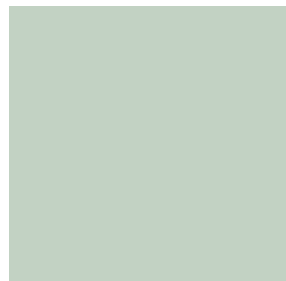


UPDATE ON 2024



UKRAINE



COUNTRY REPORT

JUNE 2025

Acknowledgements & Methodology

This 2024 update of the AIDA report on Ukraine, as well as its first edition in 2023, were written by CF Right to Protection, and were edited by ECRE.

The information in this report is up-to-date as of 31 December 2024, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 24 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 5 non-EU countries (Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA), funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.



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Glossary & List of Abbreviations

Asylum seeker	A person who intends to apply for refugee status or complementary protection
COI	Country of Origin
Complementary protection	According to the Law of Ukraine on Refugees and Persons in Need of Complementary or Temporary Protection, it is a form of protection granted in Ukraine on an individual basis to foreigners and stateless persons who have arrived in or are staying in Ukraine and who cannot or do not wish to return to their country of nationality or previous habitual residence due to threats to their life, safety, or freedom in the country of origin because of fears of being subjected to the death penalty or execution of a death sentence, torture, inhuman or degrading treatment or punishment, or widespread violence in situations of international or internal armed conflict, or systematic human rights violations, and who cannot or do not wish to return to such a country due to these fears.
ECtHR	European Court of Human Rights
ENIC-NARIC Networks	European Network of Information Centres and National Academic Recognition Information Centres in the European Union
EU	European Union
EUAA	European Union Agency for Asylum
FLAC	Free Legal Aid Centre
HIAS	Hebrew Immigrant Aid Society
ID	Identification document
MCC	Migrant Custody Centre
MoI	Minister of Interior of Ukraine
MSID	Asylum applicant certificate
MTT	Temporary detention facilities managed by the SBGS
NEEKA	International Foundation for Health and Environmental Protection “Region Karpat” NEEKA
NGO	Non-governmental organisation
Parliament Commissioner	Parliament Commissioner for Human Rights
R2P	“Right to Protection”, CF
ROKADA	“ROKADA”, CF
RSD	Refugee Status Determination
SBGS	State Border Guard Service of Ukraine
SMS	State Migration Service of Ukraine
SSU	Security Service of Ukraine
TAC	Temporary Accommodation Centre
TIN	Tax identification number, Ukrainian taxpayer card
The Tenth of April	Civil organisation “The Tenth of April”
UNHCR	United Nations High Commissioner for Refugees

Statistics

Overview of statistical practice

In Ukraine, the State Migration Service (SMS) publishes the following data regarding international protection: number of asylum applications for refugee status and status of a person in need of complementary protection; figures regarding the decisions of the SMS: granting the status, refusing, cancelling, withdrawing). Number of issued and extended documents: MSID, refugee certificate, and certificate of a person in need of complementary protection. The number of female and male beneficiaries of international protection.

The data is published in the format of a PDF file without the possibility to break it down or disaggregate it. The statistics are accessible on a quarterly and annual basis.

As detailed under [Regular procedure](#), the asylum procedure in Ukraine takes place in two stages, starting with a preliminary stage, at the end of which the authorities either reject the application or decide to proceed with further examination. Data on these two stages is presented in separate tables in the statistics below.

Decisions at the preliminary stage of asylum applications: figures for 2024

Total decisions at the preliminary stage in 2024	Number of “negative” decisions at preliminary stage	Number of “positive” decisions at preliminary stage (decisions to send the case to further examination)
86	17	69

Applications and granting of protection status at first instance, in the further examination procedure: figures for the year 2024 (1)

	Applicants in 2024 (2)	New and ongoing cases throughout 2024 ¹	Total decisions in 2024 ² (3)	Total rejections upon further examination	Refugee status	National complementary protection
Total	106 ³	810	216	163	5	48
Breakdown by 10 main countries of origin of the total numbers						
Russia	34	39 ⁴	59	27	1	31
Tajikistan	17	18 ⁵	24	24	0	0
Belarus	8	6	14	6	1	7
Nigeria	6	6	6	6	0	0
Syrian Arab Republic	5	5	10	7	0	3
Stateless persons	3	3	n/a	n/a	0	3
Azerbaijan	2	n/a	n/a	n/a	0	0
Afghanistan	2	4	38	36	0	2
Georgia	2	n/a	n/a	n/a	0	1
Cameroon	2	2	n/a	n/a	0	0

Source: SMS statistics for 2024; SMS' responses to the R2P request for public information, April 2025.

Note 1: statistics on applicants and pending concern people, including children and dependents. The rest of the columns concern number of decisions.

Note 2: "Applicants in year" refers to the total number of applicants, and not only to first-time applicants.

Note 3: Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.

¹ Number of asylum certificates delivered (166) added to the number of extended asylum certificates (644). Statistical data on the number of persons who have a valid MSID in Ukraine at a specific date is not available, hence it is not possible to give a number of pending cases as of 31 December 2024.

² Breakdown: refugee status (5) + complementary protection (48) + total rejection (163). Moreover, not included in this total, there were decisions of loss (19) and withdrawal (3) of protection.

³ Applications may involve several applicants, as minor children are included in the same application as their parents. Thus, 106 applicants were combined into 81 applications.

⁴ 39 applicants, combined into 31 applications.

⁵ 18 applicants, combined into 11 applications.

Applications and granting of protection status at first instance, in the further examination procedure: rates for 2024

Please note that these rate calculations do not take into account the negative decisions made at the preliminary stage, as this does not correspond to the general approach to calculating such statistics. At the same time, these figures should be revised in the future to synchronize the statistics.

	Rejection rate	Overall protection rate	Refugee rate	Complementary protection rate
Total	75%	25%	2.4%	22.6%
Russia	45.8%	54.2%	1.7%	52.5%
Tajikistan	100%	0%	0%	0%
Belarus	42.9%	57.1%	7.1%	50%
Nigeria	100%	0%	0%	0%
Syrian Arab Republic	70%	30%	0%	30%
Stateless persons	n/a	n/a	n/a	n/a
Azerbaijan	n/a	n/a	n/a	n/a
Afghanistan	94.7%	5.3%	0%	5.3%
Georgia	n/a	n/a	n/a	n/a
Cameroon	n/a	n/a	n/a	n/a

Source of the percentages: SMS statistics for 2024; SMS' responds to the R2P request for public information, April 2025.

Gender/age breakdown of the total number of applicants: 2024

	Men	Women
Number	71	35
Percentage	67%	33%

	Adults	Children	
		Accompanied	Unaccompanied
Number	106	16 ⁶	0
Percentage	85%	15%	0%

Source: SMS statistics for 2024; SMS’ responds to the R2P request for public information, April 2025

Note: The gender breakdown (Men/Women) applies to all applicants, not only adults.

First instance and appeal decision rates: 2024

Data on appeals was not available for 2024.

⁶ Minor children are included in the same application as their parents.

Overview of the legal framework

Main legislative acts on asylum procedures, reception conditions, detention and content of international protection

Title (EN)	Original Title (UA)	Abbreviation	Web Link
Law of Ukraine on Refugees and Persons in Need of Complementary or Temporary Protection	Закон України про біженців та осіб, які потребують додаткового або тимчасового захисту	Law on Refugees	https://zakon.rada.gov.ua/laws/show/3671-17#Text
Law of Ukraine on the Legal Status of Foreigners and Stateless Persons	Закон України про правовий статус іноземців та осіб без громадянства	Law on Foreigners	https://zakon.rada.gov.ua/laws/show/3773-17#n92
Law of Ukraine on the Ukrainian Parliament Commissioner for Human Rights	Закон України про Уповноваженого Верховної Ради України з прав людини	Law on Parliament Commissioner	https://zakon.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80#Text
Law of Ukraine on Free Legal Aid	Закон України про безоплатну правничу допомогу	Law on Free Legal Aid	https://zakon.rada.gov.ua/laws/show/3460-17#Text
Law of Ukraine on Social Services	Закон України про соціальні послуги	Law on Social Services	https://zakon.rada.gov.ua/laws/show/2671-19#Text
Law of Ukraine on Employment	Закон України про зайнятість населення	Law on Employment	https://zakon.rada.gov.ua/laws/show/5067-17#Text
Law of Ukraine on Higher Education	Закон України про вищу освіту	Law on Higher Education	https://zakon.rada.gov.ua/laws/show/1556-18#Text
Law of Ukraine on Professional (Vocational) Education	Закон України про професійну (професійно-технічну) освіту	Law on Vocational Education	https://zakon.rada.gov.ua/laws/show/103/98-%D0%B2%D1%80#Text
Law of Ukraine on Complete Secondary Education	Закон України про повну загальну середню освіту	Law on Complete Secondary Education	https://zakon.rada.gov.ua/laws/show/463-20#Text
Law of Ukraine on Principles of Ukrainian Healthcare Legislation	Закон України про основи законодавства України про охорону здоров'я	Law on Healthcare Legislation	https://zakon.rada.gov.ua/laws/show/2801-12#Text
Law of Ukraine on State Financial Guarantees of Healthcare Services for the Population	Закон України про державні фінансові гарантії медичного обслуговування населення	Law on Financial Guarantees of Healthcare Services	https://zakon.rada.gov.ua/laws/show/2168-19#Text

Code of Administrative Judicial Procedure of Ukraine	Кодекс адміністративного судочинства України	Code of Administrative Judicial Procedure	https://zakon.rada.gov.ua/laws/show/2747-15#Text
Code of Administrative Offences of Ukraine	Кодекс України про адміністративні правопорушення	Code of Administrative Offences	https://zakon.rada.gov.ua/laws/show/80731-10#Text ; https://zakon.rada.gov.ua/laws/show/80732-10#Text
Code of Labour Laws of Ukraine	Кодекс законів про працю України	Labour Code	https://zakon.rada.gov.ua/laws/show/322-08#Text
Law of Ukraine on Border Control	Закон України про прикордонний контроль	Law on Border Control	https://zakon.rada.gov.ua/laws/show/1710-17#Text
Law of Ukraine on Amendments to Certain Legislative Acts of Ukraine on Protection of the State Border of Ukraine	Закон України про внесення змін до деяких законодавчих актів України щодо захисту державного кордону України	Law on Amendments to Certain Legislative Acts on Protection of the State Border of Ukraine	https://zakon.rada.gov.ua/laws/show/2952-20#n207
Law of Ukraine on Ukrainian Citizenship	Закон України про громадянство України	Law on Ukrainian Citizenship	https://zakon.rada.gov.ua/laws/show/2235-14#Text
Law of Ukraine on Rehabilitation in the Healthcare Sector	Закон України про реабілітацію у сфері охорони здоров'я	Law on Rehabilitation	https://zakon.rada.gov.ua/laws/show/1053-20#Text
Law of Ukraine on the State Border Guard Service of Ukraine	Закон України про Державну прикордонну службу	Law on SBGS	https://zakon.rada.gov.ua/laws/show/661-15#Text
Law of Ukraine on court fees	Закон України про судовий збір	Law on court fees	https://zakon.rada.gov.ua/laws/show/3674-17#Text

Main implementing decrees, guidelines and regulations on asylum procedures, reception conditions, detention and content of international protection

Title (EN)	Original Title (UA)	Abbreviation	Web Link
Regulation on the State Migration Service of Ukraine of 20 August 2014 No. 360	Положення про Державну міграційну службу України від 20.08.2014 № 360	Regulation on the SMS	https://zakon.rada.gov.ua/laws/show/360-2014-%D0%BF#Text
Rules for Consideration of Applications and Execution of Documents Necessary for Resolving the Issue of Recognition as a Refugee or a Person in Need of Complementary Protection, Loss and Withdrawal of Refugee Status and Complementary Protection and Cancellation of the Decision on Recognition of a Person as a Refugee or a Person in Need of Complementary protection of 07 September 2011 No. 649	Правила розгляду заяв та оформлення документів, необхідних для вирішення питання про визнання біженцем або особою, яка потребує додаткового захисту, втрату і позбавлення статусу біженця та додаткового захисту і скасування рішення про визнання особи біженцем або особою, яка потребує додаткового захисту від 07.09.2011 № 649	Rules for the Consideration of Asylum Applications	https://zakon.rada.gov.ua/laws/show/z1146-11#n124
Instruction on the Procedure for the Actions of Officials of the State Border Guard Service of Ukraine and Interaction with Territorial Bodies of the State Migration Service of Ukraine in the Course of Applying for Recognition as Refugees or Persons in Need of Complementary Protection by Foreigners or Stateless Persons of 10 August 2016 No.772	Інструкція про порядок дій посадових осіб Державної прикордонної служби України та взаємодії з територіальними органами Державної міграційної служби України під час звернення іноземців чи осіб без громадянства із заявами про визнання біженцями або особами, які потребують додаткового захисту від 10.08.2016 №772	SBGS Instruction	https://zakon.rada.gov.ua/laws/show/z1212-16#Text
Instruction on the Procedure for the Detention of Foreigners and Stateless Persons in Migrant Custody Centres for Foreigners and Stateless Persons Illegally Staying in Ukraine of 29 February 2016 No. 141	Інструкція про порядок утримання іноземців та осіб без громадянства в пунктах тимчасового перебування іноземців та осіб без громадянства, які незаконно перебувають в Україні від 29.02.2016 №141	Instruction on the Detention of Foreigners	https://zakon.rada.gov.ua/laws/show/z0748-16#Text

Regulations on Judicial Practice of Consideration of Disputes Concerning the Status of Refugee and of a Person in Need of Complementary or Temporary Protection, Forced Return and Forced Expulsion of a Foreigner or a Stateless Person from Ukraine and Disputes Related to Stay of Foreigners and Stateless Persons in Ukraine of 25 June 2009 No. 1	Постанова про судову практику розгляду спорів щодо статусу біженця та особи, яка потребує додаткового або тимчасового захисту, примусового повернення і примусового видворення іноземця чи особи без громадянства з України та спорів, пов'язаних із перебуванням іноземця та особи без громадянства в Україні від 25.06.2009 № 1	Regulations on Judicial Practice of Consideration of Disputes Concerning the Status of Refugee	https://zakon.rada.gov.ua/laws/show/v_001760-09#Text
Procedure for Conducting an Examination to Establish the Age of a Child Left Without Parental Care and in Need of Social Protection of 23 October 2013 No. 903/1464/711	Порядок проведення обстеження для встановлення віку дитини, яка залишилась без піклування батьків та потребує соціального захисту від 23.10.2013 № 903/1464/711	Procedure of Age Assessment of Unaccompanied Children	https://zakon.rada.gov.ua/laws/show/z1935-13#Text
Procedure for Interaction between State and Local Self-Government Bodies in Identifying Children Separated from Their Families Who Are Not Citizens of Ukraine 16 November 2016 No. 832	Порядок взаємодії державних органів та органів місцевого самоврядування під час виявлення розлучених із сім'єю дітей, які не є громадянами України від 16.11.2016 № 832	Procedure of Interaction between State Bodies in Age Assessment of Unaccompanied Children	https://zakon.rada.gov.ua/laws/show/832-2016-%D0%BF#Text
Regulations on the Commission for Establishing the Age of a Child Left Without Parental Care and in Need of Social Protection of 23 October 2013 No. 903/1464/711	Положення про комісію для встановлення віку дитини, яка залишилась без батьківського піклування та потребує соціального захисту від 23.10.2013 № 903/1464/711	Regulations on the Commission for Age Assessment of of Unaccompanied Children	https://zakon.rada.gov.ua/laws/show/z1934-13#n17
Procedure for Conducting a Medical Examination of Persons in Respect of Whom a Decision to Execute Documents for Deciding on Recognition as a Refugee or a Person in Need of Complementary Protection, 04 March 2002, No. 82	Порядок про проведення медичного обстеження осіб, стосовно яких прийнято рішення про оформлення документів для вирішення питання щодо визнання біженцем або особою, яка потребує додаткового захисту від 04.03.2002 № 82	Procedure for Conducting a Medical Examination of Asylum Applicants	https://zakon.rada.gov.ua/laws/show/z0379-02#Text
Procedure for Provision of Medical Care to Foreigners and Stateless Persons Permanently Residing or Temporarily Staying on the Territory of Ukraine Who Applied for Recognition as Refugees or Persons in Need of Complementary Protection, in Respect of Whom a Decision was Made to Process Documents to Resolve the Issue of Recognition as	Порядок надання медичної допомоги іноземцям та особам без громадянства, які постійно проживають або тимчасово перебувають на території України, які звернулися із заявою про визнання біженцем або особою, яка потребує додаткового захисту, стосовно яких прийнято рішення про оформлення документів для вирішення питання щодо визнання біженцем або	Procedure for the provision of Medical Care to Foreigners	https://zakon.rada.gov.ua/laws/show/121-2014-%D0%BF#Text

Refugees or Persons in Need of Complementary Protection, and for Compensation of the Cost of Medical Services and Medicines Provided to Foreigners and Stateless Persons provided to Foreigners and Stateless Persons, 19 March 2014, No. 121	особою, яка потребує додаткового захисту, та яких визнано біженцями або особами, які потребують додаткового захисту, та компенсації вартості медичних послуг і лікарських засобів, наданих іноземцям та особам без громадянства, які тимчасово проживають або перебувають на території України від 19.03.2014 № 121		
Letter of the Ministry of Education and Science on Methodological Recommendations on the Peculiarities of Education of Refugee Children of 25 April 2014, No. 14.1/10-1183	Лист Міністерства освіти і науки про методичні рекомендації щодо особливостей навчання дітей-біженців від 25.04.2014 № 14.1/10-1183	Letter of the Ministry of Education on Education of Refugee Children	https://zakon.rada.gov.ua/rada/show/v1183749-14#Text
Regulation of the Cabinet of Ministers of Ukraine on Certain Categories of Persons with Special Educational Needs of 14 November 2018 No. 952	Постанова Кабінету Міністрів України Про деякі категорії осіб з особливими освітніми потребами від 14 листопада 2018 № 952	Regulation on Persons with Special Educational Needs	https://zakon.rada.gov.ua/laws/show/952-2018-%D0%BF#Text
Procedure for Determining a Primary Care Physician dated 19 March 2018 No. 503	Порядок вибору лікаря, який надає первинну медичну допомогу від 19.03.2018 № 503	Procedure for Determining a Primary Care Physician	https://zakon.rada.gov.ua/laws/show/z0347-18
Regulations on Temporary Accommodation Centres for Refugees dated 14 June 2018 No. 503	Положення про пункти тимчасового розміщення біженців від 14.06.2018 № 503	Regulations on Temporary Accommodation Centres for Refugees	https://zakon.rada.gov.ua/laws/show/z0788-18#Text
Procedure for Declaring and Registering a Place of Residence (Stay) dated 07 February 2022 No. 265.	Порядок декларування та реєстрації місця проживання (перебування) від 07.02.2022 № 265	Procedure for Declaring and Registering a Place of Residence	https://zakon.rada.gov.ua/laws/show/265-2022-%D0%BF#Text

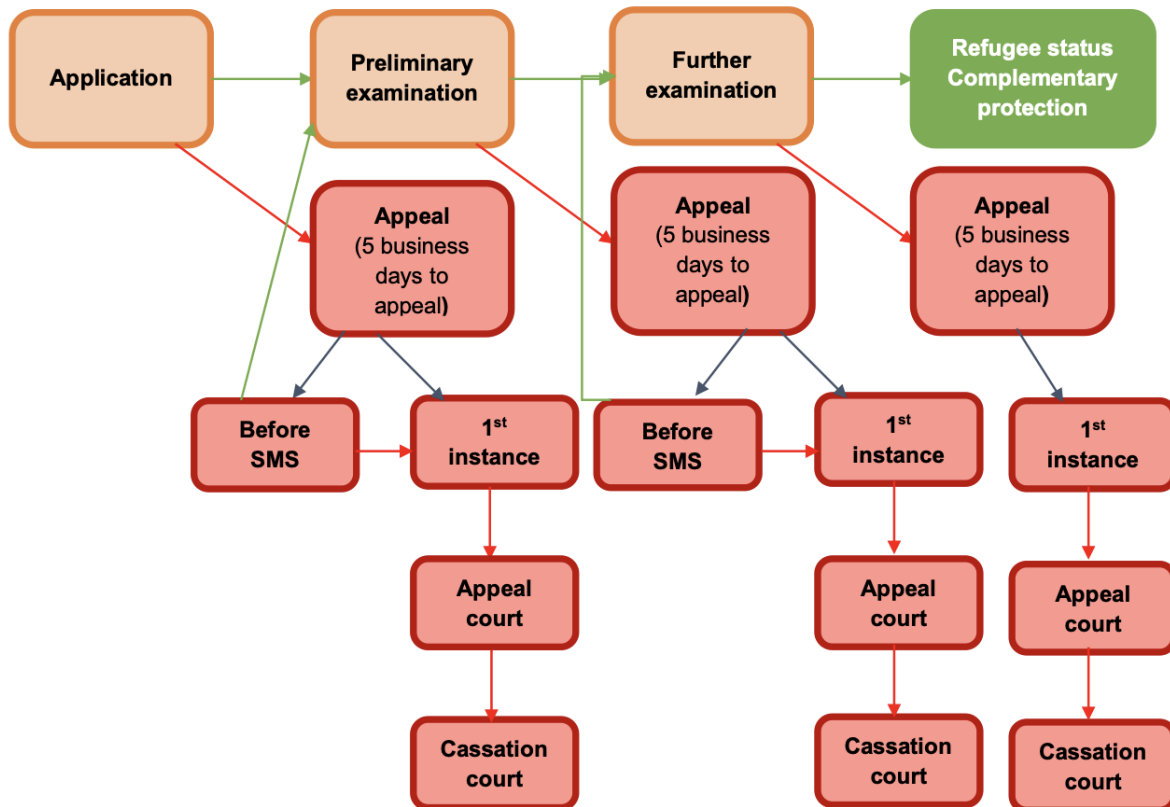
Resolution of the Plenum of the Supreme Administrative Court of Ukraine on Judicial Practice of Consideration of Disputes Concerning Refugee Status and a Person in Need of Complementary or Temporary Protection, Forced Return and Forced Expulsion of a Foreigner or Stateless Person from Ukraine and Disputes Related to the Stay of a Foreigner or Stateless Person in Ukraine of 25 June 2009 No. 1.	Постанова пленуму Вищого адміністративного суду України про судову практику розгляду спорів щодо статусу біженця та особи, яка потребує додаткового або тимчасового захисту, примусового повернення і примусового видворення іноземця чи особи без громадянства з України та спорів, пов'язаних із перебуванням іноземця та особи без громадянства в Україні від 25.06.2009 № 1	Resolution of the Plenum of the Supreme Administrative Court of Ukraine on Judicial Practice of Disputes Concerning Refugee Status	https://zakon.rada.gov.ua/laws/show/v_001760-09#Text
Regulation on the Registration of Individuals in the State Register of Individuals-Taxpayers dated 29 September 2017 No. 822	Положення про реєстрацію фізичних осіб у Державному реєстрі фізичних осіб - платників податків від 29.09.2017 № 822	Regulation on the Registration of Individuals in the State Register of Individuals - Taxpayers	https://zakon.rada.gov.ua/laws/show/z1306-17#Text
Model Regulation on the Migrant Custody Centres for Foreigners and Stateless Persons Illegally Staying in Ukraine of 17 July 2003 No. 1110	Типове Положення про пункт тимчасового перебування іноземців та осіб без громадянства, які незаконно перебувають в Україні від 17.07.2003 № 1110	Model Regulation on the Migrant Custody Centres	https://zakon.rada.gov.ua/laws/show/1110-2003-%D0%BF#Text
Regulations on the Refugee Certificate of 14 March 2012 No. 202	Положення про посвідчення біженця від 14.03.2012 № 202	Regulations on the Refugee Certificate	https://zakon.rada.gov.ua/laws/show/202-2012-%D0%BF
Procedure for Registration, Issuance, Exchange, Transfer, Withdrawal, Return to the State, Invalidation and Destruction of Certificate of a Person in Need of Complimentary Protection of 21 July 2021 No. 756	Порядок оформлення, видачі, обміну, пересилання, вилучення, повернення державі, визнання недійсним та знищення посвідчення особи, яка потребує додаткового захисту від 21.07.2021 № 756	Procedure for Issuance of Certificate of a Person in Need of Complementary Protection	https://zakon.rada.gov.ua/laws/show/756-2021-%D0%BF#Text
Regulations on the Refugee Travel Document of 14 March 2012 No. 203	Положення про проїзний документ біженця від 14.03.2012 № 203	Regulations on the Refugee Travel Document	https://zakon.rada.gov.ua/laws/show/203-2012-%D0%BF#Text

Regulations on Travel Document of a Person in Need of Complimentary Protection of 14 March 2012 No. 197	Положення про проїзний документ особи, якій надано додатковий захист від 14.03.2012 № 197	Regulations on Travel Document of a Person in Need of Complimentary Protection	https://zakon.rada.gov.ua/laws/show/197-2012-%D0%BF#Text
Procedure for Granting and Paying State Assistance to Families with Children of 27 December 2001 No. 1751	Порядок призначення і виплати державної допомоги сім'ям з дітьми від 27.12.2001 № 1751	Procedure for Granting and Paying State Assistance to Families with Children	https://zakon.rada.gov.ua/laws/show/1751-2001-%D0%BF#Text
Resolution of the Cabinet of Ministers of Ukraine of Some issues of cooperation with the European Migration Network of 19 November 2024 No. 1322	Постанова Кабінету Міністрів України «Деякі питання співробітництва з Європейською міграційною мережею» від 19 листопада 2024 р. № 1322	Resolution on EMN	https://zakon.rada.gov.ua/laws/show/1322-2024-%D0%BF#Text
Order of the State Committee of Ukraine for Family and Youth Affairs, the Ministry of Education of Ukraine, the Ministry of Health of Ukraine, and the Ministry of Labour and Social Policy of Ukraine dated May 26, 1999, No. 34/166/131/88, registered with the Ministry of Justice of Ukraine on June 17, 1999, under No. 387/3680 Rules on Guardianship and Custodianship.	Наказ Державного комітету України у справах сім'ї та молоді, Міністерства освіти України, Міністерства охорони здоров'я України, Міністерства праці та соціальної політики України від 26.05.99 № 34/166/131/88, зареєстрований у Міністерстві юстиції України 17 червня 1999 р. за № 387/3680 — Правила опіки та піклування	Rules on Guardianship	https://zakon.rada.gov.ua/laws/show/z0387-99#Text
Order of the Ministry of Internal Affairs of Ukraine No. 352 dated 30.03.2015 Instruction on the Procedure for Holding Detained Persons in Border Guard Agencies (Units).	Наказ Міністерства внутрішніх справ України 30.03.2015 № 352 Інструкція про порядок тримання затриманих осіб в органах (підрозділах) охорони державного кордону	Instruction on MTT	https://zakon.rada.gov.ua/laws/show/z0462-15#Text

Asylum Procedure

A. General

1. Flow chart



Introduction to the asylum context

For many years, Ukraine has served as both a transit and destination country for individuals escaping persecution and violence from other parts of the world.⁷ In 2021, around 5,000 asylum applicants and refugees⁸ were either seeking refuge in Ukraine or passing through on their way to the EU.⁹ Of these, 2,382 were granted refugee status or complementary protection in Ukraine, while 2,719 were asylum seekers. Women and girls made up 54 per cent of the refugees and asylum seekers in Ukraine. The prevailing country of origin was Afghanistan.¹⁰

While refugees had several different routes to enter Ukraine, the primary pathways prior to 2022 included regular air travel and irregular crossings through the borders with Russia and Belarus.¹¹ Additionally, there have been reports of refugee movements via Odesa in southern Ukraine, with individuals traveling from Türkiye across the Black Sea.¹²

⁷ UNHCR, *Multi-Year, Multi-Partner Protection and Solutions Strategy for Ukraine, 2018 – 2022*, January 2018, available [here](#).

⁸ UNHCR, the UN Refugee Agency, available [here](#).

⁹ IOM, *Irregular Migrants in Ukraine Analytical Summary*, 13 April 2021, available [here](#).

¹⁰ R2P, *The Study: Community organisations: resources for protecting refugees and asylum seekers in Ukraine*, 20 December 2023, available [here](#).

¹¹ R2P observations.

¹² ICMPD, Q&A: *How closed borders detour migrant routes*, 15 March 2016, available [here](#).

On February 24, 2022, Russia's full-scale invasion of Ukraine triggered a humanitarian crisis, displacing millions of people, including asylum seekers and refugees who were already in the country. Many of them had to flee yet again. As of April 2025, 4,6 million people were internally displaced¹³, and 6,9 million protection seekers from Ukraine were recorded globally.¹⁴

In the first half of 2022, due to open frontiers with the EU and simplified border controls, 1,283 registered asylum applicants who were in contact with the UNHCR fled Ukraine seeking safety from the escalating conflict. However, the actual number may be higher as precise figures are unavailable. Additionally, an unknown number of irregular migrants also left the country during this period.¹⁵ Migrant communities in Ukraine, including asylum seekers, refugees, and persons in need of complementary protection, lost an average of 70% of their members in 2022.¹⁶

In addition, over 43,610 civilian casualties have been verified as of March 2025, and this number is likely to be considerably higher.¹⁷ Since the beginning of 2023, Russian attacks have continued to damage homes and energy facilities.¹⁸ As of April 23, 2025, Russia has temporarily occupied a total of 112,632 km², amounting to 18.66% of Ukraine's territory.¹⁹

In 2022 and 2023, only a few migrant groups experienced growth, notably those of citizens from the Russian Federation and Belarus.²⁰ In the context of war, the number of asylum seeker arrivals has decreased, but instead, the number of asylum seekers *sur place* has grown notably due to Russians and Belarusians who either condemned the Russian aggression and/or joined the Ukrainian Armed Forces.²¹ Thus, the landscape of asylum seekers' and refugees' countries of origin has shifted, with Russia leading the list, followed by Syria, Tajikistan, Belarus, and Afghanistan as of August 2023.²²

In addition, some Belarusians and Russians have been subjected to legislative changes²³ that now pose an obstacle to extending residence permits that they have had for years. An asylum application is seen as the only opportunity to regularise their status in Ukraine. However, the SMS often rejects their applications (see [Statistics](#)), leaving them in legal limbo.

¹³ IOC, *Internally displaced persons*, 07 April 2025, available [here](#).

¹⁴ UNHCR, *Ukraine Refugee Situation*, 17 April 2025, available [here](#).

¹⁵ R2P & HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available [here](#).

¹⁶ R2P, *The Study: Community organisations: resources for protecting refugees and asylum seekers in Ukraine*, 20 December 2023, available [here](#).

¹⁷ Statista, *Number of civilian casualties in Ukraine during Russia's invasion verified by OHCHR from February 24, 2022 to March 31, 2025*, available [here](#).

¹⁸ OCHA, *Ukraine Humanitarian Response 2023: Situation Report*, 23 November 2023, available [here](#).

¹⁹ Deepstatemap, 23 April 2025, available [here](#).

²⁰ R2P, *The Study: Community organisations: resources for protecting refugees and asylum seekers in Ukraine*, 20 December 2023, available [here](#).

²¹ R2P observations.

²² The list is based on UNHCR data of asylum seekers and refugees benefiting from legal assistance from UNHCR. R2P, *The Study: Community organisations: resources for protecting refugees and asylum seekers in Ukraine*, 20 December 2023, available [here](#).

²³ Procedure for simplified issuance and exchange of temporary residence permits for citizens of the Republic of Belarus who are entrepreneurs, highly qualified specialists, in particular specialists in the field of information technology and innovation, whose urgent need is tangible for the economy of Ukraine, and who have applied in the prescribed manner to the territorial bodies/divisions of the State Migration Service for an immigration permit, and their family members dated 23 December 2020 No. 1303; ZMINA, *The Migration Service Should Allow Citizens of Belarus, Including Volunteers of the Armed Forces of Ukraine, to Legalise in Ukraine*, 09 August 2022, available in Ukrainian [here](#).

2. Types of procedures

Indicators: Types of Procedures

- Which types of procedures exist in your country?

❖ Regular procedure:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
▪ Prioritised examination: ²⁴	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
▪ Fast-track processing: ²⁵	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ Dublin procedure:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ Admissibility procedure:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ Border procedure:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ Accelerated procedure: ²⁶	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ Other:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
- Are any of the procedures that are foreseen in the law, not being applied in practice?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (insert)
Application <ul style="list-style-type: none"> ❖ At the border ❖ On the territory 	State Border Guard Service State Migration Service of Ukraine	Державна прикордонна служба Державна міграційна служба України
Dublin	n/a	n/a
Refugee status determination	State Migration Service of Ukraine	Державна міграційна служба України
First appeal	State Migration Service of Ukraine Administrative Court	Державна міграційна служба України Адміністративний суд
Onward appeal	Appeal Administrative Court The Supreme Court	Апеляційний адміністративний суд Верховний Суд
Subsequent application	State Migration Service of Ukraine	Державна міграційна служба України
Revocation / Withdrawal	State Migration Service of Ukraine	Державна міграційна служба України

4. Determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the first instance authority?
State Migration Service of Ukraine	4,814 as of 31 December 2024	Ministry of Internal Affairs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: On approval of the Regulation on the State Migration Service of Ukraine, the official web portal of the Parliament of Ukraine, available in Ukrainian [here](#). Statistical information, State Migration Service of Ukraine, April 2025.

²⁴ For applications likely to be well-founded or made by vulnerable applicants.

²⁵ Accelerating the processing of specific caseloads as part of the regular procedure, without reducing procedural guarantees.

²⁶ Entailing lower procedural safeguards, whether labelled as “accelerated procedure” in national law or not.

The SMS was established in 2010 as a governmental institution coordinated by the Mol.²⁷ The SMS's competence in asylum is part of a broader set of tasks, including various migration policy aspects. The SMS is a central executive body that implements state policy in the areas of migration, including combating irregular migration, citizenship, registration of individuals, refugees, and other categories of migrants prescribed by law.²⁸ In 2024, the SMS annual budget was set at 5,618,055,700 UAH (118,774,962 EUR).²⁹ The total number of people responsible for making decisions on asylum applications is 86 persons.

Regarding its internal structure, the SMS has different departments and units dealing with various tasks assigned by the Regulation to the SMS. The structure also includes the headquarters based in Kyiv and the territorial bodies of the SMS.³⁰ A territorial body of the SMS is a primary authority responsible for accepting and making decisions on asylum applications.³¹

Overall, the SMS has 23 territorial bodies.³² However, only 12 of them accept asylum applications. Thus, in case a person resides in a region where a territorial body of the SMS does not accept asylum applications they have to apply to the neighbouring region. One territorial body of the SMS which accepts applications covers 1-3 regions. It is worth noting that the legislation does not require specifying a fixed number of branches that accept applications. Thus, it is the SMS that has anchored this function to a limited number of branches.

Considering the status of Ukraine as a candidate for membership in the EU, in 2023 the SMS and EUAA outlined the possible cooperation in awareness raising and workshops in the field of asylum. However, throughout 2024 and as of 15 February 2025, the SMS has not received any financial or legal support from the EUAA.³³

Ukraine is one of the European Migration Network Observer Countries.³⁴ In 2024, the Cabinet of Ministers of Ukraine established the Coordination Centre for Cooperation with the European Migration Network as a temporary advisory body to support the functioning of the National Contact Point of the European Migration Network in Ukraine. Its purpose is to facilitate coordination among state authorities in providing the EMN with up-to-date, objective, reliable, and comparable information on the migration situation in Ukraine.³⁵

There is no separate unit/staff which would work on the quality assurances. However, the structure of the SMS and the flow of the asylum procedure inherently allow for regular quality checks through the review at the central SMS level of the draft assessments prepared by the regional MS asylum units.

Also, the UN Refugee Agency (UNHCR) has been present in Ukraine since 1994 and plays a crucial role in supporting the government's efforts to protect refugees and asylum seekers. Its mission includes advocacy for effective asylum systems, combating statelessness, ensuring protection for vulnerable individuals, and fostering local integration. Executive partners of the UNHCR, such as R2P, the Tenth of April, ROKADA and Neeka, play a pivotal role in various types of assistance to asylum seekers and refugees.

5. Short overview of the asylum procedure

Ukraine became a State Party to the 1951 Convention and its 1967 Protocol without reservations on 10 January 2002. In addition, Ukraine is also a State Party to nearly all relevant human rights conventions, which include both International Covenants³⁶ and the European Convention on Human Rights.

²⁷ SMS, *General Information*, available in Ukrainian [here](#).

²⁸ Regulation on the State Migration Service of Ukraine.

²⁹ Ministry of Finance of Ukraine, *Budget for 2024*, available in Ukrainian [here](#).

³⁰ SMS, *Organisational structure*, available in Ukrainian [here](#).

³¹ Section (II)(2.1) Rules for the Consideration of Applications.

³² SMS, *Territorial Bodies of the SMS*, available in Ukrainian [here](#).

³³ Information provided by the SMS, April 2025.

³⁴ European Commission, EMN Member and Observer Countries, available [here](#).

³⁵ Resolution on EMN.

³⁶ International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. UN Human Rights Treaty Bodies, 'Ratification Status for Ukraine', available [here](#).

On 24 December 1993, the Ukrainian Parliament adopted the Law on Refugees, which stayed in force until 31 July 2001. Further Law on Refugees remained in force from 21 June 2001 to 04 August 2011. On 08 July 2011, Ukraine adopted the Law on Refugees and Persons in Need of Complementary or Temporary Protection, which has been amended several times and remains in force to this day.

The Law on Refugees offers two forms of protection: refugee status and the status of a person in need of complementary protection. The national temporary protection status, foreseen in separate legislation, has never been activated. Hence, no one so far has received temporary protection granted in Ukraine.

The notion given to “refugee” aligns with the 1951 Convention and its 1967 Protocol, i.e., a person with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, who is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country.³⁷ Complementary protection status is examined if it is concluded that the person does not meet the definition of a refugee and is conferred to a person who had to arrive in Ukraine due to a threat to their life and safety in a country of origin.³⁸

The SMS is the principal executive agency responsible for the implementation of the migration and asylum policy.³⁹

Overall, the Ukrainian legislation aligns with international standards, specifically with regard to the legislative regulation of the asylum procedure.⁴⁰ Ukrainian laws ensure access to social services, medical care, housing, and labour for asylum applicants, refugees, and persons in need of complementary protection.⁴¹

The steps of the asylum procedure may be described as follows:

Making an application

In case of regular crossing of the border, a person has five business days to make an application to a territorial body of the SMS. In Ukrainian legislation “making an application” is described as “an application for recognition as a refugee or a person in need of complementary protection”.⁴²

In case of irregular crossing of the border, a person should, without delay, contact a territorial body of the SMS to make an application. In its 2009 resolution, the Plenum of the Supreme Administrative Court of Ukraine clarified that the term “without delay” must be understood as acting in good faith, at the earliest opportunity, i.e., without unreasonable delays.⁴³

When crossing the border irregularly, a person may also address the SBGS with the intent to make an application. In such cases, a person should provide an explanation for the irregular border crossing into Ukraine. Following this, the SBGS shall hand over a person to the territorial body of the SMS within 24 hours.

When a person residing in Ukraine on a regular basis finds themselves in circumstances when they cannot return to the country of their origin, they shall contact a territorial body of the SMS to make an application,

³⁷ Article 1(1)(1) Law on Refugees.

³⁸ Article 1(4,13)(1) Law on Refugees.

³⁹ SMS, *General Framework*, available [here](#).

⁴⁰ Coalition of Non-Governmental Organisations, *Interim report “State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine”*, 2020, available [here](#).

⁴¹ Article 13, 15, Law on Refugees.

⁴² Part II Law on Refugees.

⁴³ Plenum of the Supreme Administrative Court of Ukraine, *Resolution on Court Practice of Consideration of Disputes Concerning Refugee Status and a Person in Need of Complementary or Temporary Protection, Forced Return and Forced Expulsion of a Foreigner or Stateless Person from Ukraine and Disputes Related to the Stay of a Foreigner or Stateless Person in Ukraine* no.1, 25 June 2009, available in Ukrainian [here](#).

before the end of their period of regular stay in Ukraine.⁴⁴ If they apply after the end of their regular stay, they do not lose the right to apply for refugee status or complementary protection. However, in practice, the SMS often refuses to accept such applications and imposes a fine for staying in Ukraine without a valid legal basis.⁴⁵

Registering and lodging the application

A territorial body of the SMS shall decide on registering and lodging the application within the same business day on which the application was made.⁴⁶ Ukrainian law refers to this stage as “deciding on the acceptance of an application for recognition as a refugee or a person in need of complementary protection”.⁴⁷

If the SMS registers and lodges the application, it issues the individual a certificate of asylum applicant (MSID, “*dovidka*”) which is valid for one month.⁴⁸ At this stage, the SMS withdraws any national passport and/or identity documents from the applicant.⁴⁹

The territorial body of the SMS may refuse to lodge the application in the following cases:

a person is claiming to be another person;

subsequent application when the circumstances of an applicant have not changed since the previous application.⁵⁰

When the person appeals against the refusal to lodge the application and confirms the appeal, the territorial body of the SMS issues an MSID for three months. The appeal is confirmed by (for the administrative review) providing a copy of the complaint against the decision of the territorial body of the SMS along with documents attesting the complaint has indeed been sent or, in case of appeal in court (judicial review), a copy of the statement of claim with a stamp of the court on its acceptance or a copy of the court decision to open proceedings or a duly executed court summons.⁵¹

First instance procedure

The preliminary examination of the lodged application is performed by a territorial body of the SMS. At this stage, a territorial body of the SMS shall decide on the asylum application within 15 business days. In Ukrainian legislation, this stage is described as “preliminary consideration of applications”.⁵²

During this stage, a territorial body of the SMS shall complete the following tasks:

- ❖ conduct an interview with the applicant;
- ❖ examine the information submitted by the applicant;
- ❖ draft a written conclusion regarding the decision of whether to proceed with further examination.

In case of a positive decision to proceed with the examination of the application, the term of MSID is extended for six months.⁵³

The grounds for the rejection in the preliminary stage are the following:

- ❖ the application is manifestly unfounded, i.e., the conditions set forth in Article 1 of Law on Refugees for refugee status or person in need of complementary protection are absent;
- ❖ in case of a false identity of an applicant;

⁴⁴ Article 5(1-2, 5) Law on Refugees.

⁴⁵ R2P practices.

⁴⁶ Section II(2.2) Rules for the Consideration of Applications.

⁴⁷ Section II Rules for the Consideration of Applications.

⁴⁸ Section III(3.2) Rules for the Consideration of Applications.

⁴⁹ Section III(3.1) Rules for the Consideration of Applications.

⁵⁰ Article 5(6) Law on Refugees.

⁵¹ Section II(2.5) Rules for the Consideration of Applications.

⁵² Section IV Rules for the Consideration of Applications.

⁵³ Section IV(4.1-4.5) Rules for the Consideration of Applications.

- ❖ subsequent application when the circumstances of an applicant have not changed since the previous application.⁵⁴

The further examination of the application after the preliminary examination stage should be carried out within two months of the decision in the preliminary stage. The duration of the examination can be extended for up to three months.⁵⁵ In Ukrainian legislation, this stage is referred to as the consideration of an application after the positive decision to proceed with the examination of the application was upheld.⁵⁶

A territorial body of the SMS performs the following steps during the further examination stage: conduct another interview with the applicant; send a request to the Security Service of Ukraine regarding the applicant; collect all documents concerning the application received in the course of the examination; draft a written conclusion in favour of or against granting the status of refugee or person in need of complementary protection.⁵⁷

The completed package of documents shall be sent to the SMS headquarters. The headquarters shall examine the received profile of the applicant and decide on granting the relevant status within one month of receiving the applicant's personal file and written conclusion. This time limit can be prolonged up to three months. The decision of the SMS shall be sent to a territorial body of the SMS. Within seven business days:

- ❖ In case of a favourable decision, the territorial body of the SMS shall issue a refugee certificate or a certificate of a person in need of complementary protection.
- ❖ In case of a negative decision, the SMS shall send the applicant a written notice setting out the reasons for the refusal and explaining the procedure for appealing such a decision.⁵⁸

Appeal procedure

The Law on Refugees provides for the administrative review of asylum decisions before the SMS and for a judicial review (three instances) before the court in administrative proceedings. In case the territorial body of the SMS refuses to accept the application at the registering/lodging stage or if a negative decision to proceed to further examination of an application is taken, a person may appeal the decision either before the SMS or the Administrative Court within five business days. Similarly, a refusal to grant the status of refugee or person in need of international protection taken in the further examination procedure can be appealed before the Administrative Court within five business days.⁵⁹

⁵⁴ Article 8(6) Law on Refugees.

⁵⁵ Article 9(1) Law on Refugees.

⁵⁶ Section V Rules for the Consideration of Applications.

⁵⁷ Section V(5.1) Rules for the Consideration of Applications.

⁵⁸ Article 10(13) Law on Refugees.

⁵⁹ Articles 8, 10, 12 Law on Refugees.

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☐ Yes ☒ No
2. Is there a border monitoring system in place? ☒ Yes ☐ No
3. Who is responsible for border monitoring? ☒ National authorities ☒ NGOs ☐ Other
4. How often is border monitoring carried out? ☐ Frequently ☒ Rarely ☐ Never

Foreigners enter and leave Ukraine through checkpoints on the state border based on a national passport and in the presence of a visa, unless another entry procedure is established by the legislation or international treaties of Ukraine.⁶⁰ Ukrainian legislation provides only three types of visas for foreigners: transit, short-term, and long-term.⁶¹

Prior to 2022, potential asylum seekers were only granted access if they clearly articulated their intention to apply for asylum immediately, even if they entered Ukraine on another basis, such as an invitation from friends, a student visa, or a tourist visa. According to the applicable legislation and instructions, the SBGS has the right to conduct a detailed interview when it suspects that the declared intention of the visit is not credible. During the process, they are obliged to provide an interpreter if needed.

Based on various sources of information, R2P is aware that during such a clarification interview, the applicant may not articulate their wish to apply for asylum while being denied access for other reasons. At the same time, if they express such a wish only after the decision of the SBGS to deny access to the territory, the SBGS often consider such attempts as an abuse of the procedure and do not accept the asylum claim as a credible ground, even if the applicant is originally from the refugee-producing country.⁶²

The ECtHR case *O.M. and D.S. v. Ukraine* illustrates the serious difficulties asylum seekers faced when trying to access asylum procedures at the Ukrainian border.⁶³ The SBGS removed the first applicant from Ukraine without duly examining her claim, despite the fact that she had articulated her intention to make an asylum application and given relevant explanations.⁶⁴ In addition, the lawyer, representatives of the UNHCR, and the Parliament Commissioner were not allowed to meet with the applicants.⁶⁵

However, since the introduction in February 2023 of Law 2952-IX, which is discussed in Section “[Legal access to the territory](#)”, R2P is unaware of any cases of seeking asylum at the border.

According to the statistical data, during January-April 2024, the SBGS issued 402 refusals to allegedly irregular migrants and detained 1,577 irregular migrants for illegally crossing the border, breaching the rules of staying in the territory of Ukraine and other violations.⁶⁶

⁶⁰ Article 9 Law on the Legal Status of Foreigners and Stateless Persons.

⁶¹ MFA, *Visa to Ukraine*, 23 October 2019, available in Ukrainian [here](#).

⁶² R2P observations.

⁶³ ECtHR, *O.M. and D.S. v. Ukraine*, App. 18603/12, Judgment of 15 September 2022, available [here](#).

⁶⁴ ECtHR, *O.M. and D.S. v. Ukraine*, App. 18603/12, Judgment of 15 September 2022, available [here](#), para. 21-31, 95.

⁶⁵ ECtHR, *O.M. and D.S. v. Ukraine*, Application no. 18603/12, Judgment of 15 September 2022, available [here](#), para. 41.

⁶⁶ Information on January-April 2024. SBGS, *Results of Operational and Service Activities of the State Border Guard Service*, available [here](#).

1.1. Border monitoring

In 2017, UNHCR with the support of the EU Delegation in Ukraine, approached the MoI with a request to establish a mechanism for independent monitoring of access to asylum procedures in international transit zones at airports. The MoI provided a detailed response, which, while not immediately agreeing to implement such monitoring in the restricted areas of Ukrainian airports, including Boryspil, pointed to the need for a preliminary analysis of existing good practices in EU Member States.⁶⁷

Since March 2022, monitoring has been carried out by UNHCR and partner organisations at land border crossing points. UNHCR, jointly with partner NGOs, R2P, NEEKA and The Tenth of April conducts monitoring at 30 border crossing points between Ukraine and Poland, Slovakia, Hungary, Romania and Moldova. Monitors provide legal aid and social assistance for those crossing the borders, including for third-country nationals. Moreover, during 2022-2023, R2P examined access to basic needs (potable water, WCs, shelters, heating, etc) in the border crossing points.⁶⁸ People leaving Ukraine during 2023 named the security situation the main reason for the movement. Monitors also reported that third-country nationals frequently face obstacles in leaving the country.⁶⁹ Individuals from the Russian Federation, Belarus, Uzbekistan, and Azerbaijan faced significant challenges, as they required visas to enter Moldova and the EU. With border closures and limited air connections, they are unable to travel directly to their home countries. As a result, these individuals find themselves in limbo, unable to leave Ukraine or to legally remain there.⁷⁰

In addition, monitors emphasised that the closure of border crossing points during air raid alerts, such as those of Mohyliv-Podilskyi and Bronnytsia, has a severe impact on travellers, including families with children. They are forced to wait in long queues in harsh winter conditions until the points reopen, with no bomb shelters available for civilians at these locations.⁷¹

R2P monitors concluded in 2023 that the international checkpoints and the areas in front of them were not adequately provided with the conditions necessary to meet the basic needs of people.⁷²

In parallel to this organised monitoring, the Parliament Commissioner has access to the places of passenger transit facilities at state border crossing points without prior notice of the time and purpose of the visit.⁷³ Information about such monitoring visits is published on the Parliament Commissioner's website and in his annual reports.⁷⁴

1.2. Legal access to the territory

Due to the lack of possibility to directly submit an application for international protection at the Ukrainian embassy or consulate in their country, asylum seekers wishing to arrive in Ukraine to apply for international protection must possess a valid passport document and a visa.⁷⁵ As humanitarian visas are not provided for in Ukrainian law, asylum seekers may obtain a visa to enter Ukraine for another purpose, such as tourism or business, and then approach Ukrainian migration authorities to apply for international protection. This approach may be driven by a desire to avoid prosecution by the Ukrainian authorities or the danger of an irregular border crossing.

⁶⁷ UNCHR.

⁶⁸ R2P, *Arrangement of International Border Crossing Points and Areas in front of them. Monitoring Study (September 2022 - February 2023)*, 04 August 2023, available in Ukrainian [here](#).

⁶⁹ UNHCR, *Border Monitorings*, September-December 2023, available [here](#).

⁷⁰ UNHCR, *International Border Crossing Points*, November 2023, available [here](#).

⁷¹ UNHCR, *International Border Crossing Points*, December 2023, available [here](#).

⁷² Ibid, e.g.19.

⁷³ Article 13(8) Law on the Parliament Commissioner.

⁷⁴ Parliament Commissioner, available [here](#).

⁷⁵ Article 9 Law on Foreigners.

1.2.1. Expressing the intention to seek asylum at the border

Ukrainian legislation does not foresee a specific procedure to examine asylum applications at the border.

In case of irregular crossing of the border, a person may express the intent to apply for international protection to the SBGS.⁷⁶ The person shall fill in the written form indicating the grounds of the intent to apply for asylum and the reasons for the irregular crossing of the border. Following this, the SBGS has 24 hours after receiving the explanation for the irregular crossing of the border to refer the asylum seeker to the SMS.⁷⁷

According to the Law on Refugees, in order to declare their intention to seek asylum, the person has to inform the official border guards of their intentions, but often foreigners do not speak the language well enough to communicate effectively. However, through its above-listed sources, R2P has received information that such interpretation is not always ensured by the SBGS. For those applicants who manage to articulate their asylum claim and are admitted to the territory, interpretation is usually provided through the assistance of their relatives/friends in Ukraine or civil society organisations.

To address this issue, in January 2022, the Government amended the legislative act regulating the cooperation of the SBGS and the SMS regarding asylum applications. This change aimed to prevent unsuccessful submissions at border-crossing points due to a lack of knowledge and understanding of the Ukrainian language.⁷⁸ In order to ensure the possibility to apply for protection for persons who do not speak/understand Ukrainian while being on the state border of Ukraine, the SBGS officers shall engage, including remotely, an interpreter from the informational resource "Registry of Interpreters", managed by the SMS. Another person who fluently speaks the Ukrainian language and the language which is necessary for interpretation or written translation from Ukrainian to another language can also be engaged by the SBGS officer.⁷⁹

The number of applications received by the SMS through the SBGS remains comparatively small. It should also be mentioned that statistical reports of SMS and SBGS do not match, supposedly due to improperly linked databases and low quality of data communication.⁸⁰ In addition, it has been assessed through monitoring that SBGS has limited capacity to identify persons with international protection needs, as well as other vulnerable persons, such as victims of trafficking, among the flow of migrants and to prevent their refoulement.

Throughout 2020 and 2021, UNHCR continued to receive reports of asylum seekers being refused access to the asylum process by the SBGS, leading to their return to their country of departure. For instance, on 23 December 2020, an asylum seeker from Iraq, despite expressing his intent to seek asylum verbally and in writing in Arabic and English to the SBGS officers, was sent back to his departure country. Similarly, on 13 July 2021, an asylum seeker from Tajikistan, upon informing the SBGS of his asylum intentions, was denied entry at Boryspil International Airport near Kyiv. Following a monitoring visit by the UNHCR partner and the representative of the Parliament Commissioner, the asylum seeker was eventually permitted entry into Ukraine to apply for asylum.⁸¹

Persons from refugee-producing countries face obstacles when trying to enter Ukraine in large numbers. This has been the case of, for example, Syrian nationals, of whom 181 were prohibited from entry in 2020, and 291 in 2019.⁸²

⁷⁶ Article 5(2) Law on Refugees.

⁷⁷ Para. 4 SBGS Instruction.

⁷⁸ Committee of Ministers, *Communication from Ukraine concerning the case of Kebe and Others v. Ukraine*, 23 January 2023, available [here](#).

⁷⁹ Section I(3) SBGS Instruction.

⁸⁰ R2P observations.

⁸¹ Committee of Ministers, *Communication from an NGO (16/11/2021) in the case of Kebe and Others v. Ukraine (Application No. 12552/12) and reply from the authorities*, 23 November 2021, available [here](#).

⁸² Committee of Ministers, *Communication from Ukraine concerning the case of Kebe and Others v. Ukraine*, 14 November 2018, available [here](#).

In 2021, 441 foreigners applied to the SBGS officers with asylum applications, including 357 citizens of Afghanistan who arrived in Ukraine on evacuation flights in August-September 2021.⁸³

However, in 2022, the situation changed drastically due to the full-scale invasion and further evolved in 2023 with the adoption of Law no. 2952-IX.

In February 2023, the Parliament adopted the Law on Amendments to Certain Legislative Acts on Protection of the State Border no. 2952-IX, which limits the right to apply for asylum at the border. In addition, the proposal grants the State Border Guard Service and the Security Service discretionary powers to forcibly deport foreigners and stateless persons without a court order. In the stage of Draft Law, the 2952-IX bill was widely criticised by UNHCR⁸⁴ and the NGO sector.⁸⁵

These new legal amendments provide for the non-admission of third-country nationals to the territory of Ukraine and the Ukrainian asylum procedure in the following circumstances:

- ❖ when a person concerned has received an entry ban by an authorised body;
- ❖ when a person concerned has reached Ukraine from a country where their life and freedom are not in danger;
- ❖ when a person concerned irregularly attempts or crosses the border of Ukraine to a third country, while martial law is in force;
- ❖ when a person concerned is returned to Ukraine under a readmission agreement, while martial law is in force.⁸⁶

These new provisions do not include an assessment of individual circumstances, nor do they offer the possibility to appeal decisions denying access to the territory or the asylum procedure.⁸⁷

The absence of an effective judicial remedy against decisions made by the SBGS to prohibit entry into the territory poses a significant gap. This gap is particularly concerning given the practical barriers encountered by asylum seekers attempting to access the asylum process in airport transit zones and ports. Despite the acknowledgement of the issue by the Government of Ukraine,⁸⁸ the lack of an effective appeal mechanism against entry denials remains unresolved as of April 2025. While there are provisions for appealing such decisions in domestic law, the lack of suspensive effect and inadequate guarantees for prompt examination hinder its effectiveness. The lack of access to a lawyer or interpreter in transit zones is a further serious obstacle to exercising a judicial remedy.⁸⁹

According to State information, in 2022, 13 foreigners applied to the SBGS officers with asylum applications (8 before 24 February 2022 and 5 after 24 February 2022). Additionally, 6 foreigners applied while staying in the temporary detention facilities at the border in 2022, and one foreigner filed an asylum application with the SBGS officer during their stay in the temporary detention facilities in 2023. As of July 2024, no one had applied for protection at the border-crossing points.⁹⁰

⁸³ Committee of Ministers, *Communication from Ukraine concerning the case of Kebe and Others v. Ukraine*, 23 January 2023, available [here](#).

⁸⁴ UNHCR, *UNHCR Comments on the Draft Law of Ukraine on Amendment of Certain Laws of Ukraine on the Protection of the State Border of Ukraine*, November 2022, available [here](#).

⁸⁵ Committee of Ministers, *Communication from Ukraine concerning the case of Kebe and Others v. Ukraine*, 23 January 2023, available [here](#).

⁸⁶ See legislation [here](#).

⁸⁷ UNHCR, *UNHCR Comments on the Draft Law of Ukraine on Amendment of Certain Laws of Ukraine on the Protection of the State Border of Ukraine*, November 2022, available [here](#).

⁸⁸ Committee of Ministers, *Communication from Ukraine concerning the case of Kebe and Others v. Ukraine (Application No. 12552/12)*, *Nur Ahmed and Others v. Ukraine (Application No. 42779/12)* and *M.S. v. Slovakia and Ukraine (Application No. 17189/11)*, 2017, available [here](#).

⁸⁹ Committee of Ministers, *Communication from Ukraine concerning the case of Kebe and Others v. Ukraine*, 23 January 2023, available [here](#).

⁹⁰ Committee of Ministers, *1507th meeting (September 2024) (DH) – Action plan (02/07/2024) – Communication from Ukraine concerning the group of cases of Kebe and Others v. Ukraine*, 11 July 2024, DH-DD(2024)779, available [here](#).

Regarding resettlement, the UNHCR used to provide resettlement for a very small number of refugees in Ukraine. However, due to the decreasing number of slots globally, the UNHCR in Ukraine no longer receives a resettlement quota.⁹¹

2. Preliminary checks of third country nationals upon arrival

Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☒ Yes ☐ No
2. Is the person considered under law to have entered the territory during these checks? ☐ Yes ☐ No ☒ Not always⁹²

Border control⁹³ is the state control carried out by the SBGS, which includes a set of actions and measures aimed at establishing legal grounds for crossing the state border by individuals, vehicles, and the movement of goods across it. Border control is conducted regarding individuals crossing the state border; vehicles transporting persons and goods across the state border; and goods being moved across the state border.

Border control includes: document verification; inspection of individuals, vehicles, and goods; carrying out instructions of authorized state bodies of Ukraine; verification of foreign nationals and stateless persons' compliance with the conditions for crossing the state border when entering Ukraine, exiting Ukraine, and transiting through Ukraine's territory; registration of foreign nationals, stateless persons, and their passport documents at border crossing points; inspection of motor vehicles to detect stolen vehicles.⁹⁴

National legislation foresees preliminary checks that may be applied to third-country nationals at the point of entry, regardless of whether they apply for asylum. Officers, units, and personnel of the SBGS, who may be engaged in operational duties, are authorized to check the documents of persons crossing the state border of Ukraine. These checks include verifying the right to enter or exit Ukraine, making relevant marks in travel documents, and, in cases provided by law, temporarily detaining or seizing such documents. In addition, the SBGS has the authority, subject to agreements with air carriers, to carry out preliminary checks at foreign airports regarding the legal grounds for entry into Ukraine of foreign nationals and stateless persons.⁹⁵

In addition, national legislation provides for surface checks on individuals, goods, and vehicles located in the controlled border area, at border crossing points (control points) through the state border of Ukraine, or at entry/exit control points. These checks are carried out in the following cases:

- ❖ if an individual violates or attempts to violate the border regime, the regime at border crossing points (control points), the regime at entry/exit control points, or harms the interests of Ukraine's national security;
- ❖ if an individual is found within the border zone without the proper authorization;
- ❖ if there are grounds to believe that a vehicle contains a violator or a person whose freedom is unlawfully restricted;
- ❖ if there are grounds to believe that an individual or their vehicle contains items whose circulation is prohibited or restricted, or that pose a threat to the life and health of individuals;
- ❖ if a vehicle or item belonging to an individual is used as a tool for committing an offence and/or is located in a place where an offence may have been committed;
- ❖ in other cases provided for by law or a court decision.

A surface check involves a visual inspection of the individual, including a hand search of the clothing surface, using a special device or tool. It also includes a visual inspection of the person's belongings to check for items whose circulation is prohibited or restricted or that pose a threat to the life and health of the individual or others.

⁹¹ UNHCR, *Durable Solutions*, available [here](#).

⁹² This will be addressed in point B.2.5.

⁹³ The above-mentioned information in this section applies to all forms of border crossing (land borders, sea borders and air borders).

⁹⁴ Article 2 Law on Border Control.

⁹⁵ Article 20 Law on SBGS.

Surface checks are conducted by military personnel and employees of the SBGS of Ukraine of the same gender as the person being checked. In urgent cases, a surface check may be conducted by any authorized officer of the SBGS, provided that a special device or tool is used.

During a surface check, military personnel and employees of the SBGS have the right to demand that the person open their bag, backpack, briefcase, sack, or other means of transporting items, the hood, the trunk lid, and/or the vehicle's cabin doors. The individual must show the contents of their personal belongings, pockets, and allow access to the structural elements of the vehicle, ensure the opening of the hood, the trunk lid, and/or the doors of the vehicle, trailer, or cargo (container).⁹⁶

However, no health and vulnerability checks are conducted.

The national authority responsible for border control and preliminary checks is the SBGS. During border control, officials and employees of the State Border Guard Service of Ukraine exercise their powers within the limits set by the Constitution of Ukraine, the Law on Border Control, the Law on SBGS, other legislative acts of Ukraine, as well as international agreements of Ukraine.

There is no specific maximum time limit by which the border control and checks must be completed. The border control begins when the individual submits their passport and other required documents for inspection to the authorized officer of the SBGS. Border control is considered completed once the authorized officer of the SBGS grants permission for the individual, vehicle, or goods to cross the state border or informs the individual of the decision to refuse the crossing of the state border.⁹⁷

Border control and the crossing of the state border by individuals, vehicles, and goods take place under the following conditions:

- ❖ At border crossing points;
- ❖ Outside border crossing points;
- ❖ On the territory of adjacent states in case of joint control over the crossing of the state border by individuals.

Individuals, vehicles, and goods cross the state border at border crossing points during the operating hours of those points. The operating hours of a border crossing point that is not open 24/7 are displayed on the information board before entering the point.

Border crossing may also occur outside border crossing points or during non-working hours at border crossing points in the following cases: the arrival of a yacht at a port or its departure from a port; coastal fishing; the navigation of river and sea vessels along inland waterways; the landing of the vessel's crew to stay in the locality where the port is located; emergence of special humanitarian needs for individuals or groups, provided there are no threats to Ukraine's national security; the occurrence of urgent circumstances related to eliminating the consequences of man-made and natural emergencies or threats to life, provided there are no threats to national security.⁹⁸

SBGS has the right to carry out administrative detention of individuals on the grounds and for the periods specified by law, including foreigners and stateless persons who have unlawfully crossed the state border of Ukraine, for whom a decision has been made following the established procedure to transfer them to the border authorities of a neighbouring state, for the time necessary for such transfer. The DPSU also has the authority to carry out, in accordance with instructions from law enforcement agencies of Ukraine, the detention at border crossing points of individuals who are crossing the state border of Ukraine, individuals crossing the entry-exit control points, and those wanted on suspicion of committing a crime, evading law enforcement authorities and judicial proceedings, avoiding serving a criminal sentence, and in other cases specified by the legislation of Ukraine. Individuals detained administratively are held in MTT.⁹⁹

Persons who have unlawfully crossed or attempted to unlawfully cross the state border of Ukraine, violated border regime, rules at border crossing points, or control points for entry-exit, committed flagrant disobedience to the lawful order or demand of a military serviceman or employee of the SBGS or a member of a public formation for the protection of public order and the state border, as well as foreigners and stateless persons who have violated the legislation on the legal status of foreigners and stateless persons or failed to comply with a decision on a ban on entry into Ukraine, may be detained for up to three

⁹⁶ Article 21-7 Law on SBGS.

⁹⁷ Article 6 Law on Border Control.

⁹⁸ Article 5 Law on Border Control.

⁹⁹ Article 20 Law on SBGS.

hours for drawing up a protocol, and, if necessary, for identifying the person and/or clarifying the circumstances of the offence – up to three days.¹⁰⁰

SBGS grants permission to a foreigner or a stateless person to cross the state border when entering Ukraine under the following conditions:

- ❖ The person has a valid passport document;
- ❖ There is no decision from the authorized state body of Ukraine imposing a ban on entry to Ukraine;
- ❖ The person has an entry visa, unless otherwise stipulated by Ukrainian law;
- ❖ The person provides confirmation of the purpose of their planned stay;
- ❖ The person has sufficient financial means for the duration of their planned stay and for returning to their country of origin or transiting to a third country, or has the ability to obtain such financial means in a legal manner within Ukraine (for nationals of countries listed by the Cabinet of Ministers of Ukraine, and for stateless persons permanently residing in such countries);
- ❖ The person complies with the requirements regarding the duration of stay in Ukraine.¹⁰¹

If a foreigner or a stateless person does not meet one or more of the above entry conditions, they are denied permission to cross the state border only by a reasoned decision of the State Border Guard Service (DPSU), specifying the reasons for the refusal. Such a decision takes effect immediately. The decision to deny entry across the state border is issued in two copies. One copy of the decision is given to the person, who confirms receipt of the decision by signing both copies. In case the person refuses to sign the decision, an act is drawn up.

A person who has been denied permission to cross the state border has the right to appeal the decision within one month from the date of the decision to a higher-level body of the SBGS or to the administrative court at the location of the respective body (this procedure is described in the Section “[Appeal](#)”). The appeal of the decision does not suspend its effect.¹⁰²

Failure by a foreigner or a stateless person to comply with the conditions for crossing the state border upon entry into Ukraine does not prevent the consideration of their application for asylum or recognition as a refugee or a person in need of complementary protection in Ukraine, in accordance with the law.¹⁰³ However, according to the Law on Amendments to Certain Legislative Acts on the Protection of the State Border, No. 2952-IX, adopted in February 2023, the right to apply for asylum at the border is restricted. Additionally, the law grants the State Border Guard Service and the Security Service the discretion to forcibly deport foreigners and stateless persons without a court order. More details can be found under [Expressing the intention to seek asylum at the border](#).

¹⁰⁰ Article 263 Code of Administrative Offences.

¹⁰¹ Article 8 Law on Border Control.

¹⁰² Article 14 Law on Border Control.

¹⁰³ Article 8 Law on Border Control.

3. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for making an application?
❖ If so, what is the time limit for making an application? ☒ Yes ☐ No
5 business days
2. Are specific time limits laid down in law for lodging an application?
❖ If so, what is the time limit for lodging an application? ☒ Yes ☐ No
1 business day
3. Are making and lodging an application distinct stage in the law or in practice? ☒ Yes ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☒ Yes ☐ No
5. Can an application for international protection for international protection be lodged at embassies, consulates or other external representations? ☐ Yes ☒ No

The territorial body of the SMS is responsible for registering the asylum application. No other authority may decide on accepting to register an application at first instance. Asylum applications at the external representation body of Ukraine are not foreseen.

It is worth mentioning the *S.A. v. Ukraine*¹⁰⁴ case before the ECtHR in the context of the SMS's exclusive authority to register asylum applications. In 2019, a Tajik citizen, while detained at the pre-trial detention facility, filled out the asylum application form, which was sent by the police department to the SMS. The SMS, without examining the asylum application on the merits, instructed the applicant to submit the application in person or through the prison administration where the applicant was detained. The second attempt to submit the asylum application was never received by the SMS. Further, the General Prosecutor's Office of Ukraine decided to extradite the applicant to Tajikistan. The appeal against the extradition decision was refused by a final decision of the Kyiv Court of Appeal. The domestic courts ruled that the decision to extradite the applicant had been lawful, particularly based on information provided by the SMS indicating that the applicant had not lodged an asylum application.

Although the European Court of Human Rights found a violation of the procedural limb of Article 3, the Government's position in the case reveals the strict interpretation of the mechanism of duly making and registering the asylum application.

Expressing the intention to seek asylum in a Migration Custody Centre

If a person declares their intent to make an asylum application to the MCC administration, the latest shall provide the information regarding the possibility of addressing the application to a territorial body of the SMS. In addition, the MCC administration immediately notifies by means of electronic communication a territorial body of the SMS and the relevant authority body which placed a person to the MCC of their intention to apply for asylum.

In case a person applies to the MCC administration for the issuance of an application for recognition as a refugee or a person in need of complementary protection, to be considered by a territorial body of the SMS, the MCC administration shall send the application by recorded post to a territorial body of the SMS on the same day with simultaneous notification of this body by means of electronic communication. A copy of the notice of sending the application and the e-mail shall be attached to the person's personal file.¹⁰⁵

A territorial body of the SMS shall, within the next business day, inform the MCC of whether it accepts or refuses to lodge the application. The applicant shall stay in the MCC until a final decision on their application has been made.

¹⁰⁴ ECtHR, *S.A. v. Ukraine*, Application no. 7445/21, 24 February 2022.

¹⁰⁵ Section III(13) Instruction on the Detention of Foreigners.

In 2023, as reported by R2P, persons could freely submit their intent to apply for asylum to the Volyn MCC administration. However, all applicants received a letter from the Volyn territorial body of the SMS with a refusal to accept to lodge the application, putting them in legal limbo and at risk of deportation.¹⁰⁶

In a situation where the authorities initiate the expulsion of a person whose application was submitted to the SMS through the administration of the MCC, but the SMS refused to accept it outside the procedure provided by the Law on Refugees, the fact that an application for refugee status has been made may be taken into account by the court but does not have an automatic suspensive effect on the expulsion procedure. Court practice on this issue is not uniform, since the making of an application does not mean its automatic lodging and consideration. R2P experienced a case where the expulsion took place under the above circumstances, despite proper legal assistance.

In 2022, 20 persons submitted asylum applications during their stay in MCC and 24 persons in 2023.¹⁰⁷

Registration at the territorial body of the SMS

In case of regular crossing the border, a person has five business days to make an application to the territorial body of the SMS.¹⁰⁸ In case of irregular crossing the border with the intent to be recognised as a refugee or person in need of complementary protection, a person is obliged to immediately address the territorial body of the SMS for making the asylum application.¹⁰⁹

The territorial body of the SMS shall decide on registration and lodging of the application within the same business day on which the application was made.¹¹⁰

Ukrainian legislation does not distinguish between the stages of registering and lodging. As soon as the intention to apply for asylum is registered, the procedure is completed and moved to the preliminary examination. During the registration stage the territorial body of the SMS:

- ❖ registers the application and submitted documents;
- ❖ acquaints the applicant or their legal representative with the procedure for making a decision on their application, their rights and obligations under their own signature;
- ❖ performs fingerprinting of the person;
- ❖ if necessary, refers the person for examination to establish their age;
- ❖ explains the procedure for applying for free legal aid;
- ❖ enters the received information into the centralised information system.¹¹¹

The territorial body of the SMS issues an MSID, a document confirming that an asylum applicant has requested protection in Ukraine, upon the lodging of the asylum application. The MSID is valid for one month. The MSID certifies the legality of a person's stay on the territory of Ukraine until their status is finally determined or until they leave Ukrainian territory.¹¹² However, the MSID is not an ID document in terms of Ukrainian legislation. Given that national passports and IDs are withdrawn when lodging the application, an asylum applicant is deprived of any ID while their case is under examination. This restricts their access to medical and social services.

The territorial body of the SMS may refuse to register the application in the following cases:

- ❖ a person is claiming to be another person;
- ❖ subsequent application when the circumstances of an applicant have not changed since the previous application.¹¹³

¹⁰⁶ R2P, *Internal report*, 2023.

¹⁰⁷ Committee of Ministers, *1507th meeting (September 2024) (DH) – Action plan (02/07/2024) – Communication from Ukraine concerning the group of cases of Kebe and Others v. Ukraine*, 11 July 2024, DH-DD(2024)779, available [here](#).

¹⁰⁸ Article 5(1) Law on Refugees.

¹⁰⁹ Article 5(2) Law on Refugees.

¹¹⁰ Section II(2.2) Rules for the Consideration of Applications.

¹¹¹ Article 7(12) Law on Refugees.

¹¹² Article 1(1)(3) Law on Refugees.

¹¹³ Article 5(6) Law on Refugees.

The list of conditions for refusal is exhaustive and the territorial body of the SMS can not invoke other reasons to reject the applications at this stage. Additionally, the territorial body of the SMS shall not examine the case on the merits during the registration of the application.

However, there are cases where the territorial body of the SMS denied registering/lodging the application invoking the absence of the conditions provided for in Article 1(1,13) of the Law on Refugees, i.e., the conditions required to be recognised as refugees or persons in need of complementary protection. In 2018, the Supreme Court emphasised that by denying registration for the mentioned reasons, the SMS violated the procedure for reviewing a person's application, which led to erroneous and premature conclusions.¹¹⁴

When a person appeals the refusal to register and lodge the application within five working days and confirms their appeal, the SMS issues an MSID for three months.¹¹⁵ The appeal is confirmed by, for the administrative review, providing a copy of the complaint against the decision of the territorial body of the SMS along with documents attesting the complaint has indeed been sent or, in case of appeal in court, i.e. for the judicial review, a copy of the statement of claim with a stamp of the court on its acceptance or a copy of the court decision to open proceedings or a duly executed court summons.¹¹⁶

Asylum seekers face a number of hurdles when trying to apply for asylum in Ukraine.

First of all, failure to comply with the application deadline of five days even for valid reasons (such as illness, general illiteracy or lack of knowledge of the Ukrainian language and/or ignorance of the existence of an international protection procedure) is grounds for denial of registration of the asylum application by the SMS and the courts.¹¹⁷

On this matter, prior to the full-scale invasion in 2022, the SMS had accepted the non-binding position of the Plenum of the Supreme Administrative Court of 25 June 2009 no. 1.¹¹⁸ The Plenum had pointed out that the legislation does not provide for sanctions for making a delayed application for refugee status. Thus, in such cases, persons may only be subject to a fine under the Code of Administrative Offences. Failure to accept to register an asylum application and the forced return or expulsion of an applicant would be contrary to the protection of fundamental rights under the 1951 Convention. Failure to comply with the deadline may not be a ground for refusal to register an application for recognition as a refugee or a person in need of complementary protection, but can only be taken into account when assessing the relevant application on the merits.

However, after 24 February 2022, the territorial body of the SMS began to invoke the non-respect of the time limit as grounds for refusing to register the asylum application. In such cases, the SMS does not issue a written notice of refusal to accept the application but instead provides an oral denial, as the asylum legislation does not recognise failure to meet the deadline as a legal ground for refusal to accept it. Relevant court practice demonstrates that the courts recognise that the following actions of the SMS, namely non-acceptance of an application due to the applicant having missed the deadline to apply, are unlawful inaction and the courts oblige the SMS to accept the application of the asylum seeker.¹¹⁹ At the same time, there are judgments where the courts consider that the SMS has the right not to accept applications due to the violation of the deadline for filing the relevant application.¹²⁰

Also, since the full-scale invasion in 2022, the SMS territorial bodies have used martial law as a justification for having ceased to register or process applications. This is despite the fact that neither the

¹¹⁴ Supreme Court, *case no. 815/1016/16*, 26 February 2018, available in Ukrainian [here](#).

¹¹⁵ Section II(2.5) Rules for the Consideration of Applications.

¹¹⁶ Section II(2.5) Rules for the Consideration of Applications.

¹¹⁷ Coalition of Non-Governmental Organisations, *Interim report "State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine"*, 2020, available [here](#).

¹¹⁸ Resolution of the Plenum of the Supreme Administrative Court of Ukraine on Judicial Practice of Disputes Concerning Refugee Status.

¹¹⁹ Sixth Administrative Court of Appeal, *case no. 320/13964/23*, 23 April 2024, available in Ukrainian [here](#); Sixth Administrative Court of Appeal, *case no. 320/13292/23*, 29 March 2024, available in Ukrainian [here](#).

¹²⁰ Sixth Administrative Court of Appeal, *case no. 320/12446/23*, 19 December 2023, available in Ukrainian [here](#).

Law on the Legal Regime of Martial Law nor the Decree of the President of Ukraine “On extending the term of martial law in Ukraine” restrict the right of the person to seek asylum in Ukraine.¹²¹

In addition, the SMS may refer to Article 9 of the Convention on Refugees of 1951, invoking national security considerations. In public comments on the Draft Law of Ukraine on Amendment of Certain Laws of Ukraine on the Protection of the State Border of Ukraine, UNHCR highlighted that the language of Article 9 does not support the idea that derogation in exceptional circumstances is permissible regarding the right to apply for international protection.¹²²

Furthermore, asylum seekers are sometimes denied registration without an appropriate legal written notice by the SMS. However, a refusal to register the application should be given in written form.¹²³ Asylum seekers should submit applications and documents to a territorial body of the SMS personally.¹²⁴ Thus, in situations when a territorial body of the SMS verbally refuses applicants to register their documents, applicants have no evidence that they visited a territorial body of the SMS and attempted to register an application.

If, on the date of application, the applicant is already in Ukraine without legal grounds, the State Migration Service (SMS) will only accept their application after imposing administrative liability, which includes a fine. This applies specifically to individuals who previously had a legal stay in Ukraine, but whose status expired before they submitted their application. Even if they can provide reasons for the delay, the fine still applies.

In 2022, R2P and HIAS conducted a survey among third-country nationals examining their obstacles in obtaining protection in Ukraine after the full-scale invasion. 17 % of the survey respondents reported being fined or detained for irregular stay or entry, or are at risk of deportation to the country they fled. Some respondents were fined when they contacted the SMS to apply for asylum, while others were blocked from obtaining their asylum applicant document (MSID).¹²⁵

Human rights organisations are trying to address the issue of the non-acceptance of asylum applications through advocacy activities, including regular communication with relevant authorities, public statements¹²⁶ and communication from NGOs with the Committee of Ministers regarding the execution of the *Kebe and Others v. Ukraine* case.¹²⁷

In addition, asylum seekers resort to appealing the refusal of the territorial body of the SMS to accept the application before the court. In 2023, R2P noted¹²⁸ that courts of first and second instances in various regions of Ukraine were deciding on the interests of asylum seekers in lawsuits regarding the inaction of the territorial body of the SMS in accepting applications.¹²⁹

If the refusal is appealed and a positive court decision is obtained, the SMS shall accept the application. In such cases, it may take 1-2 years from the moment the asylum seeker actually makes an application to the moment the application is duly accepted.¹³⁰

¹²¹ R2P&HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available [here](#).

¹²² UNHCR, *UNHCR Comments on the Draft Law of Ukraine on Amendment of Certain Laws of Ukraine on the Protection of the State Border of Ukraine*, November 2022, available [here](#).

¹²³ Section II(2.4) Rules for the Consideration of Applications.

¹²⁴ Article 7(1) Law on Refugees.

¹²⁵ R2P & HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available [here](#).

¹²⁶ R2P, *The position of CSOs regarding the prevention of violation of the rights of refugees during the martial law in Ukraine*, 21 June 2023, available [here](#).

¹²⁷ Committee of Ministers, *Communication from NGOs (The European Council on Refugees and Exiles (ECRE), Charitable Fund “Right to Protection” (R2P) and CO “The Tenth of April” (TTA)) (31/08/2023) in the case of Kebe and Others v. Ukraine (Application No. 12552/12) and reply from the authorities (14/09/2023)*, 31 August 2023, available [here](#).

¹²⁸ R2P, *Internal report*, 2023.

¹²⁹ Kyiv District Administrative Court, *case No. 320/13964/23*, 19 June 2023, available in Ukrainian [here](#).

¹³⁰ R2P practices.

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

- | | |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: | 6 months |
| 2. Are detailed reasons for the rejection at the first instance of an asylum application shared with the applicant in writing? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at first instance as of end of 2024 | N/A |
| 4. Average length of the first instance procedure in 2024: | 1-2 years |

Two principal legislative acts establish the regular asylum procedure:

- ❖ The Law on Refugees of 8 July 2011.
- ❖ Rules for the Consideration of Applications of 7 September 2011 No. 649.

Preliminary examination

When the asylum application is registered and lodged, the SMS shall, within 15 business days, examine the application and consider it for further examination.¹³¹ This stage consists of an interview with the applicant, medical screening and preparation of a short assessment for further examination.¹³²

The assessment must refer to the information relating to the applicant's country of origin, including the titles of the information reports, years and institutions that prepared them, a link to the web addresses, and its correspondence with the statement and information obtained during the interview with the applicant. This conclusion should include references to accurate, up-to-date information from multiple sources.¹³³

At this stage, in practice, the SMS respects the 15-day deadline, and by the established deadline either rejects the application or decides to proceed with further examination, consequently prolonging the MSID.¹³⁴

Grounds for rejection at the preliminary stage are the following:

- ❖ The application is manifestly unfounded, i.e., the conditions set forth in Article 1 of the Law on Refugees for refugee status or a person in need of complementary protection are absent;
- ❖ in case of a false identity of an applicant;
- ❖ a subsequent application where the circumstances of an applicant have not changed since the previous application.¹³⁵

The first ground is much broader than the concept of "manifestly unfounded" in EU asylum practice, or according to UNHCR's standards. The logic is circular: asylum applicants have to prove that they need international protection to have an opportunity to present their case in full.¹³⁶

¹³¹ Section IV(4.1) Rules for the Consideration of Applications.

¹³² Section IV(4.1) Rules for the Consideration of Applications.

¹³³ Section IV(4.1) Rules for the Consideration of Applications.

¹³⁴ R2P observations.

¹³⁵ Article 8(6) Law on Refugees.

¹³⁶ R2P observations.

Further examination

If SMS decides to send the application for further examination, to determine the issue of recognition as a refugee or a person in need of complementary protection, the MSID is extended for six months.¹³⁷

The further examination of the application, which has passed through preliminary examination, is also performed by a territorial body of the SMS. The further examination of the application should be carried out within two months of the decision to send it for further examination. The duration of the further examination can be extended by up to three months by the head of a territorial body of the SMS upon a substantiated submission of the employee, considering the application.¹³⁸

This stage also comprises an interview, verification of the applicant by the State Service of Security and drafting of an assessment on recognition or refusal of recognition as a refugee or a person in need of complementary protection.¹³⁹

As during the preliminary stage, the assessment must refer to information relating to the applicant's country of origin, including the titles of the information reports, years and institutions that prepared them, a link to the web addresses, and its correspondence with the statement and information obtained during the interview with the applicant. This conclusion should include references to accurate, up-to-date information from multiple sources.¹⁴⁰

However, it was reported in 2020 that SMS staff members, when preparing assessments for decision-making, use Wikipedia, travel companies' websites and web resources that were repeatedly exposed to the spread of fake information.¹⁴¹

After the assessment, a territorial body of the SMS shall send a draft conclusion regarding the application and all accompanying documents to the SMS headquarters.

The SMS headquarters shall examine the received profile of the applicant within one month and decide on granting the relevant status. This time limit can be prolonged to up to three months.¹⁴²

In the course of implementing these measures, the SMS headquarters has the right to:

- ❖ request that the territorial body of the SMS, which considered the application during previous stages, submit additional information;
- ❖ submit relevant requests to the Ministry of Foreign Affairs of Ukraine, the Ministry of Internal Affairs, the Security Service of Ukraine, other state authorities, local self-government bodies and citizens' associations in case of doubt;
- ❖ return the case for re-examination to the territorial body of the SMS.¹⁴³

A person cannot be recognised as a refugee or a person in need of complementary protection in the following cases:

- ❖ if they committed a crime against peace, a war crime or a crime against humanity and humanity as defined in international law;
- ❖ if they committed a non-political crime outside Ukraine before arriving in Ukraine in order to be recognised as a refugee or a person in need of complementary protection, if such an act is classified as a grave or especially grave crime under the Criminal Code of Ukraine;
- ❖ a person guilty of committing acts contrary to the purpose and principles of the United Nations;

¹³⁷ Section IV(4.5) Rules for the Consideration of Applications.

¹³⁸ Article 9(1) Law on Refugees

¹³⁹ Section V(5.1) Rules for the Consideration of Applications.

¹⁴⁰ Section V(5.1) Rules for the Consideration of Applications.

¹⁴¹ Coalition of Non-Governmental Organisations, *Interim report "State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine"*, 2020, available [here](#), e.g. 29.

¹⁴² Section VI(6.5) Rules for the Consideration of Applications.

¹⁴³ Section VI(6.2) Rules for the Consideration of Applications.

- ❖ in respect of whom it has been established that the conditions set forth in Article 1 of the Law on Refugees for refugee status or a person in need of complementary protection;
- ❖ who, prior to arrival in Ukraine, was recognised in another country as a refugee or a person in need of complementary protection;
- ❖ who, prior to arriving in Ukraine with the intention of being recognised as a refugee or a person in need of complementary protection, resided in a third safe country.¹⁴⁴

In case of disagreement with the assessment of the territorial body of the SMS that examined the asylum case in question, the SMS headquarters drafts its own written conclusion on recognition or refusal of recognition as a refugee or a person in need of complementary protection.¹⁴⁵ The SMS has to perform this task within the established time limit, i.e., one month with a possible extension to up to three months.

Upon receipt of the decision of the SMS on recognition as a refugee or a person in need of complementary protection, an authorised official of the territorial body of the SMS issues, within seven working days, a refugee certificate or a certificate of person in need of complementary protection to each person of the family unit who has reached the age of sixteen.¹⁴⁶

On average, the application for asylum is examined for 12 to 24 months from the moment the application is lodged until the decision is taken by the SMS. However, the practice throughout Ukraine is not uniform, for instance, in Odesa, the local SMS territorial body in general respects the established terms.¹⁴⁷

R2P has also witnessed a case where the final decision in the first instance was taken in less than six months. The application concerned the family member of an already recognised refugee in Ukraine.¹⁴⁸

In case of a negative decision and if the applicant further appeals to the national administrative courts, the procedure can take several years.¹⁴⁹ UNHCR reports that some cases may last for up to five years.¹⁵⁰

In 2021, 39 foreigners appealed to the Parliament Commissioner about violations of their right to seek asylum due to lengthy consideration of submitted documents or unjustified refusals by the SMS to register applications. For instance, in September 2021, a citizen of the Republic of Tajikistan approached the Parliament Commissioner regarding the violation of her right to be recognised as a refugee or a person in need of complementary protection due to the long, over two years, consideration of her application for such status. After the intervention of the Parliament Commissioner, this person was duly documented by the territorial body of the SMS with MSID.¹⁵¹

1.2. Prioritised examination and fast-track processing

Prioritised examination takes place when a legal representative makes an application in the interest of an unaccompanied child (see [Legal representation of unaccompanied children](#)). In this case, the territorial body of the SMS shall lodge an application and proceed directly to the further examination, omitting the preliminary examination stage.¹⁵² A defence counsel, a psychologist and a pedagogue shall be involved in the procedure to recognise a child as a refugee or a person in need of complementary protection.¹⁵³

¹⁴⁴ Article 6 Law on Refugee.

¹⁴⁵ Section VI(6.4) Rules for the Consideration of Applications.

¹⁴⁶ Section VI(6.8) Rules for the Consideration of Applications.

¹⁴⁷ R2P practices.

¹⁴⁸ R2P practices.

¹⁴⁹ R2P practices.

¹⁵⁰ UNHCR *Refugees and Asylum-Seekers. Thematic update. Ukraine*, March 2021, available [here](#).

¹⁵¹ Parliament Commissioner, *Annual Report on The State of Observance and Protection of Human and Civil Rights and Freedoms in Ukraine*, 2021, available in Ukrainian [here](#), e.g. 93.

¹⁵² Article 8(1) Law on Refugees.

¹⁵³ Section IV(4.2) Rules for the Consideration of Applications.

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the regular procedure?
☒ Yes ☐ No
❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision?
☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never
4. Can the asylum applicant request the interviewer and the interpreter to be of a specific gender?
☐ Yes ☒ No
❖ If so, is this applied in practice, for interviews? N/A

Ukrainian legislation foresees a personal interview with an asylum applicant during the preliminary examination stage after the lodging of the application and a second one during the further examination of the asylum application.¹⁵⁴ There are no grounds for omitting the personal interview.

Article 8 of the Law on Refugees sets forth the obligation to interview the applicant during the preliminary examination within 15 days after the lodging of the application.

Legislation does not prescribe a specific list of questions or the duration of the interviews. In practice, the first interview—conducted during the preliminary examination within 15 days of lodging the application (as per Article 8 of the Law on Refugees)—is typically limited in scope and focuses on gathering basic information. Its main purpose is to verify the applicant's identity, basic biographical details, and general reasons for seeking protection. The second interview, conducted during the substantive examination at the stage of the [First instance procedure](#), is more detailed and in-depth. It focuses on the personal grounds for protection, risk of persecution or serious harm, and is based on the written application and questionnaire submitted by the applicant.

Applicants may be confronted with COI during the substantive interview, especially if their statements contradict known facts. However, the extent to which COI is used directly in the interview varies.

Personal interviews are conducted by a competent official of a territorial body of the SMS.¹⁵⁵

Usually, the same caseworker conducts both interviews, but this is not mandatory—another official may handle the second interview depending on the internal arrangements of the migration authority.¹⁵⁶

Ukrainian legislation foresees the possibility of delivering interpretation during the personal interview through video conferencing. If an applicant is in detention, the interview itself may also be conducted via video conferencing. In addition, there could be a case where an appropriate interpreter for a specific language is not available in Ukraine. Prior to the interview, the authorised official of the territorial body of the SMS warns the interpreter of the need to comply with the conditions of confidentiality, which is documented by a receipt for non-disclosure of information contained in the applicant's personal file.¹⁵⁷

The interview with an unaccompanied child is conducted in the presence of their legal representative, who has submitted an application on behalf of the child, as well as a psychologist and an educator.¹⁵⁸

The results of the interview are documented in the relevant interview protocol with the person who has applied for recognition as a refugee or a person in need of complementary protection, signed by this person or their legal representative, interpreter, lawyer, psychologist, or educator in case of their presence at the interview.¹⁵⁹

¹⁵⁴ Section IV(4.1), Section V(5.1) Rules for the Consideration of Applications.

¹⁵⁵ Section IV(4.1) Rules for the Consideration of Applications.

¹⁵⁶ R2P observations.

¹⁵⁷ Section IV(4.1) Rules for the Consideration of Applications.

¹⁵⁸ Article 9(3) Law on Refugee.

¹⁵⁹ Section IV(4.1) Rules for the Consideration of Applications.

1.3.1. Interpretation

The SMS should ensure interpretation during the interview.¹⁶⁰ In Ukraine, persons entered in the Register of Translators (maintained by the SMS) may translate for SMS purposes. However, the register only includes translators with fluency in common languages, so applicants speaking rare languages (Tigrinya, Somali, Urdu, Bengali, Swahili, etc.) are often asked to provide their own translator and cover the costs.¹⁶¹

In 2019, UNHCR conducted interviews and focus-group discussions to ascertain, among other things, the needs of asylum seekers. Regarding issues with interpretation during the RSD process, some asylum applicants emphasised that although the SMS had never demanded that they pay money for services, they had received such demands from their compatriots who provided translation services at the SMS. During the discussion, which was attended by SMS representatives, asylum applicants directly addressed this issue to the SMS and asked them to compile a certified list of interpreters who would not charge asylum applicants. Participants in the UNHCR survey also explained that they are not ready to file formal complaints in such cases because they are afraid of the consequences.¹⁶² This issue, as reported by asylum seekers and NGOs, has persisted to the present day.¹⁶³

The representative of the Volyn body of the SMS also emphasised the low quality of the translation, which complicates the work of government agencies and could undermine their decisions.¹⁶⁴

The Supreme Court's practice confirms the crucial necessity of interpretation during the asylum procedure and the obligation of the SMS to ensure a translator during the interview, as the decision of the migration service must be made on the basis of information obtained during the interview. The Supreme Court confirmed the conclusions of the court of appeal that the migration authority violated the applicant's right to an interpreter as the decision to refuse recognition as a refugee or a person in need of complementary protection was made based on information obtained during the interview with the applicant in the absence of an Arabic interpreter.¹⁶⁵

1.3.2. Recording and report

The results of the interview are documented in the interview protocol with the person who has applied for refugee status or a person in need of complementary protection, which is signed by this person or their legal representative.¹⁶⁶ The asylum applicant also indicates in writing below the interview record that they have read the written statement and that it is accurate. In case a person disagrees or finds information that was not accurate at a later stage, they can mention it to the court when appealing a negative decision.

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No
- ❖ If yes, is it
- ❖ If yes, is it automatically suspensive
2. Average processing time for the appeal body to make a decision: 2-8 months

¹⁶⁰ Article 8(3) Law on Refugees.

¹⁶¹ Coalition of Non-Governmental Organisations, *Interim report "State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine"*, 2020, available [here](#).

¹⁶² UNHCR, *Ukraine 2019 Joint Needs Assessment*, 2019, available in Ukrainian [here](#).

¹⁶³ R2P observations.

¹⁶⁴ Hromadskyi Prostir, *Access to Justice for Refugees in the Context of COVID-19 in the Spotlight of the Public and Professionals*, 20 November 2021, available in Ukrainian [here](#).

¹⁶⁵ Supreme Court, *case no. 818/168/16*, 23 May 2018, available in Ukrainian [here](#).

¹⁶⁶ Section V (5.1) Rules for the Consideration of Applications.

1.4.1. First appeal

Ukrainian Refugee Law provides for both administrative and judicial review (three instances) of asylum decisions.

Any person has the right to file a lawsuit with an administrative court if they believe that a decision, action or inaction of a public authority has violated their rights, freedoms or legitimate interests and to request their protection. Foreigners, stateless persons and foreign legal entities enjoy the same right to judicial protection as Ukrainian citizens.¹⁶⁷

Judicial review is conducted by the system of administrative courts:

- ❖ 1st instance: District administrative courts, which are located in all regions of Ukraine.
- ❖ 2nd instance: Appellate administrative court. They cover several regions; currently, there are 8 Appellate administrative courts.¹⁶⁸
- ❖ 3rd instance: Administrative court of cassation of the Supreme Court (it was created to replace the former Higher Administrative Court). The latter was closed down as of 15 December 2017.¹⁶⁹

The decision to refuse to lodge an application may be appealed within five working days from the date of receipt of the notification of refusal either to the SMS or to the court.

If the application is rejected at the preliminary examination stage, the applicant is issued with a short notification of rejection in Ukrainian with reference to relevant articles of the Law on Refugees and an explanation about the right to appeal within 5 business days either to the central SMS or to the circuit administrative court. If the person appeals and brings the confirmation of appeal (for the administrative review, providing a copy of the complaint against the decision of the territorial body of the SMS along with documents attesting the complaint has indeed been sent or, in case of appeal in court, i.e. for the judicial review, a copy of the statement of claim with a stamp of the court on its acceptance or a copy of the court decision to open proceedings or a duly executed court summons), they are issued with an MSID for three months.

In case a person was refused refugee status or the status of a person in need of complementary protection, they have 5 business days to appeal the decision to the court.

If a person exercises the right to appeal, the authorised official of the territorial body of the SMS shall extend the MSID, and keep the applicant's identity documents and other documents provided by the applicant until a decision on the appeal is made.

A person who has received a notice of refusal to be recognised as a refugee or a person in need of complementary protection and has not exercised the right to appeal within 5 business days from their written notification, must leave the territory of Ukraine within the established time limit¹⁷⁰ unless there are other legal grounds for staying in Ukraine.¹⁷¹ The SMS withdraws the MSID and returns the ID and other accompanying documents to the person.¹⁷²

The approximate time for a court's judgment is two to eight months in the court of the first instance. However, some cases have been pending in the court of first instance for a much longer period. For example, there is a case filed in 2017 for which there has been no judgment as of February 2025¹⁷³. The usual timeline for examination in the appellate instance court is two to four months, while a cassation

¹⁶⁷ Article 5(1,7) Code of Administrative Judicial Procedure.

¹⁶⁸ Decree of the President of Ukraine on Liquidation of Administrative Courts of Appeal and Establishment of Administrative Courts of Appeal in Appellate Districts.

¹⁶⁹ Resolution of the Plenum of the Supreme Court on Setting the Day of the Supreme Court's Work on 30 November 2017 No. 2.

¹⁷⁰ However, this term is not defined in the law and the SMS does not define it in its decision to refuse. In practice, a person has to leave the territory immediately or face a fine. *R2P observations*.

¹⁷¹ Article 10 Law on Refugees.

¹⁷² Section IV(4.8) Rules for the Consideration of Applications.

¹⁷³ R2P practices.

procedure in the former High Administrative Court could take up to two years. Throughout this time, the applicant is considered to be in the asylum procedure and has legal grounds to stay in Ukraine. Asylum applicants are exempted from the obligation to pay court fees during all instances.¹⁷⁴

The legislation sets a deadline to appeal a negative decision of five working days from the date of receipt of the notification of the decision issued by the SMS. At the same time, the legislation does not provide that the applicant is handed a decision on the refusal of refugee status. That is, the applicant must appeal a negative decision without having either the text of the decision or the grounds for such a decision. In addition, five working days is too short a period to receive a copy of the decision in response to a request to the SMS.

There are also cases where the actual date of receipt of the notification of a negative decision is much after the date of the decision itself. As a result, the courts return the lawsuits to the applicant on the grounds that a significant period of time has passed since the date of the negative decision, despite the fact that the asylum applicant actually became aware of it only on the date of receipt of the notification. Such a return of the lawsuit may be appealed to the appellate court within 15 days from the date it was pronounced.¹⁷⁵

In most cases, courts may consider this category of cases without a court hearing, relying exclusively on written evidence; and in practice, they sometimes do so.¹⁷⁶ In case a person would like to request a hearing of the case, they may file a motion with the court, which is usually accepted.

In Ukraine, there is a website of the judiciary,¹⁷⁷ where the applicant's first name, last name and patronymic can be found by the case number of the asylum applicant who is appealing against a negative decision of the SMS. The Unified State Register of Court Decisions¹⁷⁸ also publishes the full text of the decision with reference to the specific circumstances of the asylum applicant's case. This raises serious concerns regarding data protection, as information about the asylum application exceeds confidentiality requirements.

The law provides for the possibility of participation in a potential court hearing via video conference. However, in most cases, it is necessary to substantiate the objective impossibility to come directly to the court, for example, the significant distance between the place of residence/stay and the location of the court. Asylum applicants can participate in a videoconference only from another court building. However, for example, a representative of an asylum applicant who is a lawyer or the SMS can participate in the VCS mode from their laptop, as these persons and bodies can be registered on the state e-court portal. However, the overwhelming majority of asylum applicants are deprived of the opportunity to register on this portal.¹⁷⁹

In 2024, 23 decisions to refuse the issuance of documents for the purpose of refugee recognition or granting of complementary protection were appealed, as well as 143 decisions to refuse the recognition of refugee status or complementary protection.¹⁸⁰

1.4.2. Onward appeal

Appeals are submitted against the negative decisions of the relevant lower court. The decision of the cassation court is final. Following the decision of the cassation court, it is considered that the person has

¹⁷⁴ Para. 1,14 Art. 5 Law on court fees.

¹⁷⁵ R2P, Kharkiv District Administrative Court, *case no. 520/20506/23*, 14 August 2023, available in Ukrainian [here](#), Kyiv District Administrative Court, *case no. 320/6453/23*, 4 September 2023, available in Ukrainian [here](#).

¹⁷⁶ R2P, Kyiv District Administrative Court, *case no. 320/11704/23*, 17 April 2023, available in Ukrainian [here](#); Kyiv District Administrative Court, *case no. 320/5572/24*, 26 February 2024, available in Ukrainian [here](#).

¹⁷⁷ Judiciary of Ukraine, *the Status of Proceedings*, available in Ukrainian [here](#).

¹⁷⁸ Unified State Register of Court Decisions, available in Ukrainian [here](#).

¹⁷⁹ R2P observations.

¹⁸⁰ SMS' response to the R2P request for public information, April 2025

exhausted Ukrainian asylum procedures. However, they have a right to reapply for asylum again if they claim that there are new circumstances in the case.¹⁸¹

A cassation appeal against a court decision must be filed within thirty days from the date of its pronouncement. The court of cassation reviews court decisions within the limits of the arguments and claims of the cassation appeal that served as the basis for initiating cassation proceedings and, based on the established factual circumstances of the case, verifies the correctness of the application of substantive and procedural law by the court of first or appellate instance.¹⁸²

In addition, as Ukraine is a member of the Council of Europe, rejected asylum applicants can apply to the ECtHR in case of alleged violations of the rights outlined in the ECHR. Applications against Ukraine before the ECtHR regarding asylum cases were among the most frequent in recent years, which indicated the existence of a large amount of ECHR violations and the need for structural reforms in the international protection domain.¹⁸³

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum applicants have access to free legal assistance at first instance in practice?
☒ Yes ☐ With difficulty ☐ No
2. Does free legal assistance cover:
☐ Representation in interview
☒ Legal advice
3. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?
☒ Yes ☐ With difficulty ☐ No
4. Does free legal assistance cover
☒ Representation in courts
☒ Legal advice

The Law on Free Legal Aid defines the scope of the right to free legal aid and the beneficiaries of this right. In short, the legislation grants all persons under the jurisdiction of Ukraine the right to free primary legal aid which shall include asylum applicants at the early stage of their application.¹⁸⁴

The scope of the free primary legal aid encompasses the following types of legal services:

- ❖ provision of legal information;
- ❖ providing consultations and explanations on legal issues;
- ❖ drafting applications, complaints and other documents of a legal nature (except for procedural documents);
- ❖ assisting in ensuring a person's access to secondary legal aid and mediation.¹⁸⁵

From the moment of the registration and lodging of the application until the final decision on the application, asylum applicants are granted free secondary legal aid, which includes:

- ❖ representation of the interests of persons entitled to secondary legal aid in courts, other state bodies, local self-government bodies and before other persons;
- ❖ drafting procedural documents.¹⁸⁶

In practice, only a minority of the lawyers from the FLACs (Free Legal Aid Centres) possess the required specialised skills to assist asylum seekers. While building the capacity of the FLACs through training, UNHCR continues to provide free legal assistance to asylum seekers through a network of national NGO partners who are funded and work with UNHCR.¹⁸⁷

¹⁸¹ R2P practices.

¹⁸² Article 329, 341 Code of Administrative Judicial Procedure.

¹⁸³ Mykola Gnatovskyy and Yulia Ioffe, 'Twenty Years of the ECHR in Ukraine', *EJIL: Talk!*, 18 September 2018, available [here](#).

¹⁸⁴ Article 8 Law on Free Legal Aid.

¹⁸⁵ Article 7(2) Law on Free Legal Aid.

¹⁸⁶ Article 13(2)(2,3), Article 14(1)(10) Law on Free Legal Aid.

¹⁸⁷ UNHCR, 2023.

Furthermore, only asylum applicants granted the MSID, *i.e.*, those who have their application lodged, have the right to free secondary legal aid. So, in case the territorial body of the SMS refuses to lodge the application, the asylum applicant is unable to seek legal representation before public authorities and courts. Thus, it creates difficulties in appealing such a decision of a territorial body of the SMS. Moreover, the ten-business day period for assessing eligibility for free legal aid by the FLAC poses challenges when appealing decisions of a territorial body of the SMS within a shorter time frame of five business days, thereby impeding access to timely and qualified legal assistance.¹⁸⁸

In 2022, the centres issued 156 orders for free secondary legal aid to asylum applicants; in 2023 – 30 orders; and in 2024 – 28 orders.¹⁸⁹ There is no information on how many requests for free legal aid were denied.

Finally, asylum seekers have access to free primary and secondary legal aid at all stages of asylum proceedings offered by NGOs, which work with asylum issues. This includes the executive partners of the UNHCR as R2P, The Tenth of April, ROKADA, NEEKA, etc.

2. Dublin

Since Ukraine is not an EU Member State nor an associated country, considerations regarding the applicability of the Dublin procedure do not apply.

3. Admissibility procedure

In Ukraine, there is no separate admissibility procedure, as after lodging the application, the territorial body of the SMS examines the application on its merits in parallel to the admissibility. This stage is described in the Section “[Regular Procedure: General](#)”.

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum applicants to the competent authorities? ☒ Yes ☐ No
2. Where is the border procedure mostly carried out? ☐ Air border ☒ Land border ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☐ Yes ☒ No
4. Is there a maximum time limit for a first-instance decision laid down in the law? ☐ Yes ☒ No
❖ If yes, what is the maximum time limit? N/A
5. Is the asylum applicant considered to have entered the national territory during the border procedure? ☒ Yes ☐ No

In case a person expresses the willingness to apply for asylum at the border, the SBGS refers a person to the territorial body of the SMS. This procedure was described in detail in the Section “[Legal access to the territory](#)”.

¹⁸⁸ Coalition of Non-Governmental Organisations, *Interim report “State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine”*, 2020, available [here](#).

¹⁸⁹ Committee of Ministers, *1507th meeting (September 2024) (DH) – Action plan (02/07/2024) – Communication from Ukraine concerning the group of cases of Kebe and Others v. Ukraine*, 11 July 2024, DH-DD(2024)779, available [here](#).

5. Accelerated procedure

Ukrainian legislation does not foresee an accelerated procedure. Cases in which the SMS, at the stage of lodging the application, examined in practice the case on partial admissibility and merits by invoking the absence of the conditions provided in Article 1(1,13) of the Law on Refugees have been recognised by the Supreme Court as a violation of the asylum procedure. The court confirmed the findings of the courts of lower instances that the territorial body of the SMS had violated the procedure for considering the plaintiff's application, and therefore made erroneous and premature conclusions. When considering the application, the territorial body of the SMS had no grounds for refusing to process the documents.¹⁹⁰

6. National protection statuses and return procedure

6.1. National forms of protection

There are two legal statuses providing international protection in Ukraine: 1) refugee status and 2) status of a person in need of complementary protection.¹⁹¹

According to Ukrainian legislation, there are also national statuses such as asylum and temporary protection.

If the procedure for granting international protection is determined at the national level, Ukrainian legislation does not contain a clear definition of the term "asylum" or the procedures for granting it. According to the Constitution of Ukraine, the President of Ukraine makes decisions on granting asylum in Ukraine. This is stipulated in paragraph 26 of Article 106 of the Constitution of Ukraine, which refers to the granting of asylum to individuals persecuted for political offences specifically on the territory of Ukraine. And this is, in fact, the only reference to "asylum".

Temporary protection in Ukraine is granted by the Cabinet of Ministers in cases of mass arrival of persons from a neighbouring country due to extraordinary circumstances. It is provided for a period of up to one year, with the possibility of extension for another year, and beneficiaries receive an official certificate. Persons under temporary protection have the right to accommodation, food, medical assistance, employment, education (for children), financial support, freedom of movement, voluntary return, and to apply for refugee status. They are obliged to comply with Ukrainian laws and undergo registration, medical examination, and identification. Temporary protection is funded from the state budget and may also be supported by international organizations. It ceases if the circumstances in the country of origin change or the person moves to another country, and it can also be terminated or withdrawn if the person applies for refugee status or commits serious crimes.¹⁹²

Neither asylum nor temporary protection has ever been granted to anyone in Ukraine.

6.2. Return procedure

If a person fails to exercise their right to appeal within five working days from the date they were officially notified in writing of the decision to refuse recognition as a refugee or a person in need of complementary protection, the SMS withdraws the MSID and returns the national passport and other documents (if any are kept in the applicant's personal file).

A person who has received a notice of refusal to be recognized as a refugee or a person in need of complementary protection and has not exercised their right to appeal must leave the territory of Ukraine within the prescribed period, unless there are other legal grounds for staying in Ukraine.¹⁹³

¹⁹⁰ Supreme Court, case no. 815/1016/16, 26 February 2018, available in Ukrainian [here](#).

¹⁹¹ UNHCR, Forms of Asylum and Refugee protection, available [here](#)

¹⁹² Chapter IV Law on Refugees.

¹⁹³ Article 10 Law on Refugees.

Foreigners and stateless persons who have received a notice of refusal to be recognized as refugees or persons in need of complementary protection, who have lost or been deprived of such status and did not exercise their right to appeal, as well as persons who received a notification of rejection of their complaint against the refusal to process documentation for the determination of refugee or complementary protection recognition and did not appeal this decision in court, or those who received a court decision upholding the refusal to initiate such documentation, must voluntarily return to their country of origin or a third country within the prescribed period if they do not have other legal grounds for staying in Ukraine as provided by the law.¹⁹⁴

There is currently no available information on the number of return decisions issued after rejected asylum applications where appeals are still ongoing.

Since the beginning of Russia's full-scale invasion of Ukraine, Ukraine has not had a functioning border crossing point with the Russian Federation for the execution of forced expulsion decisions. However, this has not prevented the adoption of such decisions.¹⁹⁵

At the same time, when a decision on forced expulsion was challenged in court, the courts took into account the technical impossibility of carrying out the expulsion, the severance of diplomatic relations, and the complicated conditions for contacting the Russian embassy and consular institutions.¹⁹⁶ When courts cancel decisions on forced expulsion, individuals are not returned. Some of them remain in Ukraine without a regular legal status, while others seek legal grounds to stay, such as applying for asylum or other residence permits.¹⁹⁷

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum applicants? ☐ Yes ☐ For certain categories ☒ No
 ❖ If for certain categories, specify which: n/a
2. Does the law provide for an identification mechanism for unaccompanied children? ☒ Yes ☐ No

1.1. Screening of vulnerability

The Law on Social Services defines vulnerable groups of the population as individuals/families who are at the highest risk of falling into hardship due to the impact of adverse external and/or internal factors. According to the Law, hardship is a circumstance that adversely affects the life, health and development of a person, and the functioning of the family, which the person/family cannot overcome on their own.

Asylum seekers, refugees and persons in need of complementary protection are considered to be a vulnerable group of the population and/or to find themselves in a situation of hardship.¹⁹⁸

The SMS does not have special reception centres for persons with special needs (victims of human trafficking, victims of torture, victims of gender-based and domestic violence, LGBT persons seeking international protection). There are no centres for unaccompanied minors who have declared their

¹⁹⁴ Article 25 Law on Foreigners.

¹⁹⁵ Practice-based observation by R2P.

¹⁹⁶ Unified State Register of Court Decisions, case № 505/3945/23, available in Ukrainian [here](#).

¹⁹⁷ Practice-based observation by R2P.

¹⁹⁸ Article (1)(3, 15), Article 5 Law on Social Services.

intention to apply for recognition as refugees or persons in need of complementary protection in Ukraine under the jurisdiction of the SMS.¹⁹⁹

In Ukraine, there are no trained specialists and no reception system in place to identify vulnerable persons at the initial stage, immediately upon arrival in the country, with the exception of the identification of UAM.

1.2. Age assessment of unaccompanied children

Age assessment procedures are foreseen and regulated by the Procedure of Age Assessment of Unaccompanied Children.

At the preliminary stage, if the authorised official of the territorial body of the SMS has reasonable doubts about the declared age of the person, they issue a relevant referral for examination to establish the age. A person referred for an examination to establish their age and their legal representative (the procedure of appointment of legal representative is described in detail in the Section [“Legal representation of unaccompanied children”](#)) is informed about the reasons for the examination and the consequences of refusal to undergo it. If the person refuses to undergo the examination for the purpose of establishing the age, a corresponding note is made on the application and in the applicant’s personal file.²⁰⁰ The refusal of a person or their legal representative to undergo an examination to establish their age is the basis for considering the materials of the personal file of this person as an adult.²⁰¹

The age assessment of a child shall be based on the principles of respect for the rights of the child and ensuring their legitimate interests by officials; non-discrimination; confidentiality; respect for the rights of the child appealing the conclusion of the Commission establishing the age of a child left without parental care and in need of social protection, and security of processes.

The procedure for establishing the child’s age consists of three stages:

- ❖ studying and analysing available information about the child, information about their country of origin, in case the child, separated from their family, is not a citizen of Ukraine and their legal representative has applied to the competent authorities of Ukraine for recognition as a refugee or a person in need of complementary or temporary protection;
- ❖ psychological assessment of age;
- ❖ physiological assessment of age.²⁰²

During the physiological examination, the following criteria shall be checked:

- ❖ the timing of the eruption of milk teeth and their replacement with permanent teeth (dental maturity);
- ❖ anthropometric data (physical maturity);
- ❖ signs of puberty (sexual maturity);
- ❖ if necessary, the number of islets and ossification nuclei is determined by X-ray (skeletal maturity).²⁰³

If an unaccompanied child declares their intention to be recognised as a refugee or a person in need of complementary protection in Ukraine, the authorised official of the territorial body of the SMS shall immediately apply to the guardianship authority with a written request to provide such a person with a legal representative, who shall be appointed without delay (see [Legal representation of unaccompanied children](#)).

A lawyer, a psychologist and a pedagogue are involved in the procedure for recognising an unaccompanied child as a refugee or a person in need of complementary protection.²⁰⁴ A legal

¹⁹⁹ SMS response to the R2P request for public information, April 2025.

²⁰⁰ Section III(3.1)(d) Rules for the Consideration of Applications.

²⁰¹ Section III(3.1)(d) Rules for the Consideration of Applications.

²⁰² Section I(2) Procedure of Age Assessment of Unaccompanied Children.

²⁰³ Section III(1) Procedure of Age Assessment of Unaccompanied Children.

²⁰⁴ Section II(2.3) Rules for the Consideration of Applications.

representative of an unaccompanied child shall participate in every stage of the asylum procedure relating to this child.²⁰⁵

The Commission's decision may be appealed in accordance with the procedure established by Ukrainian legislation.²⁰⁶ Such an appeal may be filed to the higher authority or official, or the court, in case of the absence of such authority or if a person disagrees with the decision made on that appeal. An appeal in the interests of an unaccompanied child shall be filed by their legal representative.²⁰⁷

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?
☐ Yes ☒ For certain categories ☐ No
❖ If for certain categories, specify which: Unaccompanied minors

When reviewing an application for recognition as a refugee or a person in need of complementary protection for an unaccompanied child, the interview is conducted with the child in the presence of their legal representative. The interview with the unaccompanied child must take place in the presence of the legal representative who submitted the application on behalf of the child, as well as a psychologist and a pedagogue.²⁰⁸ The participation of a defence counsel is mandatory throughout the procedure of reviewing the child's application for refugee status or complementary protection. Additionally, the involvement of a defence counsel is obligatory during the consideration of any appeal regarding an unaccompanied child.²⁰⁹

3. Use of medical reports

Indicators: Use of medical reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm? ☐ Yes ☐ In some cases ☒ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☐ Yes ☒ No

The law provides that after the preliminary examination, the territorial body of the SMS shall refer the applicant to a medical examination.²¹⁰ The medical examination is carried out by specialist doctors: general practitioner, paediatrician (for children), obstetrician-gynaecologist (for women). If necessary, the specialist doctors have the right to involve doctors of other specialities.²¹¹ Medical examinations are carried out free of charge at the expense of budgetary funds provided for in the state and local budgets.²¹² The conclusion of the medical examination is necessary for being placed in Temporary Accommodation centres (see [Reception Conditions](#)).

The legislation does not foresee the scenario where a medical report is taken into account to support the applicant's statements. In theory, an applicant can add a medical report to corroborate their asylum claim. However, legislation provides for a limited number of obligatory medical procedures in the context of this medical examination, which could not reflect the full applicant's state of health. For instance, the Procedure for Conducting a Medical Examination foresees the examination of a physician, or a gynaecologist for women and a list of medical tests.²¹³

²⁰⁵ Para.13(5) Procedure of Interaction between State Bodies in Age Assessment of Unaccompanied Children.

²⁰⁶ Section II(8) Regulations on the Commission for Age Assessment of Unaccompanied Children.

²⁰⁷ Article 16 Law on Citizens' Appeal.

²⁰⁸ Article 9 (3-4) Law on Refugees.

²⁰⁹ Article 12(7) Law on Refugees.

²¹⁰ Section V(5.1) Rules for the Consideration of Applications.

²¹¹ Procedure for Conducting a Medical Examination of Asylum Seekers.

²¹² Procedure for the Provision of Medical Care to Foreigners.

²¹³ Para 3 Procedure for Conducting a Medical Examination of Persons in Respect of Whom a Decision has been Made to Execute Documents for Deciding on Recognition as a Refugee or a Person in Need of Complementary Protection

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children? ☒ Yes ☐ No

Ukrainian legislation foresees the appointment of a legal representative to an unaccompanied child. The appointment of a legal representative does not differ depending on the procedure.²¹⁴ The legislation establishes the following list of institutions and persons who might be appointed as a legal representative: foster parents, foster carers, the administration of a healthcare facility, and educational or other children's institutions.²¹⁵ Considering the relatively low number of arriving unaccompanied children, the sufficiency of legal representatives should not be an issue.

A legal representative shall be appointed by the guardianship authority without delay.²¹⁶ In case an unaccompanied child crosses the border and claims the intention to be recognised as a refugee or person in need of complementary protection, the SBGS should immediately notify the SMS and the guardianship authority.²¹⁷

The representative of an unaccompanied child, upon receipt of a communication about the identification of an unaccompanied minor, immediately proceeds to the place of identification of the child.²¹⁸

Ukrainian laws specify two options in the case of a legal representative:

- ❖ the guardianship authority appoints as representative of an unaccompanied minor a civil servant of the Service for Children;
- ❖ a foster carer, head of a healthcare, educational or other children's institution in which an unaccompanied child is temporarily placed.²¹⁹

Ukrainian legislation sets forth the following duties for a legal representative of an unaccompanied minor:

- ❖ making an application in the interest of the unaccompanied child;
- ❖ participate in all proceedings held by the SMS during the consideration of the application;
- ❖ represent the child before public authorities and courts;
- ❖ appeal in the interest of the child.²²⁰

In the 2024 Communication of Ukraine to the Committee of Ministries, the Government assured that in the course of the asylum procedure, unaccompanied minors were ensured all their rights in accordance with the law, that the SMS took measures to identify parents or other legal representatives of the minors, and that the participation of a legal representative and lawyer was ensured.²²¹

While specific training for guardians is not required by law, there are mandatory requirements regarding their physical and mental health, as well as the conditions necessary for fulfilling their responsibilities. When appointing a guardian, their ability to fulfil the guardian's duties is assessed, along with the relationship between the guardian and the ward. To appoint a guardian, several documents must be provided, including:

- ❖ A medical certificate regarding the future guardian's (or caregiver's) health.
- ❖ An inspection report on the living conditions of the future guardian.
- ❖ A conclusion from the guardianship and custody authorities at the guardian's place of residence regarding their ability to fulfil the duties.

²¹⁴ Section II(2.3) Rules for the Consideration of Applications.

²¹⁵ Article 1(6) Law on Refugee.

²¹⁶ Section II(2.3.1) Rules for the Consideration of Applications.

²¹⁷ Section II(2.3.1) Rules for the Consideration of Applications.

²¹⁸ Para.13(1) Procedure of Interaction between State Bodies in Age Assessment of Unaccompanied Children.

²¹⁹ Para.12 Procedure of Interaction between State Bodies in Age Assessment of Unaccompanied Children.

²²⁰ Para.13(1-11) Procedure of Interaction between State Bodies in Age Assessment of Unaccompanied Children.
²²¹ Committee of Ministers, *1507th meeting (September 2024) (DH) – Action plan (02/07/2024) – Communication from Ukraine concerning the group of cases of Kebe and Others v. Ukraine*, 11 July 2024, DH-DD(2024)779, available [here](#).

- ❖ A certificate from a medical institution confirming the absence of any diseases in the guardian's family that could hinder the placement of a person in need of care.²²²

Ukrainian legislation does not establish specific limits on the maximum number of unaccompanied children a single representative can be responsible for.

There is no official data on the average number of children under the care of one representative. However, given the relatively low number of unaccompanied children arriving in Ukraine, ensuring a sufficient number of legal representatives has not posed a significant challenge.²²³

In Ukraine, there are no specific complaint mechanisms established by law that are exclusively available for unaccompanied children to file complaints against their representatives.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☐ Yes ☒ No

The legislation foresees that a person whose application for recognition as a refugee or a person in need of complementary protection has been refused to lodge may reapply if new circumstances as established by law arise.²²⁴ The circumstances listed in the definitions of "refugee" and "person in need of complementary protection" are provided in the Law on Refugees.²²⁵

The Supreme Court has indicated that the concept of "new circumstances" may be applied only if the applicant, in the course of the previous procedure, was unable to substantiate the facts specified in Article 1(1,13) of the Law on Refugees through no fault of their own.²²⁶

The law does not lay down any time limits for lodging a subsequent application or any limitations on how many times a person can lodge a subsequent application. The subsequent application under Ukrainian legislation does not differ from the regular procedure as described in [Regular procedure](#). The person follows the same rules and timeframes and has access to legal assistance and the right to appeal.

However, it should be recalled that asylum applicants only access reception centres if their application proceeds to the preliminary examination stage (see [Reception Conditions](#)), and one ground for the SMS to deny registration and lodging of an asylum application is the fact that the applicant has previously been denied refugee status or the status of a person in need of complementary protection. Persons lodging a subsequent application do not have access to reception facilities unless the SMS decides to register their application.

²²² Rules on Guardianship.

²²³ R2P observations.

²²⁴ Article 17 Law on Refugees.

²²⁵ Article 1(1,13) Law on Refugees.

²²⁶ Supreme Court, case no. 820/5430/17, 15 March 2019, available in Ukrainian [here](#).

F. The safe country concepts

Indicators: Safe Country Concepts

1. Does national legislation allow for the use of the “safe country of origin” concept? ☐ Yes ☒ No
❖ Is there a national list of safe countries of origin? N/A
❖ Is the safe country of origin concept used in practice? N/A
2. Does national legislation allow for the use of the “safe third country” concept? ☒ Yes ☐ No
❖ Is the safe third-country concept used in practice? ☒ Yes ☐ No
❖ Does national legislation allow for the use of the “first country of asylum” concept? ☒ Yes ☐ No

1. Safe country of origin

The concept of a 'safe country of origin' does not exist in Ukrainian law, meaning it is not used as a criterion in the country's asylum procedures.

2. Safe third country

The Refugee Law defines a safe third country as a country in which the person resided before arriving in Ukraine – a notion that excludes mere transit through the territory of a third country – and could apply for recognition as a refugee or a person in need of complementary protection. Further, the law sets the list of criteria for the safe third country, which must:

- ❖ adhere to international human rights standards in the field of asylum;
- ❖ adhere to the international principles of refugee protection as set out in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees;
- ❖ have national asylum and refugee legislation, and its relevant state authorities determine refugee status and grant asylum;
- ❖ provide the person with effective protection against refoulement and the opportunity to apply for and enjoy asylum;
- ❖ agree to accept the person and provide them with access to the procedure for determining refugee status or granting complementary protection.²²⁷

Article 6 of the Law on Refugee states that a person who, prior to arriving in Ukraine with the intention of being recognised as a refugee or a person in need of complementary protection, resided in a third safe country, cannot be recognised as a refugee or a person in need of complementary protection. This provision does not apply to children separated from their families, as well as to persons who were born or permanently resided in Ukraine, and their descendants.

Courts often highlight the incorrect application of the “safe third country” concept by the SMS, which has led to illegal refusals to grant protection.²²⁸ Despite the Law providing a clear definition of “safe third country”, the Supreme Court has also highlighted its incorrect use by lower courts. On this matter, its resolution of 08 July 2019 points out that the lower court did not consider the short time of the applicant's stay in the third country and the fact that the applicant was under the full control of the transporter and, as a result, had no access to the migration service.²²⁹

²²⁷ Article 1(22) Law on Refugees.

²²⁸ Supreme Court, R2P, *Review of the Supreme Court's Practice in Disputes Concerning the Recognition of Persons as Refugees or Persons in Need of Complementary Protection (for the period from 2018 to 2021)*, 2021.

²²⁹ Supreme Court, case no. 826/6841/16, 18 July 2019, available in Ukrainian [here](#).

3. First country of asylum

If a person was recognised as a refugee or a person in need of complementary protection in another country before arriving in Ukraine, this is a ground for refusal of refugee status.²³⁰ However, they cannot be extradited or forcibly returned to countries where their life or freedom is threatened.²³¹

There is no assessment procedure for whether the person can effectively benefit from the protection of that country.

G. Information for asylum applicants and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum applicants on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No
2. Is tailored information provided to unaccompanied children? ☒ Yes ☐ No

The Rules of the Consideration of Applications oblige the territorial body of the SMS to inform the applicant or their legal representative, under their signature, of the procedure for deciding on their applications, and the rights and obligations of the person during the lodging of the application. This information must be provided in a language understood by the applicant or their legal representative.²³² In case an applicant is an unaccompanied child, the legal representative is responsible for receiving the information and conveying it to the child.

In addition, UNHCR and its partner NGOs provide tailored legal and social assistance to refugees and asylum seekers in different regions during each stage of the procedure. In most cases, assistance is provided orally during meetings with the beneficiaries. NGOs assist in the preparation of the asylum application, including through the translation of the relevant documents and country of origin information research; draft appeals against SMS rejections and represent applicants in the courts; provide legal advice on accessing relevant state services, legal and social rights by asylum seekers and persons granted protection.²³³

In addition, UNHCR and NGOs deliver informational materials designed to address the needs of refugees. Such information could be brought in physical copies or electronic materials on NGOs' websites and social media. For instance, R2P has set up a Telegram channel for refugees after the full-scale invasion.

1.1. Information at the border

The SBGS Instruction stipulates that in the case of an application for protection by a foreigner or stateless person who has valid documents for entry and stay in Ukraine, the authorised SBGS staff member, having received information about the application, explains to the asylum seeker the procedure for applying for protection in accordance with the legislation of Ukraine, if necessary, involves an interpreter, and provides information on the location and contact details of the nearest territorial body of the SMS, where the asylum seeker can apply for protection in a written form.²³⁴

According to the legislation, in case of the irregular crossing of the border, the authorised SBGS staff member also explains to the asylum seeker the procedure for applying for protection and provides an opportunity for the asylum seeker to submit a written application for protection, either in person or with

²³⁰ Article 6 Law on Refugees.

²³¹ Article 31 Law on Refugees.

²³² Section III(3.1) Rules for the Consideration of Applications.

²³³ UNCHR, *Refugees and asylum seekers*, available in Ukrainian [here](#).

²³⁴ Section II(2)(1) SBGS Instruction.

the assistance of a legal representative.²³⁵ In practice, asylum seekers may experience disregard for their applications, a lack of information about the protection system in Ukraine in a language they understand, and the failure to provide an interpreter.²³⁶

In case the border was crossed by an unaccompanied child, the authorised SBGS staff member, taking into account the child's age and individual characteristics, explains to the child the procedure for applying for protection per the legislation of Ukraine and involves an interpreter if necessary.²³⁷

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum applicants located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
2. Do asylum applicants in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No
3. Do asylum applicants accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

From 2018 to 2019, UNHCR and SBGS collaborated to set up 30 boards at the Border Control Posts along the Russian Federation and Belarus borders, along with 24 stands equipped with informational leaflets at international airports in Ukraine. These boards provide concise information in English and Russian regarding asylum procedures and caution against using fake passports, along with contact information for SBGS, SMS, and UNHCR hotlines. The accompanying leaflets elaborate on asylum and appeals processes in Arabic, English, Farsi, and Russian.²³⁸

According to information relevant prior to 2022, access to the transit zone in airports had to be requested by UNHCR and/or its partners to the Administration of the SBGS for each case when UNHCR and its partners had indications that individuals had expressed their intention to apply for asylum from those zones.

In its 2018 report, UNHCR noted that already in 2017, access had deteriorated, as UNHCR has recorded more than 40 instances when such access was denied. It should be mentioned that this mostly concerned individuals who could not continue on with flights to the EU due to their lack of Schengen visas or due to the possession of forged passports identified by the air companies. These individuals became stranded at Kyiv Boryspil Airport and were subsequently returned due to carrier sanctions.

In 2017, UNHCR Kyiv NGO partner got access to only 6 persons who wanted to claim asylum but were denied access to the territory and were at risk of deportation.²³⁹

Since 24 February 2022, information regarding access of NGOs to potential asylum seekers at the border is absent.

²³⁵ Section II(2)(2) SBGS Instruction.

²³⁶ R2P practices.

²³⁷ Section II(2)(3) SBGS Instruction.

²³⁸ Committee of Ministers, *Communication from Ukraine concerning the case of Kebe and Others v. Ukraine*, 23 January 2023, DH-DD(2023)95, available [here](#).

²³⁹ UNHCR.

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
❖ If yes, specify which: n/a
2. Are applications from specific nationalities considered manifestly unfounded?²⁴⁰ ☐ Yes ☒ No
❖ If yes, specify which: n/a

Following the full-scale invasion and until now, humanitarian organisations reported limited access to asylum for the citizens of Belarus and Russia, who faced barriers to renewing residency in Ukraine and risked deportation.²⁴¹

²⁴⁰ Whether under the “safe country of origin” concept or otherwise.

²⁴¹ US Department of State, *2023 Country Report on Human Rights Practices: Ukraine*, 12 April 2024, available [here](#).

Short overview of the reception system

Asylum applicants are eligible for very limited reception conditions at every stage of their application. An asylum applicant can apply for accommodation in one of the three State accommodation centres for asylum applicants, refugees and persons in need of complementary protection, named Temporary Accommodation Centres (TAC). Control over the activities of the centre is exercised by the structural units of the SMS.²⁴²

Asylum applicants are eligible to be settled at TAC only if their application enters the preliminary examination stage. The SMS is not obliged to accommodate persons to TAC and may refuse to do so. The Centre may refuse to accommodate an asylum applicant under the following grounds:

- ❖ in the absence of free places;
- ❖ in the absence of MSID or if the MSID of the application for protection in Ukraine has expired;
- ❖ in the absence of a copy of the certificate with information about the person who has undergone a medical examination;
- ❖ in case of detection of infectious diseases and diseases incompatible with cohabitation;
- ❖ in case of complications of the sanitary and epidemiological situation at the point.

The stay in the TAC is not limited by the legislation. Asylum applicants as well as beneficiaries of international protection with valid documents can prolong their stay in TAC every six months.²⁴³ TAC residents are provided with a food package on a regular basis. The three existing TACs in Ukraine offer reception spaces for 421 persons in total, which do not cover the existing needs for housing. Moreover, after the full-scale invasion, TACs have also been used to accommodate internally displaced persons.

In addition, asylum applicants are allowed to stay with relatives, in a hotel, or rent a flat with their own means.²⁴⁴

No other living subsidies are made available to asylum applicants by the state during the course of the whole asylum procedure. Asylum applicants not accommodated in a TAC are not provided with any assistance by the State and the national social protection system. Humanitarian organisations like UNHCR and its NGO partners, therefore, provide cash and in-kind assistance to cover the most basic needs, though these programs are often insufficient.²⁴⁵

²⁴² Section I(6) Regulations on Temporary Accommodation Centres for Refugees.

²⁴³ Part III(17) Regulations on Temporary Accommodation Centres for Refugees.

²⁴⁴ Article 13(1) Law on Refugees.

²⁴⁵ UNCHR, *Refugees and asylum seekers*, available in Ukrainian [here](#).

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow access to material reception conditions for asylum applicants in the following stages of the asylum procedure?

❖ Regular procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Dublin procedure	N/A		
❖ Admissibility procedure	N/A		
❖ Border procedure	N/A		
❖ Accelerated procedure	N/A		
❖ First appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Onward appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Subsequent application	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
2. Is there a requirement in the law that only asylum applicants who lack resources are entitled to material reception conditions?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Asylum applicants are eligible to be settled at TAC only if their application enters the preliminary examination stage upon receiving MSID, or when recognised as a refugee or a person in need of complementary protection. The SMS is not obliged to accommodate persons to TAC and may refuse to do so. The Centre may refuse to accommodate an asylum applicant under the following grounds:

- ❖ in the absence of free places;
- ❖ in the absence of MSID or if the MSID of the application for protection in Ukraine has expired;
- ❖ in the absence of a copy of the certificate with information about the person who has undergone a medical examination;
- ❖ in case of detection of infectious diseases and diseases incompatible with cohabitation;
- ❖ in case of complications of the sanitary and epidemiological situation at the point.

R2P had also witnessed a case where an asylum applicant with two wives was refused accommodation because of his plural marriage.²⁴⁶

There are no requirements to reimburse the accommodation or declare the financial resources prescribed by legislation. Considering this, the detailed information about reception conditions is described below under [Forms and levels of material reception conditions](#), as well as [Reduction or withdrawal of reception conditions](#), and [Housing](#).

The stay in the TAC is not limited by the legislation. Asylum applicants as well as beneficiaries of international protection with valid documents can prolong their stay in TAC every six months.²⁴⁷

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum applicants as of 31 December 2023 (in original currency and in €):

€ 0

Asylum applicants whose application was moved by the territorial body of the SMS into the preliminary examination stage have access to the following reception conditions:

- ❖ temporary employment, training, and medical care in accordance with the procedure established by the legislation of Ukraine;
- ❖ accommodation with relatives, in a hotel, renting a dwelling or using accommodation provided in a temporary accommodation centre for refugees;
- ❖ free legal aid in accordance with the established procedure.

²⁴⁶ Practice-based observation by R2P, dated December 2023.

²⁴⁷ Part III(17) Regulations on Temporary Accommodation Centres for Refugees.

The listed set of reception conditions remains the same throughout the whole asylum procedure. There is no requirement in the law that only asylum applicants who lack resources are entitled to reception conditions, nor is there a specific moment in the asylum process when an asylum applicant must declare any financial resources they might have. Additionally, asylum applicants are not required to contribute to the cost of reception.

One of the concerns is the lack of immediate access to the reception conditions upon making an application, as until the application is lodged, asylum applicants do not have the MSID, which confirms their legal stay in Ukraine. Taking into account the instances of ungrounded refusal of the SMS to accept asylum applications, persons wishing to make an application are deprived of reception and state services, leaving them extremely vulnerable.

In addition, asylum applicants not residing in TAC are deprived of material assistance, such as food, clothes, and hygiene kits. Participants in the 2019 UNHCR survey, as well as the R2P-HIAS 2022 report, emphasise problems in getting an MSID recognised by governmental institutions, as well as poor access to social or medical services, the labour market, and housing.²⁴⁸

In the absence of any state assistance for refugees and asylum applicants, UNHCR provides assistance to asylum applicants in the form of cash assistance, business and training grants, and courses in the Ukrainian language. For instance, during the initial months of 2022, UNHCR identified increased vulnerabilities among this population and chose to provide blanket cash assistance to all registered refugees and asylum applicants for six months. The scope of UNHCR assistance fluctuates annually or semi-annually. In addition, UNHCR and its partners, such as ROKADA, continue to offer additional forms of support. These include educational grants for school supplies, clothing, or funds for laptops and tablets, as well as in-kind assistance like food and hygiene kits, and coverage for medical services and medication. In general, the assistance provided covers the basic needs of beneficiaries.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?
☒ Yes ☐ No
2. Does the law provide for the possibility to withdraw material reception conditions?
☒ Yes ☐ No

Persons housed in the centre may lose the right to use the accommodation provided to them in the centre in the following cases:

- ❖ a person has refused to stay in TAC;
- ❖ a person was granted or purchased another residential facility;
- ❖ a territorial body of SMS has notified the TAC administration regarding the non-extension of the person's stay at the facility; termination or suspension of consideration of the asylum application; refusal to further consideration of the application on merits; refusal to grant the status of refugee or person in need of complementary protection;
- ❖ in case of committing a crime;
- ❖ a person systematically breaks the rules of staying in TAC;
- ❖ a person's right to live in a TAC has not been renewed.

After losing the right to use the accommodation in TAC refugees, persons in need of complementary protection and asylum applicants still can enjoy their rights to medical care, temporary employment etc. in accordance with the procedures established by the legislation of Ukraine.

²⁴⁸ UNHCR, *Ukraine 2019 Joint Needs Assessment*, 2019, available in Ukrainian [here](#); R2P&HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available [here](#).

The most common reasons for pausing or ceasing the right to live in TAC may be the expiration of refugees' documents, the unsuccessful asylum application, the refusal to grant protection status, etc.

A person who is accommodated in the Centre and in respect of whom a decision has been made to withdraw the right to use accommodation is obliged to return all items and objects provided for temporary use to the responsible employee of the Centre within five working days and move out of the Centre.

The deprivation of the right to use the accommodation may be appealed to the SMS, as well as to the court.²⁴⁹ In case of a successful appeal, the right to live in TAC should be restored. Free legal aid for court motions might be provided for asylum applicants, depending on their vulnerability ([Regular procedure - Legal assistance](#)).

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country? ☐ Yes ☒ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

Asylum applicants, upon receiving an MSID may register their place of residence in Ukraine.²⁵⁰²⁵¹ There are usually no problems with registering or declaring a place of residence or staying in one's own housing or in a TAC. At the same time, it is difficult to register or declare a place of residence or stay in rented housing owned by another person, as such registration requires the consent of the owner.²⁵² Asylum applicants often register their place of residence or stay at the centres for homeless persons, as landlords are often reluctant to register a tenant.²⁵³

Asylum applicants are obliged to notify the SMS of their travels outside the administrative-territorial unit of Ukraine in which they reside.²⁵⁴ In practice, asylum applicants have not faced particular problems regarding providing or failing to provide such notification.

The issue of travelling around Ukraine has mostly been raised after the full-scale invasion. In the R2P-HIAS survey conducted in 2022, 27% of respondents noted that they cannot travel freely inside Ukraine. Some indicated that they could not leave their domicile because of the checkpoints nearby, or because they fear being fined or deported.²⁵⁵

Also, asylum applicants living in TAC are obliged to notify the administration of the TAC in advance of their absence from the centre for more than three days. In addition, asylum applicants are not allowed to be absent from the centre for more than fifteen days without notifying the centre administration.²⁵⁶ In practice, the distinction lies in the consequences of absence: after 15 days of absence, individuals typically lose their right to remain in the TAC, whereas an absence of up to 3 days usually results in a warning. However, these practices are not explicitly prescribed by law, but rather reflect administrative custom.

²⁴⁹ Section III (50,53,57) Regulations on Temporary Accommodation Centres for Refugees.

²⁵⁰ Para. 5 Procedure for Declaring and Registering a Place of Residence.

²⁵¹ According to the current legislation of Ukraine, refugees are required to declare or register their place of residence or stay, while asylum applicants have the right to register their place of stay in Ukraine. Ukrainian legislation on administrative offenses establishes liability for residing without registration, depending on a person's citizenship. According to Article 203 of the Code of Ukraine on Administrative Offenses a fine for foreigners ranging from 1,700 to 6,800 UAH—depending on whether the offense is repeated within a year. Therefore, refugees and asylum applicants, under the logic of the administrative liability legislation, still be regarded by enforcement authorities as foreigners.

²⁵² Information from the The Tenth of April, 14 May 2024.

²⁵³ Information from the ROKADA, 01 May 2024.

²⁵⁴ Article 13 Law on Refugees.

²⁵⁵ R2P & HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available [here](#).

²⁵⁶ Part III(37) Regulations on Temporary Accommodation Centres for Refugees.

If a person leaves their TAC without permission and is absent for more than three days without notifying the administration of the TAC, their right to use the living space and receive food supplies is suspended. The administration must immediately report the person's disappearance to the local police. The suspended rights can be reinstated if the individual returns and if the authorised stay period has not expired, provided there are available spaces and they have not repeatedly violated the rules. They must renew their documentation before regaining access to the TAC if their documentation has expired.²⁵⁷

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres: 3
2. Total number of places in the reception system: 421
3. Total number of places in private accommodation: None²⁵⁸
4. Type of accommodation most frequently used in a regular procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☒ Other
5. Type of accommodation most frequently used in an accelerated procedure: N/A²⁵⁹
☐ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other

Capacity and occupancy of the asylum reception system: 2024		
Centre	Capacity	Occupancy at end of 2024
Temporary accommodation centre for refugees in Zakarpattia region	120	1
State institution "Temporary accommodation centre for refugees in Odesa"	200	-
Temporary accommodation centre for refugees in Yahotyn, Kyiv region	101	1
Total	421	2 ²⁶⁰

Source: SMS statistics for 2024; SMS' responds to the R2P request for public information.

TAC are a place for temporary accommodation of asylum applicants in respect of whom a decision has been made to process their application in the preliminary examination stage, or who have been recognised as a refugee or a person in need of complementary protection.

No other types of accommodation, such as hotels, private houses/flats, or emergency shelters, are provided for asylum applicants. Asylum applicants are allowed to stay with relatives, in a hotel, renting a flat but only on their own means.²⁶¹

²⁵⁷ Part III (45-49) Regulations on Temporary Accommodation Centres for Refugees.

²⁵⁸ Ukraine does not ensure private accommodation and asylum seekers cover private housing by their own cost..

²⁵⁹ It is not applicable due to the lack of accelerated procedure in Ukrainian law.

²⁶⁰ Upon NGO information, these 2 people resided in TACs in Yahotyn and Zakarpattia regions.

²⁶¹ Article 13(1) Law on Refugees.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum applicants not having access to reception accommodation because of a shortage of places? ☒ Yes ☐ No
2. What is the average length of stay of asylum applicants in the reception centres?
from 6 months to an unidentified period
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No
4. Are single women and men accommodated separately? ☒ Yes ☐ No

The TAC is managed by a director who is appointed and dismissed by an order of the Head of the SMS, with the approval of the head of the regional state administration.²⁶² The activities of the TAC are supervised by the structural units of the State Migration Service.²⁶³ The operation of the TAC is funded by the state.

To be placed in TAC, an asylum applicant has to be referred by the territorial body of the SMS. Also, the applicant must complete a medical examination.²⁶⁴ Thus, there is no immediate access to state accommodation upon making an asylum application.

Temporary placement in the TAC is granted for up to six months but may be extended indefinitely for no more than six months each time.²⁶⁵

Legislation sets forth the list of living conditions which should be provided in TAC. Applicants placed in the centre are accommodated separately by gender and, if necessary, by religious beliefs, ethnic origin and other differences. Applicants with families are accommodated together as a family unit in separate rooms. The centre is equipped with rooms for training and education for children of applicants placed in the centre, playgrounds and playrooms, a library, common areas equipped with TVs, classrooms with computer equipment, sports grounds, as well as rooms to meet the religious needs of persons placed in the centre. Applicants placed in the TAC are provided with food. TAC are also equipped with cooking facilities.²⁶⁶

In addition, a healthcare point shall be set up at the centre. In case of illness, the medical staff provide the asylum applicant with the necessary treatment. If necessary, the patient is isolated and an emergency medical team is called to transport the patient to a healthcare facility. A healthcare facility is provided following the Procedure for Providing Medical Assistance to Foreigners, which means that after medical assistance has been provided, the asylum applicant must compensate the hospital for the treatment provided to them.²⁶⁷

TACs are visited by human rights and humanitarian NGOs which provide material assistance, activities and workshops for adults and children, and psychological support.²⁶⁸ The frequency of the visits depends on NGOs' programmes and financing.

In 2018-2019, the Ukrainian Red Cross Society systematically visited Zakarpattia TAC, interviewing 803 migrants and providing them with services to restore and maintain contact with their families in their countries of origin. 650 migrants, mostly from Vietnam, India, Bangladesh, Mongolia and Sri Lanka, took

²⁶² Part VI(1) Regulations on Temporary Accommodation Centres for Refugees.

²⁶³ Part I(6) Regulations on Temporary Accommodation Centres for Refugees.

²⁶⁴ Part III(4-5) Regulations on Temporary Accommodation Centres for Refugees.

²⁶⁵ Part III(17) Regulations on Temporary Accommodation Centres for Refugees.

²⁶⁶ Part III(22, 27-28, 39, 42) Regulations on Temporary Accommodation Centres for Refugees.

²⁶⁷ Part IV(1) Regulations on Temporary Accommodation Centres for Refugees.

²⁶⁸ SMS, *A Holiday for Children was Arranged at the TAC*, 18 June 2021, available in Ukrainian [here](#).

advantage of the opportunity to call their families. In addition, the Red Cross provides inhabitants of the MCC with hygiene items, clothes, and toys for children.²⁶⁹

In December 2022, the representatives of the Parliament Commissioner carried out a monitoring visit to Zakarpattia TAC and checked the condition of the centre. The Parliament Commissioner provided a description of the centre premises and described the living arrangements inside. The TAC consists of a complex of buildings and has a fenced-off surrounding area. The TAC is located in a two-storey building, which is divided into zones for separate accommodation for single men, single women and families. Each zone is equipped with a sanitary unit, kitchen and dining room. There are separate rooms for leisure activities, and a computer room equipped with three computers with Internet access for studying and communicating with relatives. Children's and sports playgrounds are equipped.

The Parliament Commissioner noted the presence of the information regarding COVID-19 in Ukrainian, English and Arabic.

There is a warehouse in a separate room where groceries such as cereals, juices, and canned food are stored and distributed at the request of residents. The refugees living in the TAC are responsible for their meals by self-catering. The kitchen and separate rooms are equipped with refrigerators and gas stoves, and there is sufficient kitchen equipment.

All persons who are accommodated in the TACs have the opportunity to receive primary medical care. The TAC has a medical worker on staff and a family doctor.²⁷⁰

Furthermore, on 09 January 2023, the Parliament Commissioner monitored the living conditions in Yahotyn TAC. The report emphasised that TAC provides essential services for residents, such as kitchen access, laundry rooms, and internet. Refugees receive initial medical screenings, healthcare, and schooling opportunities for children. The building is equipped with ramps for people with disabilities. Social support is coordinated with NGOs. However, the centre lacks personal hygiene products for residents.²⁷¹

²⁶⁹ Ukrainian Red Cross Society, *Tracing Service Helps Migrants in Transcarpathia*, 20 February 2019, available in Ukrainian [here](#).

²⁷⁰ Parliament Commissioner, *Monitoring of the Temporary Accommodation Centre for Refugees in the Transcarpathian region "Latorytsia"*, 05 December 2022, available in Ukrainian [here](#).

²⁷¹ Parliament Commissioner, *Monitoring of the Temporary Accommodation Centre for Refugees in Yahotyn, Kyiv region*, 09 January 2023, available in Ukrainian [here](#).

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

- | | |
|--|---|
| 1. Does the law allow for access to the labour market for asylum applicants?
❖ If yes, when do asylum applicants have access the labour market? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Upon receiving an MSID |
| 2. Does the law allow access to employment only following a labour market test? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Does the law only allow asylum applicants to work in specific sectors?
❖ If yes, specify which sectors: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
N/A |
| 4. Does the law limit asylum applicants' employment to a maximum working time?
❖ If yes, specify the number of days per year | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
N/A |
| 5. Are there restrictions to accessing employment in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Historically, asylum applicants have enjoyed only very limited access to work in Ukraine. In order to legally employ an asylum applicant, employers had to offer a salary ten times higher than the Ukrainian minimum wage. In September 2022, the Parliament changed the law to suspend this rule.

Thus, the present algorithm for hiring an asylum applicant is the following:

Asylum applicants in Ukraine have the right to be employed in Ukraine with a work permit for foreigners and stateless persons, which is issued to the employer.²⁷² The permit is issued by the territorial body of the Employment Centres within seven business days and is free of charge.²⁷³ The permit is issued for the period of validity of the MSID, but not more than one year. The permit may be extended if the MSID is renewed. In 2024, Employment Centres issued three such work permits.

One of the obstacles for asylum applicants to be employed is the absence of a TIN, as a person needs to possess an ID for a TIN to be issued. An asylum applicant can obtain a verified by the SMS copy of their ID, which is kept in the SMS and receive a TIN based on this copy. In case of the absence of any ID or verified copy, the TIN cannot be issued.²⁷⁴

The issuance and extension of work permits for citizens of the Russian Federation, the Republic of Belarus, as well as other states recognised as posing a threat to Ukraine, is carried out in coordination with the regional bodies of the Security Service of Ukraine.²⁷⁵ This requirement was added after the full-scale invasion of Russia. Employers often are not willing to hire Russians and Belarusians because of this provision.²⁷⁶

²⁷² Article 24 Law on Employment.

²⁷³ Diia, *Work Permission for Foreigners and Stateless Persons*, available in Ukrainian [here](#).

²⁷⁴ Section III(1)(3) Regulation on the Registration of Individuals in the State Register of Individuals-Taxpayers.

²⁷⁵ Article 24 Law on Employment.

²⁷⁶ R2P observations.

2. Access to education

Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children? ☒ Yes ☐ No
2. Are children able to access education in practice? ☒ Yes ☐ No

Ukrainian legislation guarantees the right to education for asylum applicants.²⁷⁷ Complete secondary education is obligatory in Ukraine (the typical age of graduates is 16 to 18 years old).²⁷⁸ NGOs do not report specific problems with the admission of asylum applicants' children to schools.

The problem may arise with language barriers and support in the studying process due to cultural, language, and curriculum differences. Minor asylum applicants are not included in the list of persons with special educational needs as the term "children with special educational needs" is used in a narrower sense of inclusive education and covers children with mental and physical disorders and children with disabilities.²⁷⁹

In addition, minor asylum applicants face hurdles to be enrolled in kindergartens because of the requirement of having had a medical examination conclusion.²⁸⁰ Considering the limited access to health care (see [Health care](#)), parents can often not obtain the necessary documents or vaccinations for children.²⁸¹

Regarding passing the final examination necessary for further admission to higher education (external independent evaluation), persons who are receiving (have received) complete general secondary education in a language that does not belong to the Slavic language group are among the persons who need reasonable adjustment to take an external independent evaluation.²⁸²

However, in practice, these persons have faced refusals to grant such benefits. NGOs reported that in 2019, asylum applicants who studied in Iran, Iraq, and Yemen applied to the Ukrainian Centre for Educational Quality Assessment with a request to apply for special conditions, but they were denied registration. The Ministry of Education, in response to the request, noted that persons with special educational needs must provide documents on obtaining education in a non-Slavic language in general secondary education institutions of Ukraine.²⁸³

Asylum applicants have the right to be enrolled in Ukrainian vocational²⁸⁴ and higher²⁸⁵ education institutions. Asylum applicants are not eligible for State scholarships or special conditions for participation in the competitive selection process for admission to professional pre-university and higher education.²⁸⁶

Following the COVID-19 pandemic starting in 2020, due to quarantine rules, the country used to close schools and universities, leading to disrupted learning and loss of vital social interaction for children and young people. Digital technologies helped during this crisis, with Ukraine setting up an effective online schooling system to maintain education. However, vulnerable groups, including asylum-seeking and refugee children, often lacked access to computers or the internet, hindering their participation in remote learning. Online schooling was not always an option for these children, either due to the lack of equipment

²⁷⁷ Article 13 Law on Refugees.

²⁷⁸ Article 2 Law on Complete Secondary Education.

²⁷⁹ Coalition of Non-Governmental Organisations, *Interim report "State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine"*, 2020, available [here](#).

²⁸⁰ Ministry of Education and Science, *Enrolment in a Kindergarten*, available in Ukrainian [here](#).

²⁸¹ R2P observations.

²⁸² Regulation on Certain Categories of Persons with Special Educational Needs.

²⁸³ Coalition of Non-Governmental Organisations, *Interim report "State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine"*, 2020, available [here](#).

²⁸⁴ Article 5 Law on Vocational Education.

²⁸⁵ Article 4 Law on Higher Education.

²⁸⁶ WikiLegalAid, *Preferential Categories of Applicants*, available in Ukrainian [here](#).

and stable internet connection or the inability to follow a foreign language curriculum without a teacher or parental support.²⁸⁷

The full-scale invasion has further exacerbated the already challenging situation for Ukrainian children. UNICEF reported that the war has severely impacted the education of 5.3 million children. Many schools have been damaged or destroyed, and only about 25% of schools can offer in-person learning. Power outages and infrastructure damage hinder access to both physical and online education. The disruption also affects children's social development and mental well-being, as schools play a critical role in offering emotional support.²⁸⁸

Ukraine has not established state courses in the Ukrainian language for asylum applicants or beneficiaries of international protection, or courses in Ukrainian culture, or administrative systems. This need is covered by UNHCR, NGOs and by refugee communities themselves.²⁸⁹ In addition, ROKADA has designed an online Ukrainian language course for refugees, and R2P has been conducting Ukrainian-speaking clubs online for Russian-speaking beneficiaries.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum applicants guaranteed in national legislation?
☒ Yes ☐ No
2. Do asylum applicants have adequate access to health care in practice?
☐ Yes ☒ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum applicants available in practice?
☐ Yes ☐ Limited ☒ No
4. If material conditions are reduced or withdrawn, are asylum applicants still given access to health care?
☒ Yes ☐ Limited ☐ No

The Refugee Law of Ukraine guarantees the right to medical assistance for asylum applicants. Prior to the medical reform that started in 2016, asylum applicants had access to free emergency medical aid. However, new amendments from 2018 suspended this provision.²⁹⁰ Currently, access to health care for asylum applicants remains extremely limited. The State ensures coverage for asylum applicants of necessary medical services and medicines related to emergency medical care. However, asylum applicants are required to reimburse the State the full cost of the medical services and medicines provided.²⁹¹

Regarding other health care services, asylum applicants are required to pay as any other foreigners. For most of them, this is not affordable. There is also concern regarding chronic diseases, which demand constant care, such as diabetes. The asylum procedure can take many years, and these people cannot receive any disability benefits from the state. UNHCR has also highlighted a case where an asylum applicant's scheduled medical operation was cancelled by the hospital because of their lack of identity documents.²⁹²

Asylum applicants are unable to sign the medical declaration giving access to free primary medical aid as the MSID is not mentioned in the list of necessary documents for signing such a declaration.²⁹³

²⁸⁷ United Nations Ukraine, *Assessment of the socio-economic impact of COVID-19 in Ukraine*, 02 December 2020, available [here](#), e.g. 39.

²⁸⁸ UNICEF, *War has hampered education for 5.3 Million children in Ukraine, warns UNICEF*, 24 January 2023, available [here](#).

²⁸⁹ UNHCR, *Ukraine 2019 Joint Needs Assessment*, 2019, available in Ukrainian [here](#).

²⁹⁰ Article 11 Law on Principles of Ukrainian Healthcare Legislation; Article 4(2) Law on State Financial Guarantees of Healthcare Services for the Population.

²⁹¹ Article 4 Law of Ukraine on State Financial Guarantees of Medical Care for the Population.

²⁹² UNHCR, *Ukraine 2019 Joint Needs Assessment*, 2019, available in Ukrainian [here](#).

²⁹³ Part II(6) Procedure for Determining a Primary Care Physician.

In addition, in the 2020 UN report “Assessment of the socio-economic impact of COVID-19 in Ukraine”, asylum applicants were recognised as one of the most vulnerable groups in Ukraine at the time of COVID-19 because of low access to medical assistance, language barrier, low income and little or no access to personal protection equipment and because they cannot apply social distancing measures when residing in TAC. They are at higher risk of infection as a result.²⁹⁴

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
☐ Yes ☒ No

There is no definition or procedural guarantees for applicants with specific needs. In the legal instructions regulating the process of accommodation in the TACs, some reference is made to the prioritization of vulnerable persons in the process of accommodation (families with children, single women, and elderly persons). The legislation foresees that rooms for persons with disabilities accommodated in the TACs, as well as residential buildings and other premises used by them, are equipped according to the needs of persons.

The involvement of the psychologist during the RSD process to support very vulnerable applicants (SGBV survivors, for instance) is resolved on an *ad hoc* basis through the assistance of the UNHCR social partner NGOs.

Asylum applicants may benefit from certain social services which are targeted at preventing difficult life circumstances such as disability, childbirth, illness etc. Obstacles to receiving certain social services may arise if an asylum applicant cannot obtain a TIN. Quite often, asylum applicants are unable to obtain a TIN due to the absence of an ID or the expiration of such a document. Accordingly, asylum applicants without an ID, consequently without a TIN cannot have access to certain social services in Ukraine.

Among the range of social services, asylum applicants have stable access to assistance related to childbirth. A TIN is not required among the documents submitted to receive this assistance.²⁹⁵

In other cases, asylum applicants have received state social assistance with the aid of UNHCR executive partners.²⁹⁶ For instance, ROKADA reported that they experienced precedents in issuing assistance due to low income for asylum applicants, although they explained that in those cases the authorities accepted the MSID as an identity document.²⁹⁷ The Tenth of April has also assisted with burial arrangements, as governmental support is not available to asylum applicants. In case asylum applicants need support in applying for social services, relevant NGOs may assist with translation and legal information.

F. Information for asylum applicants and access to reception centres

1. Provision of information on reception

According to the Regulation on TAC, there should be information boards placed in accessible locations. These boards contain materials such as the facility’s rules of residence, internal regulations approved by the facility’s director, and information regarding the rights and obligations of the residents. They also provide contact details for helplines, the facility’s administration, territorial bodies of the SMS, courts, the

²⁹⁴ United Nations Ukraine, *Assessment of the socio-economic impact of COVID-19 in Ukraine*, 02 December 2020, available [here](#), e.g. 28, 38-39.

²⁹⁵ Para.11, Procedure for Granting and Paying State Assistance to Families with Children.

²⁹⁶ Testimony of the ROKADA dated 01 May 2024, testimony of the Tenth of April dated 14 May 2024.

²⁹⁷ Testimony of the ROKADA dated 01 May 2024.

prosecutor's office, the Parliament Commissioner, and the UNHCR. This information is displayed in the state language and in languages understood by the residents.²⁹⁸

Access to the information might be monitored by the Parliament Commissioner during their visits to TAC. For instance, during a monitoring visit to the Yahotyn TAC, the Parliament Commissioner noted the presence of stands with information in the Ukrainian language and in a language understood by asylum applicants.²⁹⁹

Also, NGOs provide asylum seekers with necessary information via various sources.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?

☒ Yes ☐ With limitations ☐ No

TAC administration provides access for family members and other visitors of an accommodated person upon written notification of the guest.³⁰⁰

Also, the Parliament Commissioner and their representatives are allowed to enter all the premises of the facility at any time. The results of the monitoring visits are communicated to the TAC administration, as well there is public information regarding the conditions in the TAC, which were mentioned under [Housing – Conditions in reception facilities](#).³⁰¹

Representatives of international, non-governmental and human rights organisations, and mass media may visit the centre on the basis of an official permission of the SMS or the director of the centre upon their written request. Visits by representatives of state, international, civic and human rights organisations, and the media to persons held in the facility may be carried out daily during the day in a specially designated room in the facility.³⁰²

G. Differential treatment of specific nationalities in reception

There are no reported cases where specific nationalities are systematically discriminated against or treated preferentially in the area of reception regarding accommodation or labour market access. The issuance and extension of work permits for citizens of the Russian Federation and the Republic of Belarus are being coordinated by the Security Service of Ukraine due to national security concerns.

²⁹⁸ Part III (29) Regulations on Temporary Accommodation Centres for Refugees.
²⁹⁹ Parliament Commissioner, *Monitoring of the Temporary Accommodation Centre for Refugees in Yahotyn, Kyiv region*, 09 January 2023, available in Ukrainian [here](#).
³⁰⁰ Part V(2) Regulations on Temporary Accommodation Centres for Refugees.
³⁰¹ Part V(1) Regulations on Temporary Accommodation Centres for Refugees.
³⁰² Part V(2) Regulations on Temporary Accommodation Centres for Refugees.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2024:	N/A ³⁰³
2. Number of asylum seekers in detention at the end of 2024:	N/A
3. Number of detention centres:	3
4. Total capacity of detention centres:	566

As of 2024, there were three functioning detention centres for foreigners and stateless persons irregularly staying in Ukraine:

- ❖ Mykolaiv Migrant Custody Centre, brought into operation on 20 April 2018, with a capacity of 138 people at a time.
- ❖ Chernihiv Migrant Custody Centre, brought into operation on 18 July 2008, with a capacity of 236 people at a time.
- ❖ Volyn (Zhuravychi) Migrant Custody Centre, brought into operation on 12 September 2008, with a capacity of 192 people at a time.³⁰⁴

During 2024, 253 persons were placed in the MCCs. In comparison, 292 foreigners were placed in 2023. 377 persons stayed throughout 2024. In 2023, 362 persons stayed in MCCs. 131 persons were released in 2024 and 115 in 2023.³⁰⁵³⁰⁶

In 2022, due to the full-scale invasion of the territory of Ukraine by Russian troops and the outbreak of hostilities, only Zhuravychi MCC remained fully operational.³⁰⁷ The Parliament Commissioner informed that there were no foreigners in the Chernihiv MCC at least for July 2022.³⁰⁸ In addition, the SMS reported that as a result of the shelling of the Chernihiv MCC on 30 March 2022, the dormitory and the dining room of the MCC were damaged.³⁰⁹ In May 2024, the operation of the MCC in Chernihiv was resumed.³¹⁰

According to the R2P, by the end of 2024, 48 foreigners, of whom - 43 men and 5 women (55 foreigners in 2023)³¹¹ were held in the Zhuravychi MCC. Most of the people held in the Zhuravychi MCC are Russian citizens. A lot of detainees are foreigners who have lived in Ukraine for many years. Often, some of these individuals are ethnic Ukrainians.³¹²

MCCs primarily house undocumented asylum seekers. These include individuals who applied to the migration service but were not issued with documentation, those unaware of or not seeing the necessity for the procedure due to long-term irregular residence in Ukraine, and others who lost their legal grounds to stay (e.g., many Russian citizens in Ukraine who cannot return due to safety concerns).

The acceptance of the applications and interviews is conducted through the weekly visits of the staff of regional asylum units to the premises of MCC. Separate rooms for meetings with the applicants are

³⁰³ There's no official statistic on total number of asylum seekers detained.

³⁰⁴ SMS, *Migrant Custody Centre*, available in Ukrainian [here](#).

³⁰⁵ SMS Statistics 2023, available in Ukrainian [here](#).

³⁰⁶ SMS Statistics 2024, available in Ukrainian [here](#).

³⁰⁷ R2P, *Internal report*, 2022.

³⁰⁸ Parliament Commissioner, *Monitoring of the Chernihiv Migrant Custody Centre*, 08 July 2022, available in Ukrainian [here](#).

³⁰⁹ SMS, *As a Result of Russian Invasion of Ukraine, the SMS units suffered losses and destruction in excess of €11 million*, 25 May 2022, available in Ukrainian [here](#).

³¹⁰ Committee of Ministers, *1507th meeting (September 2024) (DH) – Action plan (02/07/2024) – Communication from Ukraine concerning the group of cases of Kebe and Others v. Ukraine*, 11 July 2024, DH-DD(2024)779, available [here](#).

³¹¹ R2P, *Internal report*, 2023.

³¹² R2P, *Internal report*, 2023; R2P, *Internal report*, 2024.

available. Interpretation should be arranged by the SMS office; however, translation services are mostly provided by compatriot detainees.³¹³

In practice, access to asylum procedures from these detention facilities is complicated due to problems with access to sufficient information on asylum procedures and free legal assistance, and limited visits of the local SMS office to the MCC, in particular after February 2022.³¹⁴ This continued to be the case in 2024.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

1. In practice, are most asylum applicants detained
 - ❖ on the territory: ☒ Yes ☐ No
 - ❖ at the border: ☐ Yes ☒ No
2. Are asylum applicants detained during a regular procedure in practice?
 - ☐ Frequently ☒ Rarely ☐ Never
3. Are asylum applicants detained during a Dublin procedure in practice? N/A

Under the Regulation on Migrant Custody Centres for Foreigners and Stateless Persons illegally staying in Ukraine, an MCC is a state institution designed for the temporary detention of foreigners and stateless persons:

- ❖ with respect to whom a court has made a decision on forced expulsion from Ukraine;
- ❖ with respect to whom a court has made a decision on detention for the purpose of identification and ensuring forced expulsion from Ukraine;
- ❖ detained by the SMS, its territorial bodies and subdivisions for the periods and in the manner prescribed by law;
- ❖ detained by a court decision until the application for recognition as a refugee or a person in need of complementary protection in Ukraine or a stateless person is completed.³¹⁵

Detention for the purpose of identification can be carried out in case a person does not have identification documents and cannot provide evidence to the court of the regular stay in Ukraine.³¹⁶

In practice, immigration detention occurs most frequently when persons are detained without passports and/or visas for entry into the EU while attempting to cross the state border outside the designated border-crossing points.

In case a person in an irregular situation or pending return applies for asylum and the SMS lodges the application, the term for detention can be prolonged up to 18 months.³¹⁷

According to the Regulation on Migrant Custody Centres a foreigner shall be released by the MCC administration upon the following grounds:

- ❖ upon a court's vacated judgment of detention or forced expulsion;
- ❖ in case the court does not prolong the term of arrest;
- ❖ expiration of the limit period of stay;
- ❖ recognition of a person as a refugee or person in need of complementary protection;
- ❖ establishing the status of a victim of human trafficking.

³¹³ UNHCR, 2018

³¹⁴ UNHCR, 2023.

³¹⁵ Para. 1 Model Regulation on the Migrant Custody Centres.

³¹⁶ Article 4(6) Law on the Legal Status of Foreigners; Supreme Court, case No. 359/5975/17, 13 February 2019, available in Ukrainian [here](#).

³¹⁷ Article 289(11) Code of Administrative Judicial Procedure.

However, human rights organisations have for many years³¹⁸ raised concerns regarding significant risks of arbitrary detention,³¹⁹ with detention being ordered in cases where it is disproportionate or where there are no grounds for detention.

The European Court of Human Rights has repeatedly found Ukraine's detention of migrants to violate Article 5 of the European Convention on Human Rights.³²⁰ For instance, in 2021, the ECtHR held that there was a violation of Article 5 of the Convention, namely protection against arbitrary detention, in the case *Shoygo v. Ukraine*. The applicant had submitted that his detention had been unlawful because the authorities had to be aware that the applicant did not have identification documents, that they would be unable to expel him because his detention was unnecessary and the possibility of using less restrictive measures was not examined and because the authorities had not pursued his expulsion with requisite diligence.³²¹

Another case is currently being examined by the ECtHR, *Vukolov v. Ukraine*, an application for violation of Articles 5 and 8 of the Convention, which was filed at the end of 2020. The man was detained in October 2019, placed in MCC on 7 November 2019, and released on 7 November 2020. The Moldovan Embassy had responded to the Ukrainian authorities in November 2019 that the man's passport was not documented, and that there was no information about his citizenship. After March 2020, the migration service made no efforts to identify and expel the man to his country of origin, in particular, due to quarantine restrictions.³²²

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
 - ☒ Reporting duties
 - ☐ Surrendering documents
 - ☒ Financial guarantee
 - ☐ Residence restrictions
 - ☐ Other
2. Are alternatives to detention used in practice? ☒ Yes ☐ No

Pursuant to Article 289 of the Code of Administrative Judicial Procedure, limited alternatives to detention are provided by legislation, namely, surety or bail. Compared to EU practice, these alternatives are clearly insufficient. Also, unlike EU legislation, Ukrainian legislation does not provide for the obligation to choose a less coercive measure of influence on a person before considering detention, i.e. detention as a last resort.

When applying alternative measures, the court shall explain in writing to the foreigner or stateless person the obligations imposed on them:

- ❖ to report to the designated official at a frequency established by the court;
- ❖ not to leave the settlement in which the foreigner or stateless person temporarily resides without the permission of the designated official;
- ❖ immediately notify the designated official of any change of residence.³²³

A surety may be provided by an enterprise, institution or organisation and consists in the provision by authorised persons of the certain entity, whom the court considers to be particularly trustworthy, of a

³¹⁸ Human Rights Watch, *Ukraine: On the Margins, Rights Violations against Migrants and Asylum Seekers at the New Eastern Border of the European Union*, 28 November 2005, available here.

³¹⁹ R2P & HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available here.

³²⁰ ECtHR, *Nur and Others v. Ukraine*, Application no. 77647/11, Judgement of 16 July 2020, available here; ECtHR, *Turdikhojaev v. Ukraine*, Application no. 72510/12, Judgment of 18 March 2021, available here.

³²¹ ECtHR, *Shoygo v. Ukraine*, Application no. 29662/12, 30 September 2020.

³²² ECtHR practice. *Ukrainian Aspect, Will the ECtHR Help Change the Attitude of Officials towards Stateless Persons as Second-Class Citizens?*, 21 January 2022 available in Ukrainian here.

³²³ Article 289(4) Code of Administrative Judicial Procedure.

written undertaking that they oblige to ensure that the foreigner fulfils the obligations imposed on them, and undertake to bring them to the court or body that filed the claim.³²⁴

Posting bail means that a foreigner, a stateless person or other individual or legal entity deposits certain funds. The amount of the bail is determined by the court, taking into account the property and family status of the foreigner, within the range of fifty to one hundred units of minimum subsistence level for able-bodied persons (around € 3,000 to 6,000),³²⁵ and is posted within five business days from the date of the court's decision to post the bail.

Alternatives to detention are not used that frequently. Nevertheless, courts order surety of bail for foreigners. For instance, in 2018, Mukachevo City District Court ordered bail in the amount ₴176,200 (around € 4,000) to an asylum applicant from Tajikistan.³²⁶ Further, in case No. 932/11362/23, the Babushkynskyi District Court of Dnipropetrovsk granted the request to release a Moroccan citizen from detention and placed him under the personal guarantee of the "European Medical University" LLC.³²⁷

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?

☐ Frequently ☒ Rarely ☐ Never

❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
2. Are asylum-seeking children in families detained in practice?

☐ Frequently ☒ Rarely ☐ Never

According to Ukrainian legislation, the MCC should have separate accommodations for men and women, with specific living quarters for pregnant women, parents with children, and families. The facility should include a medical centre with an isolator, as well as a kitchen, dining room, and laundry facility. Technically, the rules existing in accordance with Ukrainian legislation align with several requirements of the EU at first glance. However, Ukraine lacks the presence of greater guarantees for vulnerable individuals.

Pursuant to the Regulation on Migrant Custody Centres, unaccompanied children are not subject to placement in MCC but are sent to a children's shelter of the Children's Service.³²⁸ No other categories are mentioned in the Regulation. Also, in the Code of Administrative Procedure, there are no restrictions or specific categories which cannot be detained.

NGOs and the Parliamentary Commissioner's office rarely report cases of detention of unaccompanied children, as such instances are infrequent. One case was mentioned in 2018, when monitors found two Bangladeshi unaccompanied minors in Chernihiv MCC, who had been in the detention facility for almost six months, but during this time had not been appointed a legal representative to protect their interests before the Ukrainian state authorities.³²⁹ However, such cases are not common in practice. In the Communication from Ukraine concerning the group of cases of *Kebe and Others v. Ukraine* to the Council of Europe, the Government confirmed that in 2022-2024, no unaccompanied minors from foreign nations had been placed at the MCC.³³⁰

³²⁴ Article 289(5) Code of Administrative Judicial Procedure.

³²⁵ On 1 January 2023, the subsistence minimum for able-bodied persons was ₴2,684 (around €60).

³²⁶ Mukachevo City District Court, case no. 303/6985/18, 19 November 2018, available in Ukrainian [here](#).

³²⁷ Committee of Ministers, 1507th meeting (September 2024) (DH) – Action plan (02/07/2024) – Communication from Ukraine concerning the group of cases of *Kebe and Others v. Ukraine*, 11 July 2024, DH-DD(2024)779, available [here](#).

³²⁸ Para. 6 Model Regulation on the Migrant Custody Centres.

³²⁹ Cheline, *Rights of Minor Migrants from Bangladesh are Grossly Violated in Chernihiv Region* – Parliament Commissioner, 09 January 2018, available in Ukrainian [here](#).

³³⁰ Committee of Ministers, 1507th meeting (September 2024) (DH) – Action plan (02/07/2024) – Communication from Ukraine concerning the group of cases of *Kebe and Others v. Ukraine*, 11 July 2024, DH-DD(2024)779, available [here](#).

4. Duration of detention

Indicators: Duration of Detention

1. What is the maximum detention period set in the law (incl. extensions): 18 months
2. In practice, how long on average are asylum applicants detained? n/a³³¹

The maximum period for detention is 18 months (initial detention for 6 months with the possibility to extend for up to 12 additional months), and the periodic court review of detention must be conducted every 6 months. A request for an extension of the detention period shall be filed no later than five days before its expiry every six months in accordance with the requirements of part twelve of Article 289(12) of the Code of Administrative Judicial Procedure.³³²

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum applicants to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum applicants ever detained in practice in prisons for the purpose of the asylum procedure? N/A

Detention capacity and occupancy in 2024		
Detention centre	Capacity	Occupancy during 2024
Mykolaiv Migrant Custody Centre for foreigners and stateless persons illegally staying in Ukraine	138	
Chernihiv Migrant Custody Centre for foreigners and stateless persons illegally staying in Ukraine	236	
Volyn Migrant Custody Centre for foreigners and stateless persons illegally staying in Ukraine	192	
Total	566	253

Source: SMS website available [here](#).

There are no official detention facilities in airports; however, there are MTT managed by the SBGS.

Detained persons can be citizens of Ukraine, foreigners, or stateless persons who have been detained by authorized officers of the SBGS for committing administrative offences or on suspicion of committing criminal offences that fall under the competence of the SBGS in accordance with Ukrainian legislation. This category also includes foreigners or stateless persons for whom a decision has been made to place them in designated temporary holding facilities for foreigners and stateless persons who are unlawfully present in Ukraine, pending their forced expulsion, as well as those accepted from the competent authorities of other countries under valid international agreements on readmission (transfer and acceptance) of persons.

³³¹ Based on the figures published by the State which are mentioned below in the section [Detention – Procedural Safeguards](#), it is impossible to say exactly how long on average are asylum seekers detained.

³³² Para. 5 Model Regulation on the Migrant Custody Centres.

Depending on the grounds for placement in MTT, the period of detention may vary. For example, administrative detention of a person who has committed an administrative offence may last no more than three hours, and in necessary cases for establishing the person's identity and/or clarifying the circumstances of the offence - up to three days. The period of detention may also be determined by a court decision.

Detained persons can be released (discharged) from the MTT due to:

- ❖ expiration of the detention period;
- ❖ transfer, in accordance with Ukrainian legislation, to a law enforcement or other state authority;
- ❖ termination of the legal grounds for detention as defined by Ukrainian legislation;
- ❖ entry into force of a court decision or decision of another competent authority (official) on the application of a different preventive measure or the release of the person.

Detained persons are also considered to have been discharged from the MTT in cases of escape or death.

In the territory of Ukraine, third-country nationals, including asylum seekers, are detained in specialised facilities – Migrant Custody Centres – which are State bodies.³³³ The temporary stay facility is managed by the SMS.³³⁴

In 2023, the Parliament Commissioner reported the tendency of SMS to detain foreigners within the premises of the territorial bodies of the SMS. It was found that the territorial branches of the SMS do not have facilities for the temporary detention of migrants. Foreign nationals are held for long periods of time in premises not equipped for long-term detention, namely in the offices of employees, while decisions are being made on their expulsion. For example, in the Main Department of the SMS in the Lviv region, there were cases of foreign nationals being detained for more than 13 hours, in the SMS in the Khmelnytskyi region – more than 15 hours, in the SMS in the Ternopil region – more than 8 hours.

As there are no special places for temporary detention of detained foreigners in the territorial bodies of the SMS, SMS officials have to take foreigners to MCCs as soon as possible, mostly at night, which are located at a great distance from the territorial bodies. However, it is not defined how long a foreigner could stay in a territorial office of the SMS, nor the procedure for providing them with food before being placed in MCC.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|-----------------------------|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. If yes, is it limited to emergency health care? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

According to Ukrainian legislation, the MCC should have separate accommodation for men and women, with specific living quarters for pregnant women, parents with children, and families. The facility should include a medical centre with an isolation unit, as well as a kitchen, dining room, and laundry facility. Storage space for personal belongings, sports facilities, and the ability for detainees to move freely within the facility are also required. Detainees should be allowed to wear their own clothes, send and receive letters and parcels, and perform religious ceremonies. They should also have access to meetings with human rights defenders, lawyers, representatives of diplomatic missions or consular institutions, and international and human rights organisations. These provisions aim to ensure the well-being, privacy, and rights of individuals held in the MCC.

Journalists reporting in 2021 described the living conditions in Zhuravychi MCC as satisfying. Everyone has access to high-speed internet. There are sports and children's playgrounds on-site. Residents can order groceries from the shop if they can pay for them. The kitchen staff of MCC take into account the

³³³ Para. 1 Model Regulation on the Migrant Custody Centres.

³³⁴ Para. 3 Model Regulation on the Migrant Custody Centres.

cultural and religious traditions of detainees' meals, so, for example, they do not cook pork, only chicken and beef.³³⁵

On 4 April 2022, Human Rights Watch reported that third-country nationals were trapped in Zhuravychi MCC, Volyn oblast, after being detained for irregularly trying to cross the border into Poland before the Russian invasion.³³⁶ Human Rights Watch also reported the presence of military personnel and vehicles near the Zhuravychi MCC. This puts detainees at risk, especially during active hostilities, as civilian objects could lose their protection under international humanitarian law or suffer from incidental casualties. The risk of indiscriminate attacks and constant electricity cuts contributes significantly to the vulnerability of the detainees and puts their welfare at grave risk.³³⁷

In 2022, R2P and HIAS conducted a survey to identify the protection risks of asylum seekers and refugees in Ukraine. Respondents staying in MCC reported poor living conditions and said they were denied the opportunity to apply for asylum.³³⁸

In September 2022, the SMS responded to R2P's request for information on the measures taken by the government, highlighting safety measures taken in the detention centres, as well as the provision of food supplies and medical aid.³³⁹

In July 2023, the representatives of the Parliament Commissioner, accompanied by UNHCR, accomplished monitoring visits to the Volyn MCC. The monitors reported that detention conditions in the centre, in general, are satisfying.

Foreigners and stateless persons are provided with appropriate conditions for walking in the open air. There are sports grounds on the territory of the MCC for active recreation. During outdoor walks, men are separated from women and parents with children. Parents with children can spend their free time on the equipped playgrounds. Foreigners and stateless persons have meals prepared by staff cooks in the MCC dining room, where they are provided with food in accordance with their cultural and religious practices and traditions. The food is distributed by a staff member of the canteen. Persons placed in the MCC have access to religious literature and religious objects of their faith.

However, the Parliamentary Commissioner emphasised that detainees are not provided with food on their way to and back from court hearings. In such cases, foreigners stay without food for the whole day. In some rare cases, officials of the territorial bodies of the SMS of Ukraine purchase food for accompanying persons at their own expense.

As a result of appeals from persons held in the MCC, the administration of the institution was recommended to take measures to improve access to writing stationery in order to exercise their right to appeal.³⁴⁰

Regarding access to education, children are very rarely placed in MCC, and if they are, teachers are expected to visit them and provide training.

³³⁵ Volyn, *Illegal Immigrants in Volyn Live Better Than Many Ukrainians*, 04 September 2021, available in Ukrainian [here](#).

³³⁶ Human Rights Watch, *Migrants, Asylum Seekers Locked Up in Ukraine*, 04 April 2022, available [here](#).

³³⁷ Global Detention Project, *Ukraine Immigration Detention Profile*, 15 December 2022, available [here](#).

³³⁸ R2P&HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available [here](#).

³³⁹ SMS response to the R2P request for public information, 30 September 2022, No. 3-OP-241-22.

³⁴⁰ Parliament Commissioner, *Monitoring visit to the Volyn Migrant Custody Centre, State Migration Service of Ukraine*, 25 July 2023, available in Ukrainian [here](#); Parliament Commissioner, *Report on the Results of the Visit to the Volyn Migrant Custody Centre of the State Migration Service of Ukraine*, 06 July 2023, available in Ukrainian [here](#).

Accompanying foreigners to court premises, medical institutions and temporary detention facilities by separate territorial units is carried out by vehicles that are not intended for the transportation of detainees.³⁴¹

2.1. Health care and special needs in detention

As provided above, asylum seekers have limited access to health care. The emergency medical assistance delivered to asylum seekers by the State should be reimbursed by the asylum seeker. However, NGOs emphasised that requests for reimbursements are rare and usually, medical facilities will not charge the person for urgent medical assistance.

In 2020, the State Migration Service of Ukraine issued a number of instructions to carry out preventive and anti-epidemic measures to prevent the spread of COVID-19 in the migrant accommodation centres (MCC) as well as in temporary accommodation centres (TAC) for refugees and health care centres operating there:

Instruction of the State Migration Service of Ukraine on Counteracting the Spread of SARS of 11 March 2020 No. D/37/1-20 requested the institutions to implement anti-epidemic measures to combat COVID-19;

Instruction of the State Migration Service of Ukraine on Additional Measures to Prevent the Entry of Acute Respiratory Disease of 13 March 2020 No. D/38/1-20.

In the course of monitoring visits to MCC, representatives of the Parliament Commissioner recorded human rights violations. It was found that there is no control over how the staff and persons in centres use personal protective equipment. Due to the lack of non-contact thermometers, no temperature screening is performed for the staff of institutions or persons in custody.

Most of the MCCs visited did not have a clear special procedure for the disposal of used medical devices, including personal protective equipment (medical masks and gloves), which creates a risk of infection with COVID-19 for both persons in custody and staff and visitors.

The monitoring visits identified that in most SMS institutions, persons in custody are not provided with a sufficient number of personal protective equipment.³⁴²

In addition, in 2021, the Parliament Commissioner for Human Rights visited the MCC in the Volyn region and found out that vaccinations against COVID-19 for foreigners and stateless persons had not been carried out in this institution. As a result of the Parliament Commissioner's response, the necessary vaccinations were organised for the detainees in the Volyn MCC.³⁴³

In 2023, the Parliament Commissioner reported a request from a Moroccan citizen detained in MCC to provide him with dental care. The foreigner reported a lack of funds to pay for medical care, thus the management of the MCC addressed the NGO "The Tenth of April" and the International Organisation for Migration in Ukraine to resolve the issue of payment for dental services. As a result, the foreigner was taken to a private dental clinic where he underwent treatment. The costs of the treatment were reimbursed to the private dentist by the International Organisation for Migration.³⁴⁴

³⁴¹ Parliament Commissioner, *Special report of the Ukrainian Parliament Commissioner for Human Rights "On the State of Affairs with Regard to the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine, 2023*, available in Ukrainian [here](#), e.g. 63-64.

³⁴² Parliament Commissioner, *Observance of Human Rights and Freedoms in Places where People are Deprived of their Liberty during the Emergency Related to the Spread of an Acute Respiratory Disease COVID-19 Caused by Coronavirus SARS-COV-2, 2021*, available [here](#), e.g. 39-41.

³⁴³ Parliament Commissioner, *Annual Report on The State of Observance and Protection of Human and Civil Rights and Freedoms in Ukraine, 2021*, available in Ukrainian [here](#), e.g. 94.

³⁴⁴ Parliament Commissioner, *Following the Parliament Commissioner's Response, the Right of a Foreigner to Medical Assistance and Treatment in Migrant Custody Centre was Restored*, 20 December 2023, available in Ukrainian [here](#).

3. Access to detention facilities

Indicators: Access to Detention Facilities

- | | |
|--|--|
| 1. Is access to detention centres allowed to | |
| ❖ Lawyers: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Limited <input type="checkbox"/> No |
| ❖ NGOs: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Limited <input type="checkbox"/> No |
| ❖ UNHCR: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Limited <input type="checkbox"/> No |
| ❖ Family members: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Limited <input type="checkbox"/> No |

Detained persons in MCC are regularly visited by NGO representatives. For instance, in 2024, the R2P legal team carried out visits to the Zhuravichi MCC twice a month which came along with legal assistance.³⁴⁵

In addition, the Parliament Commissioner has access to the places of detention, including the MCC. They are able to visit such places without prior notice of the time and purpose of the visit.³⁴⁶

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

- | | |
|---|---|
| 1. Is there an automatic review of the lawfulness of detention? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. If yes, at what interval is the detention order reviewed? | 6 months |

The review of detention is initiated by the authority at whose request the foreigner was detained, *i.e.*, the SMS, SBGS, SSU. The relevant authority shall file an administrative claim for the extension of the detention period no later than five days before its expiry every six months. The claim shall specify the actions or measures taken by the authority to identify a foreigner, to enforce a decision on forced expulsion or readmission, or to consider an application for recognition as a refugee or a person in need of complementary protection in Ukraine. The conditions under which it is impossible to identify a foreigner and ensure their forced expulsion or readmission are:

- ❖ lack of cooperation from the foreigner during the procedure of their identification;
- ❖ failure to receive information from the country of the foreigner's citizenship or documents required for identification.

Detention may be imposed for a period of up to six months, although shorter periods, such as three months, may also be ordered by the court. In practice, the maximum six-month period is typically applied. This period may be extended twice by court order, though the extensions are not necessarily for the full six months. Prior to the expiration of the detention period, the authority responsible for initiating the detention submits a formal request for an extension, should additional detention time be required.³⁴⁷

Consideration of these issues is carried out by the court with mandatory participation of the parties and legal representatives in cases prescribed by law, including through videoconferencing. Administrative cases shall be considered by the court on the day of filing the relevant statement of claim.³⁴⁸

Article 289 of the Code of Administrative Judicial Procedure provides that the appeal of the decision of the first instance court regarding the placement of a person in an MCC should be filed within 10 days after the proclamation of the first instance decision. The appellate court shall consider the case within ten days after the expiry of the time limit for appeal, with notice to the parties to the case.³⁴⁹

³⁴⁵ R2P practices, 2023-2024.

³⁴⁶ Article 13(8) Law on Parliament Commissioner.

³⁴⁷ R2P observations.

³⁴⁸ Article 289(12-15) Code of Administrative Judicial Procedure.

³⁴⁹ Article 289(16-17) Code of Administrative Judicial Procedure.

The court practice of the Kiverts District Court of the Volyn Region shows that almost none of the cases regarding the detention of foreigners in MCC were processed with a qualified interpreter. There have been instances where defendants detained in the Volyn MCC who participated in the hearings did not understand the language of the proceedings, and were not provided with an interpreter. There have been cases where the applicant was provided with translation from the language of the proceedings into English by one interpreter, and from English into a language understood by the foreign defendant by another interpreter. However, no reliable information was provided to the court that the second interpreter was translating into a language understood by the defendant, which may cast doubt on the validity of any decision in the administrative case.³⁵⁰

In the Communication from Ukraine concerning the group of cases of *Kebe and Others v. Ukraine* to the Council of Europe, Ukraine provided the following statistics on the number of people detained in the MCC and the length of their detention after the full-scale invasion:

In February 2022, 313 individuals were detained in the MCC, including 255 for up to 6 months, 29 for more than 6 months, 9 for more than 9 months, 6 for more than 12 months, and 14 for more than 15 months. In December 2022, 93 individuals were detained in the MCC, including 72 for up to 6 months, 18 for more than 6 months, 0 for more than 9 months, 2 for more than 12 months, and 1 for more than 15 months.

In December 2023, 159 individuals were detained in the MCC, including 111 for up to 6 months, 24 for more than 6 months, 10 for more than 9 months, 8 for more than 12 months, and 6 for more than 15 months. In April 2024, 122 individuals were detained in the MCC, including 82 for up to 6 months, 16 for more than 6 months, 14 for more than 9 months, 8 for more than 12 months and 2 for more than 15 months.³⁵¹ As of June 2025, no more recent data is available.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?

☒ Yes☐ No

2. Do asylum applicants have effective access to free legal assistance in practice?

☒ Yes☐ No

Persons who are subject to administrative detention or arrest, including foreigners and stateless persons, have the right to all types of legal services mentioned in Article 14(2) of the Law on Free Legal Aid.

As mentioned before, UNHCR partners (R2P, The Tenth of April) regularly pay visits to the MCC and provide detainees with free legal aid, including legal assistance for the review of detention.

However, in 2023, the Parliament Commissioner reported³⁵² facts of abuse by officials of the territorial bodies of the State Migration Service of Ukraine, violating the rights of detainees to legal aid in Volyn MCC. During confidential interviews with foreigners and stateless persons, numerous complaints were received that persons were not informed of their right and possibility to receive free secondary legal aid in accordance with the Law on Free Legal Aid, as they did not understand the content of the administrative detention protocol, not being proficient in Ukrainian.

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Analysis provided by the Head of the Kiverts District Court of Volyn Region.

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Committee of Ministers, *1507th meeting (September 2024) (DH) – Action plan (02/07/2024) – Communication from Ukraine concerning the group of cases of Kebe and Others v. Ukraine*, 11 July 2024, DH-DD(2024)779, available [here](#).

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Parliament Commissioner, *Report on the results of the visit to the Volyn temporary stay centre for foreigners and stateless persons illegally staying in Ukraine of the State Migration Service of Ukraine*, 06 July 2023, available in Ukrainian [here](#).

Thus, the Parliament Commissioner described the case of a Russian Federation citizen who was not informed of his right to receive free secondary legal aid, as confirmed by a protocol on administrative detention. Moreover, the officials of the SMS seized his phone and did not allow him to call his lawyer.

Another case concerns the Bangladeshi citizen who was not informed of his right and eligibility for free secondary legal aid, as he did not speak Ukrainian and did not understand the content of the protocol on administrative offences. He signed the protocol in the places indicated by the officials of the Central Interregional Department of the SMS. Ultimately, he was provided with the services of a lawyer only after his placement in the temporary detention facility.

E. Differential treatment of specific nationalities in detention

There is no evidence that specific nationalities are more susceptible to detention. The perception of certain nationalities being more frequently detained may stem from their larger representation in numbers. Additionally, nationality does not appear to significantly affect the length of detention.

Content of International Protection

On 22 August 2012, Ukraine adopted a comprehensive Integration Plan for Refugees, designed until 2020.³⁵³ The Plan foresaw various measures for refugees' integration, integral support in studying Ukrainian, employment, provision of medical care and housing etc.

The action plan for 2018-2021 aimed at implementing the State Migration Policy Strategy for the period until 2025, targets refugees as part of a wider migration group, but also foresees a couple of tasks dedicated specifically to international protection and complementary protection beneficiaries. The SMS, the Ministry of Social Policy, the Ministry of Education and Science and the Ministry of Foreign Affairs are assigned to enhance cooperation with ethnic minority communities in the integration process and involve them in the development of legislation on integration and immigration.³⁵⁴

Firstly, the integration policy of migrants lacks involvement from local self-governing bodies and regional authorities. The integration policies for foreigners have only been developed in Vinnytsia and Sumy.

Moreover, adopted documents have had limited impact thus far due to insufficient support from the Government, inadequate funding and multiple competing priorities.

In 2021, MIEUX+ (an EU initiative offering expertise on migration management) presented an assessment of Ukraine's capacity to integrate refugees and people in need of complementary protection. The visit laid the groundwork for the National Integration Action Plan for 2022-2025. The EU experts highlighted Ukraine's efforts to align its policies with European standards.³⁵⁵ The action plan for integrating refugees has been in progress since 2021, but work has been delayed due to the war.³⁵⁶

A. Status and residence

1. Residence permit

Indicators: Residence Permit

- | | |
|--|---------|
| 1. What is the duration of residence permits granted to beneficiaries of protection? | |
| ❖ Refugee status | 5 years |
| ❖ Complementary protection | 5 years |

A refugee certificate or a certificate of a person in need of complementary protection is issued for a period of five years.³⁵⁷ The certificate is issued to a foreigner by the territorial body of the SMS on the basis of the decision of the headquarters of the SMS to recognise a foreigner or a stateless person as a refugee in Ukraine or a person in need of complementary protection within seven business days.³⁵⁸

Persons who are recognised as refugees are considered to be permanently residing in Ukraine from the date of the decision to recognise them as refugees.³⁵⁹ Persons who are recognised as persons in need of complementary protection are considered to be legally residing in Ukraine for an indefinite period of time.³⁶⁰ There is a legal conflict between the Law on Refugees and the Law on Foreigners regarding the

³⁵³ Action Plan for the Integration of Refugees and Persons in Need of Complementary Protection into Ukrainian Society for the Period up to 2020 of 22 August 2012, no. 605-p.

³⁵⁴ Action Plan for 2018-2021 to Implement the Strategy of State Migration Policy of Ukraine for the Period up to 2025 of 29 August 2018 no. 602-p.

³⁵⁵ SMS, *MIEUX+ Experts Provide Preliminary Assessment of Ukraine's Potential and Needs in the Field of Integration of Refugees and Persons in Need of Complementary Protection*, 22 November 2021, available in Ukrainian [here](#).

³⁵⁶ European Commission, *COMMISSION STAFF WORKING DOCUMENT Ukraine 2023 Report*, 8 August 2023, available [here](#), e.g. 67.

³⁵⁷ Article 10(11) Law on Refugees.

³⁵⁸ Section VI(6.8) Rules for the Consideration of Applications.

³⁵⁹ Article 14(2) Law on Refugees.

³⁶⁰ Article 14(3) Law on Refugees.

status of persons in need of complementary protection. While both laws guarantee legal residence, one views it as indefinite, while the other ties it to temporary.³⁶¹ Although these individuals receive the same social benefits as refugees, the contradiction complicates access to rights, particularly in obtaining Ukrainian citizenship for themselves and their children.

For issuance of a refugee certificate or certificate of a person in need of complementary protection in case of expiration of the previous one, a foreigner or stateless person personally applies in advance to the territorial body of the SMS of Ukraine at their place of residence and submits the documents required to extend the certificate.³⁶² When re-registering a refugee or a person in need of complementary protection, the validity of the refugee or person in need of a complementary protection certificate is extended.³⁶³ The certificate is replaced within 15 working days.³⁶⁴ The status of beneficiaries may be withdrawn at this stage, however, R2P does not report any such cases.

Following the full-scale invasion in 2022, beneficiaries who fled from Ukraine do not have the possibility to issue or extend their certificates and travel documents abroad.

In some cases, refugees or persons in need of complementary protection could not obtain a certificate for return to Ukraine³⁶⁵ from a diplomatic mission abroad. Ukrainian missions noted that they could not issue documents as they were unable to connect to IT systems in Ukraine. Further, some refugees report being refused a certificate and being told that the document would only be issued to citizens of Ukraine. In response to our information request, the Ministry of Foreign Affairs said it lacks funding to issue return certificates to people granted protection by Ukraine.³⁶⁶

For instance, a citizen of the Syrian Arab Republic, recognised in Ukraine as a person in need of complementary protection, left Ukraine in April 2022 on the basis of a certificate of a person in need of complementary protection to accompany his elderly father. In May 2022, he was denied entry to Ukraine with the same document. The Ukrainian embassy in Germany informed him that he could not be issued a return permit because it was only available to Ukrainian citizens. Therefore, he does not have a proper document to cross the state border of Ukraine.³⁶⁷ However, in 2024, with the support of the R2P lawyers, some persons with complementary protection were able to obtain such return permits from Ukrainian embassies abroad.³⁶⁸

2. Civil registration

Persons who are recognised as refugees or persons in need of complementary protection enjoy the same rights and freedoms and have the same obligations as citizens of Ukraine, except in cases established by the Constitution and laws of Ukraine.³⁶⁹ The procedure of civil registration of birth/marriage of beneficiaries of international protection is the same as for Ukrainian citizens.

³⁶¹ Article 4(3) Law on Foreigners.

³⁶² Diia, *Extension of the Refugee Certificate*, available in Ukrainian [here](#); Diia, *Extension of the Validity of a Certificate of a Person in Need of Complimentary Protection*, available in Ukrainian [here](#); Article 10 (8) Law on Refugees.

³⁶³ Article 10(11) Law on Refugees.

³⁶⁴ para. 10 Regulations on the Refugee Certificate.

³⁶⁵ A certificate of return to Ukraine is an identity document that confirms the citizenship of Ukraine, gives the right to enter Ukraine, and is issued by foreign diplomatic missions of Ukraine. The certificate may also be issued to persons who are recognised in Ukraine as refugees or persons in need of complementary protection in case of loss or theft of identity documents issued in Ukraine and entitling them to leave Ukraine and enter Ukraine while abroad, if such documents have expired or are found to be invalid for other reasons (para. 1, 16 Resolution on Approval of the Sample Form, Technical Description and Procedure for Issuing and Issuing a Certificate of Return to Ukraine of 5 April 2017 No. 285).

³⁶⁶ R2P&HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available [here](#).

³⁶⁷ More examples could be found here: R2P, *Note on the Conditions of Crossing the State Border of Ukraine by Refugees and Stateless Persons*, 05 December 2022, available in Ukrainian [here](#).

³⁶⁸ R2P practices.

³⁶⁹ Article 14(1) Law on Refugees.

Parents are obliged to register the birth of a child immediately, but not later than one month from the date of birth, with the civil registry office. Registration of a child’s birth is certified by a birth certificate. The service is free of charge and takes one day.

However, UNHCR partner organisations reported that refugee families may have problems obtaining birth certificates for their children.³⁷⁰ This issue arises, as refugees frequently arrive without birth certificates for their children born abroad. Refugee families often struggle to obtain birth certificates for their children because Ukrainian law requires specific medical documents proving birth, which refugees may not have.³⁷¹ Without these documents, they are forced to go through the courts, making the process more difficult.

In the case of marriage, a woman and a man who wish to register a marriage submit a written application in person to the civil registry office of their choice.

A refugee certificate or a certificate of a person in need of complementary protection must be provided to receive the mentioned services.

3. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2024:	n/a
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In Ukraine, there is no provision for long-term resident status for foreigners. After the expiration of refugee or complementary protection certificates, individuals must renew these documents.

4. Naturalisation

Indicators: Naturalisation

1. What is the minimum residence period for obtaining citizenship?	
❖ Refugee status	3 years
❖ Complementary protection	n/a
2. Number of citizenship grants to beneficiaries in 2024:	0

Refugees may apply for naturalisation following three years of residency in Ukraine, which is not the case for persons granted complementary protection, who have no right to naturalization, which significantly hampers their integration.

Persons in need of complementary protection status are frustrated by the lack of opportunities for naturalisation. This affects their ability to plan, establish and maintain relationships in Ukraine and obtain stable employment. Many of them have lived in Ukraine for many years, but feel insecure regarding the extension of their residence permit.³⁷²

A refugee may be granted Ukrainian citizenship upon applying. The conditions for admission to Ukrainian citizenship are as follows:

- ❖ recognition of and respect for the Constitution of Ukraine and the laws of Ukraine, which is certified by the person in the application for admission to citizenship of Ukraine submitted in accordance with the established procedure;
- ❖ knowledge of the fundamentals of the Constitution of Ukraine and the history of Ukraine;
- ❖ a declaration of renunciation of foreign citizenship of a person recognised as a refugee;
- ❖ continuous legal residence in Ukraine for the last three years;
- ❖ proficiency in the state language in accordance with the level determined by the National Commission on State Language Standards.

³⁷⁰ Testimony of the NEEKA dated 10 May 2024.
³⁷¹ Part. III (2) Rules of State Registration of Civil Status Acts in Ukraine.
³⁷² UNHCR, *Ukraine 2019 Joint Needs Assessment*, 2019, available in Ukrainian [here](#).

The date of acquisition of Ukrainian citizenship shall be the date of the relevant Decree of the President of Ukraine.³⁷³

The precise number of international protection beneficiaries who obtained Ukrainian citizenship is unknown. Since 2019, there have been three Decrees signed by the President of Ukraine regarding the granting of Ukrainian citizenship to 28 foreigners.³⁷⁴ Additionally, the SMS noted that no person with refugee status obtained Ukrainian citizenship in 2023 and 2024.³⁷⁵

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first-instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

The Law on Refugees foresees the following grounds for the cessation of refugee status and complementary protection. If a person:

- ❖ has voluntarily re-claimed the protection of the country of citizenship
- ❖ has acquired Ukrainian citizenship or voluntarily acquired the citizenship they had previously, or has acquired the citizenship of another state and enjoys its protection;
- ❖ has voluntarily returned to the country they left or were outside of due to a well-founded fear of persecution;
- ❖ being a stateless person may return to the country of their previous permanent residence, since the circumstances under which they were recognised as a refugee or a person in need of complementary protection no longer exist. This provision does not apply to a refugee or a person in need of complementary protection if they can provide sufficient justification arising from previous persecution for their refusal to return to the country of previous permanent residence.
- ❖ has been granted asylum or a permanent residence permit in another country;
- ❖ may not refuse to use the protection of the country of his/her citizenship, since the circumstances under which the person was recognised as a refugee or in need of complementary protection no longer exist. This provision does not apply to a refugee or a person in need of complementary protection if they can provide sufficient justification, arising from previous persecution, for their refusal to enjoy the protection of the country of their nationality.³⁷⁶

The decision to withdraw the status is taken by the headquarters of the SMS after submission of the territorial body of the SMS.³⁷⁷

The situations in which the territorial body of the SMS may open a procedure for the loss of refugee status and complementary protection are the following:

- ❖ a personal application by a refugee or a person in need of complementary protection on the loss of refugee status or complementary protection;
- ❖ a motion from the Security Service of Ukraine or other state authority on the loss of refugee status or complementary protection is received by the territorial body of the SMS;

³⁷³ Article 9 Law on Ukrainian Citizenship.

³⁷⁴ President of Ukraine, *Decree no. 526/2019*, 18 July 2019, available in Ukrainian [here](#); President of Ukraine, *Decree no. 466/2019*, 27 June 2019, available in Ukrainian [here](#); President of Ukraine, *Decree no. 329/2019*, 28 May 2019, available in Ukrainian [here](#).

³⁷⁵ SMS's respond to the R2P's request on public information, April 2024.

³⁷⁶ Article 11(1-3) Law on Refugees.

³⁷⁷ Section VII(7.1) Rules for the Consideration of Applications.

- ❖ a request of the Security Service of Ukraine or other state authority to deprive a person of refugee status or complementary protection is received by the territorial body of the SMS.³⁷⁸

When the territorial body of the SMS receives the relevant information, the legislation requires that it complete the following steps:

- ❖ registers the relevant documents in the application register and verifies them by collecting additional information in accordance with the established procedure;
- ❖ informs the person who has been granted refugee status or a person in need of complementary protection in writing about the existence of grounds for the cessation of their refugee status or complementary protection (unless the person concerned has filed an application for the existence of grounds for the loss of their refugee status or complementary protection). At the same time, the person is informed that during the consideration of the relevant materials, the refugee or person granted complementary protection has the right to participate by providing appropriate explanations (oral or written) and providing materials that may be of significant importance;
- ❖ prepares a submission on the cessation of refugee status or complementary protection. The period for preparing the application cannot exceed two months from the date of receipt of the documents.³⁷⁹

The completed personal file of a refugee or a person in need of complementary protection is sent to the headquarters of the SMS. When considering an application from a territorial body of the SMS on the cessation of refugee status or complementary protection, the headquarters of the SMS has the right to:

- ❖ request the submission of additional information from the territorial body of the SMS that made the submission;
- ❖ to submit relevant requests to the Ministry of Foreign Affairs of Ukraine, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, other state authorities, local self-government bodies and citizens' associations in case of doubts about the accuracy of the information contained in the application and the need to establish the authenticity and validity of documents.³⁸⁰

Based on the results of a comprehensive examination and assessment of the documents and materials attached to the personal file received with the application, the SMS makes one of the following decisions:

- ❖ on the cessation of refugee status or complementary protection;
- ❖ on the absence of grounds for the cessation of refugee status or complementary protection.³⁸¹

The decision of the SMS can be appealed under judicial review within five business days.³⁸² This procedure is described in the Section “[Appeal](#)”.

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

According to the Law on Refugees, a person's refugee status or complementary protection is revoked if they are engaged in activities that pose a threat to national security, public order, or the health of the population of Ukraine.³⁸³

³⁷⁸ Section VII(7.2) Rules for the Consideration of Applications.

³⁷⁹ Section VII(7.4) Rules for the Consideration of Applications.

³⁸⁰ Section VII(7.6) Rules for the Consideration of Applications.

³⁸¹ Section VII(7.7) Rules for the Consideration of Applications.

³⁸² Article 11(18) Law on Refugees.

³⁸³ Article 11(5) Law on Refugees.

Moreover, the decision to recognise a person as a refugee or a person in need of complementary protection is withdrawn if the person provided false information or presented false documents that became the basis for recognising the person as a refugee or a person in need of complementary protection.³⁸⁴ The procedure of withdrawal is similar to the cessation procedure. The decision of the SMS can also be appealed within five business days.

The decision of the SMS to cease refugee status can be successfully appealed (The procedure of the judicial review is described in the Section “[Appeal](#)”). For instance, in case no. 807/250/16 the Zakarpattia District Administrative Court ruled that the decision of the SMS to deprive persons of complementary protection of their status because of their alleged threat to national security was unlawful.³⁸⁵ The Court emphasised that the defendant failed to examine and take into account all the facts of the existence of a real risk of violation of Article 3 of the Convention, in particular the protection of the plaintiff’s rights in the event of her return to her country of origin.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification? ☐ Yes ☒ No
❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application? ☐ Yes ☒ No
❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

2. Status and rights of family members

Ukrainian legislation does not foresee the family reunification process *per se*. However, according to Article 4 of the Law on Refugees, Ukraine promotes the preservation of the unity of refugee families and persons in need of complementary protection. Family members of a person recognised as a refugee in Ukraine or a person in need of complementary protection have the right to enter the territory of Ukraine for family reunification and to be recognised as refugees or persons who need complementary protection.³⁸⁶ Aside from Article 4, there is no procedure for the family reunification of the refugee family members. Members should apply for international protection following the regular procedure.

Nuclear family members first have to enter Ukraine on general immigration grounds before they can apply for a protection status based on the family unity principle. As there is no special family reunification visa to join persons granted protection in Ukraine (a document confirming that the applicant is a family member of a person granted protection in Ukraine is only one of the general list of documents required to apply for a long-term visa), family members often cannot meet the requirements for the necessary regular entry visa.

Statistical information on the number of visa applications to Ukraine submitted by family members of persons recognized as refugees or beneficiaries of complementary protection in Ukraine is not recorded and is not available to the Ministry of Foreign Affairs of Ukraine.³⁸⁷

³⁸⁴ Article 11(4-5) Law on Refugees.

³⁸⁵ Zakarpattia District Administrative Court, *case no. 807/250/16*, 19 March 2018, available in Ukrainian [here](#).

³⁸⁶ Article 4 Law on Refugee.

³⁸⁷ MFA response to the R2P request for public information, April 2025.

C. Movement and mobility

1. Freedom of movement

Recognised refugees and persons in need of complementary protection in Ukraine enjoy free movement and choice of place of residence. Both refugees and beneficiaries of complementary protection must inform the SMS about any change of address in Ukraine within 30 days.³⁸⁸ The Code of Administrative Offences sets forth a fine in case of failure to comply with the registration requirement (around €40-80).³⁸⁹

2. Travel documents

Travel documents can be issued to beneficiaries of international protection and persons in need of complementary protection upon request. A travel document of a refugee (a person in need of complementary protection) is a document that certifies the identity of its holder and gives them the right to leave and enter Ukraine. The document is issued by the territorial body of the SMS at the place of residence of a person who has reached the age of sixteen.

The grounds for receiving a travel document are:

- ❖ a decision to grant refugee status (complementary protection) to a person in Ukraine;
- ❖ possession of a refugee certificate (complementary protection certificate).

The administrative fee for issuing a travel document is around €10. The timeline for issuing a travel document is 15 working days.³⁹⁰ The document is issued for the period of validity of the refugee (complementary protection) certificate.³⁹¹

A travel document is issued to provide international protection beneficiaries with a document for travelling, which can be used instead of a national passport. It shall neither prejudice nor affect the nationality of the holders.³⁹²

In 2024, SMS issued 50 travel documents for refugee status beneficiaries and 93 travel documents for persons in need of complementary protection.³⁹³

In practice, even before the war there were long waiting times for documents to be issued. During wartime, considering the interruption of the territorial bodies of the SMS work due to the hostilities and electricity interruption, there could be delays in travel document issuance, however, the demand for them remains high as well as a need for their quicker processing.³⁹⁴

Travel documents of beneficiaries of international protection issued in Ukraine are recognised by the majority of the EU Member States and Schengen Associated States. The up-to-date information on the recognition of travel documents may be found on the official website of the Council of the EU and the European Council.³⁹⁵

³⁸⁸ Article 5(5) Law on the Provision of Public (Electronic Public) Services for Declaration and Registration of Residence in Ukraine.

³⁸⁹ Article 203 The Code of Administrative Offences.

³⁹⁰ Diia, *Issuance and Exchange of a Refugee Travel Document*, available in Ukrainian [here](#); Diia, *Issuance and Exchange of a Travel Document for a Person Granted Complementary Protection*, available in Ukrainian [here](#).

³⁹¹ Para. 16 Regulations on the Refugee Travel Document; para. 16, Regulations on the Travel Document of a Person in Need of Complementary Protection.

³⁹² R2P, *International and equivalent national protection in Ukraine: features of documents and freedom of movement*, available [here](#).

³⁹³ SMS response to the R2P request for public information, April 2025.

³⁹⁴ R2P & HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available [here](#).

³⁹⁵ European Council, Council of the EU, *Recognised travel documents*, available [here](#).

D. Housing

Indicators: Housing

- | | |
|---|-----------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | unlimited |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2024: | 1 |

Beneficiaries of international protection in Ukraine have the right to freely choose their place of residence and housing.³⁹⁶ Foreigners and stateless persons may acquire real estate in Ukraine as their ownership. Refugees exercise this right if they have the ability.³⁹⁷

After being granted refugee status or complementary protection, persons who previously resided in TACs may continue living there for up to six months. After this period, if they lack the means to support themselves, they are often left to rely solely on assistance from UNHCR or communities, including fellow refugees, to secure and afford alternative housing. This precarious situation can lead many to face homelessness in the very place where they were meant to find safety and protection.³⁹⁸

Foreigners and stateless persons legally residing in the territory of Ukraine and living in residential premises are entitled to receive a housing subsidy.³⁹⁹ This category includes both asylum applicants, as MSID certifies the legality of a person's stay in Ukraine and refugees. In order to receive a housing subsidy, foreigners must submit, in particular, an ID or a refugee certificate or other documents confirming the legality of the foreigner's stay in Ukraine.

However, in Ukraine, beneficiaries of international protection are not eligible for any support in obtaining housing. Social housing, which is free of charge, is provided only to citizens of Ukraine, refugees and asylum applicants are not entitled to such housing.⁴⁰⁰

The NGO "Tenth of April" reported that their beneficiary was able to access social housing once, but explained that this was only possible due to her own perseverance.

In addition, since 2021, Ukraine has been operating the YeHousing programme, which provides an opportunity to receive preferential mortgage loans in hryvnia for the purchase of housing at 3% and 7% per annum. The programme is only available to Ukrainian citizens, which means that refugees and asylum applicants are not able to access such loans.

E. Employment and education

The outdated Plan of measures for the integration of refugees and persons in need of complementary protection into Ukrainian society, adopted on 22 August 2012, and intended to run until 2020, outlined the set of measures to enhance the integration and inclusion of the beneficiaries of international protection and beneficiaries of complementary protection. The plan determined various steps and targets to achieve for public authorities at the national and local levels.

Among the measures, the Plan indicated the elaboration of educational programs for preparatory classes as well as classes in the Ukrainian language, history, and culture and encouraging the employment of the refugees.

In addition, the Strategy of the State Migration Policy of Ukraine to 2025, adopted on 12 July 2017, stresses the integration needs of asylum seekers and beneficiaries of international protection, and beneficiaries of complementary protection.

³⁹⁶ Article 15 Law on Refugees.

³⁹⁷ Testimony of the ROKADA of 01 May 2024, testimony of the NGO "Tenth of April" of 14 May 2024, Testimony of the NEEKA of 10 May 2024.

³⁹⁸ R2P, Ensuring access to social rights of refugees and asylum seekers in Ukraine, 2025, available here.

³⁹⁹ Para. 4 Regulation on Simplification of the Procedure for Providing Subsidies to the Population for Reimbursement of Expenses for Housing and Utility Services, Purchase of Liquefied Gas, Solid and Liquid Heating Fuel of 21 October 1995 No. 848.

⁴⁰⁰ Article 2 Law on the Social Housing Fund.

The target, which addressed refugees, points out the necessity of elaborating tailored integration plans and programs.

1. Access to the labour market

Law on Refugees guarantees asylum applicants, refugees and persons in need of complementary protection the right to education and employment.⁴⁰¹ Refugees and persons in need of complementary protection have the right to employment on the grounds and in accordance with the procedure established for Ukrainian citizens.⁴⁰²

Refugees and persons in need of complementary protection cannot hold elected positions in central and local authorities, civil service positions, as well as positions related to the possession of information constituting a state secret. For example, foreigners cannot hold the following positions: civil servants, judges, customs officers, police officers, personnel of the Security Service of Ukraine, prosecutors, notaries, etc.⁴⁰³

Refugees and persons in need of complementary protection can be employed without special permission, which is necessary for asylum applicants.⁴⁰⁴

In order to be employed and to conclude an employment contract, asylum applicants and refugees must provide an identity document (for refugees and persons in need of complementary protection – their certificates and for asylum applicants – copy of their ID, which is kept in the SMS), employment record book (if any) or information on employment from the register of insured persons of the State Register of Compulsory State Social Insurance and, in cases provided for by law, an educational document, as well as other documents that can confirm professional qualifications.⁴⁰⁵ If educational documents are required for employment (e.g., in the medical and pharmaceutical industries), all foreign educational documents must be nostrified.

In the case of insufficient information, the procedure for the recognition of foreign educational qualifications of refugees and persons in need of complementary or temporary protection may include specially organised exams, testing, and interviews, the results of which are taken into account by the competent recognition authority when making a decision.

Ukraine has ratified the Lisbon Convention on the Recognition of Qualifications in Higher Education in the European Region (1997) and is a member of the ENIC-NARIC network, a network of cooperation between national information centres for the academic recognition of qualifications in 55 countries. The State Enterprise “Information and Image Centre” is responsible for the nostrification of foreign educational documents.

Overall, NGOs providing assistance to the beneficiaries of international protection do not report obstacles with diploma nostrification of refugees.

Despite the legally established access to the labour market, refugees and persons in need of complementary protection report facing discrimination during the hiring process.⁴⁰⁶

In addition to employment, beneficiaries of international protection in Ukraine can be self-employed and run small businesses. To do this, it is enough to have a TIN and a valid passport document.

⁴⁰¹ Article 13, 15 Law on Refugees.

⁴⁰² Article 3(4) Law on Employment.

⁴⁰³ Article 19 the Law on Civil Services; Article 69(1) Law on the Judicial System and Status of Judges; Article 570 Customs Code of Ukraine; Article 17 of Law on the National Police; Article 19 Law on the Security Service of Ukraine; Article 27 of the Law on the Public Prosecutor’s Office; Article 3 Law on Notaries.

⁴⁰⁴ Article 42(6)(2) Law on Employment.

⁴⁰⁵ Article 24 Labour Code of Ukraine.

⁴⁰⁶ R2P & HIAS, *Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime*, 05 April 2023, available [here](#).

In order to register as a self-employed person, it is necessary to fill out and submit an application, which can be submitted both in paper and electronic form. The application must include personal data, the types of activities the entrepreneur plans to carry out, and contact information.⁴⁰⁷

The main obstacle for asylum applicants and refugees to register as self-employed persons is the absence of a passport or its expired validity. However, they may contact the SMS and obtain a copy of their ID with a mark that the original is being held by the SMS.

UNHCR and its partners aim to facilitate local integration of refugees by providing grants for self-employment, assistance with skill training, and assistance with job search and collaboration with the Employment Centres.⁴⁰⁸

In the R2P questionnaire among asylum applicants and beneficiaries of international protection in Ukraine, 84% of respondents noted that they work informally. The reasons for that can be employers' reluctance to hire foreigners, a low level of integration, and a lack of knowledge of the Ukrainian labour market. Thus, refugees are more likely to be exposed to unscrupulous employers and forced to work informally. Among those employed, 57% provide jobs in two sectors: wholesale and retail trade, repair of cars and motorcycles, and short-term accommodation and catering.⁴⁰⁹

2. Access to education

The current state of affairs with access to education for the beneficiaries of international protection has the same modalities as one of the asylum applicants described under [Reception conditions – Access to education](#). The main difference lies in greater access to medical care, which allows people to obtain necessary vaccinations and documents for enrolling children in kindergartens.

In addition, in 2014, the Ministry of Education issued Methodical recommendations regarding the peculiarities of the education of refugee children.⁴¹⁰ The document foresees guidance for the subscription of children of refugees to schools and consists of a set of recommendations that aim to assist with the integration of the children and foster tolerance within the group. However, the public schools do not have specialised programs or assistance in studying Ukrainian as a foreign language for child refugees.⁴¹¹

In the case of higher education, refugees and persons in need of complementary protection have the right to receive higher education on an equal basis with citizens of Ukraine, including at the expense of the state or local budget.⁴¹² There are no special scholarships available for beneficiaries of complementary protection.

F. Social welfare

As noted previously, persons who are recognised as refugees or persons in need of complementary protection enjoy the same rights and freedoms and have the same obligations as citizens of Ukraine.⁴¹³ However, as mentioned previously, refugees are those who live “permanently” in the territory and thus have access to the social services offered by the State, which include but are not limited to the right to pension,⁴¹⁴ disability payments⁴¹⁵, child care benefits,⁴¹⁶ etc.⁴¹⁷ In the case of persons in need of complementary protection, in most events, they would have access to certain social services if the

⁴⁰⁷ Diia, *Registration of an Individual Entrepreneur*, available in Ukrainian [here](#).

⁴⁰⁸ UNCHR, *Local Integration*, available [here](#).

⁴⁰⁹ R2P, *Key Aspects of Employment of Refugees, Persons in Need of Complementary Protection and Asylum Seekers in Ukraine*, 10 October 2018, available in Ukrainian [here](#), e.g. 11, 16, 28.

⁴¹⁰ Letter of the Ministry of Education on Education of Refugee Children.

⁴¹¹ UNHCR, *Ukraine as a country of asylum. Observations on the situation of asylum-seekers and refugees in Ukraine*, July 2013, available [here](#).

⁴¹² Article 4, Law on Higher Education.

⁴¹³ Article 14(1) Law on Refugees.

⁴¹⁴ Article 1 Law on Pensions.

⁴¹⁵ Article 2 Law on State Social Assistance to Persons not Entitled to a Pension and Persons with Disabilities.

⁴¹⁶ Article 1 Law on State Assistance to Families with Children.

⁴¹⁷ Para. 25 Regulation on the Organisation of Social Services Provision of 1 June 2020 No. 587

legislation specifically mentioned them among the recipients of certain services. For instance, persons in need of complementary protection are mentioned in the Law on State Assistance to Families with Children,⁴¹⁸ Procedure for Granting a One-time Assistance “Baby Box” at the Birth of a Child,⁴¹⁹ Procedure for Granting and Paying State Social Assistance to Persons with Disabilities from Childhood and Children with Disabilities, etc.⁴²⁰ This list is not complete and does not mean that persons in need of complementary protection are excluded from other social services. However, they may face obstacles when trying to obtain service where they are not specifically mentioned.

In addition, this access is limited by low awareness of the Ukrainian service providers of these categories of people and their rights, bureaucratic obstacles, and language barriers.⁴²¹

Social Services Classifier foresees two tailored social services for recognised refugees, social integration and reintegration, but complementary protection beneficiaries are not mentioned in the document.⁴²² However, there is no information on how these services are applied in practice and regarding the feedback from beneficiaries.

G. Health care

Access to health care for beneficiaries of international protection is guaranteed in Ukrainian legislation. Under Ukrainian legislation, refugees and persons in need of complementary protection can conclude a medical declaration with a physician.⁴²³ NGOs report that there are no obstacles to signing medical declarations with beneficiaries of international protection.

As part of the medical guarantee program, the state guarantees persons recognised as refugees or persons in need of complementary protection full payment for medical services and medicines related to the provision of such services at the expense of the State Budget of Ukraine including 1) emergency medical care; 2) primary medical care; 3) specialised medical care; 4) palliative care; 5) rehabilitation in the field of healthcare; 6) medical care for children under 16 years of age; 7) medical care in connection with pregnancy and childbirth.⁴²⁴

In 2020, the Parliament adopted the Law on Rehabilitation, which foresees the possibility of recovery, including psychological support for traumatised persons.⁴²⁵ The legislation covers people with disabilities or people who cannot perform in the usual manner due to their state of health or age. The Law on Rehabilitation does not mention victims of torture but inherently foresees the all spectrum of recovery services for them. To receive State rehabilitation assistance, a person shall address the physician with whom they concluded the medical declaration.

In its research dedicated to the rehabilitation of victims of torture for 2021, the Council of Europe emphasised that there is no cohesive regulatory framework for the support of torture victims. Responsibilities are unclear, with no designated authorities, and assistance is fragmented. Victims lack local support, post-discharge care, and a rehabilitation monitoring system. The national rehabilitation system relies primarily on NGOs, which operate inconsistently and depend on grants.⁴²⁶

⁴¹⁸ Article 1 Law on State Assistance to Families with Children.

⁴¹⁹ Para 4, Procedure for Granting a One-time In-kind Assistance “Baby Box” at the Birth of a Child.

⁴²⁰ Para. 2 Procedure for Granting and Paying State Social Assistance to Persons with Disabilities from Childhood and Children with Disabilities.

⁴²¹ United Nations Ukraine, *Assessment of the socio-economic impact of COVID-19 in Ukraine*, 02 December 2020, available [here](#), e.g.38-39.

⁴²² Para 23 Social Services Classifier.

⁴²³ part II(6) Procedure for Determining a Medic who Provides Primary Medical Care from 19 March 2018, No. 503

⁴²⁴ Article 4(1) Law on State Financial Guarantees of Healthcare Services for the Population.

⁴²⁵ Law on Rehabilitation.

⁴²⁶ Council of Europe, *The Mechanism of Rehabilitation of Torture Victims in Ukraine*, 2021, 2019, available in Ukrainian [here](#).

However, some refugees complain about language barriers in communicating with doctors, as well as discriminatory practices used by some doctors that make them wait in line longer than other patients. Also, some beneficiaries expressed low awareness of how they can access healthcare services.⁴²⁷

⁴²⁷ UNHCR, *Ukraine 2019 Joint Needs Assessment*, 2019, available in Ukrainian [here](#).