republic and they are represented by two particular ethnic communities: the Vietnamese and the Ukrainians. Just these groups were mentioned by the respondents above all others when informing us about problems they experience in their regions/districts/settlements.

1) Vietnamese: They are well known as small scale market entrepreneurs, buying and selling clothes and electronics throughout the whole country. When evaluating their role in Czech society and the economy - negative evaluations prevailed. The offer of cheap goods bought by the lower social strata was the only important positive aspect linked with this community and pinpointed by the respondents. The negative features were quite often specified such as: the breaking of laws and regulations concerning taxes, insurance, the import of goods, trade marks, hygienic conditions, come-back demands etc. Respondents pointed out that, for many reasons, these negative aspects are very difficult to prove. The disorder and unpleasant aesthetic arrangement of Vietnamese's goods were criticized. In summary, at least in the "administration's eyes", Vietnamese are seen as rather unwelcome guests - by using nefarious practices they undermine the competitive market and ruin the efforts Czech small businessmen and even some Czech firms (e.g. textile producers were mentioned).

2) Ukrainians: Ukrainian "independent" quasi-businessmen are those workers who were provided with trade licenses but, in fact, their working regime resembles what is typically considered that of "classical" employees (one can speak about "hidden employees"). They are active in the same kind of occupation (see above "unqualified employees" in various sectors of the economy) and work in groups for a Ukrainian mediator who organizes their work, signs a contract with Czech partners and, consequently, works with "his team" with Czech employer. Usually, despite the fact that such a Ukrainian firm does not own anything, they are involved in large projects in construction, textile production, machinery, locksmith's works, etc. The firm sends workers to the workplaces of domestic companies while the Czech employer does not have to pay any taxes and insurance payments (the workers are not his employees) - he pays only the Ukrainian mediator for the work. Hence, the "bill" is cheaper and, furthermore, there are no costs for housing. Low work productivity or any small offence is solved by replacing the Ukrainian worker. The Ukrainian mediator also does not pay taxes since he follows agreements on double taxation. Anyway you look at it, it is impossible to grasp him. Everything surrounding the business activities of the Ukrainians is well camouflaged, including, for example, the giving false information

(data/addresses) when arranging documents at offices (see above). The whole process is even more complicated since often the Ukrainian firm has contracts with other Ukrainian firms which also operate in the Czech territory. Lack of controls leads to a situation where often many obligatory demands are not met and “illegality” is openly practised. Ukrainian workers who usually arrive as “tourists” (with vouchers) to the Czech Republic are heavily, nevertheless, “voluntarily” exploited (poor working conditions, low wages, mediator holds their documents, etc.). A modern form of slavery is flourishing.

Increasingly, other organized forms on how to do business in the Czech Republic are being practised, and Ukrainians are playing a very important role in these activities - e.g. mainly via public trading companies and limited liability companies (see more Kroupa at al. 1997).

Regarding some other negative points in terms of the host country, the respondents repeated similar aspects as already mentioned in the case of foreigners who have a work permit: a) foreigners export their savings abroad, they do not spend the money in the Czech Republic, b) foreign labour force activities might be accompanied with some socio-pathological phenomena (i.e. criminality - drugs, prostitution, creating mafias, corruption), 3) there might be a spread of infectious diseases springing from poor, primitive housing conditions in which foreigners often live.

However, the respondents also expressed some positive attributes. Indeed, as in the case of foreign employees, foreign businessmen or “quasi-businessmen” sometimes fulfill occupations which are not attractive for Czech citizens (unqualified, unskilled jobs in agriculture, some industrial branches and services as well). Furthermore, due to the above mention activities, inflation is hampered by paying low wages to foreigners; there is higher productivity in firms which employ foreigners; and, because of the “isolationist policy” of immigrant groups and the temporary, circular character of the migration itself, these foreign groups have a very limited possibility to enrich Czech society with new culture, language and experience.

“Administrative problems”

Among the most pressing problems raised by the respondents were the following issues (see also above the problems tied to employees): First of all, many respondents criticized the whole system of issuing trade licenses to foreigners as a very liberal model which is frequently misused by many foreigners. It has been proved that this the most

advantageous channel on how to “legally” penetrate the country and then legally or quasi-legally work or operate there.

As far as the more systematic issues are concerned, it was stressed that the length of a trade license (usually issued for an undefined period) and residence permit issued should be unified; moreover, a process of issuing both permits as such should be clarified and then firmly and uniformly adhered to (a lack of cooperation between the two responsible ministries).

Furthermore, there is a very complicated process of communicating with foreigners due to false addresses being given and unregistered mobility and activities in other regions/places by foreigners (as a result, it is very difficult to punish those break the rules). Very often, unprepared applicants have difficulties communicating with the administration (poor language abilities, very limited knowledge of the Czech legislation and rules, lack of valid documents (e.g. to prove qualifications).

There were other rather specific issues pinpointed:

- Though it is obligatory for applicants for trade licenses to register him/herself during the last stage of the procedure in companies' register - they usually do not do it (by the way, there is no “feedback” between trade centres and the registers of companies).

- It is very difficult to check a clean record submitted by the applicants, also, other documents are often impossible to verify.

Recommendations on how to improve the situation.

On a more general level, the same recommendations that were formulated for the chapter on “employees” were also formulated in relation to improving the situation concerning foreign business people and their activities (see above). There is a plea, however, for more restrictive policies and practices including more effective, stricter controls and punishment for those who break the laws and regulations. Apparently, many of these critical remarks were devoted to public trading and limited liability companies within which foreign business persons now operate and function only as employees, thus, exploiting the all too liberal regime.

Other recommendation called for include: 1) provide a guaranty before starting a business (as well as providing proof of other factse necessary for well intentioned activities - having capital, the production means, work space, etc.), 2) to clarify the role of a responsible agent (so far this has been only formal category and not very helpful) and trade register (e.g. very often ignored by the applicants, no feedback vis-a-vis trade centres), 3) to make the

Chamber of Commerce more active in regulating the entrance of foreigner business persons into the Czech labour market.

8. Recommendations and conclusions

Also as a base of this study, it is fairly certain that very bad socioeconomic situation in Ukraine is not improving and will not be improving in the near future. Hence, the very low living standard of Ukrainians will permanently function as a “push” migratory factor and, thus, one can expect rather massive outflows of circular labour migrants outside the Ukraine. As also indicated in the results of our study, the Czech Republic will continue to be one of the most important destinations. Despite the restrictions to regulate the flood of immigrants, the development of migration into the Czech Republic partially imitates the so-called “S” curve model elaborated by Martin and Taylor (1995). This model is based upon the experience accumulated in several other world regions (inter alia in Western Europe) and states that, irrespective of any measures, the intensive circulation of migrating workers is only the first stage of continuous migration and settlement. Apparently, to some extent, this trend has already been visible in the Czech Republic. Thus, concerning the immigrants in the Czech Republic, as indeed in other developed democracies, the question is not “yes” or “no”, but “how”.

- The Czech reality as such and, indeed, the results of our study clearly indicate that despite some measures that have been taken to control immigration in the Czech Republic, there are still many, often fundamental problems, that remain unresolved or even untouched. These problems include:

The national immigration policy has no clear objectives. It is mainly concerned with preventive measures within a more or less static model. No general goals have been defined³, let alone specific preferences made regarding economic, demographic, cultural or social diversity. Unambiguously, passive attitudes prevail over active ones. One of the important reasons is that Czech society is not ready to accept the inevitable globalization process. In sum, there is a unsystematic approach, problems are solved “ad hoc” and not systematically as would be necessary.

Of course, except for a general endeavour to join western democratic structures (especially the EU) and, hence, an effort to harmonize migration policies and practices with those in western Europe.

The existing migration legislation is not pliant. Although „young“ it seems already to be „too old“. The whole „process of necessary change“ in this field (new laws, amendments) has been very slow. Furthermore, “the practice” suffers from many shortcomings as it logically follows from imperfect legislation, as well as the unsystematic tackling of the migratory issue.

There is rather negligible cooperation between the institutions which are responsible for dealing with international migrants: mainly, the Ministry of the Interior, the Ministry of Work and Social Affairs, the Ministry of Industry and Trade, the Ministry of Finance and the Czech Statistical Office. No coherent and mutually complementary policies with regard to immigration are practiced. There are many shortcomings in terms of monitoring movements. The („macro“) migration statistics, records and databases are rather poor. There are problems regarding the data classification, ways in which the data are collected in the field and how they are disseminated. Many important pieces of information are not collected, others are not available to the public and academic spheres.

To improve the existing situation in the field of managing labour immigration in the Czech Republic we suggest the following recommendations (also, some more specific recommendations one can find within given chapters, namely 7.1.) :

- To consider establishing an independent executive body which would deal with the migration issues at a ministerial level of the government of the Czech Republic;
- To complete the process of decentralization of state power within, creating a new system of territorial-administrative units as an important part of a civic society and, consequently, to decentralize selected migratory competences.
- To harmonize migratory legislation and practices with those in the European Union as soon as possible. To enable to entrance of labour migrants into the Czech labour market under the same conditions, nevertheless, differentiated approach towards individual ethnicities should be applied; when taking into account representatives of the European Union, they should be favoured. Irrespective of nationality; short-term visits to the country by top professionals, scientists, teachers, artists, sportsmen, etc. without any administrative burdens should be enabled.
- To apply restrictive measures while, at the same time, realizing the other negative consequences. (For example, more “indirect” restrictions caused by the ineffective Czech-Ukrainian agreement on mutual employment in the mid of 1990s led to increasing numbers of illegal/undocumented immigrants in the Czech Republic; New visa duty regime towards the Ukraine might 1) cause greater pressure upon the Czech-Slovak “green state border” 2) increase tensions within the Ukrainian labour market and destabilize the whole political

situation in some regions - it is because the geopolitical importance of the Ukraine is undesirable.

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Abstract - Recommendations and conclusions

Also as a base of this study, it is fairly certain that very bad socioeconomic situation in Ukraine is not improving and will not be improving in the near future. Hence, the very low living standard of Ukrainians will permanently function as a “push” migratory factor and, thus, one can expect rather massive outflows of circular labour migrants outside the Ukraine. As also indicated in the results of our study, the Czech Republic will continue to be one of the most important destinations. Despite the restrictions to regulate the flood of immigrants, the development of migration into the Czech Republic partially imitates the so-called “S” curve model elaborated by Martin and Taylor (1995). This model is based upon the experience accumulated in several other world regions (inter alia in Western Europe) and states that, irrespective of any measures, the intensive circulation of migrating workers is only the first stage of continuous migration and settlement. Apparently, to some extent, this trend has already been visible in the Czech Republic. Thus, concerning the immigrants in the Czech

Republic, as indeed in other developed democracies, the question is not “yes” or “no”, but “how”.

- The Czech reality as such and, indeed, the results of our study clearly indicate that despite some measures that have been taken to control immigration in the Czech Republic, there are still many, often fundamental problems, that remain unresolved or even untouched. These problems include:

The national immigration policy has no clear objectives. It is mainly concerned with preventive measures within a more or less static model. No general goals have been defined⁴, let alone specific preferences made regarding economic, demographic, cultural or social diversity. Unambiguously, passive attitudes prevail over active ones. One of the important reasons is that Czech society is not ready to accept the inevitable globalization process. In sum, there is a unsystematic approach, problems are solved “ad hoc” and not systematically as would be necessary.

The existing migration legislation is not pliant. Although „young“ it seems already to be „too old”. The whole „process of necessary change“ in this field (new laws, amendments) has been very slow. Furthermore, “the practice” suffers from many shortcomings as it logically follows from imperfect legislation, as well as the unsystematic tackling of the migratory issue.

There is rather negligible cooperation between the institutions which are responsible for dealing with international migrants: mainly, the Ministry of the Interior, the Ministry of Work and Social Affairs, the Ministry of Industry and Trade, the Ministry of Finance and the Czech Statistical Office. No coherent and mutually complementary policies with regard to immigration are practiced. There are many shortcomings in terms of monitoring movements. The („macro“) migration statistics, records and databases are rather poor. There are problems regarding the data classification, ways in which the data are collected in the field and how they are disseminated. Many important pieces of information are not collected, others are not available to the public and academic spheres.

To improve the existing situation in the field of managing labour immigration in the Czech Republic we suggest the following recommendations (also, some more specific recommendations one can find within given chapters, namely 7.1.) :

- To consider establishing an independent executive body which would deal with the migration issues at a ministerial level of the government of the Czech Republic;

Of course, except for a general endeavour to join western democratic structures (especially the EU) and, hence, an effort to harmonize migration policies and practices with those in western Europe.

- To complete the process of decentralization of state power within, creating a new system of territorial-administrative units as an important part of a civic society and, consequently, to decentralize selected migratory competences.

- To harmonize migratory legislation and practices with those in the European Union as soon as possible. To enable the entrance of labour migrants into the Czech labour market under the same conditions, nevertheless, differentiated approach towards individual ethnicities should be applied; when taking into account representatives of the European Union, they should be favoured. Irrespective of nationality; short-term visits to the country by top professionals, scientists, teachers, artists, sportsmen, etc. without any administrative burdens should be enabled.

- To apply restrictive measures while, at the same time, realizing the other negative consequences. (For example, more “indirect” restrictions caused by the ineffective Czech-Ukrainian agreement on mutual employment in the mid of 1990s led to increasing numbers of illegal/undocumented immigrants in the Czech Republic; New visa duty regime towards the Ukraine might 1) cause greater pressure upon the Czech-Slovak “green state border” 2) increase tensions within the Ukrainian labour market and destabilize the whole political situation in some regions - it is because the geopolitical importance of the Ukraine is undesirable.

- To determine a relation between the minimal income institute and a system of social subsidies, it means not to have minimum income significantly lower than social subsidies since it stimulates misuse within the whole system and it opens space for labour immigrants. In this case, restrictive measures applied towards immigrants lose their importance in terms of “protecting” the Czech labour market.

- To orientate the activities of newly established job centres towards attracting a highly qualified foreign labour force while possibly making use those with high potential from the Ukraine.

- To support the ideas of the current Czech government for the time being to close some regions from the foreign labour force (e.g. North Bohemia and North Moravia) because the economic structures in those regions have to be intensively revitalized.

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