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A SCENARIO-BASED APPROACH TO THE LEGAL REGULATION OF MIGRATION POLICY: SHAPING A SECURITY ENVIRONMENT IN UKRAINE DURING WARTIME

ABSTRACT

This article focuses on developing scientifically grounded approaches to enhance Ukraine's migration policy framework, fostering a secure environment, and supporting national recovery. The primary aim is to construct scenario-based projections of the EU migration crisis caused by Russia's full-scale invasion of Ukraine.

To achieve this, a multi-stage research design was applied, centered on scenario analysis using the Shell matrix approach. The first stage analyzed migration flows triggered by the invasion, examining their scale, trajectory, and implications for both Ukraine and the EU. It also explored migrants' return intentions and the emotional and socio-economic factors influencing them.

The second stage identified key drivers of migration since the onset of the war and used these findings to build a matrix model of influencing factors. The third stage addressed critical uncertainties—unpredictable but pivotal elements shaping Ukraine's security landscape—forming a basis for scenario planning.

In the fourth stage, three core migration scenarios were developed—optimistic, realistic, and pessimistic—mapped along two axes: the war's duration/outcome and the EU's integration stance toward Ukraine. The fifth stage involved expert evaluation of each scenario's feasibility and the level of consensus regarding its plausibility.

The final stage led to the formulation of a conceptual legal framework through the proposed "Soft Return" state program. This program introduces legal tools for integrating migration policy into Ukraine's national security agenda, with a focus on facilitating the return of human capital. It includes provisions for legislative support, diaspora engagement mechanisms, and instruments for remote civic and economic participation, such as e-residency and digital platforms.

By aligning legal reform with strategic foresight, the study presents a forward-looking model for migration governance under wartime conditions.

Keywords: legal regulation, migration, migration policy, security environment, scenario forecasting, migration crisis, soft return, post-war recovery

JEL Classification: F22, K37, H56, K23

INTRODUCTION

The large-scale and unexpected displacement of Ukrainian citizens following the full-scale Russian invasion has significantly intensified the existing migration crisis, prompting the European Union to adopt urgent decisions regarding asylum provision and humanitarian assistance. Unlike previous migration waves, which were characterized by a multiplicity of origin countries, the current refugee flow is predominantly composed of individuals from a single nation - Ukraine. Nevertheless, migratory movements from other regions, particularly the Middle East and Africa, have not ceased entirely, continuing to place pressure on the EU's migration governance framework.

Central and Southern European countries bordering Ukraine have experienced the initial and most complex phase of forced displacement, although available data remain incomplete and do not fully capture the scale of migration across all EU member states. Notably, Ukrainian migration patterns since 2022 exhibit features of a new, hybrid form that blends elements of temporary, seasonal, voluntary, and forced migration. This emerging phenomenon challenges conventional legal and policy approaches, which are typically based on clear-cut distinctions between emigration, immigration, and return migration.

The rapid and massive outflow of Ukrainian citizens has created both new and intensified existing challenges - not only for the host countries but also for the regions in Ukraine experiencing large-scale depopulation. The growing significance of these processes highlights that migration is not merely a socio-political or demographic issue, but a complex interdisciplinary problem. It demands a coordinated scholarly response and the development of adaptive legal and policy mechanisms to address the long-term implications for national and regional stability.

LITERATURE REVIEW

The issue of population migration, particularly in the aftermath of Russia's full-scale invasion of Ukraine, has become a central focus of contemporary scholarly inquiry. For instance, researchers (Wildemann, Niederée, & Elejalde, 2023) conducted a multilingual content analysis of European media, revealing a shift in public discourse from viewing Ukrainians as migrants to framing them as refugees, thereby highlighting the dynamic nature of public perception and the influence of wartime context on migration governance. Another study (Bertè, Paolotti, & Kalimeri, 2023) utilized LinkedIn data to analyze the mobility patterns of Ukrainian professionals, focusing on the factors influencing their decisions to stay abroad or return home. In contrast, the study (Nazarovets, 2024) investigated the scientometric activity of Ukrainian scholars in the social sciences and humanities, indirectly illustrating the preservation of intellectual ties with Ukraine despite physical displacement. This points to the latent potential of the scientific diaspora as a strategic resource for "soft return" policies.

The analytical report (International Centre for Migration Policy Development [ICMPD], 2023) further underscores the role of the Ukrainian diaspora as both a crisis-response agent and a transnational bridge to Ukraine. At the regulatory level, documents issued by the European Commission (Council of the European Union, 2001; European Commission, 2025) outline the legal framework for the continuation of temporary protection for Ukrainians in the EU, focusing on instruments for integration, mobility, and possible return. These normative foundations shape the pan-European context within which Ukraine must construct its reintegration policy.

Additionally, the EU's use of visa and migration policies as tools of soft power, particularly in response to the Ukrainian crisis, has been examined in [(Marek, 2023)]. Scholars have also assessed the broader consequences of war-induced migration for both Ukraine and the EU (Abramovych, 2023; Barlai, Fähnrich, Griessler, & Rhomberg, 2017), including studies on burden-sharing among host countries (Chachko & Linos, 2022). Further research has addressed environmental degradation caused by the war (Migration and Home Affairs, 2023), disruptions to food security and global supply chains (Akimova, Kotsur, et al., 2024), and the implications of post-pandemic and post-industrial migration patterns (Syrovackyi, Maraieva, et al., 2021; Ortynskyi, Tsymbaliuk, et al., 2020). Other works have explored the intersection between migration and the financial sector, particularly in terms of capital outflows and their effect on national security (Podra, Batyuk, Levkiv, et al., 2022; Onyshchenko, Hlushko, et al., 2021).

While these studies provide valuable insights into the social, political, economic, and regulatory dimensions of Ukrainian migration, none have approached the issue through the lens of a legal scenario-based framework as a strategic tool for state-led reintegration policy and the construction of a national security environment. Therefore, the present study offers an original contribution by proposing an integrated legal model of scenario-based migration regulation. This model enables adaptive responses to wartime challenges and facilitates the reintegration of displaced persons, thereby contributing to the formation of a resilient and secure post-war Ukraine.

AIMS AND OBJECTIVES

The primary aim of this study is to develop scientifically grounded approaches to improving the legal regulation of Ukraine's migration policy, with a view to fostering a secure environment and enabling the conditions for national recovery.

To achieve this aim, the study sets out the following key objectives:

1. To analyze the scale and characteristics of forced migration from Ukraine in the context of war.

2. To identify the main motivational factors influencing return migration (pull factors) and migrant assimilation, with particular attention to emotional, social, and economic dimensions.
3. To assess Ukraine's competitiveness in the service sector (including education, healthcare, and administrative services) as a potential incentive for the return and reintegration of displaced persons.
4. To apply scenario-based forecasting to model the development of migration dynamics-optimistic, realistic, and pessimistic-taking into account domestic stability, international support, and the risks of long-term assimilation.
5. To develop a conceptual framework for the legal regulation of migration processes, including the design of a state program entitled "Soft Return."
6. To propose legal mechanisms for transforming migration policy into a component of the national security system, with a focus on the preservation and return of human capital.

METHODS

Given the interdisciplinary nature of the research topic, addressing the study's aim and objectives required the application of a diverse set of research methods, which together constituted the overall research methodology. The methodology was implemented across several distinct stages.

The first stage involved a problem-oriented situational analysis of the state and dynamics of the migration crisis in the European Union, triggered by the full-scale invasion of Ukraine by the Russian Federation. At this stage, methods of theoretical inquiry, critical analysis, and comparative analysis were applied. These methods enabled the generalization of approaches adopted by European institutions, think tanks, and scholars in assessing the scope and implications of the crisis. The source base included official EU documents, statistical data from international organizations (e.g., the European Commission and the International Centre for Migration Policy Development), as well as publications in leading analytical outlets.

The second stage focused on identifying the key drivers of migration processes for the period 2022-2025. This stage relied primarily on secondary data analysis (desk research), which involved the synthesis and interpretation of available statistical and analytical materials, including sociological surveys, reports from international organizations, and studies conducted by research centers. To process and visualize the results, graphical methods were employed-particularly the construction of charts and figures illustrating migrants' intentions, motivations, and comparative assessments. Additionally, comparative analysis was used to examine how Ukrainian migrants evaluate living conditions, public services, and socioeconomic opportunities in Ukraine versus abroad. To further systematize the findings, matrix modelling was applied. This technique enabled the classification of migration drivers by type of influence (Push vs. Pull factors) and by origin (material/institutional vs. socio-psychological). The resulting model offers a structured representation of both the motivational impulses driving emigration and adaptation in EU countries, as well as factors contributing to return migration to Ukraine.

The third stage of the methodology focused on identifying uncertainties-those unpredictable yet critical factors that shape Ukraine's security environment. Several methods were applied to this stage. First, content analysis of academic literature, EU strategic documents, and analytical reports from international organizations was conducted to identify the core structural, political, and social variables influencing migration flows. Additionally, a High Impact-Low Predictability matrix was employed to isolate key uncertainties for further scenario analysis.

The fourth stage of the research methodology involved the application of scenario-based forecasting, specifically employing the SHELL matrix analysis method. This approach enabled the construction of clear alternative scenarios for the potential evolution of the situation, ranging from mass repatriation to the long-term integration of Ukrainian migrants within the EU. The outcomes of this stage were presented in a tabular format for clarity and comparison.

The fifth stage entailed an expert evaluation of the likelihood of each scenario materializing, conducted through a modified Delphi method. To facilitate this, a panel of experts was assembled. The composition of the expert sample is detailed in Table 1.

Table 1. The composition of the expert sample.

Number of experts	Field of activity	Percentage share
Scientists	7	44
Practitioners	5	31
Security experts, OSINT specialists	3	19
Local government representatives	1	6
Total number	16	100

A structured questionnaire was developed, comprising two main components:

1. Informational section – a brief overview of three alternative scenarios (optimistic, pessimistic, and inertial), each characterized by key parameters.
2. Analytical section – a set of questions designed to evaluate the potential trajectories of the migration crisis resulting from the Russian-Ukrainian war. Expert assessments were collected via responses to this questionnaire, which was administered using Google Forms.

The expert survey methodology also incorporated an evaluation of the degree of consensus among experts. This was achieved through a combined approach involving the calculation of the Kendall coefficient of concordance (W) and the coefficient of variation, both of which are established measures of inter-rater reliability.

The formula for calculating the Kendall coefficient of concordance (W) is as follows:

$$W = \frac{12 \times S}{m^2(n^3 - n)}$$

where: W – Kendall coefficient of concordance; $S = \sum_{i=1}^n (R_i - R)^2$ – the sum of squared deviations of the rank sums of each item from the mean rank sum; R_i – the total rank assigned to the i -th item; $R = \frac{m(n+1)}{2}$ – the mean value of the rank sums; m – the number of experts; n – the number of items (alternatives, criteria, etc.) being ranked.

Accordingly, the results are interpreted as follows. The Kendall coefficient of concordance (W) ranges from 0 to 1, where:

- $W = 1$ indicates complete agreement among experts;
- $W = 0$ indicates a total lack of agreement.

The coefficient of variation was calculated using the following formula:

$$CV = \frac{\partial}{x} \times 100\%$$

where: CV – coefficient of variation, expressed as a percentage. ∂ – root mean square deviation (standard deviation); x – arithmetic mean of the sample;

Accordingly, the results are interpreted as follows:

$CV < 10\%$ – low variation (high data homogeneity);

$CV = 10\text{--}20\%$ – average variation;

$CV > 20\%$ – high variation (data is less homogeneous).

The final stage of the expert survey involved the comprehensive processing of data and the development of an integrated assessment for each scenario. The concluding phase of the research methodology focused on formulating the foundations for the legal regulation of migration policy. A range of methods was employed at this stage to substantiate the conceptual framework for the legal support of state migration policy aimed at the reintegration of citizens. In particular, the dogmatic-legal method (also known as the formal-legal approach) was applied to analyze current Ukrainian legislation in the field of migration, the legal status of citizens abroad, and the possibilities for their reintegration. This method facilitated the identification of regulatory gaps and deficiencies within the existing legal system. The comparative legal method was used

to examine the experiences of other countries-such as Estonia, Israel, and Poland, in regulating the reintegration of migrants and enabling remote participation of citizens in public life.

Based on the results of the scenario-based forecasting, strategic directions for state responses to potential migration challenges were identified. To formulate evidence-based proposals for the legal regulation of migration processes, the method of theoretical generalization was employed. This allowed for the interpretation of the scenario data in the context of both international experience and the shortcomings of current legislation. As a result of applying this method, the concept of the "Soft Return" state program was developed. The program envisions institutional, legal, legislative, and digital mechanisms to support the reintegration of return migrants.

RESULTS

The first stage will be to establish the key drivers of migration processes, those factors that influence migration processes in 2022-2025. For this, we will use analytical data (European Commission, 2025; European Parliament & Council of the European Union, 2024; International Centre for Migration Policy Development [ICMPD], 2023; Migration and Home Affairs, 2023) regarding the expectations of Ukrainian migrants in the EU. The results will be presented graphically in Figure 1.

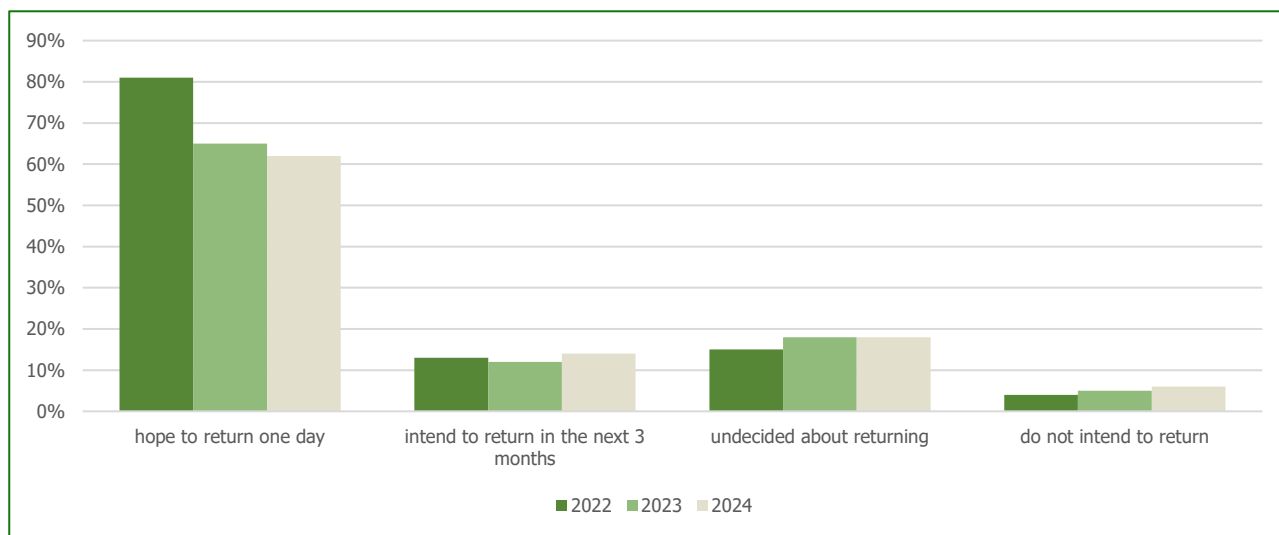


Figure 1. Intentions of Ukrainian migrants to return. (Source: calculated on the basis of Abramovych, 2023; Migration and Home Affairs, 2023)

As the data suggest, approximately two-thirds of migrants express a desire to return to their homeland. Around 15% plan to return within the next three months, while only 6% have no intention of leaving the EU or returning to Ukraine.

It is also essential to identify the factors that motivate migrants to return to Ukraine. According to findings based on systematic population surveys in Ukraine (Kabinet Ministriv Ukrainy, 2018), approximately 1.2 million individuals have returned from abroad. The vast majority (85%) had been residing in EU countries prior to their return. Notably, 88% of those who returned were women.

The primary motivation for returning was emotional attachment and homesickness, cited by 52% of respondents (Figure 2). The second most common reason was the desire to reunite with family members. Economic difficulties abroad were a decisive factor for only 19% of returnees. Paradoxically, improvements in the security situation at home influenced the decision to return for just 11% of respondents (European Commission, 2025; European Parliament & Council of the European Union, 2024; Migration and Home Affairs, 2023).

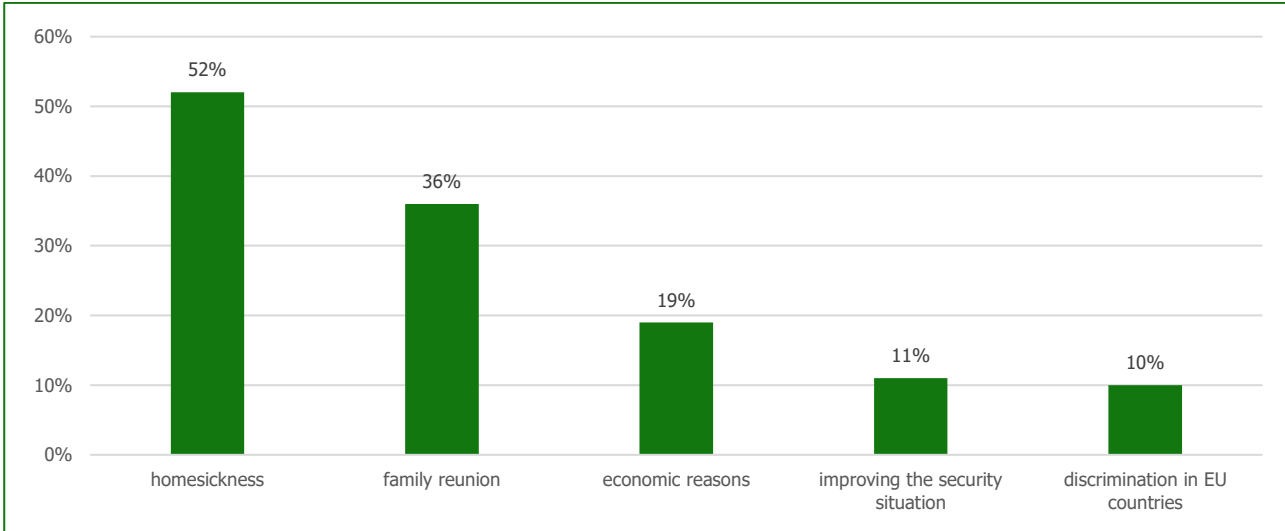


Figure 2. Motives for the return of Ukrainian migrants. (Source: calculated on the basis of: European Commission, 2025; European Parliament &, 2024; Migration and Home Affairs, 2023)

The prolonged stay of Ukrainian refugees abroad has contributed not only to the development of more realistic perceptions of life in foreign countries but also to a certain re-evaluation of their attitudes toward their homeland. In the summer of 2023, a survey of Ukrainian war refugees was conducted across 31 European countries to determine where, in their opinion, life is better — in their host country or in Ukraine.

The findings revealed that, from the perspective of Ukrainian refugees, the opportunities for achieving success are perceived as roughly equal in both Ukraine and abroad. However, respondents noted that European countries offer significantly lower levels of corruption, greater income-generating opportunities, better social protection, and stronger guarantees of human rights and freedoms (European Commission, 2025; European Parliament & Council of the European Union, 2024; Migration and Home Affairs, 2023) (Figure 3).

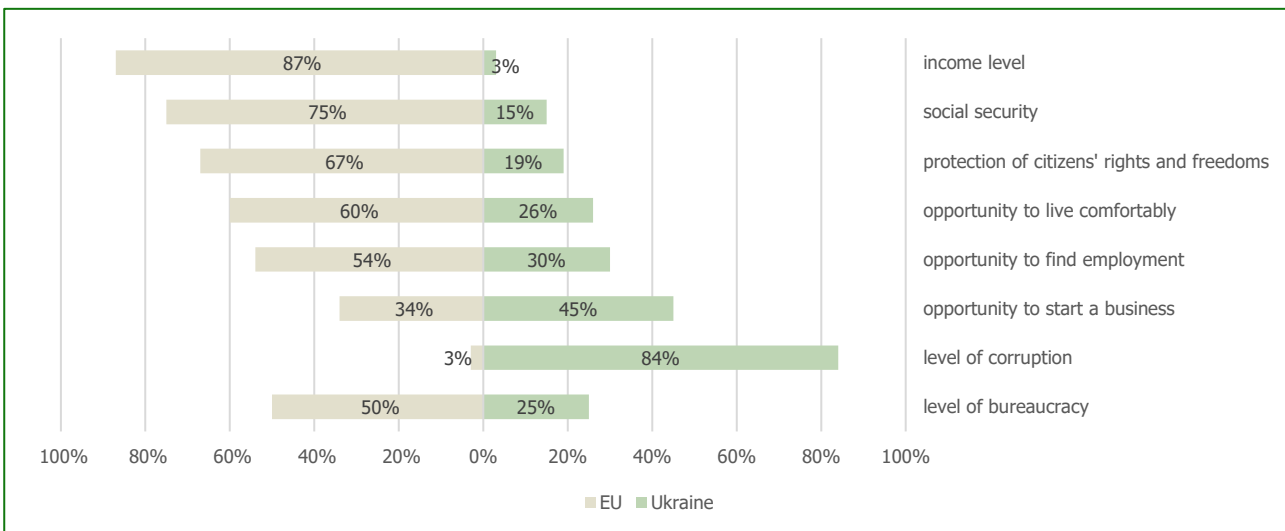


Figure 3. Migrants' attitudes towards socio-economic conditions in Ukraine and the EU. (Source: calculated on the basis of: European Commission, 2025; European Parliament &, 2024; Migration and Home Affairs, 2023)

Ukrainians rated domestic administrative and banking services, accessibility, and quality of medical care higher than in Europe. Respondents also believe that school and preschool education in Ukraine is better, but higher education, in their opinion, is better abroad. (European Commission, 2025; European Parliament & Council of the European Union, 2024; Migration and Home Affairs, 2023) (Figure 4).

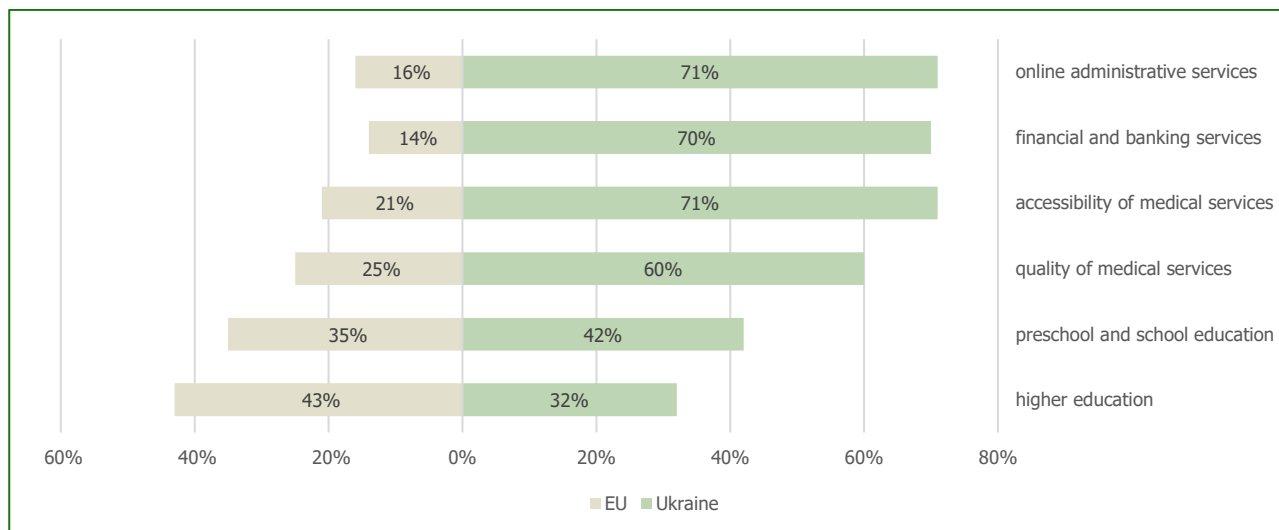


Figure 4. Migrants' attitudes towards the quality of services in Ukraine and the EU. (Source: calculated on the basis of: European Commission, 2025; European Parliament &, 2024; Migration and Home Affairs, 2023).

The duration of Ukrainian refugees' stay abroad continues to increase, while a growing number of individuals are coming to the realization that the crisis cannot simply be waited out. A decision must be made: either to return home or to establish a new life in the host country. This decision depends on numerous factors, with the security situation in Ukraine being the most critical.

Other influential factors include the conditions refugees face abroad and the challenges they must overcome. The severity of these challenges and the prospects for overcoming them vary depending on the specific circumstances in each host country, as well as the socio-demographic characteristics of the refugees themselves.

Accordingly, this stage of the research concludes with the identification of the key drivers of migration processes triggered by Russia's war against Ukraine. Based on the findings of the analysis, these drivers are presented in the form of a matrix model (Table 2).

It is important to note that the model distinguishes between push factors—those that compel individuals to leave Ukraine and migrate—and pull factors, which attract individuals either to return or to integrate into life abroad.

Table 2. Matrix model of migration drivers due to the war 2022-2025.		
	Push-factors	Pull-factors
Material / institutional	<ul style="list-style-type: none"> ■ Danger and armed aggression in Ukraine ■ Destruction of infrastructure ■ Loss of income, housing ■ Limited access to medicine, education ■ Bureaucracy, corruption 	<p>Before returning:</p> <ul style="list-style-type: none"> ■ Better service in Ukraine (services, medicine, banking) ■ Easier start for business ■ Better school and preschool education <p>Before remaining in the EU:</p> <ul style="list-style-type: none"> ■ Social protection, higher wages ■ Less corruption ■ Guarantees of rights and freedoms
Socio-psy-chological / emotional	<ul style="list-style-type: none"> ■ Feeling of uncertainty ■ Feeling of loss of future for children ■ Social disintegration in the Homeland 	<p>Before returning:</p> <ul style="list-style-type: none"> ■ Nostalgia, homesickness (52%) ■ Reunification with family ■ Reassessment of the significance of Ukraine <p>Before leaving to the EU:</p> <ul style="list-style-type: none"> ■ Fear of returning due to security ■ New social ties abroad ■ Integration of children into new systems

The next stage of our research, according to the established methodology, is to establish uncertainties, that is, those factors that are unpredictable, but critically important for the security environment of Ukraine (Table 3).

Table 3. Key uncertainties (high impact – low predictability factors).

Key Uncertainties	Why Critical	Why Uncertainty
Duration and dynamics of the Russian-Ukrainian war	The security situation is the main background for decisions on return/remaining	Depends on political decisions, military aid, external support, actions of the Russian Federation
Evolution of the policies of the EU host countries towards Ukrainian refugees	It determines the status of residence, access to work, housing, and integration	Political fatigue, rise of populism and anti-immigration sentiment, change of governments
The pace and depth of the post-war reconstruction of Ukraine	Shapes the perception of Ukraine as a space for return and a promising life	Risks of corruption, political disruptions, dependence on Western financial support
The level of social integration of Ukrainians in the EU countries	Influences the long-term decision to stay or return	Integration depends on language, labour market, host society, institutions
The scale of demographic changes in Ukraine (depopulation, female migration)	May cause structural changes in society, reduce labour potential	Related to return decisions, fertility, marriage migrations
The behaviour and expectations of the second generation of refugees (children of Ukrainians abroad)	Their socialization in the EU could cement migration trajectories forever	Time factor, education, identity, influence of the host environment
Political stability and unity of the EU in supporting Ukraine	Defines long-term political, security and economic support	Elections in key countries, Russia's influence on European politics, other crises
New conflicts or escalation in other regions (global factor)	May divert attention and resources from Ukraine, change EU priorities	Geopolitical instability, the Middle East, China-Taiwan, the Balkans, etc.

Having identified the key drivers and uncertainties of migration processes triggered by Russia's war against Ukraine, a solid foundation has been established for the next stage of the research scenario development for the potential trajectories of migration dynamics.

The proposed scenarios are presented in the form of a scenario matrix, constructed in accordance with the Shell methodology (Table 4).

The key axes of the scenario matrix are as follows:

1. Duration and outcome of the war (X-axis):
 - A: Rapid end to the war and stabilization
 - B: Prolonged conflict and continued insecurity
2. EU policy on the integration of Ukrainians (Y-axis):
 - 1: Limited support and weak integration
 - 2: Comprehensive support and active integration

Table 4. Scenario matrix.

	1. Limited support and weak integration	2. Comprehensive support and active integration
A. Rapid end to the war and stabilization	<p>Scenario 1: Mass return (Optimistic)</p> <ul style="list-style-type: none"> ▪ Main driver: return for family, home, business. ▪ Security stabilization + weak support in the EU = return prevails. ▪ Consequence: rapid demographic recovery, strain on Ukraine's infrastructure. 	<p>Scenario 2: Partial return, partial integration (Realistic)</p> <ul style="list-style-type: none"> ▪ A significant part will remain due to comfortable conditions in the EU. ▪ Mostly, those who have family or business in Ukraine return. ▪ Consequence: hybrid migration model (children in the EU, parents in Ukraine).
B. Prolonged conflict and continued insecurity	<p>Scenario 2: Partial return, partial integration (Realistic)</p> <ul style="list-style-type: none"> ▪ Only those who could not adapt to the EU or faced difficulties are returning. ▪ Ukraine remains at high risk, but there are isolated areas of stability (West) 	<p>Scenario 3: Continued assimilation into the EU (Pessimistic)</p> <ul style="list-style-type: none"> ▪ The war drags on, and the EU adapts long-term integration policies. ▪ The second generation forms a new diaspora. ▪ The consequence: the loss of a significant part of human capital

As a result, three scenarios of migration processes driven by the Russian-Ukrainian war have been developed.

Scenario 1 envisions a mass return of migrants in the event of a rapid peace settlement and limited support from the EU. The key motivating factors include homesickness, a strong desire to return home, and disillusionment with the migration experience. The main risks associated with this scenario involve institutional overload and the urgent need for large-scale reconstruction.

Scenario 2 anticipates partial return and partial integration under conditions of moderate EU support and stabilization in Ukraine. The dominant model in this scenario is flexible migration, characterized by high mobility and periodic visits. Risks include the emergence of transnational communities and limited capital loss.

Scenario 3 foresees long-term assimilation in the context of a protracted war and the establishment of conditions for full integration. Risks related to this scenario include the weakening of Ukraine's demographic potential, depopulation, and the integration of the second generation into EU societies. The results of the survey are illustrated in Figure 5.

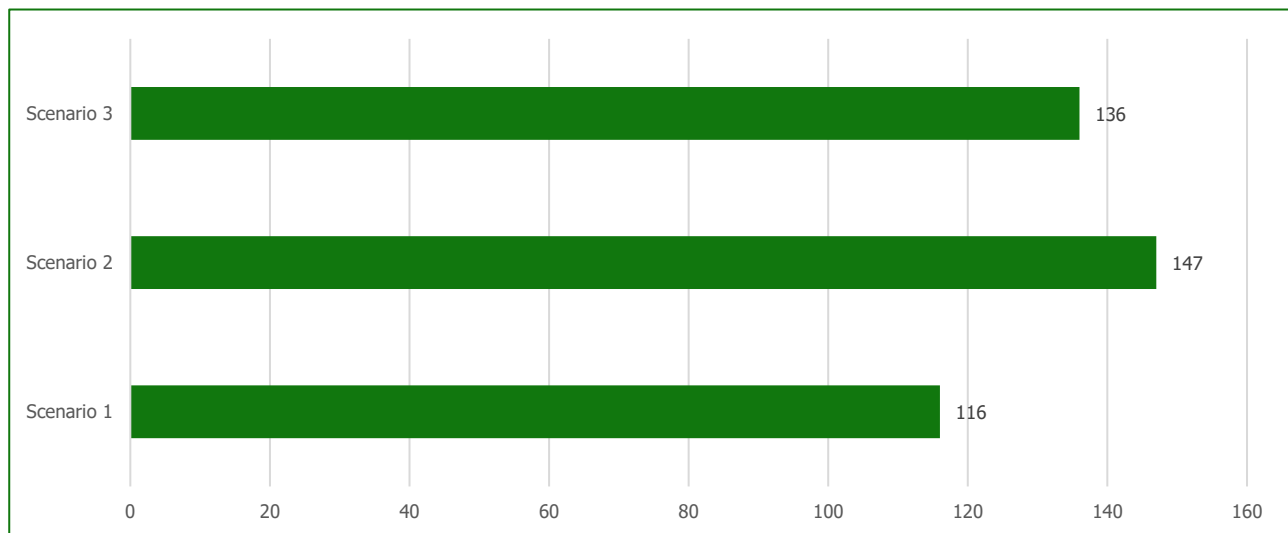


Figure 5. Results of the expert survey.

The next stage of the research involved assessing the probability of the identified migration scenarios caused by the Russian-Ukrainian war through the Delphi expert survey method.

Results of the expert consensus assessment:

- Kendall's coefficient of concordance (W): $W = 0.672$

This value indicates a relatively high level of expert agreement and confirms the reliability of the obtained results.

Coefficient of variation (CV):

1. Scenario 1 – 9.42% (low variation, high data consistency).
2. Scenario 2 – 8.16% (very low variation, very high data consistency).
3. Scenario 3 – 11.37% (moderate variation, acceptable data consistency).

These results demonstrate a significant degree of expert consensus in evaluating the scenarios, as confirmed by both the concordance coefficient and the low variation values. The highest level of agreement was observed for Scenario 2 – "Partial Return," which experts consider the most likely scenario.

Accordingly, the results can be regarded as sufficiently reliable for drawing further conclusions and for developing a legal framework for Ukraine's migration policy. Moreover, the findings underscore the urgent need to establish a unified legal framework for the reintegration of returnees, as current policies remain fragmented or entirely absent.

Based on the results of scenario planning, we propose a set of recommendations for strengthening the legal foundations of the state's migration policy. In particular, we recommend the development of a "Soft Return" state program that would address current security challenges and include the following three components:

1. Legislative Framework for the Reintegration of Return Migrants

This component envisions legislative changes. Based on the analysis of existing legislation (Alazzam, Hryhoruk, Karvatska, et al., 2024; Verkhovna Rada Ukraine, 1994, 2011, 2015), several legal gaps have been identified. Accordingly, we propose the adoption of a dedicated Law of Ukraine "On the Reintegration of Migrants", which would define:

- the legal status of returnees (remigrants), their rights, privileges, and support mechanisms;
- guarantees against discrimination in employment, restoration of social rights, including work experience, benefits, and access to healthcare and education;
- a simplified procedure for recognizing foreign diplomas and professional qualifications obtained abroad;
- enhanced legal protection for returning children, especially regarding education, adaptation, and dual citizenship.

In addition, amendments should be made to the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" to ensure the protection of the rights of mixed-status families and individuals with dual citizenship.

2. Institutional and Legal Mechanisms to Support Ukrainian Citizens Abroad

This component includes the following measures:

1. The creation of a national register of Ukrainian citizens abroad as a legal tool for effective communication and engagement of the diaspora in state programs.
2. The establishment of an institutional mechanism for legal assistance to Ukrainian citizens abroad, implemented through consular services and online legal aid platforms.
3. The development of a digital platform for return migration legal support, including access to online integration services, legal consultations, and an electronic "remigrant cabinet" for registration and service navigation.

3. Legal Instruments for Remote Economic Participation in Ukraine

To implement this component, the following legal initiatives should be introduced:

1. The development of a legal framework for remote participation in Ukraine's economy, including tax incentives for those working remotely for Ukrainian companies from abroad.
2. Simplification of the procedure for obtaining Ukrainian e-residency, modeled after Estonia's experience, to facilitate engagement of the diaspora in economic activities.

Thus, the applied research methodology has made it possible to achieve a final outcome—the development of a legal framework for migration processes caused by the Russian-Ukrainian war.

DISCUSSION

The study offers a novel contribution to the field of migration policy and legal studies by addressing the Ukrainian migration crisis through a scenario-based legal framework. Unlike most prior research, which tends to focus either on descriptive assessments of migration flows or on static legal responses to displacement, this article integrates strategic foresight techniques—specifically the Shell matrix scenario methodology—into the legal design process. This interdisciplinary synthesis allows for the consideration of uncertainty, time-dependent policy variables, and evolving geopolitical conditions, particularly in wartime contexts.

A distinguishing feature of this study lies in its normative orientation: rather than merely analyzing past or current legal frameworks, it proposes a future-oriented conceptual legal architecture anchored in national security imperatives and demographic resilience. The "Soft Return" program, as a core output of this research, represents a policy innovation that goes beyond traditional return migration mechanisms. While earlier studies have addressed reintegration in the context of post-conflict societies, they rarely account for hybrid migration patterns and the potential of digital tools for maintaining civic and economic ties with diasporas. By contrast, this article introduces e-residency, fiscal incentives, and digital reintegration platforms as core instruments for remote engagement, thereby expanding the functional boundaries of return migration policy.

Another innovative element is the multi-stage methodology, which systematically links empirical data, scenario logic, expert elicitation, and legal drafting. Existing scenario-based migration studies, where they exist, often remain theoretical or

fragmented, lacking a direct pathway to legal codification. This article bridges that gap by explicitly demonstrating how scenario-based foresight can inform specific legal reforms, including the proposed Law on the Reintegration of Migrants and amendments to Ukraine's migration legislation.

Additionally, by positioning the migration crisis within a national security framework, the article departs from traditional humanitarian or labour-market-centric narratives. It redefines forced migration not only as a social or demographic phenomenon, but as a strategic policy vector central to post-war recovery and long-term economic stability.

CONCLUSIONS

The study highlights that Ukrainian migration following 2022 exhibits characteristics of a new hybrid form, which challenges traditional approaches to migration governance. In this context, the proposed scenario-based approach enables a comprehensive understanding of this complexity and supports the development of a more flexible legal regulatory framework.

The research identified the key drivers of return and assimilation, revealing that emotional factors, such as homesickness and family ties, predominate in migrants' motivations. While the socio-economic conditions in host countries often surpass those in Ukraine. Ukraine retains certain competitive advantages in areas such as services, early childhood education, healthcare, and administrative support.

Three migration development scenarios have been constructed:

1. Optimistic scenario: mass return under conditions of rapid stabilisation and limited support in the EU.
2. Realistic scenario: partial return and partial integration—considered the most probable.
3. Pessimistic scenario: long-term and complete assimilation, particularly of the second generation of Ukrainians.

The scenario methodology employed in the study—Shell Matrix analysis—allows for the consideration of uncertainty, multifactorial influences, and the dynamic nature of wartime conditions.

Several countries with large diasporas, such as Ireland, Israel, and Estonia, have implemented soft return mechanisms as part of their long-term demographic strategies. Despite having a sizeable diaspora, Ukraine currently lacks a systemic policy of remote civic engagement. This gap poses a risk of losing human capital and represents a broader threat to the country's economic security.

The tools proposed in this study, such as e-residency and digital reintegration platforms, offer effective means to mitigate such risks.

The study also identified policy boosters for reintegration—specifically, the transformation of pull factors into sustained incentives, including security guarantees, family support, and economic stimulus measures.

A legal framework for migration governance was developed through the conceptualisation of the national "Soft Return" program. The proposed program is structured around three key components:

1. Legislative support for the reintegration of return migrants, involving the development of a dedicated Law on the Reintegration of Migrants and amendments to existing migration legislation.
2. Institutional and legal mechanisms to support Ukrainian citizens abroad, including the creation of relevant registries, digital platforms, and legal assistance systems.
3. Legal instruments for remote participation in Ukraine's economic life, through the introduction of e-residency, fiscal incentives, and support for online civic and economic engagement.

The framework promotes human capital return and national recovery through adapted legal support.

Future research should focus on the empirical testing of the scenario-based approach to migration governance, particularly through the use of sociological and demographic methods. Promising directions include the examination of institutional barriers to implementing the "Soft Return" program, the legal justification for the proposed Law on the Reintegration of Migrants, and the exploration of digital platforms as tools for legal and economic participation of Ukrainian citizens abroad.

ADDITIONAL INFORMATION

AUTHOR CONTRIBUTIONS

All authors have contributed equally.

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CONFLICT OF INTEREST

The Authors declare that there is no conflict of interest.

REFERENCES

- Abramovych, O. (2023). Refugees and the economy – what are the consequences for the EU of the influx of Ukrainians? *Radio Svoboda*. <https://www.radiosvoboda.org/a/bizhentsi-ta-ekonomika-yaki-naslidky-dlya-yes-maye-naplyv-ukrayintsiv/32641171.html>
- Barlai, M., Fähnrich, B., Griessler, C., & Rhomberg, M. (2017). *The migrant crisis: European perspectives and national discourses*. Zürich: Lit Verlag.
- Bertè, M., Paolotti, D., & Kalimeri, K. (2023). From Ukraine to the World: Using LinkedIn data to monitor professional migration from Ukraine. *EPJ Data Science*, 12(1), 20. <https://doi.org/10.1140/epjds/s13688-023-00386-2>
- Chachko, E., & Linos, K. (2022). Sharing Responsibility for Ukrainian Refugees: An UN precedented Response. *Law fare*. <https://www.lawfaremedia.org/article/sharing-responsibility-ukrainian-refugees-unprecedented-response>
- Council of the European Union. (2001). Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons. *Official Journal of the European Communities*, L 212, 12–23. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0055>
- European Commission. (2025). Extension of temporary protection and a common European path for the future of Ukrainians in the EU. https://ec.europa.eu/commission/presscorner/detail/en/ip_25_0213
- European Parliament & Council of the European Union. (2024). Regulation (EU) 2024/1351 of the European Parliament and of the Council of 24 April 2024 on asylum and migration management. *Official Journal of the European Union*, L 202, 1–49. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1351>
- Podra, O., Batyuk, B., Levkiv, H., et al. (2022). The Ukrainian economy offshoring: estimation of factors' impact and developing measures to combat. *Business: Theory and Practice*, 23(2), 347–356. <https://doi.org/10.3846/btp.2022.14509>
- Onyshchenko, S., Hlushko, A., Kivshyk, O., et al. (2021). Shadow economy as a threat to economic security of the state. *Economics of Development*, 20(4), 24–30. [https://doi.org/10.57111/econ.20\(4\).2021.24-30](https://doi.org/10.57111/econ.20(4).2021.24-30)
- Akimova, L., Kotsur, V., Akimov, O., et al. (2024). International migration in the context of financial and economic security: The role of public administration in the development of national economy, education, and human capital. *Edelweiss Applied Science and Technology*, 8(6), 1492–1503. <https://doi.org/10.55214/25768484.v8i6.2265>
- Alazzam, F., Hryhoruk, P., Karvatska, N., et al. (2024). Sustainable legal development in the region: strategy for integrating e-commerce platforms in the domestic market in the era of industry 5.0. *International Journal of Sustainable Development and Planning*, 19(4), 2221–2228. <https://doi.org/10.18280/ijssdp.190621>
- Syrovyackyi, V., Maraieva, U., Dudiuk, V., et al. (2021). Economic and legal measures for ensuring the economy greening in post-pandemic period. *Amazonia Investiga*, 10(44), 252–260. <https://doi.org/10.34069/AI/2021.44.08.24>
- International Centre for Migration Policy Development (ICMPD). (2023). *Forced Migration from Ukraine: Migration Scenarios 2.0*. https://www.icmpd.org/fileadmin/1_2018/Ukraine_Migration_Scenarios2.0.pdf
- Kabinet Ministriv Ukrainy. (2018). The Concept of the State Migration Policy of Ukraine, approved by the CMU Directive No. 605-r of 29.08.2018. <https://zakon.rada.gov.ua/laws/show/605>
- Marek, D. (2023). Migration and soft power: The EU's visa and refugee policy response. *Journal of European Migration Policies*, 15(3), 101–119. <https://doi.org/10.1093/jemp/mpt059>
- Migration and Home Affairs (2023). The European Commission. https://commission.europa.eu/about-european-commission/departments-and-executive-agencies/migration-and-home-affairs_en
- Nazarovets, S. (2024). Migration of Ukrainian scientists in the context of war: Evidence from social sciences and

- humanities publication patterns. *Scientometrics*, 129, 245–265. <https://doi.org/10.1007/s11192-024-04831-6>
18. Ortynskyi, V., Tsymbaliuk, M., et al. (2021). Legal support of socio-economic development model genesis in post-industrial society. *Financial and Credit Activity Problems of Theory and Practice*, 5(40), 535–545. <https://doi.org/10.18371/fcaptop.v4i35.245212>
19. Verkhovna Rada Ukrainy. (1994). *Zakon Ukrainy "Pro pravovyi status inozemtsiv ta osib bez hromadianstva" No. 3929-XII vid 04.02.1994.* <https://zakon.rada.gov.ua/laws/show/3929:12>
20. Verkhovna Rada Ukrainy. (2011). *Zakon Ukrainy "Pro bizhentsiv ta osib, yaki potrebuiut dodatkovoho abo tymchasovoho zakhystu" No. 3671-VI vid 08.07.2011.* <https://zakon.rada.gov.ua/laws/show/3671-17>
21. Verkhovna Rada Ukrainy. (2015). *Zakon Ukrainy "Pro zovnishniu trudovu mihratsiiu" No. 761-VIII vid 05.11.2015.* <https://zakon.rada.gov.ua/laws/show/761-19>
22. Wildemann, S., Niederée, C., & Elejalde, E. (2023). Migration reframed? A multilingual analysis on the stance shift in Europe during the Ukrainian crisis. *International Migration Review*. <https://doi.org/10.1177/01979183231163124>

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СЦЕНАРНИЙ ПІДХІД ДО ПРАВОВОГО РЕГУЛЮВАННЯ МІГРАЦІЙНОЇ ПОЛІТИКИ: ФОРМУВАННЯ БЕЗПЕКОВОГО СЕРЕДОВИЩА В УКРАЇНІ В УМОВАХ ВІЙНИ

Стаття присвячена розробці науково обґрунтованих підходів до вдосконалення правового регулювання міграційної політики України задля формування безпекового середовища й потенціалу до відновлення держави. Головною метою є побудова сценарних прогнозів міграційної кризи ЄС, спричиненої повномасштабним уторгненням росії в Україну. Для досягнення поставленої мети було застосовано багатоступеневу дослідницьку методологію, засновану на сценарному аналізі з використанням матричного підходу Шелла. На першому етапі дослідження проаналізовано міграційні потоки, викликані російським уторгненням: оцінено їхні масштаби, динаміку, географічну траєкторію та наслідки й для ЄС, і для України. Також досліджено сприйняття соціально-економічних умов і якості надання різних послуг і в Україні, і в країнах ЄС. На другому етапі було визначено ключові рушійні сили міграції з початку війни та використано ці результати для побудови матричної моделі факторів впливу. Третій етап розглядав критичні невизначеності – непередбачувані, але ключові елементи, що формують ландшафт безпеки України, – формуючи основу для сценарного планування. На четвертому етапі було розроблено три основні міграційні сценарії – оптимістичний, реалістичний і песимістичний, – відображені вздовж двох осей: тривалість / результат війни та інтеграційна позиція ЄС щодо України. П'ятий етап включав експертну оцінку доцільності кожного сценарію та рівня консенсусу щодо їхньої правдоподібності. Заключний етап призвів до формулювання концептуальної правової бази через запропоновану державну програму «М'яке повернення». Ця програма запроваджує правові інструменти для інтеграції міграційної політики в порядок денний національної безпеки України з акцентом на сприянні поверненню людського капіталу. Вона включає положення про законодавчу підтримку, механізми залучення діаспори й інструменти для дистанційної громадянської та економічної участі, такі як електронне резидентство й цифрові платформи. Поєднуючи правову реформу зі стратегічним передбаченням, дослідження представляє перспективну модель управління міграцією в умовах воєнного часу.

Ключові слова: правове регулювання, міграція, міграційна політика, безпекове середовище, сценарне прогнозування, міграційна криза, м'яке повернення, післявоєнне відновлення

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