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## Facts and fabrications

Experiences of law and legality among  
return migrants in Ukraine

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### Abstract

How do return migrants reintegrate back into the society? This question has been explored by much academic scholarship interested in the migration and development nexus. This paper contributes to these debates, but focuses on the experiences of re-adaptation of return migrants in the *legal* sphere. It systematically addresses three interrelated questions. First, how do return migrants re-establish their relationship with the legal system upon arrival? Second, how do their experiences of return and re-adaptation, upon being exposed to different ways of understanding and relating to the law, contribute to their interpretations of legality, and influence their values and attitudes to law? Finally, how do return migrants' responses to the law in the commonplace contribute to the production of legal knowledge? (cf. Yngvesson and Coutin 2006: 178; Riles 2006). The analysis is based on 99 in-depth interviews conducted in Ukraine with return migrants, family members of migrants and representatives of organizations that help return migrants reintegrate back into the society. The data has been gathered under the auspices of THEMIS project. Discussing migrants' legal adaptations I pay particular attention to the *logic of difference* (Moore 1986) between how law and legality are being perceived 'at home' and abroad, and what this can tell us about 1) the safety and personal security of return migrants; 2) their relationships with the police, bureaucracy and local officials; and 3) their choice of career paths and business ventures in Ukraine. I employ the comparative lens on the role of law to grapple with the fabrications of some of socially constructed 'myths' about legality in Ukraine.

### Non-technical summary

This paper addresses three questions about how migrants who return to their home country re-integrate into the legal sphere:

- How do return migrants re-establish their relationship with the legal system when they get back to their home country?
- How do their experiences of return and re-adaptation contribute to their interpretations of legality, and influence their values and attitudes to law?
- How do their responses to the law contribute to the production of legal knowledge?

The paper investigates how law and legality are perceived at home and abroad, and what this can tell us about: the personal security of return migrants; their relationships with the police and local officials; and their choice of career paths and business ventures.

The analysis is based on interviews conducted in Ukraine with return migrants, family members of migrants and representatives of organizations that help return migrants to reintegrate. The data has been gathered under the auspices of THEMIS project.

**Keywords:** return migration, legality, legal culture/consciousness, Ukraine, migration and development

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## 1 Introduction

How do migrants build their relationship with the law and the legal system of the host country? How do they integrate into the legal sphere? These questions have been at the core of much academic writing focused on the legal integration and adaptation of immigrants (Bierbrauer 1994; Hagan 1994; Coutin 2000; Hein and Beger 2001; Coutin 2002; Menjivar 2006; Currie 2007; Currie 2007; Kubal 2009; Bayır and Shah 2012; Kubal 2012b; Salcido and Menjívar 2012). However, in the *age of migration*, where initial movement does not necessarily lead to settlement but more often becomes a temporary or circular experience (with many people actually *settling within mobility*), it is also vital to address the question on the legal re-integration that takes place when migrants return to their origin countries – often equipped with experiences resulting from substantial time abroad. Investigating migration as a transnational process (Glick-Schiller, Basch et al. 1995; Levitt 2001; Levitt, Luckens et al. 2011) requires us to look beyond the experiences of migrants in the destination and embrace the origin in the analysis – not only as a ‘sending’ region but more importantly as a place of voluntary (or involuntary) return: sometimes ‘for good’, sometimes ‘for the time being’ (Agunias and Newland 2007).

Except for the emerging trend in the wider diasporas literature (Barry 2006; Brand 2006; Fitzgerald 2006; Coutin 2007; Gamlen 2008; Gamlen and Marsh 2011), there seems to be little understanding of the fact that migrants are not only immigrants but also *emigrants* with relation to the law. The literature focuses mainly on institutional arrangements or origin countries’ mechanisms (top-down perspective) extending beyond their borders and impacting on a variety of extra-territorial groups: emigrants and their descendants. What is missing therefore is a focus on return migrants themselves (bottom-up approach) and a comprehensive inquiry into their responses to their ‘home’ country’s socio-legal environment (Kubal 2012b).

This paper examines return migrants’ re-adaptations and the production of legal knowledge that accompanies these processes (Yngvesson and Coutin 2006). It systematically addresses three interrelated questions. First, how do return migrants re-establish (re-enact, re-build) their relationship with the legal system upon arrival? Second, how do their experiences of return and re-adaptation, upon being exposed to different ways of understanding and relating to the law, contribute to their interpretations of legality, and influence their values and attitudes to law? Finally, how do return migrants’ responses to the law in the commonplace contribute to the production of legal knowledge? This paper contributes therefore to an emerging trend in the anthropology of law, a project that uses ‘analogies between legal and other forms to examine how knowledge itself is produced’ (Yngvesson and Coutin 2006: 178, cf. Riles 2006).

According to World Bank data (2010), Ukraine comes fifth, after Mexico, India, Russian Federation and China, in a list of which countries have sent the most migrants abroad (there are 6.5 million Ukrainian citizens living abroad; see Table 1). It suffers population loss the most – with 14 per cent of its entire Ukrainian population abroad. Its economy is also most dependent on the flow of remittances, which amount to 3.9 per cent of the GDP of Ukraine (World Bank 2010). Düvell (2006: 1) goes as far as calling Ukraine ‘Europe’s Mexico’ – as it is not only the major supplier of migrant labour to Europe (around 1 million people), but also the major sending country of undocumented migrant workers.

**Table 1:** Top five migrant-sending countries worldwide

Country	Population Size	Population Abroad	Population Abroad (%)	Remittances as a share of GDP (%)
Mexico	114,793,341	11,859,236	10	2.1
India	1,241,491,960	11,360,823	1	3.0
Russia	141,930,000	11,034,681	7	0.4
China	1,344,130,000	8,344,726	0.6	0.8
Ukraine	45,706,100	6,525,145	14	3.9

Source: World Bank 2010

With so many migrants abroad, return migration becomes a pressing issue, also because the great majority of Ukrainian migration is temporary. Düvell (2006: 3) estimates that 70 per cent of all migrants are engaged in circular, there and back ('shuttle') movement between work in various destination countries and family life in Ukraine. I rely on King's broad conceptualisation of return migration, whereby people return to their country or place of origin after a period of time abroad, but where their 'return may only be the prelude to further episodes of spatial mobility' (King 2000: 8). While the return may not be permanent, it nonetheless demands re-engagements with various forms of public life (broader than political) in Ukraine – looking for work, opening a business or even applying for building permission – and also with those spheres traditionally understood as private (family life). It is also interesting to consider to what extent return migrants' experiences (struggles) of re-adaptation within the state legal structures actually contribute to the perpetuation and reproduction of temporary mobility.

Reviewing the scarce and rather fragmented literature on the legal adaptations of return migrants and re-affirming their experiences of legality within the rich legal consciousness scholarship I set the premises for the analysis. After introducing the data and methods, I trace the often troubled journeys of the return migrants from different places of residence in Western Europe back to Ukraine. Discussing their adaptations I pay particular attention to the logic of *difference* (Moore 1986) between how law and legality are being perceived 'at home' and abroad, and what this can tell us about 1) the safety and personal security of return migrants; 2) their relationships with the police, bureaucracy and local officials; and 3) their choice of career paths and business ventures in Ukraine. In the final part of the paper, I employ the comparative lens on the role of law to grapple with the fabrications of some of socially constructed 'myths' about legality in Ukraine.

## 2 Legal re-adaptations

The gap in the literature on return migrants' involvement with the law exists in large part because of the obstacles associated with locating and tracking the experiences of return migrants, a population whose behaviour might be monitored by the state, but is virtually inaccessible to social science monitoring. In more recent years, however, journalistic accounts, human rights investigations, and a growing number of studies have begun to raise a number of important issues associated with return migrants' resettlement options and coping strategies in the origin countries (Rodríguez and Hagan 2004). These studies are often associated with involuntary return (deportations) resulting from changes in the immigration law, particularly in the United States, where a series of laws enacted in the mid-

1990s and early 2000s<sup>1</sup> made it easier to deport non-citizens, including those with permanent legal residence status.

There is therefore emerging scholarship on how deportation disrupts family relations and ties, remittance behaviour, and subsequent settlement experiences (Yngvesson and Coutin 2006; Hagan, Eschbach et al. 2008; Hagan, Castro et al. 2010). The costs of social remittances, including the return of disaffected youth and their local influence, have also started to come into focus (Portes 2007: 91). Coutin (2007) examined the significance of the return of long-term US residents deported to El Salvador. Even though her respondents legally remained Salvadoran citizens, by leaving El Salvador as children they felt completely alien there – the return jeopardised their sense of being, because they shared experiences of ‘not knowing what to expect from this country’ (cf. Yngvesson and Coutin 2006: 182), which caused dire problems with reintegration. This research evidence is compelling, although limited to the specific experiences of involuntary returnees, who very often left their origin countries at a very young age. The question therefore remains: what about return migrants who ventured to various places abroad as adults, having already formed and ‘lived’ a great number of relationships, allegiances and coping strategies? How do their experiences of legal re-adaptation back in the origin country contribute to the production of legal knowledge?

### **3 Legal culture and legal consciousness of re-integration**

In the body of research on migrants’ legal adaptations in the host country, questions relating to people’s agency regarding legal frameworks in the commonplace – what do they mean by law, when do they follow, avoid, or contest it – have been addressed under the heuristic umbrella of legal culture/legal consciousness (Bierbrauer 1994; Hein and Beger 2001; Abrego 2008; Kubal 2009; Abrego 2011; Kubal 2012b).<sup>2</sup> Legal culture, defined as patterns of ‘ideas, attitudes, expectations and opinions about law, held by people in some given society’ that influences their ‘way of doing and thinking, ... (and) bends social forces toward or away from the law and in particular ways’ (Friedman 1977: 15) was therefore considered an important factor in explaining migrants’ various strategies and responses to the legal system of the host country.<sup>3</sup> Migrants’ culture has been considered with regard to a wide variety of immigrant groups, and in the court setting (Moore 1999; Hein and Beger

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<sup>1</sup> Illegal Immigration Reform and Responsibility Act 1996, Anti-Terrorism and Effective Death Penalty Act 1996, US Patriot Act 2001.

<sup>2</sup> The distinctions between the concepts of legal culture and legal consciousness have been heavily debated in socio-legal studies. I understand legal culture as comprising both behavioural and cognitive spheres of people’s relationship with law. It encompasses: values, attitudes to law, as well as legal behaviour. Legal consciousness is therefore treated here as an aspect of legal culture – a theoretical concept relating to the cognitive sphere of people’s relationship with law, their values, attitudes to law, but also images, myths, and understandings of it. This analytical distinction is not however reflected by much of the empirical research reviewed here, where on various occasions the terms of legal culture and legal consciousness have been used interchangeably. It is beyond the scope of this paper to engage in the division between the subjects studied under the legal culture and legal consciousness discourses, respectively, as the overlap of issues is quite extensive, and the same – or similar – topics were successfully studied under both approaches.

<sup>3</sup> Legal culture is one of the most established terms in the scholarship of socio-legal studies – at the same time it is one of the most general and ubiquitous concepts in the study of law in society. Cf. Friedman (1975, 1977, 1990); Blanke and Bruinsma (1994); Blankenburg (1998); Cotterrell (1997); Ewick and Silbey (1995, 1998, 2002); Gibson (2003); Gibson and Caldeira (1996); Nelken (1995, 2004a,b, 2007); Nelken and Feest (2001); Kurkchian (2005, 2006, 2010, 2013); Kurkchian and Galligan (2003); Silbey (2005).

2001). The use (and abuse) of migrants' culture as addressed either before or by the judge inspired criticism of essentialisation (Renteln 2004; Renteln 2009; Renteln and Foblets 2009) and criminalisation of culture (Kusters 2009).

Legal culture, like all culture, is not static but changing. It does not develop in a vacuum but responds to and adapts to the environment. Kubal's (2009, 2012b) research exemplified how the values and attitudes to law of Polish post-2004 EU Enlargement migrants to the UK, as well as their accustomed patterns of legal behaviour, *initially* influenced their choices regarding having a 'semi-legal' or legal status. With time, however, the ways in which people place themselves as legal subjects affect how they relate themselves to the law and legality. By engaging with the law through the everyday actions of changing status, migrants experienced a new quality of 'legal' (in the sense of lawful and authorised), which then brought about changes in attitudes to law and appreciation of the value of legality (Kubal 2009). People of course do not change overnight. The change is observable but it is not as rapid as the change of structural conditions for action, as customs, attitudes and behaviours are much more impervious to deliberate policies. The legal culture is changing, yet its change could best be characterised by its attribute of inertia: a tendency to resist immediate transformations, in favour of gradual adaptation to the conditions and structures provided (Kubal 2012b). This paper looks at return migrants who spent a considerable time abroad, arguably being exposed to different ways of 'doing and thinking about law' (Friedman 1975): in their re-adaptations in Ukraine to what extent are they therefore agents of change (Tiemoko 2004; Conway and Potter 2007) and to what degree do they continue 'business as usual'?

The discussion of legal culture change and adaptation raises also the question of its analytical unit. The available answers range from a position that 'each nation has a legal culture' (Friedman 1975) to 'the appropriate unit of legal culture may be the local court, the prosecutor's office, or the lawyer's consulting room' (Nelken 2004). Abrego (2008, 2011) demonstrated that with reference to migrants the units carved along national lines might be less relevant when compared to generational experience (and time of migration) in examining the significance of legal consciousness in immigrants' integration processes in the US. Her research demonstrated how Mexican, Guatemalan and Salvadoran immigrants' (and their families') experiences resulting from migrating at different life-stages and interacting with different social institutions in the US led to significant differences in legal consciousness between the first and the 1.5 generations of migrants (Abrego 2011: 347). The difficulties of talking about a national (e.g. 'Guatemalan' or 'Ukrainian') legal culture pertain also to the heterogeneity of populations and importance of variables such as gender, class, education, and prior exposure to difference. This paper instead has the unique advantage of researching a particular group within the Ukrainian population – return migrants, those most likely to be exposed to different ways of understanding and relating to the law and the legal system. How do they interpret legality? How do their experiences of living and working in a different country bring about the 'the meanings, sources of authority and cultural practices that are commonly recognised as legal, regardless of who employs them or for what ends' (Ewick and Silbey 1998: 22)? How do these in turn figure in their narratives on legal re-adaptations 'back home'?

What are the current insights into Ukrainian legal culture? The country attracts special attention as a relatively young and transitional country, with various studies on the assessment and impact of its economic, social reforms (Aslund 2002; Kubicek 2005; Aslund

2009) and its political turbulences (Aslund 2005; Allina-Pisano 2007; Malynovska 2007). The question regarding the qualitative exploration of how people build their lives within the framework formed by their interpretation of what the law is (Ewick and Silbey 1998) remains an open one. There are very few sources on Ukrainian legal culture *per se*, which reflects an implicit assumption that Ukrainian legal culture is the same as Russian legal culture. Popadyna (2011) – falling prey to these generalisations (though the other way round) – compared Ukrainian legal identity with that of Western Europe; Vladymirova (2002) more focused study examined the legal culture of Ukrainians working in higher education. Empirically, people's engagement with the law in Ukraine has been explored by Kurkchiyan (2013, forthcoming) through her analysis of the civil courts. She treated the lower court as a window into society and inferred observations about the use of law, its social meaning and 'how society itself works through an understanding of how, why and when people use the law' (Kurkchiyan 2013: 3). Her research demonstrated that in Ukraine 'the legacy of Soviet mentality (...) operates in full force' (p. 32): inefficient public administration and corruptibility of civil servants underline much of the analysis. Representatives of public bodies, who had been summoned by the court as witnesses or third parties – fail to turn up (p. 15); any interaction with bureaucracy always takes a great deal of time and effort on the side of the common man (p. 16), which in turn makes the option of taking short cuts by 'oiling the machinery' irresistible (p. 16).

Kurkchiyan concludes by drawing inferences on the origins of these features of the legal culture whereby 'in each country (...) each national system tends to project different social messages and create different sets of mentalities among the members of the public' (p. 25). This positions the debate on legal culture within national boundaries, and perhaps attributes it with a certain *sedentary bias*. While the researchers of legal cultures/ legal consciousness admit that it is a complex and multifaceted issue (Ewick and Silbey 1998; Kubal 2012; Kurkchiyan 2005; Nelken 2004a) in their portrayals they primarily draw on the most visible trends in the society, normally associated with the mainstream values and attitudes to law, accustomed patterns of legal behaviour. On the one hand this reductionism is inevitable due to the complexity of the actual values and attitudes; on the other hand, however, it also leaves from the analysis all what is happening on the peripheries of the mainstream, mediated by a complex set of experiences and structural positionalities. While national boundaries congruent with a particular legal system are good place to start the analysis of legal culture, we should perhaps not limit ourselves to them when discussing the development of various attitudes and values to law, especially in the current age of global migrations and transnationalism (Glick-Schiller, Basch et al. 1995; Levitt 2001; Vertovec 2004). It is perhaps time to see how Ukrainian legal culture reflects the polysemous voices of a large part of its internationally mobile population.

## 4 Methods

This paper is based on fieldwork among Ukrainian return migrants from four European destination countries: the UK, Netherlands, Portugal and Norway. The data collection was conducted under the auspices of the THEMIS project (Theorizing the Evolution of European Migration Systems). THEMIS focuses on migration to and from Europe and aims to explain the divergent migration dynamics associated with initial, circular and return migration and contribute to bridging the theories on initiation and continuation of migration (Bakewell, Haas et al. 2012). The focus on return migrants, with whom the material presented in this



paper has been gathered, was therefore dictated by the rationale of the project's research questions. However, this somewhat random selection of destination countries, which the return migrants hailed from, also enabled me to capture the plurality of migrants' legal experiences, ranging from detailed descriptions of immigrant detention centres in the Netherlands to leaving one's car unlocked in a car park in Norway. The Ukrainian migrants' relationship with immigration laws in those four countries, with different degrees of severity of migration governance regimes, varied along the axis of undocumented and legal residence (short and long term) with different experiences of semi-legality in between (Kubal 2012a). This allowed me to engage with the ethnography of the legal process. In looking at returnees rebuilding their relationship with the law I turned to the mechanisms that produce and sustain what many scholars term the structures of legality (Silbey 2010).

I analyse material resulting from eight months of data collection, and stemming from 99 in-depth interviews, field observations and a literature study. Ninety-one interviews were conducted with return migrants and migrant family members; these interviews were conducted in Kiev (Central Ukraine) and Lviv oblast (a region in Western Ukraine with the highest out-migration rate to Europe) (Bilan, Lapshyna et al. 2010). I also relied on eight interviews with representatives of organisations involved in the re-adaptation of return migrants, and with key stakeholders, conducted during my two field trips to Ukraine in summer 2011. Each interview lasted between one and three hours. They were conducted in Russian, Ukrainian, and Polish and then transcribed and translated into English. The material was anonymised, coded and managed using NVivo software. In the empirical part of the paper I particularly draw on the section of the interviews relating to migrants' relationship with the legal system upon return, their reflections on their adaptations, and their knowledge of and responses to changes in law.<sup>4</sup>

## 5 The facts of return

The narratives of legality usually began with a description of return; whereby the temporality of one's legal status abroad figured as a prominent factor affecting the decision to come back:

My visa expired and I did not want to stay illegally there. It was absolutely unacceptable for me. In this case I would have to hide all the time [L, female, NL].

But it is clear as the visa expires and you cannot stay there just because you like it there, you should obtain a visa, have motives and reasons for staying, gather a lot of documents and so on [K, female, NL].

It is impossible to live illegally in a foreign country for the rest of your life. It is necessary to have documents and to be sure of the forthcoming day. I did not want to be always afraid that they might catch me and deport from the country. It would be not a life but a mere existence [Y, male, UK].

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<sup>4</sup> I would like to express my deepest gratitude to Dr Kateryna Ivaschenko from the Institute of Sociology, Ukrainian Academy of Sciences in Kiev for her collaboration on the THEMIS project and data collection. My special thanks to our Research Assistants: Marianna Yeleyko-Pitsur, Ksenia Kharchenko, Marko Markovic, Viktoriya Volodko, Mykola Iavorsky, Evelina Narivska, Tetyana Tkachenko, Oksana Khymovych, Nataliya Vashrova, and Oksana Zhuleneva.

These legally motivated arguments for return were however nested within with a number of personal considerations:

When my work contract came to an end, I came back home and told my wife that I was not going to work abroad anymore. I told her that I wanted to live with my family since I had only one life [I, male, NL].

When I had to renew my residence permit I asked myself a question: 'For whom will it be easier to adapt: for my daughter and wife in Portugal or for me in Ukraine?' And the answer was obvious that it was easier for me, so I returned [A, male, PT].

These insights demonstrate how purely 'legal' considerations for return were in fact intertwined with a number of personal ones. Legal reasons, such as expiration of a visa, do not stand by themselves, as law never exists in a vacuum. Decisions to return might not be shaped by law *per se*, but legal considerations influence the very fact of having to make such decision. This is how legality is juxtaposed against everyday life considerations of being reunited with one's family or leading a stable life. The narratives concerned with return bring out the first indication of the value respondents attached to the stability of their lives. This is particularly reflected in their decisions to move away from the precariousness connected with 'living in the shadow' and having an undocumented immigration status. The values of stability and predictability of life will later appear in many instances not only in the context of the return, but quite often as a normative albeit unrealised ideal of what life should be about in general.

In the complex picture of how migrants' return experiences intersected with legality, the question of undocumented status could not be avoided. As expressed by one of the interviewees:

These environments are not totally separated, they overlap. Labour migrants, irregular ones, regular ones, professionals, low-skilled [M, male, UK].

In the majority of cases, however, migrants' experiences of law in the host country did not fall neatly within the binary categories of legal and illegal, demonstrating a real plethora of in-between statuses of semi-legality (Kubal 2009; Kubal 2012a):

Frankly speaking, from the point of view of immigration services my residence might have not been entirely legal. But as for the tax law and social security I observed them very carefully. I had a Portuguese fiscal number, insurance, my employer paid taxes for me and I paid all required taxes. It was such a paradox [A, male, PT].

Coutin observes that migrants' experiences of illegality more or less depend on specific, situational contexts (Coutin 2000: 40). While on a day-to-day basis, their illegality may be irrelevant to most of their activities it becomes particularly salient when matched with an experience of exclusion. A journey home, via numerous border crossings and identity checks, delivers an abundance of potential situations where 'the experiences of exclusion' might become particularly acute for migrants with non-EU passports or with visa-expired statuses (Vollmer 2012). The journey home therefore often entailed different survival strategies in order not to get one's passport compromised with a long-term refusal of entry or a deportation stamp:

If I were caught by German guard they would definitely put a mark in my passport, prohibiting me to go abroad for several years. A Polish officer noticed me; I gave him 50 euro and he let me go [N, male, NL].

My exit from Holland was illegal. The transport was organised by Ukrainian middle-men. The bus dropped us off at the German border, the empty bus crossed the border, and we had to cross individually and pay 'all penalties' and then the bus picked us up in Poland and took to Ukraine [N, female, NL].

Bribing the customs officers, 'oiling' the system to avoid 'penalties' seemed like a popular, well-trying and fairly reliable strategy to cross the border 'safely' among the undocumented migrants. Some respondents were therefore astonished when the reality proved incongruent with their imaginations and the preparations they undertook seemed – in hindsight – an unnecessary hassle. Maybe it is, however, the exceptionality of these experiences that ingrained them so deeply in the memory of our respondents:

When I was at German customs, the border guard was a nice person and did not stamp me (sic!). There were four of them and no one has put it to me. We thought he would ask us to pay money for that, but he understood that we went there to make our living and let us go [A, female, NL].

The great majority of our respondents (90 per cent) therefore returned to Ukraine voluntarily before or after the expiration of their visas. Judging by the scale of Ukrainian migration and the policy of many EU countries towards undocumented migrants, our sample of interviewees could therefore not overlook cases where the return was involuntary by means of deportation. The following voices were perhaps not widespread, but nonetheless present in the narratives:

I was deported. They checked my passport against a database and saw that my visa has expired. It is unpleasant to be beyond the law. It is unpleasant to have expired visa and to be deported [A, male, UK].

By our documents they checked us through the Interpol system and we were detained; they have scanned our finger prints with a special gadget which looked like an electric shaver. Once they received our documents they send us on a plane back to Ukraine [R, male, NL].

Our Ukrainian returnees therefore presented a whole spectrum of experiences of legality with regard to the immigration laws of their respective host countries: from full to non-compliance.

## **6 The facts of adaptations**

To trace the initial patterns of re-adaptation we asked how our respondents evaluated their return. Most of them feel settled now in Ukraine and have become accustomed to their lives: 'I am satisfied, not like jumping for joy, but ok. I got used to my life here' [T, male, PT]. Some completed their higher education, others found a job, or were running their own businesses – with the money earned abroad they opened a shop or a café. Our interviews demonstrated, however, that for the majority of the respondents the beginnings 'back in Ukraine' were rather difficult, and many experienced severe 'adaptation shocks'. This was a

shared experience regardless of whether they returned from the Netherlands, Portugal or the UK:

I came back home to Ukraine, and everything got mixed; I became a kind of absolutely disoriented. For quite a long period I was just lost. I couldn't see any place for myself in this country [R, male, NL].

When I returned I had a year of depression... [M, female, PT]

It was really difficult. It seemed like after two years spent abroad I forgot how the life in Ukraine was [Y, male, UK].

The immediate question was therefore why did they feel this way? What were the reasons for it? In these narratives the law was present but hardly the dominant set of frames ordering social life. In the forefront of the analysis were particular problems faced by return migrants and particular social institutions that mediated the meaning of legality for ordinary people. These largely referred to re-establishing practices within the overlapping 'social spheres' (Galligan 2007), while reflecting on one's experiences abroad. The three spheres which appeared repeatedly in the narratives of 'life upon return' were: 1) personal safety and security; 2) dealings with bureaucracy, police and local officials; and 3) economic activity: finding a job, establishing a business.

### ***6.1 'We never locked our house in Norway...'***

A large number of respondents recalling the early days after their return to Ukraine remember the feeling of 'being locked up at home or with family'. At first glance this could demonstrate that concerns of security or safety did not preoccupy them much, as the confinement to the comfort of one's home would be expected to inspire rather opposite feelings. This became questionable and ambiguous when the dominant associations with Ukraine became 'a cage' and 'a prison':

When I came back to Ukraine I felt depressed. You like get into the cage and this demotivates you strongly [Y, female, NL].

My image of Ukraine is as simple as that: it is a prison. It was a prison and it remains a prison [S, male, UK].

As explained by one of our interviewees: freedom and security intersect in a particular way in Ukraine. How people perceive them is a multi-layered and dynamic construct, responsive to their surrounding social situation. The situation our respondents encountered in Ukraine upon their return threw into question their feeling of personal security and safety:

It is less safe now in Ukraine. I cannot say that I tremble with fear here, but I feel more worried. A little discomfort exists, and in comparison with Holland, I felt safer there [I, female, NL].

The key to understanding this sudden discomfort was to explore return migrants' experiences of law and security in the destination countries. The differences they observed, sometimes significant, sometimes limited to little quirks, were invaluable to capture the things they paid attention to or considered important in Ukraine. Their personal narratives were centred on the differences between what they left abroad and what they encountered 'back home'. Generally, most of the respondents felt safer abroad, as Nadia explains:

I should say, that for me, Holland seemed to be a safe country; I don't say that the crime or accidents don't exist there, but I have never met in Holland a group of people which I wanted to run away from. Even when I passed a group of teenagers walking and talking loud I could be sure that it was a specificity of their voices, the Dutch are very loud speaking but they are not aggressive as it is often the case here [N, female, NL].

The concerns of personal safety, stability and security were also stressed by return migrants from Norway and Portugal. In Norway, in particular, the interpersonal relations based on mutual trust and confidence were repeatedly recalled by our respondents:

Just imagine, that when I went somewhere by car in Norway I could leave my car open and be calm and unworried about it. Nobody would take my things. We never locked the house in Norway. Everything was based on trust [K, female, NO].

These experiences seemed to be contrasted with what the respondents encountered in Ukraine:

In Ukraine people look at you and you understand that you should have eternal vigilance here. It is a country when you are always on the edge. Your hand should be always on your wallet for not to have it lifted. There is no obvious aggression or hostility against you, but you realise if you relax your attention, you may face a lot of problems [A, male, PT].

It is not that these situations and experiences were unfamiliar to our respondents prior to their departure from Ukraine. The last decade of the previous century, following the dissolution of the USSR, was particularly harsh in terms of law and order, economic instability and citizens' insecurity (Aslund 2009). However, upon being exposed to different sets of relationships with the law abroad, these deficiencies in Ukraine, which were once taken for granted, became more accentuated, visible and acute. As with Zarina's husband who became furious when the cashier in Kiev did not give him small change in the supermarket: 'This was something that before his migration to Norway, he would have probably not even noticed' [Z, female, NO].

## **6.2 'Even their police are not as strict as ours'**

The main addressees of the return migrants' grievances concerning law and order became the local public officials (bureaucracy) and the police in Ukraine. Our respondents' experiences of the police and law enforcement abroad varied across several variables (Beck and Chistyakova 2004); the most significant of them being whether their stay abroad had attributes of legality and compliance with immigration laws or not. Not surprisingly therefore, Ukrainians who were working abroad illegally feared the police as they associated them with ruthless raids on their workplaces, documents checks or finally deportation:

The police in Britain performed raids on factories and checked documents and in case they caught you they did not even allow to pack your things, they just deported you [Y, male, UK].

We tried to hide from police and when I saw police I was really scared [A, male, NL].

And yet the great majority of the interviewed Ukrainians had rather positive impressions of the police and the law enforcement officials abroad. This also included those who had actually gone through the deportation process:

The police in the Netherlands acts in accordance with humane ideas and principles. There is nothing to compare with our police here in Ukraine. The deportation process is a separate talk... [I, male, NL]

Most of the respondents would associate the workings of the police in their respective host countries with a common-sense approach (Kurkchyan 2010), leaving a general impression of protection, security and effectiveness. Even those migrants with undocumented status abroad recalled the helpfulness of the police, detached from any invasive encroachment into private life:

Even if you were illegally in the country but you were sober, shaved, clean and behaved well you could come to the policeman with an inquiry and he would not start asking you unnecessary questions [P, male, NL].

Also it was surprising for me that when something happens on the street in Portugal, police came immediately [T, female, PT]

As far as the Ukrainian police was concerned, the image of overzealous, formal and unfriendly officials came through particularly strongly in many comparisons:

Even their police was not as strict as ours. A man could be sleeping drunk on the bench and no one would try to punish him for that. In Ukraine they would surely take him to the police department [N, male, PT].

Abroad public sector workers like policemen can help you at any time, you can ask them for help and they explain you everything smiling and wishing you good luck. So, when I came back, I was kind of a shocked [Y, male, UK].

And yet the lack of friendliness, stress on formal relations or unusual eagerness – these are not the worst qualities that the police in Ukraine could be attributed with. They stand out, however, as they indicate different standards by which the police are being evaluated. It has to be stressed that the current research demonstrates that these standards are not commonplace in Ukraine, where 42 per cent of the population do not trust the police at all (Beck and Chistyakova 2004: 48). In a representative survey on the attitudes to police in Ukraine a much heavier artillery of accusations was being directed at the public officials; they point to police's self-interestedness, connections with the criminal world and corruption (Beck and Chistyakova 2004: 48). The return migrants' narratives bring fresh insights into the normatively desirable qualities of the local police officers, somewhat bridging the hotly debated divide between the private and the public.

### ***6.3 'Ukraine is the perfect training ground'***

Return migrants' adaptations back into economic activities also reveal a certain polarisation of experiences. On one end of the spectrum there are many people whose potential and skills are clearly not being accommodated due to the broader dysfunctionalities of the state and lack of support:

I think that present economic situation is so complicated that life is just about the surviving. People have to think how to survive [I, female, NL].

It is impossible to start even a small business here because of taxes which kill all your profit. It's very risky and you need good connections [J, female, NL].

The difficulties in finding employment and making good use of the skills acquired abroad seem to be shared both by younger and more experienced respondents. The older migrants claim that the youth culture and ageism, now allegedly widespread in Ukraine, make it impossible for people above 50 to find a good job. The young professionals in turn complain that without 'contacts', networks and connections they are not able to advance through the glass ceiling:

When I came to Ukraine I wanted to find a job but everyone was telling me that they had no vacancies for people of my age. But I feel that at 50 I am able to do much more work than some people that are younger than me [P, male, PT].

It is very difficult to find a good job with good salary if you do not have any contacts here. I graduated from university with a Master honours degree; I had a 6-month internship in UK and 2-year internship in Norway within my specialty. In Kyiv they offered me a salary of 500 hryvnas (around £50). It is ridiculous [K, female, NO].

On the opposite end of the spectrum of experiences some fairly successful small and medium-sized business establishments emerge from the interviews. Their owners used remittances as the start-up capital. There are also a few individuals pursuing professional careers. In evaluating their business choices or career paths the respondents were realistic about their success, especially in the current unfavourable economic climate. Nonetheless, the general view was that:

People, which can earn money and who have entrepreneurship skills, can make business in Ukraine too [A, male, UK].

From the many different voices reflecting on their business experiences in Ukraine I put together the story of Taras. He and his wife, Nadia, upon their return from Portugal in 2008 opened a small restaurant in the provincial town of S in Western Ukraine. For the purpose of identity protection they are composite characters; their experiences are therefore representative of many of those nameless entrepreneurs who, not without difficulties, were trying to adapt their ideas for a business to the Ukrainian context. This is not the optimistic 'migration and development' story that many advocates of the return migration are after (Conway and Potter 2007; Kilic, Carletto et al. 2009):

Satisfied is not the exact word to describe my return. I'm used to it. Opening a café here was like a reason to come back. Now I have to manage my business [T, male, PT].

Taras, during his five years abroad, was working as an assistant chef in a family restaurant in Lisbon. This gave him an opportunity to see how such small businesses are run there. Soon he warmed towards the idea of opening a similar restaurant in his home town:

This café is the result of our work in Portugal. Not only because we repaired it for the money we earned there, but also because we learned abroad how to conduct this business, how it should look like, how to attend to clients. It's a kind of family business for husband, wife and their children: sometimes even Nadia

cooks some dishes instead of the chef like cheesecakes or Ukrainian borsch [T, male, PT].

Upon arrival in Ukraine, and buying a run-down café, Taras had to renovate it and provide it with water, gas and electricity supplies. This required numerous permissions from the local authorities. He also had to apply for a business licence, and health and safety certificate, and he had to attend to various little formalities in order to open and subsequently run the restaurant. He does not remember that time fondly, and it is the representatives of the law who caused him the most difficulties:

Sure, it is difficult to get along with our bureaucrats. When you ask them why and on what grounds they are delaying your permissions, they turn green with fury. Eventually they do what you need from them and not what they want. It is again the problem of our mentality. One never misses a chance to make a profit out of one's neighbour [P, male, PT].

The beginnings of establishing his business back in Ukraine were very difficult. They consisted of constant trips to and from the local mayor's office, and the tax and revenue office, filling in numerous applications, paying fees, negotiating with people who were not willing to help unless 'persuaded otherwise'. Nowadays, the restaurant building stands out from the others in the area; it has a warm and cosy feeling to it. The service is charming. The main clients are teachers and local officials [sic!], as the restaurant is located near two schools and the town hall. Taras, enriched with all these experiences and with the benefit of hindsight admits:

A real experience is to be gained at home. Ukraine is a perfect training ground. Lots of things do not work here, lots of things happen for the first time in a different way, and that's exciting [M, male, UK].

## **7 And fabrications: 'nothing changed here'**

Have the respondents' experiences with law and legality during their international sojourns inspired any changes in how they relate to law in Ukraine? How do they interpret and understand law 'back home'?

### ***7.1 Legality in comparative perspective***

One of the most well-established and fruitful ways of capturing the distinctive nuances and subtleties is to put the subject in question in a comparative perspective (Nelken 2004a). What does law mean? What the law is 'for'? I posed this question during my summer field work in Ukraine to the return migrants, to see how law was embedded in larger frameworks of social structure with the aim of providing a 'thick description' of law as a 'local knowledge' (Geertz 1983). The respondents sometimes deliberately, sometimes 'in passing' invoked the law's language, authority and procedures to describe how people organised their lives and managed their relationships. Through these narratives I could observe how law and legality operated differently in peoples' social lives abroad and in Ukraine.

The projection of law as a value to be observed and not to be broken under almost any circumstances emerged from the interviews with migrants returning from the UK:

The English live according to rules and no one can break them [V, male, UK].



However, it was the image of Norway as a law-abiding country that dominated the narratives. There, the respect for law seemed to be shared consensually across different age groups, visible even in the most intimate social relations:

Norway is a law-abiding country. Even small children say 'ikke lov, ikke lov' ('it is not allowed'). Children are taught what is legal and what is not from the very beginning, they even can say it to their mothers [T, female, NO].

One could not help noticing, however, that these experiences of law obedience and general compliance as encountered abroad came with a certain ambivalence and uneasiness caused by perhaps 'too much law':

Norway has strict rules and people are afraid to do something illegal. Even people there, they have such a mentality that they would call the police to say that there is an illegal worker without documents. They are specific people [I, female, NO].

What emanates from these interviews is not necessarily the comfort and protection that compliance with the law can give, but a fear of not falling foul of the law, demonstrating the law's power to exclude those who transgress it. Ukrainians who returned from Norway generally appreciated the place afforded to law in society. As 'all laws in the country were for the people' [N, male, NO], they acknowledged the predictability of rules and the stability of life that followed it. At the same time the image of law as constructed in Norway and informed by peoples' experiences was not expressed without a shade of hesitation. This slight apprehension accompanied the process of coming to terms with the law's dominant position in society, almost overriding all other social relations, echoing the famous 'law is all over' (Sarat 1990).

In Portugal, in contrast to the legal encounters in the northern European countries, things appeared to be more relaxed and more familiar:

In Portugal the people are normal; the same as here. They are maybe even better in some ways. They do not cheat. There were some cases of cheating, but it is everywhere like that [I, male, PT].

While 'the corruption, thefts, sure it also happens in Portugal' [I, male, PT], it was manageable and not on a big scale. In the experiences of the respondents even though the law might not have been paramount in Portugal and 'everywhere you could find people who enjoyed loop-holes in the law' [I, male, PT], the general impression of legality in the country featured the qualities of safety and stability. The nuances and subtleties that made peoples' experiences so different from Norway or the UK were in the details, modes of law enforcement deeply embedded in the social fabric, as in the case of a dishonest Portuguese employer who did not remunerate his Ukrainian workers and who was ostracised by his fellow villagers:

Our three men worked for one employer in Portugal who didn't pay them money for a long time. And it happened that one neighbour of this employer had found out about this fact. As a result the family of the dishonest employer couldn't buy bread anywhere in the village, as everybody refused to serve them [M, male, PT].

This example also demonstrated that the protection of law had to be actively asserted on different occasions, as 'nobody hurries to pay you money and sometimes one had to resort

to court' [T, male PT]. On the other hand – once the steps to petition the justice were taken, they usually attracted an amenable institutional response:

My friend was working illegally; he had an accident at construction site and has lost his eyesight in one eye. And one Portuguese helped him to take this case to court. With the assistance of her friends- lawyers they recouped a significant material compensation, around 30,000 Euros [J, male, PT].

## **7.2 'Maybe I have changed a little...'**

Have these different legal experiences had any significant impact on the behaviour of our respondents upon their arrival in Ukraine? When we asked how they perceived their lives in Ukraine, at the general level most of our respondents would say: 'Nothing changed here. Everything stayed the way it had been before, nothing new' [R, male, UK]. But upon a little probing, stepping away from general observations to the details of everyday life, they would add with a slight hesitation 'OK, maybe I have changed a little'.

What did the changes look like? During my field work in Ukraine I spent a lot of time interviewing people in the park in the centre of L, in an open air café. We were sitting, enjoying the summer weather, watching the people strolling by, and maybe this inspired the following observation of one of the respondents about littering and attitudes towards taking care of public space:

All these bottles on the grass, all that garbage, our children run in the parks where the dogs poop. Being abroad, where things like this don't happen, changes your consciousness. For example, talking about myself: I know that I'll never leave garbage, I'll never litter. When you see how it is there, the consciousness of people does change and you just try to do the same here [G, female, UK].

Similarly another respondent observed that upon her return from Norway the boundaries between the public good and one's personal convenience might have shifted a little bit:

My husband could not understand at the beginning that in Norway it is not common to throw the cigarette on the street. Now when we are here it is not difficult for him to go a few steps extra to a garbage bin. But there I understood that when people care they start with themselves. Others can throw their garbage where they want, but I will do it the right way, because I decided to be like that [I, female, NO].

Deciding not to litter, or not to drop cigarette ends in the street may seem like little mundane changes, but they do play their part in the daily structure of legality. They also closely resonate with broader debates on civic responsibilities and citizenship (Anderson 2013, forthcoming). Other respondents found the changes perhaps more difficult to articulate; however, there was a general understanding among many of them that the stay abroad affected the shape of their relationships with other people:

I started to treat people differently after Norway. In general, Norway changes people. My husband, he is not so stressed anymore. Before he was swearing a lot while driving a car, but I told him that the other drives could not hear him anyway. Now he has more self-control [N, female, NO].

Before I left for England, I was working as a book keeper here, I almost had a nervous breakdown, I screamed at people. But after my return I became calmer and I understood that I need to start with myself. I do not have as many conflicts as before [I, male, UK].

'It's not my business' is a common Ukrainian style of thinking. Now something is changing... but it's not Ukrainian, it's from abroad. I mean people start helping each other. How it is realising? People share their experience more openly, how hard it was to start earning money, to start business [M, female, PT].

For understanding how culture works, these explanations and justifications for not littering, being less impulsive in social relations or more focused while driving occur without naming nor invoking the doctrinal precedents, anti-social behaviour laws or highway code paragraphs. The law is absent in its formal, textual, and professional sense. Unlike tickets and fines for dog fouling, parking ordinances and street signs which are standard markers of legality, in Ukraine clearing one's dog's poop, or throwing the cigarette end into the bin are neither the direct nor intentional products of professional legal work. Yet, legality is continually present in organising social relations in the commonplace, on city streets and in the public offices with the construction of this old-new quality of social relations.<sup>5</sup>

## 8 Conclusion

Bringing the observations presented in this paper together, the stories of return migrants' adaptations in Ukraine, especially their reasons and arguments used to describe their experiences can often be used to make observations about their attitudes to law and legality. If we zoom into their narratives of work, managing a small business or family life – even when no formal legal agent is involved – what often comes through on the other side of the lens is the image, the position people associate with the role of the law in society.

The re-shaping of attitudes and behaviour regarding law and legality has so far been discussed in relation to legal transplants, either as an obstacle or facilitator to the successful diffusion of law (Harding 2001; Legrand 2001; Nelken and Feest 2001). The perspective suggested in this paper, however, shifts from the engineered change through law to the environment of natural experiment, where it is people who are migrating, not laws. Migrants, along with their physical luggage also take with them the baggage of their specific legal culture. When they return, they also return with certain experiences triggered by the close cultural contact with different legal traditions and legal culture shaped by different historical experiences, reflecting specific characteristics of the particular social fabric in which the law is embedded. These experiences, gained abroad, in turn influence how they relate themselves to law. The observable changes, though not revolutionary, but more at the level of everyday lived experiences, contribute to a richer and complex picture of Ukrainian legal culture.

The legal knowledge that results from returned migrants' everyday life production, sustenance and challenges to legality should be of great importance not only for the area of socio-legal studies dealing with changes in the 'soft variables' of social life, but also for the

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<sup>5</sup> Cf. Silbey's (2012) analysis of placing objects in shovelled out spots in northern cities of the United States to reserve one's parking space, as tacit and deeply sedimented, yet common invocations of law.

fields of development and migration policy directed towards the more successful governance of temporary migration.

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