

**»YOU WANT TO BE FREE?  
YOU PAY MONEY!«**

**Corruption in the Immigration  
Detention and Asylum System  
of Ukraine**      **REPORT, DECEMBER 2011**



**Border Monitoring  
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## EXECUTIVE SUMMARY

- This report focuses on corruption of staff of various agencies in Ukraine who deal with refugees, asylum seekers and migrants including irregular migrants in course of detention, asylum applications, issuing documents, accommodation and policing. The agencies affected are the State Border Guard Service of Ukraine (SBGS), the regional Migration Services (MS), the managements of the various Temporary Accommodation Centres (TACs) for asylum seekers, the police and NGOs.
- The report is based on research conducted during the years 2007 to 2011 in Uzhgorod and Mukachevo (in the region Zakarpattya in Western Ukraine), in Odessa (Southern Ukraine), in Kyiv, Kharkiv and Vinnitsa. It is complemented by research conducted in Munich (Germany) where refugees were interviewed who had recently arrived from Ukraine. The geographic scope enables us to identify different systems in different parts of the country and by different authorities whilst the time span enables us to identify continuities and changes over time.
- The corruption observed in Ukraine is related to low salary levels in the public sector, to inconsistent or inappropriate legislation or implementation which is then exploited by staff in public authorities, to lack of control of staff, funding and spending in the public sector and to the NGO sector and the vulnerability of migrants, refugees and asylum seekers which is exploited by certain staff and others in the public sector.
- In Zakarpattya, corruption is mainly related to detention centres and access to refugee status determination procedures (RSD). In Odessa, corruption is mostly related to RSD and the state-run Temporary Accommodation Centre (TAC). In Lutsk, corruption is related to the new detention centre. In all regions mentioned in this report, it is the police that is alleged to request unduly payments from refugees and migrants. And often accusations are brought forward against NGOs.
- The majority of the accusations made by our informants refer to corruption of public officials who request unduly payment in return for certain advantages. They do not refer to individuals who pro-actively offer unduly payments in return for advantages. In some cases corruption refers to fraud of public goods by civil servants or NGO staff.

- The actors are (a) civil servants who offer services, advantages or documents in exchange for payments, (b) the victims who are requested payments or who are refused a service or even punished if they refuse or are unable to pay and (c) middleman or facilitators, often interpreters, who communicate the request for payments from the civil servants to the asylum seekers/refugees but who seem to also pro-actively request payments.
- The corrupt civil servants mentioned in this report seem to act indiscriminately of the individual characteristics and circumstances of the asylum seekers or refugees. Even the most vulnerable individuals, such as minors or single mothers are requested unduly payments or are otherwise detained, refused access to RSD procedures or documents.
- The systems of corruption described in this report are surrounded and complemented by a system of threats and violence in order to prevent the victims from revealing their experiences to the authorities or the public.
- The type of corruptions revealed in this report represent a comprehensive and widespread criminal system, a system that involves several levels of the involved authorities from top to bottom, a system of economic exploitation of asylum seekers and refugees and a systematic violation of the rule of law.
- The accusations made by the informants of the BMPU are considered so serious that they require further and thorough investigation by the affected as well as other responsible authorities.

## DISCLAIMER

This report is written by the Border Monitoring Project Ukraine (BMPU) and is based on research conducted by various researchers, students and NGO activists. Most but not all accusations are triangulated, i.e. made by at least three informants. In case an allegation is made by only one interviewee and could not be confirmed by others, for instance, for lack of informants or access to other interviewees this is made clear in the report.

Nevertheless, all testimonies presented here were considered plausible and often even proven. However, the report does not claim to represent a full-fledged investigation, and thus cannot verify whether all accusations are correct. The report does also not claim to identify the extent of corruption in the asylum and detention system in Ukraine; it does not suggest to knowing how many officers or staffs are corrupt and how many are honest. Thus the report does neither claim that all or most officers are corrupt nor does it intend to offend the honest staffs.

In many cases, the researchers of this report were given names and dates of specific cases of corruption. But because the researchers, respectively authors do not claim authority for conducting a criminal-like investigation, names or other details that would enable the reader to identify individuals are withheld.

In order to protect the integrity of the informants, researchers and authors and the future activities of the BMPU their names will not be disclosed in this report.

## RECOMMENDATIONS

This report issues the following recommendations:

- For the state prosecution service to launch an investigation into corruption in the asylum and immigration detention system and prosecute where appropriate offenders.
- For the EU as partners of Ukrainian authorities and funders of projects in the field of migration and asylum to monitor implementation and control for possible corruption.
- For institutions that implement EU-funded projects (e.g. IOM, ICMPD, Caritas etc) to monitor their Ukrainian partners and control for possible corruption.
- For UNHCR to monitor NGO implementing partners in the field of asylum and control for possible corruption.
- For NGOs to systematically monitor corruption, e.g. by asking clients for experiences of corruption and publicise their results.
- As a methodology to systematically obtain evidence from asylum seekers and refugees.
- To offer protection and address intimidation of victims and witnesses of corruption with the view to encourage them to come forward with their experiences.

## BACKGROUND

### Corruption in Ukraine

According to the United Nations Conventions against Corruption (UNODC 2004: 5) corruption is a *»problem and threat«* *»to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law«*. Corruption is associated with political instability and failing states, underperforming economies and widening gaps between rich and poor (Jain 2011). But *»while corruption affects the whole economy, it seems to target the poor«* and disadvantaged (ibid: 6).

By international law (UNODC 2004: 17) corruption is defined as:

- »(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;*
- (b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.«*

In addition the World Bank (1997: 10) insists that

*»Theft of state assets by officials charged with their stewardship is also corruption«.*

In common language corruption refers to *»surcharges«* or *»extra levels of taxation«* (UNODC 2006) and is considered as *»illicit acquisition of personal wealth«* (UNODC 2004: 5) or *»the abuse of public office for private gain«* (World Bank 1997: 8).

According to Transparency International (2010), based on eight separate surveys, Ukraine scores 2.4 on a scale from 1 (extreme levels of corruption) to 10 points (no corruption) and ranks 134 or near the bottom of 178 countries on the corruption perception index. Ukraine now ranks on the same level as Nigeria and Zimbabwe. This is a slight improvement over 2009 when Ukraine rank 146 (TI 2009a). Transparency International reveals that in 2008 on average respondents find Ukraine almost

**Ukraine ranks 134 of 178 countries on the corruption perception index. Ukraine scores 2.2 of 10 and is considered almost »extremely corrupt«.**

»*extremely corrupt*« (score 4.5 of 5); 21 percent of all respondents had admitted to having paid a bribe during the period of the survey (last 12 months before November 2008). It is »*public officials/civil servants*« who are most affected by corruption; notably »*local branches of the central controlling and law enforcement agencies, such as ... the police, the prosecutor and the courts are viewed by the public and businesses as the most corrupt institutions.*« (USAID 2006: 57, also see OECD 2006) In addition, 73 percent believe that government action against corruption is ineffective (if not stated otherwise all Transparency International 2009). According to a national survey respondents consider 63 percent of traffic wardens, 59 percent of the judicial system and 58 percent of the police officers as corrupt (Pace 2009). Overall, 62.5 percent admitted »*involvement in corrupt transaction with government officials*« over the past 12 months; this is significantly higher than TI results. The overall conclusion, confirmed by various institutions is, that in Ukraine

- »*there is a high tolerance for corrupt practices throughout society*« (USAID 2006: iv),
- that »*corruption cannot be considered as an isolated problem [but] affects the whole of society*« (CoE/GRECO 2007: 8),
- reflecting a widespread culture of corruption,
- resulting in a »*corrupt environment*« (USAID 2006: iv).

**Corruption in the asylum system in Ukraine is no isolated incidence but embedded in a widespread culture of corruption.**

This demonstrates that corruption in the asylum system in Ukraine is no isolated incidence but embedded in widespread corruption in Ukraine. It also implies that refugees and migrants are not specifically targeted by corrupt authorities but that many sections of society are affected by corruption. On the other hand, this report suggests that through »*racial profiling*«, i.e. targeting members of the public for phenotypical characteristics asylum seekers, refugees and migrants are disproportionately affected by corruption. Subsequently, because of their precarious legal status their marginal position in society and their limited access to remedies, i.e. access to legal institutions or the media that would potentially help ordinary citizens to get justice or voice their complaints they must be considered particularly vulnerable.

## Determinants of corruption in Ukraine

Corruption in Ukraine must be seen in the context of salary systems and salary levels in the public sector. These were found to be »*complex and confusing*« based on »*small basic salary and large variable [arbitrarily determined] bonuses*«. (OECD 2006: 33) Average monthly wages in public administration were UAH 2,252 (€ 207) in January 2010, UAH 1,792 (€ 240) in January 2008, and UAH 1,087 (€ 182) in 2006, (the relative changes to the Euro are due to inflation and changes in the currency exchange rate) (State Statistics Committee of Ukraine 2011a). But average wages and salaries vary considerably across the country (January 2010: Kyiv UAH 2,969, Donetsk UAH 2,183, Odessa UAH 1,863, Zakarpattya UAH 1,544, Vinnitsya UAH 1,501, and Volyn, UAH 1,419). Three of the regions covered in this report, Zakarpattya, Vinnitsya and Wolyn are low-income regions at the bottom of the national salaries scale (Statistics Committee of Ukraine 2011b). Because of the economic crisis a report claims that »*public sector employees in Transcarpathia, Ukraine will receive only half of their January salary. ... The central state budget transferred only 52 percent of the January wage of several thousand public sector employees there.*« (UA Reporters.Com 2009) This, however, could not be verified in course of our research.

According to our investigation salary levels in Zakarpattya are as follows:

- Militia, officers – UAH 1,000 (district militia officer)-2,000 (other militia officer) (€ 1 - 200);
- Militia, head of department – UAH 3,000-4,000 (€ 3 - 400);
- Militia, head of administration, UAH 10,000 (€ 1,000), plus benefits (i.e. apartment, car with driver);
- Border guards, officers – UAH 1,500-2,500 (€ 150 - 250);
- Border guards, senior officers – UAH 3,500-4,500 (€ 350 - 450);
- Migration Service, officers – UAH 1,500-2,000 (€ 150 - 200);
- Migration Service, director – UAH 3,000-4,000 (€ 300 - 400).

According to some personal conversation, salaries for public services staff in Odessa range from \$ 200 (UAH 2,000, lower ranks) to \$ 500 (UAH 5,000, directors level). Also the regular salaries for the interpreters are low. An interpreter in Zakarpattya (4/2010) explains s/he is paid on an hourly basis, UAH 70 (€ 7) by the migration service and NGOs but only UAH 36 (€ 3.60) by the border guards. The informant works a maximum of 60 hours a month summing up to a maximum of UAH 1,000 (€ 100).

The subsistence minimum in Ukraine is considered UAH 626 (\$ 75 US) (Cherenko 2009), in 2010 the statutory minimum income was increased from UAH 625 to UAH 922 (€ 92 or € 124) (Kyiv Post 2010). In contrast, in Odessa monthly rent for a one-bedroom apartment outside the city centre is quoted as \$ 266, utilities with \$ 67.50, a kilo of cheese with \$ 7.50 and a loaf of bread with 0.77 (e.g. Numbeo 2011) and for Kyiv a UN calculator puts monthly costs for food and non-alcoholic beverages at \$ 655 (ICSC 2009). Thus, the official minimum income seems ridiculously low and below subsistence level, i.e. a standard of living barely adequate to support life. This rather suggests the need for extra incomes, generated for instance, through taking bribes or alternatively through second and third jobs.

**Most public sector salaries are normally below subsistence levels.**

## Asylum Seekers in Ukraine

From 1997 to 2007, 17,245 applications for asylum were filed in Ukraine. Applications peaked in 1997, dropped to 457 in 2002, increased to 2,237 in 2008 and dropped again to 1,500 asylum-seekers in 2010. From 2001, recognition rates dropped and are now very low; since 2002, only 285 or 3 percent of all applicants were granted refugee status (UNHCR 2002, Söderköping Process 2011, UNHCR information 2011).

In 2006, most asylum applications, 840 or 48 percent of 1,765 applications were filed in Zakarpattya/Western Ukraine, 320 or 18 percent in Kyiv and 120 or 7 percent in Odessa. This has meanwhile changed and in 2010, only 137 applications were filed in Zakarpattya (UNHCR information 2011). Instead, the largest number of asylum claims, around 300 annually, is now filed in Odessa making it the *»number one city in terms of asylum seekers«* as an NGO claims (Interview, NGO Sympathy, 9/2010).

According to the State Border Guard Service of Ukraine (SBGS 2011), in 2010 19,927 (2009: 23,411) *»illegal migrants«* were detected and 2,635 (2009: 3,680) of them detained. How many of these were detected in the main regions covered in this report, Zakarpattya and Odessa cannot be said from these figures but earlier publications of the SBGS (2005) and ICMPD (2008) show that about one third of these apprehensions were made on the western borders.

In 2002, Ukraine agreed to the Geneva Convention and in 1993 a refugee law was introduced but only implemented in 1996. A refugee law (Law of Ukraine *»On Refugees«*) came into force in 2001 and was amended in 2003 and again in 2005. By spring 2011, this law did not include any provisions for temporary or subsidiary protection, which

is the most serious legal shortcoming. Meanwhile, a law *»on refugees and persons eligible for subsidiary and temporary protection«* has been drafted but still awaits parliamentary approval. Four institutions are involved in the asylum procedures:

- 1 State Border Guard Service of Ukraine (SBGS),
- 2 State Committee for Nationalities and Religion (formerly State Committee for Nationalities and Migration) (SCNR),
- 3 Regional Migration Services (MS), the regional branches of the SCNR,
- 4 Security Service of Ukraine (SBU).

Refugees may file their application with the State Border Guard Service of Ukraine (SBGS) if they are arrested on the border. In this case the first interview is conducted by the SBGS. The SBGS then passes the file to a Migration Service (MS) office for further procedures. Refugees can also directly approach the MS who conducts the first and the second hearings, assess applications on formal grounds, accept or refuses applications and pass the files onto the SCNR. After all, the SCNR's Refugee Directorate is responsible for the refugee status determination processes and for making the final decision. This directorate also deals with refugee integration, other migration issues, international relations and some policy aspects. Finally, all files are sent to the Security Service of the Ukraine (known as SBU) for security checks.

For several long periods, in 2001/2, 2006/7 and more recently from July 2009 to July 2010, the migration service was dysfunctional and no decisions on asylum claims were made (UNHCR interview 9/2006, UNHCR 2009, Human Rights Watch 2011). During these periods there was no regular access to RSD procedures and applicants were left in limbo.

By law, asylum seekers are entitled to accommodation in a Temporary Accommodation Centre (TAC) for a maximum of six months, though there are only a few (Odessa, Mukachevo, Perechyn). After this they are supposed to move out and into privately rented accommodation. This, however, is not easily available; in most cities asylum seekers live in apartments, usually on a shared basis, often 2-4 in one room (also see UNHCR 2011a). Rents range from \$ 250 in Uzhgorod to \$ 600 in Kyiv. Given that people share two to three rooms with six to ten people, they pay \$ 25 - \$ 100 each per month. In Odessa, however, refugees agreed and the local refugee support agency confirmed that it is almost impossible to privately rent accommodation because *»it is very expensive«* (NGO interview 9/2010) or because *»people don't let to Black people«* *»or they don't give permission to share«*, thus asylum seekers and refugees cannot afford the rent.

## RESEARCH

### Methodology

For the purpose of this report four sets of research were conducted.

- From 2007 and 2010, researchers of the BMPU conducted interviews with refugees and asylum seekers in the south western region of Ukraine, Zakarpattya, notably in the cities of Uzhgorod and Mukachevo.
- From January to June 2009, a small-scale survey of 35 asylum seekers in Uzhgorod was conducted, these represented around half of all asylum seekers residing in the city during that period.
- In September 2010, interviews were conducted with asylum seekers and refugees in Odessa.
- In January 2011, interviews were conducted with asylum seekers in Munich/Germany who had travelled through Ukraine during 2009 and 2010.

**The systems of corruption described in this report are surrounded and complemented by a system of threats and violence.**

In total around 115 individuals were interviewed. Eighty interviews were in-depth, some informants were interviewed repeatedly; another 35 were interviewed for the survey. Finally, ad-hoc conversation was held with many more individuals.

The interviews were conducted in the Temporary Accommodation Centres (TACs) in Odessa and Mukachevo, in the premises of NGOs, in cafes and in public places.

Many potential informants were too afraid to talk or did not talk about certain aspects, notably corruption, not even when they were prompted to talk or when the interviewers demonstrated that they were already aware of certain practices. They reported intimidation, threats and feared reprisal from the authorities such as beatings or eviction from their accommodation. This implies that the systems of corruption described in this report are surrounded and complemented by a system of threats and violence. Therefore, interviews conducted in Munich/Germany in 2011 were particularly fruitful because there the interviewees felt free to talk about their experiences.

In most cases, names and pictures of corrupt staffs were given to the researchers; for reasons explained at the outset these are withheld from this report.

## RESULTS

### Omnipresent Systems of Corruption in Western Ukraine

#### The previous system of corruption related to Pavchino detention centre

The first evidence of corruption in the asylum and detention system of Ukraine was found in relation to meanwhile closed Pavchino detention centre, run by the State Border Guard Service and located outside the town of Mukachevo in Zakarpattya, Western Ukraine. The situation was described as following:

*»The interview in Pavchino is like this: the first interview takes ten minutes, they ask for name etc., and of course you pay money. Then you go to Uzhgorod to the Migration Service, but the interpreter you have to find yourself, and you pay. In the second interview they ask a lot of questions, ... you pay money, it's all a fake. ... Corruption [in Pavchino detention centre] is immense; this is business, big business. The first thing is we must buy our food from the border guards, for example, if we want cigarettes, cigarettes cost maybe UAH 2, but we must give UAH 10 to border guard, they go and buy but they keep the rest of the money [same for telephone cards]. ... to get out of Pavchino you need to pay \$ 1,000, for this you get temporary permission to stay in Ukraine for seven days and during these seven days you report to Migration Service and apply for asylum. This is for Pakistanis, for Arabs it is \$ 450... [We pay] through the interpreters. Our families send money to Western Union, interpreters go and collect the money but they keep their share. We also pay for interpreters for our interviews at the Migration Service. The interpreters also pay the border guards.«*  
(Palestinian man, end 30s, 8/2007)

**»Corruption is immense; this is business, big business.«**

*»When I went to the Migration Service [in Uzhgorod], [a senior officer] said that for the interpreter I must pay \$500 for every person. I told him I have no money, I only had \$ 150 left but he said »no, that is not enough«. Eventually, he called in the police. They came with two dogs and arrested me, my daughters were very afraid. They took us to the police station. Ten border guards put us in a truck and took us straight to Chop [detention centre], there we were detained for one month.«*  
(Afghan, mother of two, 30s, 7/2008)



»Immigration [migration service] only supports people who are paying money, they think you have money and if you pay \$ 900, between \$ 900 and \$ 500 then you are released. ... [the NGO] supported me to be released but if you want to leave earlier you must pay.« (Somali, woman, 20s, 01/2007)

A representative of an international organisation informally felt that due to lack of accountability and control »Pavchino was kind of a black hole« (09/2010). In the meantime, the detention centre was closed in December 2008 and the system described above came to an end.

In addition to this, also the senior officer of another detention facility in the region, Chop detention centre located at the border guard barracks in Chop on the border with Hungary was replaced. Both changes meant that the previous system of corruption came to an end. But a local NGO representative did not expect this to be the end of corruption and explained that it normally takes six month to establish a new system, or »roof« as it is called.

### The current system of corruption related to Chop and Mukachevo detention centres

Already by spring 2009, a new alternative system of corruption was established. This was revealed by interviews with nine Somali refugees in Munich, Germany, who were travelling through Ukraine but were arrested and detained once or even twice, mostly around or after the winter of 2009/10.

»In May 2009, I was in Chop and in Mukachevo. For the translator for migration [he meant Migration Service] you must pay \$ 500. We asked »why« and they said »it is for us and the migration service«, so they divide the money between them, he connected us to migration. ... [Afterwards] You get interview in the asylum agency [he meant the Migration Service], you get paper for 15 days and after 15 days you get the big interview in the migration service. After the interview the translator waits outside and asks »you must give \$ 100 for 2-months document«, the red document.« (Somali, man, mid 20s, 26/1/2011)

»I was arrested in March 2010, I was in prison, ... I said I will try to get the money, I got a telephone, I called this friend, I told them to call my family, it works as such: they [friends] give it [money] to Y. [interpreter], Y. gives money to, I don't know, police, border guard, interviewer [migration service], after this they let me free. ... I paid \$ 750. ... First, I got document for 15 days, for the red one I pay another \$100 to this man.« (Somali, man, 26, 26/1/2011)

»One man said »I don't pay because I don't have the money«, they put this man on the train to Kyiv but he did not get any papers, they said »if you don't have money we put you on the train to Kyiv.« (Somali, man, mid 20s, 26/1/2011)

This pattern was confirmed separately by several other interviewees, »they ask for \$ 500, this is for 15 days, but they ask if you need red document and then you pay an extra \$ 100« (Somali, man, early 20s, 26/1/2011). »Migration service and border guards divide money 50:50, sometime there are problems and they argue.« (group discussion with Somalis in Munich, 26/1/2011) Corruption was even reported from the detention centre for minors in Mukachevo, »first I was in baby camp, they asked for \$ 600 for the 15-days document, they say »if you don't pay they send you to Lutsk.« (Somali, minor, 26/1/2011) Being send to Lutsk detention centre is seen as a threat, because »[in Lutsk] you can apply [for asylum] but there are restrictions, the chance is maybe 0,001 percent, they tell you there is no chance, Lutsk is the most complicated region in Ukraine, you cannot get status.« (ibid.)

Another payment is related to Chop detention centre.

»In Chop there is a big boss and you must pay him \$ 50, he says »I solve your problem«, he facilitates contact ... to translator. That was in Chop, after 4 1/2 month, it was at the end of my time, we were 20 persons and everybody paid \$ 50, so that is \$ 1,000.« (Somali, man, mid 20s, 26/1/2011)

An additional business is introduced by the border guards in Chop detention centre:

»We also give money to soldiers, every night we give to soldiers, for buying some fruits, cola, but if the coke is maybe € 1 we must give € 2, the soldiers say they are not allowed to buy this for us, sometimes they leave the shopping in the window. ... For example, if you want to telephone they give you their mobile and we must pay \$ 10 for one hour.« (Somali, man, mid 20s, 26/1/2011)

Also from the Special Premises (SP) at Border Guard Command in Mukachevo unduly fees were reported:

*»[October 2010] There is a big general, he has three stars on his shoulder, »it is your decision, it is in your hand« he says if you call your friend to give money, ... he comes at night, he comes and asks »who speaks English or Russian«, he takes one of us upstairs and he negotiates with you »you have to negotiate with me an agreement, I have the power to release you, if you don't have the money I cannot help you«. He will then give you a secure telephone, then you will call your friends, the friend calls Z. [identity withheld] and tells him to go to Somali house, there he says »you must give me the money for this and this person« and after 2 days you will be released. ... You can get the 15-day paper, it was \$ 500, now it is \$ 800, they make it more expensive, now it is \$ 950.« (Somali, man, early/mid 20s, 26/1/2011)*

A Somali boy age 15 as he claimed confirmed *»[March 2010], one day Z. came, he asked »you want to be free? You pay money, I will call family«. I paid \$ 750, they gave us freedom.« (Somali, man, 15, 26/1/2011)*

As in Chop detention centre also in Mukachevo detention centre additional payments were requested.

*»One commander with three stars is particularly corrupt, after arrest they confiscate your telephone, [if you want to make a call] they give you their telephone, for UAH 100, the battery is full, for the SIM card you pay an extra money, UAH 30 and for credit you also pay UAH 30 [in sum € 16], they say »don't tell anybody, I'm the only guy here who can help you.« (Somali man, early/mid 20s, 26/1/2011)*

Finally, one interviewee also reported some sort of corruption in the Temporary Accommodation Centre (TAC) in Mukachevo:

*»[First, the interviewee had paid his usual \$ 650, afterwards] We were sent to Mukachevo, to Lavritsa but if you go out you will be arrested, we gave \$ 50 to lady and after 10 days we got other document, green.« (Somali, man, 26/1/2011)*

## Types of documents for asylum seekers and refugees in Ukraine

In Ukraine, there are five types of documents issued by the Migration service in course of an asylum application certifying legal temporary residence in Ukraine, one document issued by UNHCR (see annex for sample) and one document issued by the State Committee:

- Document/letter confirming that UNHCR supports a person in preparing an application for asylum about refugee status in Ukraine in accordance with Law of Ukraine *»About refugees«* [Підтвердження УВКБ ООН – Регіональне Представництво в Білорусі, Молдові та Україні] про звернення особи за допомогою у поданні заяви про надання статусу біженця в Україні відповідно до Закону України *»Про біженців«*], (white colour).
- Document certifying that an asylum application has been filed, Certificate on person's application about refugee status granting [Довідка про подання особою заяви про надання їй статусу біженця] (green colour), valid for 15 days.
- Document certifying that the decision was made to process documents for resolving the issue of refugee status, Problem solving on granting the refugee status [Довідка про особу, стосовно якої прийнято рішення про оформлення документів для вирішення питання щодо надання їй статусу біженця] (pink colour), valid for two months.
- Document certifying that an appeal is considered [Довідка про прийняття скарги до розгляду].
- Document certifying that an appeal has been filed against a negative decision of the asylum application, Certificate of addressing to the court [Довідка про звернення до суду], valid duration of court procedures.
- Document certifying that the appeal has been approved by the court, Certificate on preparation of documents to be granted refugee status [Довідка про особу, стосовно якої прийнято рішення про оформлення документів для вирішення питання щодо надання їй статусу біженця] (pink colour).
- Document issued to recognized refugees, Refugee card/ID [Посвідчення біженця], (grey colour).

## Accusations against NGOs

Generally, also NGOs are looked at with considerable suspicion, for instance, an asylum seeker in Mukachevo believes that the local »XY [NGO] don't help people, ... [NGO] people think it is good business« and »that they set up their NGO for purely commercial reasons.« (8/2007) Even a scam was suspected involving the local refugee support NGO and UNHCR implementing partner and the local authorities, »Pavchino and [NGO]



The type of cars driven by NGO staff raise asylum seekers' suspicion

is a family business, the boss's brother is also involved, and [another NGO], the daughter of a lawyer is married to the son of the boss of the migration service.« (Palestinian, man, late 30s, 8/2007) It is suspected that some NGOs only prepare the way for corrupt authorities, »they only take your asylum application and take it to the immigration service, ... they only pave the way for the border guards and the immigration service.« (Palestinian, man, late 30s, 2/2008) Many informants believe that the type of cars driven by NGO staff would not be affordable for anybody on a regular salary and must thus be paid with the income through corruption.

## Corruption of the police

Another set of problems is related to corruption of the police.

One day in August 2007, a researcher walked through the town of Mukachevo/ Zakarpattya with an Iraqi refugee, when they passed two police officers, the refugee greeted them with a hand shake and the researcher saw that he was also handing over money. Afterwards, the researcher asked the refugee about this and was explained:

»I told the police officer that this is for a beer, this is to make friends and to avoid trouble. ... I constantly have to give money, sometimes UAH 20, sometimes \$ 20.

»Police is bad, as soon as I leave my house they stop me, ask for papers, they want money«

Every time, one of the others is in trouble or arrested, I am called [to translate and presumably mediate] and I go and have to pay, either I pay or they are send to Pavchino [local detention centre].« (Iraqi man, 40s, 8/2007)

»Police is bad, as soon as I leave my house, after 400 meters they stop me, ask for papers, they want money, they threaten me to tear apart my papers and then I will be send to Chop.« (Bengali man, 20s, 6/2009)

»I got a call from a refugee, he was arrested by the police, ... he called me and I talked [translated] to them and they said they want money, he said he is poor, he has no money, they argued, you know, there is a curfew and if you go out you must pay.« (Palestinian, man, late 30s, 8/2007)

The last example suggested that the police introduces arbitrary and informal rules such as »curfews« – there are no such rules as night curfews for foreigners – as an excuse to extract money from refugees.

Table: Police corruption, results of survey in Uzhgorod, January-June 2009

	Total	Percentage
Trouble with police	30	86
Frequently	15	43
Occasionally	4	11
Unduly fees	15	43
No trouble	1	3
No response	4	

During the first six months of 2009, a small-scale survey was conducted to verify these patterns. This included around 35 individuals representing probably around half of all asylum seekers residing in Uzhgorod during this period<sup>1</sup>. This survey generated the following results: the overwhelming majority, 30 people reported some kind of trouble

with the local police. Almost half report frequent trouble and added they had trouble »many times«, »uncountable«, »ten times a day«, »3-4 times a day«, »ten times in six month« and »often police visits us«. Only four say they were only stopped one to two times whilst only one says he has had no trouble so far. Almost half state that they had to pay police officers whilst eight say they did not. Only some also reported beatings by police officers. In response to the conditions in Ukraine 15 interviewees admitted they wish to move on to the West but because clandestine border crossing is a sensitive issue probably not all who had such ideas also admitted these.

<sup>1</sup> Sample: Bangladeshis (14), Somalis (10), Sri Lankans (3), Ethiopians (2), DR Congolese, Pakistanian, Iranian, Iraqi, Palestinian (one each). All were male because women and children are transferred to a temporary accommodation centre in Mukachevo, 50 kilometres to the East.

## The System of Corruption in Odessa, Southern Ukraine

Research in Odessa was triggered by a letter signed by 128 African asylum seekers and refugees in Odessa, these were about two thirds of all residents of the local Temporary Accommodation Centre (TAC). The claims made were:

*»pandemic xenophobia and racial discrimination, ... flagrant and barefaced violations of human rights. ... [It details] constant extortion of money from us by the ... police forces, ... large amount of bribes to the interpretation service [in course of the refugee status determination procedures]«, money rendered to intermediaries and NGOs, »we are forced to pay for the dormitory where we live« [the TAC], to pay for repairs of the TAC and food deliveries withheld by the TAC management whilst complainant are threatened. »The authorities are running [the asylum system] to make large amounts of money ..., this is a corrupt system where all members support each other.« (OAR 2010)*

The interviews conducted brought to light various practices.

### Corruption in the asylum system

The first practice is related to the asylum procedure:

*»Here we pay for interpreter, \$ 3-400«, »only once«. (West African, man, 20s, 11 month in Odessa, 9/2010)*

*»I paid money to the interpreter, I paid \$ 250, he said I must pay \$ 350 but I said I cannot pay that much.« (West African, man, group discussions, 9/2010)*

*»When I went for my first interview I asked a brother to translate for me, but other time they did not accept my interpreter, three times they rejected me, they asked for \$ 300, 400, 500 to pay to the interviewer, they give one part of money to the women in the migration service.« (West African, man, late 20s, in Ukraine for four years, 9/2010)*

*»For the interview I did not pay but they told me after the interview when you work every month you must pay \$ 50 to interpreter. The migration service does not say »give me money«, there are people who work with them, you pay \$ 100 and \$ 50 they give to migration service. It is a big business.« (West African, man, early 30s, 9/2010)*

Another practice is related to the appeals procedure against negative decisions on their asylum application.

*»For one year and two month I went to court, every two month, about asylum, always the say »you don't have translator, so we can't do anything«.« (West African, man, early 30s, 9/2010)*

This implies that those who do not or cannot pay for the interpreter to pave the way into the system will be refused a decision on their appeal.

*»There is one [XY man] in the Migration Service, he is a Ukrainian citizen, if you want an interview, if you want dovidka ... he ask for money. So there are people living on the street because they cannot pay.« (West African, man, early 30s, 9/2010)*

*»There are four people [recognised refugees from different countries], ... they take money from all people, they are the intermediaries. They take a minimum of \$ 200, if you work, for a dovidka. For a refugee certificate you pay \$ 1,500, like this document, a Posvidchennya Bizhentsya [Refugee Card], but some people even pay up to \$ 5,000. ... there is no interview, it's all fake, the interview protocol. ... every two month the dovitka has to be renewed and each time you must bring some present, like 250 gram of tea, like gift.« (East African, man, 9/2010)*

*»There is Mrs X, if she needs paper, then for interview you must bring her paper from market but they cannot talk to us, they are afraid, they are officials, so they tell intermediaries [to arrange this]. So there are five intermediaries. ... But to director [of the TAC] we must sometimes give gifts directly, ... he takes gifts directly. ... The migration service does not take money directly but [director of TAC] takes money directly.« (East African, man, 9/2010)*

At another occasion and in order to confirm some of these claims the interviewee made a telephone call to a middleman, he turned the phone's loudspeaker on so that the researcher could follow the conversation. A voice, G., from [Asia] confirmed that a dovidka is \$ 200.

## Corruption in the TAC

Another practice is related to the permission required to live in the Temporary Accommodation Centre (TAC) for asylum seekers.

*»Only if I pay intermediary, he is an Afghan man, only if I pay \$500 I can live in camp [Temporary Accommodation Centre].« (East African, man, 40s, 9/2010)*

*»If you pay \$ 50, \$ 100 they give you a room. Z. is the guy, they asked me to pay but where can I find money to pay?« (West African man, late 20s, in Ukraine for four years, 9/2010)*

*»Sometimes we are asked to bring gifts from the market.« (West African man, 20s, 11 month in Odessa, 9/2010)*

*»The migration service is in the camp, ... they ask people to bring from the market, for example, paper, 500 sheets, two packs.« (East African man, 9/2010)*

*»There is an Afghan family who wanted a room, they paid once \$ 300 and then every month they pay \$ 100, we share rooms by 4, 5 but if you want your own room you must pay.« (East African man, 9/2010)*

*»We live here but we must buy everything ourselves, I must buy my own blanket, my own food.« (West African man, late 20s, in Ukraine for four years, 9/2010)*

Another practise is not directly related to corruption but to fraud of supplies or resources that are meant to fund services to the asylum seekers.



Odessa TAC

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*»I needed clothes for my children, the [NGO] people came, they measured my children, everything they measured, but we never received any clothes. I enquired about this with UNHCR but they said that the clothes were sent to us, ... but we never received anything, they just disappeared.« (East African, man, early 40s, 9/2010)*

*»Some time ago someone sent large amount of clothes, the NGO took the best clothes and sent the rest to the camp, there the migration service took the best clothes and the rest they gave to the refugees, they were so bad most people didn't want to take any.« (East African man, mid 40s, 9/2010)*

Frequently it is reported that services to asylum seekers, notably education for children, language lessons or computer courses are indeed not provided, hence that staff is paid but does not turn up for work and instead cashes in the money. It is plausible to assume that this requires some consent of the supervising agency, either an NGO or the management of the TAC.

## Corruption of the police

Most asylum seekers and refugees work, some in casual employment, some have their own business, but almost all agree that the only work they can find is on one of the markets, either as loaders or salesperson in textiles and sports shoes.

*»On the market where I work ... there is private militia, they come and they ask me ›how much is shoes‹ and I tell them price, they say ›this is too much‹ and I give them the price I buy shoes for but they still say this is too much, and then I say*



Passport control at 7th Kilometre market, Odessa

© BMPU 2010

*this is what I pay I cannot give cheaper and then they say ›if you cannot give us cheaper we will show you what we can do‹, so I must pay them, every week I must pay UAH 200.« (East African, man, mid 40s, 9/2010)*

The researchers also observed the arrest of a Chinese youth on 7th Kilometre market. A police officer (militia) targeted South Asian youths, individuals or groups and was asking them »passport, passport«; he controlled about 8-10 persons. Finally, a Chinese youth walking down the market drinking a Fanta was stopped; he fiddled in his clothes but could not find his papers. He wanted to make a phone call but the officer insisted, »no, you come with me, you don't make a phone call« and arrested the youth. After the person was released by the police officer he was asked for his experience and explained that »this happens all the time«, that »they always ask for money« and that »if you don't pay you won't be released«. (Chinese, man, early 20s, 9/2010) All this happened in bright day light and in public, some other workers or visitors even shouted at the police. This demonstrates that the police has no scruples whatsoever in pursuing their corrupt activities.

## **Corruption in other Regions of Ukraine (Kyiv, Lutsk, Vinnitsa and Kharkiv)**

The request of undue fees as a precondition for access to the asylum procedures was also reported from other regions.

*›To migration service in other region I paid \$ 50, in Vinnitsa you pay \$ 50 for document, they said ›if you don't pay we send you to Lutsk‹ or police catches me and because I have no documents they send me to Lutsk.« (Somali, man, early 20s, 26/1/2011)*

It is assumed that the difference in the price level between Vinnitsa and Zakarpattya has to do with the distance to the border, »maybe this is because Uzhgorod is more difficult because there is the border.« (ibid.)

A different praxis is reported from Lutsk detention centre.

*›In Lutsk there is no way to pay, when you have finished your six months they release [you] without documents, they give you little paper but if the police controls you, you will be arrested, police will arrest you in Lutsk city. It is like this: you have to talk to soldiers, ›tomorrow I will be free‹, you must pay at least \$ 300, the soldier then*

*drives you wherever you want, they drive in their uniform, so that the police does not stop them, but they drive with their private car, not in an official car. To Vinnitsa it is 350 kilometres, so that takes about 7, 8 hours, the bus [to Lutsk and on to Vinnitsa] is only \$ 20 or so but it is not safe.« (Somali, man, minor, 26/1/2011)*

The praxis of frauding donations was reported from Kharkiv where »clothes that were donated [to a refugee support NGO] for refugees were not distributed« implying that these were instead used for purposes not in accordance with charity regulations. (Palestinian, man, 10/2010)

## **Corruption of the police**

Problems with the police were also reported from Kyiv and Vinnitsa:

*›[The police is] harassing us, they ask for documents and then if you don't have document they ask for money ... They have no fixed rate, they take any money. ... Once I was in prison, but they let me go, ... for money, they took everything, I had about \$ 10.« (Nigerian, women, 21, 10/2007, Kyiv)*

*›Ukraine doesn't want us to stay, they don't give us documents, ... I rent an apartment, ... we make an agreement with police, they would come once a week and we pay them.« (Cameroonian, man, 40s, Kiev, 2007)*

*›I am afraid of the police, you need to bribe them all the time and if you don't have money they take you to the police station.« (Somali man, 20s, 10/2007, Vinnitsa)*

*›In Vinnitsa there is some police, not in uniform, like CID, they are the biggest problem, they know all houses, all apartments of Somalis, they come and knock the door and if you open there is a problem but if you don't open there is problem too, they will enter, they will shout, they collect all the guys and put them in one room, they will check all rooms, they raid for money, gold, mobile phones, everything they take.« (Somali, boy, minor, 26/1/2011)*

This pattern is also confirmed by UNHCR (2011: 32) who find that in Kyiv »mistreatment and short-term detention at the hands of the police have been encountered by many asylum seekers ... In the majority of cases, asylum seekers reported being forced to pay the police in order to be released.«

## PRECONDITIONS FOR CORRUPTION IN UKRAINE

Nine conditions can be identified that facilitate corruption in the asylum system of Ukraine (also see USAID 2006).

- (1) **Low salaries of public sector staff.** The salary system in civil service was found to be *»complex and confusing«* based on *»small basic salary and large variable [arbitrarily determined] bonuses«*. (OECD 2006: 33)
- (2) **Failure of the asylum system.** Dysfunctional RSD procedures, temporary breakdown of the asylum procedures, lack of routine reports and visits of asylum authorities to detention centres, lack of a professional interpretation system, lack of affordable accommodation for asylum seekers and refugees all open up opportunities for the authorities to instead offer services for unduly payments.
- (3) **Refusal of the relevant authorities to issue statutory documents.** Because the authorities failed or refused to issue asylum seekers became exposed to police harassment (see UNHCR 2011a).
- (4) **Insufficient conditions in detention.** Insufficient supplies (i.e. food) and services (i.e. access to telephones) in detention centres encourage illicit trade and corruption.
- (5) **Impractical or incomplete legislations.** For instance, limiting accommodation of asylum seekers in TAC for six months or the issuing of documents by the UNHCR that are or not recognised by the police opens up opportunities for unduly fees.
- (6) **Lack of control of civil servants, other public sector staff and NGO staff.** This diminishes potential deterrents and opens up opportunities for illicit practices.
- (7) **Misleading images of refugees.** Images that refugees are supported by wider family networks and thus can mobilise certain amounts of money if in difficulties seems to contribute to views that they are a potential source of income which then encourages corruption.
- (8) **Vulnerability of clients.** Perceptions that refugees are vulnerable and unable to defend themselves against this kind of injustice also seem to encourage corruption.
- (9) **General culture of corruption in Ukraine.** This spills over to the asylum system.

## SYSTEMS OF CORRUPTION IN UKRAINE

Extracting money and corruption occurs on any level of a refugee's presence in Ukraine.

- First, on arrest money and other valuables are confiscated.
- Second, in detention centres money is requested for certain goods and services.
- Third, in order to be released before the maximum limit of detention unduly fees are requested.
- Fourth, in course of the asylum application, e.g. for interpretation and interviews, unduly fees are requested.
- Fifth, once released from detention, payments are requested by local police officers.
- Sixth, unduly fees are requested for the various kinds of documents issued to asylum seekers and refugees.

Immediate beneficiaries of these payments are border guards, migration service and other staff involved in the administration and accommodation of asylum seekers, authorities that issue documentation, interpreters, local police and even some NGOs. This points to a comprehensive system of extracting money from irregular immigrants, asylum seekers and refugees. So far, courts have not been mentioned by respondents as recipients of unduly fees; this is surprising as *»the judicial system usually scores as one of the most highly corrupted institutions in public opinion surveys in Ukraine.«* (USAID 2006: 25)

It seems that some NGOs play an important role in this system. There is evidence that some NGO staffs simply exploit the opportunities and fraud their funders, for instance, by cashing in payment without delivering the services agreed. It also seems that certain NGOs have to play by the rules of certain civil servants and facilitate the flow of money from the refugees to the authorities. Others seem to be more proactive in accepting unduly fees themselves for certain services.

Finally, also alleged lack of response from UNHCR, for instance, on accusations of corruption or letters sent with requests for asylum seems to add to this situation.

## THE VICTIMS OF CORRUPTION

Civil servants of the various authorities mentioned in this report, often with the help of intermediaries, seem to request payments from almost anybody within reach of their power and indiscriminately of the individual characteristics or circumstances of these people.

The report illustrates that money is requested from

- adults, men and women,
- single mothers,
- and even unaccompanied minors.

Those who are unable, or unwilling to pay are threatened with detention, transfer to another dreaded detention centre, Lutsk, or being send back to Kyiv, which is far away from the border and means a loss of hundreds of dollars invested in the transfer to the border region and risk of arrest by the police.

## UPDATE

Since the research for this report was conducted, legal and institutional reform continued in Ukraine. On 28 July 2011, the President of Ukraine, after some period of uncertainty finally signed off the long awaited new Law of Ukraine № 3671-VI »About refugees and persons who need subsidiary or temporary protection.« (Verkova Rada Ukrainie) UNHCR and others generally welcome the new law and acknowledge that this for the first time offers subsidiary protection and introduces a single identity document to asylum seekers. It is criticized, however, that the new law »does not yet meet EU and international standards« in various aspects (UNHCR 2011b) and that the system of detention does not seem to be changed (Project No Border 2011).

In May 2011, after four unsuccessful attempts it was finally also agreed to set up a new State Migration Service of Ukraine (SMSU) which will be under the Ministry of Interior. It will cover all aspects of migration, ranging from Ukrainians abroad to asylum matters. The introduction of this new service has now been delayed several times and it remains to be seen when it will start functioning. In any case, whilst new directors and deputy directors were appointed for the SMSU the director of the department for refugees as well as the other senior and junior staff from the present regional Migration Services will simply be taken over by the new SMSU, personnel in the asylum and refugee sections by and large seems to remains the same.

Finally, the BMPU received reports from our researchers that in Odessa all recognised refugees have now been evicted from the temporary accommodation centre leaving some homeless.

These reforms may change some aspects of the current system of corruption, notably corruption related to issuing IDs or corruption related to some practices in the Odessa TAC. However, the BMPU is concerned that as long as the system of corruption is not addressed as a whole, the underlying reasons for corruption are not addressed and the corrupt officers are not challenged these will simply adapt to the new procedures and soon new mechanism of claiming unduly fees will be introduced. In other words, the BMPU is skeptical that these reforms will change matters in any fundamental way.

## CONCLUSION

In Ukraine, asylum seekers are considered a source of income for various state and non-state agencies« employees that deal with this group. Law enforcement agencies (border guards and police officers), the asylum administration (migration service and refugee camp management) and its supporting service (interpreters) as well as some NGOs take advantage of asylum seekers and the fact that they are vulnerable and defenceless.

Corruption replaces the rule of law, i.e. transparent, regular, fair and equal procedures with crude economic mechanisms. It excludes those asylum seekers and refugees from access to RSD procedures and appropriate documents who cannot afford them. Thus, asylum, settlement and integration have become dependent on the refugees' economic resources and not their needs.

The involvement and collaboration of diverse actors, border guards, migration service, TAC management, interpreters, police and NGO staff implies a comprehensive system of organised crime that exists in the midst of the Ukrainian border control, immigration detention and asylum institutions.

The fact that unduly fees are even requested from minors or single mothers implies a complete lack of comprehension and scruples for vulnerable people, a complete breakdown of any professional ethics and a culture of greed and inhumanity.

Some allegations against UNHCR and some of their NGO implementing partners, whether or not these are true or false, nevertheless reveal a breakdown of trust and high levels of frustration and alienation with these agencies which further undermines the functioning of the asylum system.

Finally, the results of this study suggest that as long as these conditions prevail, Ukraine does not guarantee any fair access to asylum and thus cannot be considered a safe country for refugees or others in need of international protection, such as minors, single mothers or young women.

»They put all EU money in their own pocket, for them ›this is big business.« (West African, man, late 20s, in Ukraine for four years)

»There is so much corruption in this country.« (East African, man, 40s, long term resident in Ukraine)

»They need us to live here because they get a lot of money from this.« (East African, man, mid 40s)

»This NGO, they are all bandits.« (East African, man, 9/2010)

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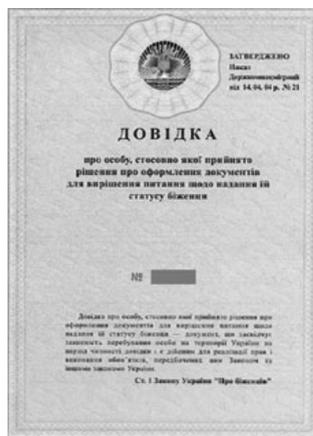
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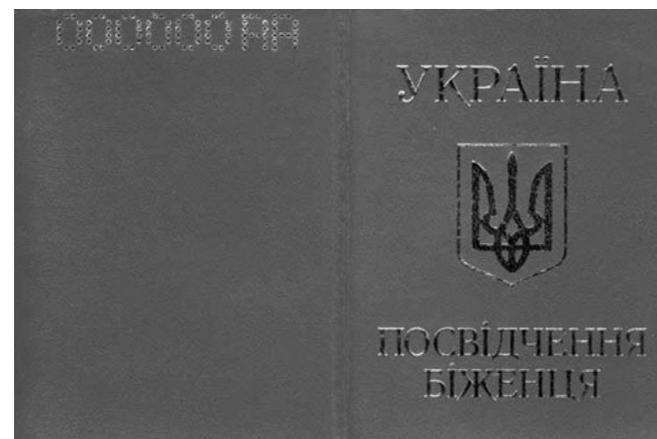
## ANNEX Samples of documents



Document certifying that an asylum application has been filed, Certificate on person's application about refugee status granting [Довідка про подання особою заяви про надання їй статусу біженця] (green colour), valid for 15 days.



Document certifying that the decision was made to process documents for resolving the issue of refugee status, Problem solving on granting the refugee status [Довідка про особу, стосовно якої прийнято рішення про оформлення документів для вирішення питання щодо надання їй статусу біженця] (pink colour), valid for two months.



Refugee card (Посвідчення біженця)

## Imprint

**Border Monitoring Project Ukraine**  
**Bavarian Refugee Council**  
**Augsburger Str. 13**  
**80337 München**  
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