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# ***Asylum Seekers and Refugees in Ukraine: Recognition, Social Protection and Integration***

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## **Asylum seekers and refugees in Ukraine<sup>1</sup>: Recognition, social protection and integration**

*Present-day profile of Ukraine in the context of asylum problem.* In the history of independent Ukraine the problem of refugees came to the surface over 20 years ago with the first wave of forced migrants from Moldova during the 1992 conflict in Transnistria. The influx of refugees is becoming a more and more pressing issue due to new political, military and international conflicts in the world, however governmental policy with regards to persons seeking temporary or permanent refuge in Ukraine is still being shaped<sup>2</sup> and often fails to provide adequate legal and institutional foundation for efficient decisions that would comply with international norms and protect the rights of citizens in need of protection. In two recently published detailed reports analyzing protection of asylum seekers' and refugees' rights (including observations of the UN Refugee Agency<sup>3</sup> and review by Ukrainian non-governmental organizations "No Borders" Project and Social Action Centre<sup>4</sup>) it is noted that persons seeking asylum face numerous problems in Ukraine: from limited chances to obtain the legal status of a refugee to 'insurmountable obstacles' in achieving 'social self-sufficiency'<sup>5</sup>. Migration system reform that is currently underway and insufficient normative basis for decision-making are used by officers of the Ukrainian State Migration Service and its territorial divisions as an argument for the formal refusal to accept applications, issue certificates, extend registration, and offer interpreting services or accommodation in the temporary accommodation center<sup>6</sup>. Systematic violations of the asylum procedure are also caused by excessive politicization of the process: agencies responsible for decision-making are often guided by the kind of relations Ukraine has with the refugee's country of origin<sup>7</sup>. Besides, there is a widespread practice of returning asylum seekers and persons seeking refugee status to the country of origin after the first request of that country's authorities. For instance, world media extensively covered the deportation of the Uzbek opposition movement members from

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<sup>1</sup> The problem of 'internal refugees', i.e. persons who left a conflict region of the state and settled in another region of the same state (the so-called internal displaced persons, IDP), is not dealt with in this explanatory note, as far as it is not a pressing issue for Ukraine, unlike many other CIS countries.

<sup>2</sup> Development of the governmental instrument for refugee protection started with the Regulation signed by the Ukrainian Cabinet of Ministers "On approval of temporary regulation on procedure of identification of the status of refugees from the Republic of Moldova and assistance to them" in 1992 and subsequently adopted law "On Refugees" (versions of 1993, 2002 and 2005 establish different timeframes for submitting an asylum application after crossing the Ukrainian border – from three days in the first version to 'without delay' in the latest). Significant changes in the regulation of procedure of obtaining the refugee status in Ukraine occurred in 2011 with adoption of the law "On Refugees and Persons in Need of Complementary and Temporary Protection", that for the first time fixed the status of persons in need of protection in legislation, but again established strict time limits for application (within five days from the moment of crossing the border), which because of the complex mechanism of preparing and submitting documents by applicants and unstable schedule of the territorial migration service divisions "would cast doubt upon asylum procedure being accessible in Ukraine". Besides, the Law of 2011 obliged the Cabinet of Ministers to bring the rest of legislation in line with its provisions within three months. In practice the government failed to do that within the indicated period. Experts note that at present "different aspects of migration are regulated by different, often unrelated, laws and normative acts", and some aspects regulating procedure of protection of asylum-seekers and refugees are not reflected in any legal act". See: *Refugees in Ukraine – without the Right for Asylum: Overview of Refugee and Asylum-Seekers Rights Violations in Ukraine* [in Russian] (2012), Kiev: "No Border" project, Social Action Centre, p. 6,7. Available at: [http://noborders.org.ua/ru/files/2012/01/Refugees-in-Ukraine\\_short-overview.pdf](http://noborders.org.ua/ru/files/2012/01/Refugees-in-Ukraine_short-overview.pdf), accessed on 14 August 2013.

<sup>3</sup> *Ukraine as a Country of Asylum: Observations on the Situation of Asylum-seekers and Refugees in Ukraine* / The UN Refugee Agency, July 2013. Available at: <http://www.refworld.org/docid/51ee97344.html>, accessed on 7 August 2013.

<sup>4</sup> *Refugees in Ukraine* [in Russian], *ibid.*

<sup>5</sup> *Ukraine as a Country of Asylum*, p.4.

<sup>6</sup> *Ibid.*, p.5.

<sup>7</sup> According to the "No Borders" project, asylum-seekers from Russia and Uzbekistan are denied with 90% probability.

Ukraine<sup>8</sup> and denial of asylum to Russian activists and persons involved in ‘Bolotnaya square case’<sup>9</sup>. At the same time representatives of Ukrainian governmental bodies deny political motivation behind those decisions insisting that “migration service operates strictly within the legal boundaries, and if anyone failed to obtain the (refugee) status, probably they were lacking some documents”<sup>10</sup>. Biases are present in decision-making, when it comes to administrative and legal regulation of rights of refugees and persons in need of additional protection, and the negative image of these groups is created: law enforcement agencies, radical political forces and mass media<sup>11</sup> criminalize migration and shape the public mistrust, fear and antagonism towards forced migrants, which prevents their successful integration in the destination country.

The above-mentioned problems restrict the person’s chances to be recognized as a refugee in Ukraine. Combined with lower social standards compared to developed countries<sup>12</sup>, they explain Ukraine’s relatively low attractiveness as a country of destination. However, geographic position, particularly proximity to Russia and the European Union, encourages the constant influx of persons seeking asylum and considering Ukraine primarily as a country of transit.

Over the years since the refugee protection instrument has been created<sup>13</sup>, Ukraine received around 30 thousand applications for asylum, and only a little over 20% petitions were granted. Moreover, the share of granted refugee statuses was higher in the 1990s and has been in constant decline starting from 2000. Thus, over the past five years, from 2008 to 2012, petitions of only around 8% of applicants were granted<sup>14</sup>. One can compare that to figures for the EU member states: 28.2% of

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<sup>8</sup> (On deportation of Uzbek political refugees from Ukraine in 2006 who after their return to Uzbekistan were sentenced to prison terms from 3 to 13 years) Human rights advocates are outraged by the deportation of Uzbek refugees [in Russian] // *RBK Ukraine*, 21 February 2006. Available at: [http://www.rbc.ua/rus/top/show/pravozashchitniki\\_vozmushcheny\\_deportatsiy\\_uzbekov\\_1140537826](http://www.rbc.ua/rus/top/show/pravozashchitniki_vozmushcheny_deportatsiy_uzbekov_1140537826), accessed on 12 August 2013.

<sup>9</sup> Authorities assure that Russians are denied refugee status not because of politics [in Russian] // *Ukrainskaya Pravda*, 30 July 2013. Available at: <http://www.pravda.com.ua/rus/news/2013/07/30/6995188/>, accessed on 13 August 2013; Why does Ukraine deny asylum to Russian opposition members [in Russian] // *DW*, 20 June 2013. Available at: <http://www.dw.de/почему-украина-отказывает-в-убежище-российским-оппозиционерам/a-16860441>, accessible on 11 August 2013. See also: (on denying asylum to Russian opposition members Mikhail Maglov, Jenny Curpen and Alexey Devyatkin in 2012) Maglov M. (2013), Refugees in Ukraine [in Russian] // *Ukrainskaya Pravda*, 20 June 2013. Available at: <http://www.pravda.com.ua/rus/columns/2013/06/20/6992682/>, accessible on 12 August 2013; (about Russian opposition member Leonid Razvozhayev who disappeared during the break in consultation regarding political asylum in Ukraine and was forcefully taken to Russia in 2012) Razvozhayev gave an account of the full version of his abduction [in Russian] // *Ukrainskaya Pravda*, 25 October 2012. Available at: <http://www.pravda.com.ua/rus/news/2012/10/25/6975364/>.

<sup>10</sup> Comment of the State Migration Service head Vasily Gritsak during the lunch press conference at the regional office of UNHCR. See: Authorities assure that Russians are denied refugee status not because of politics [in Russian], *ibid*.

<sup>11</sup> Boksha T., Vasilchenko A., Ivanova T., Kravchuk D., Nosak G., Criminalization of Migration in Kiev: Case Study of Arsons at Shulyavsky Second Hand Market [in Ukrainian] // *Journal of Social Critique “Spilno”*, No. 1, 2010, p.79.

<sup>12</sup> Group of countries defined by the International Monetary Fund as developed countries with advanced economies. See: World Economic Outlook / *IMF*, April 2011, p. 150. Available at: <http://www.imf.org/external/pubs/ft/weo/2011/01/pdf/text.pdf>, accessed on 11 August 2013.

<sup>13</sup> Refugee protection instrument is understood as the asylum system (it includes not only national legislation, but also international and regional information on legal, political, social, organizational issues, that is used by institutionalized national bodies for decision-making on granting the refugee status). In Ukraine the system of asylum is considered to have started its formation in 1993 after adoption of the first law “On Refugees” that defined the mechanism of granting refugee status, outlined the legal field for decision-making and established the scope of authority for national executive bodies. See *Refugees in Ukraine*, *ibid*, p.4,5; Ukrainian law “On Refugees” / Verkhovna Rada of Ukraine, 24 December 1993. Available at: <http://zakon4.rada.gov.ua/laws/show/3818-12>, accessible on 15 August 2013.

<sup>14</sup> 27,297 applications were received over the period from 1996 to 2012 and 6,147 of them were satisfied. *Ukraine as a Country of Asylum*, p.4.

petitions for refugee status or additional protection were granted in 2012<sup>15</sup>. As of late 2012, around 2,500 persons having refugee status and around 1500 asylum seekers resided in Ukraine<sup>16</sup>. Only 270 refugees were granted Ukrainian citizenship between 2008 and 2012<sup>17</sup>. Ethno-national composition of refugee seekers underwent considerable transformation with the change of political situation in the world: according to the 2009 data, the largest number of persons seeking asylum came to Ukraine from Asia (74.4%), Africa (17.4%), Europe (5.6%) and other countries (1.5%)<sup>18</sup>. The largest number of persons applying for the refugee status in Ukraine over the recent years arrived (most often transiting through the Russian territory) from Afghanistan, Somalia, Syria and Kyrgyzstan<sup>19</sup>. Migration agency statistics demonstrates that people coming from the former USSR and having potentially higher chances of successful integration in the Ukrainian society due to their linguistic and cultural proximity now have the lowest chances of being granted the refugee status in Ukraine<sup>20</sup>.

*Policy regarding social protection and integration of asylum seekers and refugees in Ukraine.* According to non-governmental organizations rendering assistance to refugees and monitoring their position in Ukraine<sup>21</sup>, at present the Ukrainian government does not consider it a priority to allocate budgetary funds for social protection and integration of refugees. Support of persons with refugee status is limited to the one-time payment of 17 hryvnas that has not been reviewed for many years<sup>22</sup>, as well as offering temporary accommodation facilities to refugees with a number of places that satisfies only less than one fifth of the real demand for accommodation<sup>23</sup>. However, according to the UNHCR representative Mr. Oldrich Andrysek, even with this symbolic assistance from the government, in practice 9 out of 10 official refugees can sustain themselves, because having documents they can get employed, rent accommodation or start their own business<sup>24</sup>. Persons with additional protection status and asylum seekers do not have documents that would give them an opportunity to seek legal employment<sup>25</sup>. This combined with not speaking Ukrainian or Russian is the main obstacle on the path towards 'social self-sufficiency'<sup>26</sup> and becomes the main reason for their marginalization and

<sup>15</sup> (Interview with the representative of UNHCR) – Status of refugees and 17 hryvnas: beginning of a new life [in Russian] // *Kiev city portal*, 8 August 2013. Available at: <http://yakiev.com/news/publication-446/>, accessed on 11 August 2013.

<sup>16</sup> Ibid.

<sup>17</sup> *Ukraine as a Country of Asylum*, p.4.

<sup>18</sup> *Refugees in Ukraine*, p.2.

<sup>19</sup> *Ukraine as a Country of Asylum*, c.4.

<sup>20</sup> Thus, for instance, only 3 out of 755 applications of persons from Kyrgyzstan, Uzbekistan and Russia examined in 2010-2012 were satisfied. *Ukraine as a Country of Asylum*, p.19.

<sup>21</sup> Among them – Ukrainian NGOs, through which assistance is rendered to refugees and persons in need of protection, UNHCR, UNICEF, International Fund “Resurrection”, International Women’s Club of Kiev and other non-governmental organizations and charity funds.

<sup>22</sup> The sum is equivalent to 2.12 USD, according to the National Bank of Ukraine exchange rate.

<sup>23</sup> There are three temporary accommodation facilities for refugees – in the Transcarpathian region (with administrative office in Uzhhorod and two accommodation centres in Mukacheve and Perechyn), Odessa and Yagotin (Kiev Region) with the total of 320 places. Taking into account that Ukraine receives 1500-2000 applications from asylum seekers a year, they do not provide accommodation to everyone who needs it. The government allocates 15 hryvnas a day (less than 2 USD) for meals of refugees at temporary accommodation facilities. See: Temporary accommodation facilities for refugees in Ukraine [in Ukrainian] (2013) / *Ukrainian State Migration Service*. Available at: [http://dmsu.gov.ua/index.php?option=com\\_content&view=category&layout=blog&id=34&Itemid=125](http://dmsu.gov.ua/index.php?option=com_content&view=category&layout=blog&id=34&Itemid=125), accessed on 11 August 2013.

<sup>24</sup> Status of Refugees and 17 Hryvnas: the Beginning of a New Life.

<sup>25</sup> Certificate issued to asylum seekers is not a full-fledged legal substitute of an identify document.

<sup>26</sup> Definition used in the UNHCR report. *Ukraine as a Country of Asylum: Observations on the Situation of Asylum-seekers and Refugees in Ukraine*, p.4.

vulnerability in Ukrainian society<sup>27</sup>. At present there are no governmental programs for adaptation of refugees in Ukraine, there are no free of charge or discount Ukrainian or Russian language courses, there are no special courts to consider migration cases.

Heightened attention of the international community to the refugee problems, for instance, attention of UNHCR, Council of Europe, Amnesty International and other international organizations, contributes to the development of target-oriented governmental programs making the government responsible for integration of refugees in the host country. After a long public discussion in August 2012 the Ukrainian Cabinet of Ministers adopted a national “Plan of actions for integration of refugees and persons in need of special protection in the Ukrainian society until 2020”<sup>28</sup>. The plan envisages offering social protection to refugees, as well as opportunities for integration in the fields that were not paid enough attention previously, including: offering an opportunity to study Ukrainian language, history, culture and political structure; rendering psychosocial, medical and legal assistance; assistance in resolution of the housing problem; assistance in employment; health-improving and educational work with children; social work targeting single mothers and single pregnant women among refugees. One can list the following practical steps envisaged by the plan and aimed to improve social position of refugees: satisfy the need of migration service for interpreters; develop the list of educational and medical institutions taking part in refugee social protection programs; offer the refugees medical insurance and access to bank loans for starting a new business; offer social housing; assist in voluntary accommodation in the rural areas and depressed regions. Besides, it is planned to develop special courses to train public servants and law enforcement officers for work with refugees and persons in need of complementary protection. Significant attention in the document is paid to the issue of forming tolerant attitude to refugees and persons in need of complementary protection and enhancing the degree of public awareness about refugee problems. For instance, it is planned to create a series of special TV and radio programs and ensure the publication of relevant materials in electronic and printed mass media. However, as far as the budgetary aspect of the above-mentioned measures is not clearly defined, it is difficult to say how efficiently this plan will be implemented. Intermediary report of the State Migration Service on the course of the plan implementation<sup>29</sup> demonstrates that in the context of Ukrainian budget deficit one cannot talk about considerable investments into the action plan that would be commensurate with the existing needs. It is indicative that at present (summer 2013) a unique Integration Center for refugees and their children is under the threat of being shut down. This Center has existed for 15 years in Kiev being funded by international organizations and supported by Ukrainian NGOs<sup>30</sup>. In the very beginning it was planned that its functions would eventually be assumed by the Ukrainian government. However, this did not happen, and as far as the term of lease expired, the Center was told to leave the building the reconstruction of which was paid for by international organizations and move to another venue, not suited for work with women and children<sup>31</sup>.

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<sup>27</sup> Human rights organizations registered cases when undocumented refugees became targets of arbitrary arrests and extortion by law enforcement officers.

<sup>28</sup> On approval of the action plan for integration of refugees and persons in need of complementary protection in Ukrainian society until 2020 [in Ukrainian] / Kiev, Ukrainian Cabinet of Ministers, 22 August 2012. No. 605-r. Available at: <http://zakon4.rada.gov.ua/laws/show/605-2012-%D1%80>, accessed on 14 August 2013.

<sup>29</sup> Information on implementation of the action plan for integration of refugees and persons in need of complementary protection in Ukrainian society until 2020 (2013) [in Ukrainian] / *Ukrainian State Migration Service*. Available at: <http://dmsu.gov.ua/zakhody-intehratsii-bizhentsiv-ta-osib-iaki-potrebiut-dodatkovoho-zakhystu-v-ukrainske-suspilstvo-u-2012-rotsi>, accessed on 13 August 2013.

<sup>30</sup> I Am a Refugee. Three Stories [in Russian] // *Ukrainskaya Pravda*, 21 June 2013. Available at: <http://life.pravda.com.ua/society/2013/06/21/131740/>, accessed on 12 August 2013.

<sup>31</sup> Petition addressed to the Kiev authorities and requesting not to take the building away was signed by 750 activists of the Integration Center.

*Public discourse: do public opinion and mass media hinder or encourage integration?* Current ethno-national composition of refugees in Ukraine, namely predominance of persons from Asia and Africa, predetermines difficulties in the cultural interaction of forced migrants with the local population. With the exception of numerous refugees coming from Afghanistan<sup>32</sup>, many of whom studied at Russian or Ukrainian universities, speak the language well and maintain personal ties with the local population, predominant majority of new non-Slavic refugees find it hard to overcome the language barrier and start a new life in Ukraine. As a result of the survey carried out at the temporary accommodation center in Odessa, most refugees residing in Ukraine for over a year are characterized by high adaptability, but at the same time by clearly manifested estrangement: i.e. such refugees to a certain degree understand the laws, speak the language, know the culture and values of the new country, but have no acquaintances among the local population, manifest concern about their status and express lack of confidence that their personal efforts can improve their situation. Another share of respondents, despite a rather prolonged period of stay in Ukraine, manifests low adaptability and high degree of estrangement: they do not know the local language, culture and values, feel mistrust towards people around them and feel unprotected<sup>33</sup>. Both groups need not only assistance in resolving their financial problems, but also assistance in communication with the local population, enhancing the degree of mutual awareness and tolerance.

Results of the social distance research confirm that though general degree of international tolerance in Ukraine has remained relatively stable over the recent years<sup>34</sup>, some ethnic groups are traditionally perceived with greater distance<sup>35</sup> than others. Thus, for instance, when asked who “they would not let to enter Ukraine at all”, more than half of respondents mentioned Chechens, over 40% said the same about Roma, over one third – about Arabs and Afghans, around 20% - about Afro-Americans and Chinese<sup>36</sup>. Sociologists note that Ukrainians become more xenophobic, when there is a decline in their social position<sup>37</sup>. In this case refugees can be perceived as a threatening factor, worsening the situation in the housing market and increasing competition in the labor market, potentially creating the risks of social instability and disorder hotbeds in the areas of compact settlement. However, the data of qualitative sociological studies demonstrate that race is not the most significant line dividing the society. “The main social division happens across the property lines”<sup>38</sup>, and concerns regarding the possible influx of refugees, migrants and incomers rank last in the ‘hierarchy of concerns’ of the Ukrainian society (see fig.).

<sup>32</sup> Around one half of all refugees in Ukraine come from Afghanistan. See: In Ukraine half of refugees come from Afghanistan. Interview with UNHCR representative Natalya Prokopchuk // *FORUM*, 17 August 2006. Available at: <http://for-ua.com/interview/2006/08/17/121142.html>, accessed on 12 August 2013. Afghan families with numerous children seeking asylum in Ukraine are characterized by gender inequality of integration opportunities: women cannot and have no right to work, maintain no contact with the outside world, do not learn the language, and this hinders their socio-cultural adaptation in the country of stay.

<sup>33</sup> Plashkina L. (2011), Refugees in Ukraine / *Proceedings of the conference “Contemporary Problems of Societal Development”* (London, Odessa, 11-18 April 2011). Available at: <http://gisap.eu/ru/node/397>, accessed on 14 August 2013.

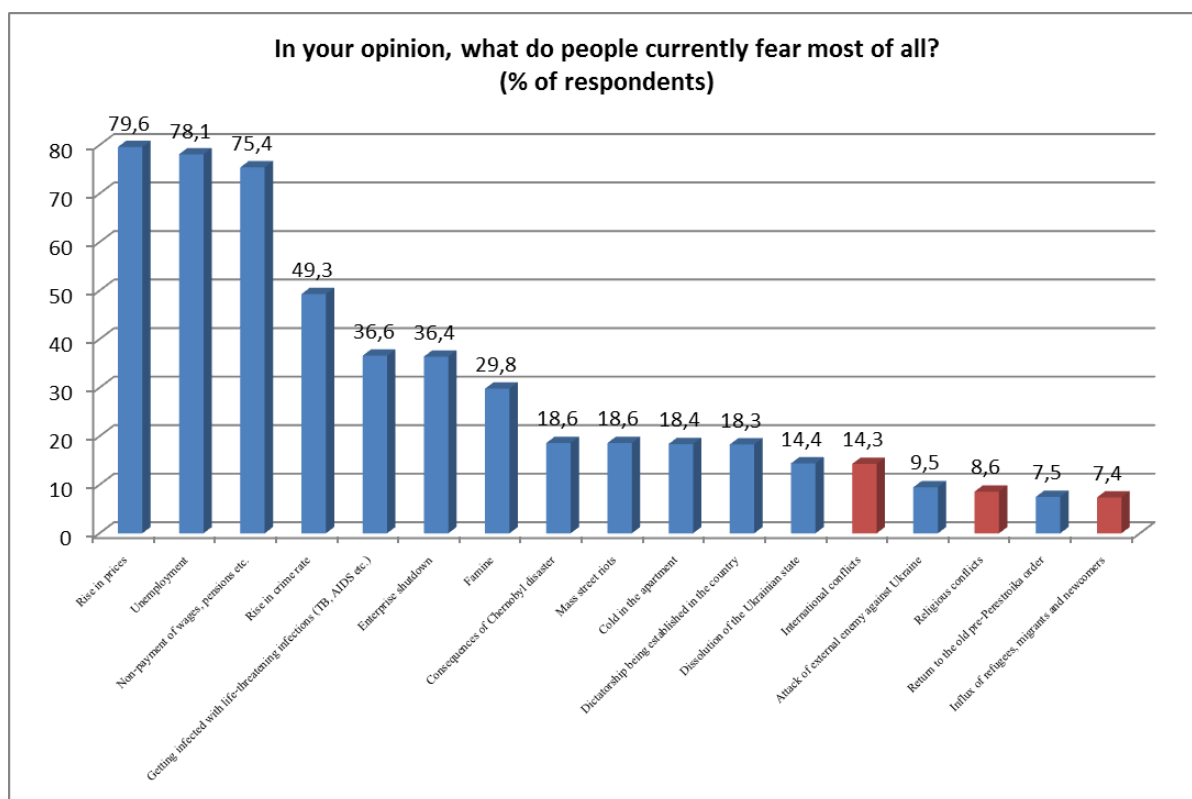
<sup>34</sup> Thus, for instance, less than 3% of surveyed Ukrainian citizens faced manifestations of discrimination with regards to other nationalities over the past year.

<sup>35</sup> Great distance, based on the Bogardus social distance scale used in these studies, means that the greater the prejudice felt by an individual towards a certain racial or ethnic group, the less willing he/she is to interact with members of this group and the less close are the relations he/she is ready to have with this group. See: Marshall G. (1998), Bogardus social distance scale in *A Dictionary of Sociology // Encyclopedia.com*. Available at: <http://www.encyclopedia.com/doc/1O88-Bogardussocialdistancescl.html>, accessed on 26 August 2013.

<sup>36</sup> Ukrainian Society (1992-2012). *Contemporary State and Dynamic of Change. Sociological Monitoring [in Ukrainian]* / Ed. by V.Vorona & M. Shulga, Kiev, 2010, p. 520-532.

<sup>37</sup> Boksha T., Vasilchenko A., Ivanova T., Kravchuk D., Nosak G., p. 86.

<sup>38</sup> For instance, general experience in the unregulated market, joint counteraction to police pressure and fighting for the commercial spot contribute to enhanced solidarity: locals and outsiders fighting for survival face common difficulties and share similar values. See results of the survey of the Shulyavsky market salesmen in Kiev: Boksha T., Vasilchenko A., Ivanova T., Kravchuk D., Nosak G., p. 87-88.



\* Figure prepared by the author on the basis of unpublished data of the survey “Ukrainian Society”, Institute of Sociology, Ukrainian National Academy of Sciences, 2013.

When there is no personal experience of communication between the locals and the refugees, public opinion becomes especially susceptible to images and stereotypes broadcast by the mass media. In this connection experts indicate the danger of mass media using the negative clichés associated with the representatives of different nationalities that “wander from unscrupulously prepared police reports to newspaper titles and TV screens”<sup>39</sup>. In such reports people coming from certain regions are mentioned in the context of real or alleged offences without taking into account economic, social and cultural context. That is why Ukrainian researchers emphasize: “stigmatization of foreigners as bad ‘others’ distracts public opinion from other problems that have an impact on all Ukrainian residents regardless of their background”<sup>40</sup>.

In order to create an efficient mechanism for social adaptation of refugees and their integration into Ukrainian society, it is necessary not only to improve the normative basis and allocate public funds for practical measures envisaged by the plan (obviously this process requires considerable mobilization of efforts and resources of the Ukrainian public bodies), but also to take all possible measures, in order to enhance the synergy of international and national non-governmental organizations, charity funds, human rights centers, researchers, mass media representatives and civil society activists. Among other things, it is expedient to initiate a special sociological research to study models of adaptation among various national, gender, age and social groups of refugees and asylum seekers in different Ukrainian regions. Analysis of factors contributing to successful adaptation and efficient intercultural interaction can be used in further outreach to refugees residing in Ukraine, in order to help create conditions for their ‘social self-sufficiency’ in the value field common for the Ukrainian society.

<sup>39</sup> Ibid, p.86.

<sup>40</sup> The cited conclusion makes a reference to Pierre Bourdieu analyzing his experience of interviewing two teenagers from a poor neighborhood, one of whom was French and the other – Berber. Ibid, p.88.