

**LAW OF UKRAINE**  
**"On Refugees"**

*With changes and amendments*  
*adopted through the respective laws on 3.04.03 and 31.05.05*

This Law shall determine the legal status of refugees in Ukraine, the procedure for granting, loss, and deprivation of refugee status and shall set forth the state guarantees of protection of refugees.

**Section I**  
**GENERAL PROVISIONS**

**Article 1. Definition of Terms**

Within the context of this Law, the following terms are used with the following meanings:

“Refugee” shall mean a person who is not a citizen of Ukraine and who, on account of a well-founded fear of becoming a victim of persecution for reason of race, religion, ethnicity, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or is unwilling to avail himself of the protection of this country owing to the said fear; or, having no nationality and being outside the country of his previous habitual residence, is unable or is unwilling to return to such country on account of the said fear.

"Country of nationality" shall mean a country of which a person is a citizen (national), and, if the person is a citizen of more than one country, such person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on a well-founded fear, he has not availed himself of the protection of one of the countries of which he is a citizen (national).

“Country of habitual residence of a stateless person” shall mean a country where a stateless person had habitual residence prior to his arrival in Ukraine.

“Refugee’s country of origin” shall mean a country of his nationality for an alien or a country of his habitual residence for a stateless person in relation to which such persons have well-founded fear of becoming victims of persecution for reasons stated in paragraph 2 of article 1 hereof.

“Safe third country” shall mean a country where a person stayed prior to his arrival in Ukraine (excluding transit through country’s territory) and where such person could apply for refugee status or asylum, because said country:

adheres to international human rights standards in the sphere of granting asylum set forth by international and regional legal instruments including norms on the prohibition of torture, inhuman or degrading treatment or punishment;

adheres to international principles concerning the protection of refugees stipulated by the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, including the non-refoulement principle;

has national legislation in the sphere of asylum and refugees, and its relevant government bodies determine refugee status and grant asylum;

will provide said person with effective protection against expulsion and will grant the opportunity to apply for asylum and avail himself of it;

agrees to receive said person and ensure his/her access to procedures for the determination of refugee status or granting asylum.

"Refugee family members" shall mean a husband (a wife), children who are under eighteen years of age, parents incapable of working or other persons who are under guardianship or care of a refugee.

"Lawful representatives of a minor under eighteen years" shall mean parents, adoptive parents, grandfather or grandmother, adult brothers or sisters, guardians or tutors appointed in their capacity prior to arrival in Ukraine, other persons of full legal age who, prior to their arrival in Ukraine, voluntarily or according to traditions existing in the refugee's country of origin, assumed responsibility for the upbringing of the child.

"Lawful representatives of a child separated from family" shall mean a guardianship and foster care agency, foster parents, guardians or tutors appointed pursuant to the laws of Ukraine, representative of a children's home or a boarding school or other children's institution where the child is being fostered.

"Child separated from family" shall mean a person under eighteen years of age who is arriving or has arrived into the territory of Ukraine without parents or parent, grandfather or grandmother, adult brother or sister, guardian or tutor appointed pursuant to the legislation of the country of refugees' origin or other persons of full legal age who voluntarily or due to traditions existing in the refugee's country of origin assumed responsibility for upbringing of the child prior to arrival in Ukraine.

"Lawful representatives of incapable person" shall mean guardians.

The refugee certificate shall mean the passport document that certifies the identity of the bearer and confirms the grant of refugee status in Ukraine and is valid for enjoyment of rights and fulfilment of obligations stipulated by this Law and other laws of Ukraine.

"Temporary accommodation centre for refugees" shall mean a place for temporary accommodation of persons who applied for refugee status, in relation to which it was decided to process documents for resolving the issue of granting refugee status, and for those who were granted refugee status in Ukraine.

"Identification of person" shall mean measures related to the verification (by executive authorities) of the identity of an applicant who has applied for refugee status in Ukraine and has no documents identifying him or her, or whose identification documents are forged or counterfeit.

The certificate confirming submission of an application for granting refugee status shall mean a document confirming the lawfulness of a person's stay on the territory of Ukraine within the term of validity of the certificate and valid for enjoyment of rights and fulfilment of obligations stipulated by this Law and other laws of Ukraine.

The certificate confirming the fact that a decision was made to process a person's documents for resolving the issue of granting refugee status shall mean a document confirming the lawfulness of the person's stay on the territory of Ukraine within the term of validity of the certificate and valid for enjoyment of rights and fulfilment of obligations stipulated by this Law and other laws of Ukraine.

The certificate confirming the acceptance of appeal for review shall mean a document that certifies the lawfulness of a person's stay on the territory of Ukraine within the period of appellate review of the refusal to accept the application for refugee status, or the refusal to process documents in order to resolve the issue of granting refugee status in Ukraine, and is valid for enjoyment of rights and fulfilment of obligations stipulated by this Law and other laws of Ukraine.

The certificate confirming the entering of an appeal to the court shall mean a document that certifies the lawfulness of a person's stay on the territory of Ukraine within the period of contest (in due course of law) of a decision to refuse to accept a person's application for refugee status, on the refusal to process a person's documents for resolving the issue of granting refugee status, on the refusal to grant refugee status, on the loss of refugee status or deprivation of refugee status, and is valid for enjoyment of rights and fulfilment of obligations stipulated by this Law and other laws of Ukraine.

### **Article 2. Legislation on Refugees**

Issues associated with refugees are regulated by the Constitution of Ukraine, this Law, other normative and legal acts of Ukraine, as well as international treaties ratified by the Verkhovna Rada of Ukraine.

If an international treaty ratified by the Verkhovna Rada of Ukraine establishes rules other than those contained in this Law, the rules of the international treaty shall apply.

### **Article 3. Prohibition of expulsion or forced return of a refugee to the country from which he came and where his life or freedom is endangered**

No refugee may be expelled or forcibly returned to the countries where his or her life or freedom is threatened for reasons of race, religion, ethnicity, nationality, membership of a particular social group or political opinion.

No refugee may be expelled or forcibly returned to countries where he/she may suffer torture and other severe, inhuman or degrading treatment or punishment, or to such country from where the refugee may be expelled or forcibly returned to the countries where his or her life or freedom is threatened for reasons of race, religion, ethnicity, nationality, membership of a particular social group or political opinion.

This article shall not apply to refugees convicted for a severe crime in Ukraine.

### **Article 4. Promotion of preservation of refugees' family unity.**

Ukraine shall promote the preservation of refugees' family unity.

Family members of a person granted refugee status in Ukraine shall have the right to arrive in Ukraine for the purpose of reuniting with his/her family and to acquire refugee status unless the conditions stipulated in paragraphs two – four of article 10 hereof are in place.

Refugees shall have the right to free departure from Ukraine for the purpose of reuniting with their families.

## **Section II**

### **COMPETENCIES OF EXECUTIVE AGENCIES RESOLVING ISSUES OF GRANTING, LOSS AND DEPRIVATION OF REFUGEE STATUS**

#### **Article 5. Competencies of the Cabinet of Ministers of Ukraine**

The Cabinet of Ministers of Ukraine shall:

determine the amount of funds allocated for implementation of this Law in the State Budget of Ukraine;

approve provisions concerning the refugee certificate, refugee's travel documents for departure abroad and other required documents;

approve the procedure for employment, education and rendering of medical assistance to persons in relation to whom the decision was taken, to process documents for resolving the issue of granting refugee status, procedures for payment of financial aid, pension and other types of social care to persons who were granted refugee status;

determine the procedure for issuing entry visas to family members of persons who were granted refugee status in Ukraine.

#### **Article 6. Competencies of the specially authorized central executive agency for migration**

The competencies of the specially authorized central executive agency for migration shall include the following:

making decisions on granting, loss and deprivation of refugee status;

Coordination of interaction of other executive agencies in refugee-related issues;

Development and approval of forms of certificates confirming the fact of submission of application for refugee status; those confirming that a decision was made to process a person's documents to resolve the issue of granting refugee status; those confirming the acceptance of appeal for review; those confirming the submission of appeal to the court; and the list of documents and their specimens required for the resolving the issue of granting, loss and deprivation of refugee status;

Review of appeals of decisions of migration service bodies in the Autonomous Republic of Crimea, the regions, the cities of Kyiv and Sevastopol on the refusal to accept the application for granting refugee status, on the refusal to process the documents in order to resolve the issue of granting refugee status and annulment of such decisions if they were made in violation of the laws on refugees;

Issuance of certificates confirming the fact of acceptance of appeal for review and the entrance of an appeal to the court;

keeping centralized records and development of the centralized information system on the persons who applied for refugee status;

Gathering and analysis of information concerning the availability of conditions stipulated by paragraph 2 of article 1 of this Law in the refugees' countries of origin;

Establishment and maintenance of temporary accommodation centres for refugees;

Preparation of proposals on determination of amounts of financing activities performed in implementation of this law for consideration by the Cabinet of Ministers of Ukraine;

control for implementation of this Law.

#### **Article 7. Authority of migration service bodies in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol**

The bodies of migration service in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol shall be subordinate to the specially authorized central executive agency for migration.

The authority of such organs shall cover the following:

Acceptance of applications from aliens and stateless persons on granting them refugee status pursuant to the procedures set forth herein;

Facilitation in the placement of children separated from their families in children's institutions or other families;

Facilitation in the search for parents or other lawful representatives of a minor in relation to children separated from their families;

making decisions on processing of documents to resolve the issue of granting, loss or deprivation of refugee status;

Review of applications for granting refugee status and preparation of written conclusions on granting or refusal of refugee status;

issuance of certificates confirming the fact of submission of application by a person for granting him/her refugee status; of those confirming that the decision was made to process a person's documents to resolve the issue of granting refugee status; those confirming the submission of appeal to the court;

issuance of certificates and travel documents for departure abroad to the persons who were granted refugee status;

re-registration of persons who were granted refugee status;

determination of places for temporary accommodation of persons who submitted applications for refugee status, in relation to whom a decision was made to process their documents for resolving the issue of granting refugee status and their assignment to temporary accommodation centres;

making decisions on granting financial aid to persons who were granted refugee status;

facilitating the employment of the persons whose documents for resolving the issue of granting refugee status are to be processed and of the persons who were granted refugee status;

facilitating the education of the persons whose documents for resolving the issue of granting refugee status are to be processed and of the persons who were granted refugee status;

facilitating the provision of social, housing, and medical services to the persons whose documents for resolving the issue of granting refugee status are to be processed and to the persons who were granted refugee status;

keeping the records and personal files of persons who submitted applications for refugee status, persons whose documents for resolving the issue of granting refugee status are to be processed and of the persons who were granted refugee status;

solving other issues they are authorized by legislation to review.

## **Article 8. Authority of other executive agencies**

The specially authorized central executive agency for issues of state border guard shall organize the reception of applications for refugee status from persons detained for illegally crossing of the state border or for an attempt of such crossing with the intention of acquiring refugee status and transfer such applications to migration service bodies, and in case of being submitted by persons who legally arrived in Ukraine with the intention of acquiring refugee status, advise them of the procedures for applying for refugee status and inform about the location of migration service agencies.

The Security Service of Ukraine and its local bodies, upon request from migration service bodies, shall, within its authority, conduct measures to identify persons not eligible for refugee status pursuant to paragraphs two, three and four of article 10 of this Law among the persons who applied for refugee status, in relation to which decision was made to process their documents for resolving the issue of granting refugee status.

The Ministry of Internal Affairs of Ukraine and its local bodies, upon request from migration service bodies, within their competence, shall conduct measures to identify persons not eligible for refugee status pursuant to paragraphs two, three and four of article 10 of this Law among the persons who applied for refugee status, in relation to which decision was made to process their documents for resolving the issue of granting refugee status and to identify persons who applied for refugee status. In the case of being submitted by persons who crossed the state border illegally with the intention of acquiring refugee status and staying in Ukraine, the Ministry of Internal Affairs shall collect applications for refugee status and transfer them to a migration service agency, and in the case of being submitted by persons legally staying in Ukraine and having the intention of acquiring refugee status, advise them of the procedure of application for refugee status and inform about the location of migration service agencies.

The specially authorized central executive agencies on issues of citizenship and registration of natural persons as well as its bodies in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol shall register persons who applied for refugee status, those whose documents for resolving the issue of granting refugee status are to be processed, the persons who were granted refugee status and those who are appealing decisions on refugee status.

The specially authorized executive agency on issues of labour and social policy and its local agencies shall render reasonable assistance to persons who applied for refugee status, those whose documents for resolving the issue of granting refugee status are to be processed, and the persons who were granted refugee status in finding a job and shall ensure the provision of material aid, pension and other types of social care to the persons who were granted refugee status.

The Ministry of Foreign Affairs of Ukraine, diplomatic missions and consular offices of Ukraine in foreign countries shall take part in the preparation of documents and make appropriate proposals to the Cabinet of Ministers of Ukraine concerning the conclusion of international treaties on issues related to protection of social, economic and other rights and interests of refugees, including those concerned with compensation for damage caused to refugees, disbursements for their accommodation; provide information on conditions in the refugees' countries of origin to specially authorized central executive agency on issues of migration; if required, conduct measures aimed at reuniting families of the persons who were granted refugee status in Ukraine or abroad, issue entry visas to family members of the persons who were granted refugee status in Ukraine; facilitate voluntary repatriation of

refugees to the country of their origin or resettlement to countries that agree to grant them asylum. The Ministry of Foreign Affairs of Ukraine shall perform general monitoring for implementation of international treaties in the sphere of refugee protection ratified by the Verkhovna Rada of Ukraine.

The specially authorized central executive agency for health care, the Council of Ministers of the Autonomous Republic of Crimea, regional state administrations and municipal state administrations of the cities of Kyiv and Sevastopol, in case of being addressed by migration service bodies shall provide for compulsory medical examination or, if required, medical treatment of persons in relation to whom decision was made to process their documents for resolving the issue of granting refugee status and the persons who were granted refugee status.

The specially authorized central executive agency in the sphere of education, the Council of Ministers of the Autonomous Republic of Crimea, regional state administrations and municipal state administrations of the cities of Kyiv and Sevastopol shall facilitate the realization of the educational needs of persons whose documents for resolving the issue of granting refugee status are to be processed, and the persons who were granted refugee status.

Agencies of guardianship and foster care shall be the lawful representatives of children separated from their families. Such agencies shall conduct measures to provide temporary placement with appropriate child care institutions or families of children separated from their families; guardianship or foster care for such children; they shall take part in the procedure for granting refugee status to a child separated from his/her family and facilitate enforcement of rights of children separated from their families.

### **Section III**

#### **GRANTING, LOSS AND DEPRIVATION OF REFUGEE STATUS**

##### **Article 9. Procedure of applying for refugee status**

Persons who attempted to cross or did cross the state border of Ukraine illegally, with the intention of acquiring refugee status must without delay apply for refugee status to the appropriate migration service agency through an authorized representative of such body or through an officer of State Border Service of Ukraine or through an officer of and Internal Affairs agency and provide statements explaining the reasons for illegally crossing the border of Ukraine or for the attempt of such an illegal crossing to officers of State Border Service of Ukraine. If such persons have no documents identifying them or if their documents are forged or counterfeit, they must divulge these facts in their application for refugee status and explain the reasons for such situations. The said persons should be directed by officers of Border Guard Troops to a migration service agency.

If the state border of Ukraine is crossed or was crossed by a child separated from his/her family, who states his/her intention of acquiring refugee status or if such intention is communicated by other persons who are not lawful representatives of such minor, officers of State Border Service of Ukraine shall notify the migration service agency as well as the child's guardian or foster care agency of such fact immediately.

The migration service agency together with the agency for guardianship and tutorship must conduct measures to provide for temporary accommodation of such child in an appropriate institution for children or family.

Persons who attempted to cross the border of Ukraine or crossed the border of Ukraine illegally and stay in Ukraine with the intention of acquiring refugee status shall be exempt from liability for the said actions in case they without delay would apply to the bodies mentioned in the para 2 of this Article with an application for refugee status.

If persons who are not citizens of Ukraine stay legally and temporarily on the territory of Ukraine and if at the time of their stay in the country of their nationality or habitual residence the conditions indicated in paragraph 2 of the article 1 hereof have arisen and due to such conditions such persons cannot return to the country of their origin and have the intention of acquiring refugee status in Ukraine, such persons must apply to appropriate body of migration service agency for granting refugee status before the term of their valid stay in Ukraine expires.

The migration service body may decide to refuse the acceptance of application for refugee status in case when the applicant pretends to be some other person or when the applicant was denied refugee status for not meeting the conditions stipulated in paragraph 2 of Article 1 of this Law, if such conditions did not change. The decision to refuse the acceptance of application for refugee status could be also adopted in case when the person was refused in acceptance of application for refugee status or in processing of documents for resolving the issue of granting such status due to abuse of the procedures, except for the cases when the applicant provided credible information about himself. In case of making such decision, migration service body is informing the person in writing, specifying the reasons of refusal.

The requirement to submit an application for refugee status without delay, stipulated by para 2 as well as the requirement with regard to the term for submission of the above mentioned application, stipulated by para 6 of this Article shall not cover cases when such applications submitted by the lawful representatives of the children separated from their families.

#### **Article 10. Conditions under which refugee status shall not be granted**

Refugee status shall not be granted to a person:

who committed a crime against peace, war crime or crime against humankind and humanity as defined in international legal instruments;

who committed a serious crime of non-political nature outside Ukraine prior to arrival in Ukraine with the intention of acquiring refugee status, if the deed committed by such person is classified by the Criminal Code of Ukraine as a serious crime;

who was found guilty in committing deeds that conflict with the goals and principles of the United Nations;

Who does not meet the conditions stipulated in paragraph 2 of article 1 hereof;

Who was granted refugee status or asylum in other country prior to arrival in Ukraine;

Who, prior to arrival in Ukraine with the intention of acquiring refugee status, stayed in a safe third country. The scope of this paragraph does not apply to children separated from their families or to persons born or habitually residing in Ukraine and to their descendants (children, grandchildren).

#### **Article 11. Processing of documents required for resolving the issue of granting refugee status**



Processing of documents for resolving the issue of granting refugee status shall be performed based on personal application of an alien or stateless person or lawful representative thereof, submitted to the migration service agency in the Autonomous Republic of Crimea, regions, the cities of Kyiv and Sevastopol at the place of temporary stay of the applicant.

Applicant who are at least eighteen years of age shall submit his/her application and fill out questionnaire indicating principal information about themselves and the circumstances that forced the applicant to leave the country of origin.

Information on children less than eighteen years of age shall be included in the application form of one of the lawful representatives of such minor.

Application for granting refugee status for a child separated from his/her family shall be submitted by one of his/her lawful representatives.

Application for granting refugee status to an incapacitated person shall be submitted by his/her guardian, which fact shall be appropriately noted in the application form by the migration service agency.

If applicant is not capable of preparing the application in person due to illiteracy or physical impairment, the application may be prepared by other person upon his/her request, which fact shall be appropriately noted in the application form by the migration service agency.

The application for refugee status shall be attached with documents identifying the applicant and documents and materials that may serve as evidence of existing conditions required for granting refugee status.

If applicant has no documents identifying himself/herself, than his/her last name, first name and patronymic as well as other data shall be preliminary recorded as indicated by him/her pending the identification, which fact is indicated appropriately in the applicant's registration form and in the application for refugee status.

Four photos of the applicant shall be attached to the application and his/her family members less than eighteen years of age, information of which was indicated in the application.

Information provided by the applicant is deemed to be confidential.

While processing of documents required for resolving the issue of granting refugee status to children separated from their families, the migration service agency shall use its best efforts to find parents or other lawful representatives of a child less than eighteen years of age.

The migration service agency shall:

Register application and submitted documents;

brief the applicant or his/her lawful representative on the procedure of review of their application, rights and obligations of the person in relation to whom the decision was made to process documents for resolving the issue of granting refugee status, and have them sign the acknowledgement form;

perform fingerprinting of the person in relation to which a petition was initiated for granting refugee status;

fill out the registration form of a person who applied for refugee status and of his/her family members under eighteen years of age or of a child separated from parents in relation to whom the application for refugee status was submitted by the child's lawful representative;

fill out other required documents;  
prepare personal file;  
enter received information into the centralized information system.

## **Article 12. Preliminary review of applications**

The migration service body which accepted for consideration an alien or a stateless person application for refugee status shall issue the applicant a certificate confirming the fact of application for refugee status which is a basis for registration at the body of the specially authorized central executive body on issues of citizenship and registration of natural persons. Within 15 working days from the moment of the application registration the migration service body shall conduct a personal interview with the applicant, assess information indicated in the questionnaire and other documents, require additional information and make a decision on processing the documents for resolving the issue of granting refugee status or on refusal in processing the documents for resolving the issue of granting refugee status.

If the applicant does not understand Ukrainian or Russian, the migration service agency shall provide the applicant with interpreter to translate into a language in which the applicant may communicate. The applicant shall have the right to employ an interpreter at his/her own expense or at the expense of another legal entity or natural persons. The interpreter shall strictly observe confidentiality and sign a commitment to the migration service agency on non-disclosure of information contained in the personal file of the applicant. A personal interview with a child separated from parents shall be conducted in the presence of the child's lawful representative who submitted the application for refugee status on behalf of the child, psychologist or employee of an educational institution. Upon request of the lawful representative of a child separated from the family, the interview with the child may be conducted in the presence of attorney.

The decision on processing or refusal to process documents for resolving the issue of granting refugee status shall be made based on a written conclusion of an employee who manages the case and implemented per order of migration service agency head.

In case of making a decision on processing of documents for resolving the issue of granting refugee status, the migration service agency shall issue to the applicant a certificate confirming that in relation to him/her the decision was made on processing of documents for resolving the issue of granting refugee status and such certificate shall provide sufficient basis for registration with the central executive agency for issues of citizenship and registration of natural persons.

Upon receipt of the certificate of a person whose documents for resolving the issue of granting refugee status are to be processed, the applicant for refugee status shall return the certificate confirming the application for refugee status to the migration service agency, present to it the applicant's national passport or other identification document and documents that may provide evidence of existence of conditions required for acquiring refugee status and the applicant shall receive the appropriate receipt.

Decisions on refusal to process documents for resolving the issue of granting refugee status shall be made in relation to applications which is manifestly unfounded, i.e. when no conditions stipulated in paragraph 2 of article 1 of this Law apply to the applicant, and when applications are associated with abuse, i.e. when applicant pretends to be some other person, and in relation to applications submitted by persons who were denied refugee status for not

meeting the conditions stipulated in paragraph 2 of article 1 of this Law, if such conditions did not change.

In case of making the decision on refusal to process the documents for resolving the issue of granting refugee status, the migration service agency shall communicate such information within three working days after the date of such decision to the appropriate office of Internal Affairs and to the specially authorized central executive agency for migration issues and present to the applicant or his/her lawful representative a written notice specifying the reasons of refusal and explaining the procedure of appeal.

### **Article 13. Procedure for application review upon making decision on processing the documents for resolving the issue of granting refugee status**

The application for refugee status shall be reviewed by migration service agencies in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol within two months after the date of decision on processing the documents for resolving the issue of granting refugee status. If necessary, the review term may be extended by the head of migration service agency, upon substantiated request of the officer reviewing the application, although not more than three months.

The migration services agency officer shall conduct interviews with the applicant or his/her lawful representative in order to find additional information required for evaluation authenticity of facts communicated by the applicant or his/her lawful representative.

The interview with the applicant shall be conducted pursuant to the rules stipulated in part 2 of article 12 of this Law.

The migration service agency, together with Internal Affairs and Security Service bodies, verify the existence of any circumstances precluding a grant of refugee status pursuant to paragraphs two, three and four of article 10 hereof.

In the case of absence of any documents identifying the applicant or if applicant's documents are forged or counterfeit, the procedure of identification of such person shall be conducted by the migration service agency together with appropriate bodies of the Ministry of Internal Affairs and Security Service of Ukraine.

If there are any doubts as to the credibility of the information communicated by the applicant, in order to authenticate and check validity of such presented documents, the migration service agency shall have the right to address agencies of Internal Affairs and Security Service and other governmental agencies, bodies of local self-government and civic organizations in order to get assistance in determining the true facts related to the person in question.

The migration service agency shall direct the person who applied for refugee status to have a medical examination performed according to the procedures determined by the specially authorized central executive agency for issues of health care.

The documents received or prepared by the migration service agency at the time of review of the application shall be attached to the personal file of the applicant.

After a review of documents and a verification of the facts communicated by the person who applied for refugee status, the migration service agency shall prepare a written conclusion on granting or refusal to grant refugee status.

The personal file of applicant, together with conclusion of migration service agency that reviewed the application, shall be sent to the specially authorized central executive agency for migration issues in order to make a final decision on the application.

Upon appropriate request of the applicant, the review of his/her application for refugee status may be discontinued.

#### **Article 14. Making decision on granting refugee status**

Decisions on granting refugee status shall be made by the specially authorized central executive agency for migration within one month after the receipt of the personal file of the applicant and the written conclusion of migration service agency that reviewed the application. If required, the term of review may be extended by the head of the specially authorized central executive agency for migration for a period of time not exceeding three months.

The specially authorized central executive agency for migration may request additional information from the migration service agency that reviewed the application.

Should there be any doubts concerning the credibility of information or any need in authentication and verification of validity of documents, the specially authorized central executive agency for migration shall have the right to address appropriate requests to agencies of Internal Affairs, Security Service of Ukraine, Ministry of Foreign Affairs of Ukraine and other governmental agencies, bodies of local self-government and civic organizations in order to receive assistance with the determination of true facts concerning the person in question.

Documents received or prepared by the specially authorized central executive agency for migration in the process of making a decision on application shall be attached to the personal file of the applicant.

Based on a comprehensive study and evaluation of documents and materials that may provide evidence of the existence of conditions necessary for granting refugee status, the specially authorized central executive agency for migration shall make the decision on granting refugee status or refusal of such status.

Refugee status in Ukraine shall be granted for the period of time during which the circumstances stipulated in paragraph 2 of article 1 hereof are in effect.

The decision of the specially authorized central executive agency for migration shall be sent to the migration service agency that reviewed the case within three working days after the date of its preparation with the applicant's personal file.

Within seven working days after the receipt of decision on granting refugee status, the migration service agency shall issue to each person who is at least sixteen years of age a refugee certificate of appropriate form. Refugee certificates shall be issued also to children under sixteen who were granted refugee status if they were separated from their families. Simultaneously with the issuance of refugee certificate, the certificate of a person whose documents for resolving the issue of granting refugee status are to be processed shall be withdrawn.

The refugee certificate shall provide the basis for registration with the body of the specially authorized central executive agency for issues of citizenship and registration of natural persons at the place of refugee's residence.

The information on the refugee's family members under sixteen years of age shall be entered into the refugee certificate of his/her parent, or if there are no parents, it shall be entered into the certificate of grandfather or grandmother, adult brother or sister, guardian or tutor, or other person who prior to arrival in Ukraine voluntarily or according to tradition of the country of origin assumed responsibility for the child's upbringing and keeping.

The refugee certificate shall be issued for one-year term. At the time of refugee registration by migration service agency at his/her place of residence the term of validity of the certificate shall be extended.

A person who was granted refugee status in Ukraine who is at least sixteen years of age shall have the right to receive travel documents for departure abroad pursuant to the legislation of Ukraine. A child less than sixteen who was separated from his/her family and was granted refugee status in Ukraine shall have the right to receive travel documents for departure abroad upon appropriate request of his/her lawful representatives.

If the specially authorized central executive agency for migration made the decision on refusal to grant refugee status, the migration service agency in the Autonomous Republic of Crimea, regions and the cities of Kyiv and Sevastopol shall notify the person in question in writing within seven working days from the moment of its reception, specifying the reasons for the refusal and advising of the procedure for entering an appeal. The certificate of a person whose documents for resolving the issue of granting refugee status shall be withdrawn, which fact shall be communicated within three working days by the migration service agency to the body of Internal Affairs at the place of residence of the applicant and the relevant specially authorised central executive agency for issues of citizenship and registration of natural persons. The national passport and other documents that were kept by the migration service agency shall be returned to their holder.

A person who received notice of refusal of refugee status and did not exercise the right to appeal must leave the territory of Ukraine within the determined term, unless such person has other lawful reasons to stay in Ukraine.

#### **Article 15. Loss and deprivation of refugee status**

Refugee status is lost if the person:

- 1) voluntarily used protection of the country of which he/she is a citizen (national);
- 2) acquired Ukrainian citizenship or voluntarily acquired previous citizenship or acquired citizenship of a third country and uses its protection;
- 3) voluntarily repatriated to the country, which he/she left or was outside the territory of which he/she stayed due to well-founded fear of becoming a victim of persecution;
- 4) being a stateless person, is able to return to the country of previous habitual residence because the circumstances under which refugee status was given have ceased to exist;
- 5) was granted asylum or permit for habitual residence in another country;
- 6) can no longer, because the circumstances in connection with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provisions of paragraph 4 of part one of this article shall not apply to the refugee if he/she is able to invoke compelling reasons (arising from a previous persecution) for his/her refusal to return to the country of previous habitual residence.

Provisions of paragraph 6 of part one of this article shall not apply to refugee if he/she is able to invoke compelling reasons (arising from previous persecutions) for his/her refusal to avail himself of the protection of the country of his/her nationality.

Person shall be deprived of refugee status if:

such person is involved in activities posing a threat to national security, public order or health of the population of Ukraine.

Basis for the request for migration service agency on loss of refugee status may be provided by personal application of a person who was granted refugee status in Ukraine or petition of agencies of Internal Affairs, Security Service of Ukraine or other governmental agency.

Basis for the request of migration service agency on deprivation of refugee status may be provided by petition of agencies of Internal Affairs, Security Service of Ukraine or other governmental agency.

Provided that conditions stipulated in parts one and four of this article exist, migration service agencies in the Autonomous Republic of Crimea, regions, the cities of Kyiv and Sevastopol shall address the specially authorized central executive agency for migration with request on loss or deprivation of refugee status due to their own initiative.

The request for loss or deprivation of refugee status must detail circumstances and attach documents confirming the conditions for loss or deprivation of refugee status.

The decision on loss or deprivation of refugee status is made by the specially authorized central executive agency for migration upon the request of the migration service agency at the place of residence of refugee within one month after the receipt of the request and the personal file. If required, the term of review may be extended by the head of the specially authorized central executive agency for migration for a period of time not exceeding three months.

The specially authorized central executive agency for migration may request additional information from the migration service agency that provided the request.

Should there be any doubts concerning the credibility of information or any need for authentication and verification of the validity of documents, the specially authorized central executive agency for migration shall have the right to address appropriate requests to agencies of Internal Affairs, Security Service of Ukraine, Ministry of Foreign Affairs of Ukraine and other governmental agencies, bodies of local self-government and civic organizations in order to receive assistance in determining the true facts concerning the person in question.

The requests for loss and deprivation of refugee status and the documents received or prepared in the process of reviewing of the request shall be attached to the refugee's personal file.

Based on comprehensive study and evaluation of documents and materials, the specially authorized central executive agency for migration shall make a decision on the loss or deprivation of refugee status or on the absence of reasons for loss or deprivation of refugee status.

The decision of the specially authorized central executive agency for migration shall be sent to the local migration service agency at the place of residence of refugee within three working days after the date of its creation, along with refugee's personal file.

The local migration service agency at the place of residence of a person in relation to whom the decision was made on loss or deprivation of refugee status shall send or issue to such person an appropriate notification within seven working days from the moment of its reception, detailing the reasons for the decision and the procedure for appealing it. National

passport and other documents that were kept by the migration service agency shall be returned to their holder. Refugee certificate and refugee travel document for departure abroad are withdrawn or annulled, which fact is communicated within three working days to the local body of Internal Affairs at the place of residence of the person and the appropriate body of the specially authorized central executive agency for issues of citizenship and registration of natural persons.

The person who did not enjoy the right to appeal against loss or deprivation of refugee status must leave the territory of Ukraine within the determined period of time unless such person has other lawful reasons for staying in Ukraine.

#### **Article 16. Appeal against decisions concerning refugee status**

The decisions of the migration service agency in the Autonomous Republic of Crimea, regions, the cities of Kyiv and Sevastopol on refusal to accept an application for refugee status, on refusal to process the documents for resolving the issue of granting refugee status may be appealed within seven working days from the date of receipt of the refusal notice at the specially authorized central executive agency for migration and in court, pursuant to the procedures determined by law.

The decisions of the specially authorized central executive agency for migration on declining an appeal on refusal to accept an application for refugee status, refusal to process the documents for resolving the issue of granting refugee status, on refusal to grant refugee status, loss or deprivation of refugee status can be appealed against in court pursuant to procedures determined by law.

After registration of appeal of denial of refugee status or appeal of refusal to process the documents for resolving the issue of granting refugee status, the specially authorized central executive agency for migration issues shall issue the person in question a certificate confirming the acceptance of appeal for review by the appropriate migration service agency.

If a person or his/her lawful representative appeals decisions of the specially authorized central executive agency for migration on denial of refugee status or of a refusal to process the documents for resolving the issue of granting refugee status, the appropriate migration service agency shall issue to the person in question a certificate confirming the submission of appeal to the court. If a person or his/her lawful representative appeals decisions of the specially authorized central executive agency for migration on declining the appeal of denial of refugee status or of the refusal to process the documents for resolving the issue of granting refugee status, or on loss or deprivation of refugee status through the court, then the specially authorized central executive agency for migration shall issue the person in question a certificate confirming the submission of appeal to the court through appropriate migration service agency.

The said certificates shall provide the basis for appropriate registration with the organ of the specially authorized central executive agency for issues of citizenship and registration of natural persons located in the area where the applicant has habitual residence at the time of appellate review.

The decisions on appeal shall be made by the specially authorized central executive agency for migration within one month after the date of receipt of personal file. If required, the review may be extended by the head of the specially authorized central executive agency for migration for a period of time not exceeding three months.

The appealing person or lawful representative of such person shall have the right to be invited to participate in the review of his/her appeal.

If the specially authorized central executive agency for migration or a court granted the applicant's appeal, the migration service agency shall make the decision on processing the documents for resolving the issue of granting refugee status within seven days after its receipt, withdraw the certificate on acceptance of appeal for review and issue to the applicant a certificate of a person in relation to which the decision on processing the documents for resolving the issue of granting refugee status was made.

If a person who received notice of a denial of his/her appeal of a refusal to process documents for resolving the issue of granting refugee status and did not exercise the right to appeal in court, such person must leave the territory of Ukraine within the appropriate term, unless such person has other lawful reasons for staying in Ukraine.

If the court decides to consider the appeal of person against refusal of granting refugee status, loss or deprivation of such status, the specially authorized central executive agency for migration shall make appropriate decision within seven days after receipt of the court's notice and notify the local migration service agency at the place of residence of the applicant.

#### **Article 17. Liability of officers and employees in case of violation of refugee legislation**

Officers and employees violating this Law shall be liable pursuant to the legislation of Ukraine.

### **Section IV**

#### **RIGHTS AND OBLIGATIONS OF REFUGEES**

#### **Article 18. Rights and obligations of person whose documents for resolving the issue of granting refugee status are to be processed**

The person whose documents for resolving the issue of granting refugee status are to be processed, shall have the right to:

Temporary employment, education and medical care pursuant to procedures to be determined by Ukrainian legislation;

Residence with relatives, in hotel, rented premises or temporary accommodation centres for refugees;

legal assistance.

The person, in relation to whom a decision on processing of documents for resolving the issue of granting refugee status, shall be obliged to:

Present information necessary for resolving the question of refugee status to appropriate migration service agency;

in the event of receipt of directive of the migration service agency, depart to the determined place of temporary residence and within three working days register with the appropriate organ of the specially authorized central executive agency for issues of citizenship and registration of natural persons;

Undergo medical examination upon request of migration service agencies;



arrive at appropriate migration service agencies at the time determined by said agency;

Inform the migration service agency to which the application was presented about the history of person's departures from the agency's jurisdiction..

### **Article 19. Legal status of persons granted refugee status in Ukraine**

Persons who were granted refugee status in Ukraine are legal aliens or stateless persons who stay in Ukraine on legal grounds. Such persons enjoy the same rights and carry the same freedoms and also bear the same duties as citizens of Ukraine – save the exceptions set forth by the Constitution and the Laws of Ukraine and international treaties ratified by the Verkhovna Rada of Ukraine.

### **Article 20. Rights of the person who was granted refugee status**

The person granted refugee status shall enjoy the same rights as Ukrainian citizens, including the following:

To movement, free choice of residence place, free departure from Ukraine, with the exception of restrictions established by law;

To labour;

To business activities that are not prohibited by legislation;

To health care, medical treatment and medical insurance;

To rest;

To education;

To freedom of conscience and religion;

To address individually or jointly written letters or personally address government agencies, local self-government bodies, officers and employees of such organizations;

To own, use and manage personal property and intellectual property;

To appeal court decisions, actions or omissions of governmental agencies, bodies of local self-government, officers and employees;

To address the Human Rights Ombudsman of the Verkhovna Rada for the protection of their rights;

To legal assistance.

Persons granted refugee status in Ukraine shall have marriage and family rights equal with those of Ukrainian citizens.

Persons granted refugee status in Ukraine shall have the right to financial aid, pension and other types of social care pursuant to the procedures set forth by legislation of Ukraine and the right to use lodgings provided at the place of residence.

Persons granted refugee status in Ukraine shall enjoy other rights and freedoms pursuant to the Constitution and legislation of Ukraine.

### **Article 21. Obligations of the person granted refugee status in Ukraine**

The person granted refugee status in Ukraine shall be obliged to:

notify the local migration service agency at the place of residence within ten working days of any change of surname, family composition, marital status, place of residence, facts of acquiring citizenship of Ukraine or other countries, asylum or habitual residence in other countries;

in case of a change in place of residence and relocation to another administrative and territorial unit of Ukraine which is in the jurisdiction of a different migration service agency, to be removed from the register and register with the appropriate agency of migration authority at the new place of residence. Registration with the migration service agency at the new place of residence shall provide basis for registration with the specially authorized central executive agency on issues of citizenship and registration of natural persons;

Re-register annually, pursuant to the terms set forth by the local migration service agency at the place of residence.

**Article 22. Rights and obligations of the person in relation to whom the decision was made to refuse processing the documents for resolving the issue of granting refugee status, denied refugee status, whose refugee status was lost, or who was deprived of refugee status**

The person in relation to whom the decision was made to refuse processing the documents for resolving the issue of granting refugee status for not meeting the conditions stipulated in paragraph 2 of article 1 hereof, in the case of the emergence of such conditions may reapply for refugee status.

The person in relation to whom the decision was made to refuse processing the documents for resolving the issue of granting refugee status, to refuse to grant refugee status, loss or deprivation of refugee status, and who appeals such a decision at the specially authorized central executive agency for migration or in court shall enjoy rights and carry obligations pursuant to article 18 of this Law until a decision on his/her appeal is made.

The person who received court's notice on confirmation of decision on refusal to process the documents for resolving the issue of granting refugee status, on refusal to be granted refugee status, on loss or deprivation of refugee status must leave the territory of Ukraine within the determined term unless such person has other lawful reasons for stay in Ukraine.

## **Section V**

### **INTERNATIONAL COOPERATION**

**Article 23. International cooperation for the purpose of protection of rights of refugees**

Ukraine shall cooperate with other countries, the Office of the United Nations High Commissioner for Refugees and other international organizations with the purpose of elimination of the reasons for refugees' problems, improvement of their financial conditions and legal status and return of refugees to the country of their nationality or previous habitual residence.

International cooperation in the field of finding solutions to refugees' problems shall be performed pursuant to international treaties of Ukraine approved as binding by the Verkhovna Rada of Ukraine.

## **FINAL PROVISIONS**

1. This Law shall become valid from the date of its publication.
2. After the effective date of this Law, the following documents shall become null and void:

The Law of Ukraine “On Refugees” (Vidomosti Verkhovnoi Rady Ukrainy, 1994, № 16, p. 90);

Resolution of Verkhovna Rada of December 24, 1993 "On Procedure of Implementation of the Law of Ukraine “On Refugees” (Vidomosti Verkhovnoi Rady Ukrainy, 1994, № 16, p. 91).
3. Persons who were granted refugee status in Ukraine pursuant to the Law of Ukraine that became annulled shall be deemed such persons who were granted refugee status for the effective term of the circumstances stipulated in paragraph 2 of article 1 hereof. The term of refugee certificates of such persons shall be extended for one year before the expiration of the three-months period after the date of granting refugee status if conditions stipulated in paragraph 2 of article 1 of this Law continue to have effect. The said persons shall enjoy all the rights and carry all obligations pursuant to this Law and enjoy other rights and freedoms pursuant to the Constitution and legislation of Ukraine.
4. Applications for refugee status filed pursuant to the Law of Ukraine “On Refugees” which was annulled shall be reviewed pursuant to the procedures set forth by this Law.
5. Prior to harmonization of the Ukrainian legislation with this Law, regulatory and legal acts shall apply to the extent that such acts do not contradict this Law.
6. Within three months after the effective date hereof, the Cabinet of Ministers of Ukraine shall:

Prepare and submit for consideration of the Verkhovna Rada of Ukraine proposals on harmonization of the legislative acts of Ukraine with this Law;

Ensure harmonization by central organs of executive power of their regulatory and legal acts concerned with refugees in compliance with this Law.