

Humanitarian Migration from Ukraine

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Abstract

This article provides a statistical overview of the refugees fleeing the fighting in eastern Ukraine.

Escaping to Safety

Ukraine's civilians are being forced to move out of the conflict-stricken area and seek shelter in other areas of Ukraine or in neighboring countries. The humanitarian catastrophe in Ukraine is gaining steam, which causes serious concern among the world community.

According to UNHCR data, between January and July 2014, over 4,106 Ukrainians requested asylum in the European Union, compared to 903 applications in the 2013. Most Ukrainian applications for asylum were in Poland (1,082), Germany (556) and Sweden (500). In addition, Belarus received 380 Ukrainian applications for asylum.¹ Additionally many Ukrainians have moved to Russia. According to the Russian Federal Migration Service (FMS), in the period from April 1 through August 30, 2014, about 820,000 citizens of Ukraine moved into Russia. They submitted the following applications to the Federal Migration Service:

- about 130,000 Ukrainian citizens applied for temporary asylum or refugee status;
- more than 78,000 Ukrainian citizens applied for temporary residence permits;
- more than 33,000 Ukrainian citizens applied for Russian citizenship;
- more than 22,000 Ukrainian citizens applied for residence permits;
- more than 12,000 Ukrainian citizens applied to the State Program of Support for the Voluntary Return to the Russian Federation of Compatriots Residing Abroad.

Shouldering the bulk of the humanitarian burden related to the accommodation of involuntary migrants from Ukraine, Russia amended its migration legislation and granted them a special legal status.

The April 2014 amendments made to Law 376-FZ² introduced certain restrictions on the entry of migrants from the CIS countries. Foreigners from visa-free countries without a work permit or temporary residence permit could technically stay only “90 days in and 90 days out” over 180 days in Russia. Previous regulations stated that persons entering Russia from a visa-free country

could stay 90 days and after 90 days should leave the territory of the Russian Federation. Since January 1, 2014 the violation of the “90 out of 180 days rule” led to legal consequences, such as a fine with or without deportation or refusal of entry into Russia within three years (Art. 27.1.12 Law 114-FZ³). In contrast to these regulations, the citizens of Ukraine may stay on the territory of the Russian Federation for 270 days within one year.⁴

Now the inhabitants of the Ukraine coming to Russia have the following options for legalizing themselves:

1. Obtaining the status of refugee;
2. Obtaining temporary asylum on the territory of the Russian Federation;
3. Obtaining a labor permit for work activities.

The last option—buying a labor permit—does not enjoy popularity among Ukrainians who were forced to leave their country. First, a permit costs 1,216 Rubles (\$30) per month and it should be paid in advance. Second, labor activities are restricted mainly to entrepreneurship and working in a private household. Furthermore, a work permit can be repeatedly extended, but no more than for one year from the date it was first purchased. The most popular options among Ukrainian citizens coming into Russia are applying for temporary asylum on the territory of the Russian Federation or obtaining refugee status.

Refugee Status

According to Article 1 of the Federal Law “On Refugees,” a refugee is: “a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.⁵

To receive refugee status, the applicant must submit the relevant application to a local office of the Federal

1 Number of displaced inside Ukraine more than doubles since early August to 260,000, <<http://www.unhcr.org/540590ae9.html>>.

2 Law 376-FZ On Amendments into the Migration Bills, in: <http://www.consultant.ru/document/cons_doc_LAW_156010/>

3 Federal Law 114-FZ “On the Procedure for Exiting and Entering the Russian Federation.”

4 The memo for Ukrainian citizens who were forced to leave the territory of Ukraine, <http://www.fms.gov.ru/foreign_national/novisas/index_ukr.php>

5 Art. 1 Federal Law Nr 4528-1 On Refugees of February 19, 1993.

Migration Service. The applications are reviewed on their merits within 3–6 months after the day when the applicant receives the confirmation that his/her refugee status application is being reviewed. The refugee status is granted for a period of up to three years, which can be extended if circumstances under which the applicant has been granted the status continue. The applicant is issued a refugee identification document. Russian passports are not issued to persons who are granted refugee status.

A person who has been granted refugee status and his/her accompanying family members are entitled to:

1. The provision of interpreter services and the information about the rules for obtaining the refugee status, their rights and obligations according to Article 8 of the Law on Refugees, and other necessary information;
2. receive assistance in providing transportation of their persons and luggage to their place of residence as determined by the Government of the Russian Federation;
3. food and the use of public services at the temporary accommodation center in the manner determined by the Government of the Russian Federation;
4. protection by the Ministry of Internal Affairs at the temporary accommodation to ensure the safety of such persons;
5. a one-time allowance for every family member according to the rules and in the amount set by the Russian government, however no less than 100 Rubles;
6. an authorization for placement in the temporary accommodation center for refugees from the local government agency in charge of migration control;
7. healthcare services and medication;
8. job placement assistance at a professional training establishment;
9. right to employment on the territory of Russian Federation without work authorization after receiving refugee status.⁶

Irrespective of the guaranteed rights and freedoms, obtaining refugee status does not enjoy popularity among Ukrainians due to the complex bureaucratic procedures involved. Refugee status is issued only rarely. According to Federal Migration Service (FMS) data, fewer than 7% of applicants receive refugee status.⁷

Temporary Asylum

Temporary Asylum on the territory of the Russian Federation is an opportunity for a foreign citizen or state-

less person to stay temporarily on the territory of the Russian Federation in accordance with Article 12 of the Law on Refugees. In addition, on August 1, 2014 the Russian Government adopted the Provisional Simplified Rules for Granting Temporary Asylum in Russia to Ukrainian Citizens.⁸ According to the rules, the applicant and members of his family submit their application for temporary asylum to the local office of the FMS. The application can be submitted personally or via one of the multifunctional centers of federal and municipal services.

The applicant and the accompanying family members must:

- a) be fingerprinted at a territorial office of the FMS in the area where they stay;
- b) have a health check at the authorized medical center within 10 days.

Before granting temporary asylum, the territorial office of the FMS:

- checks the information about the applicant and his/her accompanied family members using the relevant databases of the Federal Migration Service and Ministry of the Interior, in order to verify the information on the application;
- for record keeping purposes, sends to the territorial office of the Federal Security Service the information about the applicant and his/her accompanied family members no later than on the working day following the day when the application was received.

The decision on granting temporary asylum is made by the FMS's territorial office where the application was submitted within 3 days after the submission of the application. When the decision to grant temporary asylum is made, the FMS territorial office in the area where the applicant actually stays issues to him, within 24 hours, the temporary asylum authorization. According to the Simplified Rules for Granting Temporary Asylum, the temporary asylum authorization can be issued only when the applicant and his/her accompanying family members submit the medical clearance card required from Ukrainian citizens and others who permanently reside in Ukraine and arrived to Russia in search of temporary asylum. However, the FMS's territorial office often issued the asylum authorization without required medical clearance procedure.

Temporary asylum is granted for a period of up to one year, which can be extended for one more year an indefinite number of times pursuant to the decision of

6 Art. 6 Federal Law Nr 4528-1 On Refugees of February 19, 1993.

7 Official web-page of the FMS, <<http://www.fms.gov.ru/about/statistics/data/>>

8 The Provisional Simplified Rules for Granting Temporary Asylum in Russia to Ukrainian Citizens dated August 1, 2014. The Decree of Government of Russian Federation Nr. 690 of July 22, 2014. in: <<http://government.ru/docs/13927/>>

the appropriate local FMS office following the written application (Art. 12 of Law on Refugees). When a Ukrainian citizen is granted temporary asylum, (s)he remains a Ukrainian citizen. At any moment (s)he may relinquish the status granted, receive the national passport of Ukraine and re-gain the status of a person temporarily staying in Russia. Although there is one strong disadvantage—a person without the temporary asylum status may not be employed on the territory of Russia.

The Current Situation in Some Regions of the Russian Federation

Russia's areas bordering Ukraine carry most of the burden from the influx of humanitarian migrants. However, neither the regional authorities nor the official statistical bureaus could provide complete, uniform and demographically based information on newcomers from Ukraine. It seems that a large number of Ukrainians coming to Russia are women and children. According to the Ministry of Health figures of August 2014, among 70,084 humanitarian migrants who sought medical check-ups and care were 26,656 children, 2,496 pregnant women, and 458 injured persons. On the territory of Russia, migrants gave birth to 399 children⁹ (see Table 1 on p. 21).

The regions accepting humanitarian migration from Ukraine bear significant costs associated with the financing mandated by the federal government. The regions' expenses will be partially compensated by the federal center. The Russian government issued an order "On Distribution of Interregional Budget Transfers for Temporary Accommodation of Persons Who Involuntarily Left Ukraine."¹⁰ The order provides financial assistance in the amount of 366 million rubles to the 40 territorial entities of the Russian Federation welcoming humanitarian migrants from Ukraine: Rostov region gets 111 million rubles out of the federal finance assistance; Voronezh region—43 million rubles; Belgorodskaya region—37 million rubles; and the city of Sevastopol—21.5 million rubles. Regions accepting fewer refugees received less support. Despite the aid, such migration is a burden on regions' budgets, because regions had to spend money that had been budgeted for.

9 Official web-page of the Ministry of Health of the Russian Federation, <<http://www.rosminzdrav.ru/news/2014/06/27/1902-zamestitel-ministra-igor-kagramanyan-provel-videoselektor-noe-soveshanie-s-regionami-po-voprosu-meditsinskogo-obespecheniya-bezhentsev-s-yugo-vostoka-ukrainy>>

10 Decision of the Government of the Russian Federation Nr. 1463-r of August 4, 2014, <http://government.ru/dep_news/14135>

The Current Situation in Ukraine

Ukraine also assists residents of Eastern Ukraine forced to move from the occupied areas and areas of the anti-terror operation (ATO). The state agencies in charge are challenged by the complexities of calculating the costs of the tasks and organizing and coordinating the assistance to the internally displaced persons (IDPs) because there is no central registration system.

In October 2014, the Ukrainian Parliament passed Law on the Rights and Freedoms of Internally Displaced Person to protect people displaced by the conflict. This law gives IDPs a specific set of rights—protection against discrimination, forcible return and assistance in voluntary returns. It also simplifies access to different social and economic services, especially residence registration (which is a requirement for accessing banking services and registering a business) and unemployment benefits. Furthermore, the law obliges the government to start developing a policy on integrating internally displaced persons, which is expected to lead to better long-term planning for these individuals.

Meanwhile, in June 2014 the Ukrainian parliament adopted Law 4998-1 On the Internally Displayed Persons' Rights and Freedoms. 298 deputies of Verkhovna Rada voted for it.¹¹ According to this law, the IDPs include persons who lived in Crimea and the city of Sevastopol prior to March 18, 2014 or in the areas of the anti-terror operation prior to its beginning. The status of involuntary migrant may be granted upon the submission of an identity document that confirms Ukrainian citizenship or an identification document of a foreign national or a stateless person, and whenever necessary—of other documents corroborating that the holder lived on the temporarily occupied territories or in the ATO area.

Besides, the involuntary migrants [IMs] are entitled to allowances for themselves and every accompanied family member in the amount set by Ukraine's cabinet of ministers. IMs also have the right to freely choose an area where to move and stay within the territory of Ukraine. When they are unable to freely choose an area in the Ukraine where they would live, IMs may stay in provisional accommodation centers for IMs and receive medical, social and other services in these centers as provided for by the law.

On September 2, 2014 the UNHCR estimated that approximately 260,000 people were displaced internally on the territory of Ukraine.¹² The State Emergency

11 Stenogramma plenarnogo zasidannya. 19 Chervnya 2014, <<http://portal.rada.gov.ua/meeting/stenogr/show/5641.html>>

12 Number of displaced inside Ukraine more than doubles since early August to 260,000, <<http://www.unhcr.org/540590ae9.html>>

Service of Ukraine calculated that most of the burden associated with the provision of accommodations and other vital services for IDPs is shouldered by Donetskaya, Kharkovskaya and Poltavskaya oblasts, and Kiev.¹³

The most difficult situation in the Donetsk region (72,495 IDPs); the city of Kiev (26,808 IDPs), Zaporozhye (22,823 IDPs); the city of Dnipropetrovsk (20,186 IDPs); the city of Kharkov (16,868 IDPs); the city of Luhansk (15,087 IDPs); the city of Odessa (12,572 IDPs), Poltava (9,582 IDPs); the city of Kiev (7,019 IDPs) and the city of Lemberg (5,693 IDPs). The smallest amount of IDPs settled in the city of Ternopil (1,111), Volyn (1,120), Rivne (1,267) and the Transcarpathian Ukraine (1,403). In Volyn Oblast, 17,213 Ukrainian citizens were relocated from the Republic of Crimea and the city of Sevastopol to other Ukrainian regions, including 4,801 children and 1,243 handicapped persons and senior citizens. 218,731 persons have been relocated from the ATO areas to other regions of Ukraine, including 70,946 children, 30,376 handicapped persons and senior citizens (including 72,432 IDPs relocated within Donetskaya Province). In total, 235,944 persons have been placed in other regions, including 75,747 children and 31,619 handicapped persons and senior citizens.

Ukraine's cabinet of ministers issued Directive 11.6.2014¹⁴, which governs social security issues pertaining to Ukrainian citizens who relocate from the occupied or ATO areas. The regional state offices in charge of IDPs together with other government agen-

cies search for residential placements, organize health-care services and issue passports.

The political crisis in Ukraine led to a massive humanitarian migration both within and out of Ukraine. However, nobody has clear and sufficient data on the amount of humanitarian migrants and their demographic characteristics; nobody can explain their motivations in choosing a destination in the search of greater safety. The controversial data on migrants coming from Ukraine to Russia among federal and regional authorities comes against the background of a serious skepticism toward official statistics. Besides, the absence of IDP registration in Ukraine and the lack of data seriously complicate counting the IDPs within Ukraine and beyond its territory and providing assistance to them. Nowadays there is only one thing that we can be certain about the Ukrainian citizens who have entered Russia: a) they more often apply for temporary asylum on the territory of Russia due to the simplified procedure changed by Law of August 1, 2014; b) the majority of Ukrainian citizens coming to Russia are interested in returning to Ukraine and perceive the opportunities on the territory of Russia as temporary; c) despite the financial aid announced by the federal government of Russia, the humanitarian migration from Ukraine became a significant burden on some of the regions, which lack the financial funds and administrative instruments to control the situation.

About the Author

Olga Gulina is founder of the Russian Institute on Migration Policy (RUSMPI) based in Berlin, Germany. She is a frequent commentator on Russian and European Union migration law and its implementation. She has researched and published extensively on issues related to migration policy and law in the EU and CIS countries.

13 <<http://volyn.mns.gov.ua/news/1745.html>> 4.9.2014

14 <http://online.zakon.kz/Document/?doc_id=31572927>

Table 1: Refugees from Ukraine in Russia by Oblast and by Type of Residency Permit

Region	work permit	work permit	temporary residency permit	constantly residency permit	temporary asylum/ refugee status*	admission into citizenship of Russia	applications in a frame of the State Program of Support to Voluntary Return to Russia	Children under 18	Total
Krasnodarsky Region [<i>Krai</i>]**	5,447	6,962	4,769	848	7,476	640	-	13,000	44,000
Rostovskaya Province [<i>Oblast</i>]***	2,426	2,080	3,136	480		482	-		53,278
Yaroslavs-kaya Province [<i>Oblast</i>]****	1,028	1,710	860	136	2,251/43	89	206	-	12,951
Republic of Bashkortostan*****	-	109	376	-	1,504	-	-	130	415
Ivanovskaya Province [<i>Oblast</i>]*****								690	3705

* Some regions of Russia do not divide the application for temporary asylum and for refugee status.

** Information on citizens of Ukraine who were forced to leave its territory in Krasnodarskij kraj, <<http://www.ufmskrn.ru/site2/news/67150/>> (1.10.2014)

*** Information on citizens of Ukraine who were forced to leave its territory in Rostovskay oblast, <http://www.fms-rostov.ru/ne_5116865/> (1.10.2014)

**** Information on citizens of Ukraine who were forced to leave its territory in Yaroslavl oblast, <<http://www.ufmsyar.ru/press-tsentr/867/>> (1.10.2014)

***** Information on citizens of Ukraine who were forced to leave its territory in the Republic of Bashkortostan, <<http://www.fmsrb.ru/default.aspx?newsid=791>> (1.9.2014)

***** The Ombudsman's Office in Ivanovo oblast.