

УКРАЇНСЬКА РАДА З ПИТАНЬ БІЖЕНЦІВ UKRAINIAN REFUGEE COUNCIL

PRESS STATEMENT

“The EU-Ukraine Readmission Agreement — MYTHS, FACTS AND RISKS”

During the last few months the Ukrainian media have been actively discussing the possible consequences of the implementation of the EU-Ukraine Readmission Agreement. Unfortunately, these discussions, on the whole, have not been carried out at a professional level. Furthermore, sometimes they result in xenophobia: a fear of foreigners in general and of asylum seekers in particular. The Ukrainian Refugee Council urges the media to discuss the real changes that might be brought about by the implementation of this Agreement and is concerned on certain issues regarding refugees' and asylum seekers' rights.

Main facts: What is a Readmission Agreement?

*The EU-Ukraine Readmission Agreement from 18th June 2007 regarding third-country nationals and stateless persons entered into force on 1st January 2010. The declared aim of the Agreement is to ensure rapid and effective readmission procedures that are carried out in a **reciprocal way**. The Preamble of this document shows that the main reason for this Agreement is the effective fight against illegal migration; which shows its importance for the EU.*

One of the main topics of discussion since the Agreement entered into force has been the forecast that hundreds of thousands of irregular migrants with irregular status will be returned to Ukraine. Quoting, most frequently unnamed experts, it has been said that Ukraine will find itself in a new situation, and will be obliged to accept any irregular migrant with irregular status that the EU wants to return to its territory. According to estimates by the Ukrainian and EU authorities responsible for readmissions, these declarations are not based on reality. First of all, even before the EU Agreement entered into force, bilateral readmission agreements with neighbouring EU Member States were already in place. Secondly, the estimates of numbers of persons that will be readmitted to Ukraine this year are highly exaggerated.

The Ukrainian Refugee Council welcomes those safeguards for the rights of asylum seekers and refugees that have been included in the text of the Agreement. However, **we are concerned** that these guarantees **are not enough**. Asylum seekers might be returned to Ukraine from EU Member States despite the fact that **Ukraine cannot be considered a “safe third country” for asylum seekers and refugees at all**. Refugee assisting agencies have heard again and again of systematic violations of the rights of refugees, in violation of provisions of international conventions ratified by Ukraine: the UN Convention Relating to the Status of Refugees, UN Convention against Torture and the European Convention on Human Rights and Fundamental Freedoms. This situation may lead to systematic violations of human rights and obligations undertaken by Ukraine in other international instruments.

Main facts: *according to human rights defenders, since 2006 Ukraine has violated its international obligations, particularly regarding refugees from the Russian Federation, Uzbekistan and Sri Lanka, etc. There have also been violations recorded regarding citizens of other countries. In the majority of these cases, persons, who had sought protection in Ukraine, were refouled to the countries they had fled from, trying to save their lives or freedom.*

Before the Agreement even entered into force URC Members frequently faced returns of asylum seekers from Slovakia and Hungary to Ukraine. Despite the fact that the readmitted persons had declared their intention to claim refugee status in these countries, they were refused access to the determination procedure. We are concerned that the number of such cases could increase.

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Taking into account the facts above, we **believe that it is very important to monitor the implementation of this Readmission Agreement** as it will help identify trends and prevent violations of asylum seekers' rights. As in many other countries, monitoring of this type is carried out by independent NGOs. At the moment it is complicated to carry out this type of monitoring in Ukraine. Some officially registered Ukrainian NGOs, members of the Ukrainian Refugee Council, are denied access to detainees and readmitted persons despite requesting it many times. In spite of these challenges the Ukrainian Refugee Councils' members plan to continue carrying out this important monitoring work.

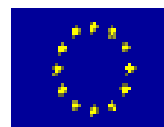
As the Ukrainian Refugee Council we are concerned with the proposals of some experts to introduce changes into the refugee status recognition procedure because the Agreement has entered into force. In particular, we consider inappropriate the suggestion to automatically refuse to let third country nationals, readmitted from EU Member States, apply for refugee status in Ukraine on the basis that they were able to claim for asylum in the EU Member States; suggestions to detain readmitted persons until the final decision on any refugee status application has been taken by the Ukrainian authorities; and the suggestion to divide asylum seekers into different "types" in order to introduce differentiated consideration of their cases, etc.

We firmly believe that any incorrect implementation of the Readmission Agreement could increase the risk of deterioration of the human rights situation in Ukraine, in particular with regards to refugees and asylum seekers. For this reason, the efforts of the Ukrainian state authorities, international and non-governmental organisations should be focused on improving guarantees for the human rights safeguards of this vulnerable group.

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