OVERVIEW

Ukraine is a destination and transit country for persons with international protection needs as well as economic migrants seeking to enter the European Union (EU). The Ukrainian asylum system still 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 and better integration prospects.

Existing weaknesses in the national asylum system are exacerbated by the ongoing conflict in eastern Ukraine and resulting internal displacement. The conflict and the economic situation have placed further pressure on government services, 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 used as a protection tool for small a number of the most vulnerable refugees, facing serious risks that cannot be addressed effectively in Ukraine.

Refugee population in Ukraine (as of 1 January 2017)

Refugees and persons granted complementary protection

- 1,904 men
- 3,302 persons
- 805 women
- 593 children

Countries of origin

- Afghanistan: 1,497
- Syria: 446
- Armenia: 194
- Azerbaijan: 157
- Russian Federation: 133
- Somalia: 133
- Other: 742

Host regions

- Kyiv: 35%
- Odesa: 26%
- Kharkiv: 30%
- Zakarpattya: 4%
- Other: 5%

Asylum seekers in Ukraine (as of 1 January 2017)

New asylum seekers in 2016: top 5 countries of origin

- Afghanistan: 25%
- Syria: 10%
- Russian Federation: 10%
- Uzbekistan: 6%
- Iraq: 5%

6,573 persons
Trends

Despite the large influx of refugees and migrants through the Mediterranean and Balkans routes, there has been no evidence during 2016 of a significant increase in the number of new arrivals in Ukraine. Moreover, after four years of stable numbers of new arrivals, 2016 saw the number of new asylum seekers fall by more than half, from 1,433 new applicants in 2015 to 656 new applicants in 2016.

Asylum system in Ukraine


- **Access to the territory** remains a concern for UNHCR. Though national legislation envisages the right and procedures to apply for asylum at the border, in practice border control is very restrictive. UNHCR conducts *ad hoc* protection interventions at entry border crossing points directly and through its NGO partners. Through these interventions, 24 asylum seekers were granted access to the territory and the asylum procedure in 2015 and 13 asylum seekers in 2016. Despite UNHCR’s interventions, three persons who informed UNHCR of their intention to apply for asylum were not admitted in 2015 and ten during 2016. Otherwise, there have been no reported cases of *refoulement* since 2013.

- **The Government refugee status determination (RSD) procedure** has improved thanks to UNHCR’s capacity development activities spanning many years and the current Government’s clear tendency to align with EU standards. However, the recognition rate dropped in 2016 to 14 per cent, compared to 22 per cent in 2015 and 37 per cent in 2014. Furthermore, the number of rejections at the admissibility stage has again increased. Positive trends were observed in judicial reviews in 2014, 2015 and 2016, with courts giving a significant number of decisions in favour of asylum seekers. Since 2015, UNHCR partners have been allowed to monitor the work of asylum authorities in Kyiv and Odesa. At the same time, only 71 persons received protection during in 2016 (22 persons were granted refugee status and 49 complementary protection), showing the continued need to closely monitor the government RSD process.

**Remaining weaknesses in RSD procedures include:**

- No effective interpretation
- The time for appeals is unreasonably short
- Rejected asylum seekers are not informed of the reason for rejection
- High turnover rate among government caseworkers
- Requirement to confirm residency registration

Syrians

As of 1 January 2017, **435** Syrians were granted protection, including **58** with refugee status and **377** with complementary protection. There are around **600** Syrian asylum seekers in Ukraine. The majority of Syrians who applied for asylum in Ukraine before 2016 are applicants *sur place* (such as former students), whereas the number of applications for asylum from newly arrived Syrian nationals is decreasing and can be attributed to stricter border controls. Only 72 Syrians applied for asylum in 2016. The majority of Syrian nationals currently residing in Ukraine have never applied for asylum. They regularized their stay in the country through other legal means (e.g. residence permit). The State Migration Service (SMS) continues to reject asylum claims of Syrians who have alleged grounds to benefit from a form of legalized stay other than protection status. Through training and during meetings with migration officials, UNHCR pursues its advocacy work to convince the Government that the above considerations cannot be a ground for rejection. Deportation to Syria is not enforced, but many Syrians have to stay in Ukraine illegally following rejections of their asylum application.

### Arrivals from 2012 to 2016

<table>
<thead>
<tr>
<th>Year</th>
<th>Arrivals</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1,860</td>
</tr>
<tr>
<td>2013</td>
<td>1,310</td>
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<td>2014</td>
<td>1,173</td>
</tr>
<tr>
<td>2015</td>
<td>1,443</td>
</tr>
<tr>
<td>2016</td>
<td>656</td>
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</tbody>
</table>

### New applications

<table>
<thead>
<tr>
<th>Year</th>
<th>New Applications</th>
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</thead>
<tbody>
<tr>
<td>2014</td>
<td>267</td>
</tr>
<tr>
<td>2015</td>
<td>136</td>
</tr>
<tr>
<td>2016</td>
<td>72</td>
</tr>
</tbody>
</table>
STRATEGY

- UNHCR continues to monitor and intervene directly to ensure that persons of concern (PoC) are adequately protected. UNHCR provides material, social and medical assistance to the most vulnerable refugees and asylum seekers. 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 strengthening the national asylum system.
- UNHCR supports efforts by the Government of Ukraine and national society organizations to facilitate the local integration of refugees, while providing voluntary repatriation and resettlement for a small number of the most vulnerable refugees.

CURRENT ACTIVITIES

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

UNHCR has been working with the Government of Ukraine to improve asylum procedures, including through the EU-funded Asylum Systems Quality Initiative project in Eastern Europe and the South Caucasus. The first phase of this project ended 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 development of asylum authorities as well as courts and the State Border Guard Service (SBGS). Phase II of the QIEE project covers six countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) and 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 IOM launched the three-year, EU-funded Pilot Initiative to Monitor Readmission in Ukraine and Pakistan. In the project, UNHCR focuses on the post-return situation of third-country nationals readmitted to Ukraine from the EU and who are in need of international protection. Official SBGS statistics 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 in 2014 to 41 in 2015, and to 7 in 2016. The Project will end in July 2017.

Ukraine as a country of transit

As asylum seekers and refugees face difficulties integrating locally, many attempt to leave Ukraine for EU countries by irregular means.

- 2015: 165 asylum seekers were apprehended on western borders of Ukraine while attempting to cross the border illegally.
- 2016: 29 asylum seekers were apprehended on the western border.

134 people applied for asylum through the SBGS, including 75 after being detained on the western border.
53 people applied for asylum through the SBGS, including 10 after being detained on the western border.

Asylum seekers detained in migrant custody centers (MCCs) constituted 8 per cent of all detainees during 2016. Asylum can be applied for after being processed for forcible expulsion and while awaiting identification at the MCCs. UNHCR is granted access to persons of concern in immigration detention.
Free legal aid centres

As of 1 July 2015, government-run free legal aid centres have become operational and available to asylum seekers in the RSD process. However, centre staff lack specialized skills required to assist asylum seekers and refugees. Under the MONITOR project and through its partners, UNHCR provides expert support to the legal aid system in regions where most asylum applications are received. UNHCR also continues to provide free legal assistance to eligible PoCs through its partners enabling asylum seekers to pursue asylum claims, and providing recognized refugees access to their rights.

DURABLE SOLUTIONS

UNHCR strives to achieve three durable solutions:

- **Voluntary repatriation** is facilitated on a case-by-case basis when applicants are eligible, there are no concerns about voluntariness and the return can take place in safety and dignity.

- **Local integration** of refugees and those granted complementary protection. Under Ukraine’s Refugee Law, refugees have the same rights and obligations as Ukrainian nationals, including the right to employment, education and social assistance. While UNHCR has a number of success stories thanks to individual support to refugees (e.g. allocation of small business grants), there are various obstacles to local integration because of insufficient state resource allocation and lack of attention.

**Numerous obstacles and challenges to local integration:**

- No social benefits for asylum-seekers
- Newly recognized refugees receive a one-time grant of less than USD 1
- No social housing
- No language courses
- In practice, formal employment is not available to asylum seekers
- No social inclusion
- Increasing xenophobia and prevalent discrimination
- No right to naturalization for persons granted complementary protection

- **Resettlement** by granting UNHCR Mandate refugee status for identified cases facing serious risks that cannot be addressed effectively in Ukraine, despite the fact that such decisions are not recognized by the authorities and therefore do not confer any legal rights in Ukraine. UNHCR submitted 32 cases (58 persons) for resettlement in 2015 and 21 cases (31 persons) during 2016. 27 refugees departed to resettlement countries in 2015 and 49 in 2016.

WORKING IN PARTNERSHIP

UNHCR works in coordination with the Government, international organizations, local and international NGOs. UNHCR’s main Government partners are the State Migration Service; State Border Guard Service; Higher Administrative Court; Ombudsperson of the Ukrainian Parliament (Verkhovna Rada); and the Ministry of Social Policy.

UNHCR provides financial support to six NGO partners assisting refugees and asylum seekers, including protection and legal aid, and conduct advocacy and capacity building activities. These partners are: Kyiv: Right to Protection | Rokada Lviv, Lutsk, Chernihiv: Right to Protection Odesa: Desyate Kvityna | Faith, Hope, Love Zakarpattyia: International Fund for Health Well Being and Environment Conservation (NEEKA) Kharkiv: WORLD

Contacts:
Nina Sorokopud, Public Information Officer, sorokopu@unhcr.org, Tel: +38 044 288-9710 ext.116

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