

Information provided by the Ministry of Justice of Ukraine and the State Migration Service of Ukraine in connection with the preparation of the thematic report entitled “Human rights of migrants”

1. As of May 1, 2019 the following number of foreigners and stateless persons are registered within the State Migration Service of Ukraine (hereinafter – the SMSU): 278.4 thousand foreigners and stateless persons who permanently reside on the territory of Ukraine; 111 thousand foreigners and stateless persons who temporarily reside on the territory of Ukraine, including 66.6 thousand foreigners who study in Ukraine, 10.5 thousand who are employed and 26.5 thousand under family reunification with citizens of Ukraine.

Law of Ukraine On the Legal Status of Foreigners and Stateless Persons of September 22, 2011 No. 3773 defines legal status of foreigners and stateless persons staying in Ukraine and establishes the procedure for their entry/exit to/from Ukraine. Foreigners and stateless persons staying in Ukraine on legal grounds enjoy the same rights and freedoms and also bear the same responsibilities as the citizens of Ukraine; exceptions are established by the Constitution, the laws or international treaties of Ukraine.

Pursuant to the Law of Ukraine On Immigration of June 7, 2001 No. 2491 foreigners and stateless persons have the right to immigrate to Ukraine for permanent residence. On the ground of immigration permit foreigners and stateless persons receive permanent residence permit for an unlimited period of time.

Temporary residence permit is issued to foreigners and stateless persons who have arrived to Ukraine for the purpose of employment, study, family reunification, religious activities etc. In case of existence of grounds, supported with documents, the period of stay in Ukraine of foreigners and stateless persons can be extended.

2. Pursuant to the Law of Ukraine On Refugees and Persons in Need of Subsidiary or Temporary Protection of July 8, 2011 No. 3671 the SMSU and its territorial offices accept and process applications from foreigners and stateless persons for recognition as a refugee or a person in need of subsidiary protection. As of April 1, 2019, 1791 refugees and 792 persons in need of subsidiary protection are recorded within the SMSU, including 463 children under the age of 14 as part of family.

Foreigners and stateless persons who applied to a SMSU territorial office for refugee status or recognition as a person in need of subsidiary protection, on the basis of their personal application, may be granted a place for temporary residence in Temporary Accommodation Centre for Refugees (TACR) for the period necessary for self-housing.

There are three TACRs in Ukraine, one in Odessa city (capacity - 200 places), another one - in Zakarpattia region (capacity - 120 places) and the third one in Yahotyn, Kyiv region (capacity - 101 places). Persons placed in TACR are provided with nutrition, sleeping place and bed linen, towels, personal hygiene means, detergents, bleaches, disinfectants etc.

3. The SMSU takes measures to ensure proper conditions for staying of foreigners and stateless persons in Migrant Accommodation Centres for foreigners and stateless persons illegally residing in Ukraine (MAC). There are three MACs in Ukraine, namely in Mykolaiv, Chernihiv and Volyn Regions.

Accommodation and placement of foreigners and stateless persons at the MAC is carried out pursuant to the Order of the Ministry of Interior of Ukraine On approval of Instruction about procedure for detention of foreigners and stateless persons in Migrant Accommodation Centres for foreigners and stateless persons illegally staying in Ukraine as of February 29, 2016 No. 141.

While being placed to the MAC, migrants shall be informed about their rights and responsibilities, causes of detention, maximum possible detention period, MAC internal rules, etc.

Proper conditions for the residence of foreigners and stateless persons are created in MACs. MACs are provided with furniture, beds, kitchen, medical equipment and medicines, household appliances, vehicles etc. Foreigners and stateless persons reside in single, double and multi-bedded rooms. Families live in separate rooms. Detained persons are granted with the right of free movement within the territory of MAC.

Pursuant to the Decree of the Government of Ukraine as of March 11, 2015 No. 144 On approval of nutrition standards for foreigners and stateless persons residing in Migrant Accommodation Centres for foreigners and stateless persons illegally staying in Ukraine and in Temporary Accommodation Centres for Refugees of the State Migration Service of Ukraine food and nutrition assistance is provided to persons residing in MACs and TACRs. In MACs, foreigners and stateless persons are provided with three meals daily. Food is cooked by a staff cook in specially equipped premises. Meals are served in a dining room according to the daily schedule. There is a possibility for independent cooking in women's and children's ward of MAC.

Medical assistance for foreigners and stateless persons residing in MAC is provided 24/7 by qualified medical staff. Hospitalization, when needed, is carried out in local medical institutions. Visits to medical institutions are carried out pursuant to requests from residents of MAC.

All necessary information regarding conditions of staying in MAC, procedure of obtaining refugee status in Ukraine, addresses and phone numbers of organizations and institutions who provide legal services for mentioned category of persons, appropriate samples of documents and applications are provided on information boards in dormitory of MAC where foreigners live in the language they understand.

5. The National Strategy for Human Rights (hereinafter - the HRNS) approved by the Presidential Decree of August 25, 2015 No. 501/2015 envisages a thematic chapter "Ensuring the rights of refugees and persons in need of additional protection, as well as foreigners and stateless persons legally residing in Ukraine". Among other things, the strategic goal is to resolve issues of staying of foreigners and stateless persons in Ukraine.

For the implementation of the HRNS, an Action Plan was approved by the Government. Paragraphs 131-135 of the Action Plan stipulate, *inter alia*, the development of methodological recommendations and training programs for medical and other staff of centers for social and psychological rehabilitation concerning cultural and religious characteristics of children of refugees and migrants; conducting trainings for the staff of the SMSU and centers for providing free legal aid on identification and legal assistance to stateless persons; drafting a legal act on the procedure for registration and issuance of a certificate of a stateless person for traveling abroad, etc.
