

UNHCR UKRAINE

REFUGEES AND ASYLUM SEEKERS

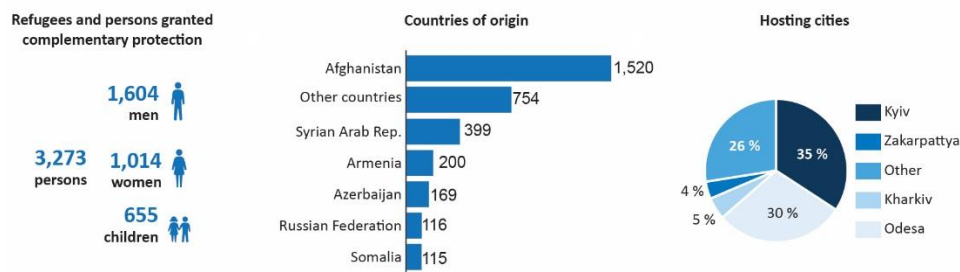
JULY 2016

OVERVIEW

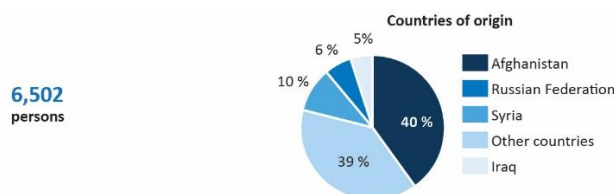
Ukraine is a destination and transit country for persons with international protection needs as well as economic migrants seeking to enter the European Union (EU). The Ukrainian asylum system still requires improvement to meet international standards. Since 2011, Ukraine has two forms of protection: refugee status and complementary protection, though the recognition rate is low. Refugees and asylum seekers have little chance of becoming self-sufficient. While some do manage to integrate, those facing particular protection risks and the socially vulnerable have very limited prospects for sustainable integration in Ukraine. Racism and xenophobia, a generally poor economic situation, legislative discrepancies and corruption all hinder the integration of refugees. Many asylum seekers and refugees choose to move on to third countries in search of effective international protection and better integration prospects.

Existing weaknesses in the national asylum system are exacerbated by the ongoing conflict in eastern Ukraine and resulting internal displacement. The conflict and the economic situation have placed further pressure on government services, including high inflation and increased living costs. The majority of refugees in Ukraine have no prospects for safe and dignified voluntary repatriation; UNHCR continues to advise against their return. Resettlement to third countries is increasingly used as a protection tool, with UNHCR considering a more strategic use of resettlement as a durable solution for 2017-2018.

Refugee population in Ukraine (as of 1 January 2016)

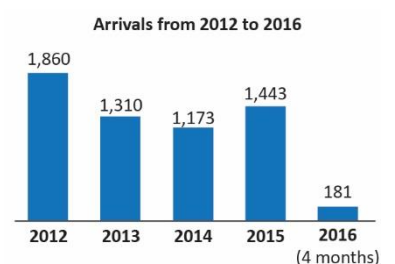


Asylum-seekers in Ukraine (as of 1 January 2016)



Trends

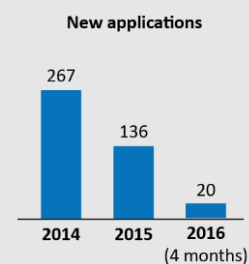
Despite the large influx of refugees and migrants through the Mediterranean and Balkans routes, there is no evidence to date of a significant increase in the number of new arrivals in Ukraine. During the first four months of 2016 only **181** new persons applied for asylum. With the support of UNHCR and the International Organization for Migration (IOM), the Government of Ukraine is working on completing its emergency preparedness plan for a possible mass influx of refugees and migrants.



Syrians

As of 1 May 2016, **418** Syrians were granted protection, including **59** with refugee status and **359** with complementary protection. There are around **600** Syrian asylum seekers in Ukraine.

The majority of Syrians who already applied for asylum in Ukraine before 2015 are applicants *sur place* (former students) whereas the number of applications for asylum from newly arrived Syrian nationals is decreasing and can be attributed to stricter border control. A majority of Syrian nationals currently residing in Ukraine never applied for asylum. They regularized their stay in the country through other legal pathways (e.g. residence permit). The State Migration Service (SMS) continues to reject asylum claims of those Syrians who have alleged grounds to benefit from another form of legalized stay than protection status. Through training and during meetings with migration officials, UNHCR pursues its advocacy work to convince the Government that the above considerations cannot be a ground for rejection. Deportation to Syria is not enforced, but many Syrians have to stay in Ukraine illegally following rejections of their asylum application.



Asylum system in Ukraine

In 2002, Ukraine acceded to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol and has since developed a relevant national legislative framework, starting with the Law On Refugees and Persons in Need of Complementary or Temporary Protection in Ukraine, of 8 July 2011 (Refugee Law).

- **Access to the territory** remains a concern for UNHCR. Though national legislation envisages the right and procedures to apply for asylum at the border, in practice border control is very restrictive. UNHCR conducts *ad hoc* protection interventions at entry border crossing points directly and through its NGO partners. Because of these interventions, 24 asylum seekers were granted access to the territory and the asylum procedure in 2015 and 6 asylum seekers in the first quarter of 2016. Despite UNHCR's interventions, three persons who informed UNHCR about their intentions to apply for asylum were not admitted in 2015 and nine during the first quarter of 2016. Otherwise, there have been no reported cases of *refoulement* since 2013.
- **The Government refugee status determination (RSD)** procedure has improved thanks to UNHCR's capacity development activities spanning many years and the current Government's clear tendency to align with EU standards. As a result, the overall recognition rate by the State Migration Service has increased considerably compared to pre-2014 levels (327 people received protection in 2014 and 167 in 2015). Positive trends were also observed in judicial reviews in 2014 and 2015, with courts giving a significant number of decisions in favour of asylum seekers. Since 2015, UNHCR NGO partners have been allowed to monitor the work of asylum authorities in Kyiv and Odesa.

Remaining weaknesses in RSD procedures include:

- No effective interpretation;
- The time for appeals is unreasonably short;
- Rejected asylum seekers are not informed of the reason for rejection;
- High turnover rate among government caseworkers;
- Requirement to confirm residency registration;

The **Department on Foreigners and Stateless Persons of the State Migration Service (SMS)** is the main counterpart of UNHCR in Ukraine. SMS was established in 2010 as a government institution coordinated by the Minister of Interior. Through SMS, the Minister of Interior implements the state migration policy on combating illegal migration, citizenship, registration of refugees, and other categories of migrants. SMS is responsible for the implementation of the Refugee Law. SMS's Headquarters is located in Kyiv and coordinates the work of 13 territorial branches that conduct first instance RSD. Decisions to grant protection are taken only at the central level. The central SMS and courts conduct appeals.

STRATEGY

- UNHCR continues to monitor and intervene directly to ensure that persons of concern (PoC) are adequately protected. UNHCR provides material, social and medical assistance to the most vulnerable refugees and asylum seekers. UNHCR also provides financial assistance in the form of a Monthly Subsistence Allowance (MSA) to those in most need.
- UNHCR continues to work closely with the Government of Ukraine on strengthening the national asylum system.
- UNHCR uses resettlement to extend protection to people at risk of *refoulement* and detention, persons with specific needs who cannot receive adequate services or treatment in Ukraine and unaccompanied minors. To ensure the timely identification of persons in need of resettlement, UNHCR systematically reviews cases of certain profiles such as women-at-risk and LGBTI individuals who are discriminated and at risk of marginalization.
- In view of unstable political, security and economic situation in Ukraine, UNHCR will enhance its focus on durable solutions, namely resettlement and the local integration of refugees.

CURRENT ACTIVITIES

Quality Initiative project in Eastern Europe and the South Caucasus (QIEE)

UNHCR has been working with the Government of Ukraine to improve asylum procedures, including through the EU-funded Asylum Systems Quality Initiative project in Eastern Europe and the South Caucasus. The first phase of this project ended in mid-2015. Positive feedback from the governments of the countries covered by the project resulted in Phase II of the Quality Initiative project during 2015-2017, with a focus on capacity development of asylum authorities as well as courts and the State Border Guard Service (SBGS). Phase II of the QIEE project covers six countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) and is coordinated by the UNHCR Regional Protection Support Unit in Tbilisi.

Pilot Initiative to Monitor Readmission in Ukraine and Pakistan (MONITOR project)

In 2014, UNHCR together with IOM launched the three-year, EU-funded Pilot Initiative to Monitor Readmission in Ukraine and Pakistan. Within the project, UNHCR focuses on the post-return situation of third-country nationals readmitted to Ukraine from the EU and who are in need of international protection. Official statistics of the SBGS show that the number of third country nationals returned to Ukraine from EU countries under the accelerated readmission procedure increased from 121 in 2014 to 239 in 2015, while the number of erroneously readmitted asylum seekers has slightly decreased from 56 asylum seekers in 2014 to 41 in 2015.

Ukraine as a country of transit

As asylum seekers and refugees face difficulties integrating into local society, many attempt to leave Ukraine for EU countries by irregular means.

2015	165 asylum seekers were apprehended on the western borders of Ukraine while attempting to cross the border illegally	134 people applied for asylum through the SBGS, including 75 after being detained on the western border
2016	29 asylum seekers were apprehended on the western borders	18 persons detained in migrant custody centers (MCC) submitted asylum applications

Asylum can be applied for after being processed for forcible expulsion and while awaiting identification at the MCCs. UNHCR is granted access to persons of concern in immigration detention.

Free legal aid centres

As of 1 July 2015, government-run free legal aid has become fully operational and available to asylum seekers in the RSD process. However, the staff of these free legal aid centers do not have the specialized skills required to assist asylum seekers and refugees. Under the MONITOR project UNHCR provides its expert support to the free legal aid system in regions where most asylum applications are submitted. At the same time, UNHCR continues to provide free legal assistance to eligible PoCs through its NGO partners to enable asylum seekers to pursue asylum claims and provide recognized refugees access to their rights.

DURABLE SOLUTIONS

UNHCR strives to achieve all three **durable solutions**: resettlement, local integration and voluntary repatriation.

- **Voluntary repatriation** is facilitated on a case-by-case basis when applicants are eligible, there are no concerns about voluntariness and the return can take place in safety and dignity.
- **Local integration.** Under Ukraine's Refugee Law, refugees and those granted complementary protection have the same rights and obligations as Ukrainian nationals, including the right to employment, education and social assistance. While UNHCR has a number of success stories thanks to individual support to refugees (e.g. allocation of small business grants), there are various obstacles to local integration because of insufficient state resource allocation and lack of attention.

Numerous obstacles and challenges to local integration:

- No social benefits for asylum-seekers
- Newly recognized refugees receive a one-time grant of less than USD 1
- No social housing
- No language courses
- In practice, formal employment is not available to asylum seekers
- No social inclusion
- Increasing xenophobia and prevalent discrimination

- **Resettlement.** UNHCR and its partners have intensified efforts aimed at identifying more cases with resettlement needs based on individual socio-economic situations and lack of integration prospects. UNHCR continues to grant Mandate refugee status for cases identified in need of resettlement, despite the fact that such decisions are not recognized by the authorities and therefore do not confer any legal rights in Ukraine. UNHCR submitted 32 cases (58 persons) for resettlement in 2015 and 10 cases (15 persons) during first six months of 2016. 27 refugees departed to resettlement countries in 2015 and six refugees - during first six months of 2016.

WORKING IN PARTNERSHIP

UNHCR works in coordination with the Government, international organizations, local and international NGOs. UNHCR's main Government partners are [State Migration Service](#), [State Border Guard Service](#); [Higher Administrative Court](#); [Ombudsman of the Ukrainian Parliament \(Verkhovna Rada\)](#) and the [Ministry of Social Policy](#).

UNHCR is providing financial support to six NGO partners that provide assistance to refugees and asylum seekers, including protection and legal aid, and conduct advocacy and capacity building activities.

These partners are:

Kyiv: [Right to Protection](#) | [Rokada](#)

Lviv, Lutsk, Chernihiv: [Right to Protection](#)

Odesa: [Desyate Kvitnya](#) | [Faith, Hope, Love](#)

Zakarpattya: [International Fund for Health Well Being and Environment Conservation \(NEEKA\)](#)

Kharkiv: [WORLD](#)

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