

REFUGEE STATUS IN UKRAINE

This leaflet aims at providing you with the most important information on how to apply for refugee status in Ukraine. It **cannot provide complete information** on all procedural aspects, all rights and duties of persons seeking refugee status in Ukraine. You may contact the Migration Services or non-governmental organisations, specified in this leaflet in case you require more comprehensive information.

This leaflet aims at introducing you to the refugee status determination procedures of Ukraine step-by-step. For this purpose it is structured in four sections. It also includes three attachments:

- An application form that you may fill immediately in case you wish to apply for refugee status in Ukraine.
- A list of Migration Services offices that would be responsible to receive and entertain your application.
- A list of non-governmental organisations that you may wish to contact for free of charge legal advice or assistance.

Who is a Refugee?

In line with international law, Ukrainian legislation, **defines a refugee** as a person, who (a)

- is not a citizen of Ukraine, and
- owing to a **well-founded fear of being persecuted for reasons of race, religion, nationality/citizenship, membership of a particular social group or political opinion**, is outside the country of his nationality/citizenship and
- is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or,

who (b)

- not having a nationality/citizenship and
- being outside the country of his/her former habitual residence,
- is unable or, owing to such fear, is unwilling to return to that country.

Important!

You are a refugee only when and if you fit this definition. Other economic, personal or else reasons why you left and are unwilling or unable to return your country of origin are no reasons to be granted refugee status in Ukraine.

In order to recognise a refugee amongst those who may apply for refugee status in Ukraine, Ukraine has introduced refugee status determination procedures that are defined by law and carried-out by its Migration Service authorities. Only if you **undergo these procedures**, as described in this leaflet, can you be granted refugee status in Ukraine.

In case you are recognised as a refugee you will receive protection in Ukraine. In case you are not granted refugee status and have no other legal permission to stay in Ukraine, you may be treated like an illegal immigrant, including possible expulsion.

Refugee status shall **not** be granted to a person

- who committed a crime against peace, war crime or crime against humankind and humanity as defined in international legal instruments;
- who committed a serious crime of non-political nature outside Ukraine prior to arrival in Ukraine with the intention of acquiring refugee status, if the deed committed by such person is classified by the Criminal Code of Ukraine as a serious crime;

- who was found guilty in committing deeds that conflict with the goals and principles of the United Nations;
- who was granted refugee status or asylum in other country prior to arrival in Ukraine;
- who, prior to arrival in Ukraine with the intention of acquiring refugee status, stayed in a safe third country, which: has national legislation in the sphere of asylum and refugees, will provide said person with effective protection against *refoulement* and agrees to receive said person and ensure his/her access to procedures for the determination of refugee status. The scope of this paragraph does not apply to children separated from their families or to persons born or habitually residing in Ukraine and to their descendants (children, grandchildren).

How do you apply for Refugee Status in Ukraine?

- To apply for refugee status in Ukraine you must fill a written application (form attached).
- In this application you should explaining why you should be considered a refugee.
- If you do not have documents, that confirm your identity, or if such documents are forged or false, you must inform about and explain these facts already in your application, as well as in any first contact you have with Ukrainian authorities.
- **Very important conditions for application** are explained in the following text box:

Important!

If you entered Ukraine **illegally**, you or an authorized representative must submit your application **within three working days** either to Migration Service, Border Service or law enforcement officials. On this occasion you must also explain to the Border Service your reasons for illegal entering Ukraine. Border Service or law enforcement officials must send your application and direct you to the responsible Migration Service.

If you entered Ukraine **legally**, you or an authorized representative must submit your application **within five working days** to the Migration Service (address list attached).

If you do not respect these deadlines, Migration Service can refuse admitting your application. They can admit a late application only if you include strong valid reasons for the delay. Valid reasons include illness of you or a family member, detention, etc.

- Every family-member of eighteen years of age or older should submit a separate application. Information on children below the age of eighteen should be included in the application of a parent or another legal representative of the child.
- Upon receipt of your application, Migration Service should register it and contact you.
- You may wish to contact a non-governmental organisation (list attached) or lawyer to request help in preparing and filing your application for refugee status.

Important!

Special procedures apply if you are **younger than eighteen years of age and separated from your parents, grandparents, adult siblings or other guardians**. Border Service officials should immediately inform the Migration Service and the body of trustee- and guardianship about your situation and intention to apply for refugee status. The Migration Service together with the body of trustee- and guardianship must accommodate you in an appropriate children institution or host family. The Migration Service will also take steps to search your parents and/or other legal representatives. Applications for refugee status by

separated minors are not limited by those deadlines applying to adult applicants, while also some other procedures differ. You may wish to enquire about more details with the Migration Service, a non-governmental organisation (lists attached) or your legal representative, once appointed.

If you cannot submit your application because you are **illiterate** or suffer from **physical defects**, you can appoint another person to fill your application on your behalf.

How will your application be processed?

*If admission of your application for refugee status is **rejected**:*

- Migration Services has to issue you with a written notice, specifying reasons for rejection.
- You have the right to appeal against this rejection
 - (a) to the State Committee for Nationalities and Migration (contact address attached) - within seven working days upon receipt of the rejection notice, and/or
 - (b) to the local court - within one month upon receipt of the rejection notice.
- You may wish to contact a non-governmental organisation (list attached) or lawyer to request help in preparing and filing such an appeal.
- Migration Service has to issue you a certificate, on submission of your appeal to court or SCNM after such appeal has reached the respective body.
- If you do not appeal or your appeal is rejected, you will have to leave the territory of Ukraine unless you have other lawful reasons for staying.

Important!

According to international and Ukrainian law, you shall **not be liable to criminal or administrative charges** for entering and staying in Ukraine illegally, if you did this with the purpose of applying for refugee status.

If you fully comply with the procedures described in this leaflet, authorities will issue you with identity documents that certify your legal stay in Ukraine for the full length of refugee status determination and appeals procedures. During this time they are **not allowed to prepare or undertake to expel** you from the territory of Ukraine.

Authorities are also obliged to treat your application for refugee status and the information you shared with them during procedures as **strictly confidential**. This means that they are also prohibited from sharing it with any authorities or representatives of your country.

*If your application for refugee status is **admitted** for consideration:*

- Migration Service has to issue you with a certificate legalising your stay in Ukraine and invite you for an **interview**.
- For the interview, you will be provided with an interpreter. You also have the right to invite your own interpreter and to be accompanied or represented throughout the interview by your representative of your choice. This representative may be working for an NGO (list attached), be a lawyer or any other person you choose.
- Within three working-days of registering your application, Migration Service has to decide whether to further process your application or to rejected it.
- At this stage of procedures your application can be rejected *inter alia* (a) if it does not contain any elements fitting the aforementioned definition of a refugee or (b) if you filed it under a false identity or name.

Advice!

As the interview is the most important part of refugee status determination procedures, you should **prepare yourself** in advance. The information you provide should be without contradictions and truthful, supported, where possible, with documents or other evidence.

Answer questions only if you **fully understand** them. If you do not understand them, you can ask the interviewer or interpreter to clarify the meaning, as every question of the interview is important and can influence the result of your application.

Do not use false facts, documents and names when submitting your documents or during the interview, as Ukrainian authorities are aware of the situation of your country and involve experts on verifying documents. Your application can be rejected, if they discover that you have been telling an untrue story.

*If further processing of your application for refugee status is **rejected**:*

- Migration Services has to issue you with a written notice, specifying reasons for rejection.
- You have the right to appeal against this rejection
 - (a) to the State Committee for Nationalities and Migration (contact address attached) - within seven working days upon receipt of the rejection notice, and/or
 - (b) to the local court - within one month upon receipt of the rejection notice.
- You may wish to contact a non-governmental organisation (list attached) or lawyer to request help in preparing and filing such an appeal.
- Migration Service has to issue you a certificate, on submission of your appeal to court or SCNM after such appeal has reached the respective body.
- If you do not appeal or your appeal is rejected, you will have to leave the territory of Ukraine unless you have other lawful reasons for staying.

*If your application for refugee status is **admitted** for further processing:*

- You will deposit with Migration Service your national passport and/or other documents
- Migration Service will issue you with a certificate legalising your stay in Ukraine.
- Migration Service will refer you for medical screening.
- Migration Service may invite you for more **interviews**. Modalities of these interviews are the same as described above.
- You will have the right to temporary employment, education and medical aid, to rent premises or be granted temporary accommodation, as well as to legal assistance.
- Within 2-3 months Migration Service will send its recommendation whether to grant you refugee status or not to the State Committee on Nationalities and Migration.
- With 1-3 months upon receipt the State Committee will decide on this recommendation.
- Migration Service will inform you about this decision.

What will happen after you receive a final decision?

*If your application for refugee status is **rejected**:*

- Migration Services has to issue you with a written notice, specifying reasons for rejection.
- Migration Services will withdraw the certificate they had issued you and return to you your national passport and/or other documents you had deposited with them.
- You will have the right to appeal against this rejection to the local court - at the place of location of SCNM within one month upon receipt of the rejection notice.

- You may wish to contact a non-governmental organisation (list attached) or lawyer to request help in preparing and filing such an appeal.
- Migration Service has to issue you a certificate, on submission of your appeal to the court.
- If you do not appeal or your appeal is rejected, you will have to leave the territory of Ukraine unless you have other lawful reasons for staying.

If you are granted refugee status in Ukraine

You will have many rights like Ukrainian citizens, including those to free movement and choice of residence, education, medical assistance, insurance and health care, family union, marriage, labour, business activity, social benefits, and legal assistance. You continue to be obliged to respect the Constitution and laws of Ukraine.

Migration Service will issue you a Refugee Certificate. The time you can remain residing in Ukraine legally as a refugee is unlimited, unless conditions apply upon which you lose your refugee status, as defined in international and Ukrainian law. You must, however, inform Migration Service of any change of your address in Ukraine and extend the validity of your Refugee Certificate, with them every year.

You can apply with Migration Service also for a Refugee Travel Document.

Your family members, that is spouse, children under the age of eighteen, parents incapable of working or other persons under your guardian- or trusteeship, if also in Ukraine, will be also be granted refugee status.

In case they remain in your home country, you can apply to Migration Service, for such family members to join you in Ukraine. In case they reside abroad you can apply to reunite with them in Ukraine or in the country of their current legal residence.

After three years of uninterrupted legal residence, you can apply for Ukrainian citizenship.

Migration Service and/or a non-governmental organisation (address lists attached) can give you more information on the rights and duties of a refugee as well as on assistance available to support your integration into Ukrainian society.

Address of residence in
Ukraine _____

Grounds (if available) for staying in Ukraine

Place, time and manner of crossing the state border of Ukraine

Applicant's signature _____ "___" _____ 200_.

Legal representative signature _____ "___" _____ 200_.

Interpreter's signature _____ "___" _____ 200_.

Appendix. List of documents attached (paragraph seven Article 11 of the Law of
Ukraine "On Refugees")

Accepted for review on _____ "___" 200_

Last name, position and signature of the migration body officer

**State Committee of Ukraine for Nationalities and Migration
and Migration Service Bodies in the Autonomous Republic of Crimea, Regions,
Cities of Kyiv and Sevastopol
(as of June 1, 2003)**

Addresses	Phones
State Committee of Ukraine for Nationalities and Migration Kyiv 01025, 9 Volodymyrska Street	Code (044) Phone/fax: 228-1718, 229- 3404
1. Vinnitsa Regional State Administration Directorate for Nationalities and Migration Vinnitsa, 287100, 74 Soborna Street	Code (0432) Phone: 32-5801
2. Volyn Regional State Administration Directorate for Nationalities and Migration Lutsk, 43027, 9 Kyivska Square	Code (0332) Phone/fax: 72-9057
3. Dnipropetrovsk Regional State Administration Directorate for Nationalities and Migration Dnipropetrovsk, 49004, 2 Kirova Prospect, room 320	Code (0562) Phone/fax: 42-8614
4. Donetsk Regional State Administration Directorate for Nationalities and Migration Donetsk, 83105, 34 Pushkin Boulevard	Code (0622) Phone: 90-7240, 90-7635
5. Zhytomyr Regional State Administration Directorate for Nationalities, Migration and Religions Zhytomyr, 10014, 1 Maidan Rad	Code (0412) Phone: 37-2121
6. Zakarpatie Regional State Administration Directorate for Nationalities and Migration Uzhgorod, 88000, 4 Narodna Square	Code (03122) Phone/fax: 37-064, 3-5453
7. Zaporij`a Regional State Administration Directorate for Nationalities, Migration and Religions Zaporij`a, 69107, 164 Lenina Prospect	Code (0612) Phone/fax: 39-0527
8. Ivano-Frankivsk Regional State Administration Directorate for Nationalities, Migration and Religions Ivano-Frankivsk, 76018, 9 Garkushi Street	Code (0342) Phone/fax: 55-2704
9. Kyiv Regional State Administration Directorate for Nationalities and Migration Kyiv, 01001, 6 Khreshatik Street	Code (044) Phone/fax: 228-2954
10. Kirovograd Regional State Administration Directorate for Nationalities, Migration and Religions Kirovograd, 25022, 1 Kirova Square	Code (0522) Phone/fax: 24-4483 Phone: 24-3985
11. Lughansk Regional State Administration Directorate for Nationalities and Migration Lughansk, 91000, 3 Geroyiv Velykoi Vitchiznanoi Viyny Square, room 117	Code (0642) Phone/fax: 58-5743
12. Lviv Regional State Administration Directorate for Nationalities and Migration Lviv, 79008, 3 Pidvalna Street	Code (0322) Phone/fax: 72-4740
13. Mykolayiv Regional State Administration	Code (0512)

Directorate for Nationalities and Migration Mykolayiv, 54009, 22 Admiralska Street	Phone: 35-5597
14. Odessa Regional State Administration Directorate for Nationalities and Migration Odessa, 65107, 83 Kanatna Street, room 820	Code (0487) Phone: 28-3318, 28-3522 Fax: 22-3564
15. Poltava Regional State Administration Directorate for Nationalities and Migration Poltava, 36000, 45 Jovtneva Street, room 114	Code (0532) Phone/fax: 56-4116
16. Rivne Regional State Administration Directorate for Nationalities and Migration Rivne, 33000, 1 Prosviti Square	Code (0362) Phone/fax: 69-5180
17. Sumy Regional State Administration Directorate for Nationalities and Migration Sumy, 40030, 2 Nezalejnosti Square	Code (0542) Phone: 28-0556 Phone/fax: 21-0517
18. Ternopol Regional State Administration Directorate for Nationalities and Migration Ternopol, 46021, 8 Hrushevskogo Street	Code (03522) Phone: 23-001
19. Kharkiv Regional State Administration Directorate for Nationalities and Migration Kharkiv, 61022, 5 Svobody Square, Derjprom, entrance 3	Code (057) Phone/fax: 705-19-69 Phone: 705-19-70, 757-46-98
20. Kherson Regional State Administration Directorate for Nationalities and Migration Kherson, 73000, 47 Ushakova Prospect	Code (0552) Phone: 26-4542
21. Khmelnitsky Regional State Administration Directorate for Nationalities, Migration and Religions Khmelnitsky, 29000, 87 Hrushevskogo Street	Code (0382) Phone: 76-2034, 76-5736
22. Cherkasi Regional State Administration Directorate for Nationalities, Migration and Religions Cherkasi, 18000, 205 Shevchenko Boulevard	Code (0472) phone/fax: 47-2735, 47-1366
23. Chernivtsi Regional State Administration Directorate for Nationalities and Migration Chernivtsi, 58010, 1 Hrushevskogo Street, room 168	Code (0372) Phone: 55-1862
24. Chernigiv Regional State Administration Directorate for Nationalities and Migration Chernigiv, 14000, 23 Komsomolskaya Street	Code (04622) Phone/fax: 75-063
25. Kyiv City State Administration Directorate for Nationalities and Migration Kyiv, 252018, 31-A Voloska Street	Code (044) Phone/fax: 416-2511, 416-3054
26. Sevastopol State Administration Directorate for Nationalities and Migration Sevastopol, 99000, 2 Lenina Street	Code (0692) phone/fax: 54-3597
27. Autonomous Republic of Crimea Directorate for Migration under the Council of Ministers of the ARC Simferopol, 95034,81 Kyivska Street	Code (0652) Phone/fax: 25-3302, 25-2523

Addresses of Organisations Rendering Assistance to Refugees in Ukraine:

1. Hebrew Immigrant Aid Society, INC LEGAL PROTECTION SERVICES Program (Kyiv)	<i>Kyiv, 03056, 22 Dashavska Street, Phone: (044) 453-1653 Fax: 453-1650 e-mail: lps@hias.kiev.ua</i>
2. Donetsk Fund of Social Security and Charity (Donetsk)	<i>Donetsk 83000, 71 Cheluskintsev Street, Phone: (0623) 35-3931, (0622) 90-2721 Fax: (0623) 35-3931 e-mail: dfszm@skif.net</i>
3. Institute of Applied Humanitarian Research (Kharkiv)	<i>Kharkiv 61023, 18 Gudanova Street, room 245-1 Phone: (0572) 140-367 e-mail: corvic@wanlink.kharkov.ua</i>
4. Branch of the Institute of Applied Humanitarian Research (Poltava)	<i>Poltava, 36020, 3 Constitution Square, Phone/fax: (0532) 50-6690 e-mail: shekhovtsov@pi.net.ua</i>
5. Lughansk Regional Foundation “Refugee Assistance Foundation” (Lughansk)	<i>Lughansk 91000, 46 Lenina Street, Phone/fax: (0642) 49-6459, 520052, 344428 e-mail: postmaster@mig.lg.gov.ua</i>
6. Counseling Center for Refugees, International Foundation of Health and Environment Protection "Region Karpat" (Uzhgorod)	<i>Uzhgorod 88000, Sobranetskaya Street, 150, room 321-322 Phone/fax: (03122) 43-928</i>
7. Branch of the Counseling Center for Refugees, International Foundation of Health and Environment Protection "Region Karpat" (Mukachevo)	<i>Mukachevo 89600, 3 Michurina Street, Phone/fax: (03131) 55010, 42-308 e-mail: neeka@mk.uz.ua</i>
8. Podilsk Center of Human Rights (Vinnytsa)	<i>Vinnytsa 21050, 10 Volodarskogo Street, ap.1 Phone/fax: (0432) 35-1466, 35-5297 e-mail: bardyn@sovamua.com</i>
9. Project "Podil Service Network for Refugees", Vinnytsa Human Rights Group (Vinnytsa)	<i>Vinnytsa, 21037, m.b.4061, Phone/fax: (0432)465314 e-mail vpq@ukr.net</i>
10. Branch of the Podilsk Center of Human Rights (Khmelnysky)	<i>Khmelnysky 29013, 39 Podilskaya Street. Phone: (0382) 794-054 (03822) 66-109 e-mail: fundacij@ic.km.ua</i>
11. Southern Ukrainian Center of Young Lawyers (Odessa)	<i>Odessa 65008, 28/30 Francuzskiy Boulevard Mailing address: Odessa-9, post box 14. Phone: (0487) 601616 e-mail: lawcentre@paco.net ; lawcentre@optima.com.ua</i>
12. Foundation for Naturalization and Human Rights "Assistance"	<i>Symferopol 95034, 77/4 Kyivs'ka Street, room 215 Phone/fax: (0652) 27-6436 e-mail: assist@pop.cris.net</i>
13. Legal-Counseling Center of Trade Union “Solidarity” - “Human Rights Have No Borders” (Lviv)	<i>Lviv 79058, 1-A Korolenka Street, Phone: (0322) 758-132, phone/fax: 33-7934 e-mail: marints2000@yahoo.com</i>
14. Branch of the Legal- Counseling Center of Trade Union “Solidarity”-“Human Rights Have No Borders” (Ivano-Frankivsk)	<i>Ivano-Frankivsk 76000, 25 Sichevih Streltsiv Street, room 6 Phone: (03422) 30-428; 40-306 e-mail: maslyak@pisem.net; aifrankivsk@ukr.net</i>
15. Branch of the Legal- Counseling Center of Trade Union “Solidarity”- “Human Rights Have No	<i>Luts'k 43000, 30 Grushevskogo Street Phone: (0332) 77-6350</i>

Borders” (Luts'k)	<i>e-mail:</i> pen@lutsk.ukrpack.net
16. Branch of the Legal- Counseling Center of Trade Union “Solidarity”- “Human Rights Have No Borders” (Chernivtsi)	<i>Chernivtsi 58000, 8 Skovoroda Street, room 2 Phone: (0372) 55-2876 e-mail: andritsky@ukr.net</i>
17. Chernigiv Public Committee for Human Rights Protection (Chernigiv)	<i>Chernigiv, 14000, 57/1 Gorkogo Street, Phone/fax: (0462) 16-5381 e-mail: katia_lugova@hotmail.com</i>

Addresses of International Organisations Rendering Assistance to Refugees in Ukraine:

UNHCR Mission in Ukraine	<i>Kyiv, 01015, 32-A Sichneвого Povstannya Street, Phone: (044) 573 9686, Fax: 573-9850 e-mail: ukrki@unhcr.ch</i>
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