



Jesuit Refugee Service Europe

NO OTHER OPTION

TESTIMONIES FROM ASYLUM SEEKERS LIVING IN UKRAINE

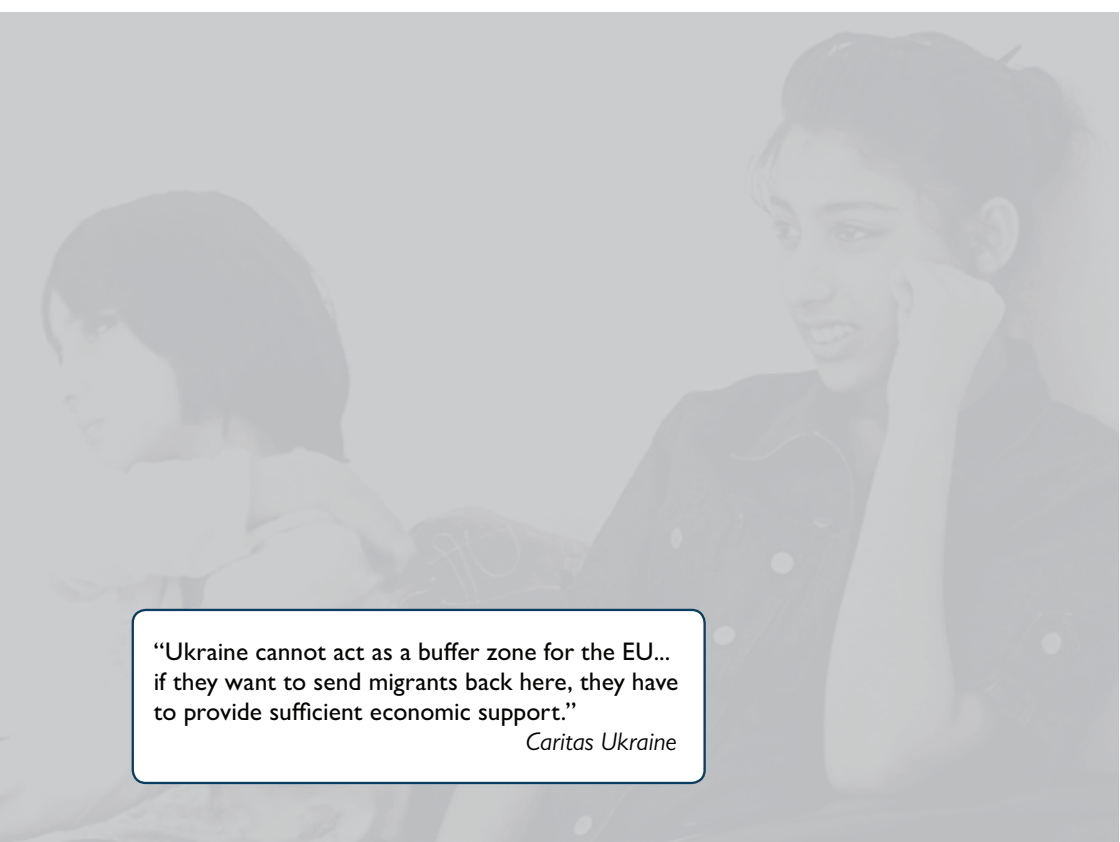


Cover photo: The road to Zhuravychi detention centre, located near the northwest border of Ukraine. The detention centre is located far from any town or city.

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Second and third interior cover photos: Asylum seeker children living in the JRS accommodation centre.

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“Ukraine cannot act as a buffer zone for the EU... if they want to send migrants back here, they have to provide sufficient economic support.”

Caritas Ukraine

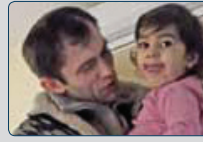


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Introduction

For many years the European Union (EU) has engaged in bilateral relationships in the area of asylum and migration with third countries at its border. Among the purposes of these policies is to maintain a strong EU border that can repel irregular migration, and to enable neighbouring countries to improve their ability to provide international protection, thereby reducing the numbers of persons who wish to seek protection in the EU. The bilateral readmission agreement between the EU and Ukraine allows EU member states to return irregular migrants who entered their territory via the Ukrainian border to be returned to Ukraine, even if they are not Ukrainian nationals¹. Policies such as these may deny vulnerable persons the protection they need and block persons from seeking asylum in the EU, while simultaneously leaving them in a precarious and uncertain situation.

Given their lack of capacity and instable political environment, the consequence of these policies means that Ukraine receives asylum seekers who are unable to access legal aid, medical care or education. For this group of people, in particular asylum seekers, becoming stuck in Ukraine is a distinct possibility, as many have no means to return home and cannot obtain a refugee or legal residency status in the EU or Ukraine.

Opera house in Lviv



Since 2008 JRS Ukraine has accommodated asylum seekers in Lviv. As the civil society culture in Ukraine is new, JRS Ukraine works on building networks and links amongst various stakeholders in order to bolster collaboration towards improving the rights of asylum seekers and refugee.

A consequence of the EU's efforts to externalise asylum protection and migration policies has been the



silencing of migrants' voices. The lack of transparency has made it difficult for civil society to assess the impact these policies have on the lives of the persons who directly experience them. In order to learn more about their situations, JRS Europe interviewed migrants in Morocco and Algeria in 2010¹¹; and in 2009 JRS Malta interviewed migrants who undertook dangerous journeys to the EU via Libya¹².

This booklet is a continuation of this series, with a focus on the EU's eastern border. JRS Europe visited JRS Ukraine in February 2011 to interview families living at the JRS house while awaiting an answer to their situations. Their stories, along with those of Ukrainian refugee organisations, UNHCR, and Ukrainian migration offices give a clearer view of how EU policies are directly affecting people on the ground.

This report follows the stories of these asylum seekers who spoke to JRS Europe:

- Muhamed and Irina, Chechens who have two young children
- Exhan and Masha, Afghans who have three children with them and one in Germany
- John, a Christian Palestinian
- Fajeem and Baharah, Christian Kurds from Iraq who have two young daughters
- Darab and Ava, Iranians with their two children

The Journey

Leaving Chechnya was the only option for Muhamed and his family. “My mother had some problems with people in the government... they weren’t happy with her, so they jailed and eventually killed my brother, then kidnapped me. I was kept in one of President Kadyrov’s secret prisons and tortured. I can still hear the cries of women and men being tortured.” To this day Muhamed suffers from symptoms related to post-traumatic stress disorder. During his first month in the JRS refugee house he

never went outside. He still hesitates when he has to answer the phone, as terrorist groups have repeatedly called him at home.

“My wife was somehow able to pay a \$10,000 USD ransom to get me out, but then I was put under house arrest for two years. Sometime later, my former cellmates were being murdered one by one. The police came by to ask if I knew anything about the murders or who would want them dead... they showed

Ukrainian border guards patrolling the border with Hungary



me photos of the crime scenes. They warned me that I could be next. **I'm very lucky to be alive.**" Muhamed and his wife, Irina, decided that their survival depended on leaving Chechnya. It didn't matter where they went, as long as they could get out: "It is better to die in another country than to stay in Chechnya." Their lives were not the only ones at risk: they had a six-year-old daughter and Irina was pregnant at the time with their second child.

They decided it would be best to enter Ukraine via Belarus, since there is no passport control between the two countries. As Chechens face discrimination and hardship in Russia, it was a safer option to enter through Belarus. They left for Moscow by bus, then to Belarus by train. Having no other choice and desperate to save their lives, they paid 5,000 rubles for forged Belarusian passports that bore different names and listed them as Russians. From Belarus, they travelled to Kyiv by train and stayed there for one week. Friends told them that it was safer for Chechens to stay in the western part of Ukraine, where Chechen terrorists would not find them and where Russian influence is weak. They arrived in Lviv in June 2010 and have been living at the JRS refugee house since. Ultimately they want to go to Poland, but UNHCR has told them that staying in Ukraine with JRS is their best option at the moment. If they are caught entering Poland from the Ukrainian border, they could be sent to a detention centre in

Ukraine – or worse, back to Chechnya. Their claim for refugee status in Ukraine had been denied at the time of their interview.

Ukraine is rarely the desired final destination for persons seeking protection. For many it is a means to enter the European Union in order to reunite with family or because protection is unavailable in other neighbouring countries. Left with no alternatives, they enter through unmarked and isolated land borders or by direct flight from another city, sometimes with forged passports or no passports at all. According to a Lieutenant in the Ukrainian Border Guard Service, "Afghanis and Somalis fly to Moscow with a legal visa, then hire drivers to get them to Ukraine. There's another transfer in the Carpathian Mountains, where they wait in houses set up by smugglers. Or they will register as students in Ukraine and spend a year as a student, while waiting for the right time to cross the border." Frequently, that "right time" never comes, as they are apprehended by Ukrainian authorities or unable to pay smugglers' fees. Their plans change and Ukraine becomes their best hope for asylum, as they realise that the EU is not an option for them.

Information about asylum is readily available at the Oblast Migration Services, and migrants can learn about voluntary return from the International Organization for Migration (IOM).



JRS accommodation centre for refugees in Lviv

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However, this does not mean that *all* asylum seekers are given the information they need. A representative from an Oblast Migration Service said, “If someone has made it to this kind of office, it means that they have already submitted their application for asylum and it’s already been accepted for review.” This office is not the first step for asylum seekers, so it is difficult to determine exactly how many people are given information on asylum. Because it is hard for an asylum seeker to have his or her application accepted for review, the number of people who make it to the Oblast Migration Services is very small.

Families can be split up during this journey. Exhan and his wife Masha, along with his mother and two young children, depended on smugglers to get

them to Germany. To avoid being caught by police, the smugglers split up the families to make smaller, less noticeable groups. The grandmother and oldest child, aged two at the time, went in one car and the rest of the family went in another. The police stopped Exhan’s car and sent them to a jail in Kyrgyzstan; the other car got away. They heard nothing about the grandmother or the young boy until seven years later, learning that they received refugee status in Germany. Exhan and Masha had two more children since this separation, both of whom have yet to meet their oldest brother.

After narrowly escaping death, John knew he had to leave Palestine. As a Christian Palestinian, he was a target for terrorists and suicide bombers. Once, during a church service, a suicide bomber entered the building and

detonated the bomb, killing his friend. He decided to leave after his entire family was killed in the same manner. “I couldn’t live a normal life... I was scared all of the time.” John paid a smuggler to get him to Odessa. He left Palestine in March 2008 and arrived to Jordan by car, where he stayed for two months. “I didn’t get to Odessa until January 2009... we went by jeep from Jordan to Odessa. We drove for only 25 days, but we would have to stop and wait for the right time to continue. We didn’t have regular food or water... it was very hot. **I lost all of my documents and my passport along the way. I arrived in Odessa not knowing where I was... I could have been in another country for all I knew.**”

John eventually made his way to Kharkiv, a city in northeastern Ukraine, and found work. Shortly after he was severely beaten by a group of skinheads. “I was in the hospital for two months with broken legs. My boss was kind and bought me a bus ticket to Lutsk, where it would be safer for me. Upon arrival the police approached me and asked for my papers. As I didn’t have any, I was arrested and taken to the detention centre at Zhuravychi.” Eventually John was able to stay at the JRS house, where he received proper medical care. While there he applied for asylum, but to this day has yet to receive an answer.



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A refugee family living at the JRS accommodation centre, Lviv

Detention

When irregular migrants are apprehended in Ukraine, Zhuravychi Detention Centre is where they stay for up to six months. Located 45 km outside of Lutsk, its lack of accessibility becomes a deterrent to visitors – the major highway reaching Lutsk is laden with potholes, and the centre is in the middle of a forest that is far away from anything.

This makes it difficult for lawyers, interpreters and officials to get there, which limits the amount of help that people seeking protection can receive. The buildings are new and in good condition, thanks to EU funding, but barbed wire fencing reminds you that this is a detention centre. Most of the persons detained at Zhuravychi are from Afghanistan and Somalia,

Zhuravychi detention centre, northwest border of Ukraine



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A sign pointing to Zhuravychi detention centre

but there are multiple nationalities represented there as well.

While en route to Germany, Baharah and her husband Fajeem were apprehended in Kharkiv and taken to Zhuravychi. Spending six months in an isolated detention centre is a difficult experience, but for this young Iraqi couple, it became much more stressful: 18-year-old Baharah was six months pregnant when they arrived. She spent her days alone in her room, despite pleas to share a room with her husband during her pregnancy.

She became depressed and worried for her safety: “There was little respect for women in the centre... I had never experienced anything in my life like I had in those six months”, she said. “The director demanded that she stopped crying all the time... when she didn’t, she was punished by spending three days in solitary confinement,” said Fajeem. A Ukrainian woman who worked at the centre made sure that Baharah was eating properly and gave her vitamins. Baharah and Fajeem eventually named their daughter after this woman.

After the birth, the young family still had three months before they could leave Zhuravychi. “They wouldn’t give me sterile, clean water for the baby’s formula... they said it wasn’t allowed. They wouldn’t let Fajeem stay with me in my room to help out with the baby either... once again, ‘not allowed’, they said.” “The director of the centre was not human,” said Fajeem.

Exhan and his family did not have a positive experience in Zhuravychi either. He, along with his wife and three children (aged eight, eleven and twelve), left Afghanistan due

Life comes to a standstill in the detention centres – there is nothing to do or see in Zhuravychi. After arriving in Lviv, Masha would often watch cars on the street for long periods of time. “I missed seeing movement”, she said.

to problems with the Taliban. They sought to get to Germany, where their oldest son and his grandmother have been living as refugees for the past seven years. Apprehended in Kyiv, the entire family spent a month in a Lutsk jail, and then were transferred to Zhuravychi. Exhan’s family witnessed the guards beating him; his wife and youngest daughter went into shock and were hospitalised for over one week. Their daughter developed

a nervous habit of pulling out her hair while she slept due to the trauma.

JRS Europe visited Zhuravychi and spoke with the director and deputy head. According to them, one of the biggest problems is that the Ukraine government has few financial resources. The EU, in their bilateral agreements with Ukraine, pays for the construction of the detention centres that are in line with EU standards, while Ukraine pays for all of the operational costs. However, as observed by those interviewed, the state has neglected its responsibility to maintain the centres.

As a consequence there is a lack of food and basic items for detainees. The government allocated money for food only in 2010, but even this does not necessarily guarantee sufficient funding.

“Zhuravychi can hold up to 150 people, but because we can only afford to feed 40 people, we can never

reach full capacity here,” a Zhuravychi spokesman said. IOM has provided supplemental funding for food, but this funding will not last more than a few years. Another consequence is the lack of social services for those who are detained. There is nothing to provide them with the necessary mental, social and medical support that they need after having left their homeland and endured time in detention. EU funding only provides for the physical condition

“They want to build three more detention centres in Ukraine – if we can’t fill this one centre, why would they waste money by building more centres that will remain empty?”

of the detention centre; there is little to no support for its ongoing operation.

There have been reports of human rights violations towards migrants in the time period before their actual detainment. JRS Europe spoke with a member of the Ukrainian State Border Guard Service (SBGS) who spoke of his own personal experiences. According to him, their method of operation is very organised, and, “If anything goes wrong with the apprehended migrant, we know exactly where in the chain it happened and who exactly violated their rights.” In his own experience, he said, “Human rights violations occur due to bad interpretation or a general lack of interpreters. We know of all international and human rights laws... EU institutions have guided all trainings for us and for those who work in the detention centres.” Human rights violations still occur, despite these trainings, in that people are detained when they should not be, as in the case of Baharah.

While there have been few deliberate acts of abuse towards asylum seekers, their detainment is a rights violation *per se*. Detention is a horrendous environment for anyone, and particularly for vulnerable groups such as pregnant

women and children, who should not be there in the first place; to make matters worse, there is no system to provide the basic standard of care they require.

Baharah was incredibly

lucky to receive what little support she did, but such kindness is on an individual, personal level. JRS Ukraine says that while deliberate abuse does occur, it is more of an exception rather than the norm. This is not to detract from abuses that do occur, but rather it highlights the fact that they occur because of core deficiencies within Ukraine’s asylum and migration system.

The EU, according to those who work at Zhuravychi, is demanding too much from Ukraine, given its current capabilities. “They want to build three more detention centres in Ukraine – if we can’t fill this one centre, why would they waste money by building more centres that will remain empty?” In their view, the EU is giving Ukraine money without any real expectations as to what will be done. They express frustration because they believe that detainees deserve better than what they are given, but that there is nothing that can be done at this level. Some try to take matters into their own hands: JRS Europe learned of instances where guards’ wives brought food and clothing for some detainees. Workers know that it is a faulty, corrupt system, and they do not see it becoming better any time in the near future.



A refugee in Odessa, Ukraine

Life on the Border

For asylum seekers in Ukraine, waiting plays a significant part of their lives. They cannot go back to their country of origin for fear of being killed or persecuted. Neither can they obtain refugee status in Ukraine or elsewhere. Instead they wait for an answer from UNHCR, the national migration services, Kyiv, whomever – an answer that will allow them to continue forth with their lives. More often than not they must wait much longer than anticipated.

Darab, an engineer from Iran, fled his hometown a few years ago after his brother converted to Christianity and was found dead in his apartment. Darab found out who killed him, and realised that he was in danger by staying in Iran. He went to the Netherlands, where he submitted an asylum application that was accepted for review. Meanwhile he found a job and a place to live. His hope was to obtain refugee status and have his wife and two children



© Iva Zimova

join him there. But circumstances forced him back to Iran, where he decided that it would be best for the whole family to leave. Since Darab had established himself in the Netherlands, they decided to return there via Ukraine. They paid a smuggler to get them to Lviv and stayed there for 14 months. Eventually the Ukrainian authorities apprehended both the smuggler and the family. The authorities, however, saw that this was a family who had a genuine claim for

asylum. They informed JRS Ukraine of their situation, who then took them into the refugee house.

Darab's asylum case is currently in limbo. He cannot go forward with his application if he is not in the Netherlands. Yet there is no legal way for him to go there, as he cannot get a visa from Ukraine. If he were to enter the Netherlands illegally, there is the possibility that he would be apprehended at the border and sent back to Ukraine. He and his family have tried to apply for refugee status

in Netherlands from Ukraine, but they were told that the only way they could obtain status there was to have Darab become a refugee, and then to apply for family reunification. The lack of a solution to this problem has left the family in Ukraine. "I feel stuck in Ukraine," Darab says. **"I have to wait, there's no other option.** I don't do anything, except take a few English and Ukrainian language classes. The economy's bad, so I can't find a job." JRS Ukraine and Darab's lawyer in the Netherlands have attempted to find a legal means for him to return to Netherlands and finish his application, but no solution has been found.

Darab and his family are not the only ones who must await an answer. Statistics from UNHCR in Ukraine report that only 5,459 refugees have been granted refugee status since 1993, and that until 2008, 2,277 refugees remained there. The number of people given refugee status has decreased every year from 2002 to 2007^{IV}. An Oblast Migration Service official said that 105 people applied for refugee status in the past five years in that particular region, but only six were granted this status for their area. The others have had to wait for a response from the appeals court or they have simply been denied indefinitely. Oblast migration offices do not directly grant status to someone; an answer must come from the central office in Kyiv. As the government frequently changes the structure and employees

in these offices, getting an answer can be time-consuming. Those who await an answer from Kyiv may have their stay prolonged for an undetermined amount of time, adding further to their stress and anxiety.

Masha has not seen her oldest child in twelve years. Should she and her family obtain refugee status, she can

“Waiting one day here feels like one year.”

then apply for a visa to see him in Germany. Until then she has no option but to wait, or try to enter the EU again and risk detention in Zhuravychi. When asked what waiting was like, she answered, “Waiting one day here feels like one year.” Her children say that she is physically and emotionally tired all the time and has been this way since they arrived to Ukraine. But she does have something to look forward to: “My son may come visit us here for a week or two,” she said smiling.

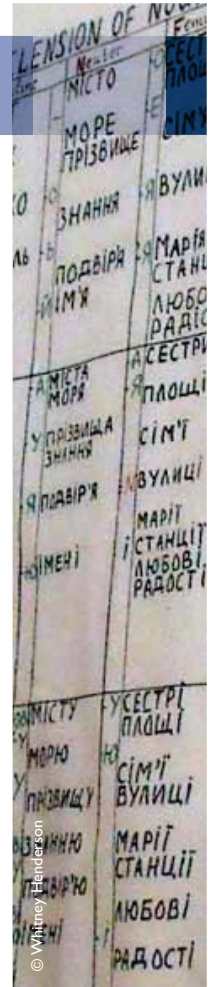
Waiting takes its toll on the psychological condition of migrants, as they do not know what will become of them. They experience depression, anxiety and an overall sense of hopelessness. Waiting is particularly hard for the men, as they cannot find work to support themselves or their families, feeling that their worth as men has diminished. Many sleep for

long hours and stay in their rooms for most of the day since there is little to do. When they do come out, it is only to use the Internet or to eat. Fajeem, who has not found work and has lost a considerable amount of weight since his arrival, said, “I’m not living.”

Irina found an inner strength during her journey and waiting time. When asked how she was able to remain positive throughout the experience, she said, “I knew I could not let this interfere with my life... I try not to think about all the bad things that have happened or the thought of waiting. I need to think positively.” Indeed, this has held her family together during times of stress and doubt.

Remarkably, the children in the JRS house seemed to have adjusted quite well to their situations – they are able to laugh, smile and be themselves. They are able to attend school, learn Ukrainian and socialise with others. They are still aware of their situation and know all too well about the waiting, but their resilience enables them to still have a childhood.

It is not so easy for the adults, as they cannot go to school, find legal work,





At the JRS Ukraine accommodation centre, Ukrainian, Russian and English lessons are offered to adults and children

or access any social services without paperwork proving that their asylum case has been accepted for review. Medical care is available, but until recently hospitals were not aware of their legal obligation to provide health care to refugees and asylum seekers. The quality of the medical care varies from place to place, so sometimes they have to look around. Work can be found, but only in the black market and with low wages. Exhan, for example, works for the equivalent of five euros

for twelve hours' worth of work, six days per week. While he knows it is very little, he feels better knowing that he is providing something for his family.

Eventually the waiting must come to an end and the next steps must be taken. Few options are available for them: they can try to assimilate into Ukrainian society by means of learning the language and finding work, or they can try to enter the EU once more.

The Ukraine-EU Political Context



Knowing more about the political environment is key to understanding the context in which these stories take place. After the

fall of the Soviet Union, Ukraine was left to start from scratch and create virtually its entire physical and social infrastructure. During this process Ukraine dealt with its own share of problems, including corruption and bribery. This is not to say that the entire system is corrupt, but rather it exists haphazardly throughout the bureaucracy, creating confusion and difficulties for all.

Refugee and asylum law is a relatively new area of jurisprudence for the government. Lawyers and judges are frequently unaware of what types of laws exist. There is no government office to oversee or coordinate all asylum and refugee policy. Until recently there were three separate ministries that focused on asylum and refugee issues – each with its own policies and procedures – making it incredibly difficult to determine which law applies to whom and what actions can be taken. Currently, people are waiting to see what will change when the new, combined ministry begins to function. This new ministry will combine three previously existing ministries that dealt with refugee and asylum law; it is not known

what administrative procedures and laws will be kept after the consolidation. National law often contradicts local administrative procedures, making it difficult to determine what should be done. A lawyer at Caritas Ukraine gives the perspective of an NGO that works directly with the migrants: **“We’re making all of the decisions that the ministries should be making... we know of all these organisations and NGOs but no one knows any policies or procedures.”**

Another lawyer told JRS Europe that “there are no legal precedents for refugee or asylum law...we need to have more education on the theory and the practice of this type of law.”

The fact that Ukraine is a politically young country figures heavily in this context. Its government is still in the process of forming democratic institutions, leaving it well behind other European nations. This is not to say that politics in Ukraine is static; rather, Ukraine is working to establish itself as a modern, democratic European country. “Ten years ago, you would have seen few foreign cars or imported goods,” says JRS Ukraine, “Now you see more Western influence and technology in every aspect of daily life. So while international criticism is merited for human violations that occur here, one has to consider that this country is expected to meet EU standards in a very short period of time.”

Viewpoints on the EU-Ukraine readmission agreement differ between stakeholders. Persons with a high-ranking position may be

more likely to say that it has made a positive impact in the country. According to the national UNHCR, it has brought human rights and migration to the forefront of legislation. An Oblast Migration Service official replied that they received trainings on EU standards and procedures thanks to the readmission agreement. One of the co-directors of Caritas Ukraine said that **“by signing onto this, Ukraine will have to develop international moral standards... society will have to become more tolerant and understanding.”**

According to those who work directly with migrants and asylum seekers, the agreement has proven to be negative. A refugee lawyer told JRS Europe that “it’s impossible for Ukraine to accept them... we lack the financial capacity to do so.” Others say that the EU is expecting too much of Ukraine. The poor state of the economy means that the government has difficulty providing for its own citizens, let alone refugees and asylum seekers. Caritas Ukraine said, “The EU is putting pressure on us... we don’t have enough resources and everyone in Ukraine knows this.” Every office interviewed by JRS Europe said that they need more money for their work, whether it is for salaries, administrative costs such as computers, Internet, paper and postage, or food for migrants. Caritas Ukraine goes on to say, **“Ukraine cannot act as a buffer zone for the EU...if they want to send migrants back here, they have to provide sufficient economic support.”**

The Ukrainian government’s tendency to

reorganise its ministries and offices only adds to these complexities. “The asylum procedure would be easier if there were not so many changes within the federal government,” according to an Oblast Migration Service centre. Changes in the ministries lead to changes in administrative procedures. When Exhan and Masha first applied for asylum, they received paperwork that allowed them to legally stay in Ukraine that was valid for three months. At the end of the three months they could re-apply and obtain another document. Since they have been in Ukraine, the validity of the document has gone down from three months to 20 days.

According to one lawyer, the EU is breaking its own laws: “By sending people to Ukraine, the EU is violating the human rights of the refugees and asylum seekers – the EU knowingly sends people to a country where they are not given fair legal aid, no resources for food, shelter, medical care. They are sending them into a situation where they cannot be provided the protection that they need.” JRS Ukraine observes that the issue of social protection is absent from the political context. Evaluations of how EU funding is spent have not been prioritised, so it is difficult to understand whether or not EU funding and policies have proven effective. According to UNHCR Ukraine, “the EU is throwing money at Ukraine without any strings attached or benchmarks. The agreements seem to be more of lip service than actual agreements. For these agreements to work, the EU has to demand political buy-in from Ukraine.”

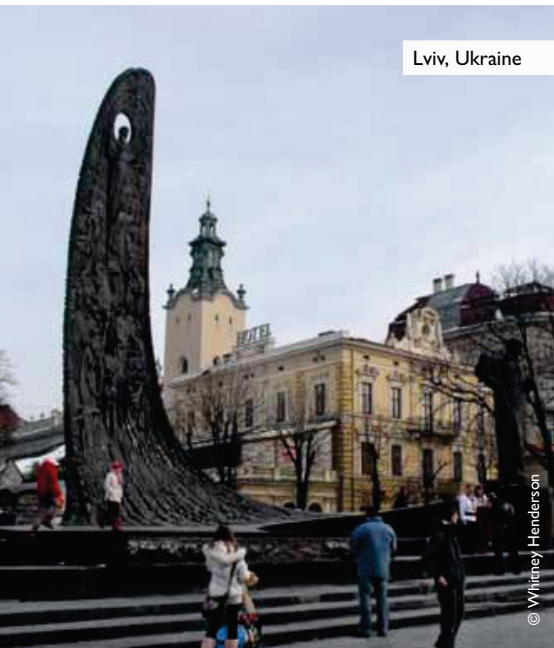
Ukrainian Society

Asylum seekers, while waiting to hear about their refugee status, have to try to continue living their lives in Ukraine as best they can. More often than not this proves to be quite difficult, as they do not know the language or culture. Then again, life for Ukrainians is not easy either. To understand the societal context that refugees are placed in, one has to see how Ukrainians live to truly understand what refugees must undergo.

The standard of living for Ukrainians is considerably lower than in the EU. Roughly 35% of the population lives below the poverty line, as of 2009^{VI}. Government employees who work

in the migration offices earn the equivalent of 140 euros per month. The average monthly salary across the country ranges from about 140 euros to 228 euros^{VII}. It is difficult enough for Ukrainians to find work that pays enough to survive, let alone for refugees and asylum seekers. There is no state protection for someone who is illegally hired; as a consequence they could be fired or left unpaid for the work they did. Based on interviews with national authorities, there are many Ukrainians who believe that asylum seekers and refugees are taking jobs away from them.

While healthcare is free to Ukrainians, refugees and asylum seekers, one is still expected to pay a bribe to a doctor to have a surgery done. There is a severe lack of palliative care for the elderly and for those who are terminally ill. Tuberculosis is on the rise amongst migrants and Ukrainians, yet there is no place for them to recover. “It becomes a public health concern, because once they’ve been diagnosed, it’s too late to do anything for them except quarantine them,” says a medical doctor who works at Caritas Ukraine. Mental health care is a relatively new field in Ukraine. Ukrainians are sceptical about seeing psychologists or psychiatrists because it reminds them of Soviet-era psychiatric prisons. There are no free mental health clinics for anyone. Asylum seekers who suffer from post-traumatic stress disorder are left untreated.



Lviv, Ukraine

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There are no integration programs or policies in place for asylum seekers or refugees. The general population is not used to the notion that someone would want to move to Ukraine. Ukrainians themselves try to enter the EU in hopes of earning more money to send to their families; to them, it makes no sense for foreign nationals to stay there. **“No Ukrainian politician is going to support any integration program, so it’s almost impossible to live a good life here,”** says UNHCR Ukraine.

Politicians have exacerbated tensions by publicly saying that African and Middle Eastern migrants will bring health and social problems to Ukraine, according to Caritas Ukraine. “They’re the ones signing these agreements and then they go and say these things to stir people up. It makes no sense whatsoever.”

Discrimination against migrants and asylum seekers is common. A lawyer told JRS Europe “there are no laws against racism in Ukraine”. This type of discrimination goes largely unnoticed by local officials^{viii}. The interviewed asylum seekers, all of whom are of Middle Eastern background, have had experiences with discrimination and unfavourable treatment in Ukraine. Fajeem said, “When they see our black hair and darker skin, we are no longer people to them.” Describing the situation at Zhuravychi, John said,

“They thought that all people from the Middle East were the same. They were classifying me in the same group as Afghans, Iraqis. We’re not the same at all.” Some of the asylum seekers and refugees interviewed feel as though Ukrainians look down upon them. Fajeem said that he does not trust

People stay here for four or five years and nobody thinks of them as a person. This creates extraordinary problems for people.

Ukrainians, because he has “yet to have a good experience with them” after have been repeatedly denied refugee status and work. “Not all Ukrainians, but a majority of them, especially the uneducated and uncultured ones.”

One theme that was common across the board was that asylum seekers were not treated as people, but rather as statistics or numbers. UNHCR Ukraine told JRS Europe that they are treated “without respect” by foreign and domestic entities, and that “these agreements are failing because they deal with real people.” Caritas Ukraine agreed, saying, “People stay here for four or five years and nobody thinks of them as a person. This creates extraordinary problems for people. Ukraine’s refugee system is not responsive to their actual needs; they’re only responsive to their transit through the country.”

Policy Recommendations

The research that was conducted leads JRS Europe to offer a set of policy recommendations that address: EU-Ukraine bilateral agreements, detention centre conditions and Ukrainian legislation pertaining to refugee and asylum issues.

To the European Union:



1. The EU should grant Ukraine a longer transition period in order to adjust its policies to meet EU standards. Compared to the EU, Ukraine does not have the same levels of capacity and financial resources to take in refugees and asylum seekers.

2. The EU must hold Ukraine accountable for how it spends EU funding for migration and asylum, in order to ensure that money is not misappropriated. Corruption and financial mismanagement have occurred within the Ukrainian government and the EU must bear this in mind when financing projects there. Increasing the level of accountability will also force Ukraine to raise its standards on asylum and migration, as well as its credibility in the international spotlight.

3. The EU must prioritise the recognition and protection of human rights within Ukraine.

Furthermore, the EU must put human rights first in their bilateral relations with Ukraine, as well as in the enforcement of the readmission agreement. Bilateral agreements that cannot uphold human rights should be suspended until they are adjusted accordingly.

4. The EU must place more emphasis on supporting asylum procedures, policies and migration management capacity in Ukraine.

Currently, the emphasis lies too heavily in the area of deportation and detention, as illustrated by the ongoing construction of detention centres in Ukraine. The severe lack of resources and coordination in the asylum sector has led asylum seekers into lives of destitution, especially those who are unable to leave Ukraine. Lawyers and judges must be educated on relevant jurisprudence and international law concerning refugee and and asylum issues.

To Ukraine:



5. Clear refugee and asylum laws and procedures must be established and made applicable to all ministries.

Having contradictory administrative procedures for the same law makes the asylum seeking process incredibly

difficult for asylum seekers and those assisting them.

6. Oversight is needed to coordinate all efforts and programmes related to asylum and refugees. Current communication between organisations and government offices is insufficient, as is demonstrated by the numerous and contradictory laws and procedures already in place.

7. Norms and standards for detention centres must be developed in their own right, based on international law; they cannot be merely based on national prison norms. Detention should only be used as a last resort, and alternatives should be used in the case of asylum seekers and vulnerable groups. Migrants may suffer from serious physical and mental health ailments, which must be taken seriously and be given proper medical attention in the detention centre.

8. Social inclusion standards for asylum seekers and refugees must be integrated into current policies and laws. Those who are forced to remain in Ukraine should be able to access services to meet their basic needs.

9. Language programs must be provided for adults. Children of migrants have access to public schools where they can learn the language,

but this does not exist for adults, who depend on knowing the language to find work.

10. Anti-racism and anti-discrimination standards must be integrated into law. This is absolutely necessary in order to ensure migrants' safety and protection from hate crimes.

11. Finally, Ukraine must demonstrate the willingness to care for the asylum seekers and refugees who enter its territory. Reception standards must be improved to ensure that persons who need protection are able to enjoy access to basic rights. Current policies procedures and actions have yet to demonstrate this.

Credits

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Endnotes

- ⁱ Council Decision 2007/839/EC of 29 November 2007 concerning the conclusion of the Agreement between the European Community and Ukraine on readmission of persons.
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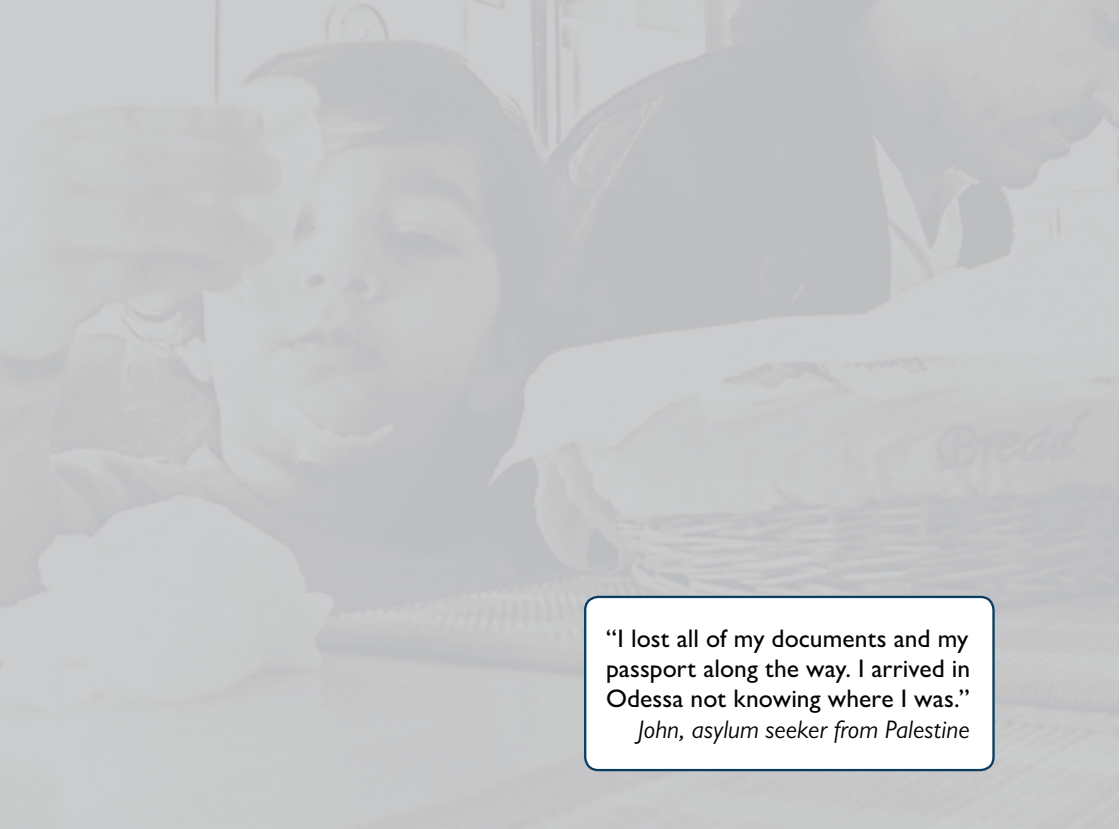
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All interviews conducted with asylum seekers were done willingly in a safe environment. Their names have been changed to protect their confidentiality.

“I have to wait, there’s no other option.”

Darab, an asylum seeker from Iran





"I lost all of my documents and my passport along the way. I arrived in Odessa not knowing where I was."

John, asylum seeker from Palestine

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