



CABINET OF MINISTERS OF UKRAINE

RESOLUTION

**N 1983
dated December 26, 2002**

Kyiv

**On approval of Procedure to Form the Immigration Quota,
Procedure to Process Applications to Grant Immigration Permit and Declarations to
Terminate Such Permit and to Enforce Decisions Taken, Procedure to Execute and
Issue of a Permanent Residence Certificate**

In order to enforce Article 5 of the Law of Ukraine “On Immigration”, the Cabinet of Ministers of Ukraine

RESOLVES:

To approve attached:

Procedure to Form the Immigration Quota;

Procedure to Process Applications to Grant Immigration Permit and Declarations to Terminate Such Permit and to Enforce Decisions Taken;

Procedure to Execute and Issue of a Permanent Residence Certificate.

Prime Minister of Ukraine

V. YANUKOVYCH

APPROVED

with the Resolution of the Cabinet of Ministers of Ukraine
N 1983 dated December 26, 2002.

PROCEDURE to Form Immigration Quota

1. The immigration quota is formed pursuant to categories of immigrants and in line with the regional principle (taking into account the current demographic setting) in compliance with the proposals of government and local executive authorities.

The proposals regarding formation of immigration quota should be based on the outcome of immigration process analysis in the previous calendar year and take proper account of the necessity to limit to the maximum the Ukraine's immigration quota for foreigners and stateless persons from the countries of origin of substantial quantities of illegal migrants.

The list of such countries shall be annually determined by the Ministry of Foreign Affairs.

2. Proposals for the State Department for Citizenship, Immigration, and Natural Persons' Registration with regard to setting immigration quota for the next calendar year shall be submitted by:

The Ministry of Culture – with regard to cultural workers, whose immigration fits with the interests of Ukraine;

The Ministry of Labor – with regard to highly qualified specialists and workers, who are acutely needed for the Ukrainian economy;

The Ministry of Economy together with the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations – with regard to persons, who have made foreign investments into Ukrainian economy in the foreign hard currency amounting to not less than US \$ 100,000;

The Ministry of Education and Science – with regard to scientists, whose immigration fits with the interests of Ukraine;

The State Committee for Nationalities and Migration – with regard to persons, who have continuously resided on the Ukrainian territory for three years since they were granted refugee status or asylum in Ukraine, as well as to their parents, spouses and minor children residing with them;

The Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations – with regard to boundary number of immigrants who may be accommodated during calendar year in the respective region (pursuant to categories of immigrants).

Other government executive authorities may submit proposals to form immigration quota pursuant to branch principle to the bodies specified in the present Paragraph.

3. Proposals as to the persons, who are genetic brother or sister, grandfather or grandmother, grandchild of the Ukrainian nationals as well as former Ukrainian nationals, and parents or a spouse of an immigrant, his/her minor children shall be prepared directly by the State Department for Citizenship, Immigration and Natural Persons' Registration.

4. The Draft Decision of the Cabinet of Ministers of Ukraine on setting immigration quota for respective calendar year shall be developed and submitted by the State Department for Citizenship, Immigration and Natural Persons' Registration before January 31 of each current year.

5. The immigration quota shall be set by a decision of the Cabinet of Ministers of Ukraine per categories of immigrants not later than March 1 of each current year.

APPROVED

by the Resolution of the Cabinet of Ministers of Ukraine
N 1983 dated December 26, 2002.

PROCEDURE
to Process Applications to Grant Immigration Permit and Declarations to Terminate
Such Permit and to Enforce Decisions Taken

1. The present Procedure establishes routine for processing applications to grant immigration permit to foreigners and stateless persons who immigrate to Ukraine (hereinafter referred to as the “immigrants”), declarations to terminate such permit and to enforce decisions taken (hereinafter referred to as “processing immigration cases”) as well as the competence of government executive authorities and bodies subordinate to such authorities, which provide for enforcement of immigration laws.

2. Depending on categories of immigrants, the decisions with regard to applications to be granted immigration permit shall be taken by:

1) The State Department for Citizenship, Immigration and Natural Persons’ Registration (hereinafter referred to as the “Department”) – with regard to the immigrants, who are:

Scientists and cultural workers, immigration of who fits with the interests of Ukraine;

Persons, who have made foreign investments into Ukrainian economy in the foreign hard currency amounting to not less than US \$ 100,000;

Persons, immigration of who is in the state interest.

In case of necessity, the Department may take decisions with regard to other categories of immigrants;

2) The regional offices of the Department in the Central Administrations, Administrations of the Ministry of Internal Affairs in the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol (hereinafter referred to as the “regional offices”) – with regard to immigrants who fall under the immigration quota (except for immigrants subject to decision of the Department), specifically:

Highly qualified specialists and workers, who are acutely needed for the Ukrainian economy;

Persons, who are genetic brother or sister, grandfather or grandmother, grandchild of the Ukrainian nationals;

Persons, who are former citizens of Ukraine;

Parents, a spouse of an immigrant and his/her minor children;

Persons, who have continuously resided on the Ukrainian territory for three years since they were granted refugee status or asylum in Ukraine, as well as to their parents, spouses and minor children residing with them.

In case of a necessity, the regional offices may take decisions with regard to immigrants of out-of-quota category (except for immigrants subject to decision of the Department);

3) The regional units of the Department in city administrations, district within cities administrations of the internal affairs authorities (hereinafter referred to as the “regional units”) – with regard to immigrants, who legally stay in Ukraine and are immigrants of out-of-quota categories (except for immigrants subject to decision of the Department), specifically:

One of a married couple, if the other spouse is a Ukrainian national, and the former has been marrying his/her for more than two years, and children and parents of the Ukrainian nationals;

Persons, who are guardians or custodians of the Ukrainian nationals or fall under guardianship or custodianship of the Ukrainian nationals;

Persons, who have the right to acquire the Ukrainian citizenship due to territorial origin;

In cases when out-of-quota immigrants’ applications have been filed by any foreign diplomatic missions of Ukraine, considerations of such applications and approval of respective decisions shall be performed by the regional offices.

3. The Ministry of Culture and the Ministry of Education and Science shall determine within one month if immigration of the foreign cultural workers and scientists, who have filed requests to be granted immigration permit, fits with the interests of Ukraine, and shall issue such persons documents upholding such requests in case of the positive conclusion.

4. The Ministry of Labor and administrations for labor, employment and public welfare of a local state administration shall examine within one month the documents of the persons, who has filed request to be granted immigration permit, confirming compliance of such persons’ qualification level with the requirements to employees, who are acutely needed for the Ukrainian economy, and shall issue such persons a document upholding such request in case of the positive conclusion. Such document may also be issued at the request of the authorities specified in Paragraph 2 of the present Procedure.

5. Medical institutions, under the procedure established by the Ministry of Health, shall execute within one month examination of persons, who legally stay in Ukraine and have filed request to be granted immigration permit, and shall issue a document certifying that the respective applicant does not have diseases, which create legal grounds to refuse to grant such permit.

6. The Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations shall register under the procedure set forth in the Resolution of the Cabinet of Ministers of Ukraine N 928 dated August 7, 1996 “On Approval of Regulations for State Registration of Foreign Investments” a foreign investment into the Ukrainian economy in the hard currency amounting to not less than US \$ 100,000 and issue respective document.

7. The Ministry of Foreign Affairs shall verify within one month appropriateness of execution of the immigration cases delivered through foreign diplomatic missions of Ukraine from persons, who permanently reside outside of Ukraine, authenticity of the documents filed and

compliance of such documents with the requirements of law, and shall furnish the said documents to the Department.

8. Migration services in the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol shall issue within one month a document confirming continuous legal residence of immigrants on the Ukrainian territory for three years from the date they were granted refugee status or asylum in Ukraine.

9. The State Security Service and its regional offices, the National Central Bureau of Interpol, the State Committee of Ukraine for Guarding the State Border within the limits of their respective competence and within one month shall take, at the request of the Department, its regional offices and units the following measures:

To discover among the persons, who filed application to be granted immigration permit, those, who may not be given the said immigration permit pursuant to Article 10 of the Law of Ukraine “On Immigration”;

To investigate data, which may serve as grounds for termination of respective migration permit pursuant to Article 12 of the Law of Ukraine “On Immigration”;

Other government executive authorities within limits of their competence, in case of filing an application to be granted immigration permit by a person, immigration of who is in the state interest, shall consider it within one month, and shall issue a document upholding such request in case of the positive conclusion.

10. Applications to be granted the immigration permit shall be filed:

With the regional units at respective place of residence – by persons, who temporarily legally stay in Ukraine;

With the foreign diplomatic missions of Ukraine at the place of permanent residence – by persons, who permanently reside outside of Ukraine.

11. In order to receive immigration permit a person shall bring together with the application form established by the Department under agreement with the Ministry of Foreign Affairs:

A copy of the identity card (a document, conforming the citizenship (nationality) or status of a stateless person);

Three photographs (size: 3.5 x 4.5 cm);

A document certifying the place of residence (in Ukraine and abroad);

Documentary certified information on the family composition (copies of respective birth certificate, marriage certificate, documents on adoption, establishment of guardianship or custodianship etc.);

A document issued by respective medical institution certifying that such applicant does not have diseases specified in the paragraph 5 of part five of Article 9 of the Law of Ukraine “On Immigration” (except for persons specified in the paragraphs 1 and 3 of part three of Article 4

of the Law). The persons permanently residing outside of Ukraine shall file documents issued by respective medical institution at the place of their residence and subject to legalization under the established procedure, unless otherwise is provided in the international treaties;

A certificate issued by a competent authority of the state of previous residence or by its consulate in Ukraine certifying absence of criminal history (except for persons specified in the paragraphs 1 and 3 of part three of Article 4 of the Law of Ukraine “On Immigration”). In exceptional cases such information may be received by the Department or its regional offices and units by way of sending respective request to the competent authorities of foreign countries, where a treaty on legal assistance in civil, family and criminal cases have been concluded;

A receipt certifying payment of the state duty or consular fee, provided such payments are stipulated for processing the immigration permit, or a document certifying presence of benefits with regard to such payment.

The documents specified in the paragraphs 1 – 10 of part seven of Article 9 of the Law of Ukraine “On Immigration” shall be filed as supplementary in accordance with the category of immigrants.

In case of necessity respective regional offices and units providing for processing of the immigration cases may request other documents specifying presence of grounds to be granted immigration permit, provided it is not contrary to the Law of Ukraine “On Immigration”, and also invite applicants or other persons for interview.

Documents issued by the competent organs of foreign countries are subject to legalization except as otherwise provided by the international treaties of Ukraine. The copies of such documents as well as written consent to immigrate and the guarantees of the receiving parties stipulated in the Paragraph 6 of part seven of Article 9 of the Law of Ukraine “On Immigration” shall be filed notarized. The documents with data subject to change may be filed within six months following the issue of such documents.

12. The regional units at the place of residence, where respective applications to be granted immigration permit have been filed, shall:

form cases; examine reasons and legality of immigrants’ stay in Ukraine; verify authenticity of the documents filed and compliance of their draw up with the requirements of Law; and in case of necessity and within the limits of their competence coordinate this issue with the local government authorities to clarify the issue of presence or absence of grounds to refuse to grant immigration permit;

dispatch within one month information on the outcome of review of such applications in the regional offices or units (pursuant to categories of immigrants) together with the materials of the case. The cases, decisions on which are subject to competence of the Department or regional offices, shall be furnished to regional offices and in other cases – to regional units;

process immigration permit applications, should such processing lies within their competence.

13. Foreign Ukrainian diplomatic missions, where immigration permit applications have been filed together with the documents specified in the present Procedure from the persons permanently residing out of Ukraine, shall:

form cases; verify authenticity of the documents filed and such documents' compliance with the requirements of law;

within one month after filing of respective documents deliver through the Ministry of Foreign Affairs the information on the outcome of their consideration together with the materials of respective case plus such missions' proposals to the Department.

The said cases, except for those decisions on which are subject to the competence of the Department, shall be delivered by the Department to its regional offices to take respective decision.

14. Regional offices and units, after such offices have received documents from the bodies specified in the Paragraphs 12 and 13 of the present Procedure, shall verify within one month correctness of execution of such documents, clarify within the limits of their competence presence or absence of grounds to refuse to grant immigration permit stipulated in Article 10 of the Law of Ukraine "On Immigration", furnish respective inquiries to the regional offices of the State Security Service, the National Central Bureau of Interpol and the State Committee of Ukraine for Guarding the State Border.

Regional offices of the State Security Service, the National Central Bureau of Interpol and the State Committee of Ukraine for Guarding the State Border shall perform, within the limits of their competence and within one month after such inquiries have been delivered, examination aiming at discovering the persons, who are not subject to immigration permit. The inquiring authority shall be informed about the outcome of the respective examination.

The period of examination may be extended but not more than for one month.

15. In cases when the decision to grant immigration permit lies within the competence of the Department, the regional offices within one month shall analyze the information received from the bodies specified in sub-paragraph 2 of Paragraph 14 of the present Procedure and furnish the data on the outcome of such consideration together with the materials of the respective case.

16. In cases when the decision to grant immigration permit lies within the competence of respective regional offices and units, such offices and units shall analyze within one month the information received from the bodies specified in sub-paragraph 2 of Paragraph 14 of the present Procedure and, on the basis of the materials of the case, take decision to grant immigration permit or to refuse to grant such permit.

17. The Department shall examine within one month correctness of execution of the documents delivered from the bodies specified in the Paragraphs 13 and 15 of the present Procedure, consider appropriateness of the presented grounds set forth in the Article 4 of the Law of Ukraine "On Immigration", clarify issue of presence or absence of the grounds to refuse to grant immigration permit pursuant to Article 10 of the Law of Ukraine "On Immigration", furnish inquiry to the State security Service and the National Central Bureau of Interpol. The inquiry to the State Committee of Ukraine for Guarding the State Border shall

be furnished only with regard to those persons the requests of which have been delivered through the Ministry of Foreign Affairs.

The State Security Service, the National Central Bureau of Interpol, and the State Committee of Ukraine for Guarding the State Border shall perform within the limits of their competence and within one-month examination to discover persons, who are not subject to immigration permits. The information about the outcome of such examination shall be furnished to the Department.

The period of examination may be extended but not more than for one month.

18. The Department shall analyze within one month the information received from the bodies specified in sub-paragraph 2 of Paragraph 17 of the present Procedure and, on the basis of respective materials, shall take decision to grant the respective immigration permit or to refuse to grant such permit.

19. The decision to grant the respective immigration permit or to refuse to grant such permit shall be valid for one year sine the date when such decision is taken.

The persons, who have been granted immigration permit, within the period of such permit' validity shall have to apply to:

Ukrainian foreign diplomatic missions with an application to get immigration visa executed, if such persons permanently reside outside of Ukraine; and, after arrival to Ukraine, within five working days to the regional unit at the place of residence with an application for issuance of the permanent residence certificate;

the regional unit at the place of residence with an application for issuance of the permanent residence certificate, if such persons legally stay in Ukraine.

At the same time, an applicant has to apply to the regional unit at the place of his/her residence in person (at least, one-time application) in order to file the request to be granted immigration permit or to receive the certificate (in those cases when, for good reasons, he/she has not been able to file the request to be granted immigration permit in person).

The immigrants, who have been granted certificates, shall have to register at the place of their permanent residence, and, in case of change of respective place of residence, shall have to re-register pursuant to the procedure established for the Ukrainian nationals.

20. The bodies, which have taken decision to grant immigration permit, shall furnish within two weeks the copy of such permit directly to respective applicant or through the Ministry of Foreign Affairs to respective Ukrainian foreign diplomatic mission.

A copy of decision to grant immigration permit shall constitute reason to execute by respective Ukrainian foreign diplomatic mission of immigration visa to the person, who has been granted such permit.

21. The immigration permit shall be terminated by the same body, which had previously issued it.

The issue on termination of the permit may be raised, if it has become known about presence of reasons for respective immigration permit termination, by an internal affairs body, other

executive authority, which, within the limits of authority given to it, provides for enforcement of immigration legislation.

22. In order to start the procedure to consider termination of immigration permit, a respective declaration shall be furnished to the body, which has taken decision to grant such permit.

23. The Department, regional offices and units shall comprehensively study within one month respective issue to terminate respective immigration permit, request for additional information in case of necessity from the issuer of declaration, other executive authorities, legal entities and natural persons, and invite an immigrant subject to such declaration to give explanations. An appropriate decision is taken on the basis of the outcome of information analysis.

The issuers of declaration and immigrants shall be advised in writing about respective decision taken within one week.

24. The decision on termination of respective immigration permit shall be furnished within one week by the body, which has taken such decision, to respective regional unit at the place of residence in order to withdraw the permanent residence certificate from respective immigrant and to take measures pursuant to Article 13 of the Law of Ukraine "On Immigration". The copy of such decision shall be furnished to the State Committee of Ukraine for Guarding the State Border.

25. Decisions of the Department, regional offices and units, other executive authorities, which have to provide for processing immigration cases within the limits of such bodies' competence, as well as activities or omissions of officials may be appealed in compliance with the law. In such cases, processing with regard to immigration cases shall be suspended until respective decision is taken.

26. The Department, regional offices, and units shall:

keep record of persons, who have been granted immigration permit, have been issued permanent residence certificate for Ukraine, have been refused to be granted immigration permit or such permit has been terminated;

exchange information about the above persons with the interested government executive authorities and bodies subordinate to such authorities;

in case of a necessity, deliver to such authorities copies of respective documents on the basis of the written requests.

APPROVED

by the Resolution of the Cabinet of Ministers of Ukraine
N 1983 dated December 26, 2002.

PROCEDURE
to Execute and Issue of a Permanent Residence Certificate

1. The present Procedure shall determine the routine for issuance of a permanent residence certificate (hereinafter referred to as the “certificate”) to foreigners and stateless persons, who have immigrated to Ukraine (hereinafter referred to as the “immigrants”), keeping record of certificates and keeping in custody forms of such certificates.

2. Execution and issuance of the certificates shall be performed by regional units of the State Department for Citizenship, Immigration and Natural Persons’ Registration (hereinafter referred to as the “regional units”) at the place of residence of immigrants.

3. The certificates shall be executed in accordance with the established procedure to the immigrants, who have reached 16 years of age, at their personal requests or requests of the legal representatives or other persons under their notarized powers of attorney given by such persons to regional units at the place of residence of such immigrants.

In exceptional cases, the certificate may be executed before a person reached 16 years of age at the presence of respective notarized consent of both parents.

4. In order to execute a certificate, the following documents shall be filed:

an application in the form established by the State Department for Citizenship, Immigration and Natural Persons’ Registration (hereinafter referred to as the “Department”);

a copy of passport bearing immigration visa;

a copy of decision to grant immigration permit;

a receipt certifying payment of respective state duty or a document certifying presence of benefits with regard to such payment.

5. In place of the documents specified in sub-paragraphs 3 and 4 of Paragraph 4 of the present Procedure, the following documents shall be filed to execute certificates for the persons specified in Paragraph 4 of the Final Provisions of the Law of Ukraine “On Immigration”:

1) by a person, who had arrived to Ukraine before the Law of Ukraine “On Immigration” came into force and has a domicile registration entry in respective passport of the citizen of the former USSR of Series 1974 or who has received permanent residence certificate for Ukraine, - the original and copy of respective passport of the citizen of the former USSR of Series 1974 bearing domicile registration entry or a respective permanent residence certificate;

2) by a person, who has had to live the place of permanent residence in the Autonomous Republic of Abkhazia (Georgia) and has come to reside in Ukraine – an interim certificate

received by such person upon coming to Ukraine and the document certifying continuous residence in Ukraine for not less than five years issued by a migration service;

3) by a person, who came to Ukraine before 6 March 1998 in compliance with the Agreement between the Government of the Socialist Republic of Vietnam and the Government of the USSR on Dispatching and Accepting Vietnam Nationals for Vocational Training and Employment at Enterprises and Institutions of the USSR dated April 02, 1981 and who remained to reside in Ukraine – a copy of the document certifying acceptance for vocational training or employment;

4) by persons, who have come to Ukraine as orphan-children due to armed conflicts at the places of their permanent residence and are taken care of (were taken care of) in state child care institutions, children's homes of family type or are taken into (were taken into) guardianship or custodianship by the Ukrainian nationals – documents certifying their stay in state child care institutions, children's homes of family type or establishments of guardianship or custodianship.

6. The certificate shall be executed within one week upon filing of respective application by an immigrant.

All entries shall be made in Ukrainian, and family name and name shall be entered also in English in compliance with the requirements set forth in Recommendations of the International Civil Aviation Organization (IKAO, Doc 9303/3), pursuant to rules established by the Department.

7. The permanent residence certificate shall be issued against receipt to applicants, legal representatives of immigrants or, under the notarized power of attorney, to other persons.

In passport of an immigrant an entry of established form shall be made on the last empty page certifying presence of respective permanent residence permit for Ukraine.

8. The certificate is subject to substitution upon reaching 25- and 45- years of age.

9. In case damage is caused to the certificate or such certificate is lost, such immigrant may be given a new certificate in respective regional unit.

The immigrant has to immediately notify respective regional unit about loss of his/her certificate. Such unit shall urgently notify the Department and the State Committee of Ukraine for Guarding the State Border about such occurrence.

Execution of the certificate substituting the lost certificate shall be performed in accordance with the procedure established for execution of such certificate upon clarifying the circumstances of the above loss.

10. The forms of certificate spoiled when filling or as a result of inappropriate storage shall be taken off records once in a quarter and burnt with execution of respective statement in two copies, which is approved by the head of regional unit.

11. The forms of certificate shall be the documents of strict accountability and be printed in accordance with the established procedure at the request of the Department.

12. The data about the executed certificates shall be entered into respective register.

The Department shall set respective procedure for keeping such register.

13. The forms and executed certificates shall be kept prior to handing separately in metal cases (safes) installed in separate premises equipped with reliable protection from illegal entry, where appropriate humidity and thermal conditions are maintained.

The Department shall set the procedure for registration, storage, and use of the forms of certificates.