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Refugee and asylum seeker policies: the experience of the EU Eastern Partnership countries

The aim of the article is to study the practice of regulation of migration and integration of refugees in the Eastern partnership countries of the EU to determine their positive experience and establish directions of its implementation in Ukraine.

The article analyzes the approaches to the regulation of migration and integration of refugees in the countries of asylum (by the example of the policies of Armenia, Azerbaijan, Georgia, Belarus and Moldova). It is determined that the migration of refugees in these countries has a post-conflict nature, and the prerequisites for such migration are described.

The experience of these countries regarding the consolidation of the rights of refugees and their status, the implementation of educational and social policies, policies in the field of accommodation and voting rights is processed.

The article formulates the directions of individual policies that should be implemented in the national policy of Ukraine as one of the Eastern partnership countries, in particular, ensuring legal protection of the rights and interests of refugees, as well as political and legal guarantees of the implementation of these laws, improving the living conditions of refugees, wider access to social infrastructure, increasing employment and welfare, ensuring the availability of means of integration of migrants into the linguistic and cultural environment, obtaining education, while preserving the rights to national, ethnic and religious identification.

This will strengthen the readiness of state and local government officials to work with refugees, create an appropriate information field to disseminate information about the rights of refugees, create conditions for ensuring a minimum level of well-being of refugees in the host country, and stimulate interaction between refugees and members of the host society on a conflict-free basis.

Keywords: *refugees; refugees load; state policy; migration policy; Eastern partnership.*

Problem statement. Modern humanity is going through a complex process of social transformations associated with all spheres of human life, among which problems of economic, social and environmental security of countries and regions are of much concern. However, the global struggle for resources, geopolitical risks and national-ethnic confrontations exacerbate military-political instability, provoke military tension and civil unrest. In addition, global environmental problems are increasing, which is manifested in the destruction of the natural environment, safe living of the population. This situation makes it impossible for the population to confront the challenges and threats to the environment at home, which forces people to resort to refugee as a means of saving the lives of their families.

1% of the world's population is now refugees. This is stated in the publication of the UN High Commissioner for refugees. In particular, " the number of refugees has steadily increased since 1951, but it has dramatically increased over the past 10 years, mainly because of the Syrian civil war, which began in 2011 and since then forced millions of people to flee their homes and seek refuge in neighbouring countries and in Europe." [1]

The development of economic processes in a world where military-political and ethnic conflicts provoke unprecedented scale of forced displacement of people is under the significant influence of human resource movements. In 2017, 68.5 million people were forcibly displaced from their homes, including 25.4 million refugees, 40.0 million internally displaced persons and 3.1 million asylum seekers. In addition, it is necessary to point out the social problems associated with the forced movement of refugees i.e. the weaning of children from their families, social orphanhood. In particular, children under the age of 18 established for about half of the refugee population in 2017 (52%), increasing from 41% in 2009 [8]. Besides, gender-based and intercultural violence is growing, and the layer of dependants, economically inactive but able-bodied people, is expanding.

This entails, in particular, additional costs for countries and international organizations, including non-governmental organizations, addressing the humanitarian problems of refugees, ensuring respect for their rights and freedoms under international law, as well as changes in labour markets, transforming the structure of expenditures in the budgets of host countries (destination and transit countries), where the costs of ensuring public order and eliminating terrorist threats are increasing.

This actualizes the issue of developing effective policies for refugees and asylum seekers, based on the experience of such regulation in countries institutionally similar to Ukraine. In this regard, it is advisable to study refugee policies

in the EU Eastern Partnership countries, which over the past few decades have faced problems with the formation of migration flows of refugees and asylum seekers.

Analysis of recent research and publications. The theoretical basis of the study was scientific publications on the problems of refugees, in particular works on the problems of:

- formation of policy in relation to refugees (M. Bunte [6], C. Dustmann [7], T. J. Hatton [9], J. G. Williamson [9], F. Ahimbisibwe [2], S. K. Akcapar [3] D. Simsek [3]);
- refugees' access to public goods (T. Anderson [4], L. Ehlers [4], T. Bircan [5], U. Sunata [5]);
- practices of regulation of migration and integration of refugees in the EU Eastern partnership countries (A. Yunusov [17], A. Aliiev [10], T. Chumash [16], O. Bahur [11], A. Chobanian [15], L. Tytarenko [13], V. Moshniaha [12]).

The aim of the article is to study the practice of regulation of migration and integration of refugees in the Eastern partnership countries of the EU to determine their positive experience and establish directions of its implementation in Ukraine.

Statement of basic materials. The EU Eastern partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) are similar in their development and demonstrate common socio-economic problems, corruption threats, as well as the challenges of building a civil society. One of the problems faced by these countries is the migration and integration of refugees. At the same time, the success of the solution of certain issues related to refugees, suggests the feasibility of implementing the relevant experience in our country. We examine in detail the different vectors of refugee policy in the Eastern Partnership countries.

Refugee rights. Respect for the rights of refugees during their migration and integration is strictly regulated by international documents, as well as documents of regional integration associations. However, in practice, countries implement their situation quite formally, declaring respect for the rights of refugees in the presence of significant barriers to their integration in host societies. From the point of view of ambiguity of the rights of refugees, the precedent of Azerbaijan is considered to be interesting (it ratified the UN Convention of 1951 on the status of refugees and the Protocol of 1967, Geneva Convention of 1949 in 1993), where the refugee status, giving numerous privileges at receipt of humanitarian aid, and also in the social and economic sphere, at the same time, did not allow them to participate officially in elections in Azerbaijan [17]. Thus, A. Yunusov describes the attempts of the authorities to resolve this issue at the level of national legislation: "in October 1998, the government of Azerbaijan adopted a bill "On citizenship". According to this document, all refugees expelled from Armenia as a result of the Karabakh conflict and arrived in Azerbaijan before January 1, 1992, automatically became citizens of the country" [17].

However, when it turned out that the UN, the Council of Europe and other international organizations did not officially consider the Azerbaijani expelled from Armenia as a result of the Karabakh conflict, as well as the Meskhetian Turks, as refugees, the Azerbaijan authorities resorted to applying to the relevant international organizations in order to return the refugee status. Nevertheless, as the above-mentioned researcher notes, such attempts were not successful as " the Azerbaijani expelled from Armenia, as well as the Meskhetian Turks, are still considered citizens and at the same time refugees. But, outside the republic they are no longer considered refugees " [17]. This ambiguity leads to the restriction of refugees ' access to numerous spheres of public life, including civil registration procedures and the exercise of electoral rights.

However, A. Aliiev, analyzing the provisions of the Law " On the status of refugees and internally displaced persons (displaced persons within the country)" of the Republic of Azerbaijan, points out that "a person who has received a refugee status has the rights and responsibilities provided for in the legislation for foreigners and stateless persons. <...> refugees use the rights and freedoms of citizens of the Republic of Azerbaijan and bear the same duties as them" [10]. Thus, the modernization of the legislation on refugees in Azerbaijan, which originated from the above-mentioned Law (1999), concretized the rights of refugees and internally displaced persons.

T. Chumash analyzes in his works the experience of the Republic of Moldova in the formation of policies in relation to refugees and asylum seekers. In particular, she describes the range of rights of refugees in the Republic of Moldova and the means of their realization. "Pending a decision on an asylum application, a person receives a temporary asylum seeker's certificate which confirms the person's status and is proof of legal residence in the territory, but not of their identity. The document continues monthly" [16].

It should be noted that the experience of Moldova in the legal differentiation of the rights of refugees is positive, in terms of the possibility of granting refugees the minimum necessary rights to ensure the opportunity to receive social support, to join the economically active population. In addition, in the future, citizenship or the granting of a separate range of rights will allow to obtain education or confirm qualifications, which will also contribute to the integration of the refugee.

Ensuring the rights of refugee children. One of the most critical issues is the protection of refugee children, as they constitute more than a half of forced migrants. And based on the fact that children are the least protected category of the migrant population, we believe that the observance of their rights should be a key focus of Ukraine's national policy. The level of protection of the rights of refugee children in Moldova is significant. "The law on asylum establishes that families with children, as well as unaccompanied minors, have the right to receive all social assistance measures that are provided to children-citizens of the Republic of Moldova. In this context, it should also be noted that asylum –

seekers who have given birth to children on the territory of the Republic of Moldova are entitled to child benefit under the same conditions as Moldovan citizens" as T. Chumash notes [16]. However, the author further notes the following: "children born on the territory of Moldova have no restrictions on the registration and issuance of birth certificates. In the case of marriage, reference must be made to the above-mentioned law, which requires the same conditions for marriage as in the case of Moldovan citizens. Thus, the asylum seeker from the declared personality, without having the passport, will not be able to marry as the temporary certificate of the person seeking asylum which is not entered into national system of the documents proving the identity" [16]. It should be noted that for children who have migrated to the country as refugees, it is important to have access to social assistance, since they constitute an economically inactive part of the population. However, the possibility of educational and cultural socialization is important, which should facilitate their easier integration in the host society (education at all levels in the appropriate language environment, easier linguistic and cultural integration, etc.).

Right to housing. This right is one of the fundamental rights of persons who obtain refugee status and use it in the territory of the country of asylum. In particular, examples of the implementation of such rights are in the post-Soviet space in the Eastern partnership countries, in particular in Azerbaijan. So, "many citizens, especially residents of the capital, in the first half of the 90-ies left their apartments, houses and the country for many reasons, <...>, after the established truce at the front, many citizens, especially residents of Baku began to return. However, <...> while they were away, most of their empty apartments were occupied by refugees and internally displaced persons. Attempts to resolve the issue by legal means turned against the legitimate owners of apartments:<...> it was forbidden to evict refugees and internally displaced persons from their places of residence without providing them with housing. In other words, this official document legitimized the forcible seizure by refugees and internally displaced persons of apartments of citizens of the Republic" [17].

Today, as A. Aliiev points out, "provision of refugees<...> with temporary or permanent residence is carried out by the relevant self-government bodies of the Republic of Azerbaijan, according to a certain rule of the current legislation. The costs of the refugee <...>, related to moving from temporary residence to permanent residence and to another place of work, are paid to him in a certain order and amount" [10].

Another example of the placement of refugees in the country of asylum is the experience of Moldova. "The law on asylum in the Republic of Moldova establishes the legal and institutional framework for the functioning of the national asylum system. <...> asylum seekers have the right to accommodation in accommodation centres during the application procedure and, in the case of persons with special needs applying for asylum, to adapt accommodation conditions and receive assistance in accommodation centres," writes T. Chumash, researcher on migration and integration of refugees in Moldova at the CARIM-East research centre [16].

Problems of differentiation of persons with and without refugee status in the exercise of their rights are observed, for example, in Georgia. We can come up with the opinion of N. Chilinidze that in her studies of social cohesion in Georgia notes: "In the framework of the joint programme "Integration and protection of refugees and asylum-seekers", initiated by UNHCR and the Ministry of Georgia, was acquired premises for refugees and recognized by the small grants for conducting small business activities" [14]. We conclude that it is the legal status of a person, in particular the recognition of them as refugees according to the criteria of international law, that is essential in describing their rights, which are manifested in relation to other rights, including social and economic.

As we can see, the implementation of the right to accommodate refugees is crucial in overcoming numerous humanitarian problems, in particular, it reduces the risks of aggravation of the criminal situation in the region, strengthens the integration of refugees in the local community. However, the essential issue is the regulation of housing ownership and protection in the countries of origin and destination of refugees. In particular, we see such a problem in Azerbaijan.

Economic rights of refugees, the right to work. Another problem of asylum for refugees is their removal from the labour market. This often happens due to the receipt of humanitarian and financial assistance, and, accordingly, through the loss of motivation to work. However, there is another side to this issue, namely, the illegal employment of refugees and asylum seekers and the exploitation of such people provoked by this. Therewith, during the Armenian-Azerbaijan conflict "in Baku in the 90s even appeared <...> illegal labor exchanges, where dozens of unemployed people, the vast majority of internally displaced persons, were ready to be hired for any job" [17]. One of the means of regulating the employment of refugees is the regulation of permitted areas of employment, in particular, a separate item of such regulation is the right to work in the public service. However, Azerbaijan legislation on the status and policy of refugees and internally displaced persons does not provide for their right of access to public service. "According to the Law "On civil service", A. Aliiev writes that only citizens of the Republic of Azerbaijan have the right to enter the civil service. In this case, unlike internally displaced persons, refugees can not be employed in the public service, because they are foreigners or stateless persons" [10].

T. Chumash notes that "a person who seeks asylum in the Republic of Moldova has the right to work, which is granted for a time at his request, if for objective reasons he does not have the necessary means of subsistence" <...>. In order to find a job, an asylum seeker requests a personal number from the Migration and Asylum Office and their temporary identity card will indicate the "right to work". An asylum seeker may apply to the National Employment Agency and its territorial authorities to seek employment" [16]. We believe that the right to employment is important for the integration of refugees in host societies. First of all, the integration of refugees

into the local labour market will determine their ability to social and economic communication, linguistic and cultural adaptation, etc. This will not only reduce the load on the socio-economic system of the country of asylum, but also improve the perception of refugees, create an environment for their understanding as productive members of society.

A related problem in the area of employment is the realization of refugees' rights to education.

Right to education. Problems of inaccessibility of education for refugees are often associated with the inability to confirm their own person, date of birth, origin, etc. (for example, such persons do not have passports and birth certificates, and new local authorities do not issue them). "Without a birth certificate, it is impossible to study in schools and universities. But even if such documents exist, they still have serious problems with education. They also cannot get equal rights to work with the population of Azerbaijan. As a result, many of them become a part of the criminal world, which further reinforces the negative attitude of the local population towards Chechen refugees. <...> Refugees from Afghanistan are in a particularly difficult situation: many of them have been living in Azerbaijan for 10-15 years, but do not have passports and other identity documents. Accordingly, they can not leave the country, they do not enter into employment contracts, they work only thanks to an oral agreement at a low – paid job," A. Yunusov describes this problem [17]. It is the lack of effective employment of the refugee population that causes problems with integration into the host society – indigenous people resist the acceptance of such persons as members of society, especially in the case of significant cultural, religious and racial differences, as well as in connection with the establishment of a system of "sustentation" of refugees.

"Children of asylum-seekers and minors who have applied for asylum have access to the education system on equal terms with children who are citizens of the Republic of Moldova <...>. Their access to the education system must be ensured within 3 months from the date of application<...>. Temporary certificates issued to asylum-seekers do not allow them to join national institutions, as they have only temporary status in the country. In practice, some institutions have allowed the admission of asylum-seekers only to paid places, on the basis of their national passports and documents confirming their legal stay in the country" [16]. However, paid education and limited options for higher education is a significant burden on the individual, who is socially unprotected. At the same time, these persons seek means of adaptation to the environment, becoming unskilled or low-skilled labor force.

The analysis of Armenia's experience showed that "in the existing education system there are no special targeted programs aimed at solving the problems of refugees in the field of education, or programs where this group would be considered as the main group of beneficiaries. According to the responsible officials in the field of education, there are no specific issues related to refugees in the education system," A. Chobanian notes [15]. Thus, refugees, including refugee children, lose the opportunity to join society as full members, a productive segment of the population that has the potential to develop significant human potential.

In Belarus, the situation is more problematic. According to A. Bakhur, who devoted his research to the problems of access of refugees and asylum seekers to social and economic rights in the Republic of Belarus: "Persons who have received refugee status in Belarus may face the problem of continuing education received in the country of the previous permanent residence, or confirmation of the specialty, qualification in the absence of relevant documents and the impossibility of their recovery" [11].

In general, it can be said that the realization of the right to education for refugees means the possibility of obtaining (or confirming) a level of education that would provide official employment. In addition, the involvement of refugees in education ensures the socialization of this category of migrants, facilitates the overcoming of communication barriers in the appropriate language environment. We believe that the implementation of provisions to protect the rights of refugees to education in the national legislation of the host country will stimulate the formation of human capital, potentially productive in this economy.

Social support. However, no less important is social support for refugees, which can be differentiated by age and sex categories of refugees and is associated with the support of minimum acceptable standards of living. According to T. Chumash, "in Moldova, the state has no obligation to provide food or clothing to asylum seekers during the asylum procedure or after the granted protection. However, <...> The United Nations High Commissioner for Refugee, together with implementing partners, provide financial assistance or goods in kind <...>. Moldova reserves the right to apply the provisions of article 24 (labour law and social security) of the Convention in such a way that they do not violate the provisions of the Constitution and national legislation relating to the right to work and social protection" [16].

O. Bakhur points out the following regarding the system of social protection of refugees in Belarus: "Refugees have fairly broad rights; comprehensive assistance and support is provided at the state level in the process of integration of these persons into Belarusian society. In addition, refugees within a year (from the date of receipt of the status) have the opportunity to obtain a permanent residence permit, acquiring the appropriate legal status. It is also important that refugees have access to tools to protect their rights under both international and national legislation" [11]. As a result of the influx of refugees into countries of transit or countries of asylum, the problem of public confrontation over the placement of refugees and the provision of social and humanitarian support is exacerbated. In this regard, the issue of perception of refugees becomes relevant in the context of their further integration and leveling of social conflicts. It

should be noted that the load on the countries involved in the movement of refugees is different (most of all on the countries of asylum).

Perception of refugees. An example of the negative transformation of public attitudes towards refugees and asylum seekers is the situation of the military conflict between Armenia and Azerbaijan. "At first, Azerbaijan society treated refugees, especially from Armenia, with great compassion and tolerance. They were perceived as unhappy and innocent victims of the conflict. However, very soon the relationship between local residents and forced migrants changed dramatically. After all, refugees and internally displaced persons were in dire need of housing and work, and the government withdrew from the solution of these acute issues. Abandoned refugees and internally displaced persons began to solve their own problems " A. Yunusov writes [17]. However, A. Yunusov in his study carried out within the framework of the problems studied by the research center CARIM-East, notes that in this case the problem was the lack of appropriate tools for the protection of the population (both indigenous and refugees), which should have been implemented within the framework of state policies regarding refugees.

L. Tytarenko describes the situation with the perception of refugees in Belarus. "Refugees come to Belarus, as a rule, for fear of becoming a victim of persecution on racial, ethnic, religious grounds or political beliefs. <...> Forced migrants and refugees, as a rule, do not create additional problems for law enforcement agencies, they are treated with understanding by the population. In respect that the small number of refugees and their general law-abiding, these foreign citizens are not a "challenge" or "threat" to the social cohesion of Belarusian society. The interaction of the Belarusian society with refugees is quite calm and insignificant, and the attitude of the population to refugees, judging by the results of the study, is generally neutral " [13]. As we can see, the attitude towards refugees in the Eastern partnership countries is not unambiguous and is differentiated mainly based on the number of refugees, the location of their accommodation, as well as national, regional and cultural differences. In addition, xenophobia against refugees and linguistic and cultural discrimination are frequent, which is caused by misinformation that circulates in the information and public space. In this regard, the problems of integration of refugees in their places of residence are important. Such integration is important for overcoming local social contradictions, neutralizing the dissemination of negative information about the interaction with refugees. In this aspect, we have analyzed the relevant experience of Moldova.

In particular, as V. Moshniha points out, "a number of events were held, which presented the best European practices of integration of foreigners and the mechanism of cooperation between national institutions, seminars, trainings for territorial employment agencies, for social workers in Chisinau<...> Work is carried out on various aspects of integration, in particular language learning, advice on obtaining Moldovan citizenship, social and cultural adaptation, information on available opportunities, etc.<...>. Within the framework of the local integration project, specialized medical care in the form of psychotherapeutic and psychological assistance to asylum seekers, refugees and recipients of humanitarian aid was included in the general medical care" [12].

The experience of Armenia, described by A. Chobanian, is also interesting. "Armenia has adopted a "policy of full-scale integration of refugees". It was a shift to a comprehensive and radical approach to refugee problems, replacing the "operational" approach that had dominated in the 1990s. The policy based on this approach becomes the main task for the effective integration of refugees in Armenia and their naturalization " [15].

Thus, the integration component of refugee policy becomes crucial to facilitate the migration of refugees and their integration into the labour market. Besides, it contributes to the fullest realization of the rights of refugees, which is consistent with international law. In general, facilitating the integration of refugees will help stabilize society, reduce socio-economic tensions, and bring the country closer to achieving sustainable development goals.

Conclusions and prospects for further research. We consider it expedient to implement the following vectors of the policies described above into the national policy of Ukraine regarding the regulation of migration and integration of refugees:

1) ensuring legal protection of the rights and interests of refugees, as well as political and legal guarantees for the implementation of these laws. In this aspect, it is important to create an institutional environment in which refugees as individuals have access to tools to ensure rights, provides for strengthening the readiness of state and local government officials to work with refugees, as well as the creation of an appropriate information field for the dissemination of information about the rights of refugees;

2) improvement of housing conditions of refugees, wider access to social infrastructure, increase of employment and welfare, which will increase the level of their familiarization with the means of social and economic protection, will create prerequisites for the growth of economic activity of refugees and the productivity of their human potential. This will create conditions for ensuring a minimum level of well-being of refugees in the host country, reduce the risks of criminalization of their stay, create a basis for a more complete realization of human potential;

3) ensuring the availability of means of integration of migrants into the linguistic and cultural environment, education, while preserving the rights to national, ethnic and religious identification. This approach will stimulate interaction between refugees and members of the host society on a conflict-free basis, promote cohesion of the population on the principles of civilized cross-cultural interaction.

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Scientific interest:

- problems of national economic security;
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Scientific interest:

- human resources and their international movement, international labour migration, its consequences and regulation.

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