

## Transformation of Migration Terminology: From ‘Illegal Migrant’ to ‘Irregular Migrant’ (English-Ukrainian Aspect)

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### Keywords:

illegal migrant,  
irregular migrant,  
undocumented  
migrant,  
terminology,  
translation

**Abstract:** This article deals with the study of the semantic transformation of terminological units for migration law. The question of standardization of national terminology, as well as inter- and intra-linguistic harmonization and unification of migration units is raised and substantiated. It is noted that changes in English terminology cause difficulties in national terminology due to, on the one hand, the need to find the most accurate and correct equivalent of the unit of the source language, and on the other – differences in the semantic volume of units of different languages. The article considers English terms for migrants: *illegal migrant*, *irregular migrant*, *undocumented migrant*. Analysis of international normative and advisory documents, as well as data from lexicographic sources of English and Ukrainian languages allow the authors to provide recommendations for the use of the Ukrainian equivalent to these terms – *мігрант із неврегульованим статусом*. At the same time, the authors note that the current Ukrainian legal documents operate on the term *нелегальний мігрант*, despite the long-standing recommendations of the Council of Europe and the UN to replace the term *illegal migrant* in national legislation with *irregular migrant* or *undocumented migrant*.

## 1. Introduction

Modern discourse science is characterized by going beyond the limits of the text to the level of analysis of the systemic interaction of cognition / thinking and language / speech through understanding of the cognitive mechanisms of meaning formation and the correlation between the conceptual and linguistic levels. Currently, there is every reason to talk about the cognitive essence of terms in general (P. Faber & M. Cabezas-García<sup>1</sup>) and legal terms in particular (M. Bajčić<sup>2</sup>, L. Kucheruk<sup>3</sup>), which are used to objectify fragments of the legal worldview (B. Brożek & W. Kluwer<sup>4</sup>) through specific conceptual structures of terminological nature – cognitive terminological structures as “units of professional consciousness, in which fragments of the professional worldview are concentrated and which are verbalised through the terms”<sup>5</sup>.

Recently, along with the established terms, the legal terminological system has been actively replenished with new units that acquire a terminological character under the influence of extralinguistic factors, and is also experiencing a period of active modification of cognitive structures and, accordingly, the terms of this sphere, which reflects social changes.

Such terminological units include the lexemes *migrant* (English) / *мігрант* (Ukrainian), the semantics of which was formed and transformed under the influence of socio-historical and ethno-cultural factors and which were integrated into the legal terminology systems of the English and Ukrainian languages. Preliminary observations of the origin of this structure made it possible to identify a common Proto-Indo-European basis (*migrare* – in the sense of ‘to remove, depart, to move from one place

<sup>1</sup> Pamela Faber, Melania Cabezas-García, “Specialized Knowledge Representation: from Terms to Frames,” *Research in Language*, 2 (2019): 197–211.

<sup>2</sup> Martina Bajčić, *New Insights into the Semantics of Legal Concepts and the Legal Dictionary* (Amsterdam: John Benjamins Publishing Company, 2017), 7–59.

<sup>3</sup> Liliya Kucheruk, *Modern English Legal Terminology: linguistic and cognitive aspects* (PhD diss., Bordeaux: Université Michel de Montaigne-Bordeaux III, 2013), 84–87.

<sup>4</sup> Bartosz Brożek, *Rationality and Discourse: Towards a Normative Model of Applying Law* (Warsaw, Wolters Kluwer Polska, 2007), 13–18.

<sup>5</sup> Світлана Матвєєва, “Лінгвістична реконструкція когнітивної терміноструктури REFUGEE / БІЖЕНЕЦЬ в англо-українському корпусі юридичних текстів” (Дис. д. філол. наук, Київ: Національний педагогічний університет імені М. П. Драгоманова, 2020), 8.

to another'), which gives grounds to talk about the presence of a common mental background and purposeful cognitive motivation for the formation of their conceptual base.

## 2. Objective and methodology

The study of the concept with an emphasis on the specifics of the development of its linguistic implementations and the peculiarities of the current discursive situation allows us to understand the ways of verbalizing mental images through linguistic representations, systematizing linguistic ways of representing concepts and reconstructing fragments of professional language worldview. That is, the study of the language form opens up opportunities for understanding the internal structure of the concept.

The purpose of the paper is to analyse and compare the semantic scope of terminological units for migrants (in English and Ukrainian), as well as to provide practical recommendations for determining the correct Ukrainian equivalents for English terms *illegal immigrant*, *irregular migrant*, *undocumented migrant*.

The methodological framework of the study is based on a comparative approach to the analysis of terminological structures, which led to the involvement of general scientific (induction and deduction; analysis and synthesis; analytical search) and special linguistic (structural (with component and definitive analysis); comparative-typological) research methods and techniques.

## 3. Results

Migration is a complex social process, which, on the one hand, often critically affects the coexistence of people and states, national and international policies<sup>6</sup>, and, on the other hand, undergoes significant changes due to new conflicting circumstances and factors highlighting the key points between language, language policy and mobility<sup>7</sup>. The continuous process of formation of the terminological layer of migration law metalanguage, the constant transformation of the semantics of terminological units due to the changing

<sup>6</sup> Tony Capstick, *Language and Migration* (London: Routledge, 2020), 1–34.

<sup>7</sup> Christopher Alexander Houtkamp, *Language and motility of migrant communities in Europe* (PhD diss., Amsterdam: Amsterdam School for Regional, Transnational and European Studies, 2020), 14–19.

nature of migration processes, the incomplete standardization of national terminology and the need for interlingual harmonization of this terminology system – these and other factors necessitate a rethinking and reinterpretation of selected language units and complete multifaceted approaches to the nomination of certain phenomena.

Today, there is a process of partial modification or complete replacement of terms that call phenomena and things of objective reality causing contradictory, ambiguous ethical attitudes, with alternative ones. Among such language units are words and constructions to denote migration processes and their participants.

*Migrant* is “a person who travels to another place or country, usually in order to find work”<sup>8</sup>. The lexeme *migrant* in its modern spelling has been found since 1672<sup>9</sup>. *Online Etymology Dictionary* provides information that the first use of the noun *migrant* meaning ‘person who migrates’ was recorded in 1760. It is noted that the noun is formed from the adjective *migrant* – “changing place, migratory”, which comes “from Latin *migrantem* (nominative *migrans*), present participle of *migrare* ‘to remove, depart, to move from one place to another’<sup>10</sup>.

The genesis of each term is closely related to its distribution and collocations, in which this term is combined with other linguistic units. Thus, the term *migrant* comes into contact with adjectives characterizing the type of persons that this unit names from a legal point of view.

The issue of naming migrants in English-language law was first raised at the United Nations General Assembly in 1975: “The General Assembly ... requests the United Nations organs and the specialized agencies concerned to utilize in all official documents the term ‘*non-documented or irregular migrant workers*’ to define those workers who illegally and / or surreptitiously enter another country to obtain work”<sup>11</sup>. Later the resolution of the Parliamentary Assembly of the Council of Europe “Human rights of irregular migrants”, promulgated in 2006, stated “the Assembly prefers to use the term ‘*irregular migrant*’ to other terms such as ‘*illegal migrant*’

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<sup>8</sup> “Cambridge Dictionary,” accessed November 10, 2022, <https://dictionary.cambridge.org>.

<sup>9</sup> “Merriam-Webster,” accessed November 10, 2022, <https://www.merriam-webster.com>.

<sup>10</sup> “Online Etymology Dictionary,” accessed November 12, 2022, <https://www.etymonline.com>.

<sup>11</sup> A/RES/3449(XXX), 9 December 1975.

or '*migrant without papers*'. This term is more neutral and does not carry, for example, the stigmatisation of the term '*illegal*'. It is also the term increasingly favoured by international organisations working on migration issues<sup>12</sup>. In 2009, the European Parliament called "on the EU institutions and Member States to stop using the term '*illegal immigrants*', which has very negative connotations, and instead to refer to '*irregular / undocumented workers / migrants*'"<sup>13</sup>. The same position was supported by the United Nations High Commissioner for Human Rights, who stated that the term "*illegal immigrants*' should be avoided and replaced by the internationally accepted definitions of '*irregular*' or '*undocumented*' migrants, which more accurately describe the situation"<sup>14</sup>.

Today, the official website of the Council of Europe raises the issue of applying certain nominations to determine migrants and their status, in view of the problem of human rights protection: "Never call migrants in an irregular situation '*illegal migrants*' as this would be inaccurate and harmful"<sup>15</sup>. Initiatives are emerging that address today's global challenges, gaining international support. For example, PICUM, the Platform for International Cooperation on Undocumented Migrants is a network of organizations working to ensure social justice and human rights for migrants who do not have the necessary documents. One of the projects of the Platform is the "Words Matter!" campaign<sup>16</sup>, which works to raise awareness of the impact of discriminatory vocabulary, offers accurate, humane terminology and provides sound recommendations for avoiding the use of the term *illegal migrant*.

As a rule, situations with the replacement of special terminology in one language have some difficulties in translating and adapting new

<sup>12</sup> Parliamentary Assembly, Resolution 1509 (2006), Human rights of irregular migrants, Assembly debate on 27 June 2006 (18<sup>th</sup> Sitting).

<sup>13</sup> A6-0479/2008, 14 January 2009, § 158.

<sup>14</sup> Pillay Navi, UN High Commissioner for Human Rights. 12<sup>th</sup> session of the Human Rights Council, 22 September 2009.

<sup>15</sup> Nils Muižnieks, "Without papers but not without rights: the basic social rights of irregular migrants," *Council of Europe*, accessed October 30, 2022, <https://www.coe.int/en/web/commissioner/-/without-papers-but-not-without-rights-the-basic-social-rights-of-irregular-migrants>.

<sup>16</sup> "Why Words Matter," Platform for International Cooperation on Undocumented Migrants, accessed October 30, 2022, <https://picum.org/words-matter>.

nominations in other languages. And while glossaries and recommendations for the translation of new terms are being developed for the languages of the European Union member states, the rest of the countries (including Ukraine) are trying to solve the problem of terminological harmonization on their own, which in this country, unfortunately, is almost unsystematic.

Thus, the named factors make it necessary to address the issue of the functioning of terms for migrants and refugees in the Ukrainian language. We propose to consider this problem from two positions: taking into account the data enshrined in general and special dictionaries (monolingual and multilingual), as well as considering the use of terminological nominations in the texts of legislative documents.

*Cambridge Dictionary* provides the following definition of the construction *illegal immigrant*: “someone who lives or works in another country when they do not have the legal right to do this”<sup>17</sup>. It is further noted that “this term is considered offensive by most people. Use *undocumented immigrant* or *undocumented person* instead”<sup>18</sup>. But it seems that more objective factors speak against the use of this adjective. We support the statement by M. Paspalanova that “only an act can be illegal whereas a person cannot be ‘*illegal*’ or ‘*criminal*’. It is the act that falls under the provisions of the penal (in the case of criminal offences) or administrative (in the case of non-criminal offences) code of a country and it is respectively punished, rather than the person per se”<sup>19</sup>.

Speaking about *irregular* and *undocumented*, we find only the definition of these adjectives, but there are no constructions to denote *migrants* with these units in the dictionary:

*irregular* – “(of behaviour or actions) not according to usual rules or what is expected”<sup>20</sup>;

*undocumented* – “not supported by written proof; not having any documents to prove that you are living or working in a country legally”<sup>21</sup>.

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<sup>17</sup> “Cambridge Dictionary.”

<sup>18</sup> “Cambridge Dictionary.”

<sup>19</sup> Mila Paspalanova, “Undocumented vs. Illegal Migrant: toward terminological coherence,” *Migraciones Internacionales*, vol. 4, núm. 3 (2008): 82.

<sup>20</sup> “Cambridge Dictionary.”

<sup>21</sup> “Cambridge Dictionary.”

Another picture is observed in the dictionary *Glossary on Migration*, which does not contain a definition of *illegal migrant*, but only refers to the dictionary entries *migrant in an irregular situation* (“a person who moves or has moved across an international border and is not authorized to enter or to stay in a State pursuant to the law of that State and to international agreements to which that State is a party”)<sup>22</sup> and *undocumented migrant* (“a non-national who enters or stays in a country without the appropriate documentation”)<sup>23</sup>.

One of the aspects that contribute to understanding of the deep essence of the phenomenon and its place in society's communication is an indicator of the dynamics of its naming, which can be traced by a quantitative assessment of the frequency of use of verbalizers of this concept in various styles. Such data is provided, for example, by the *Google Trends*<sup>24</sup> search and analytical tool, which gives access to mostly unfiltered samples of actual Google searches. These data are categorized (by indicating the topic of the search query) and summarized (united in a group), which allows us to highlight interest in a certain topic according to certain criteria: we can choose a region, a time period, a category. Quantitative indicators demonstrate the popularity of a search term relative to the highest point on the graph: 100 is the peak of the term's popularity; 50 means that the popularity of the term is half as much; 0 means there was not enough data for that term. For our research, the function of comparing different search queries under the same conditions (region, time, language, scope) is of particular interest.

To analyse the frequency of queries with the search terms *illegal migrant*, *irregular migrant* and *undocumented migrant*, the following criteria and observation characteristics were chosen (see Fig. 1):

- 1) region – worldwide. This is an irrelevant criterion, since this study does not involve a comparison of the regional specificity of the verbalization of the studied concept in English;
- 2) time period – since 2014 up to date. The time period was chosen taking into account the activation of social events in Ukraine that the term refers to (directly and indirectly) and on which the current functioning

<sup>22</sup> A.C. Bauloz Sironi and M. Emmanuel, eds., *Glossary on Migration* (Geneva: IOM, 2019): 133.

<sup>23</sup> Bauloz and Emmanuel, *Glossary on Migration*, 223.

<sup>24</sup> “Google Trends,” Google, accessed December 01, 2022, <https://www.google.com/trends>.

- depends, as well as the set and trends of transformation in the characteristics of the verbalizers of the concept *migrant* / *мігрант*;
- 3) the language of search requests is English as the language of international communication and as the official language of organizations that conclude and ratify normative documents regulating migration law and issues related to it at the international level;
  - 4) category – Law & Government. The chosen field of application suggests that these queries were mostly made by professional users from the field of law and government, and therefore, with a high degree of probability, these units are terms serving the specified fields.

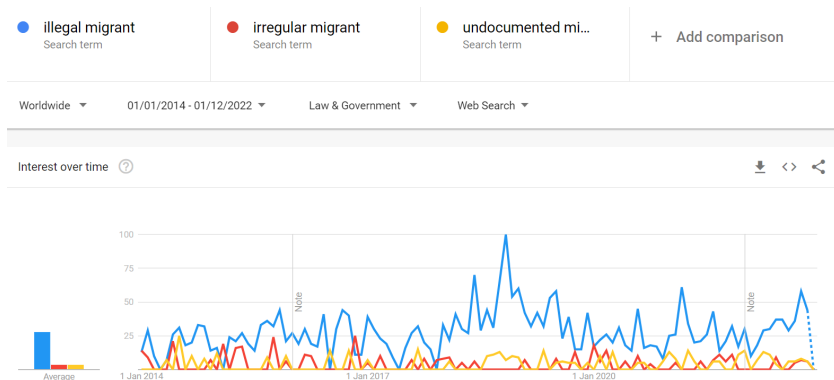


Fig. 1. Search popularity for *illegal migrant* (blue), *irregular migrant* (red) and *undocumented migrant* (yellow); timeframe – 01.01.2014–01.12.2022; region – worldwide; query language – English; category – Law & Government<sup>25</sup>.

The obtained data demonstrate differences in the frequency of requests of the studied units in favour of the term *illegal migrant*, which is not recommended at the official level. At the same time, we observe similarities in the use of the terms *irregular migrant* and *undocumented migrant* – low rate (max 19 of 100 for *irregular migrant*; max 13 of 100 for *undocumented migrant*) compared to *illegal migrant* (100 of 100 at the peak), which indicates the predominant use by speakers of the term, which was formed

<sup>25</sup> Google, “Google Trends.”



and acquired active functioning in speech naturally, and the insufficient assimilation of the recommended terms *irregular migrant* and *undocumented migrant* by English-speaking users.

Regarding the data contained in the sources of the Ukrainian language, first of all, we note that the appeal to the “National Bank of standardized scientific and technical terms”<sup>26</sup> did not bring any positive result (search query for the root *-mizp-* showed Ø results). We consider it possible to base our study on the analysis of the lexical meaning and available equivalents in both non-specialized and terminological dictionaries.

Referring to the available machine translation systems demonstrates the results shown in Table 1.

*Table 1.* Comparative translation (from English into Ukrainian) of legal terms *illegal migrant*, *irregular migrant*, and *undocumented migrant* using machine translation systems

	Google Translate <sup>27</sup>	DeepL <sup>28</sup>	Reverso Translation <sup>29</sup>	Microsoft Bing <sup>30</sup>	M-translate <sup>31</sup>
illegal migrant	нелегальний мігрант; незаконний мігрант	нелегальний мігрант; незаконний мігрант; нелегал	незаконний мігрант	нелегальний мігрант	нелегальний мігрант
irregular migrant	нелегальний мігрант; незаконний мігрант	нелегальний мігрант; неврегульований мігрант; незаконний мігрант	нерегулярний мігрант	нерегулярні мігранти	нелегальний мігрант
undocumented migrant	мігрант без документів; незарєєстрований мігрант	нелегальний мігрант; недокументований мігрант; незарєєстрований мігрант; мігрант без документів	недокументований мігрант	мігрант без документів	мігрант без документів

<sup>26</sup> “Національний банк стандартизованих науково-технічних термінів”, Український науково-дослідний і навчальний центр проблем стандартизації, сертифікації та якості, accessed November 10, 2022, <http://uas.org.ua/ua/bank-danih/natsionalniy-bank-terminiv>.

<sup>27</sup> “Google Translation,” Google, accessed September 25, 2022, <https://translate.google.com>.

<sup>28</sup> “DeepL Translator,” DeepL, accessed September 25, 2022, <https://www.deepl.com/en/translator>.

<sup>29</sup> “Reverso Translation,” Reverso, accessed September 25, 2022, <https://www.reverso.net/text-translation>.

<sup>30</sup> “Microsoft Bing,” Microsoft, accessed September 25, 2022, <https://www.bing.com/translator>.

<sup>31</sup> “M-translate,” Національний online перекладач, accessed September 25, 2022, <https://www.m-translate.com.ua>.

The obtained results demonstrate a rather extensive synonymic series to the terminological constructions, which, by the nature of the term itself, should be unambiguous. Therefore, we will try to use the data of explanatory dictionaries for a deeper understanding of the semantic content of the studied units.

Explanatory dictionaries of the Ukrainian language contain the following definitions of the studied adjectives:

*нелегальний*: “заборонений законом; підпільний, незаконний” [prohibited by law; underground, illegal]<sup>32</sup>. It is interesting to note that the phrase ‘*нелегальні іммігранти*’ [*illegal immigrants*] is illustrative material for this definition in the *Great Explanatory Dictionary of the Modern Ukrainian Language*;

*незаконний*: “який забороняється законом, порушує закон; // який суперечить законові, йде врозрід з ним; // не оформлений юридично; позашлюбний” [which is prohibited by law, violates the law; // which contradicts the law, goes against it; // not legalized; extramarital]<sup>34</sup>;

*неврегульований*: “що не є врегульованим, улагодженим (на основі згоди сторін)” [unsettled (by agreement of the parties)]<sup>35</sup>;

*недокументований*: dictionaries do not contain the definition of this unit; its lexical meaning can be deduced through the analysis of the process of word formation and grammatical meaning of morphemes: verb *документувати* (обґрунтовувати документами [to justify with documents]<sup>36</sup>) + participle suffix *-н-* → participle *документований* + negative particle *не-* → participle *недокументований*.

Considering the lexical meaning of the language units, we refer to bilingual dictionaries, which provide data on the equivalents of lexical units in different languages and contribute to the unambiguity and accuracy of translation, which, in turn, should ensure proper legal interlanguage interaction.

<sup>32</sup> Hereinafter translated by the authors of this paper.

<sup>33</sup> В'ячеслав Бусел, уклад., *Великий тлумачний словник сучасної української мови* (Київ: Ірпінь: ВТФ “Перун”, 2005), 766.

<sup>34</sup> Бусел, *Великий тлумачний словник словник сучасної української мови*, 760.

<sup>35</sup> Бусел, *Великий тлумачний словник словник сучасної української мови*, 751.

<sup>36</sup> Іван Білодід, ред., *Словник української мови* (Київ: Наукова думка, 1971), т. 2, 356.

Adjective *illegal* has the following equivalents in bilingual dictionaries of common vocabulary: 'незаконний, нелегальний'<sup>37</sup>. As for the dictionaries of legal terminology, they offer the following equivalents to reproduce the unit *illegal*: "1) особа на нелегальному положенні, нелегал, таємний агент за кордоном; 2) незаконний, протизаконний, протиправний; неправомірний; неправосудний; несанкціонований, заборонений; нелегальний, підпільний, лихварський"<sup>38</sup>, "незаконний, нелегальний, заборонений"<sup>39</sup>, "1) особа на нелегальному положенні, нелегал; 2) незаконний, протизаконний, протиправний, неправомірний; нелегальний"<sup>40</sup>, "1) особа у нелегальному становищі, нелегал; 2) незаконний, протизаконний, протиправний, неправомірний, нелегальний"<sup>41</sup>.

These dictionaries also contain terminological phrases to denote migrants and migration, namely:

"illegal alien – незаконний іммігрант; іноземець, який незаконно перебуває на території країни; іноземець-нелегал"<sup>42</sup>, "нелегальні емігранти (які не мають дозволу на виїзд у США, часто з Мексики)"<sup>43</sup>;

"illegal entrant – нелегальний іммігрант; особа, яка нелегально в'їжджає (в'їхала) до країни"<sup>44</sup>;

"illegal immigrant – нелегальний іммігрант"<sup>45</sup>;

"illegal immigration – незаконна (нелегальна) імміграція"<sup>46</sup>;

"illegal migration – незаконна міграція, незаконне пересування"<sup>47</sup>.

<sup>37</sup> В.Ф. Малишев, уклад., *Новий англо-український та українсько-англійський словник* (Харків: Друкарський центр "Єдінороз", 2000), 203.

<sup>38</sup> В'ячеслав Карабан, *Англо-український юридичний словник* (Вінниця: Нова книга, 2003), 501.

<sup>39</sup> Ігор Бик, ред., *Англо-український дипломатичний словник* (Київ: Знання, 2006), 258.

<sup>40</sup> В.І. Мураїнов, ред., Л.І. Шевченко, ред., *Англо-український словник міжнародного, порівняльного і європейського права* (Київ: Арії: 2009), 243.

<sup>41</sup> І.О. Голубовська et al., *Багатомовний юридичний словник-довідник* (Київ: Київський університет, 2012), 174.

<sup>42</sup> Карабан, *Англо-український юридичний словник*, 501.

<sup>43</sup> Бик, *Англо-український дипломатичний словник*, 258.

<sup>44</sup> Карабан, *Англо-український юридичний словник*, 501.

<sup>45</sup> Карабан, *Англо-український юридичний словник*, 502.

<sup>46</sup> Карабан, *Англо-український юридичний словник*, 502.

<sup>47</sup> Карабан, *Англо-український юридичний словник*, 502.

It is suggested to translate the adjective *irregular* with the following equivalents: “1) неправильний; 2) незаконний; 3) нерегулярний, нерівномірний; 4) безладний, розпущений; 5) нестандартний; 6) несиметричний; 7) нерівний (*про поверхню*); 8) грам. неправильний (*про дієслово*)”<sup>48</sup>. And the dictionaries of legal terminology record the following equivalents: “ненормальний; неправильний; неналежний; недостатній; неправомірний; незаконний”<sup>49</sup>, “1) неправильний; який не відповідає нормам / правилам; неприйнятний; незвичайний; 2) військ. нерегулярний”<sup>50</sup>, “1) неправильний; неналежний; недостатній; 2) іррегулярний”<sup>51</sup>.

It is interesting to note that the use of this adjective to denote migration processes and their participants is not currently recorded in the available English-Ukrainian dictionaries of legal terminology.

We object to the use of the adjective *нерегулярний* to translate the construction *irregular migrant*, because in Ukrainian the adjective *нерегулярний* means “1) який здійснюється, виконується з перервами; нерівномірний; 2) який не має правильної постійної організації, систематичного навчання (про армію, військо і т.ін.)” [1] which is carried out, performed intermittently; uneven; 2) which does not have the correct permanent organization, systematic training (about the army, military forces, etc.)<sup>52</sup>, which does not correspond to the meaning of the English-language unit *irregular* (see above).

We also do not consider it correct to translate construction *irregular migrant* with the adjective *нерегульований*, which means “такий, що не піддається регулюванню, не регулюється” [uncontrollable, unregulated]<sup>53</sup>.

As for the adjective *undocumented*, English-Ukrainian dictionaries of common vocabulary available to us do not contain entries with this adjective. At the same time, dictionaries of legal terms provide information

<sup>48</sup> С.М. Крисенко, уклад., *Новітній англо-український, українсько-англійський словник* (Харків: ВАТ “Харківська книжкова фабрика ім. М.В. Фрунзе”, 2005), 324.

<sup>49</sup> Карaban, *Англо-український юридичний словник*, 562.

<sup>50</sup> Бик, *Англо-український дипломатичний словник*, 282.

<sup>51</sup> Муравйов and Шевченко, *Англо-український словник міжнародного, порівняльного і європейського права*, 269.

<sup>52</sup> Бусел, *Великий тлумачний словник сучасної української мови*, 777.

<sup>53</sup> Бусел, *Великий тлумачний словник сучасної української мови*, 777.

that in the legal field this unit should be translated as “недокументований, незадокументований; не обґрунтований документами; не підкріплений документами; нелегальний (про іммігранта, працівника)”<sup>54</sup>, “не підкріплений документами, недокументований”<sup>55</sup>.

Besides these data are accompanied by terminological constructions, namely:

“undocumented immigration – нелегальна імміграція”<sup>56</sup>;

“undocumented alien – іноземець, який перебуває на території країни без необхідних для цього документів”<sup>57</sup>.

The Ukrainian-English explanatory dictionary of international terminology in the field of migration for the construction *irregular migrant* suggests using the equivalent *мігрант із неврегульованим статусом*, which means “особа, яка внаслідок незаконного в'їзду або закінчення встановлених строків перебування не має законного статусу в транзитній або приймаючій країні. Також поняття включає тих осіб, які законно прибули в транзитну країну або країну призначення, але лишились на триваліший час, ніж дозволено або, як наслідок, були незаконно працевлаштовані” [a person who, due to illegal entry or the expiration of the established periods of stay, does not have a legal status in the transit or receiving country. Also, the concept includes those persons who legally arrived in the transit country or the country of destination, but stayed longer than allowed or, as a result, were illegally employed]<sup>58</sup>. The dictionary contains information about other terms that are close in meaning, namely:

*illegal migrant* – незаконний мігрант, нелегальний мігрант;

*undocumented migrant* – недокументований мігрант;

*unauthorised migrant* – мігрант, який перебуває з порушенням законодавства.

<sup>54</sup> Карабан, *Англо-український юридичний словник*, 1036.

<sup>55</sup> Муравйов and Шевченко, *Англо-український словник міжнародного, порівняльного і європейського права*, 512.

<sup>56</sup> Карабан, *Англо-український юридичний словник*, 1036.

<sup>57</sup> Карабан, *Англо-український юридичний словник*, 1036.

<sup>58</sup> Міжнародна організація з міграції, *Міжнародна термінологія у сфері міграції: українсько-англійський тлумачний словник* (Київ: БЛАНК-ПРЕС: 2015), 15.

The dictionary provides some recommendations as for the use of the adverbs *irregular* and *illegal*: “in international practices, there is a tendency to limit the use of the term *незаконний (нелегальний) мігрант* due to its punitive nature, thus replacing it with the alternative term *мігрант з неврегульованим статусом* or *недокументований мігрант*. The term *нелегальний мігрант* is used only when the case involves the smuggling of migrants and human trafficking”<sup>59</sup>; “the term *irregular* is more applicable than *illegal*, since the latter carries a criminal connotation and is considered to degrade the dignity of the migrant”<sup>60</sup>.

Ukrainian migration researchers (following the experts of the European Union) also prefer adjectives other than *нелегальний*, and emphasize the criminally defined semantics of this unit. Thus, V. Levkovskiy (2007) notes that “since the late 80s of the last century, migration has ceased to be planned and forced, and as a result, its criminogenic potential has increased significantly. Therefore, the appearance of such concepts as *нелегальна міграція, незаконна міграція, криміногенна міграція* and *кримінальна міграція* in modern scientific literature seems quite natural”<sup>61</sup>. At the same time, sometimes the scientific literature does not emphasize the differences in the semantics of the language units used to name the studied phenomenon: “to denote migrants who arrive or stay in the country illegally, violate other migration rules, the following terms are used in modern scientific literature: *недокументована, незаконна, нелегальна, недозволена, неврегульована, підпільна, напівлегальна*, etc., which can be considered as synonyms or as individual concepts with different meanings”<sup>62</sup>. In most cases, there is no mention of the industry differentiation of terminology (legal, political, social, pedagogical and other fields). Such a situation is unacceptable for the legal sphere, since the legal term chosen for codification in legislation and special normative dictionaries “must convey the legal concept as accurately as possible, have a precise and clearly defined meaning (definition), be unambiguous within the term

<sup>59</sup> “Міжнародна організація з міграції,” 15.

<sup>60</sup> “Міжнародна організація з міграції,” 15.

<sup>61</sup> Володимир Левковський, “Нелегальна міграція – загроза національній безпеці України,” *Боротьба з організованою злочинністю і корупцією (теорія і практика)*, 16 (2007): 92.

<sup>62</sup> Юрій Марусик, “Неврегульована міграція як сучасний політичний інструмент,” *Молодий вчений*, 6(46) (2019): 39.

system, be characterized by stylistic neutrality, functional stability, to correspond to the structural-semantic and word-form features of the Ukrainian language<sup>63</sup>.

In this connection, the question of using these terms directly when translating regulatory documents from English and in the original Ukrainian-language legislative texts arises. Thus, the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” operates with the term *нелегальний мігрант* (for which the construction *irregular immigrant* is used in the official English translation), that nominates “a foreigner or stateless person who crossed the border outside the border crossing points or using the latter, but avoiding border control, and failed to immediately apply for refugee status or asylum in Ukraine, as well as a foreigner or stateless person who arrived legally to Ukraine, but after the expiration of the prescribed period of stay lost the grounds for further stay and avoid exiting Ukraine” (the official translation)<sup>64</sup>. As you can see, in this context (violation of legislation, rules) the use of the term *нелегальний мігрант* is appropriate and correct.

#### 4. Discussion and conclusion

In recent years, Ukraine has seen an increase in migration activity both within the country and at its borders. It is clear that such processes require correct legal regulation and, accordingly, the availability of unambiguous and precise terminology.

Summarizing the recommendations contained in international normative and advisory documents, as well as taking into account the data of lexicographic sources of the English and Ukrainian languages, we believe that today the term of the Ukrainian language that most accurately and most fully reflects the meaning of the internationally recommended construction *irregular migrant* is the term *мігрант із неврегульованим статусом*, and for the *irregular migration*, we suggest using the equivalent *неврегульована міграція*.

<sup>63</sup> Наталія Артикуца, “Методичний інструментарій юридичного термінознавства,” *Наукові записки НаУКМА. Юридичні науки*, том 129 (2012): 55.

<sup>64</sup> Закон України “Про правовий статус іноземців та осіб без громадянства”, 2011, no. 3773-VI.

This work describes only one case of the absence of a stable Ukrainian equivalent of an English term. In this regard, the issue of nomination and definition of legal and migration concepts require detailed study, and the terms themselves need inter- and intra-lingual harmonization and unification.

The questions that, according to our data, do not have a solution today and require a comprehensive study within the framework of the general problem under investigation are the following:

- 1) content and semantic volume of the lexemes *migrant* / *мігрант* in the term systems of various scientific fields and jurisprudence, in particular,
- 2) extralinguistic factors affecting the content and semantic changes in the meaning of the terms *migrant* / *мігрант* and the constructions they form,
- 3) the specificity of the linguistic implementation of constructions with cognitive term structures *migrant* / *мігрант* in modern English and Ukrainian languages.

Remaining a complex problem and still not solved in various spheres of society's life, migration issues require the special attention of specialists in the social and humanitarian fields of science from different points of view. We consider the study of the specifics of the functioning and translation of migration terminology in English and Ukrainian with an emphasis on ethnocultural, social, historical, linguistic and other properties of mono- and multinational communities as a research perspective.

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