

2010 REPORT

AGE
GENDER
DIVERSITY
MAINSTREAMING

Listening to the Voices of Refugees and Stateless Persons in Ukraine

A Report on the Participatory Assessments
in The Autonomous Republic of Crimea,
Kharkiv and Kyiv

PHOTO: GREG CONSTANTINE



UNHCR REGIONAL REPRESENTATION
FOR THE REPUBLIC OF BELARUS,
THE REPUBLIC OF MOLDOVA AND UKRAINE



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

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Foreword

Participatory Assessment is for everyone's views to be heard

Since the mid-1990's UNHCR has established a presence in the Eastern European region comprising of the countries of the Republic of Belarus, the Republic of Moldova and Ukraine, assisting the respective governments and cooperating with a variety of local and international partners to provide assistance and legal protection to stateless persons, refugees and asylum seekers.

During the course of the last fifteen years, UNHCR and its partners worked closely, sparing no efforts or ideas, to build a network of partnership and a commitment to recognise the needs of refugees and asylum seekers and find an answer to their plight.

Central to these efforts is the recognition that the single individual, with his or her specific needs, capacity, resourcefulness and resilience is the only depository of the information necessary to design successful protection and assistance programmes.

To give significance to the role that boys, girls, women and men have in the designing of refugee assistance programmes, the UNHCR Policy on Age, Gender, Diversity, Mainstreaming was launched. The commitment to adhere to its principle represents the foundation on which the annual process called «Participatory Assessment» is based. This is an effort of partnership, which is undertaken by organising meetings, Focus group discussions, home visits, and other participatory events that bring together refugees and asylum seekers with the national authorities and the various refugee operators to review their enjoyment of rights and durable solutions prospects.

Multifunctional teams (MFTs), comprising of government officials, civil society partners and UNHCR staff are formed with the task of engaging with the refugee communities and meeting with individuals, families or groups in order to validate the existing information, gather new data and ideas, identify gaps and priorities and, most importantly, listen attentively to the people for whom protection and assistance programmes are designed.

Participatory Assessments are principally meant to serve as a programmatic tool for all partners. Findings are elaborated and transformed into resources and inputs for the annual plans of action. Participatory Assessments are important and real exercises, they are implemented with a rights-based approach, they discover hidden or underreported problems, and provide the opportunity for governments, UNHCR and its partners to improve their national programmes and respond more precisely to the needs of the people.

Building on the success of the first Participatory Assessment undertaken in Odessa in 2009, in 2010 a larger and more comprehensive Participatory Assessment exercise was organised. The Multifunctional teams visited refugees, asylum seekers and stateless persons in Crimea, Kharkiv and Kyiv. Stateless persons were for the first time included in a Participatory Assessment and had the opportunity to present their problems and the hardship they endure due to the lack of a citizenship.

Refugees and asylum seekers were visited at their homes or workplace; boys and girls, women and men, comprising more into homogenous groups were engaged in an open discussion about their needs and their proposed solutions. In total, more than 760 persons were consulted and listened to. The Multifunctional teams, representing the operators of refugee programmes, had a unique opportunity to hear directly the voices of the people and to engage in discussions.

The results of the 2010 Participatory Assessment exercise are presented in this report. The voices of the people and the gaps in the Government, UN and NGO programmes are reported as they were presented during the interviews: from the lack of documentation, to poor and unhealthy dwellings, from marginal

and underpaid labour to the dream of continuing the studies, from the fear of being alone in a different country to the incapacity to provide for their families.

Not all readers of this report may fully agree with the recorded findings; however, the aim of the Participatory Assessment is to listen to the people and accurately report their views. Operational challenges and financial constraints feature throughout the text as a stark reminder of the complexity of being a refugee and the hardship which goes with it.

Proposed solutions are presented in the report after each area of discussion, which should be seen as a first gathering of tentative responses to the issues presented¹. UNHCR and the partners will have to analyse and elaborate the data gathered in the report and validate the proposed solutions, in order to extract viable recommendations for the programmes and operational guidance for future actions. Government, partners and UNHCR are committed to transform the results of the Participatory Assessment into reality and achieve a real improvement in the daily lives of the people we listen to. Herewith they have to become one of the drivers of change for the better.



Simone Wolken

UNHCR Regional Representative
for Belarus, Moldova and Ukraine

4 January 2011

¹ In 2007 UNHCR conducted a study, similar in many ways: “The Local Integration of Refugees in the Republic of Belarus, the Republic of Moldova and Ukraine”. During the research, several hundreds of refugees were interviewed or completed a questionnaire explaining the conditions in which they live in and the problems they face. A set of recommendations was drawn up and submitted to Government. The study is accessible in .PDF format at http://www.unhcr.org.ua/files/text_eng.pdf (in English), <http://www.unhcr.org.ua/img/uploads/docs/Text%20RUS.pdf> (in Russian).

Executive Summary

The UNHCR Regional Representation for Belarus, Moldova and Ukraine, in cooperation with the Government of Ukraine and partners, undertook the 2010 Participatory Assessment consultations with refugees, asylum seekers and stateless persons in the Autonomous Republic of Crimea, in Kharkiv and in Kyiv from 20 September to 10 October 2010.

The Participatory Assessment was a successful exercise of partnership and a valuable insight into the realities of refugee lives. Refugee operators from NGOs, government agencies and UNHCR composed in Multifunctional teams worked together, listened to the voices of the people for whom our programmes are designed and were confronted with the hardships of being a refugee and with the hopes, the frustrations and the successes that happen in the daily lives of refugees, asylum seekers and stateless persons.

The results of the Participatory Assessments highlight undoubtedly the resilience of the individuals who find themselves in a situation of displacement and that tests their survival capacity. The refugee assistance programmes unfortunately cover a minimal part of the human needs that come out spontaneously from the interviews with the people. A continuous exercise of prioritization of assistance is made necessary by the limited resources available in comparison with the existing needs. As a result, many unmet needs remain unattended and resurface during these exercises of consultations as a bleak reminder of the real extent of the needs and the scope of the work ahead for refugee operators of government and non-governmental agencies.

The report of the Participatory Assessment compiles the full list of the proposed solutions dictated by the different findings per area of consultation. Issues of legal protection feature as a prominent area for improvement. These include the right to be documented and to access the asylum procedures at the different stages, including at the judicial level and to receive a decision within an adequate period of time; the right to safety and security, often limited by the harsh treatment refugees and asylum seekers receive from some member of the law enforcement authorities and from certain sectors of the general population; the right to education and to earn a livelihood, which often clashes with a reality that is aggravated by the economic difficulties and the level of unemployment in the country. The list of proposed solutions addresses these issues in details. Once they will be validated and confirmed by UNHCR and partners, including a possible prioritization in favour of the most pressing needs, the proposed solutions will provide a large operational framework, to be used for the designing of the future refugee programmes.

In conclusion, the Participatory Assessment has also offered the possibility to propose a range of country-wide general recommendations to be possibly seen as policy guidance for refugee programme managers and reflected in operations. Some of them are as follows:

1. It is necessary for UNHCR and all actors to better define and accurately implement a communication strategy for refugees, asylum seekers and stateless persons. It is important that all persons of concern to UNHCR be aware of their rights and of the existence of state institutions, civil society organisations and other mechanisms operating for their well-being.
2. An overall enhancement of the capacity to reach out to persons of concern should be achieved, in conjunction with the implementation of the communication strategy mentioned above and the initial positive experience of the Participatory Assessments. In particular, NGO partners should be constantly going out to the places where potential persons of concern, be they refugees, asylum seekers or stateless persons live and operate, including marginal urban areas or rural settlements where often conditions are more affordable for persons of concern.
3. Focus on vulnerable groups should remain a priority in all refugee programmes. Identification of SGBV cases, proper and prompt response, including search for a durable solution, remain a policy priority for all partners and an area in which improvements should be clearly demonstrated.

Similarly, issues related to unaccompanied minors, from access to territory and asylum procedure to issues of labour in markets under exploitative conditions, should squarely fall at the centre of UNHCR and partners' protection concerns.

4. Instances of intolerance and xenophobia must continue to be a concern of government institutions, as well as refugee operators or human rights organisations. It is necessary to further strengthen the Diversity Initiative and expand its reach to other cities in Ukraine. It is also important to maintain a vigilant outlook towards any episode of intolerant behaviour and reach a «zero-tolerance» attitude towards racism and xenophobia.
5. As part of the general advocacy for the improvement of the refugee legislation and the implementation of the asylum system, particular operational focus should be devoted to the question of interpretation needs. Through proper allocation of state budget funds, coupled with the identification of possible funding sources from UNHCR and partners, interpretation services should consistently and adequately cover the needs of the concerned people.
6. From a more operational point of view, the Participatory Assessment has also highlighted the fact that an enhanced capacity of partners to raise funds, independently from the UNHCR and the EU, would increase the overall impact and visibility of the Ukrainian programme and ensure a more comprehensive response to the humanitarian needs of the persons of concern to UNHCR

Acknowledgments

The Participatory Assessment and the compilation of its findings in this Report are the result of a successful partnership exercise. UNHCR wishes to acknowledge the positive contribution that refugee operators from Government and state institutions, from civil society and from international organisations make on a daily basis for the protection and assistance of refugees, asylum seekers and stateless persons.

The following persons have participated in the 2010 Participatory Assessment exercise as members of the Multifunctional teams. UNHCR wishes to thank them for their dedication, enthusiasm and professional contributions, without which we wouldn't have been able to accomplish this important participatory exercise.

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List of Abbreviations

AGDM	– Age, Gender, Diversity, Mainstreaming
ARC	– The Autonomous Republic Crimea
CIS	– Commonwealth of Independent States
DAFI	– Albert Einstein German Academic Refugee Initiative Fund
DRC	– Danish Refugee Council
EU	– European Union
FDPs	– Formerly Deported People
GVT	– Government
HAC	– High Administrative Court
HIAS	– Hebrew Immigrant Aid Society
ID	– Identification
IP	– Implementing Partner
MFT	– Multifunctional Team
MOI	– Ministry of Interior
MSA	– Monthly Subsistence Allowance
NGO	– Non-Governmental Organization
PA	– Participatory Assessment
PRP	– Permanent Residence Permit
RMS	– Regional Migration Service
RR	– Regional Representative
RSD	– Refugee Status Determination
SAS	– Social Assistance Service
SCNR	– State Committee of Ukraine for Nationalities and Religions
SGBV	– Sexual and Gender-Based Violence
TAC	– Temporary Accommodation Centre
TD	– Travel Document
UAM	– Unaccompanied Minor
UAH	– Ukrainian Hryvnia
UN	– United Nations
UNHCR	– United Nations High Commissioner for Refugees
USD	– United States Dollar
UCIR	– Unit for Citizenship, Immigration and Registration of Individuals, Ministry of Interior
VGIRFO	– same as UCIR (in Ukrainian)

Participatory Assessment in the Autonomous Republic of Crimea

Stateless Persons

Statistics and background information

Up to 270,000 Crimea Tatar Formerly Deported People (FDPs) have already returned to Crimea since the early 1990's, while up to 3,000 FDPs continue to arrive from Asian CIS countries yearly. While the large majority (around 98,3%) of those who returned acquired the citizenship of Ukraine, some face legal difficulties and become stateless persons.

At the same time close to 100,000 FDPs still remain in Uzbekistan and other countries in Central Asia.

"I would like to register my marriage but I don't have the right paper to do it...!"

A stateless woman in Simferopol

534 stateless persons² have permanent residence status in the Autonomous Republic of Crimea (ARC) as of September 2010. The main reason for statelessness is that persons arrived in Ukraine after 13 November 1991 (when *the Law of Ukraine «On citizenship of Ukraine»* came into effect), but moved out of the country of previous residence before the time when the laws on citizenship came into effect. For example, for Uzbekistan such date is 28 July 1992, for Kazakhstan it is 1 March 1992, for Kyrgyzstan it is 18 February 1994, for Tajikistan it is 4 November 1995.

Legal documentation and access to naturalization procedures are the main concern for the stateless persons in Crimea. The process may be very complicated and at times made impossible by heavy bureaucracy, difficulties in linking up with the authorities of the countries of origin and response from the Ukrainian side.

Crimea is an expensive resort area; many stateless persons work in the informal market of tourism or as vendors at the markets. It is estimated that 50% of the stateless men with permanent residence status have temporary work at construction sites. There are also foreigners, including recognized refugees in Ukraine and ethnic Koreans from Uzbekistan visiting Crimea for seasonal work during the summer season.

Findings of the Participatory Assessment:

Separate Focus group discussions were held with 15 stateless men and 23 stateless women as well as 6 stateless children (4 girls and 2 boys), mainly originating from Central Asian countries. The MFTs also visited 20 homes of stateless persons in Alushta, Belogorsk, Evpatoria, Yalta cities, Simferopol city, Kirov district and Krasnogvardeiskiy District. Below are reported the main findings of the discussions.

It is a problem to get the right visa to enter Ukraine for the purpose of immigration

A group of 10 stateless persons from Tajikistan (Formerly Deported Persons) informed the MFT that they became stateless on the territory of Ukraine through loss Tajik citizenship. They could not receive immigration visa which is a precondition for submission of an application for changing of citizenship under the bilateral treaty between Ukraine and the Republic of Tajikistan on simplified procedures for changing citizenship because they had entered Ukraine without visa (using 90 days visa free regime provisions of *Ukraine/Tajikistan bilateral treaty «On the mutual travels of the citizens»*).

As Article 4 of the *Ukraine/Tajikistan bilateral treaty «On the mutual travels of the citizens»* obliges persons who are entering Ukraine for permanent residence to have an immigration visa, they currently are not able to obtain an immigration permit or acquire the Ukrainian citizenship without leaving Ukraine. However, these citizens of

² from CIS countries: UZB-181; TAJ-75; RF-62; GEO-44; AZB-35; ARM -25; KYR-22; KAZ-21; and other countries including PAL-14.

Tajikistan could not obtain immigration visa as there is no Embassy of Ukraine in Tajikistan. Therefore they had to travel to Uzbekistan subject to visa regime and obtain an immigration visa at the Ukrainian Embassy. Due to the high transportation costs and fees for Uzbek and Ukrainian visas, as well as bureaucratic complications in the issuance of visas, majority of FDPs could not afford that. Therefore they arrived to Ukraine as visitors using visa free regime valid for 90 days.

As they arrived in Ukraine as visitors, they were unable to regularize their further stay in the country because of the described problem (inability to change the purposes of the first entry). Therefore they renounced the citizenship of Tajikistan by requesting a «certificate of non-belonging to citizenship» to the Tajik Embassy in Moscow and also tried to apply for immigration permit or acquire a citizenship of Ukraine as stateless persons.

This practice has been effective for the last years and some 350 Tajik stateless persons (including 15 children) received citizenship in this manner (through territorial links to Ukraine, Art 8 of the Citizenship Law of Ukraine). However, in June 2010 the Presidential Commission for Citizenship in Ukraine declared that this practice is contrary to the 2001 Ukrainian/Tajikistan Treaty on simplified procedures for changing citizenship, whereby applicants for changing of citizenship are requested to obtain an immigration permit before entering the country and only then acquire the Ukrainian citizenship and to loss the Tajik one in line with that Treaty provisions. As a result, a number of stateless persons from Tajikistan are now unable to obtain citizenship/immigration permit in Ukraine and cannot leave the country because they have no valid travel documentation.

The Arrival of FDPs into Ukraine is regulated by Ukraine's bilateral treaties "On the mutual travels of the citizens". However, if the treaty with Uzbekistan excludes the FDPs from the necessity to have immigration visa, the treaties with Kazakhstan, Kyrgyzstan and Tajikistan do not have such exclusion. Thus, the FDPs from those countries face difficulties entering Ukraine for the purpose of obtaining permanent residence.

Proposed solutions:

- UNHCR to identify list of people who are unable to regularize in Ukraine due to lack of adequate documentation and advocate for (one time exceptional regularization procedures) providing them with citizenship/immigration permit without requiring departures from Ukraine and obtaining immigration visas prior to entering the country.
- NGO Assistance to stop assisting individual cases in obtaining certificates on non-belonging to citizenship with reference to the bilateral treaty on simplified procedures for changing citizenship if they do not have immigration permits for Ukraine.
- UNHCR to launch an advocacy campaign through its Dushanbe office to prevent people leaving the country without Ukrainian immigration visas.

A wrong interpretation of the Citizenship Law can cause hardships to stateless persons

Art 9 of the Citizenship Law of Ukraine stipulates: a stateless person is eligible to apply for naturalization 3 years from the moment of legal entry into Ukraine.

This issue was presented by one stateless person of Palestinian origin as follows: the authorities, instead of applying the 3 year period from the moment of his legal entry into Ukraine as a stateless person (under Palestinian Travel Document issued in Syria), requested him to have 3 years of permanent uninterrupted residence in Ukraine starting from the moment he got a Permanent Residence Permit (PRP) in Ukraine be-

fore being eligible for submission of the naturalization request. This delay seriously impaired his capacity to run his own business and enjoy his civil rights.

Proposed solution:

- UNHCR to allocate funds for conducting training on prevention/reduction of statelessness for MOI UCIR staff in 2011.

Registration of children may be impossible for stateless persons

The MFT identified in Alushta a mother with a 6 year old child who had not been issued the birth certificate because the mother had only an expired «certificate of non-belonging» to the citizenship of Uzbekistan issued by the Uzbek Embassy in Kyiv. Chief Directorate of the Ministry of Justice in Crimea refused to issue the birth registration certificate due to the lack of a valid passport of mother and therefore the child remained unregistered.

Proposed solution:

- UNHCR to advocate for the implementation of article 7 of the Convention on the Rights of the Child with regard to the state obligations to child birth registration and amend the relevant Ministry of Justice instructions in line with the Convention requirements.

Different languages, different alphabets are also an obstacle for stateless persons

One stateless person from Uzbekistan reported that his process of submission of documentation for the naturalization process was greatly impaired by problems of translating names from Uzbek language to Ukrainian language, due to different alphabets and the lack of knowledge by notary and interpreters on how to translate names.

Proposed solution:

- UNHCR to look for respective guidelines to be shared with relevant translation offices, notaries and MOI staff to verify translation of names during the initial receipt of naturalization documents.

Poor understanding of the criteria for citizenship by applicants

It became evident during the conversations with stateless persons that there is a general lack of information on the legal requirements for applying for citizenship, specifically in respect to knowledge of Ukrainian language.

As regards certification of legal income in the country in order to be eligible to apply for naturalization, it is important to note that the Ukrainian legislation does not determine minimum of individual financial savings as lawful source of living; however, it was reported that an internal instruction from MOI recommends that an amount of up to 11,000 UAH should be deposited in a bank account in order for stateless persons to be eligible to apply for naturalization, unless they have an alternative lawful source of living in Ukraine, such as pensions, salaries, etc.

Proposed solutions:

- NGO «Assistance» gets a clarification from Crimean Republican authority and disseminates information to appropriate applicants.
- Crimean republican authorities to provide clear instructions to officials.
- NGO «Assistance» raises awareness of the applicants.

It is extremely difficult and takes a long time to obtain and submit all proper documents for citizenship

Many individuals reported about highly bureaucratic procedures, excessive workload of MOI staff, lack of professionalism of some staff, such as rudeness to people, withholding of important information, failure to consult applicants on possible options or providing not accurate legal explanation.

Proposed solutions:

- UNHCR and NGO «Assistance» to increase awareness among stateless persons and government officials, expand dissemination of information and promote a more professional attitude among officials.
- UNHCR to promote changes to bilateral treaties with CIS countries on mutual visits to allow entrance for permanent residence without the requirement to obtain the immigration visa in advance for FDPs descendents and their family members, as well as stateless persons.
- NGO «Assistance» to engage in monitoring of the procedural steps and of the submission and filing of applications as stipulated by the citizenship law.



Poor quality of documentation creates poor response from the public

The employers do not treat holders of a Residency Permit on par with Ukrainian citizens. The employers think that the document does not give a full right for work, or that the holders have only a temporary status in Ukraine. The appearance of the document is poor as it is a small paper booklet not to be compared with passport, etc.

Proposed solutions:

- Information campaign by UNHCR and NGO «Assistance» to raise awareness of employers.
- UNHCR to advocate that stateless persons receive a quality residence permit, possibly of the single type, in order to increase respect for the document by the state officials and private sector employers.

Poor record keeping in countries of origin can negatively affect pension rights

Several individuals referred to difficulties in confirmation of working record in their countries of previous residence. There are a lot of bureaucratic procedures which are extremely difficult to fulfill. A lot of documents from the countries of origin have mistakes (mostly of linguistic nature) which prevent people from obtaining benefits. Ukrainian authorities (Directorates of the Pension Funds and Units for Social Supply) are not helpful or not inclined to assist applicants in contacting with authorities in countries of origin.

Proposed solutions:

- UNHCR to discuss the issue at the central level with competent authorities (Ministry of Social Policy) in order to improve the procedures and raise the professional level of staff.
- NGO «Assistance» (1) helps to obtain and file documents and (2) contacts civil society NGOs in Uzbekistan and other countries (that can help to liaise with local authorities).

Difficulties in approaching Embassies of countries of origin for consular services

Ukraine does not have embassies of several states from where stateless persons originate and such persons are not able to obtain the necessary consular services. The most needed services are: renunciation of citizenship, confirmation of identity, confirmation of working record, issuance of copies of such documents as birth certificates, diplomas, etc., correction of mistakes in such documents. As a result some applicants are unable to quickly get necessary documents.

Proposed solutions:

- UNHCR to discuss existing problems with the Embassies and to agree on simplified solutions and procedures.
- NGO «Assistance» to help to obtain and file documents with respective countries' authorities.
- UNHCR to advocate with countries of origin for dedicated missions to Crimea of consular service staff.

Accommodation problems and the issue of land

If in the 1990s newly arrived FDPs, including stateless persons, could find better support in accommodation through their family ties in ARC, nowadays newcomer FDPs are more vulnerable and are facing problems of being homeless. Therefore the Government is planning to set up several Temporary Accommodation Centers (TAC) for FDPs (in Kerch city, Kirov and Krasnogvardeisk Districts, Saki city) in order to have capacity to accommodate up to 150 the most vulnerable FDP families (up to 450 persons for up to 3 year term for accommodation) within 2011–2015. Priority in accommodation shall be provided to disabled persons, orphans, families who lost their bread winners, single mothers, single pensioners, families with big numbers of members.

During the Participatory Assessment it was revealed that many families of stateless persons are residing in self-constructed/unfinished houses build on the self-occupied land which was legalized through the respective local authorities decisions in the mid of 1990s.

Some stateless persons are residing in Hotel Zvezdochka in Yalta (accommodated there from the 1990s as they were arriving as war refugees from Tajikistan/family members of FDPs) in unacceptable sub-standard conditions. Majority of them became Ukrainian nationals by now.

Many individuals reported about difficulties in registration of already constructed houses. There are bureaucratic and costly procedures, which also may facilitate the request for bribes. It is worth to note that official fees for registering houses can reach 15,000 UAH, depending on the size of the house, which puts an additional economic burden on the families.

Proposed solutions:

- UNHCR should facilitate Republican Committee for Deported Citizens efforts on establishing TACs for FDPs (including vulnerable stateless persons) as well as to promote the inclusion of FDPs (including stateless persons) within state house schemes.

Tolerance and xenophobia

Sporadic incidents of vandalism at Tatar cemeteries took place in the last years. For instance, in 2008 monuments/graves were destroyed in the villages of Nijnegorsky and Chistenkoe. There were also attempts to desecrate mosques in the village Sofievka and Belogorsk city respectively in 2007 and 2008. Hostile inscriptions such as «*Tatars out of Crimea*» appeared close to the Borodinskiy market of Simferopol city. The local authorities considered these acts as provocations, especially in period preceding the commemoration of Crimean Tatars' deportation (on 18 May). The tensions increase every year prior to that date.

During the Participatory Assessment, the teams did not receive testimonies in respect of issues of intolerance and xenophobia. Stateless persons, even when granted confidentiality guarantees, praised good neighbourhood and the tolerant attitude of the local population.

Proposed solutions:

- UNHCR and partners should continue to monitor the situation in the region and address promptly any possible indication of intolerance and xenophobia.
- Continue to raise awareness among local authorities about asylum seekers and refugees in order to facilitate good relations and a spirit of acceptance.



Refugees and Asylum Seekers in the Autonomous Republic of Crimea

Statistics and background information

As of 1st September 2010, the Regional Migration Service has received 45 asylum applications as follows: 32 cases from Kyrgyzstan (mainly from Osh), the rest from Iraq, Palestine, and Sudan. The cases from Kyrgyzstan have all been admitted in the substantive government asylum procedure.

In addition, as of August 2010, there were 23 recognized refugees in the ARC, from the following countries of origin: Armenia, Azerbaijan, Palestinian territories, the Russian Federation, Sudan and Syria. Of them, 18 are men and 5 women. Only one refugee was naturalised during 2009–10. Only 6 recognized refugees are registered with the MOI Citizenship, Immigration and Registration Unit in the ARC.

No Temporary Accommodation Centre and/or other housing scheme which can be used by the refugees and asylum seekers in ARC. Persons of concern have theoretical option of applying for living in TAC in Odessa. Most of the refugees rent apartments. Rental costs are generally lower than in Kyiv.

Findings of the Participatory Assessment:

Visit to homes of asylum seekers and to the Sevastopol Market

The Uzbek community had a part of the «5 Km. market» allocated to them when the first members of the community arrived here several years ago. They have established businesses and are well known to the customers for their cheaper prices. Most of the trade takes place at the market from 8:00 to 17:00 hrs; the merchants own stands from where they sell items (clothes and shoes). Items are bought in Odessa and re-sold at a cheaper price than on the regular market, in order to attract more customers. The rent of the place for the stand for three months is 810 UAH, and a daily fee of 30 UAH is levied. Although their location at the market is not central, apparently it would be difficult to move to other parts of the market, where business could be more profitable. Men speak fluently Russian, while women who do not work at the market are just able to communicate.

“I cannot phone my relatives at Osh, I risk putting their lives in danger”

A male asylum seeker in Sevastopol

According to MOI CIR Unit in Sevastopol, some 29 persons among this community have asked for asylum and received the asylum seekers certificate. Others are interested, but due to the lack a permanent address are concerned that if they do receive the asylum certificate, the landlords will not continue renting their locations. They have been travelling to and from Kyrgyzstan for several years, although some of them have recently not returned due to the conflict in Kyrgyzstan and could therefore be considered as *refugees sur place*.

Almost all homes visited comprised of two rooms (i.e. a kitchen and a living room, where they sleep together) yet in very modest to poor living conditions in old apartment buildings. Furniture and accessories are mostly second-hand and worn out but clean and maintained (except in one case, of an apparent case of domestic violence). Most vulnerable families live in remote locations. Most families do not have winter clothes for their children. The level of awareness about legal issues, their rights as asylum seekers and available services is very limited.

Local police authorities also need to be engaged and explained about refugee issues. In spite of having a good knowledge of the legislation, there is still prejudice based on their experience of asylum seekers violating immigration laws during previous years, which make them conclude that asylum seekers are now «taking advantage» of the current events in Kyrgyzstan to «legalize their status with an elaborated strategy».

No problem with local population and neighbours is reported. Due to the long presence in the area, people, including housewives, have enough interaction with Ukrainian nationals. Xenophobia seems not to be a major issue, although derogatory expressions are occasionally used, also by governmental representatives.

Asylum seekers are concerned about their relatives who remain in Osh, Kyrgyzstan and expect that they will join them once their status is settled.

Proposed solutions:

- The legal assessment has not been undertaken yet by NGO «Assistance», and needs to take place soon, in order to allow them to be included in the assistance.
- Follow up is required on case-by-case basis, especially by the NGO «Assistance», once proper Legal Assessment is undertaken. Some financial support is justified, although should be linked to clearly identified gaps in order not to create dependency.

- NGO «Assistance» and RMS should clarify the conditions for the right to health services and follow up on conditions of vulnerable cases. Particular attention should be paid to the apparent case of domestic violence.
- Leaflets about employment rights should be distributed among asylum seekers.
- RMS to facilitate identification of adequate accommodation and ensure that police register all asylum seekers.

Visit to homes of refugees in Simferopol

The persons visited in their homes were recognized refugees from Afghanistan, Syria, Sudan and Iraq, who have been living in Simferopol for a long time and are well integrated. They all have refugee documents. They all have families, with the exception of a single male. Nobody made reference to present or past discrimination or misbehavior towards them.

“Our daughter was awarded at a national school contest in Ukrainian language. We are so proud of her.”

Afghan parents, refugees in Simferopol

Almost all homes visited comprised of two rooms (i.e. a kitchen and a living room, where they sleep together) yet in very modest to poor living conditions in old apartment buildings. Furniture and accessories are mostly second-hand and worn out but clean and maintained (except the single male). One house, owned by the naturalised husband of a refugee, is well above Ukrainian standards. One refugee family has permanent residence in an apartment on which have tenancy rights and do not pay any rent. The others pay average prices for the rent.

All the heads of households are legally employed and speak fluently Russian. Two male heads of households work at the market and have enough means of subsistence, although they are not employed according to their qualifications, as they would not be able to obtain the same level of income. Another male head of household works as doctor in the local hospital and gives private lessons. The children of school age regularly and successfully attend classes (Ukrainian- taught subjects) and are well integrated.

A female refugee, married to a successful businessman (naturalised refugee) with two children also naturalised, was rejected for naturalization, allegedly due to her travels to her country of origin. RMS expects that cessation clause will apply and proposed her to apply for residence permit.

Proposed solutions:

- NGO Assistance should assess need for integration grants for the two refugees working at market
- NGO Assistance to consider one-time assistance to refugee children of school age.
- RMS to continue supporting recognized refugees in their applications for naturalization, and pursuing ways to preserve family unit when it is not possible.

Participatory Assessment in Kharkiv

Living as a refugee in Kharkiv

Statistics and background information

Kharkiv was selected as a location PA exercises in 2010 for a number of reasons: firstly, Kharkiv region is the third place in the country by number of refugees and asylum seekers. Secondly, UNHCR has a social and legal protection project in the region

run by the NGO Implementing Partner Social Assistance Service (SAS), which also includes the implementation of the EU-funded Local Integration Project. Finally, in 2010 Kharkiv witnessed a sharp increase in the number of applications from asylum seekers from Kyrgyzstan of ethnic Uzbek origin, due to the recent violence erupted in the country. According to the estimation of the community, 100 ethnic Uzbeks who fled Osh and Jalalabad, Kyrgyzstan, moved to Kharkiv. More will come as many relatives have been left behind. Many among them were already working in the Kharkiv Barabashovo market for several years, moving between countries, and after the events of June 2010 decided to move with the whole family to Ukraine. There are also families who already stayed in Kharkiv for several years, but now cannot return to Kyrgyzstan. Other ethnic Uzbeks of Kyrgyz nationality left just before or during the violence and some 30 additional persons arrived one or two months later. Reportedly, there has been an Uzbek community in Kharkiv for many years that currently assists some of the individuals recently displaced.

"I wish you and your children never know what does the word "refugee" mean".

A refugee woman from Abkhazia

Several challenges were faced in preparation of the exercise, as well as in its implementation. Geographical size and the layout of the city of Kharkiv and the distances between the places of refugees' residence, persons of concern being busy with their work at the market and therefore had limited time to meet the PA teams, heightened, comparing to the similar situation in Odessa, security regime in the Barabashovo market. Another unexpected, yet affecting challenge was the sudden change of weather conditions which caused transportation blockage in the city for the last two days of the exercise and therefore reduced the number of persons of concern Multifunctional teams could outreach both through the home visits and focus-group discussions.

Two partners participated in the exercise: one implementing partner (Kharkiv Regional Charity Foundation «Social Service of Assistance») and one government operational partner (Department of Regional Migration Service in Kharkiv). A preparatory workshop, also opened to the Heads of partner agencies and to refugee related NGO «Khurasan», on general concept of AGDM and PA principles was organized for these partners on 9th September 2010 in Kharkiv.





Following the preparatory workshop, two Multifunctional teams were formed. A total of 10 persons participated in the exercise, of whom 2 UNHCR staff from RR Kyiv and 6 staff of SAS. RMS provided 2 its staff members to the exercise, also 4 members of the refugee communities assisted the exercise as interpreters and guide during the visit to the market.

The programme of the Participatory Assessment in Kharkiv included the following activities:

- 31 home visits
- 3 Focus group discussions (11 refugee and asylum seeker women, 8 asylum seekers from Kyrgyzstan and 5 children and adolescents)
- visit to the Barabashovo market and 18 interviews with persons of concern working there.

Findings of the Participatory Assessment:

The findings reported below are a sample collection of testimonies, information and comments that were gathered through home visits and group discussions. Several members of different communities were involved in this exercise, including Afghan, African, Lebanese, Kyrgyz, Iraqi, Iranian, Palestinian, Georgian, and Uzbek communities.

Legal status and documentation is a precondition for living in the country

The majority of the asylum seekers have IDs confirming their appeal to the court and valid MOI registration. In a number of cases the interviewees were not issued court IDs due to lack of instruction from SCNR to RMS (during the period in which the SCNR functions were limited) to issue appeal asylum IDs. However, the majority of asylum seekers are holders of the UNHCR documentation (Referral letters).

Another reason for the delay with the issuance of the asylum certificates could be the delayed consideration of the appeal in the Higher Administrative Court of Ukraine. When the appeal is submitted to the HAC, the decision about opening of the court case consideration is not taken on timely manner and therefore the instruction from SCNR to issue the asylum seeker ID gets also delayed.

Many of the asylum seekers met during the home visits are actually long-stayers in the country, and following previous rejections they are already in the judicial procedure for the second or third time. The rejection of the court of the first instance for all the asylum seekers encountered most of the time means the rejections in the appeal court and in majority of the cases – higher court.

Some of the newly arrived migrants from Kyrgyzstan who may have refugee claims did not approach the RMS, waiting for the first decisions on their compatriots who already applied for asylum. Reportedly, lack of clarity over the government RSD procedure aggravates the problem.

Asylum seekers who have a right to apply for permanent residence permit because of the Ukrainian nationality of their children and/or official marriage with Ukrainian spouse are requested to quit the asylum procedure, return to their country of origin and apply for family reunification visa from their country of origin.

Some issues related to civic status were reported. UNHCR was approached by asylum seekers who are officially married to Ukrainian women but cannot obtain the permanent residence permit due to their asylum seeker certificate.

Difficulties with naturalization procedure were mentioned. Refugee and asylum seeking women are concerned about negative attitude by MOI officials and therefore asked whether the NGO lawyer can actively follow up with the MOI directly without asking the refugees to initiate procedure themselves.

It is not possible for children of recognized refugees to travel abroad (e.g. to the international charity camps) without their mothers, since they do not have their own TD as Ukrainian children.

Proposed solutions:

- UNHCR to continue lobbying with the central authorities for a fair and effective implementation of the Refugee Law.
- To consider the possibility of the NGO lawyer to take more active approach – to accompany the refugees to MOI for the first submission of the documents; to assess the need of the second naturalization lawyer for a short period of time.
- NGO partner should monitor that undocumented individuals who did not have asylum certificates due to limited functioning of SCNR receive their asylum appeal certificates in the nearest future.
- UNHCR and NGO partner to follow up on family reunification procedures for asylum seekers with Ukrainian spouses, especially in relation to the authorities' request that asylum seekers return to their countries of origin to submit their applications.
- UNHCR to improve modalities and procedures for payment of interpretation services so to avoid delays and facilitate the delivery of the service. SCNR/RMSs, as well as the interpreters should have clear and regular information on how the system works and urged to maintain agreed procedures.
- Target judges dealing with asylum appeal cases in the administrative court of Kharkiv for training and possible workshops.
- UNHCR to pay special attention to refugees and asylum seekers who live in a protracted situation and increase their search for durable solutions (voluntary repatriation, resettlement, regularisation of their stay under general immigration rules).

All refugees and asylum seekers have the right to educate their children

In most of the cases refugees and asylum seekers visited during the home visit part of the 2010 Participatory Assessment in Kharkiv had no problem with the access to the local schools despite their legal status in the country.

In few cases, a problem with obtaining certificates at the end of the 9th school year (confirming the incomplete school education) was reported. Lack of this document does not allow the continuation of the studies for two more years. The management of the schools refused to issue such certificates to the students due to lack of permanent status of the parents. Few cases were solved with the help of NGO SAS or NGO Khurasan interventions, though there are few cases which are not solved yet.

Some refugee women reported that school materials and manuals are not available at school. It is expensive to purchase them. They can be obtained from the internet – but it is impossible for refugee and asylum-seeking children to use this option effectively due to lack of computers and internet. The mothers requested UNHCR assistance in printing these school books for their children.

In some cases, parents do not send children to school for no apparent reasons or due to economic hardships. Some reported having to pay small bribe for access to schools. In the case of 17 years old asylum-seeking UAM – there are no options for him to continue any education in Ukraine.

Proposed solutions:

- Raise the issue of access to education for refugee and asylum seeker children with the Department of Education on regional level. Sensitize the authorities on the issue.

- As regards the issue of continuing education after 9th year and the certification, UNHCR to discuss the possibility with DRC to increase the visits of the lawyer to Kharkiv in order to follow on the number of cases with the school management. To raise this issue with the Ministry of Education, Science, Youth and Sports at regional and central levels.
- IPs should continue to monitor the school attendance. In cases of drop-outs, due follow-up with affected refugee and asylum seeker families should take place (i.e. ensure counselling to identify the reasons for the drop-out; provide explanation regarding consequences including those related to the national legislation; look for solutions to the problems the affected families face, together with UNHCR and other partners when appropriate).
- More active work with schools to be conducted by child social workers (DRC), including more attention to the organisation of catch up classes, distribution of school uniforms, computer courses for children and assisting children of the high school to obtain relevant school manuals.
- Consider possible forms of assistance to the children of asylum seekers who want to continue higher education. Continue lobbying the government to consider amendments to the Law of Ukraine on Higher Education.

Adequate housing and support for livelihood

Community support

Most of the refugee and asylum seekers' homes visited comprised of 1–2 room apartments in the old apartment blocks. Geographically they are located in the remote areas of the city, many close to Barabashovo market. Generally living conditions are from modest to very poor. Furniture and accessories are mostly second-hand and worn out, in some cases sanitary situation is substandard. In many cases, refugees have only one room or even share the room with other persons. In the latter case, the shared room has only one sleeping place which is also shared. There were some families with children sharing the apartment with relatives in two rooms' apartments. The monthly rent starts from 800 UAH and may reach up to 1800 UAH per month and is paid in UAH.

As regards to prices, housing in Kharkiv is expensive and eats up a lot of monthly family and personal budgets of refugees and asylum seekers.

This being said, some of the persons of concern visited have their accommodation free of charge from the relatives or family members and pay only the running costs. In one case, the 2-room apartment in the former student hostel in the suburb of Kharkiv is owned by the family of asylum seekers, which consists of 4 persons (purchased for 6,000 USD).

Living conditions of persons visited in the rural area are far more difficult comparing to the situation of the urban context. They do not have running water, sanitary facility is outside the house, and houses are heated with wooden stoves. Yet such conditions are comparable to those that Ukrainian nationals have in the same villages.

Single women who stay in the country for some time, including recognized refugees have some temporary employment. They reported that though the assistance from NGO SAS regarding search for employment is available, this is not effective due to lack of employment offers and discrimination against asylum seekers and refugees.

Like everywhere in Ukraine, refugee and asylum seeker community is deprived of the access to the low cost or otherwise social housing. In the case of Kharkiv and the region this is aggravated with the absence of a Temporary Accommodation Centre and the adequate information of government assistance concerning housing.

The average payment at the market is 70–120 UAH per day. There are no shifts, people work either from early morning to 14.00–15.00 or during the night when wholesale market is open.

An important finding is that in some cases persons of concern are actually not employed at the market. Among the reported job places there were two cooks and the worker of confectionary shop. Still a salary is not big enough to cover all the needs of the family (e.g. salary of a cook who has two minor children and unemployed wife is 3,000 UAH per month, half of which goes for the rent. In one case the recognized refugee married to a national of Ukraine is an entrepreneur (car repair services). All cases of employment encountered except for three were illegal employment. In general, refugees would be interested in legal employment but the proposed salaries would not cover their needs. In general, asylum seekers find it very difficult to be employed due to their short residence permit.

Interestingly, one refugee reported that Barabashovo market created a sort of parallel system, whereby a person receives special ID from the market administration that allows him/her to access some parts of the market and to work there, for example, as a loader. Having this ID does not mean that the person is employed officially, but at least in the case of police check, refugees and asylum seekers can make a clear reference to the market administration.

Almost all of the non-Afghan persons interviewed are not aware of community-based organisations or the existence of an organised community. Thus, only one Congolese and one Guinean asylum seeker reported that there was a Congolese community and it provided some support to them.

Afghan refugees and asylum seekers say there is a «community» at the market, represented by the NGO «Khurasan». Normally this community holds the meetings and gathers the funds when needed for some Afghans or intervenes in support of specific needs of Afghan refugees and asylum seekers, including access to school and other social needs. There is also another Afghan representation, the NGO «BahtarZami», which reportedly assists Afghan nationals.

Proposed solutions:

- The most vulnerable families with big number of children and new arrivals should be promptly identified by SAS and referred for review of MSA commission.
- DRC/UNHCR to review possibility of the assistance to children in mixed marriages.
- UNHCR to consider the ways how the procedure of MSA is better explained to refugees and asylum seekers. General counselling meeting can be organised with the refugees and asylum seekers on the issue of social and material assistance in Kharkiv. Each applicant for MSA has to be informed (in writing/by phone from UNHCR) with the explanations of rejections. It will release some pressure on NGO and will decrease the causes for conflicts.
- Legal ways of asylum seekers' employment should be considered. Thus, IP should pay more attention to the legal employment of asylum seekers, through direct social escort, approaching the employers, involving the RMS where appropriate.
- Continue the efforts aimed at inclusion of low cost housing for refugees in the governmental agendas.

- Discuss and clarify the role of the NGOs «Khurasan», «BahtarZami» and the Uzbek community (in particular, in relation to the growing numbers of Kyrgyz asylum seekers) and advocate for their possible intervention as an operational partner for refugee protection.
- SAS to increase stock of winter clothes and shoes. Also explore other humanitarian organizations active in Kharkiv for provision of such items.

Health and medical services are basic rights of refugees and asylum seekers

Medical services for asylum seekers and refugees are neither free of charge nor at a lower cost. Absence of a partner medical institution aggravates the situation.

Many of the persons of concern visited reported no health problems. Others reported they have to pay bribes to the doctors, but they also mentioned they understood this was common practice in the country that they had to obey. Though, some complained that they do not have money to pay these bribes and the NGO SAS is not helpful for that since they request official certificates from the hospitals to be sent to Kyiv for reimbursement. Therefore, for some medical treatment is not available because of the high cost.

No acute medical cases were discovered during the home visits, but one – the case of the naturalised refugee. He was severely beaten few years ago which lead to cranial trauma and subsequently diabetes. He is disabled now and requires follow-up treatment which the family (wife is still a recognized refugee) seems not able to afford.

Almost all of the people visited did not have proper information about the procedure of the reimbursement of medical costs through UNHCR office. It has been noticed that NGO SAS offers medical assistance costs reimbursement to everyone explaining that with all supporting documents it will be reimbursed. Though they do not explain properly that not all the medical costs are reimbursed and they do not explain well enough that the consideration in Kyiv takes time. This in the end creates false expectations and desperation among the beneficiaries.

Newly arrived asylum seekers who applied for the government procedure are requested to undergo medical check following the referral from RMS. During this medical check, asylum seekers are also requested to pay. This made several asylum seekers to postpone the registration procedure.

Proposed solutions:

- UNHCR to consider the possibility to have a partner hospital in Kharkiv, or the arrangement that would at least allow addressing the limited number of socially disadvantaged persons of concern.
- UNHCR to arrange general meeting with the refugees and asylum seekers and explain the grounds for medical assistance (together with the issue of MSA).
- UNHCR to provide additional information to the IP on the procedure of reimbursement of the health-related expenses incurred by the refugees. Make sure that IP conveys the information to the beneficiaries in the proper manner.
- UNHCR to follow up with the RMS and relevant authorities on the allegations relating to payments to be made for medical checks.

The right to information is the right to know your rights

Asylum seekers seem to enjoy some access to information on the government refugee status determination procedure. They receive it both from SAS and RMS. However, there are also instances where the information received from some other members of the communities is distorted or not complete, affecting negatively the persons' decision on whether to apply to the RMS.

The name of the implementing partner SAS is clearly associated with UNHCR. However, some persons of concern confuse the UNHCR partner with another charitable organization, such as Caritas, or are still unclear about many aspects of its work. Information on the legal aspects of work of the IP seems to be clearer than the information about social and local integration aspect of work. The Local Integration Project is still not known to many potential beneficiaries.

UNHCR social assistance procedures are not clear for asylum seekers and refugees. Majority asked about the process of MSA, school uniforms distribution, resettlement and complained that this assistance is not provided fairly enough in Kharkiv. Many have applied for MSA and resettlement 6 or more months ago and complained that they do not receive any feedback. Some had certain incorrect impression that in other cities (e.g. Kyiv and Odessa) UNHCR provides more assistance and covers accommodation. There is an opinion spread among people, who have relatives in the EU countries, that UNHCR provides accommodation and social allowance to refugees in the EU countries and there is a strong feeling among them that UNHCR in Ukraine does not do what it is supposed to do.

In some cases the non-provision of the social/material assistance, children assistance (due to some objective grounds) raise the discontent against the IP among the beneficiaries which is escalated by the representatives of NGO «Khurasan» which may consider it as unprofessional or fraudulent work of the UNHCR IP.

Several women complained about the non-fairness and non-transparency of the MSA procedures. It seems, that due to lack of information and understanding of the procedures there is a perception, among women in particular, that they don't receive the assistance due to the fault NGO SAS. Some did not like the way SAS conducted the home visits for the purpose of social assessment.

There are some allegations that the NGO receives some money from UNHCR for assistance purposes but it doesn't distribute it properly. Although these allegations were not made directly to the MFT, the latter was informed by SAS, which heard this rumour through their beneficiaries.

Proposed solutions:

- UNHCR to produce the leaflet about UNHCR assistance projects in Kharkiv with photos of the staff (similarly to Odessa example), to be disseminated by RMS and posted in a number of places generally accessible to refugees and asylum seekers.
- Despite previous failed attempt, engage IP and NGO «Khurasan» in constructive dialogue and partnership; encourage coordination meetings among partners. A preliminary meeting with leaders of NGO «Khurasan» and UNHCR management is recommended.
- UNHCR and partners to develop a communication strategy in Kharkiv for disseminating information on refugee programmes through local media, as well as other information material produced and disseminated by partners.
- Request IP to improve their outreach (especially the one in social sector) and ensure that all assisted persons receive a full briefing on the role of the NGO and types of assistance available.

- Request IP to disseminate leaflets about their activities with every counselling session and at the market.
- Resettlement counselling and prioritised consideration of the identified vulnerable cases by UNHCR.

Refugees need a secure environment and fair treatment

Though many visited individuals reported no problems with local population and neighbours, it seems that there are cases where there is very little interaction between persons of concern and the Ukrainian nationals. Thus, social exclusion is another serious problem identified.

The police tolerate the asylum seeker certificates pretty well, although in some cases money extortion is a problem. Many asylum seekers reported that when they are stopped by police they call SAS, which helps them to avoid detention and sometimes the fine.

The asylum seekers who recently arrived from Kyrgyzstan reported some difficulties due to negative attitude from the side of Ukrainian police. They arrived on a three month visa free entry stamp. As the majority works illegally at the market they are often apprehended by the MOI for illegal work, their passports are withdrawn and subsequently the term of three month stay is shortened so people are requested to leave Ukraine earlier. One man reported about the deportation of his brother by train to Moscow, just few days before the PA started; a stamp prohibiting his return for 6 months was put into his passport. No court consideration took place in his case.

Reportedly, xenophobia does exist and has an impact on the lives of refugees and asylum seekers, especially on those of African origin. Many persons visited reported verbal comments and offences over the colour of the skin on the streets, at the market, in public transportation as the part of their daily life. One person reported that once he had to run chased by the group of young people who threatened him with violence. The same person complained that young men from his building repeatedly insult him when they see him. Beneficiaries however are not willing to do anything about it and perceive this as inevitable evil for foreigners residing in Ukraine. They are in particular not willing to approach police fearing the same xenophobic treatment from their side.

Proposed solutions:

- Ensure that activities of the Diversity Initiative³ fully involve Kharkiv and its population.
- Sensitize the IP on the need to pay more active attention to the issue of xenophobia in the counselling.
- Continue to engage local authorities through capacity building activities and other forms of awareness-raising in order to sensitize them to the situation of the persons of concern.

³ The Diversity Initiative is a network of more than 65 organizations interested in addressing racism and xenophobia in Ukraine (www.diversipedia.org.ua).

Discussions with refugees and asylum seekers at Barabashovo market

Barabashovo market is situated in the south-east part of Kharkiv. It stretches along Akademika Pavlova Street with the main entrance on the corner of the said street and 50-let VLKSM Street. Kharkiv Metro station Akademika Barabashova (where the market gets its name) is situated on the territory of the market.

"I don't know about the assistance UNHCR provided to refugees in Kharkiv before, but I am at least glad that you finally came to see us and listen to us directly for the first time I know. I am grateful already for that".

An Afghan recognized refugee met at Barabashovo market

Barabashovo market looks more developed compared with the 7th km market in Odessa. There are not many containers left; instead, there are standard small shops under roof with doors. According to refugees, this is also the way for the administration to make the merchants pay higher rent.

Officially the market has the name of a Trading Centre. However, labour rights and regulations are violated both in regard to foreigners and Ukrainian nationals. Violation of such rights has more detrimental consequences on refugees given their already vulnerable situation. No cases of child labour were identified during the visit.

The market is operational from the early morning hours till 14.00–15.00. There is a night wholesale market which is open to the retail customers.

Relations with the locals at the market are mainly based and measured on the basis of work capacity; no major reports of targeted incidents of racism or xenophobia were collected. At the same time, regular police document checks have been reported. In the meeting that took place before the visit, the Director of the market confirmed that the management of the market is more interested in business being done than in the legal status of the single person working at the market.

During the visit both teams were accompanied by market security guards as per the decision of the Director. Security arrangements at the market are much tighter than those in 7th km Market in Odessa.

For the management of the market, Dr. Karimi from NGO «Khurasan» is the head of the Afghan community at Barabashovo Market. The director of the market promised to provide the list of leaders of all the national communities present at the market.

All the asylum seekers of African origin are employed at the market in the area where they unload the buses with the merchandise arriving from Odessa. Another job that they do is to help to bring the merchandise from the warehouse to the shop and vice versa. Asylum seekers are working there together with other migrants and sometimes foreign students who also come to get some additional money.

During the visit, two migrants from DRC (living 3 years in Ukraine) approached the MFT as they have seen UNHCR visibility with the request to explain to them how they can apply for asylum. They were immediately counselled by SAS and RMS colleagues and got the appointment to the meeting.

There are noticeably much more African migrants with residence permits at the market than refugees and asylum seekers. One can assume that certain number of them have refugee claims but withdrew from the procedure or never applied, having preferred other types of legalization in the country, for example residence permits. They could have received these types of documents from local VGIRFO (UCIR) through legal or illegal ways.

Recognized refugees of Afghan origin are mainly sellers (they buy merchandise/goods from other merchandisers and sell them from their rented place). One of the refugees works as a day-guard in one part

of the market. The asylum seekers from Afghanistan work as loaders or assist their compatriots as sellers. Many of the refugees who were met complained that after the crisis they hardly survive. Almost all of their profit goes for the payment of the rent of the place at the market and other fees and other part is spent for the purchase of the goods.

The story of Mr. A. trying to find employment

Mr. A. told MFT that he tried to find alternative to the market job. He also wanted to test as an experiment what are the difficulties of employment for recognized refugees. He said that once he went for an interview for a job related to his education (agriculture) and another time he tried with a taxi company.

He stood for the interviews and he apparently did well; however, in both cases, he had the impression that from the side of the employer there were doubts and a negative attitude, visibly caused by his foreign origin. Moreover, the employer could not understand what was his status and rights in the country and what «being a refugee» means. His lack of knowledge and understanding was complete. He thought that Mr. A. had a temporary status that could not be extended and as such could not be employed. This was not a good experience for Mr. A. who felt useless and hopeless. Now he wants UNHCR to tell all employers in the country that the laws of Ukraine allow the employment of refugees.

Participatory Assessment in Kyiv and Kyiv Region

Living as a refugee in Kyiv

Statistics and background information

UNHCR and its partners have been running refugee assistance programmes in Kyiv and the region for many years, building on the experience gained by implementing protection programmes in a difficult operational context, characterised by refugee and asylum seekers community composed by nationals

"I am staying in Ukraine for a bit more than a year and I feel like I have spent 10 years in prison. It's impossible to build one's life here"
An asylum seeker man from Afghanistan

of some 40 different countries, and that is scattered and living at the fringes of a large urban territory.

Although assistance programmes have been regularly carried out in accordance with common practices of consultation and dialogue among partners and persons of concern, no structured Participatory Assessment exercise had yet been undertaken in this region⁴. The 2010 Participatory Assessment exercise was therefore a welcome and innovative initiative, which brought together in a common information-gathering and analytical discussion the refugee operators from government institutions and from civil society partners with the refugee and asylum seekers who live in Kyiv and its region.

The size of the territory to cover coupled with the scattered nature of the refugee communities were certainly a challenge that needed to be overcome by precise scheduling and careful planning. Ten Multifunctional teams were set up, composed of refugee operators from government authorities, UNHCR and partners, which covered various districts in Kyiv and visited locations in the Kyiv region where refugees are residing. Schools and markets were visited in order to gather a first-hand testimony of conditions of life and quality of services that affect refugees and asylum seekers.

UNHCR and its NGO partners in Kyiv are working with a total of 155 recognized refugees and 333 asylum seekers. Among them, 363 persons arrived from 37 countries in 2009 and 166 from 23 countries arrived during the first six months of 2010. UNHCR NGO partners assist 155 recognized refugees in Kyiv. UNHCR observed that the percentage of single males among newcomers in the first half of 2010 had reduced to 58% from 71% in 2009, and that women and children under 18 comprised 38% of newcomers in 2010 compared with 26% in 2009.

The programme of the Participatory Assessment in Kyiv included the following activities:

- 77 home visits.
- 4 Focus group discussions (23 refugee and asylum seeker women, 6 UAMs, 15 refugee and asylum seeker adolescents). 23 women of various nationalities participated in the discussion. 50% of women were recognized refugees and naturalised refugees from Afghanistan, other 12 women were asylum seekers from Uzbekistan, the Russian Federation and Iran. 13 children of Afghan nationality, boys and girls, aging from 11 to 14 years old participated in the Focus group discussion.
- Visit to two markets and 39 interviews with persons of concern working there.
- Visit to the 3 school(s) and discussions with 13 children.

In total, almost 270 persons were interviewed during the Participatory Assessment.

⁴ Regarding a similar study, please see a footnote on p. 3.



Findings of the Participatory Assessment:

The findings reported below are a sample collection of testimonies, information and comments that were gathered through home visits and group discussions. Several members of different communities were involved in this exercise, including Afghan, Russian (mainly Chechen), nationals of various African countries, Iraqis, Armenians, nationals from Azerbaijan, Palestinians, Iranians and members of the Uzbek communities. Although findings are consolidated, necessary distinctions are made with respect to specific findings and needs of respective communities.

Documentation remains a major concern for refugees and asylum seekers

The majority of the persons visited at home were asylum seekers with government certificates confirming their appeal to the court and with valid registration with the Ministry of Interior. In some cases however, the certificates had expired or those interviewed no longer had certificates. Some individuals had UNHCR Referral letters. With regard to Uzbek asylum seekers, the majority had certificates from RMS, but a number did not have valid MOI registration on the certificates, due to their fear of being arrested in connection with possible extradition to Uzbekistan.

Notwithstanding the above, many mentioned the delay in issuance or extension of certificates by RMS as an important concern. This may be due to the delay in communication and acknowledgment by courts of receipt of appeal. Some interviewees stated that they stay closed in their apartments for months fearing problems with police and possible imprisonment if they ventured outside without proper documentation. Failed asylum seekers were, in the majority of cases, undocumented. This restricts their right for freedom of movement, official employment and registration of marriage and a child birth.

Mistreatment and short-term detention at the hands of the police have been encountered by many asylum seekers. This was even the case for asylum seekers holding valid government certificates. In the majority of cases, asylum seekers reported being forced to pay the police in order to be released. Travel outside of Kyiv was reportedly difficult because police consider the certificate to be valid only in the region in which it was issued. Those holding UNHCR Referral letters also faced occasional harassment and detention by the police.

Children mentioned psychological pressure that they experience due to the problems associated with documentation. Children described how they are afraid that the police visit their homes to check up docu-

ments. Unaccompanied children who took part in the Focus group discussion mentioned how they are particularly affected by the absence of documents as they have to explain their situation during frequent police checks.

Some asylum seekers complained about the quality of the certificate and about its limited validity, which impacts on their employment prospects.

Proposed solutions:

- Partner NGO to take more active role in follow up of timely issuance of asylum certificates.
- Maintain and, when necessary, speed up the current practice of the partner NGO to refer undocumented individuals to UNHCR for consideration regarding issuance of UNHCR Referral letters, which is a certification from UNHCR that the holder is a person in need of international protection and, as such, of concern to UNHCR.
- UNHCR to work more with law enforcement authorities and explain the reason of issuance of UNHCR Referral letters.
- UNHCR to advocate with MOI to improve respect for certificates and with RMS to extend their term of validity.
- Asylum seekers should not be undocumented in the interim period between the authorities' negative decision and the court appeal hearing. UNHCR to advocate with the relevant Government Agency to issue the certificates during the appeal stage immediately.

Quality of the national asylum procedure and of the legal assistance provided by UNHCR and its NGO partners

A number of asylum seekers complained about the slow and lengthy asylum procedure and mentioned the perceived increase in the rejection rate, oftentimes based on non-admissibility. In part, this problem was linked to the partial functioning of the SCNR during the period from July 2009 to August 2010. Asylum seekers and refugees also felt anxious about improper treatment by staff of the migration services and the courts.

While the level of awareness about legal assistance provided by UNHCR implementing partner Hebrew Immigrant Aid Society (HIAS) is relatively high, the assessment also showed that many of those interviewed did not properly understand the asylum procedure and were often unclear about the status of their applications to the relevant asylum authorities. Some of those interviewed raised concerns about the professionalism of HIAS lawyers, and mentioned that they were particularly concerned about their court work.

Proposed solutions:

- UNHCR to continue lobbying with the central authorities for a fair and effective implementation of the Refugee Law.
- Address UNHCR and NGOs partners access to the Government Refugee Status Determination materials through inclusion of waivers at the time of asylum applications.
- NGO partners to continue to refer persons in need of protection to UNHCR when they are close to reaching the end of the asylum procedure in Ukraine.
- Regularly review effectiveness of the legal services provided by the NGO partners in order to maintain high quality service.



Obstacles to the full enjoyment of the right to education by refugee children

In general, admission to school for most refugee and asylum seeking children is not an issue in Kyiv. However, unaccompanied children are not able to continue education because they reported the need to provide for themselves, which they do through work at the market.

Newly arrived children often start going to school as teenagers while not having the educational background for being admitted to upper forms and in junior school they do not fit by age. Schools have no possibilities to help children catch up with the learning programme. After-school child-care for junior forms is possible (provided there are at least 30 children willing to attend and respective applications from parents). Though such opportunity for upper forms is not available in practice. Previously school teachers could conduct additional individual classes but currently such practice is abolished. School teachers do not conduct additional classes for free, yet paid classes within school territory is forbidden by a decree of the Ministry of Education, Science, Youth and Sports. In school # 224, for example, payment for afternoon courses is requested but refugee children cannot afford these costs and reported this as a primary concern during the Focus group discussion with adolescents.

Some children of asylum seekers reported being left without the school certificates because of the problem with documentation. It is also not possible to register for external testing required for higher education because of the absence of documents.

Ukrainian law does not provide free of charge vocational and higher education for refugee children. Families reported often being unable to pay tuition fees, which results in children not being able to learn or acquire a skill, and therefore turning to perform menial jobs at the market for their livelihoods. There are cases, when there is support from the community towards payment for studies (communities provide «an advance» towards tuition payment, which the family needs to give back by installments). A small number of recognized refugees are supported as of 2010 also by the UNHCR/DAFI Scholarship programme.

Asylum seekers reported that they are considered as foreigners and therefore have to pay a tuition fee twice higher in comparison to Ukrainians.

Language knowledge and vocational courses or re-qualification remain fundamental tools for effective integration. Many young persons interviewed would like and need to receive this education and would be very willing to benefit from such assistance. The majority of asylum seekers mentioned during the Participatory Assessment that they would like to attend language courses, but have no means to cover transportation costs.

Proposed solutions:

- Evening municipal schools, free of charge could be a potential solution for unaccompanied children willing to continue their studies after the language courses. Social workers should explore this opportunity and work with schools and children to include them into the existing structures. Compensatory incentives for the time spent outside work should be considered.
- NGOs partners should continue to monitor school attendance. In cases of drop-outs, due follow-up with affected refugee and asylum seeker families should take place (i.e. ensure counselling to identify the reasons for the drop-out; provide explanation regarding consequences including those related to the national legislation; look for solutions to the problems the affected families face, together with UNHCR and other partners when appropriate).
- Legislation foresees the possibility of studying at home – individual format of education on the grounds of health problems, provided there is a medical reference and parents' application. A change must be introduced to the Law to allow refugee children to benefit from this opportunity as well. Introducing a «supportive course» (for older children who do not speak the language and do not have educational background which is expected for their age) can also be viewed as a way for children to catch up with studies.
- UNHCR to seek solution and make access to secondary and tertiary education affordable either by lobbying for a reduction of fees or increasing assistance.

Poor accommodation has a detrimental impact on the general well-being of refugees

Most of the homes visited were composed of one-two room apartments, in very modest to poor living conditions. Almost all apartments are situated in relatively old apartment buildings. Furniture and accessories are mostly second-hand and worn out but clean and maintained. Women specifically mentioned their worry over poor health of their families, which is caused in part by the poor living conditions. In case of single men, there are often 5–8 persons sharing the apartment and sleeping on the floor. In some instances these apartments accommodate unaccompanied children (boys). There were some families with several children sharing the apartment with relatives or persons from their community in two-room apartments. The monthly rent varies between 200 and 350 USD per month, whereas the daily wage earned by those working at the market varies from 50–70 UAH (less than 10 USD). Many individuals spend about half of their monthly salary on their apartment rental.

Some people live in apartments rented by their employers from the Troyeshchina market, who provide food and sometimes second-hand clothes in lieu of wage for often 12–14 hours of work per day.

Asylum seekers and refugees reported that landlords often do not wish to accommodate foreigners particularly due to the unfamiliar documentation. Families with children found it even harder to agree on apartment rental with landlords. Landlords are apparently afraid of problems with the tax inspectorate, police and neighbours. Communities assist with renting apartments from owners who have already rented apartments to refugees and know about their status. Sometimes owners can receive guarantees from community members.

Those interviewed expressed a concern related to the constant risk of being expelled from rented accommodation due to problems with registration. It is very common that a person is registered in one place and resides elsewhere, which often results in raids by police and subsequent unofficial payments made by the residents to the police in order not to be fined.

Proposed solutions:

- The most vulnerable families to be accommodated in the temporary accommodation centres (TACs) in Odesa city and Zakarpattya region.
- Continue the efforts aimed at inclusion of low cost housing for refugees in the governmental agendas.

Financial assistance is not enough and children are obliged to work at the markets

During the Focus group discussions with women, complaints were made with respect to the existing financial support, which is considered non-existent from the government's side and insufficient from UNHCR. Some women perceived the acquisition of citizenship as a hindrance rather than a benefit, because it would eventually reduce their opportunity for receiving UNHCR monthly financial support. Women were most worried about the required needs for food, shelter, clothing and expenses related to school. In general, women talked about psychological pressure they endure due to uncertainty over the future.

Some women did however report that they also work at the market where they sell cooked food to make additional funds for their families. Boys from the age of 13 are commonly helping their fathers at the market at weekends and during school holidays.

In contrast, unaccompanied children feel forced to work at the market full time under difficult conditions. They reported to the Multifunctional teams that they are paid insufficient wages, if they are paid at all, and that they are often just working in exchange for some shelter and food provided by other members of the community.

Proposed solutions:

- Continue advocacy and efforts for improving state sponsored assistance for refugees and asylum seekers.
- UNHCR and NGOs partners to improve identification of vulnerable situations to be assisted through UNHCR monthly subsistence allowance programme.
- Launch a survey to properly assess the phenomenon of unaccompanied children working at the markets, in order to clearly identify and react to possible exploitative situations.
- Coordinate potential resources with UNICEF and Government Agency for the protection of children.

Accessing health care in Kyiv is problematic for refugees and asylum seekers

During the Participatory Assessment in Kyiv, refugees and asylum seekers explained that in many instances they were refused access to the services of state medical establishments on a variety of grounds, from being foreigners to being unable to pay the services.

The language barrier is also a contributing factor to access to health care, and this issue was particularly felt by women. Sometimes, this problem is resolved within the community, by those who can provide interpretation assistance and are willing to accompany the patient to the hospital.

Refugees also complained about the complicated state procedures for accessing social support, to which disabled persons are entitled.

Refugees' opinions concerning the services received from the NGO partners in the health sector were mixed. In general, those interviewees from Afghanistan and CIS countries were reasonably satisfied with the services they receive. However, persons of concern of other nationalities, in particular those of African origin, were not satisfied with the medicine and treatment received. Concerns about the attitude of medical personnel were mentioned: for instance, a patient who is late for a doctor appointment may be refused the visit. The majority of the women taking part in the Focus group discussion, complained about the services provided by the health partner by stating that treatment of medical staff is unprofessional and treatment not effective.

Unaccompanied children talked about the psychological pressure that they face living alone in Ukraine and the impact that this has upon their general health.

A number of those interviewed were not aware that UNHCR may reimburse some medical expenses, according to established standard operating procedures.

Proposed solutions:

- Partner NGOs to ensure proper follow up on cases of individuals with disability problems who are rejected from state programmes of social assistance.
- Ensure capillary dissemination among partners and refugees of information on UNHCR medical reimbursement procedures, as well as related standard operating procedures.
- Raise medical related problems with relevant Government Agencies.

There remains misunderstanding and distrust over assistance provided by UNHCR and its NGO partners

In most of the cases, interviewees were aware of services provided by UNHCR partners. The names of the UNHCR NGO partners «Rokada», «HIAS», and in some cases DRC are known to the persons of concern. Thus, services provided are associated with UNHCR or UN in general.

Language barriers and the lack of interpretation were mentioned frequently and impact on the ability of asylum seekers and refugees to access information, as well as basic services. It was highlighted by women as a major constraint.

There was clearly some misunderstanding among refugees and asylum seekers about the role of UNHCR compared to the role of government in the national asylum procedure. Some individuals were of the view that UNHCR may influence government decisions.

Some persons were concerned about what they perceived as negative attitudes demonstrated by the staff of UNHCR NGO partners.

Lack of transparency in UNHCR and NGO partners' decision making processes was a concern shared by a number of those interviewed during the assessment.

Proposed solutions:

- Encourage the RMS to disseminate information on governmental asylum procedure and UNHCR's role in a number of places generally accessible to refugees and asylum seekers.
- Engage NGOs in constructive dialogue and partnership; encourage coordination meetings among partners.

- Organise a communication strategy countrywide for disseminating information on UNHCR and partners through local press and media, as well as other information material produced and disseminated by partners.
- Request partner NGOs countrywide to improve their outreach and ensure that all assisted persons receive a full briefing on the role of the NGO and types of assistance available.
- Request partner NGOs to disseminate leaflets about their activities more widely including in the Troyeshchina and Shulavskyi markets.

Refugees and asylum seekers feel insecure, fear xenophobia and other forms of social rejection

The movement of asylum seekers and refugees is mostly limited to the «apartment – market» and the government offices from time to time. Women, in particular those from Uzbekistan, were particularly affected by a feeling of insecurity and mentioned concerns about detention and deportation during the Focus group discussion.

Though many visited individuals reported no problems with local population and neighbours, it seems that there are cases where there is very little interaction between persons of concern and the Ukrainian nationals. Thus, social exclusion is another serious problem identified. Women complained about ill-treatment on the street, in public transportation and from their neighbours. Some individuals reported a xenophobic attitude towards their children in schools, and this was mentioned also by mothers as well as the adolescents who took part in the Focus group discussion.

The interviews confirmed that a level of intolerance towards asylum seekers and refugees does exist in Kyiv, which occasionally erupts in open incidents of xenophobia or aggressive behaviour. Reports of negative attitude, insulting language and occasional physical harm were made, which should be construed as real impediments to the capacity of refugees to establish normal life conditions in Kyiv.

During Focus group discussions with women, there were no reports of sexual and gender based violence, although the likelihood of such reports surfacing in such an environment may be considered to be minimal.

Proposed solutions:

- Continue to engage local authorities through capacity building activities and other forms of awareness-raising in order to sensitize them to the situation of the persons of concern.
- Ensure that activities of the Diversity Initiative⁵ continue to include issues related to the security and safety of refugees and asylum seekers, and contribute to raising awareness in the local population about foreigners' human rights.

⁵ Please see a footnote on page 28.

Discussions with refugees and asylum seekers at public schools #224, #192 and #308

All 3 schools are located in Troyeshchina district, where the majority of Afghan refugee children reside. School #224 is the only school with a large number of different nationalities, as they teach children originating from 11 different countries. In all schools visited, education programmes are in Ukrainian language. Refugee children study in mixed groups with Ukrainian children and participate in all class activities with other children.

"I become very scared when police comes to our house and shouts at my father"

A refugee child at school in Kyiv

The teams met with the Directors of the establishments who explained that the schools are attended by students of different nationalities. The Directors considered that there is no discrimination towards children based on nationality. Questions of financial contribution by refugee families and non-issuance of graduation certificates were discussed with the authorities during these visits.

13 children, all from Afghanistan, were subsequently interviewed. All of them seemed to be very happy at school. In general they do not have problems with classmates, however there are incidents when some children are insulted or called names because of different nationality. Three children members of one family had many complaints on mistreatment by teachers and difficulties with classes. Teachers explained that these three children do not study well, are difficult in communication and are at risk of being expelled from the school. However children justify their inability to study well, because they are not supported by their parents who do not know Ukrainian and Russian languages.

Children explained that limited space at home and insufficient clothing have impacted on their capacity to study. At face value, the children appeared to be well taken care of.

Discussions with refugees and asylum seekers at Troyeshchina and Shulavskyi markets

The Multifunctional team that visited the markets managed to speak with a number of refugees and asylum seekers who regularly work there. The persons interviewed reported that, in general, the relations with the local people at the market are mainly based and measured on the basis of each individual's work capacity. Other considerations, such as origin, legal status and personal characteristics are secondary to the capacity to be economically viable. However, people also reported that occasionally they receive lower wages and at times face instances of exploitation, which well reflect the special difficult conditions in which refugee and asylum seekers work at the market, largely aggravated, if they do not possess documentation.

"Do you want a banana? This is what I am told by some people"

An African asylum seeker at the market in Kyiv

Police control inside the market is also somehow different and more tolerant than in the city; as people working inside the market become known to locals and authorities, there is in general more tolerance, even if it is known that they have no legal documentation.

The people interviewed at the market were mainly persons of Afghan origin (around 25), who either have already a residence permit or Ukrainian citizenship; a lot of those interviewed used to study in Ukraine and obtained higher education. Some recognized refugees had received refugee status within a few months of their arrival in the country and they possess only very basic Ukrainian or Russian language skills. In general

interviewees were pressed for time for the communication (due to the nature of their work) some of them were unwilling to communicate stating that it will not change anything. Nevertheless, basic issues raised by the representatives of the Afghan community were housing, registration and harassment by police, even in situations in which valid documents are provided.

At least one case of an underage child working at the market was identified during the visit

One of the leaders of Afghan community who was guiding the team through the market shared information that problems with police are solved informally through community, and this applies also to speeding up of the process of obtaining refugee status and citizenship (as communicated, these issues are solved by the community directly through Director in the Migration Service or State Committee for Nationalities and Religions).

Many Africans are employed at the Shulavskyi market, and majority of them are rejected asylum seekers. In general, an atmosphere of frustration prevailed at the market and many individuals preferred not to speak to members of the Multifunctional team. However, those who did provide their feedback during the visit mentioned as major concerns the lengthy national asylum procedures, the absence of legal documents and low recognition rates. They specifically alluded to corruption among state institutions and described police harassment as 'constant'. Xenophobia was also highlighted as a concern.

Compilation of the Proposed Solutions of the Participatory Assessment

Stateless persons in the Autonomous Republic of Crimea

1. UNHCR to identify list of cases who are unable to regularize in Ukraine due to lack of adequate documentation and advocate for (one time exceptional regularization procedures) providing them with citizenship/immigration permit without requiring departures from Ukraine and obtaining immigration visas prior to entering the country.
2. NGO Assistance to stop assisting individual cases in obtaining certificates on non-belonging to citizenship with reference to the bilateral treaty on simplified procedures for changing citizenship if they do not have immigration permits for Ukraine.
3. UNHCR to launch an advocacy campaign through its Dushanbe office to prevent people leaving the country without Ukrainian immigration visas.
4. UNHCR to allocate funds for conducting training on prevention/reduction of statelessness for MOI SDCIR staff in 2011.
5. UNHCR to advocate for the implementation of article 7 of the Convention on the Rights of the Child with regard to the state obligations to child birth registration and amend the relevant Ministry of Justice instructions in line with the Convention requirements.
6. UNHCR to look for respective guidelines to be shared with relevant translation offices, notaries and MOI staff to verify translation of names during the initial receipt admission of naturalization documents.
7. NGO «Assistance» gets a clarification from Crimean Republican authority and disseminates information to appropriate applicants.
8. Crimean republican authorities to provide clear instructions to officials.
9. NGO «Assistance» raises awareness of the applicants.
10. UNHCR and NGO «Assistance» to increase awareness among stateless persons and government officials, and expand dissemination of information and promote a more professional attitude among officials.
11. UNHCR to promote changes to bilateral treaties with CIS countries on mutual visits to allow entrance for permanent residence without the requirement to obtain the immigration visa in advance for FDPs descendents and their family members, as well as stateless persons.
12. NGO «Assistance» to engage in close monitoring of on the procedural steps and on the submission and filing of applications as stipulated by the citizenship law.
13. Information campaign by UNHCR and NGO «Assistance» to raise awareness of employers.

14. UNHCR to advocate that stateless persons receive a quality residence permit, possibly of the single type, in order to increase respect for the document by the state officials and private sector employers.
15. UNHCR to discuss the issue at the central level with competent authorities (Ministry of Social Policy) in order to improve the procedures and raise the professional level of staff.
16. NGO «Assistance» (1) helps to obtain and file documents and (2) contacts civil society NGOs with the UNHCR NGO IPs in Uzbekistan and other countries (that can help to liaise with local authorities).
17. UNHCR to discuss existing problems with the Embassies and to agree on simplified solutions and procedures.
18. NGO «Assistance» to help to obtain and file documents with respective countries' authorities.
19. UNHCR to advocate with countries of origin for dedicated missions to Crimea of consular service staff.
20. UNHCR should facilitate Republican Committee for Deported Citizens efforts on establishing TACs for FDPs (including vulnerable stateless persons) as well as to promote urge the inclusion of authorities to provide FDPs (including stateless persons) within state houses schemes.
21. UNHCR and partners should continue to monitor the situation in the region and address promptly any possible indication of intolerance and xenophobia.
22. Continue to raise awareness among local authorities about asylum seekers and refugees in order to facilitate good relations and a spirit of acceptance.

Refugees and asylum seekers in the Autonomous Republic of Crimea

23. The legal assessment has not been undertaken yet by NGO «Assistance», and need to take place soon, in order to allow them to be included in the assistance.
24. Follow up is required on case-by-case basis, especially by the NGO «Assistance», once proper Legal Assessment is undertaken. Some financial support is justified, although should be linked to clearly identified gaps in order not to create dependency.
25. NGO «Assistance» RMS should clarify the conditions for the right to health services and follow up on conditions of vulnerable cases. Particular attention should be paid to the apparent case of domestic violence.
26. Leaflets about employment rights should be distributed among asylum seekers.
27. RMS to facilitate identification of adequate accommodation and ensure that police register all asylum seekers.
28. NGO «Assistance» should assess need for integration grants for the two refugees working at market
29. NGO «Assistance» to consider one-time assistance to refugee children of school age.

30. RMS to continue supporting recognized refugees in their applications for naturalization, and pursuing ways to preserve family unit when it is not possible.

Refugees and asylum seekers in Kharkiv

31. UNHCR to continue lobbying with the central authorities for a fair and effective implementation of the Refugee Law.
32. To consider the possibility of the NGO lawyer to take more active approach – to accompany the refugees to MOI for the first submission of the documents; to assess the need of the second naturalization lawyer for a short period of time.
33. NGO partner should monitor that undocumented individuals who did not have asylum certificates due to non-functioning of SCNR receive their asylum appeal certificates in the nearest future.
34. UNHCR and NGO partner to follow up on family reunification procedures for asylum seekers with Ukrainian spouses, especially in relation to the authorities' request that asylum seekers return to their countries of origin to submit their applications.
35. UNHCR to improve modalities and procedures for payment of interpretation services so to avoid delays and facilitate the delivery of the service. SCNR/RMSs, as well as the interpreters should have clear and regular information on how the system works and urged to maintain agreed procedures.
36. Target judges dealing with asylum appeal cases in the administrative court of Kharkiv for training and possible workshops.
37. UNHCR to pay special attention to refugees and asylum seekers who live in a protracted situation and increase their search for durable solutions (voluntary repatriation, resettlement, regularisation of their stay under general immigration rules).
38. Raise the issue of access to education for refugee and asylum seeker children with the Department of Education on regional level. Sensitize the authorities on the issue.
39. As regards the issue of continuing education after 9th year and the certification, UNHCR to discuss the possibility with DRC to increase the visits of the lawyer to Kharkiv in order to follow on the number of cases with the school management. To raise this issue with the Ministry of Education, Science, Youth and Sports at regional and central levels.
40. IPs should continue to monitor the school attendance. In cases of drop-outs, due follow-up with affected refugee and asylum seeker families should take place (i.e. ensure counselling to identify the reasons for the drop-out; provide explanation regarding consequences including those related to the national legislation; look for solutions to the problems the affected families face, together with UNHCR and other partners when appropriate).
41. More active work with schools to be conducted by child social workers (DRC), including more attention to the organisation of catch up classes, distribution of school uniforms, computer courses for children and assisting children of the high school to obtain relevant school manuals.
42. Consider possible forms of assistance to the children of asylum seekers who want to continue higher education. Continue lobbying the government to consider amendments to the Law of Ukraine on Higher Education.

43. The most vulnerable families with big number of children and new arrivals should be promptly identified by SAS and referred for review of MSA commission.
44. DRC/UNHCR to review possibility of the assistance to children in mixed marriages.
45. UNHCR to consider the ways how the procedure of MSA is better explained to refugees and asylum seekers. General counselling meeting can be organised with the refugees and asylum seekers on the issue of social and material assistance in Kharkiv. Each applicant for MSA has to be informed (in writing/by phone from UNHCR) with the explanations of rejections. It will release some pressure on NGO and will decrease the causes for conflicts.
46. Legal ways of asylum seekers' employment should be considered. Thus, IP should pay more attention to the legal employment of asylum seekers, through direct social escort, approaching the employers, involving the RMS where appropriate.
47. Continue the efforts aimed at inclusion of low cost housing for refugees in the governmental agendas.
48. Discuss and clarify the role of the NGOs «Khurasan», «BahtarZami» and the Uzbek community (in particular, in relation to the growing numbers of Kyrgyz asylum seekers) and advocate for their possible intervention as an operational partner for refugee protection.
49. SAS to increase stock of winter clothes and shoes. Also explore other humanitarian organizations active in Kharkiv for provision of such items.
50. UNHCR to consider the possibility to have a partner hospital in Kharkiv, or the arrangement that would at least allow addressing the limited number of socially disadvantaged persons of concern.
51. UNHCR to arrange general meeting with the refugees and asylum seekers and explain the grounds for medical assistance (together with the issue of MSA).
52. UNHCR to provide additional information to the IP on the procedure of reimbursement of the health-related expenses incurred by the refugees. Make sure that IP conveys the information to the beneficiaries in the proper manner.
53. UNHCR to follow up with the RMS and relevant authorities on the allegations relating to payments to be made for medical checks.
54. UNHCR to produce the leaflet about UNHCR assistance projects in Kharkiv with photos of the staff (similarly to Odessa example), to be disseminated by RMS and posted in a number of places generally accessible to refugees and asylum seekers.
55. Despite previous failed attempt, engage IP and NGO «Khurasan» in constructive dialogue and partnership; encourage coordination meetings among partners. A preliminary meeting with leaders of NGO «Khurasan» and UNHCR management is recommended.
56. UNHCR and partners to develop a communication strategy in Kharkiv for disseminating information on refugee programmes through local press and media, as well as other information material produced and disseminate by partners.
57. Request IP to improve their outreach (especially the one in social sector) and ensure that all assisted persons receive a full briefing on the role of the NGO and types of assistance available.

58. Request IP to disseminate leaflets about their activities with every counselling session and at the market.
59. Resettlement counselling and prioritised consideration of the identified vulnerable cases by UNHCR.
60. Ensure that activities of the Diversity Initiative fully involve Kharkiv and its population.
61. Sensitize the IP on the need to pay more active attention to the issue of xenophobia in the counselling.
62. Continue to engage local authorities through capacity building activities and other forms of awareness-raising in order to sensitize them to the situation of the persons of concern.

Refugees and asylum seekers in Kyiv and Kyiv region

63. Partner NGO to take more active role in follow up of timely issuance of asylum certificates.
64. Maintain and, when necessary, speed up the current practice of the partner NGO to refer undocumented individuals to UNHCR for consideration regarding issuance of UNHCR Referral letters, which is a certification from UNHCR that the holder is a person in need of international protection and, as such, of concern to UNHCR.
65. UNHCR to work more with law enforcement authorities and explain the reason of issuance of UNHCR Referral letters.
66. UNHCR to advocate with MOI to improve respect for certificates and with RMS to extend their term of validity.
67. Asylum seekers should not be undocumented in the interim period between the authorities' negative decision and the court appeal hearing. UNHCR to advocate with the relevant Government Agency to issue the certificates during the appeal stage immediately.
68. UNHCR to continue lobbying with the central authorities for a fair and effective implementation of the Refugee Law.
69. Address UNHCR and NGOs partners access to the Government Refugee Status Determination materials through inclusion of waivers at the time of asylum applications.
70. NGO partners to continue to refer persons in need of protection to UNHCR when they are close to reaching the end of the asylum procedure in Ukraine.
71. Regularly review effectiveness of the legal services provided by the NGO partners in order to maintain high quality service.
72. Evening municipal schools, free of charge could be a potential solution for unaccompanied children willing to continue their studies after the language courses. Social workers should explore this opportunity and work with schools and children to include them into the existing structures. Compensatory incentives for the time spent outside work should be considered.

73. NGOs partners should continue to monitor school attendance. In cases of drop-outs, due follow-up with affected refugee and asylum seeker families should take place (i.e. ensure counselling to identify the reasons for the drop-out; provide explanation regarding consequences including those related to the national legislation; look for solutions to the problems the affected families face, together with UNHCR and other partners when appropriate).
74. Legislation foresees the possibility of studying at home – individual format of education on the grounds of health problems, provided there is a medical reference and parents' application. A change must be introduced to the Law, to allow this opportunity to benefit refugee children as well. Introducing a «supportive course» (for older children who do not speak the language and do not have educational background which is expected for their age) can also be viewed as a way for children to catch up with studies.
75. UNHCR to seek solution and make access to secondary and tertiary education affordable either by lobbying for a reduction of fees or increasing assistance.
76. The most vulnerable families to be accommodated in the temporary accommodation centres (TACs) in Odesa city and Zakarpattya region.
77. Continue the efforts aimed at inclusion of low cost housing for refugees in the governmental agendas.
78. Continue advocacy and efforts for improving state sponsored assistance for refugees and asylum seekers.
79. UNHCR and NGOs partners to improve identification of vulnerable situations to be assisted through UNHCR monthly subsistence allowance programme.
80. Launch a survey to properly assess the phenomenon of unaccompanied children working at the markets, in order to clearly identify and react to possible exploitative situations.
81. Coordinate potential resources with UNICEF and Government Agency for the protection of children.
82. Partner NGOs to ensure proper follow up on cases of individuals with disability problems who are rejected from state programmes of social assistance.
83. Ensure capillary dissemination among partners and refugees of information on UNHCR medical reimbursement procedures, as well as related standard operating procedures.
84. Raise medical related problems with relevant Government Agencies.
85. Encourage the RMS to disseminate information on governmental asylum procedure and UNHCR's role in a number of places generally accessible to refugees and asylum seekers.
86. Engage NGOs in constructive dialogue and partnership; encourage coordination meetings among partners.
87. Organise a communication strategy countrywide for disseminating information on UNHCR and partners through local press and media, as well as other information material produced and disseminated by partners.

88. Request partner NGOs countrywide to improve their outreach and ensure that all assisted persons receive a full briefing on the role of the NGO and types of assistance available.
89. Request partner NGOs to disseminate leaflets about their activities more widely including in the Troyeshchina and Shulavskyi markets.
90. Continue to engage local authorities through capacity building activities and other forms of awareness-raising in order to sensitize them to the situation of the persons of concern.
91. Ensure that activities of the Diversity Initiative continue to include issues related to the security and safety of refugees and asylum seekers, and contribute to raising awareness in the local population about foreigners' human rights.

