

STATE COMMITTEE OF UKRAINE FOR NATIONALITIES AND MIGRATION  
ADMINISTRATION OF THE STATE BORDER SERVICE OF UKRAINE

ORDER

09.07.2004

No. 32/521

Registered with the Ministry  
of Justice of Ukraine  
on August 3, 2004  
under No. 968/9567

**On Approval of the Instruction on the procedures of acceptance of applications for granting the refugee status by bodies of the State Border Service of Ukraine and forwarding them to the bodies of the migration service as well as providing explanations on reasons for illegal crossing of the state border**

According to the 1951 Convention Relating to the Status of Refugees (995\_011) and the 1967 Protocol Relating to the Status of Refugees, laws of Ukraine *On Refugees* (2557-14), *On the State Border of Ukraine* (1777-12), *On the State Border Service of Ukraine* (661-15), for the purpose of establishment of the procedure of acceptance of applications for granting the refugee status by bodies of the State Border Service of Ukraine and forwarding them to the bodies of the migration service, as well as providing explanations on reasons for illegal crossing of the state border, I ORDER:

1. To approve the Instruction on the procedures of acceptance of applications for granting the refugee status by bodies of the State Border Service of Ukraine and forwarding them to the bodies of the migration service as well as providing explanations on reasons for illegal crossing of the state border as attached.

2. That Heads of the Department for Migration of the Council of Ministers of the Autonomous Republic of Crimea, departments (offices) for nationalities and migration of oblast, Kyiv and Sevastopol city administrations (herewith referred to as the bodies of migration service), and bodies of the state border guarding service assure implementation of the Instruction being approved by the present Order, and take measures for organization of due cooperation.

3. That the Head of the Personal and Administrative Department of the State Committee of Ukraine for Nationalities and Migration of Ukraine L.S.Hryshko bring this Order to the notice of heads of bodies of migration service in the Autonomous Republic of Crimea, Kyiv and Sevastopol cities; heads of the regional department and bodies of the state border guarding service bring this order to the notice of the interested parties in the part concerning the State Border Service of Ukraine.

4. The Order shall take effect in 10 days following its state registration.

5. That the Deputy Head of the State Committee of Ukraine for Nationalities and Migration Yu.M.Sukhov and the First Deputy Head of the State Border Service of Ukraine, Director of the Department for Guarding the State Border of Ukraine Colonel-General P.A.Shysholin be charged with control over implementation of the Order.

H.Moskal,

Head of the State Committee of Ukraine For Nationalities and Migration

Colonel-General M.Lytvyn,

Head of the Administration of the State Border Service of Ukraine

APPROVED BY  
Order No.32/521 of the State Committee of  
Ukraine for Nationalities and Migration,  
the Administration of the State Border  
Service of Ukraine dated July 9, 2004

Registered with the Ministry of Justice of Ukraine  
on August 3, 2004  
under No. 968/9567

## INSTRUCTION

### **on the procedures of acceptance of applications for granting the refugee status by bodies of the State Border Service of Ukraine and forwarding them to the bodies of the migration service as well as providing explanations on reasons for illegal crossing of the state border**

#### **1. General provisions**

1.1. This Instruction has been developed in accordance with the Laws of Ukraine *On Refugees* (2557-14) and *On the State Border Service of Ukraine* (661-15).

1.2. This Instruction defines procedures of organization of acceptance by bodies of the state border guarding service and forwarding to the migration service authorities of applications of foreigners and stateless persons (hereinafter referred to as "the persons") for granting the refugees status, as well as procedures of providing explanations by the persons who have illegally crossed the state border or attempted the illegal crossing for the purpose of acquisition of the refugee status to the bodies of the state border guarding service as for the reasons of such attempted or actual illegal crossing of the state border of Ukraine.

#### **2. Procedures of acceptance of and forwarding applications for granting the refugee status from the persons, who have illegally crossed the state border or attempted such illegal crossing for the purpose of acquisition of the refugee status**

2.1. In case where a person, who illegally crossed or attempted illegal crossing of the state border, has applied to bodies of the state border guarding service with verbal application for granting the refugees status in Ukraine, the relevant officer of the body of the state border guarding service shall ensure filing of the relevant application for granting the refugee status to an appropriate body of the migration service by the applicant, and forwarding the application to the relevant body of the migration service

2.2. The application should be drawn up in an arbitrary form and contain the information as follows:

- identification of the body of the migration service, to which the application is filed;
- date, time, place of execution of the application;
- name, patronymic and surname (or otherwise in accordance with national traditions) of the applicant;
- the applicant's country of origination;
- reasons by which the person applies for granting the refugee status;
- list of the applicant's family members (if available);
- information about children under 18 years old (if available);
- information on the document or documents verifying the applicant's identity (name of the documents, series, number, issuing authority, term of validity etc (if available.);
- information on citizenship/nationality of a certain state (if available.);
- information on persons in Ukraine who can provide shelter to the applicant pending decision on granting the refugee status to (if available, their full names and residence address);

- signature of the applicant;
- signature of the applicant's legal representative (where necessary);
- signature of a translator (where necessary);
- information concerning the officer, who accepted the application, signature of the officer.

If an applicant does not know the state language of Ukraine and a translator was present at the time of filling in the application, information on the translator's full name, reasons by which the translation was employed, the obligation of non-disclosure of the translated information signed by the translator and the text translated should be attached to the application.

If available, other documents may be attached to the application in case where the applicant considers them material for making decision concerning granting the refugee status. In such case, the list of documents attached should be specified in the application; following the list, the officer of the state border guarding service, who has accepted the application and documents, shall indicate the date of acceptance of the documents, his/her title and full name, and sign the application.

2.3. After being filled in, the application is registered with the body of the state border guarding service in the log for registration of applications for granting the refugee status, Attachment 1.

2.4. Bodies of the state border guarding service shall be responsible for maintenance of the detained persons, who have filed their applications for granting the refugee status, in the canters of temporary accommodation until issuance of certificates confirming the fact of filing the application for granting the refugee status by the body of migration service.

2.5. During 24 hours after acceptance of the application for granting the refugee status, the body of the state border guarding service shall notify bodies of the migration service on availability of such application and forward this application together with other relevant materials to such relevant body of the migration service.

2.6. In two days after receipt of the application and such other materials, a body of the migration service shall:

- issue against the applicant's receipt signature a certificate stating the fact of applying for granting the refugee status; issuance of the certificate shall be recorded in the certificate registration log verifying the fact of issue of the certificate to the person, who has applied for granting the refugee status;
- perform preliminary consideration of the application.

2.7. The person, who has filed an application for granting the refugee status, after receipt of the certificate verifying the fact of filing the application for granting the refugee status, shall be deemed legally staying in the territory of Ukraine and should be released by the body of the state border guarding service from the place of his/her detention.

### **3. Procedures of explanation of the course of filing the application for granting the refugee status to persons, who have legally arrived at Ukraine with intention to acquire the refugee status**

3.1. If persons who have legally arrived at Ukraine petition to the officers of a body of the state border guarding service on granting the refugee status in Ukraine, a relevant officer shall:

- explain the procedure of filing an application on granting the refugee status to them;
- inform them on location of a relevant body of the migration service and a route to get there;

### **4. Procedures of giving explanations concerning reasons for illegal crossing the state border of Ukraine.**

4.1. If persons, who have illegally crossed the state border of Ukraine, file their applications on granting the refugee status to a body of the migration service, such body upon acceptance of the application shall assign the applicants to the bodies of the state border guarding service whose competence covers the territory of the body of the migration service and issue an assignment to the interview concerning reasons for illegal crossing the border (Attachment 2). On the copy of an assignment to the interview concerning reasons for illegal crossing the border kept by a relevant body of the migration service, the applicant shall put his/her signature and date of receipt of such assignment (where necessary, a translator shall also sign the assignment, at that, the documents verifying eligibility of such person for making translations should be specified).

4.2. At the time of assignment the person to interview concerning reasons for illegal crossing the state border, the body of the migration service shall notify the relevant body of the state border guarding service on the fact of issuance of such assignment.

4.3. The body of the state border guarding service, within 2 days following the date of arrival of the applicant, shall conduct the interview with him/her concerning reasons for illegal crossing of the state border. The report on the interview shall be drawn up (Attachment 3).

4.4. During the interview, following information should be clarified: name, patronymic and surname of the applicant (other names in accordance with traditions of his/her state of origin), country of the applicant's origin, his/her route, specific explanations concerning the circumstances of the illegal crossing the border, place of crossing the Ukrainian border, date of crossing the border of Ukraine and other questions, which may give full description of reasons by which the applicant undertaken the illegal crossing of the border.

4.5. Within two days following the interview, the body of the state border guarding service shall register and forward to a body of the migration service the documents as follows:

copy of the interview protocol certified as required by law (bearing the seal, signature of the relevant officer, interpretation of the signature, i.e. identification of the title and full name of the person, who certifies the copy, all sheets being stitched through, numbered and sealed);

resolution of the officer of the body of the state border guarding service as for reliability of information specified by the applicant concerning the date and place of crossing the state border.

4.6. The body of the migration service, after receipt of the copy of protocol of the interview with the applicant and relevant resolution from the body of the state border guarding service, shall review the information contained in the documents and file them in the case.

4.7. The body of the migration service shall include main information specified in the protocol of the interview conducted by the body of the state border guarding service in the resolution.

T.Phandykova  
Deputy Head of the Department for Refugees and Migration  
of the State Committee of Nationalities and Migration of Ukraine

B. Marchenko,  
Major-General  
Chief of the Department for Guarding the State Border of Ukraine

Attachment 1

To paragraph 2.3. of the Instruction on the procedures of acceptance of applications for granting the refugee status by bodies of the State Border Service of Ukraine and forwarding them to the bodies of the migration service as well as providing explanations on reasons for illegal crossing of the state border

Stamp of the body of the state border guarding service

Location

LOG FOR REGISTRATION OF APPLICATIONS  
FOR GRANTING THE REFUGEE STATUS

#	Date of filing an application, a petition	Full name of the applicant	Country of an applicant's origin	Date, month of an applicant's birth	Date and year of crossing the border	Date of filing an application with bodies of the migration service	Notes

Attachment 2

To paragraph 4.1. of the Instruction on the procedures of acceptance of applications for granting the refugee status by bodies of the State Border Service of Ukraine and forwarding them to the bodies of the migration service as well as providing explanations on reasons for illegal crossing of the state border

Name of the body of the state border guarding service

#### ASSIGNMENT

to the interview concerning reasons for illegal crossing the state border

In accordance with paragraph 2 of Article 9 of the Law of Ukraine *On Refugees*, taking into account filing an application for giving the refugee status by:

---

(name, patronymic and surname and the country of origin / citizenship/nationality of an applicant)

who, according to the preliminary data, entered into Ukraine through:

---

(list of states crossed by an applicant)

we assign the said person to the interview concerning reasons of his/her illegal crossing the state border of Ukraine.

In accordance with paragraph 4.5 of the Instruction on the procedures of acceptance of applications for granting the refugee status by bodies of the State Border Service of Ukraine and forwarding them to the bodies of the migration service as well as providing explanations on reasons for illegal crossing of the state border, we ask you to provide the relevant information.

Attachment: a copy of the application for granting the refugee status on \_\_\_ pages.

Heal of the body of migration service  
(signatures) (name, initials)

Locus Sigilli

