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**Ширшикова Р. Нормативно-правовые акты как организационный средство достижения задач центральных органов исполнительной власти.** В статье раскрывается организационно-правовой аспект обеспечения реализации нормативно-правовых актов центральных органов исполнительной власти Украины. В частности, дан анализ развития научной мысли о нормативно-правовых актах, определены понятия, сущность и формы нормативно-правовых актов центральных органов исполнительной власти Украины. Охарактеризованы виды нормативно-правовых актов в деятельности центральных органов исполнительной власти Украины, а также проанализированы нормативно-правовые акты центральных органов исполнительной власти как юридическое закрепление оптимального варианта управленческого решения. Сделан анализ организационно-правовых основ реализации и оценки эффективности нормативно-правовых актов центральных органов исполнительной власти Украины.

**Ключевые слова:** нормативно-правовой акт, управленческий процесс, организационно-правовые основы, административно-правовые отношения.

**Shyrshykova R. Regulatory Legal Acts as an Organizational Tool/Means for Achieving the Objectives of the Central Executive Power Bodies.** The article reveals the organizational and legal aspects of ensuring the implementation of normative legal acts by the central executive body of Ukraine. The analysis of the scientific thought about normative legal acts, definition of the concepts, essence and forms of normative legal acts of the central bodies of the executive power of Ukraine provide clues to the solution of the problem. In the focus of attention are the kinds of the normative legal acts used by the central bodies of the executive power in their activities. These acts are considered as legal fixation of the optimal management solution. The author analyzes the basic organizational and legal principles of implementation and evaluation of the effectiveness of normative legal acts of the central executive power of Ukraine.

**Key words:** normative-legal act, administrative/management process, organizational and legal principles, administrative-legal relations.

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### **Features of the Polish Experience Application in Legal Labor Migration Regulation in Ukraine**

In this article we try to characterize and analyze the peculiarities of the migration policy development in the early 90's of the twentieth century and till the present day, since today it is expedient for Ukraine to study the Polish experience in order to borrow and successfully implement certain elements and principle approaches in solving the problems. An important component in shaping the Ukrainian-Polish relations in the field of migration is the improvement and expansion of the legal and contractual frame work in this area. It is for this purpose to analyze and characterize, from the point of view of national law and international law, the formation legal and organizational principles of the Ukraine migration policy on the example of the Republic of Poland since it has gained independence.

**Key words:** strategic partner, bilateral cooperation, foreign policy activity, international cooperation, migration, migration policy, Ukraine, Republic of Poland, migrant workers, labor migration.

**Formulation of scientific problem and its significance.** Migration of the population is a complex and multifaceted process that includes not only a change of residence of people, but also change of their social, economic and legal status. Ukraine and the Republic of Poland have faced similar challenges in the

migration field as both the Polish and Ukrainian citizens massively leave abroad to work; Ukrainian and Polish states have become the transit area of powerful international flow of illegal migration that goes from Asia to Western Europe; Poland and Ukraine gradually turn into the final destination of migrants from distant third countries as well.

The objective of the article is to study the peculiarities of legal regulations of labor migration in Ukraine on the example of Poland.

**A statement of the main provisions.** Over the last 10 years Ukraine has become an upward point of intense migration. According to the various estimates, hundreds of thousands to 2 million Ukrainian citizens work in the European countries. Considering the situation on the labor market in this region the migrant workers inevitably face many problems. However, the level of Ukraine's engagement with these people was minimal. Until recently Ukraine has not joined to any of the existing conventions on protection of migrant workers rights (International Labor Organization Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers of 24 June 1975 and the European Convention on the Legal Status of Migrant Workers of 24 November 1977 and others). The bilateral agreements signed with certain countries (including Poland, 16 February 1996) often had only the declaration character, which did not take into account the real problems of migrant workers. Nowadays Ukraine's policy in the migration sphere is in its infancy and is characterized by imperfection of the legislation and lack of experience in the migration processes management.

Whereas, the further growth of migration flows is inevitable, the States face the challenge that is not to fight against workers in a radical way but to form an adequate legal and regulatory framework for the migration process that would normalize this multifaceted process and at the same time solve the urgent problems of migration policy.

In general, it is positive for Ukraine to master the main Polish rules in the field of migration policy formation, which is that the principles of this policy should be based on a rational approach solving specific problems, flexibility and efficiency in making managerial decisions, as well as wide involvement of the public to discussion of migration issues.

In view of this, it would be appropriate for Ukraine to adopt some aspects of the Polish experience in forming the migration policies. A number of scientists and experts often make recommendations on the use of Polish developments, particularly in the field of labor migration regulation, combating illegal migrants, improvement of the ministries and departments operation, within whose competence the implementation of migration policy is attributed.

Overall, the positive thing for Ukraine is to learn the main Polish rule in the field of formulating migration policy, which consists in the fact that the principles of this policy should be based on a rational approach to solving specific problems, flexibility and efficiency in decision-making and broader public involvement in discussion of migration issues [1, p. 28].

Ukraine's legislation on migration is a very wide range of legal acts. Regulatory framework for Ukraine's migration policy includes the international treaties of Ukraine (Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, Convention relating to the Status of Refugees of 1951 and the Protocol of 1967); The Constitution of Ukraine, Laws of Ukraine «On immigration» (2001), «On Refugees» (2001), «On Citizenship of Ukraine» (2001), «On the Legal Status of Foreigners and Stateless Persons», «On the State Border Service of Ukraine» (2003), «On freedom of movement and freedom of choice of residence in Ukraine», «On National Security of Ukraine», «On procedure of exit from Ukraine and entry to Ukraine for the citizens of Ukraine» and the Regulations of entry to Ukraine of foreigners and stateless persons, their exit from Ukraine and transit through its territory [2]. The achievement of Ukrainian law-makers over the last period of time is the adoption of the Concept of State Migration Policy of Ukraine dated 30 May 2011.

The scientists give such a concept of labor migration, participants of which are migrant workers – it is one of the types of migration that is performed by moving across state borders or within the relevant internal administrative units with the aim of job search, the implementation of certain work functions, receiving remuneration for work done, and is regulated in accordance with the law of the country of employment and country of origin [3, p. 90].

It should be noted that the migration situation in Poland at the end of 1990s is similar to that which occurs in many European countries. Under the conditions of demographic and economic crisis, Poland experiences a sharp decrease in economic activity of population, simultaneously with the growth of unemployment. At the same time the «status quo» retention policy which is trying to preserve the status of international migration at the current level is rejected because it does not solve the existing problems. The Republic of Poland faces the problem in the introduction of the policy of restricting migration. In 2001 in

Poland a special body for Repatriation and Aliens has been created, which is competent to regulate immigration and repatriation, maintaining the register of foreigners, including migrant workers [3, p. 56].

On the way to EU membership Poland took legislative and institutional system reform, including the sphere of migration policy. Some authors have noted the crucial role that combining of EU norms and standards played in the development of Polish migration policy during the accession to the EU in 2004.

Reforms focused mainly on the transformation of the legal framework. In an effort to comply with the standard practice of the EU member states, Poland adopted a single comprehensive law regulating all aspects of state policy on foreign nationals, from the terms of legal entry and the issuance of residence permits to the detention and expulsion of illegal immigrants – The Law on foreigners, which was firstly passed in 1997 and subjected to several major changes, the most significant of which met the demands of European integration – in 2003. The Republic of Poland Law on foreigners in the new edition not only defined the basic conditions compatible with EU standards but also determined the competence of corresponding state institutions, set clear guidelines for their activities and inter-agency cooperation at every step of the process of working with foreigners.

In order to settle out the situation and taking into account the Polish experience, the government of Ukraine in November 2010 passed an order according to which the issue of institutional support for migration policies was necessary to be solved in the coming months – in the context of the Comprehensive Institution Building Programme in the framework of the EU «Eastern Partnership». The final solution to this problem was the Decree of the President of Ukraine on April 6, 2011 № 405/2011, which approved the Regulation of the State Migration Service of Ukraine. In order to create proper conditions for the implementation of state policy in the field of migration, the Decree of the President of Ukraine of May 30, 2011 N 622/2011 adopted Concept of migration policy.

Thus, the Ukrainian authorities are trying to improve the national legislation taking into account experience of its strategic partner. In view of this the project «Labor migration regulation – challenges for Ukraine in the context of the Polish experience» was formulated aiming at examining some aspects of the phenomenon of labor migration (including the example of Ukrainian labor migration to Poland) and offering possible models of regulation of migration processes in Ukraine. The project was implemented by two non-governmental think tanks from Ukraine and Poland: Center for Peace, Conversion and Foreign Policy of Ukraine (Kyiv) and the Institute of Public Affairs (Warsaw) with financial support of Polish-American-Ukrainian Cooperation Initiative (PAUCI). Within the project a number of studies including the systematization of the Polish experience in the regulation of labor migration were carried out. Presentation of the Polish experience as an example for Ukraine with the aim of finding analogs, relating to processes that occurred in Poland.

Particular weight in the prospect of the Ukrainian-Polish relations development in the field of migration is ratified by the Verkhovna Rada of Ukraine on September 5, 2013 Agreement between Ukraine and the Republic of Poland on social security. Given the current state of Ukrainian labor migration to Poland, this Agreement is extremely important for Ukrainians, since it provides for the possibility for citizens of Ukraine who legally work in Poland to preserve acquired social right under Polish law after the completion of their employment and return to Ukraine. According to parliamentarians, this will encourage motivation for legal employment and the return of Ukrainian citizens to their homeland.

On the way to full membership in the European Union, Ukraine faces a difficult task of reforming the legislation and the institutional system in the field of migration policy. Migration is an important factor in the civilized transformation of the Ukrainian state, and therefore requires an appropriate attitude from the higher authorities of state power.

The beginning of this problem solution was the adoption of the State Migration Service Regulation, approved by the President of Ukraine Decree dated April 6, 2011, No. 405/2011, which practically restored the work of the State Migration Service and, thus, eliminated existing conflicts over the institutional provision of the state migration policy, and approval of the State Migration Policy Concept (Decree of the President of Ukraine dated May 30, 2011, No. 622/2011), which defines not only the necessary strategic direction in this area, but also the mechanisms for their implementation.

The adoption of the State Migration Service Regulation was carried out within the framework of the fulfillment of obligations as summed by Ukraine under paragraph 16 priorities of the EU-Ukraine Association, which provides development of the necessary legislative and institutional framework for migration management with the aim to combat with illegal migration, smuggling and trafficking in human beings with the support of the EU [4].

The urgency in developing and adopting the legal framework for migration policy was also highlighted in the EU-Ukraine Action Plan of the visa regime liberalization, agreed on November 22, 2010

[5].

**Conclusions.** Thus, in the process of developing the migration policy of Ukraine, it is expedient to study the Polish experience, in order to borrow and success fully implement certain elements and principle approaches in solving the tasks. Improvement and expansion of the legal and contractual framework in this area are important components in shaping the Ukrainian-Polish relations in the field of migration. The legal issues of labor migrants needs particular attention from the both countries. The basis of the external labor migration legal regulation of Ukrainian citizens to the Poland Republic is the legal acts of Ukraine and the Poland Republic, as well as number of bilateral agreements. The is sue of border crossing settling is an important factor in the legal regulation of bilateral relations. Particular attention should be paid to the practice of the Polish labor law formation and application, which regulates the employment of foreign workers.

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**Гороть А., Прокопчук К. Особливості застосування в Україні польського досвіду правового регулювання трудової міграції.** У статті зроблено спробу охарактеризувати та проаналізувати особливості розвитку міграційної політики з початку 90-х ХХ ст. і до сьогоднішніх днів, оскільки Україні сьогодні доцільно вивчити польський досвід для запозичення та успішного впровадження певних елементів міграційної політики і принципових підходів до вирішенні подібних проблем в Україні. Важливим компонентом у формуванні українсько-польських відносин у сфері міграції є вдосконалення та розширення правової та договірної бази. Саме з цією метою зроблено спробу проаналізувати та охарактеризувати формування правових та організаційних принципів міграційної політики України на прикладі Республіки Польща з часу набуття нею незалежності, з точки зору як національного права так і міжнародного права.

**Ключові слова:** стратегічний партнер, двостороннє співробітництво, зовнішньополітична діяльність, міжнародне співробітництво, міграція, міграційна політика, Україна, Республіка Польща, трудові мігранти, трудова міграція.

**Гороть А., Прокопчук Е. Особенности применения в Украине польского опыта правового регулирования трудовой миграции..** В статье сделана попытка охарактеризовать и проанализировать особенности развития польской миграционной политики с начала 90-х годов ХХ в. и до сегодняшних дней, поскольку Украине сегодня целесообразно изучить польский опыт для заимствования и успешного внедрения определенных элементов миграционной политики и принципиальных подходов к решению подобных проблем. Важным компонентом в формировании украинско-польских отношений в сфере миграции является совершенствование и расширение правовой и договорной базы. Именно с этой целью сделана попытка проанализировать и охарактеризовать формирование правовых и организационных принципов миграционной политики Украины на примере Республики Польша с момента обретения ею независимости, с точки зрения как национального законодательства, так и международного права.

**Ключевые слова:** стратегический партнер, двустороннее сотрудничество, внешнеполитическая деятельность, международное сотрудничество, миграция.