

Key Advocacy Messages:

Asylum in Ukraine

UNHCR works closely with the Ukrainian authorities on building an asylum system that extends protection and promotes durable solutions. Based on an assessment developed jointly with the State Migration Service in 2018, as well as a participatory assessment with refugees and asylum-seekers in 2019, UNHCR highlights the following priorities for improvements to the asylum system in 2019-2020:

- **Adopt a procedure for considering asylum applications at international airports.** Though increasing numbers of passengers arrive at Ukraine's airports, the authorities have not yet introduced procedures for processing asylum applications at international airports. As a result, some persons wishing to apply for asylum have been denied entry into Ukraine; this puts them at risk of *refoulement*.
- **Provide adequate funding and procedures for the use of interpreters.** While the State Migration Service has a register of translators on its website, the system of providing interpretation does not function smoothly in practice. The authorities lack money to pay interpreters, and there is a need to develop procedures for identifying, hiring and training qualified interpreters. In practice, the authorities usually request asylum-seekers to bring their own interpreters. This jeopardizes the quality of interpretation and increases the potential for corruption.
- **Ensure that all persons enjoy the right to apply for asylum without undue barriers, regardless of how and when they arrived in the country.** Currently, while all persons have the right to apply for asylum, those who entered the country illegally or applied with delay must first pay a fine for their illegal stay in Ukraine. The fine costs 1,700 UAH. Many asylum-seekers leave their home country in desperate circumstances, so they cannot comply with the administrative requirements for entering Ukraine legally, such as possession of national passport and visa. Furthermore, it is not uncommon for newly arriving persons to take some time to apply for asylum. The delays frequently occur for understandable reasons: the effects of trauma, language barriers, lack of information, feelings of insecurity, and other individual circumstances. In the current practice, persons who cannot afford the fine are denied access to the asylum procedure; they remain undocumented in Ukraine, and are at risk of detention and deportation. This is a serious risk for asylum-seekers; paying for detention and deportation would also be costly for the Ukrainian authorities. The right to apply for asylum should not be conditioned upon payment of a fine.
- **Asylum-seekers should enjoy freedom of movement; detention is an exceptional measure and can only be justified for a legitimate purpose.** A few years ago, legislative amendments introduced the possibility of alternatives to detention. In practice, the authorities rarely implement these alternatives, and as of the end of 2018, 71 asylum-seekers were detained in Ukraine.

- **Persons must have a fair opportunity to appeal against negative asylum decisions.** Currently the terms of appeal are too short (just five days), and rejected asylum-seekers are not informed of the reasons for their rejection.
- **Asylum-seekers must have access to free urgent medical care.** Until the start of the recent reforms of the country's healthcare system, asylum-seekers enjoyed this access. In the process of the reform, asylum-seekers were excluded from the list of groups that have access to free urgent medical care, as well as to free medical examinations. At present, asylum-seekers must pay for these services at the same rate as other foreigners who are temporarily in Ukraine. Asylum-seekers are not tourists, and most cannot afford to pay.
- **Asylum-seekers' access to employment must be simple and practical.** In theory, asylum-seekers have the right to obtain work permits, but in practice, the system does not allow asylum-seekers to obtain legal employment. The requirements are not realistic: asylum-seekers must obtain a job offer with a salary amounting to ten minimum wages (41,730 UAH, or about \$1500). Asylum-seekers do not receive financial support from the government. To help them meet their basic needs and prepare for local integration, it is proposed to give asylum-seekers the right to work without obtaining a special permit after a certain time period (e.g., three-to-six months after they apply for asylum).
- **Provide language instruction to asylum-seekers and refugees.** This was their most important request during UNHCR's participatory assessment in 2019. The authorities do not yet provide any language instruction. Language is the key to education, self-reliance and integration.
- **Engage with asylum-seeker and refugee communities.** In its work, UNHCR has found that refugee communities—men, women and youth of persons from different nationalities—offer skills, energy and solutions. The authorities can establish consultative bodies with these communities and build partnership with them.
- **All persons with international protection needs must have the possibility to naturalize after a reasonable period of residence.** Persons recognized as refugees in Ukraine qualify for naturalization after three years, but persons with another international protection status—"complementary protection"—cannot apply for naturalization, no longer how long they stay in Ukraine. Persons with complementary protection are generally those fleeing war or generalized violence, as opposed to individual persecution. Some have remained in Ukraine for many years, since the conflicts in their home countries have not ended. These individuals want to make Ukraine their long-term home.

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