

URGENT ACTION

UKRAINE BLOCKS SOMALI FROM RESETTLING IN USA

In Ukraine, Macow Dadir Ali, a 36-year-old Somali refugee is currently serving 6 months detention in the Volyn Migrant Accommodation Centre and is prevented from taking up the offer of resettlement in the United States.

Macow Dadir Ali is a Somali national who the United Nations Refugee Agency (UNHCR) recognizes as a refugee. However, in 2007, the Ukrainian authorities refused to recognize him as a refugee. The US government has already approved his re-settlement to the US and made arrangements for him to fly from Ukraine to the US on 20 January 2011 to be reunited with his family. He had all the relevant papers with him on 17 January, when he was arrested by the Vinnytsya police. His detention was based on an order issued by the Vinnytsya District Administrative Court in December 2010, in order to facilitate his forcible expulsion from the Ukraine. According to Vinnytsya Human Rights Group, Macow Dadir Ali was not informed in advance about the court hearing and was not present at it. His lawyer appealed against the detention order and the appeal is still pending with the second instance court in Vinnytsya. However, the administrative courts often take more than six months to review such appeals due to their existing backlog of cases.

Somalis are frequently detained for being illegally present in Ukraine and held for up to 6 months in Migrant Accommodation Centres, ostensibly pending their deportation. In practice, none of them are returned and they are released after 6 months – some have served as many 3 terms at various times.

Amnesty International is concerned that Macow Dadir Ali's detention is arbitrary and he should be immediately released. He was unable to challenge his detention at the moment of its authorisation by the administrative court, and is extremely unlikely to be able to do so within the remaining period of his detention owing to the lengthy delays in scheduling appeal hearings. Moreover, his detention for the purpose of expulsion and deportation was not necessary as he was due to be resettled to the US and he could not be returned to Somalia.

PLEASE WRITE IMMEDIATELY in Ukrainian, Russian, English or your own language:

- Expressing concern that a Somali refugee Macow Dadir Ali has been arbitrarily detained in the Volyn Migrant Accommodation Centre for the purpose of his forcible expulsion from Ukraine;
- Urging the authorities to immediately release him so that he is able to take up the offer of resettlement by the US government.
- Express concern that there is no prospect for his appeal against the detention to be heard before the end of detention.

PLEASE SEND APPEALS BEFORE 7 APRIL TO:

Prosecutor General
Viktor Pshonka
Vul Riznitska 13/15
01601 Kyiv, Ukraine
Fax: + 380 44 280 2851
Salutation: Dear Prosecutor

Minister of Internal Affairs
Anatoliy Mohylov
10 Bohomoltsa Street
01024 Kyiv, Ukraine
Fax: +380 44 256 1633
e-mail: mail@centramia.gov.ua
Salutation: Dear Minister

And copies to:
Ombudsperson
Nina Karpachova
Vul Instytutska 21/8
01008 Kyiv, Ukraine
e-mail: omb@ombudsman.kiev.ua
Salutation: Dear Ombudsperson

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

In Ukraine, refugees and migrants are frequently subjected to racial profiling by the police and subjected to frequent document checks. They are particularly vulnerable to the risk of extortion, arbitrary detention at the hands of police. Amnesty International is aware of cases where foreign nationals have been detained because the police did not understand the documents they were shown. In some cases, foreign nationals do not have the necessary registration stamp to show their place of residence. If their claim has been refused and they are in the process of appealing against the refusal, they may not have any documents at all.

Often, foreign nationals are sentenced by administrative courts to up to six months' detention in the Migrant Accommodation Centres (MACs). There are two in Ukraine, under the jurisdiction of the Ministry of Internal Affairs, one near the Russian border in Rozsudov in Chernigiv region and one on the Western Border in Zhuravichi in Volyn region. According to the regulations issued by the Ministry of Internal Affairs, MACs are designed for the temporary detention of foreigners and stateless persons who stay in Ukraine illegally pending their expulsion. Migrants are held in these centres for 6 months at which point they are either returned to their country of origin or simply released. Often the Somali asylum-seekers, after serving six month detention orders, are released and re-arrested because of their continued irregular status. Amnesty International met several Somali asylum-seekers in Vinnytsya region in 2010 who some had spent two periods of 6 months in the centre in Volyn.

UA: 45/11 Index: EUR 50/003/2011 Issue Date: 25 February 2011

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