

RESOLUTION

No. 1074 of December 29, 1995.
Kyiv

On Rules of Entry of Foreigners to Ukraine, their Departure from Ukraine and Transit Travel via the Territory of the Country

(As amended by Resolutions of the Cabinet of Ministers of Ukraine No. 910 of June 5, 2000 and No. 1259 of 26 September 2001)

Pursuant to Law of Ukraine "On Legal Status of Foreigners", the Cabinet of Ministers of Ukraine decrees:

To approve Rules of Entry of Foreigners to Ukraine, their Departure from Ukraine and Transit Travel via the Territory of the Country (enclosed) and to carry the Rules into effect from February 1, 1996.

The Prime Minister of Ukraine

E.Marchuk

Minister of the Cabinet of Minister of Ukraine

V.Pustovoitenko

APPROVED BY Decree No. 1074
of the Cabinet of Ministers of Ukraine of December 29, 1995

(In the text of the Rules, words "national passport" in all cases are replaced by words "passport document" in relevant cases, according to Decree No. 910 of the Cabinet of Ministers of Ukraine of June 5, 2000)

RULES
of Entry of Foreigners to Ukraine, their Departure from Ukraine and Transit Travel
via the Territory of the Country

General

1. These Rules define procedures of:

entry of foreigners (foreign nationals and stateless persons) to Ukraine, their departure from Ukraine and transit travel via the territory of the country;

issuance of documents for the right of stay in Ukraine to foreigners;

movements of foreigners at the territory of Ukraine and selection of places of residence in Ukraine by foreigners;

responsibility of foreigners, legal entities and physical persons, that host them or provide them services, for violations of the legislation of Ukraine.

2. These Rules cover all foreigners, who enter Ukraine, regardless their status and aims of entry, as well as legal entities and physical persons of Ukraine, that host foreigners or provide services to them, except as otherwise stipulated by the legislation of Ukraine.
3. Foreign nationals and stateless persons, who stay in Ukraine, are obliged to have passport documents (i.e. a document, that confirms citizenship of a foreign national or identifies a stateless person and is issued by an authorised body of a foreign country or an organisation of the United Nations, that provides the right for departure abroad and is recognised by Ukraine). A passport document shall be registered, according to procedures, established by these Rules and shall be presented on request of officials of bodies, specified in Clause 10 of these Rules.

(Clause 3 as amended by Decree No. 910 of the Cabinet of Ministers of Ukraine of June 5, 2000)

4. Foreigners, who entered Ukraine for temporary stay, may be accommodated in hotels or in other places (regardless types of housing).
5. Legal entities and physical persons, that host foreigners, shall ensure timely notification of the foreigners on their rights, freedoms and responsibilities, stipulated by the legislation of Ukraine, they shall maintain relevant reporting on these persons and shall bear responsibility for timely processing of documents for their rights of stay in Ukraine, their movements at the territory of the country and their departure from Ukraine at completion of their authorised terms of stay.

Foreigners can be hosted by duly registered Ukrainian, joint or foreign facilities, bodies and organisations (referred hereinafter to as "organisations"), as well as by physical persons, who stay in Ukraine permanently or temporarily, in connection with their education, study visits, etc.

6. If a foreigner entered Ukraine, based on invitation of an organisation, another organisation may, provided its written notification of a body of the Ministry of Interior or the Ministry of Foreign Affairs (if the foreigner's passport document was registered by the latter ministry), has a right to

host this foreigner itself , but in this case the latter organisation shall fulfil obligations and bear responsibilities with respect to this foreigner, according to provisions of Clause 5 of these Rules.(Para 1 of Clause 5 amended according to the Resolution of the Cabinet of Ministers N 1259 of 26.09.2001)

Para 2 of Clause 6 excluded (according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

7. Clause 7 excluded (according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

8. Foreigners may immigrate to Ukraine for permanent residence or for employment within periods of time and according to procedures, established by the legislation of Ukraine. Foreigners, who entered Ukraine for temporary stay, can be granted permits for permanent residence, according to established procedures.

9. Foreign nationals and stateless persons, who entered Ukraine, are granted refugee status by relevant units for nationalities and migration of the Council of Ministers of the Autonomous Republic of Crimea, oblasts, state administrations, Kyiv and Sevastopol city state administrations.

(Clause 9 as amended by Decree No. 910 of the Cabinet of Ministers of Ukraine of June 5, 2000)

10. Control of compliance with requirements of these Rules by foreigners, legal entities and physical persons, who host foreigners or provide services to them, shall be maintained by bodies of the Ministry of Interior, within their spheres of competence and in co-operation with the Ministry of Foreign Affairs, bodies of the Security Service and the Border Guard Troops.

Entry to Ukraine, departure from Ukraine and transit travel of foreigners via the territory of Ukraine

11. Entry to Ukraine and departure from Ukraine can be performed:

by foreigners - with their passport documents, provided they have corresponding visas, unless other entry/departure provisions are stipulated by the legislation of Ukraine.

by foreigners, who reside in Ukraine permanently - with passport documents, containing entry according to the Annex 1 on permission of permanent residence and permanent residence certificates.

by stateless persons, who reside in Ukraine permanently - with the travel document for stateless person;

by foreigners and stateless person, who stay in Ukraine on the permission of the respective employment centre for employment of fixed duration - with passport document, containing entry according to the Annex 2 on permission of employment and temporary residence certificate;

by foreigners and stateless person, who study in the educational institutions of Ukraine not less than during one year - with passport document, containing entry according to the Annex 3

(Clause 11 was amended by this paragraph according to Decree No. 910 of the Cabinet of Ministers of Ukraine of June 5, 2000 in redaction of the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

12. Citizens of those countries, which have international agreements on mutual visa-free travel with Ukraine, enter Ukraine with their valid passport documents, unless other provisions are stipulated by international treaties of Ukraine. (Clause 12 amended according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

13.

(Clause 13 as amended by Resolution No. 910 of the Cabinet of Ministers of Ukraine of June 5, 2000, abolished according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

14. Transit travel of foreigners via the territory of Ukraine is allowed, if these foreigners have transit visas of Ukraine, travel tickets or other documents, which confirm transit nature of their trips, unless other provisions are stipulated by the legislation of Ukraine. (Para 1 of Clause 14 amended according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

Transit travel is understood as stay in Ukraine within a period of time, set in a travel document; or if there are no travel documents, the period of time is defined as a period of time, which is actually necessary to cross the territory of Ukraine, using relevant means of transportation.

Transit travel of road vehicles is allowed only at roads of "M" and "A" categories.

In the case of forced delay at the territory of Ukraine, caused by exceptional circumstances (natural disasters, diseases, vehicle repairs, etc.), provided submission of a document, which confirms causes and duration of the delay, a body of the Ministry of Interior may extend terms of a transit visa of a foreigner or allow him/her to stay temporarily in Ukraine for a period of time, necessary for elimination of circumstances, which caused the forced delay, and for departure from Ukraine. (para 4 of Clause 14 in redaction of the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

15. Rules of processing visas for entry of foreigners to Ukraine (departure from Ukraine) and transit travel via the territory of Ukraine, shall be approved by the Cabinet of Ministers of Ukraine.
16. Causes, that prohibit entry to Ukraine and departure from Ukraine, are stipulated by Articles 25 and 26 of Law of Ukraine "On Legal Status of Foreigners". Foreigner can be denied in entry to Ukraine for reasons, stipulated by the laws of Ukraine, after an interview with him/her in the crossing border point conducted by the border guards official. If there are reasons, stipulated by Part 2 of Article 25 of the above mentioned Law, officers of the Border Guard Troops or officers of bodies of the Ministry of Interior, shall insert stamp "Entry to Ukraine is forbidden for ..." into a passport document of a foreigner. The actual term shall be defined by a body of the Ministry of Interior, a body of the Security Service, or by a body of the Border Guard Troops, depending on circumstances and severity of a given violation (from six months to five years). If these reasons continue to exits, the term may be extended by the above bodies. In these cases, foreigners shall be transferred to representatives of border control bodies of neighbouring countries or deported from Ukraine, according to procedures, stipulated by these Rules. (Clause 16 amended according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)
17. If a foreigner has lost his/her passport document at the territory of Ukraine, he/she is obliged to inform immediately on the matter: a body of the Ministry of Interior, which upon the request of a foreigner is obliged to issue him a certificate on the matter and send a respective notification to the State Committee on Border Protection After issuance of a passport documents by a diplomatic mission or a consular office of a country of the foreigner, a body of the Ministry of Interior shall decide on the extension of the term of stay of foreigner in Ukraine or on his/her departure from Ukraine (based on his/her personal application and a submission of the host side).

Processing of documents of foreigners on the right for stay in Ukraine

18. Foreigners, who entered Ukraine legally, can stay temporarily at the territory of the country with their passport documents, registered according to procedures, stipulated by these Rules.

Passport documents shall be submitted for registration in the border crossing point to the border guards official. Registration is made for the short term period of stay - for the foreigners from countries with visa entry procedure for the period of visaduration, but not more than 6 months, for the foreigners with visa-free entry procedure - for 90 days, unless another term is stipulated

by the international agreements. Foreigners may be exempt from registration of their passport documents, if there are corresponding reciprocal international agreements of Ukraine.

19. The following categories of foreigners are exempt from registration of their passport documents:

a) heads of state and governments of foreign countries, members of parliamentary and governmental delegations, technical personnel, who support these delegations (persons) and their family members, who visit Ukraine at the invitation of the President of Ukraine, the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine, the Supreme Council or the Government of the Autonomous Republic of Crimea, ministers (agencies) of Ukraine;

b) officials and family members of persons, who visit Ukraine with official documents of the United Nations and UN organisations;

c) foreigners under 18 years of age;

d)

Para d of Clause 19 abolished (according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

f) foreign tourists on cruises;

g) crew members of foreign navy vessels (warplanes), that visit Ukraine according to established procedures.

A chief navy (military) commander in a Ukrainian port (garrison), allows crew members of foreign navy vessels (warplanes) to go ashore and move at the territory of Ukraine, according to a plan of reception of navy vessels (warplanes), visiting Ukraine;

h) crew members of foreign merchant ships.

Representatives of the Border Guard Troops permit these persons go ashore, according to provisions of Mandatory Regulations of a relevant sea/river port;

i) crew members of civil aircraft of international carriers and international trains, in the case of their stay in scheduled airports or railway terminals (stations).

20. The Ministry of Foreign Affairs and its representative offices register passport documents of:

a) chiefs of foreign diplomatic missions and consular facilities, members of the diplomatic corps, consular officials, administrative, technical and auxiliary personnel of diplomatic missions and consular facilities, officials of military attaches and trade offices and their spouses, children, parents and other dependants of the above mentioned persons, as well as guests of diplomatic and consular officials, if these guests stay in their residencies or at territories of the above mentioned missions or facilities;

b) officials of foreign affairs agencies of foreign countries, who visit Ukraine for official business and hold diplomatic or service passports, and their family members;

c) officials of international organisations, who visit Ukraine for official business, officials of missions of these organisations in Ukraine and officials of representative offices of countries in international organisations with headquarters in Ukraine; who enjoy diplomatic privileges and immunities according to statute documents of these organisations or according to relevant international treaties; and family members of these persons;

- d) foreign correspondents and journalists, accredited in the press-centre of the Ministry of Foreign Affairs and their family members.

The Ministry of Foreign Affairs and its representative offices issue corresponding ID service cards to these persons and make entries on registration directly in their passport documents.

21.

Para 21 abolished (according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

22. Para 22 abolished (according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

23.

Para 23 abolished (according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

24. The registration in the crossing border point incorporates insertion of notes "Entry"("Departure") in the foreigner`s passport document, registration of a foreigner and his passport data in the relevant register and filling in the registration card according to the procedure established by the State Committee for Border Protection. (Clause 24 in redaction of the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

25. Notes on registration of passport documents of foreigners in Ukraine is valid throughout the territory of the country regardless the his/her place of residence in Ukraine (Clause 25 in redaction of the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

26. Extension of terms of stay in Ukraine of foreigners, who are not indicated in Clauses 19 and 20 of these Rules and who came for the long term stay for study, employment, in private matters etc., is performed by the organs of the Ministry of Interior following the established procedure. The relevant documents are arranged upon the written applications of a foreigner and host side and are submitted not later than 3 working days before the expiry of registration term. The extension may be prohibited in case of lack of grounds or funds for covering the expenses related to the foreigner's stay in Ukraine, or relevant guarantees from the host side. (Clause 26 in redaction of the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

27.

Para 27 abolished (according to the Resolution N 1259 of the Cabinet of Ministers of 26.09.2001)

A foreigner's application for expansion of terms of stay may be refused if he/she does not have necessary finance resources and grounds for stay in Ukraine or does not have corresponding guarantees.

28. Extension of visa validity terms and terms of registration in Ukraine for those foreigners, whose passport documents were registered by the Ministry of Foreign Affairs of its subordinate bodies, shall be made by these bodies.

Movements of foreigners at the territory of Ukraine and selection of places of stay

29. Provided compliance with formalities, stipulated by Part 6 of Article 3 of Law of Ukraine "On Legal Status of Foreigners", foreigners can move freely at the territory of Ukraine, except as otherwise stipulated by the legislation of Ukraine.

If it is necessary for ensuring security of Ukraine, protection of the due public order, protection of health, rights and legitimate interests of citizens of Ukraine and other permanent residents of Ukraine, the Cabinet of Ministers of Ukraine can impose limitations for free movements of foreigners and selection of places of stay by foreigners.

30. Procedures of movements at the territory of Ukraine for those foreigners, whose passport documents were registered by the Ministry of Foreign Affairs of its subordinate bodies, shall be defined by these bodies.

Foreign correspondents and journalists, accredited in the press-centre of the Ministry of Foreign Affairs, and their family members move at the territory of Ukraine according to procedures, set by that ministry.

31. Stay of foreigners within areas with controlled entry shall be permitted, based on:

visas for stay in Ukraine (specifying particular areas), which are issued by diplomatic missions and consular facilities of Ukraine abroad, except as otherwise stipulated by an international agreement of Ukraine;

permits of bodies of the Ministry of Interior, that are issued to foreigners, who entered Ukraine at invitations of host organisations, based on written submissions of these organisations, approved according to established procedures, or based on personal written applications of those foreigners, who entered Ukraine under auspices of permanent foreign missions or for private business, or foreigners, who stay in Ukraine permanently.

on requests of organisations, which host foreigners, these persons can be issued permits for multiple visits to these areas.

32. Foreigners, who stay in Ukraine permanently, are obliged to get *propiska* (residence registration) at a place of permanent residence, in the case of change of their places of residence they are subject for *propiska* termination and new *propiska*, according to the same procedures as the ones established for citizens of Ukraine.
33. Foreigners, who changed their places of residence in Ukraine, as well as the ones, who changed their routes of transit travel via the territory of Ukraine in violation of these Rules, are obliged (on request of bodies, referred to in Clause 10 of these Rules) to return to their previous places of residence or to their predetermined points of destination, if their actions have not resulted in consequences, which stipulate deportation from Ukraine.

Responsibility of foreigners, legal entities and physical persons, that host them or provide services to them, for violations of the legislation of Ukraine

34. In the case of violation of these Rules, foreigners shall bear responsibility, according to Law of Ukraine "On Legal Status of Foreigners". Foreigners, who committed crimes, administrative of other infractions, shall bear responsibility on common grounds.

Issues, pertaining to responsibility of foreigners, specified in Article 4 of Law of Ukraine "On Legal Status of Foreigners" shall be resolved by diplomatic means.

35. Legal entities and physical persons of Ukraine do not have rights to host foreigners, who entered Ukraine illegally, lost grounds for their further stay in Ukraine or submitted documents, made in violation of these Rules, and to provide services to these foreigners.

It is prohibited for a host party to provide housing, jobs, transport vehicles or other services to these foreigners, if these acts will entail violation of these Rules.

36. Violations of these Rules by legal entities or physical persons, that are obliged to comply with requirements of these Rules, are liable to sanctions, stipulated by the legislation of Ukraine.

37. Reduction of terms of temporary stay of foreigners in Ukraine can be made according to Article 31 of Law of Ukraine "On Legal Status of Foreigners".

38. Decisions on reduction of terms of temporary stay of foreigners in Ukraine, are taken by bodies of the Ministry of Interior, based on submissions of legal entities and physical persons, who host these foreigners. A body of the Ministry of Interior or the State Security Service also may initiate reduction of terms of stay of a foreigner (regardless a purpose of his/her entry to Ukraine). If necessary, stamp "Undesirable person" may be inserted into a passport document of such a person.
39. Provisions of Clause 37 of these Rules do not cover persons, who enjoy privileges and immunities, stipulated by the legislation of Ukraine and specified in sub-clause "a" of Clause 19 and in Clause 20 of these Rules.
40. A passport document of a foreigner must be confiscated if the document is fraudulent, altered or issued to some other person, as well as in the cases when a foreigner is convicted for committing a crime (for the period of time of completing a sentence or being cleared from the sentence).

Passport documents of foreigners are seized by officials of courts, public prosecutors and officials of bodies of the Ministry of Interior, the Security Service, the Border Guard Troops and Customs, based on corresponding decisions.

A fact of seizure of a passport document is documented as a protocol, a copy of the protocol is issued to the foreigner.

For a period of time of seizure of a passport document of a foreigner, a passport service of a body of the Ministry of Interior issues him/her a temporary permit for stay in Ukraine. Format of the temporary permit is approved by the Ministry of Interior.

41. A foreigner can be deported from Ukraine by a decision of a body of the Ministry of Interior or the Security Service, if:

his/her activities contradicts to interests of security or interests of protection of the due public order;

it is necessary for protection of health, rights and legitimate interests of citizens of Ukraine;

he/she seriously violated the legislation of Ukraine on legal status of foreigners.

42. Decisions on deportation are taken with respect to foreigners, who:
- a) entered Ukraine at the invitation of legal entities and refuse to depart from Ukraine, when there are no legal grounds for their further stay in Ukraine, - by submissions of legal entities, which host these foreigners;
 - б) entered Ukraine illegally - by submissions of bodies of the Border Guard Troops;
 - в) stay in Ukraine permanently or temporarily for private business - based on conclusions of the passport service units of bodies of the Ministry of Interior;
 - г) were not granted refugee status or whose refugee status was withdrawn or cancelled - by submissions of bodies of the Ministry for Nationalities, Migration and Cults.

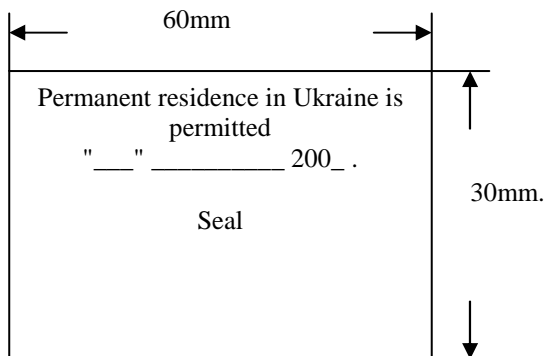
43. A foreigner is obliged to depart from Ukraine within the terms, specified in a decision on his/her deportation. The foreigner shall be informed on his/her rights and obligations, if he/she do not master the official state language, an interpreter shall be invited. An official of a body of the Ministry of Interior may insert stamp "Undesirable Person" into the foreigner's passport document.

44. A decision of deportation of a foreigner from Ukraine may be appealed against in a court of law. The appeal does not terminate enforcement of the decision on deportation.
- Deportation of foreigners is enforced by bodies of the Ministry of Interior.
45. From the moment of notifying a foreigner on decision on his/her deportation from Ukraine, he/she shall be granted the right to inform immediately on the matter a lawyer, a diplomatic official of his/her country or some other persons (on his/her discretion). Execution of the decision on deportation may be postponed by an application of a diplomatic representative of a relevant country, but not longer that for ten days from the date of notification on the decision.
46. Foreigners, who try to avoid departure from Ukraine, shall be apprehended by bodies of the Ministry of Interior (provided a warrant of the Public Prosecutor) and deported administratively by force (referred hereinafter as "administrative deportation"). Detention is allowed only for a period of time, necessary for execution of administrative deportation.
47. Foreigners, who are to be deported administratively or those legal entities, physical persons, that host these foreigners or organise their illegal entry, stay, employment and assist them in avoiding departure from Ukraine after expiration of their authorised terms of stay, shall compensate costs, incurred by administrative deportation and detention within the period of administrative detention either in the legal tender of Ukraine, or in a foreign currency (based on the exchange rates of the National Bank of Ukraine for the date of settling of these financial matters).
48. Expenses, deemed necessary for execution of a decision on administrative deportation of a foreigner from Ukraine, incorporate the following cost items:
- costs of travel documents for the foreigner and persons, who accompany him/her;
- costs of detention of the foreigner in a specialised facility of a body of the Ministry of Interior;
- costs, incurred by processing of documents and executing other actions, associated with the deportation, etc.
- Cost estimates shall be made by a body of the Ministry of Interior, which issues a bill of established format on the matter in two copies. Format of the bill is set by the Ministry of Interior.
- The foreigner is notified on the overall costs incurred, calculated in prices of the date of settling against his/her signature.
- If the foreigner refuses to confirm the overall costs for compensation, a corresponding note shall be made in the bill, specifying reasons for the refusal.
49. If the foreigner refuses to compensate costs, necessary for execution of decision on his/her administrative deportation from Ukraine, these costs may be recovered by a civil law procedures. In order to enforce execution of the claim, a court of law may arrest property of the foreigner.
50. If some cash is seized at the time of apprehension of a foreigner, who is subject to administrative deportation, the cash can be used for execution of the decision on his/her deportation, according to the bill of costs. The cash use is documented as a protocol.
51. If legal entities or physical persons, that invited foreigners to Ukraine, refuse to compensate costs, specified in Clause 47 of these Rules, these costs may be reimbursed within civil law court procedures.

52. Documents, which are necessary for mandatory reimbursement of the costs, incorporate: a decision of a body of the Ministry of Interior on apprehension of a foreigner for administrative deportation (authorised by the Public Prosecutor) and a cost bill..
53. If a foreigner does not have money, necessary to compensate costs, associated with his/her administrative deportation and it is found that he/she entered Ukraine without an invitation of some legal entity or a physical person, costs of his/her administrative deportation shall be covered by a corresponding body of the Ministry of Interior, with subsequent reimbursement of these costs from the State budget, according to the procedures, established by the Ministry of Interior and agreed with the Ministry of Finance.

Annex 1

to Rules of Entry of Foreigners to Ukraine, their Departure from Ukraine and Transit Travel via the Territory of the Country

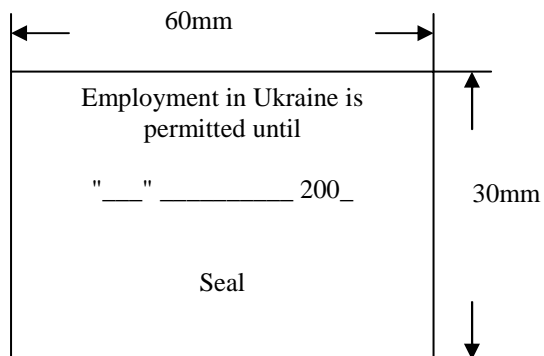


Signature of an official

(The Rules were amended by Annex 1 according to Decree No. 910 of the Cabinet of Ministers of Ukraine of June 5, 2000)

Annex 2

to Rules of Entry of Foreigners to Ukraine, their Departure from Ukraine and Transit Travel via the Territory of the Country



Signature of an official

(The Rules were amended by Annex 2 according to Decree No. 910 of the Cabinet of Ministers of Ukraine of June 5, 2000)

Annex 3

to Rules of Entry of Foreigners to Ukraine, their Departure from Ukraine and Transit Travel via the Territory of the Country

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facility
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Signature of an official

(The Rules were amended by Annex 3 according to Decree No. 910 of the Cabinet of Ministers of Ukraine of June 5, 2000)