

UNHCR UKRAINE THEMATIC FACTSHEET

REFUGEES AND ASYLUM SEEKERS

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OVERVIEW

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

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

Legislative Framework

Ukraine is a state party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. The status and treatment of refugees in Ukraine is governed by the Law On Refugees and Persons in Need of Complementary or Temporary Protection in Ukraine (8 July 2011) and implemented by the State Migration Service (SMS). The 13 territorial branches of the SMS conduct first instance Refugee Status Determination (RSD). The central SMS and courts conduct appeals.

Despite a number of improvements made by the Government to asylum procedure and practice in recent years, current RSD procedures are still not in line with minimum standards: asylum seekers are not provided with interpretation; the time for appeals is unreasonably short; and rejected asylum seekers are not given the reason for rejection. Weaknesses in the existing asylum system include a high turnover rate among government caseworkers and the requirement to confirm residency registration, as well as various other impediments to an effective asylum system.

Under Ukraine's Refugee Law, refugees and those granted complementary protection have the same rights and obligations as Ukrainian nationals, including rights to employment, education and social assistance. In practice, there are numerous obstacles to local integration. This affects all legal, social and economic areas, meaning that refugees face severe challenges finding employment, accessing social services and integrating into local society. Formal employment is not practically available to asylum seekers due to complex bureaucratic requirements. Newly recognized refugees receive a one-time grant of less than USD 1 from the Government of Ukraine. The authorities do not provide social benefits, social housing or language courses to refugees and asylum seekers. UNHCR continues to grant Mandate refugee status for cases identified in need of resettlement, despite the fact that is not recognized by the authorities and does not confer any legal rights in Ukraine.

Statistics

As of 1 January 2016, there were a total of 3,273 refugees from 59 countries living in Ukraine and 6,502 asylum seekers from 80 countries at various stages of the government asylum procedure. Around 30 per cent of the refugee and asylum seeker population are women and 15 per cent are children. Despite the large influx of refugees and migrants through the Mediterranean and Balkans routes, there is no evidence to date of a significant increase in the number of new arrivals in Ukraine. In 2015, 1,443 new asylum seekers applied for asylum in Ukraine, with no significant increase seen during early 2016. During first four months of 2016 only 181 persons applied for asylum in Ukraine. The top three countries of origin of asylum seekers were Afghanistan (51), Syria (20) and the Russian Federation (14).

As asylum seekers and refugees face difficulties integrating into local society, many attempt to leave Ukraine for EU countries by irregular means. State Border Guard Service (SBGS) of Ukraine statistics for 2015 show that 165 asylum seekers were apprehended on the western borders of Ukraine while attempting to cross the border illegally. During the first four months of 2016, 29 asylum seekers were detained. Those asylum seekers detained while attempting to cross the border illegally are usually released once their asylum seeker status in Ukraine has been verified. In 2015, 134 people applied for asylum through the SBGS, including 75 after being detained on the western border. When international protection needs of third country nationals staying irregularly are not identified by the SBGS or SMS, asylum can be applied for after being processed for forcible expulsion and while awaiting identification at the migrant custody center (MCC). During the first five months of 2016, MCC detainees submitted 18 applications for asylum to the SMS. UNHCR is granted access to persons of concern in immigration detention.

KEY CONCERNS

- Access to the territory remains problematic, particularly at international airports. Despite repeated requests, UNHCR does not have predictable access to entry border crossing points or airport transit zones.
- The detention of asylum seekers in migrant custody centers under extradition procedures.
- Asylum seekers do not have access to state qualified legal assistance and are not provided with any government social or material assistance (apart from legal and social aid provided through UNHCR partners).
- Reception conditions are very poor and inadequate; there are fewer than 300 places in two government accommodation centres. Opening of a third accommodation center in Kyiv region has been prevented due to protests by the local community.
- Recognized refugees and persons granted complementary protection continue to face many challenges to integration.
- The ongoing economic crisis and increasing resentment among host communities, including an increased level of xenophobia and racially motivated incidents, have a negative impact on refugees and asylum seekers.
- The lack of political will to dedicate proper attention and resources for asylum issues, particularly in the areas of self-reliance and local integration.

STRATEGY

UNHCR continues to monitor and intervene directly to ensure that people of concern (PoCs) are adequately protected. UNHCR provides material, social and medical assistance to the most vulnerable. UNHCR also provides financial assistance in the form of a Monthly Subsistence Allowance (MSA) to those in most need.

UNHCR continues to work closely with the Government of Ukraine on building the national asylum system.

UNHCR uses resettlement to extend protection to people at risk of *refoulement* and detention, people with specific needs who cannot receive adequate services or treatment in Ukraine and unaccompanied minors. To ensure the timely identification of people in need of resettlement, UNHCR systematically reviews cases of certain profiles such as women-at-risk and LGBTI individuals who are at risk of marginalization.

In view of unstable political, security and economic situation in Ukraine, UNHCR will enhance its focus on durable solutions, resettlement and the local integration of refugees.

CURRENT ACTIVITIES

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

UNHCR has been working with the Government to improve asylum procedures, including through the EU-funded Asylum Systems Quality Initiative project in Eastern Europe and the South Caucasus, the first phase ending in mid-2015. Positive feedback from the governments of the countries covered by the project resulted in Phase II of the Quality Initiative project during 2015-2017, with a focus on capacity building of asylum authorities as well as courts and the State Border Guard Service. Phase II of the QIEE project covers 6 countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. It is based on three mutually reinforcing pillars: quality assurance, capacity building and country of origin information in Russian. The initiative is being implemented in partnership with the European Asylum Support Office (EASO), Frontex, the International Association of Refugee Law Judges (IARLJ), with the participation and support of German and Swedish asylum authorities. It is coordinated by the UNHCR Regional Protection Support Unit in Tbilisi.

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

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

Free legal aid centres

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

The Diversity Initiative

The Diversity Initiative network was founded in April 2007 by UNHCR and IOM, jointly with Amnesty International and other concerned civil society organizations in response to an increase in the number of suspected racially motivated attacks in Ukraine. The Diversity Initiative strives to uphold the human dignity and well-being of migrants, refugees and visible minorities in Ukraine. It currently includes over 65 local and international organizations, civil society, the private sector and government as well as diplomatic missions and interested individuals.

MAIN ACHIEVEMENTS

The **Government asylum system** has improved. As a result of UNHCR's capacity building activities spanning many years and the current Government's clear tendency to align with EU standards the overall recognition rate by the State Migration Service has increased considerably compared to pre-2014 levels. 327 people received protection in 2014 and 167 in 2015. Positive trends were observed in judicial review in 2014 and 2015, with courts giving a significant number of decisions in favour of asylum seekers. Since 2015, UNHCR NGO partners have been given the opportunity to monitor the work of asylum authorities in Kyiv and Odesa.

UNHCR strives to achieve three **durable solutions**: resettlement, local integration and voluntary repatriation. Voluntary repatriation is facilitated on a case-by-case basis when applicants are eligible and it can be done safely and with dignity and there are no concerns about voluntariness. Despite various obstacles to local integration, UNHCR has a number of success stories through the individual support to refugees, such as the allocation of small business grants. UNHCR and its partners have intensified efforts aimed at identifying cases with resettlement needs based on individual socio-economic situations. UNHCR is also working closely with NGO partners on increasing the number of resettlement referrals, in particular for cases of women, girls and boys at risk and LGBTI individuals. At the same time, the capacity of UNHCR to process cases, conduct RSD assessments and prepare resettlement submissions does not correspond to the current resettlement needs, which have increased due to the crisis situation in Ukraine and stretched government resources. In 2015, UNHCR submitted 32 cases (for 58 people) for resettlement; 27 refugees departed to resettlement countries in 2015.

Following its advocacy efforts, UNHCR has achieved some improvements in the reception and **protection of children**, including unaccompanied asylum seeking children. Government officials participate in regular Best Interests of the Child Committee meetings. The appointment of legal representatives and the reception of unaccompanied children in childcare facilities has improved in some regions. The Government initiated important legislative changes related to the status of unaccompanied asylum seeking children in Ukraine, which if adopted, will grant access to social benefits provided to local children deprived of parental care. However, the situation of unaccompanied children remains of concern to UNHCR due to challenges identifying unaccompanied asylum seeking children; problems appointing legal representatives or guardians; a lengthy asylum procedure; a high rate of disappearance; lack of access to education in some territories; lack of community support; and lack of social inclusion. UNHCR together with its partners continues to process Best Interests Determination/Best Interests Assessment (BID/BIA) and refer unaccompanied asylum seeking children for resettlement. 27 unaccompanied children were identified and registered with UNHCR in Ukraine as of 1 January 2016.

UNHCR supports **access to the territory** by conducting ad hoc protection interventions at entry border crossing points. Because of these interventions, 24 asylum seekers were granted access to the territory and the asylum procedure in 2015 and 6 asylum seekers in the first quarter of 2016. Despite UNHCR's interventions, three asylum seekers were not admitted in 2015 and nine during the first quarter of 2016.

There have been no reported cases of *refoulement* since 2013.

WORKING IN PARTNERSHIP

UNHCR works in coordination with international organizations, the Government, local and international NGOs. UNHCR and its six implementing partners provide assistance to refugees and asylum seekers through protection and legal assistance, advocacy and capacity building.

UNHCR's implementing partners working with refugees and asylum seekers are: [Desyate Kvitnya](#) | [Faith, Hope, Love](#) | [International Fund for Health Well Being and Environment Conservation \(NEEKA\)](#) | [Right to Protection](#) | [Rokada](#) | [WORLD](#)

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