https://doi.org/10.33271/nvngu/2026-1/227

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EXTERNAL MIGRATION AS A THREAT TO THE NATIONAL SECURITY OF UKRAINE: SOCIO-ECONOMIC AND LEGAL ASPECTS

Purpose. To determine the directions of the impact of the migration factor on national security, to develop proposals for improving the norms of migration legislation and increasing the level of protection of the rights of citizens of Ukraine, and to reduce migration threats.

Methodology. The correlation analysis method was used to quantitatively assess the impact of the migration factor on economic and social indicators (ESI) and to confirm the importance of remittances from migrants for consumption by vulnerable groups in Ukraine. Using the method of scientific abstraction, the causes and consequences of the decrease in the volume of private remittances (PR) were indicated. The method of legal analysis allowed the development of proposals to prevent this trend. The application of the axiological method contributed to the development of proposals for improving the legal protection of Ukrainian citizens and reducing migration threats.

Findings. The threats that significant dynamic changes in migration flows lead to are indicated. The insufficient level of capitalization of PR is established. The reasons for the reduction in remittances as a threat to the national security are indicated. Improvements to legal norms aimed at promoting voluntary re-emigration, regulatory and legal formalization of the re-emigrant status, reducing the level of irregular migration, and replacing the problem of long-term emigration with the process of temporary or circular migration are proposed. It is proposed to adopt the Migration Security Strategy of Ukraine.

Originality. A significant level of correlation between the volume of migrant remittances and ESI were established: birth rate, volume of exports of goods/services, food price indices, which made it possible to assess the PR direction mainly for consumption by vulnerable segments of the population. It is noted that this is the main reason for the insufficient development of the migration capital market in Ukraine.

Practical value. The proposed improvements to the norms of migration legislation will increase the imperative component of migration law, reducing unregulated migration. and replace long-term emigration with circular emigration. These improvements will also contribute to replacing long-term emigration with circular migration, reducing migration threats to the national security.

Keywords: *migration, categories of migrants, national security, economic and social factors, legal aspects*

Introduction. The process of external migration affects all components of Ukraine's national security: economic, social, political, demographic, and contributes to the strengthening of the shadow economy.

A significant problem is not only migration itself, but also a significant level of change over time in the number of Ukrainians leaving the country, as this reduces the ability to adapt to migration threats. Improper adaptation to crisis manifestations of the migration process creates long-term negative consequences for the economy, society and, in general, national security. At the same time, external migration affects the internal economic and social aspects of national security not only negatively. Thus, labor external migration has long allowed reducing the problem of excess supply of labor in the national labor market, the volume of remittances from labor migrants to Ukraine in some periods is greater than the volume of direct foreign investments in the national economy, which is a significant factor in stabilizing the economy.

Countries to which the migration flow from Ukraine is directed also have both advantages and problems from this. For example, in order to obtain additional labor resources, the receiving countries have problems with the impact of migrants from Ukraine on the complication of the criminogenic situation. Accordingly, the reaction of the institutional structures of these countries, aimed at restricting migration or even at the readmission of certain categories of migrants, causes the formation of complex dynamic interstate relations. In some cases, geopolitical factors, in particular, aimed at eliminating unregulated migration, protecting the labor markets of receiving countries from Ukrainian migrants, etc., create significant threats to the national security of Ukraine; for example, they reduce the total volume of remittances from Ukrainian migrants, complicate interstate relations, reduce the volume of state aid to Ukraine from receiving countries.

The need to comply with the obligations assumed by Ukraine to implement the legal norms of the European Union into national legislation, primarily those norms that concern the human right to choose a place of residence and, in accordance with Article 14 of the Univer-

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sal Declaration of Human Rights, the right of an individual to choose asylum from persecution, is in some contradiction with the demographic threats to national security, intensified by a large-scale war. This leads to legal conflicts in the international and national legal field.

Therefore, with the dynamic changes in the military-political, economic, and social realities of Ukraine, it becomes relevant to identify the impacts of migration threats on national security, study the constitutional and legal foundations of migration policy, and develop proposals for improving the socio-economic prerequisites for the country's development in the context of the demographic crisis.

Literature review. Organizational, legal and socio-economic aspects of the impact of migration on national security are characterized by the fact that rapid changes in military-political, economic and social conditions require additional research and prompt review by scientists of proposals for improving migration policy.

The migration process in a wide range of scientific works, in particular in the article by Khmelyarchuk and Szczepański [1] is defined as a threat to the economic component of Ukraine's national security due to structural and regional imbalances in the national labor market, which lead to significant fluctuations in the quality and volume of products/services generated by Ukrainian producers, primarily in high-tech industries – IT, Internet, telecommunications, etc. The article by Khmelyarchuk and Szczepański [1] states that the loss of human capital due to migration leads to a state budget deficit, which poses a threat to the social protection system. At the same time, Khmelyarchuk and Szczepański [1] do not specify the specifics of the impact of a catastrophic level of migration flow in some periods of time.

Kulu, et al. [2] noted that in contrast to labor migration, "crisis migration" has a more significant psychological impact on displaced persons. "Crisis migrants" have significantly less motivation both to find work in the host country and to re-emigrate (only 35 % of them indicate intentions to return). It is predicted that the impact of migration will lead to a reduction in the population of Ukraine in the next two decades by 33–40 %. It is noted that this may lead to social degradation and economic stagnation [2].

Using a multidimensional model and fragmentation of the migration component into separate elements, Ueffing, et al. [3] predicted the volume of migration and re-emigration of Ukrainians. The scenarios for the return share vary from 35 to 65 % of the total volume of migration, depending on the timing of the end of the war and the time of emigration stay of displaced persons [3]. This, accordingly, creates varying degrees of threats to national security.

According to Libanova and Pozniak [4], migration losses (including labor migration) will account for 20 % of the country's population, and among highly qualified workers the share of losses is expected to be even higher. Therefore, according to Libanova and Pozniak [4], the formation of prerequisites for re-emigration is important not only for national security, but also for the preservation of the Ukrainian nation. Many scientists note the importance of monetary assistance for the country's economy, which labor migrants send to relatives in Ukraine, but often such an assessment is of a generalized qualitative nature [5]. Scientists point to a reduction in the volume of private remittances to Ukraine, explaining this by the fact that migrants get permanent jobs in host countries and, accordingly, increase their expenses in these countries [5]. At the same time, this thesis is refuted by citing statistical data on the trend of a decrease in the volume of expenses of migrants in the host country [5]. Other scientific works indicate the limitation of the volume of remittances of migrants due to the absence of a market for migration capital in Ukraine [6]. Also, in the article by Mulska and Karpa [6], in addition to the direct impact of migration risks on the state of national security, the importance of indirect impacts is noted, in particular, the weakening of the country's socio-economic adaptability to market turbulence and shocks, significant fluctuations in the volume of external investments, etc. At the same time, the impact of migration on national security is defined by Mulska and Karpa [6] as differentiated. This thesis is, in our opinion, insufficiently substantiated given the significant mutual influence of threats.

Chorna's study [7] points out the threats of the migration process to the financial security of the country as a component of national security. At the same time, a quantitative analysis of the factors that create these threats is not provided. Chorna [7] does not indicate the positive impact of migration capital on strengthening the financial security of Ukraine. Pointing to unemployment as one of the main reasons for external labor migration, which leads to a deterioration in the social and economic security of Ukraine, scientists [7] often do not consider that migration is also a tool for reducing the unemployment rate in the country, since the outflow of the working-age population reduces the supply of labor on the national labor market. Therefore, in this case, it is not worth identifying the causes and their consequences, both negative and positive. Scientists from other countries also point out the connection between the migration process and national security. Thus, in the study by Văscan and Iov [8] it is stated that migration from Ukraine poses threats to all components of Romania's national security: political, military, economic, social. In the article by Afsar and Tuncer [9] it is stated that with a significant change in the volume of migration due to large-scale hostilities in Ukraine, the perception of the concept of the mutual influence of immigration and national security has acquired significant dynamics.

In the scientific literature, there is a significant difference in views on migration security and its status in the national security system. It is often defined as a component of demographic security and indicates the complex multi-layered effects of migration on the level of social and economic security due to the loss of human potential, as the main factor influencing these components of national security [10]. As indicated in the article by Demchenko [10], the definition of the concept of "national security" is significant not only in academic circles, but also in the legal sphere, given in Clause 9 of Article 1 of the Law of Ukraine No. 2469-VIII "On National Security of Ukraine" [11]. Also, in the article by Demchenko [10] it is noted that the complex mutual influences of the components of national security complicate the lack of a stable definition of "migration security", which, according to detailed ex-

planations by Demchenko [10], defines, first of all, the threats of external migration to national security. The article by Isaievich [12] indicates that the significant level of legal uncertainty in Ukrainian legislation and the legislation of countries that host Ukrainian migrants will significantly complicate the protection of the rights of displaced persons. Researchers indicate that mass migration in conditions of large-scale war requires a review of theoretical and legal aspects, especially regarding human rights, in order to ensure national security objectives and the specifics of the implementation of these rights in the regulatory and legal field [13]. The article by Andriiv, et al. [14] indicates that the legal regulation of the problems of forced migration requires the implementation of the principles of non-discrimination, prohibition of expulsion, family unity, and protection of the rights of the child. At the same time, as indicated in the presented article, legal discrepancies in the legislation of Ukraine and the laws of the EU countries make it difficult to implement these principles in practice.

The above review of literary sources confirms that the threats posed by the migration process and its dynamics create new risks for all components of national security. At the same time, this review indicates certain differences in the views of scholars on the migration process, its factors and directions of influence. This makes it relevant to study these issues and develop proposals for improving the legal framework of the migration process.

The purpose of the article is to determine the directions of the migration factor's influence on national security, to develop proposals for improving the norms of migration legislation and increasing the level of protection of the rights of Ukrainian citizens while reducing migration threats.

The objectives are: to identify the correlation between the migration factor and the country's economic and social indicators; to develop proposals for protecting the rights of Ukrainian migrants in the host country, the regulatory and legal formalization of the status of a re-emigrant, and increasing the conceptualization of the right of Ukrainians to return, which, accordingly, will reduce threats to national security.

Methods. In the process of conducting the study, general and formal-legal methods of scientific knowledge were used. The comparative analysis method was used to refute the thesis about the threat of a "mass influx" of migrants from Ukraine to the EU countries. The correlation analysis method was used to quantitatively assess the impact of the migration factor on the country's economic and social indicators. This method was also used to confirm the significance of private remittances of migrants for consumption, primarily by vulnerable segments of the population in Ukraine. This also made it possible to establish the reasons for the absence of a domestic market for migration capital. Using the method of scientific abstraction, the causes and consequences of the decrease in the volume of private remittances of migrants were established. The method of legal analysis allowed the development of regulatory and organizational-legal proposals in order to prevent this negative process. The application of the axiological method contributed to the development of proposals for improving the legal protection of Ukrainian citizens to reduce migration threats to national security.

Results. The significant difference in the terminology of scientific works, international and national law makes it necessary to specify the concepts of "migrant" or "external migrant" for this study. Some legal scholars, for example, insist on using the definitions of "displaced persons" and "forced displacement" [15]. But such a definition does not cover, for example, labor migrants, who form a significant part of the migration flow. Forced cross-border movement of citizens can also be accompanied by work in the host country, which is even confirmed by the International Labor Organization, according to which the category of labor migrants also includes "settlers" and illegal migrants. At the same time, given the significance of the impact on the economic and social indicators of Ukraine, the category of "labor migrants" requires separation. In the presented study, the following categories are attributed to external migrants: forced migrants (refugees, displaced persons), labor migrants and emigrants. The specified categories of persons can be attributed to the status of migrants according to the following qualifying characteristics: they crossed the state border, crossing the border led to a change in their legal status, this characteristic of a person is temporary. The specified categories differ significantly in structure. Thus, labor migrants are an active part of the population of Ukraine. Before the start of large-scale hostilities, labor migration prevailed in the migration process. According to the Ministry of Social Policy of Ukraine, by 2022 the number of Ukrainian labor migrants abroad was 2.5–3.0 million people. The main directions of labor migration were Poland, the Czech Republic, Italy and other countries of the European Union. After the start of large-scale hostilities, the main category of migrants became refugees, among whom the share of people unable to work prevailed, primarily children, people over 60 years of age, and the disabled. Therefore, refugees become a socially vulnerable group in the country granting asylum. This also leads to the ignorance of refugees in the national, economic, regulatory features of the host countries and the complications, due to time, location and other prerequisites, in obtaining a status that complies with international law. Thus, according to the article by Ueffing, et al. [3], only a third of internally displaced persons from Ukraine received the status of "temporary protection" in the EU countries in the period 2022–2023. This leads to a delay in their acquisition of the relevant subjective rights in accordance with Protocol No. 1 of the European Convention on Human Rights. In particular: the right to documentary confirmation of the possibility of staying in the country of asylum; the right to obtain visas, including transit; the right to temporary employment, adult education, housing, medical or other assistance, etc. The European Union helped Ukraine during the mass migration flow due to the threat of a large-scale war by activating EU Council Directive No. 2001/55/EC [16]. At the same time, due to the unregulated migration problems with Ukraine in the EU, there are calls for the repeal of the aforementioned Directive. These calls, in particular, are intensified by Ukraine's failure to ratify Directive 2011/36/EU3 of the European Parliament [17] on the prevention of trafficking in human be-

ings, the inadequate level of settlement by the Ukrainian side of the problems specified in EU Decision 2022/C 104 I/01 [18] on border management, etc. The inadequate level of adaptation of Ukraine to the EU legal framework is also evidenced by the fact that the agreement "On the abolition of passport customs control between the countries of the European Union" has not yet been signed, international documents regulating migration processes have not been ratified: the Dublin Convention of 1990, the Amsterdam Treaty of 1997, the Lisbon Treaty of 2009, etc., and real measures to join the Maastricht Treaty have not been implemented [19].

This makes subjective law a significant component of socio-political reality, in particular, due to the fact that the application of the status of "temporary protection" to forced migrants from Ukraine is a certain deviation from the provisions of the 1951 Convention relating to the Status of Refugees. The problem is exacerbated by the inconsistency of Ukrainian legislation with the norms of the EU acquis communautaire regarding: the status of long-term residents, certain aspects of the right of migrants to work, the right to freedom of movement, the standardization of the asylum procedure, etc. There is also a lack of an appropriate level of transparency in the legal mechanisms for family reunification.

This leads to certain geopolitical complications, in particular, due to the different attitudes of the population of asylum-granting countries to the need to deviate from the provisions of the 1951 Convention relating to the Status of Refugees for displaced persons from Ukraine. This results in changes in the attitude of individual countries to assistance to Ukraine and, accordingly, changes in EU migration law. This poses threats to Ukraine's national security and requires significant efforts by Ukrainian institutional structures to neutralize these threats. An example of the dynamics of changes in the EU's migration law as a response to migration threats is the acceleration of the approval of the EU Pact on Migration and Asylum from 2024. Therefore, this requires an increase in the role of Ukrainian crisis diplomacy (disaster diplomacy) in ensuring the international legal prerequisites for national security.

Assessing the level of national security given the complexity and diversity of influences on it is a difficult task that causes many contradictions in the scientific community. Therefore, this study uses the internationally recognized index of the "fragility" of the state – Fragile State Index (hereinafter) [20]. This index is used to assess the level of national security because it takes into account the main threats to the country's national interests [21]. FSI values are measured by scale points in the range of 0–120. The subinterval (90–100) indicates a dangerous level of risks, the subinterval (70–80) indicates a threatening instability, and the subinterval (60–70) indicates a critical level of threats. Given the decreasing trend in national security risks in the period 2018–2021, as evidenced by the data in Table 1, there is a threatening increase in the following period of time.

A significant part (25 %) of the indicators used to calculate the Fragile State Index are threats that are formed during the migration process. These include, for example, the outflow of the population abroad, the loss of intellectual potential, demographic pressure on the economy. Other indicators, due to their impact on the economic sphere, form indirect threats that external migration poses to national security, in particular, economic recession, instability of economic development, etc. This necessitates a more detailed consideration of these threats in the presented study.

Table 1

Indicators of national and economic security

Year	Fragile State Index, scale points	Level of economic security, %
2018	72.6	49
2019	71.0	49
2020	69.0	48
2021	69.8	48
2022	93.1	42
2023	95.9	46
2024	93.1	45

Based on the regulatory framework for calculating the level of economic security, Maslii and Galushka [22] assessed changes in the level of economic security and indicated the connection of this indicator with the migration process, analyzed the threats of the migration process to economic security. At the same time, having established a correlation between the volume of GDP and the level of economic security, Maslii and Galushka [22] do not indicate the importance of remittances from migrants, the volume of which is a significant addition to the country's GDP. Therefore, this required additional research. In accordance with the regulatory framework for calculating the level of economic security [22], some of its indicators are directly related to the migration process. In particular, these are: the total population, the total coefficient of migration reduction of the population, the share of the elderly population (which is directly affected by labor migration). There are indicators that the migration process affects indirectly, for example, the ratio of the state budget deficit to GDP. Therefore, this requires research, since the migration process indirectly affects national security through indicative indicators of the level of economic security.

The significance of the impact of the migration process on national and economic security was confirmed by the correlation analysis conducted in this study. The correlation coefficient between the number of external migrants and FSI is 0.8163, and the correlation coefficient between the number of external migrants and the level of economic security (Table 1) is –0.9611.

In the regulatory and legal field, threats to national security are defined in Clause 6, Article 1 of the Law of Ukraine No. 2469-VIII "On National Security of Ukraine" [11]. According to the specified Law, these are factors and trends that lead or may lead to the complication or impossibility of ensuring national interests. This determines the normative definition of national security in Clause 9, Article 1 of the Law of Ukraine No. 2469-VIII as the protection of national interests from the specified threats.

Clause 3, Article 4 of the Law of Ukraine No. 2469-VIII [11] specifies the directions of ensuring national security. These are: "military, foreign policy, state, economic, information, environmental security, security of critical infrastructure, cybersecurity and other direc-

tions". Although migration security is not directly defined as a direction of national security, other directions are mentioned to which, undoubtedly, migration security can be attributed. To legally regulate this regulatory uncertainty, it is proposed to introduce amendments to Clause 4 of Article 3 of the Law of Ukraine No. 2469-VIII [11] and directly establish migration security as a direction of national security. Based on this, it is proposed to define migration security as "the protection of the national interests of Ukraine from real and potential threats in the field of migration processes, which ensures stable socio-economic, demographic development of the state and society in the interests of man as the highest social value". This norm is proposed to be introduced as Clause 4-1 of Article 1 of the Law of Ukraine No. 2469-VIII [11].

External migration leads to comprehensive threats to the national security of Ukraine, in particular: narrowing of mobilization capabilities for the Armed Forces; reducing the capabilities of the operational restoration of destroyed housing, critical infrastructure, and enterprises of the military-industrial complex; loss of scientific potential, which results in the suspension of innovation processes in the economy; significant pressure on the Ukrainian labor market, distortion of labor supply and demand, weakening of human resources potential in all areas of economic activity; lowering the status of Ukrainian workers, reputational damage to Ukraine and worsening attitudes towards Ukrainian issues in host countries, which is facilitated by the predominantly unskilled labor of migrants, a significant share of Ukrainians in the shadow sector, increased participation of Ukrainians in crimes in host countries; reduction of tax revenues to the state budget of Ukraine; reduction of opportunities for budgetary support for social programs, complication of state protection of vulnerable segments of the population.

Migration poses significant threats to the economy as a component of Ukraine's national security, not only through the direct outflow of labor. Thus, significant deformations of the national labor market increase the need for employers to increase the level of wages for the existing contingent of workers, which leads to an increase in the cost of production, a decrease in the volume of working capital of enterprises, an increase in the payback period of new equipment and new production, which, accordingly, affects the process of technological renewal of enterprises. This is a significant factor in slowing down economic processes, which creates additional threats to national security.

According to the conclusions of the Office of the United Nations High Commissioner for Refugees, the migration crisis in Ukrainian territories in terms of the number of displaced persons and the short period during which the displacement process takes place has exceeded the crisis of 1939–1945 [19]. Migration leads to a significant distortion of the country's population structure, which creates long-term threats. According to various scenarios, in the next twenty years, the number of working-age people in Ukraine will decrease by 21–47 % and the number of minors by 36–59 % [2]. A significant threat to the national security of Ukraine is the migration of scientific personnel. This process is facilitated by specialized programs of other countries to attract Ukrainian scientists. Currently, more than a quarter of the total number of scientists have emigrated [19]. This poses a threat not only to innovative development but also to the continuity of scientific processes, the reproduction of Ukraine's scientific potential in subsequent periods of time. The outflow of scientists is facilitated by the formation of Ukrainian scientific communities and even scientific schools abroad, which forms a multiplier mechanism for the emigration of talented youth. This, accordingly, increases the strategic threat to national security in the loss of the quality of the country's human potential and the reduction of opportunities for innovative development of the economy.

Proposals to introduce a compensatory migration mechanism attracting foreign workers to work in Ukraine are not sufficiently substantiated. This increases threats to national security, which may be exacerbated by: the scale of attracting foreign labor; significant socio-cultural differences between the arriving contingent and the population of Ukraine; organizational and legal disorder of the immigration process; multiplicative negative impact of the immigration factor. Also, our analysis of the Ukrainian regulatory framework regarding the mass involvement of immigrants in the national economy, compared with the EU acquis communautaire, indicated Ukraine's unpreparedness for this.

To assess the impact of the migration process, Figure 1 shows changes in the volume of emigration of the Ukrainian population over time [23]. With a small average deviation of the specified indicator (11,418) over a sufficiently long period of time from 2010 to 2021, the volume of emigration of the Ukrainian population in 2022 had a shock effect on all spheres of economic and social life. Accordingly, mass migration itself in a short period of time created significant threats to the country's national security, since it did not provide an opportunity for adaptation. There are also consequences of this threat that are prolonged in time. Thus, according to our correlation analysis, the correlation coefficient of the number of migrants with the volume of goods and services produced by individuals and entrepreneurs has a significant negative value – 0.474. This indicates not only the outflow of the active part of the population in the structure of labor migration, but also the narrowing of consumption as a result of mass migration.

The correlation coefficient of the number of migrants with the real wage index in Ukraine is a negative value of –0.5523, i.e. migration increases the need for financial incentives for the labor force in the country.

At the same time, the efforts of the relevant state structures in the period after the start of large-scale hostilities managed to neutralize the short-term consequences of a significant amount of external migration in a fairly short time. Thus, the financial stress index, which correlates with the number of migrants with a time lag in a calendar month, was reduced by 3.8 times to a safe level of 0.2072 as early as 17.11.2022 [24].

At the same time, migration after the start of the large-scale invasion caused long-term negative consequences, since about half of the total number of those who left the country in 2022–2024 left during this time [25]. This is what led to the imbalance of exit-entry to Ukraine during this period. This is confirmed by a comparison of data outside the shock period, which indicate

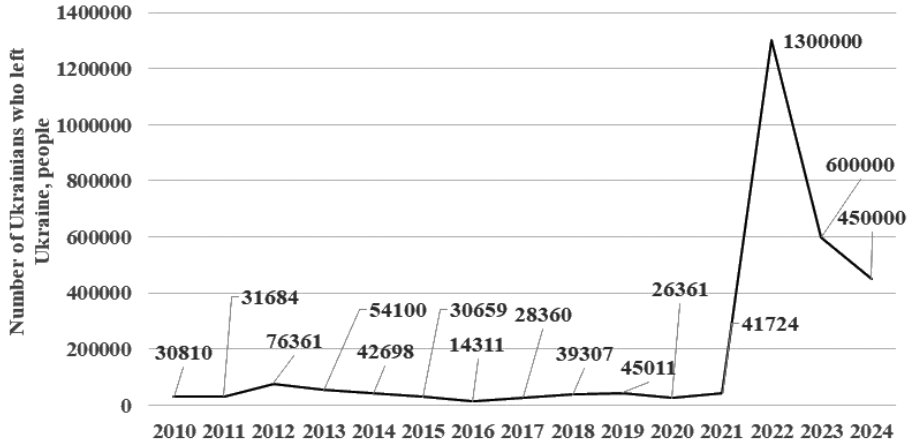

Fig. 1. The number of Ukrainians who left Ukraine, people

that with a significant number of those who crossed the state border for a long time, there was also a significant share of those returning to Ukraine. Moreover, in some periods of time, the number of those returning was greater than the number of those leaving the country. This, for example, happened in June 2022, when the difference between the number of those who returned and those who left was 87,725 people and in December 2023, when this difference was 30,180 people, which is confirmed by Fig. 2, made according to [25]. The data presented in Fig. 2 confirm that the threat that frightened the EU countries regarding the "mass influx" (a term used by scientists from the European Union countries) of Ukrainian migrants to the EU countries has actually been eliminated.

At the same time, the number of migrants today is greater than before 2022, which may indicate an increase in the share of labor migrants in the migration structure, in particular those working on a pendulum principle. It is also necessary to take into account the existing discrepancies between the data of the Ukrainian Border Service and the relevant structures of the Republic of Moldova, Romania, Poland, Hungary and Slovakia [28]. In particular, this indicates unregulated migration.

The tendency to increase the share of migrants employed in the labor process abroad will lead to short-term imbalances in the labor market in Ukraine in conditions of mobilization. An increase in the share of labor migration may be due to various reasons – the desire to improve the financial situation, to ensure temporary material support in the country of residence while avoiding mobilization, etc.

Under the combined influence of negative factors, the increase in the share of elderly people in the country's population, the decrease in the birth rate, losses in deaths and injuries as a result of the war, etc. also leads to a long-term trend of decreasing employment levels. This is confirmed by the analysis of the data from the State Statistics Service of Ukraine [26], Opendatabot [27] presented in Table 2. Thus, since 2021, the employment level has decreased by 1.59 times, which corresponds to changes in the level of economic security [28].

At the same time, migration, primarily labor migration, creates significant economic and social benefits for Ukraine. The volume of remittances from labor migrants to Ukraine in some periods is greater than the volume of direct foreign investments in the national economy, which is confirmed by the data in Table 3. The

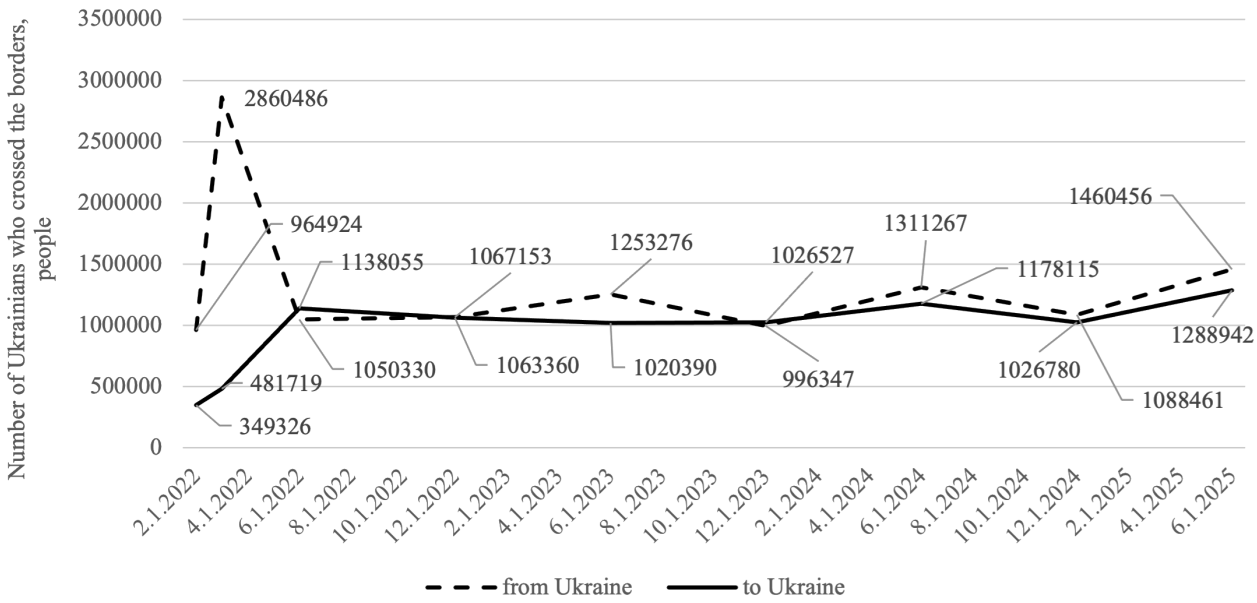

Fig. 2. The number of Ukrainians who left and entered Ukraine in individual months of the large-scale

Table 2

Employment level of the population

Year	Total population, thousand people	Birth rate, thousand people	Age group 65 years and older, % of total number	Employed population, thousand people	Employment rate, %
2015	42,759.7	411.781	15.6	16,443.2	32.5
2016	42,590.9	397.037	15.9	16,276.9	32.1
2017	42,414.9	363.987	16.2	16,156.4	31.9
2018	42,216.8	335.874	16.5	16,360.9	32.4
2019	41,983.6	308.817	16.8	16,578.3	32.9
2020	41,732.8	299.058	17.1	15,915.3	31.6
2021	41,418.7	277.793	17.4	15,610.0	31.1
2022	41,050.2	209.393	17.6	12,147.0	24.4
2023	37,730,1	187.387	20.2	9,250.0	19.6
2024	35,800.3	176.679	22.1	–	–

volume of private remittances from migrants to Ukraine (Table 3) has a high level of correlation with the birth rate in the country (Table 2) – the correlation coefficient of these indicators is 0.6591. As can be seen from Table 3, compiled according to the data from the National Bank of Ukraine [29] and the results of our own calculations, the negative correlation coefficient of the volume of private remittances and Ukraine's GDP and, even, a positive correlation with the volume of exports of goods and services are also significant. A moderate level of correlation was established with the indicators of the country's short-term and gross debt, which indicates the neutralization of the threats of increasing the country's debt burden due to the receipt of significant amounts of private remittances, that is, the macroeconomic significance of labor migration.

The above may indicate, in particular, the formation of both formal and informal economic ties between representatives of labor migration and Ukrainian business entities. This is also confirmed by the significant value of the correlation coefficient between the number of migrants and the added value at the production costs of medium-sized businesses (0.5971).

This also indicates a significant level of adaptation of the country's economy and society to moderate changes in migration flows.

At the same time, remittances from migrants are used by their relatives in Ukraine mainly for consumption. This is indicated, in particular, by the value of the correlation coefficients of price indices for individual groups of food products and the volume of private remittances to Ukraine in 2016–2024 (Table 4).

Table 4 uses the data from the State Statistics Service of Ukraine on Consumer Price Indices in 1993–2024 [30].

A significant indicator of the direction of private remittances for consumption for vulnerable social groups is the difference between fields 6 and 7 of Table 4 with fields 2, 3, 5, which represent the main food products for the indicated population groups.

As can be seen from Table 3, the volume of private remittances to Ukraine constitutes a significant share of the country's GDP. In terms of this share, Ukraine ranks third on the European continent, second only to the Republic of Moldova and Montenegro. These remittances are mainly directed to consumption (82 % of their volume), which is confirmed by the data in Table 3, the rest is directed to savings and a small share to investment in the activities of economic entities. This indicates an unattainable level of capitalization of private remittances. This is the main reason for the underdevelopment of the migration capital market in Ukraine. At the same time, it is worth noting that the volume of private remittances to Ukraine since 2021 has tended to decrease significantly – the figure for 2024 is 56 % lower than the corresponding value for 2021 (Table 3). This is confirmed by estimates that remittances from permanent migrants account for less than a fifth of their total volume in 2015–2016 [19].

This may indicate a progressive process of reunification of migrants with their families in host countries and, accordingly, a decrease in incentives for remittances to Ukraine. This will lead to both the rooting of migrants outside Ukraine and the formation of a significant deficit in external foreign exchange earnings, which has helped Ukraine to eliminate economic and social

Table 3

Correlation coefficients of the volume of private remittances of migrants and macroeconomic indicators

Years	Volumes of private remittances to Ukraine, million USD	Ukraine's GDP, million USD	Share of private remittances in Ukraine's GDP, %	Ukraine's short-term external debt by residual maturity for the 1st quarter of the year, million USD	Ukraine's gross external debt by general government sector for the *1st* quarter of the year, million USD	Exports of goods and services, % of GDP
2015	52,010	91,030	57.14	53,737	–	–
2016	52,134	93,360	55.84	47,326	36,842	49.30
2017	93,421	112,100	83.34	46,011	36,602	48.12
2018	10,141	130,900	7.75	46,158	39,153	45.24
2019	11,911	153,900	7.74	45,039	41,144	41.23
2020	12,121	156,600	7.74	46,528	44,648	38.82
2021	15,026	199,800	7.52	47,398	47,181	40.69
2022	13,121	162,000	8.10	45,057	52,912	35.46
2023	11,613	181,200	6.41	39,463	72,804	28.60
2024	9,621	190,700	5.05	41,820	103,071	29.40
Correlation coefficient	–	–0.71816	–	0.42149	–0.40831	0.636414

Table 4

Correlation coefficients of price indices for individual groups of food products and volumes of private remittances to Ukraine in 2016–2024

No.	Product group	Correlation coefficient
1	All food products	–0.5500
2	Bread and cereals	–0.5459
3	Meat and meat products	–0.5512
4	Fish	–0.4191
5	Milk, dairy products, eggs	–0.6006
6	Oil and fats (butter)	–0.3562
7	Fruits and vegetables	–0.3489

threats to national security for a long time. This can be helped by improving the constitutional and legal regulation of migration processes.

According to the provisions of the Constitution of Ukraine [31], the regulation of migration processes should be carried out exclusively on the basis of Ukrainian legislation (Clause 10 of Article 92 of the Constitution of Ukraine). Even the introduction of territorial differences in the migration regime should be carried out only on the basis of the Laws of Ukraine (Clause 8 of Article 92 of the Constitution of Ukraine). This refutes the theses of some scientific works [11], where, referring to Article 23 of the Universal Declaration of Human Rights [32] and Article 3 of the Constitution of Ukraine [31], it is noted that the protection of human rights and freedoms should be a priority duty of the state. Reference is also made to Article 9 of the Constitution of Ukraine [31], which states that international treaties that state the need to guarantee human rights and freedoms and that have passed the implementation procedure by the Verkhovna Rada of Ukraine become an integral part of Ukrainian legislation and are therefore mandatory [33]. This is facilitated by certain inconsistencies in national legislation. Thus, in Article 4. Section II of the Law of Ukraine No. 761-VIII [33], as amended on September 12, 2025 "On External Labor Migration" for defining the foundations of state policy in this area, there is even no provision on the need to coordinate migration policy with the protection of fundamental human rights and freedoms in accordance with national security objectives.

At the same time, the right to freedom of movement, which is an important component of migration law, may be restricted, although this restriction, in accordance with the Decision of the Constitutional Court of Ukraine No. 15-рп/2001 of November 14, 2001, should occur exclusively in accordance with national legislation [35].

Also, with strong migration processes, the importance of the fact that, in accordance with Article 25 of the Constitution of Ukraine, Ukrainian citizens who are outside the country's borders are guaranteed "care and protection" increases. This necessitates directing the efforts of the institutional structures of Ukraine to care for forced Ukrainian migrants, who are becoming one of the most vulnerable parts of the population. The organizational and legal support of these guarantees is detailed in the "Strategy of the State Migration Policy of Ukraine for the period until 2025" [19]. At the same time, this is not facilitated by the presence of unregulated migration. To reduce the level of unregulated migration during military operations in the constitutional and legal field, we propose to suspend the effect of Article 204-1 of the Code of Ukraine on Administrative Offenses regarding illegal border crossing [36] and to strengthen Article 332-2 of the Criminal Code of Ukraine (CCU) [37]. This will strengthen the imperativeness of national law in this matter.

At the same time, we have proposed to improve Article 332-2 of the Criminal Code in such a way as to avoid legal contradictions with the Constitution of Ukraine.

It is proposed to amend Article 332-2 of the Criminal Code [37] by adding the following norms:

- paragraph 4: "A person who committed the actions provided for in Part One of this Article and did not stay outside the borders of Ukraine for more than the established period and reported his offense to the border guard service before receiving a documented report of suspicion of committing an offense shall be released from liability if the specified action did not harm the interests of the state";

- paragraph 5: "Actions provided for in Parts One or Two of this Article, combined with human trafficking, drug trafficking or weapons transportation, are punishable by imprisonment for a term of seven to ten years".

The use of the proposed paragraph 4 of Article 332-2 is a step towards conceptualizing the right of Ukrainians to return in accordance with legal standards [37]. This will also allow one to single out those who have unintentionally violated the norm of the Law and avoid legal conflicts, in particular, due to the norm of part one of this article "without relevant documents". The absence of documents may not constitute an offense, for example, if a person discovers their absence due to theft during the process of crossing the border. In this case, the proposed changes to Clause 4 will allow to avoid punishment. Also, the proposed changes to Article 332-2 of the CCU will allow an increase in the number of re-emigrants.

The norm of "established period" will allow one, firstly, to use the possibility to restrict freedom of movement under Article 64 of the Constitution of Ukraine, but not to restrict the right to do so by formulating it in a normative manner as an obligation, secondly, to regulate the specified period by means of subordinate legislation, and thirdly, to move from proposals to establish a specific period for the return of a migrant to an action that continues until the offender returns. This allows bypassing the principle of the absence of retroactive effect of the law and applying it against offenses of past periods, since the offense will continue until the fact of the migrant's return. The isolation in the proposed paragraph 4 of the qualifying features "did not harm the interests of the state" corresponds to the Decision of the Constitutional Court of Ukraine No. 3-rp/99 of 08.04.1999 [37], according to which the norms of the Constitution of Ukraine and legal acts introduced to achieve national (political, economic, social and other) goals are directed to the protection of these interests. The discretion of this norm is limited by Part 3 of Article 3 of the Law of Ukraine No. 2469-VIII [11]. The use of the proposed Clause 5 of Article 332-2 of the Criminal Code of Ukraine [37] will reduce threats to the national security of Ukraine due to the actions of international

criminal groups and limit the mass application of re-emigration measures from the countries of residence, even in relation to unregulated migration.

The re-emigration policy should be diversified in accordance with the reasons (grounds) for return: due to the suspension of social assistance in the country of residence; due to the application of the deportation procedure to migrants; according to the readmission procedure; in the presence of other incentives for voluntary return, which should be agreed upon by interstate legal acts. Accordingly, each category of re-emigrants requires different adaptation practices and material assistance to each of the above categories has its own characteristics.

Irregular migration leads to an unregulated legal status of a migrant in the host country, which can provoke an employer to encourage such persons to work illegally, which, accordingly, puts the worker outside the law, creating risks for both him and society. This fuels cross-border crime, which, accordingly, creates threats to national security. Irregular emigration also leads to social tension in host countries, which causes an increase in the negative attitude of the population of these countries towards Ukraine. For example, in Germany in 2023, the percentage of Ukrainian migrants, the vast majority of whom had an unregulated legal status, suspected of committing serious crimes was 11.6 % of the total number of suspects. This determines the requirements of social groups in EU countries to provide migration control services with powers in criminal legal actions, and to use criminal law mechanisms as regulators of migration flows. This changes the emphasis in social consciousness on the migrant as a person in need of assistance, on the threat to the law. This will also contribute to the regulatory and legal formalization of the status of a re-emigrant.

Failure to resolve Ukraine's legal problems with recipient countries will not only cause significant legal obstacles for Ukrainian migrants, but will also lead to an increase in the negative perception of Ukrainians and Ukraine by both the population and politicians of the recipient countries. Creating a negative image of Ukraine will hinder political, military, economic, and financial assistance, which will create a systemic threat to the national security of Ukraine.

The following provisions of the Law of Ukraine No. 761-VIII [34] also need to be improved: Article 9 regarding the confirmation of professional training results requires the addition of "results of formal and informal professional training" given that in Ukraine and the host countries a different scale of professional levels is possible and, accordingly, different documentation of such a level is possible. Therefore, Article 9 also needs to be supplemented with the clause "Labor migrants... have the right to demand coordination and recognition of documents on the level of their formal education obtained both in Ukraine and in the country of residence". Also in Article 16, paragraph 1, it is proposed to add paragraph 4: "In the case of using informal and illegal schemes for employment, in the presence of financial violations in payment for the results of work, the guilty parties must be held liable both under the legislation of the country of residence and under the Laws of Ukraine".

To form the reverse nature of migration, in particular temporary migration, it is proposed to direct the process of relocation of enterprises not only to the West of Ukraine, but also, by agreement with neighboring countries, to their regions close to the Ukrainian border. By establishing a tax sharing mechanism, this would also allow meeting the needs of the Ukrainian budget, resolve the problem of differences of views of EU countries on the Ukrainian migration issue in view of the Seville Agreement, reduce the migration burden on EU countries, allow them to provide jobs for part of their own population, and additionally solve other economic and social problems. In particular, by eliminating security problems for Ukrainian refugees and limiting their further movement to other EU countries, this would improve interstate relations and neutralize a significant part of the threats to Ukraine's national security related to the migration problem. This would allow replacing the problem of long-term emigration with a process of temporary or circular migration. It is also proposed to accelerate the identification of inconsistencies of national migration legislation with EU law, accelerate the legal examination of contradictions, and harmonize Ukrainian legislation with the EU acquis communautaire.

Conclusions. The directions of threats to the national security of Ukraine, which are created by external migration, are indicated. It is noted that migration creates not only direct, but also significant indirect threats to the economy and society, as a component of the national security of Ukraine. In particular, the shortage of labor forces employers to increase wages for employees, which results in an increase in the cost of production, a decrease in the volume of working capital of enterprises, an increase in the payback period of new equipment and new production. This is a significant factor in slowing down economic processes, which creates additional threats to national security. The impact of external migration on the activities of Ukrainian business entities is indicated. Thus, the calculated correlation coefficient between the number of migrants and the added value at the production costs of medium-sized businesses is a significant value of 0.5971. It is indicated that threats are created not only by the migration process but also by significant dynamic changes in the number of migrants, which does not ensure the proper level of comprehensive adaptation of the economy, society and national security to migration crises.

It is proven that although institutional structures managed to timely prevent the shock impact on the components of national security due to the mass exodus of citizens after the start of a large-scale war, significant negative long-term impacts of the migration process are expected. The threat, in particular, is formed by the distortion of the country's population structure as a result of migration. Thus, in the next twenty years, the number of able-bodied people in Ukraine will decrease by 21–47 % and the number of minors – by 36–59 %, the ratio of the mortality rate of the population to the birth rate will change.

It is indicated that the outflow of highly qualified personnel will reduce the country's opportunities for innovative development in the post-war period. It is noted that the migration of scientific personnel poses long-term threats to the national security of Ukraine not only due to the loss of high-quality human potential, but also due to the disruption of the continuity of scientific processes, the suspension of the process of reproducing the

scientific potential of Ukraine in subsequent periods of time, etc.

At the same time, the positive effects of external migration are also indicated. Thus, correlation analysis revealed the effects of the volume of remittances from migrants to Ukraine on the economic and social components of national security. A significant level of correlation of the volume of remittances with the volume of exports of goods and services and even the birth rate in the country was revealed. This is a significant positive impact on demographic security, since the birth rate decreased in 2024 to a threatening value of 176.6 thousand children, i.e. 2.3 times compared to 2015, and the mortality rate today is three times higher than the birth rate.

Also, indicative are the values of the correlation coefficients of price indices for important groups of food products for consumption by vulnerable segments of the population and the volume of private remittances to Ukraine. At the same time, the unattainable level of capitalization of private remittances due to the direction of remittances from migrants mainly for consumption is noted. This is the main reason for the insufficient development of the migration capital market in Ukraine. The reasons and consequences of the decrease in the volume of remittances are indicated.

In order to prevent this negative process, both regulatory and organizational and legal proposals have been developed. Thus, since only a part of the forced migrants from Ukraine received the status of "temporary protection" in the EU countries, this leads to a delay in their acquisition of the relevant subjective rights in accordance with Protocol No. 1 of the European Convention on Human Rights and does not provide Ukrainian citizens with the right to work in the country of residence. Therefore, the above requires legal regulation. In particular, it is necessary to accelerate the alignment of Ukrainian legislation with the EU acquis communautaire regarding: the status of long-term residents. There is also a lack of proper transparency in the legal mechanisms of the EU countries regarding family reunification. This leads to an increase in the unregulated component of migration, which results in the formation of geopolitical complications, in particular, due to the different attitudes of the population and politicians of the countries-providers of asylum to the need to deviate from the provisions of the 1951 Convention relating to the Status of Refugees for migrants from Ukraine. This, in turn, creates threats to the national security of Ukraine, which are detailed in the article.

Therefore, with the specification of the articles of the current Laws of Ukraine, improvements to the norms of migration legislation are proposed to increase the level of protection of the rights of citizens of Ukraine and reduce migration threats. These proposals are aimed, in particular, at increasing the conceptualization of the right of Ukrainians to return, which is a prerequisite for reducing threats to national security in the post-war period.

As a complex organizational and legal measure, it is proposed to direct the relocation of enterprises not only to the West of Ukraine, but also, by agreement with neighboring countries, to their regions close to the Ukrainian border. This would allow replacing the problem of emigration with a process of temporary or circular migration. Given the increasing level of migration threats to national security, it is proposed to move away from the concept of the State Migration Policy Strategy and adopt the Migration Security Strategy of Ukraine.

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Зовнішня міграція як загроза національній безпеці України: соціально-економічні й правові аспекти

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Мета. Визначити напрями впливу міграційного чинника на національну безпеку, розробити пропозиції щодо удосконалення норм міграційного законодавства та збільшення рівня захисту прав громадян України й зменшення міграційних загроз.

Методика. Метод кореляційного аналізу використано для кількісної оцінки впливу міграційного чинника на економіко-соціальні показники й підтвердження значущості грошових переказів мігрантів для споживання вразливими верствами населення в Україні. За використання методу наукової абстракції вказані причини й наслідки зменшення обсягів приватних переказів. Метод правового аналізу дозволив розробити пропозиції для запобігання цій тенденції. Застосування аксіологічного методу сприяло розробці пропозицій з удосконалення правового захисту громадян України та зменшення міграційних загроз.

Результати. Звернена увага на загрози, до яких призводять значні динамічні зміни міграційних потоків. Установлено недостатній рівень капіталізації приватних грошових переказів. Указано на причини скорочення обсягів переказів як на загрозу національній безпеці. Запропоновані вдосконалення правових норм, спрямовані на сприяння добровільній реемміграції, нормативно-правовій формалізації статусу реемігранта, зменшення рівня неврегульованої міграції, заміщенню проблеми тривалої еміграції процесом тимчасової або циркулярної міграції. Запропоновано прийняти Стратегію міграційної безпеки України.

Наукова новизна. Встановлено значний рівень кореляційного зв'язку обсягів грошових переказів мігрантів з основними соціально-економічними показниками: народжуваністю, обсягом експорту товарів/послуг, індексами цін на продовольчі товари тощо, що дало можливість оцінити спрямування приватних грошових переказів переважно на споживання уразливими верствами населення. Зазначено, що це є основною причиною недостатнього розвитку ринку міграційного капіталу в Україні.

Практична значимість. Запропоновані вдосконалення норм міграційного законодавства дозволять збільшити імперативну складову міграційного права, що зменшить неврегульовану міграцію. Ці вдосконалення також сприятимуть заміщенню тривалої еміграції процесом циркулярної міграції, зменшать міграційні загрози національній безпеці.

Ключові слова: *міграція, категорії мігрантів, національна безпека, економіко-соціальні чинники, правові аспекти*

The manuscript was submitted 08.09.25.