



## Ukraine – Immigration and Transit Country for Chechen Refugees

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*'15 residents of Chechnya have been detained by border guards near Ukrainian-Slovak border. Among the 15 detained are nine women and children and also six men. ...They plead not to hand them over to Russia'* (PRIMA-News Agency, 23/4/2004).

*Three Chechen girls, ages 6, 10 and 13, froze to death but their mother and a 2-year-old survived trying to cross into Poland from Ukraine* (United Press International 2007).

Ukraine is one of the first countries that Chechen refugees enter once they have fled from Russia. As Chechens usually speak Russian (which is widely used in Ukraine) and they share some Soviet cultural traditions, it could be assumed that Chechen refugees can stay and easily integrate into Ukraine. However, a considerable number of Chechen refugees (just like refugees from many other countries) do not stay in Ukraine and move further West until they reach EU territory, often in an irregular manner. As a result Ukraine is an important country of transit for Chechen refugees on their way West. This raises questions such as:

- Why so many Chechen refugees decide to move on to Western Europe?
- Is Ukraine a safe country for Chechen refugees?
- Can they be expected to stay?

### Refugees in Ukraine<sup>i</sup>

Ukraine is a country of emigration, immigration and transit migration. Due to unfavourable economic conditions between 2 and 7 million Ukrainian citizens seek to work abroad at least temporarily. Soon after Ukraine became independent in 1991 it began experiencing the arrival of refugees, firstly from Afghanistan, then from Chechnya and other former Soviet Republics such as Abkhazia, Uzbekistan and recently from many other parts of the world. The first arrivals from Afghanistan or Chechnya often had some affiliation to Ukraine dating back to Soviet times, for example they had attended university or military academies or they had some relatives in the country. Later arrivals are often attracted by these already existing communities.

Since 1993, 28,000 individuals have applied for asylum, 1,890 in 2005 (1,364 in 2004). So far, about 5,300 asylum seekers have been granted refugee status, 2,350 have settled in Ukraine and of those 740 have acquired citizenship due to relatively liberal citizenship law (UNHCR 2006c). The remaining 3,000 refugees are assumed to have left the country for other destinations<sup>ii</sup>. The majority of refugees originate from Afghanistan (1,290), the second major group (700) is from CIS countries (Russia, Armenia, Georgia, Azerbaijan, and Tajikistan), others (320) are from Africa (e.g. Congo, Sudan, Ethiopia and Angola) and the Middle East (120) (UNHCR 2006c). Around 150 refugees are

of Chechen origin (SCNM 2006). At present asylum seekers come from Afghanistan, Pakistan, Russia, Bangladesh, India, Palestine, Iraq, smaller numbers are from Vietnam, China, Iran, Uzbekistan, Sri Lanka, Syria, Somalia, Nigeria, Sierra Leone, Liberia, Ghana, Zaire, Brazzaville, Sudan and other countries. Altogether, asylum seekers originate from 45 to 50 countries which demonstrates that Ukraine has become an important country on the map of refugee movements.

Table: Asylum applications from citizens of the Russian Federation (supposedly Chechens)

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
39	49	240	465	183	n/a	101	236	165	n/a	1478

Source: UNHCR Statistical Yearbooks

Since 1997, at least 1,478 citizens of the Russian Federation have applied for asylum in Ukraine and most of these are assumed to be Chechen refugees. But Levin (2006: 33) believes that 'most will not apply for asylum in Ukraine' because of a general mistrust of Ukrainian procedures. Therefore it is assumed the number of Chechens refugees actually staying in Ukraine for some time might be higher than figures of registered individuals indicate.

However, all sources agree that Ukraine is a transit country and that migrants as well as refugees and asylum seekers aim to move West. For instance, almost half of all asylum applications are filed in Transcarparthia, the county bordering the European Union. Because most of these applications are filed upon apprehension for illegal border crossing it can be concluded that these refugees (and migrants) are on their way West and that they are filing a claim in order to prevent return or to be respectively to be released from detention.

So far, there are few legal channels for these refugees. In 2005, only around 50 individuals (around 100 the year before) legally moved from Ukraine to another safe country as part of international resettlement schemes arranged by UNHCR. While minors, single mothers and young families are favoured over other refugees, the only countries which accepted resettlement refugees from Ukraine were Finland, Sweden, Norway, Canada and the US.

As a consequence, many people turn to irregular strategies. In 2006, 26,000 individuals were apprehended by the State Border Guards Service (SBGS) for illegally crossing a Ukrainian border, of these, 1,100 were Russian citizens, and Chechens are part of this group (Söderköping process 2007). Another 11,000 irregular immigrants were registered by Ministry of Interior, of which about 2,000 were Russian citizens (ibid.). Altogether, between 2003-6 59,000 (2,570 Russian citizens) were apprehended on the border, respectively 56,000 (10,700 Russian citizens) on the territory (ibid.). About one third of the total were apprehended whilst crossing the borders of an EU country (Poland, Slovakia, Hungary, and Romania) (SBGS 2005). The number of those who are able to cross a border without being detected is supposedly higher, suggested multipliers range from 1:2 to 1:8, though a ratio of 1:3 to 1:4 seems more plausible. This trend is confirmed by refugee support NGOs who report that they are losing half of their case load supposedly due to irregular on-migration.

Chechen refugees first arrived in 1994/5 approximately 1,500 to 2,000 between 1995-1997; this was as a result of the first war in Chechnya (Levin 2006). The second influx was noted in 1999-2000 in course of the second war in Chechnya. Since then, a constant inflow is noted. However exit from Russia is not straightforward. Chechens are citizens of the Russian Federation and as such they are issued a passport by Russian authorities. These passports have no reference to ethnicity and Chechens can only be identified by their name and place of birth. Russian authorities normally refuse to issue passports to Chechen citizens (see IWPR 2005) which prevents them from international travel. As citizens of the Russian Federation they should enjoy the right to visa-free travel within the Federation and some of its neighbouring countries. This right is being severely

restricted and various reports illustrate that Chechens seem to be prevented from leaving Russia. For instance, representatives of the Chechen refugee community in Ukraine report that:

*Russia does not let people go; Putin gave an order saying that everything is fine in Russia. Chechens are taken off the train by Russian border guards, even if they have papers, everything, they won't let them go. Russians have a system: if there are ten people on the train they let go two but take the others off the train. The money for the ticket is lost but nobody reimburses them of course. Sometimes we get calls from people saying that they are stranded at a station in Russia. ...It's the same on coaches, and on the road (member of Chechen refugee community in Ukraine, Interview 4/2007).*

*The case is that Ukraine wouldn't let them in, this is unwritten law. But this was only the border guards, this does not happen on the territory (Chechen refugee community representative, interview 4/2007).*

This is confirmed by Chechens news sources which report:

*The Baku-Kiev train was inspected by the military who identified themselves as Ukrainian border guards. All citizens with Chechen registration were ordered to step out of the train. A total of 23 people got out. After checking the passports ...all Chechens were forced into the station building. The authorities were asked what the reason for such unlawful actions was, and the senior military officer said that Russia demanded that Chechens are not let into Ukraine. Chechen reported that they were walked ... to a building of another train station (most likely on the Russian side). The people were left to the mercy of fate - with no money, no food and virtually like hostages (Kavkaz-Center 2004).*

According to official figures, between 2003 and 2005 2,113 Chechens were refused entry and returned to Russia (Levin 2006: 17). If Chechens wish to leave Russia they are compelled to clandestinely cross the border between Russia and Ukraine. Many only transit through Ukraine but Levin (2006) guesses that between 2,500 to 4,500 are residing in Ukraine. Meanwhile, a small diaspora emerged which is dispersed over various locations, notably Kiev, Bila Tserka, Odessa, Dnipropetrovsk, Zaporizhia and Kherson. According to a non-representative sample (Levin 2006) most Chechen asylum seekers are between the age of 18 and 45. Amongst this group, single mothers represent a specific clientele and some sources indicate that often their husbands disappeared or were killed during the war (Chechen refugee community representative, conversation 4/2007; Levin 2006: 30). There are also many children recorded amongst this group.

## **The Legal and Socio-Economic Conditions of Migrants and Refugees in Ukraine**

Ukraine is still undergoing a period of political and economic transition, unemployment is high, and for many people wages are low, poverty is widespread and public services are often poor. Situated between Russia and the EU, Ukraine is intertwined in a complex set of international relations, this is also reflected in its internal affairs. The next section describes, summarises and analyses the institutional framework and outlines the legal and social provisions to migrants, refugees and asylum seekers in Ukraine.

### **Statutory Services and Asylum Procedures**

In 2002, Ukraine agreed to the Geneva Convention and a refugee law was introduced in 1993 but only implemented in 1996. Initially, Chechen refugees were dealt with separately under a cabinet decree, but this expired in 1997. A new refugee law (Law of Ukraine 'On Refugees') came into force in 2001 and was amended in 2003 and again in 2005. So far, this law does not include any provisions for temporary or subsidiary protection, which is a most serious legal shortcoming (UNHCR, interview 9/2006). Meanwhile, a law 'on refugees and persons eligible for subsidiary and temporary protection' has been drafted. Four institutions are involved in the asylum procedures:

- the State Border Guard Service of Ukraine,

- the regional Migration Services ,
- the State Committee for Nationalities and Religion (formerly State Committee for Nationalities and Migration; and
- the Security Service of Ukraine

Refugees may file their application with the State Border Guard Service of Ukraine (SBGS) if they are arrested on the border, in situations like these the first interview is conducted by the SBGU. The SBGS then passes the file to a Migration Service (MS) office for further procedures. Refugees can also directly go to the MS. The MS offices are actually regional branches of the State Committee for Nationalities and Religion (SCNR). The MS offices receive applications, conduct the first and the second hearings<sup>iii</sup>, assess applications on formal grounds, accept or refuses applications, and pass the files onto the SCNR. After all, the SCNR's Refugee Directorate is responsible for the refugee status determination processes and for making the final decision. This directorate also deals with refugee integration, other migration issues, international relations and some policy aspects. Finally, all files are sent to the Security Service of the Ukraine (known as SBU) for security checks.

The SCNR and MS are grossly understaffed with 150 staff, 20 in Kiev and 130 in the counties. Additionally these agencies suffer from constant staff turn-over and staff neither speak nor read English (SCNR interview 11/2006, own observation). Other failings include a lack of institutional interpretation services and a country of origin information system. There also appears to be no consultation with other services such as UNHCR publications (UNHCR interview, 9/2006). Officially the SCNR normally issues a decision, usually a refusal, within eight months. But the Migration Service in Transcarpathia (Western Ukraine) where half of the applications are filed has a considerable backlog. And because of the constant reforms the SCNR occasionally stops functioning, as in 2001-2 and partially again in 2006-7 (UNHCR interview, 9/2006). People can file appeals at local courts, but these courts do not have specialised chambers for immigration or asylum matters and appeals may take several years (Hebrew Immigration Aid Society, HIAS, interview, 4/2007). Altogether, 2,300 asylum seekers were awaiting decision in 2007.

During the early 1990s and under the 1993-6 refugee law, many asylum seekers were granted refugee status, notably Afghans and Angolans. Altogether, about 30 percent of applicants were granted refugee status up until 2001 but then the previous law ceased (European Council for Refugees and Exiles, ECRE, 2006: 9). Chechens were mostly granted temporary protection, as regulated by a 1995 cabinet decree, but around 1,500 also applied to refugee status. But the new law "On Refugees" which came into force in 2001 introduced some serious obstacles to asylum seekers. Refugees had to lodge a claim within three or respectively five working days after arrival. Thus, most claims were rejected by MS merely on formal grounds as they were lodged in after this period had expired and only 7 percent of all refugees gained access to refugee status determination procedures (ECRE 2006). As a result the recognition rate dropped to 0.08 per cent (UNHCR 2004). In 2005, this restriction has been relaxed, but claim should still be lodged within 15 days (Migration Services Uzhgorod, interview 8/2007). As a result, the rejection rate by the MS has decreased to 10 percent (ECRE 2006). Nevertheless the recognition rates of the SCNR remain low (Andryseck and Rantala 2007: 10) and varies from 0.4 to 6 percent.

Sometimes, refugees do not even have access to refugee status determination procedures (RSD) and a UNHCR source (Polikarpova 2007) states that this affected 350 refugees in 2007. For instance, unaccompanied minors require a State Guardian to file their application, but such guardians because of administrative complications are usually unavailable and as a consequence these minors have practically no access to RSD procedures (HIAS, interview 4/2007). NGOs oppose the low recognition rates and hold the view that actually only 10 to 15 percent of all asylum claims are 'manifestly unfounded' (HIAS, interview, 4/2007). They are suggesting that the majority of negative decisions are based on unfair administrative procedures. This view is supported by a success rate of 70 percent of all appeals that HIAS put to Kiev local courts in 2006. This example illustrates that the judicial system is independent and has different views on asylum applications to those of the administrative system. Nevertheless, Chechen refugee community representatives say (interview

4/2007) that since 2001 no Chechen's have been reported as receiving refugee status, whilst ECRE (2006:9) says that this has been the case since 2004. They have no explanation for this but suspect that 'there must be some informal rules, but I don't know what is behind this practice' (Chechen refugee community representative, interview 4/2007). Levin (2006: 15) refers to an interview with the SCNM and explains that:

*'SCNM maintains that Chechen asylum seekers do not fall under Ukrainian refugee law. Officials argue that Chechens are "war refugees," victims of indiscriminate violence, and therefore ineligible for protection under Ukrainian refugee legislation'.*

Further, Chechen refugees are reported to 'have a case [but] don't get access to refugee status [determination procedures]'. For instance, Chechens who are arrested by border guards can only apply for asylum 'if they have a chance to inform a refugee rights protection organisation, but not all have such opportunities' (Chechen refugee community representative, interview 4/2007). Sometimes, access to refugee status determination procedures are impossible for purely practical reasons, a spokesperson talking about Chechen refugees in Odessa, explains that 'none have refugee status as they have no papers. They can't even go to UNHCR because the journey is too expensive'.

Instead, several cases of forced return (refoulement) have been reported, notably of Chechens (ECRE 2006) but also of Uzbeks (for e.g. Amnesty International 2006). Sometimes, the process starts in Slovakia, Hungary or Poland, where Chechens are returned to Ukraine in violation of the Geneva Convention. This can result in 'chain deportations' from these countries through Ukraine to Russia (ECRE 2007: 20).

*'Ukrainian NGOs report that in 2006 one Chechen asylum seeker was detained while attempting to cross the border to the Slovak Republic, escorted by Ukrainian border guards to Kharkiv where she was handed over to Russian border guards. In October 2006, Ukrainian NGOs reported that a family of six Chechen asylum seekers were deported from Donetsk to Russia, and another family of four, including two children, were reportedly deported back to the Russian Federation in 2006' (ECRE 2006: 9).*

Altogether, according to (Levin (2006: 17) 2,109 Chechens were deported from Ukraine to Russia between 2003 and 2005. The allegations made by various informants are that Russia influences recognition and return practices with respect to Chechens. It is suspected that the Federal Security Service of Russia (FSB, a KGB successor) collaborates with the security services in other CIS countries, notably the SBU in Ukraine, but also with Polish and Slovakian services and thereby undermines asylum procedures. Thus, Chechen refugees seem to be effectively excluded from fair refugee status determination procedures and the institution of refugee status.

## **Reception and Integration**

Ukraine has only two temporary reception centres for asylum seekers and both are mostly for women and families. One is in Odessa and has a capacity of 250 individuals, it is funded by the EU and UNHCR. The other is a much smaller facility in Mukachevo (South West Ukraine) and it accommodates only 15-20 women and children. Both of these centres seem unpopular amongst asylum seekers and residents often prefer to leave and find somewhere else to stay (various interviews and own observations, 2007). This is either because asylum seekers miss support from their communities which are residing in distant cities, (this was found to be the case with asylum applicants who had left Odessa) or because they are overcrowded at times, (this was the case in Mukachevo). Another (temporary) reception centre for 80 individuals is planned in Lavritza (Western Ukraine) but whether this will ever open is still questionable.

Unaccompanied minors are held in an asylum for orphans and street kids in Kiev, but given the lack of any integration measures this seems an unsuitable solution (HIAS, interview 4/2007). Access to health care is free according to legislation; however, in practice patients have to pay a fee to General Practitioners (GPs), which normally asylum seekers cannot afford. For asylum seekers in Kiev, UNHCR has an arrangement with a clinic where they can be treated free of charge in case of

emergency. A positive is that by law, refugee children can go to school free of charge (as it is the case in Kiev); Chechen refugee children are more likely to go to school than other refugee children who often do not speak Russian (Levin 2006: 30). However, in other cities and for some other nationalities access seems difficult, as reported by Somalis in Vinnitsa. There are also other obstacles as reported by Chechens:

*'[My son] plays football, he is very good, but if there is a competition in another city all the other boys get subsidies but my boy does not get subsidies because he is not Ukrainian. He could play in the national team, his coach says 'I need him, I don't bother about his papers' but he can't play because of his papers, he is not Ukrainian. It is always this problem, if you don't have papers you get no help and you can't work (Chechen woman, Bila Tserka, interview 4/2007).*

Further to this, statutory agencies do not offer any integration measures or make any other specific services to asylum seekers or refugees, including accommodation, benefits, help with job search or language courses.

Access to housing and employment is another crucial aspect that determines the quality life of refugees and asylum seekers. Unfortunately, there are various legal and practical obstacles that prevent them from accessing the housing market. This is because most asylum seekers lack proper IDs either because they arrived without them or because they had to submit their IDs to SCNR. UNHCR issues a replacement ID-like letter with a photograph which is valid for six months, after which an extension is required. Unfortunately, this document is not recognised as an ID by the police. Furthermore, landlords frequently refuse to issue tenancy agreements or even rent receipts to foreigners, it is said this is to evade taxes. Therefore migrants and refugees cannot register their residence with local authorities. Subsequently, migrants and refugees normally do not hold a *propiska*, which is the vital statutory registration document. Thus, a 'vicious circle' emerges (Andrysek and Rantala 2007: 7) and refugees are excluded from several services whilst simultaneously they are exposed to police harassment (see below).

According to refugee laws, asylum seekers and refugees are entitled to work but so far the related employment act has not been changed accordingly and the Employment Law does not list refugees as a category of people who have a right to work (ECRE 2006). Hence an inconsistency is created between refugee law and employment law and for asylum seekers and refugees it is almost impossible to find regular employment. The main reason is that to employ a foreign worker, employers have to pay a considerable fee which they find a major disincentive. Another obstacle is that it is impossible to obtain a tax number because asylum seekers usually lack recognised IDs.

*'I am a doctor, a gynaecologist. I cannot work here even though I was quite famous in my country, because I don't have a refugee status yet. But I go to the elderly here, I give injections and other medical treatments and they pay me for this' (Chechen woman, Bila Tserka, interview 4/2007).*

Therefore, only irregular employment, mostly on markets or in construction is available, alternatively refugees and asylum engage in small scale self-employment. But for women and specifically for single-mothers and asylum seekers who are not living in large cities, this option is not available.

*'I am a single mother, I have three children. ...I cannot work because of my children. Thank God there are nice people, I take the two children from some rich Ukrainians and they pay me for babysitting, I would not be able to do anything else as I have to watch my kids' (Chechen woman, Bila Tserka, interview 4/2007).*

There are also people with disabilities amongst the Chechen refugee population and no services are provided for them.

*'There is a young man, his house was bombed, he wasn't a fighter, just a civilian, but his house was bombed and he was thrown against the wall. Now his spine is injured and he can't move his legs. He is in a wheel chair. He can't go out, he is always at home. So sometimes I go and take him out, bring him food as well. There is another person who is completely blind' (member of Chechen refugee community organisation, Bila Tserka, 4/2007).*

Further, a non-representative survey indicates that the majority of refugees have at least secondary or even higher education but are employed in jobs that are not corresponding their skills level. It also found that they are dissatisfied with their accommodation, that they have health problems, that they experienced hostility from locals. In addition, the police treat them with disrespect and subsequently around half of these respondents feel unsafe in Ukraine (Andryseck and Rantala 2007: annex 6).

There are also no examples of the Government actively providing assistance to refugees to adapt to their new environment (Andryseck and Rantala 2007: 6) and there appears to be no efforts being made to improve overall conditions in the near future. It appears that refugees and asylum seekers (including Chechens) experience discrimination and face considerable obstacles in accessing the labour market, housing, and public services such as for health and education.

### **Non-statutory services**

A few international organisations and NGOs provide services to asylum seekers. First and foremost, this is the United Nations High Commissioner for Refugees (UNHCR, budget \$ 2.1 million, UNHCR 2006a), UNHCR has two implementing partners, the Hebrew Immigration Aid Society (HIAS) and Rokada, both are located in Kiev. Since 2002, HIAS as a branch of the US American organisation has provided legal assistance to asylum seekers in the Kiev region. In 2006, they had 2,100 clients. HIAS and some other regional NGOs have also implemented the UNHCR's refugee status determination process which has been implemented parallel to the State. Rokada was set up in 2000, it provides some social services to refugees and asylum seekers in the Kiev region. In 2006, they served 1,300 individual clients. They also assist the most destitute asylum seekers (around 450) providing \$ 80 per month. Other people are supplied emergency food packages and other personal items such as second hand clothes, bedding and other items. Rokada also runs a refugee integration centre that provides some language classes, counselling and a crèche. The Jesuit Refugee Service (JRS), the European Council of Refugees and Exiles (ECRE) and the Danish Refugee Council also have some activities in Ukraine.

In Western Ukraine (Transcarparthia), where more than half of all asylum seekers file their application, there are two NGOs, Caritas and NEEKA. Caritas is based in Uzhgorod, it is a project of Caritas Austria and funded through the EU. They provide legal aid to asylum seekers, in particular to detainees in the three detention centres in the region (see below). At the time of writing this paper, access to the detention centres was suspended. NEEKA, the second NGO, is a Christian faith organisation in Mukachevo, they are implementing partners of UNHCR with some further funding from Caritas Austria whilst the local Red Cross helps with second hand clothes. NEEKA provides mostly social services, such as food packages, including health services but also some legal aid.

Across the country, thirteen other local NGOs, usually partners of UNHCR, provide diverse services such as legal aid in places like Chernihiv, Charkiv, Donetsk, Odessa, Lviv, Luhansk and Vinnitsya. In most cases, funding is scarce and often project based and as a result the future of many activities is uncertain. Unfortunately, NGOs often seem to 'lack suitably experienced/qualified staff' with the desirable level of professionalism' (Andryseck and Rantala 2007: 8) and even cases of corruption are alleged. NGOs have little tradition in being independent from statutory agencies; instead they are interconnected with State agencies and cannot always be considered confident advocates for the rights of refugees. For these and other reasons, asylum seekers and detainees are often very negative about some NGOs and consider them part of the problem.

Finally, there are a few refugee community organisations, notably of Afghan, Chechen and Angolan refugees that provide some assistance. Mostly, this is of non-material nature but in the Kiev region, Berkat, a Chechen aid charity, hands out supplies to asylum seekers of any nationality. These range from second hand clothes, walking aids and stationary for school children. They are supported by just one US American donor but otherwise have received no further funding. In Zaporizhia there is the Chechen cultural centre Voina which organises some support to Chechen refugees. There are

few services available in other cities and refugees have to travel long distances to receive any support. Relations between the Chechen refugee community organisations and other NGOs and international organisations display some level of frustration.

*'The rich organisations don't help us, they have high salaries, big cars, offices, but they don't help us. IOM never gave any help, they have a big office in the centre of town but they don't help. We turned to them but they always refuse. Refugees in need turn to us and not to IOM, because they know that they won't get any help from them. ...I can't understand how can they pay such salaries and expensive rents for offices in city centre when there are so many refugees suffering and not getting any help'* (member of a Chechen refugee community organisation, Kiev, interview 4/2007).

*'We receive acknowledgement letters from UNHCR but that doesn't help us. ...We are thankful that UNHCR listens but sometimes we feel that they do not want certain information'* (another member of a Chechen refugee community organisation, Uzhgorod, interview 8/2007).

*'A family was stranded at the train station [in Kiev]; they actually lived at the train station. But Rokada refused to support them. UNHCR was appalled'* (ibid).

Nevertheless, the dissatisfaction with services must be understood in a wider context. It must be acknowledged that international organisations often have only limited resources and are not meant to step in where statutory services are absent. Subsequently, local NGOs that are usually only implementing partners can offer very limited services, whilst refugee community and NGOs lack funding and can do very little to relieve their clients' situation. Thus, blaming international organisations and NGOs is understandable but not always fully justified.

### **Arrest, Detention and Deportation**

In legal terms illegal immigrants or migrants attempting to illegally cross the border to the EU are held for up to ten days at the point of arrest. They may be held by a border guard detachment at the border or they may be held at an international airport or at a police station. So far, there are only two purpose-built detention centres for illegal immigrants and both are in Western Ukraine and are run by border guards: Mukachevo for women and children and with a capacity of 20 and Pavchino for men, with a capacity of 250. Two more EU-funded centres are to be opened soon, Lutsk and Chernihiv. The detention centre in Lutsk will possibly serve the EU-Ukraine readmission agreement and will be run by Ukrainian authorities with some role of IOM. The detention centre in Chernihiv may possibly facilitate implementation of the new readmission with Russia. However in other regions where there are no such detention facilities illegal immigrants are held in police cells and prisons. Conditions in detention centres are critical, they are overcrowded and often in a state of decay, food is scarce, sanitary facilities inappropriate and staff are reported to be violent and corrupt. In 2006, Human Rights Watch (2006) reported reveal serious human rights violations.

Once the status of suspected illegal immigrants is established, a national from a Commonwealth of Independent States (CIS) who is arrested on the territory of Ukraine or on the Western border would be released but ordered to voluntarily leave the country. In contrast, CIS citizens who are arrested on entry, e.g. on the Russian border will be returned to the country they have entered from. People of other nationalities are detained for a maximum of six months in order to establish their identity, nationality and prepare their return. Repeated arrest results in repeated detention. Those who are arrested on entry at the Eastern border and who cannot be returned to Russia, such as third country nationals, are transferred to Kiev and referred to the Migration Service so their status can be established (SBGS, interview 4/2007). Immigrants who apply for asylum should normally be released. However, according to interviews conducted with asylum seekers in 2006 and 2007 there are various concerns. Firstly, interviews with NGOs and Chechens show that not all refugees arrested by the border guards have a chance to make their claim and they are sometimes returned to Russia. Secondly, some people are kept in prison for long periods of time before being given a chance to apply for asylum. Thirdly, access to asylum procedures is often only granted after bribes have been paid to the police and border guards who are holding the illegal immigrants.

Additionally, bribes are often required to be paid to interpreters for facilitating access to the Migration Service and to the Migration Service for receiving the application.

### **Social Conditions, Racism and Skinhead Violence**

Asylum seekers are not entitled to any State benefits and because they lack tenancy agreements they cannot register with local authorities and therefore cannot claim access to local social services. Once refugees are recognised they receive a one-off payment of Grivna 17 by the State, this is the equivalent of two cups of tea, there is less than \$200 cash provided annually for all refugees (HIAS, interview 4/2007). UNHCR benefits, which are paid only to the neediest, are only half the legal minimum income; the poverty line is defined as USD 5 per day, \$150 per month. Because of high rents particularly in the Capital, benefits are often not even sufficient to provide people with shelter. Occasionally, destitute asylum seekers live in weekend homes ('datchas') or are referred to a homeless shelter where they are given some food and can stay for a few nights. Health and mental problems are reported by several respondents and those needing hospital treatment cannot afford to lose working days. Others are addicted to drugs, e.g. sniffing of glue; some assume that this is in response to despair. Another specific concern is caused by the rise of skinhead violence within the past three years (UNHCR 2007). Certain groups of migrants report incidents on a daily basis; other sources report that every three months a black or Asian person is murdered (Pastor Sunday, conversation 10/2007). So far, the Ministry of Interior seems to refuse acknowledge that there is a problem and the police seem to remain inactive (interviews with Spanish embassy staff, 10/2006 and a journalist, 4/2007). Chechen refugees are not reporting such incidents, instead they complain about experiencing racial stereotyping such as being called 'terrorists', although recently they are saying this has diminished.

### **Administrative Obstacles, Corruption and Police Harassment**

Further obstacles relate to refugee's lack of documentation, to civil service corruption and to police harassment. Almost all sources report high levels of corruption in the public service<sup>iv</sup>. As salaries of public service staff are low and often do not even cover their rent; unofficial fees are being requested before officials become active, e.g. processing a claim or issuing documents; interpreters also normally request a fee and even some NGO staff are accused of corruption. In particular refugees seem to be considered an easy target for all kinds of illegitimate demands by civil servants.

Another set of problems is related to the asylum procedure. For instance, in an asylum interview at the Migration Service in Uzhgorod, Western Ukraine, applicants report that they have to pay and they also have to arrange and pay for the interpreters. They also must bribe officials in order to be released from detention prior the legal maximum of six months (the charge varies according to ethnicity and is between \$ 400 and \$ 900). Some refugees believe that this is 'big business' and that they are basically 'milked' (interviews with refugees, Western Ukraine, 8/2007).

Another set of problems relates to lack of appropriate documentation, such as IDs, *propiskas* and work permits (as explained above). Police seem well aware of this dilemma and are constantly stopping migrants of any status, checking their documents and if these are incomplete (which normally is the case) they threaten them with the option of report and arrest or alternatively a bribe. Asylum seekers also report paying local police on a regular basis to avoid trouble.

### **Conclusion**

Chechen refugees have been arriving in the Ukraine for almost fifteen years. Those, who arrived first, during the mid 1990s, found relatively favourable conditions and were able to regularize their status within a reasonable period of time. They managed to secure reliable sources of income, often in small-scale business, their children go to school and they have a chance to integrate into Ukraine society. Given that conditions remain stable they seem likely to settle permanently and are unlikely

to migrate to another country. But those asylum seekers who arrived after 2000 encountered a deteriorated political climate and are often unable to regularize their status.

*'In practice, it is not possible for Chechens to obtain a legal status which would enable them to stay in the country' (ECRE 2006: 9).*

Because of this they are often unable to establish a source of livelihood and to secure a decent life.

Further, while Chechens encounter the same unfavourable situations as any other refugees there is also evidence of some specific Chechen discrimination resembling their experiences of persecution in Russia. For instance, some sources allege that:

*'the attitude of the [Ukrainian] authorities is virtually no different than what Chechens experience in Russia' (Sattayev 2004: 2).*

Within the Chechen refugee population specifically vulnerable groups can be identified, notably unaccompanied minors, (widowed) single mothers, and disabled refugees. Due to these conditions recent Chechen refugees do not feel able or safe to stay in Ukraine. For some the answer is return,

*'a lot also try to go back home because it is more difficult to survive here than to survive at home' (Chechen refugee community representative, interview 2007).*

This account illustrates the unfortunate deterring effect of policies and practices in Ukraine on Chechen refugees who feel compelled to return to a war-torn country and to an uncertain future.

For the various reasons described in this contribution, diverse European bodies and international organisations are generally critical of the asylum system in Ukraine. For instance, the International Centre for Migration Policy Development (ICMPD 2006: 13) believes there is 'a general lack of a human rights culture'. Staff of the International Organization for Migration (IOM) in Kiev in an interview in 2006 did not consider Ukraine a safe country for most refugees. Recently, the UNHCR (2007: 14) reaffirm that 'no assurances can be given that the persons in question ... would have access to a fair and efficient refugee status determination procedure, would be treated in accordance with international refugee standards or that there would be effective protection against *refoulement*'.

Finally, the Commissioner for Human Rights of the Council of Europe sums up that despite some improvements the overall situation in Ukraine is still characterized by 'dysfunctional reception procedures for migrants' (Council of Europe 2007: 26). So far, there seem to be few alternative responses for refugees. For some, the answer is to leave Ukraine for a Western European country. Although seeking shelter in another country is not normally legally possible and most are compelled to turn to irregular strategies.

*'It is very difficult for people if they don't have a status, they can't work...A lot go illegally to another country' (Chechen refugee community representative, interview 4/2007).*

Another alternative to this could be to implement measures designed to improve conditions in Ukraine so that it becomes a feasible option for Chechen and other refugees to stay if they wish. A further alternative could be to improve access to legal entry to a safe country, for example through resettlement programmes, at least for the most vulnerable groups (see for e.g. UNHCR 2004).

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## Footnotes:

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<sup>i</sup> This contribution is part of a research project on 'Migration on the Fringes of Europe' which is conducted at the Centre for Migration, Policy and Society (COMPAS), University of Oxford. The first case study is Ukraine; all interviews quoted in this chapter were conducted by the author during five fieldtrips between 2006-7.

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<sup>ii</sup> This can be acquired after three years of continuous residence in the country. And because language is the main requirement Chechens, who normally do speak Russian have no problems to satisfy the criteria, but also the first Afghan refugees, who often served in the pro-Soviet government or armed forces often speak Russian and could receive citizenship.

<sup>iii</sup> The first hearing basically establishes a person's identity and nationality, the second hearing explores the grounds for an asylum application.

<sup>iv</sup> Transparency International, an anti-corruption watchdog, ranks Ukraine 107th out of 158 countries in its Corruption Perception Index for 2005, this is on the same level as Belarus, Kazakhstan, and Palestine.