



CABINET OF MINISTERS OF UKRAINE

RESOLUTION NO. 317

of 24 March 2021

Some issues of recognition as a stateless person

In accordance with part 7 of Article 6¹ of the law of Ukraine ‘On the legal status of foreigners and stateless persons’, the Cabinet of Ministers of Ukraine resolves to:

1. Approve the enclosed acts:

Procedure for consideration of applications for recognition as a stateless person;
template of application for recognition as a stateless person;
certificate on application for recognition as a stateless person.

2. Make the following amendments to the resolutions of the Cabinet of Ministers of Ukraine.

Prime Minister of Ukraine

Denys Shmyhal

APPROVED
by the resolution of the
Cabinet of Ministers of Ukraine no. 317
of 24 March 2021

Procedure for consideration of applications for recognition as a stateless person.

General issues

1. This Resolution establishes a procedure for recognition as a stateless person. It is a set of measures carried out by the State Migration Service of Ukraine (hereinafter - SMS) in order to establish the fact that a person who has applied for recognition as a stateless person is not considered as a national by any State under the operation of its law.

2. A person who is unable to obtain a passport document due to the fact that none of the States considers him/her as its national under the operation of its law, has a right to file an application for recognition as a stateless person regardless of lawfulness or unlawfulness of his/her stay in the territory of Ukraine.

If a person was recognized as stateless by other countries and has an identity document issued by an authorized body of a foreign state or by a UN statutory organization, if the document grants the right to enter or leave the country and is recognized by Ukraine, such a person does not need to undergo additional statelessness determination procedure in Ukraine.

Persons who are staying abroad do not have the right to file an application for recognition as a stateless person in Ukraine.

3. Application for recognition as a stateless person (hereinafter - the application) shall be submitted in a form established by the resolution of the Cabinet of Ministers of Ukraine of 24 March 2021 no. 317 'Some issues of recognition as a stateless person':

by adults with full legal capacity – in person;

by legally incapable adults or persons with a limited legal capacity – through their legal representatives.

Information about a child is provided in the application of one of his / her legal representatives.

Application for recognition as a stateless person of an unaccompanied child is submitted by one of his/her legal representatives. In case an unaccompanied child applies to the SMS without having a legal representative, an officer of a territorial body / territorial unit of the SMS immediately refers to guardianship authorities with a request to provide the child with a legal representative.

4. Application and documents for recognition as a stateless person shall be submitted by an applicant or his / her legal representative personally to a territorial body / territorial unit of the SMS, at the place of residence of a person.

During the application procedure an officer of a territorial body / territorial unit of the SMS explains to an applicant the procedure of recognition as a stateless person, his / her right to apply for free legal aid to a free legal aid centre or to a territorial body of justice according to the law of Ukraine 'On free legal aid'.

5. Decision on recognition or refusal in recognition as a stateless person shall be made within a six-month period since the moment of submitting an application and the documents specified in this Procedure.

Period for reviewing of an application may be extended up to 12 months based on a reasoned opinion of a structural unit of the SMS, determined in accordance with subitem

12(2) of this Procedure, by the decision of an authorized person of the SMS, determined in accordance with subitem 12(1) of this Procedure.

6. Issuance of a certificate on application for recognition as a stateless person in a form established by the annex to the resolution of the Cabinet of Ministers of Ukraine of 24 March 2021 no. 317 ‘Some issues of recognition as a stateless person’, and issuing of a decision on recognition or refusal in recognition as a stateless person in accordance with Annex 1 to this Procedure is carried out by a structural unit of the SMS, using means of the SMS information system.

7. Information on a person who has applied for recognition as a stateless person in respect of whom a decision on recognition/refusal in recognition/cancellation of the decision on recognition as a stateless person has been made shall be entered in SMS information system. Digitized copies of the documents provided by a person, digitized act of the applicant lineup (if any), digitized materials of verification of the documents submitted by a person, certificate on application for recognition as a stateless person, decision on recognition or refusal of recognition as a stateless person shall be entered in SMS information systems and stored for 75 years.

Information on a stateless person who has been issued a permanent or temporary residence permit and a travel document of a stateless person shall be entered in the Unified State Demographic Register.

8. Application for recognition as a stateless person shall be composed for entering information in the SMS information system.

Obtaining information and communication during identification

9. SMS has a right to obtain information about a person from available state and unified registers, other information databases owned by a state or enterprises, institutions and organizations, to an extent necessary to identify a person in the context of statelessness determination procedure.

Access to this information is granted in compliance with the Laws of Ukraine ‘On protection of information in information and telecommunications systems’ and ‘On protection of personal data’.

In case it is impossible to grant SMS direct access to available state and unified registers, other information databases owned by a state or enterprises, institutions and organizations, or send electronic requests via secure communication channels, obtaining information about a person is carried out by sending requests and answers in a paper form.

10. Information from the State Register of Acts of Civil Status on birth of a person and his/her origin, adoption, deprivation and restoration of parental rights, marriage, divorce, change of name, death can be retrieved in a manner prescribed by law.

Actions of officials during the acceptance of documents for recognition as a stateless person

11. Head of territorial body / territorial unit of the SMS determines officers responsible for accepting documents, filling out and reviewing applications, verifying the information specified in application and attached documents, identifying a person, preparing and sending inquiries to authorized bodies of Ukraine and foreign states, registering and issuing a certificate on application for recognition as a stateless person, issuing a decision on recognition as a stateless person, preparing case materials for referral to a structural unit of the SMS so that a decision on recognition or refusal of recognition as a stateless person is made.

If an applicant himself/herself is not able to fill in an application for recognition as a stateless person due to illiteracy or physical disabilities, upon his/her request officers of a territorial body / territorial unit of the SMS in charge of accepting documents shall draw up such an application. This should be duly recorded in the application.

If an applicant does not understand Ukrainian, the State Migration Service shall provide him/her with an interpreter, including via videoconferencing, from the language the applicant understands as well as written translation of his/her documents free of charge.

If a translator is engaged in the submission of documents, including via videoconferencing, an officer of a territorial body / territorial unit of the SMS, responsible for accepting documents, filling out applications, warns the translator about the requirement to comply with the conditions of non-disclosure of personal information. This should be confirmed by the translator's signature on the application.

12. Chairperson of the SMS imposes responsibilities for making a decision on recognition or refusal in recognition as a stateless person, extension or suspension of the procedure, determination of a responsible structural unit on one of his / her deputies (hereinafter - authorized person). Responsibilities of the deputy include ensuring implementation of tasks of the SMS in the field of immigration, including combating illegal migration, registration of refugees and other statutory categories of migrants.

Authorized person determines a structural unit of the SMS and its officers who:

- perform functions of verification and analysis of information received from a territorial body / territorial unit of the SMS;
- additionally verify the data provided in the application and the attached documents;
- prepare for signature by an authorized person a decision to suspend the application in case there are circumstances demonstrating conditions for recognition of person as a refugee or a person in need of complementary protection, in accordance with the Law of Ukraine ‘On Refugees and Persons in Need of Complementary or Temporary Protection’ or circumstances demonstrating the applicant’s eligibility for Ukrainian citizenship in accordance with the Law of Ukraine ‘On Citizenship of Ukraine’. Depending on results of the procedures established by these Laws review of the application on recognition as a stateless person shall be renewed or ceased;

- prepare for signature by an authorized person a proposal to extend application review period for up to 12 months;
- prepare for the signature of an authorized person the conclusions on a decision on recognition or refusal in recognition as a stateless person.

13. Territorial body / territorial unit of SMS informs the applicant about a refusal in accepting the documents if it reveals the fact of:

- applicant's Ukrainian citizenship or citizenship of other state;
- recognition of the applicant as a stateless person by a foreign state if the applicant has an identification document issued by the state or a UN statutory organization and does not submit any proofs of termination of this status;
- applicant's refusal to give a permission to interview his/her relatives, neighbours or other persons (not less than three), who are able to confirm information provided in the application if the applicant had not submitted any documents specified in item 20 of this Procedure;
- applicant's refusal to provide his biometrical data.

Territorial body / territorial unit of SMS shall indicate the reasons for such refusal and provide it in writing upon the applicant's request.

In this case, a person retains the right to re-apply in case of elimination of the above circumstances.

14. If a person who has reached the age of 18 submits an ID with a photo, SMS officer conducts verification of this person by establishing equivalence between the applicant's face and an image on the photo.

15. An officer of a territorial body / territorial unit of the SMS using electronic digital signature and the SMS information system generates an application (and collects biometric data, parameters). The application is registered using means of the SMS information system.

Application is filled out in Ukrainian, and a person's surname and name are indicated in Ukrainian and by means of the Latin alphabet in accordance with the rules of transliteration.

At a request of an applicant, his/her surname and name in Latin alphabet may be entered in accordance with his or her documents issued by competent authorities of a foreign state.

16. After an application is generated, an officer of a territorial body / territorial unit of the SMS prints it out and hands it over to a person for verification of information in the application.

In case of errors in the application, an officer of a territorial body / territorial unit of the SMS shall make appropriate corrections.

17. After checking the application, the person confirms with his / her signature the correctness of information about himself / herself provided in the application. If a person due to physical disabilities is not able to confirm the correctness of such information with a signature, an officer of a territorial body of the SMS shall make a note about the impossibility of such confirmation and certify the correctness of the application. If application for recognition as a stateless person is submitted by the applicant's representative, the latter should put his/her signature on the application.

If a person is immobile due to a long-term health problem, which is confirmed by a medical report of a relevant health care institution, at his / her written request or a request of his / her legal representative, an officer of a territorial body / territorial unit of the SMS shall visit the place of residence or medical treatments of the person.

During the personal visit an officer of a territorial body / territorial unit of the SMS checks and confirms that it is in fact the same person who is depicted in the photo and draws up a corresponding act. The act is prepared in presence of an immobile person or his / her legal representative, in case a person is in a health care institution – also in presence of an attending physician. The act shall contain information on place, date and

time of a visit, information on the officer of the territorial body / territorial unit the SMS and the persons present, grounds for visiting and confirmation / non-confirmation of state of health, identity of the person. The act is signed by the officer of the territorial body / territorial unit of the SMS, the person / 's legal representative, and in case of person's stay at a health care institution – also by an attending physician.

In the absence of physical disabilities, a person who is immobile due to a long-term health problem shall personally sign a separate sheet of paper for further scanning using means of the SMS information system.

18. After the applicant checks the correctness of his personal information, the application is checked and signed (indicating the date, name and initials) by an officer of a territorial body / territorial unit of the SMS, who accepted the documents and generated the application / assisted in compiling the application, translator (if his/her services were used), legal representative.

19. Officer of a territorial body / territorial unit of the SMS shall scan all the documents submitted by the applicant using means of the SMS information system.

Submission of documents for recognition as a stateless person and their consideration

20. Along with an application, a person submits:

- identity document or
- document for traveling abroad, issued by a foreign state (if any);
- document confirming the absence of any foreign citizenship whose validity period has expired (if any);
- or other document confirming the information, stated in the application (documents confirming the fact of birth, marriage, having children, education in Ukraine or other state, passport of a citizen of the former USSR (template of 1974), documents about work, receiving medical care in Ukraine, place of residence, ownership of housing or other real estate in Ukraine, certificates issued

by local governments or state bodies, certificates from embassies of foreign states or places of previous permanent and long-term residence of the person, as well as from the State of citizenship of his/her family members, etc.).

If documents are submitted by a legal representative of a person, a document certifying identity of the legal representative and a document confirming authority of a person as a legal representative shall be submitted along with them.

If the applicant does not have above-mentioned documents and / or documents with a photograph (for persons who reached the age of 18), interviews with family members, neighbours or any other persons (not less than three) who are able to confirm information provided in the application and / or lineup the person by a photo shall be conducted with his / her written consent.

List of such persons is provided by the applicant or is established by an officer of a territorial body / territorial unit of the SMS based on the results of review of documents submitted by the applicant taking into account his place of residence, education, family and social ties.

Interview of such persons shall be conducted by a territorial body / territorial unit of the SMS within 14 working days from the date of submission of the application.

Personal information of the interviewees is proven by documents confirming citizenship of Ukraine, identity or special status or a passport document of a foreigner or a stateless person. Only foreigners and stateless persons lawfully staying in the territory of Ukraine may be interviewed.

Results of the interview of the person confirming the facts stated in the application shall be recorded in writing by an officer of a territorial body / territorial unit of the SMS in a form of an explanation, certified by signatures of the interviewee and the officer of the territorial body / territorial unit of the SMS. During the interview, the officer of the territorial body / territorial unit of the SMS may ask clarifying questions those are essential for the matter of recognition as a stateless person.

Based on the results of interview of each person who took part in the line up of the person by a photo, a separate statement of the line up of a person shall be drawn up in accordance with a form in Annex 2 to this Procedure, which is taken into account during identification and / or identity setting of a person.

21. A person who applies for recognition as a stateless person is obliged to cooperate with bodies of the State Migration Service, to come for interviews, to provide evidence for recognition as a stateless person.

22. A person who applies for recognition as a stateless person has a right to an interview with authorized officers of the SMS, including via video conference. The purpose of the interview is to clarify the information specified in the application, to discuss the information obtained during verification of the documents provided by the person, to obtain information from the person about new facts that became known after the application.

Interview may be appointed by an officer of a territorial body / territorial unit of the SMS, structural unit of the SMS in case it is needed. The applicant must be notified of time and conditions of the interview no later than 3 working days before the date of the interview by all available means (including electronic or by phone).

Interview with an unaccompanied child is conducted in presence of his/her legal representative.

Interview may be held at the initiative of the applicant on his/her written request, and its date is appointed no later than 10 working days from the date of receipt of such request.

If the applicant is not able to come to the interview for good reasons, the applicant must notify the initiator of the interview in writing about such reasons.

Officer of a territorial body / territorial unit of the SMS, structural unit of the SMS shall have the interview audio recorded. The results of the interview are recorded in writing and certified by signatures of the participants.

Failure to come to an interview without good reason is regarded by the initiator of the interview as a refusal to cooperate with the SMS.

23. If during the review of his/her application the applicant acquired new documents or information that is essential for the decision on recognition as a stateless person, including clarification of his/her personal data, he/she must submit it to a territorial body / territorial unit of the SMS at the place of application within 10 days from the moment of acquiring such documents for their registering in the SMS information system.

24. After accepting the application and the documents attached to it for consideration, an officer of a territorial body / territorial unit of the SMS shall take measures to identify the person applying for recognition as a stateless person and to verify the documents submitted by him/her.

25. During verification of the submitted documents an officer of a territorial body / territorial unit of the SMS generates case materials in a paper form, verifies authenticity of the submitted documents and their compliance with the requirements of the legislation, within his/her competence clarifies if there are grounds to recognize a person as stateless.

Officer of a territorial body of the SMS to which the application for recognition as a stateless person was submitted, identifies the person based on data obtained from databases of the Unified State Demographic Register and the SMS information system.

Officer of a territorial body / territorial unit of the SMS shall, no later than within a week from the date of submission of such application, check the applicant in SMS databases, including regarding his/her eligibility for Ukrainian citizenship by sending relevant requests. Responses to such requests must be provided by territorial bodies / territorial

units of the SMS no later than within 10 working days from the date of receipt of the requests.

Officer of a territorial body / territorial unit of the SMS shall send relevant requests to the Ministry of Interior of Ukraine, National Police, regional offices of the Security Service of Ukraine and the Administration of the State Border Guard Service no later than two weeks from the date of receiving of the application. The Ministry of Internal Affairs, the National Police, regional offices of the Security Service of Ukraine shall, within 1 month after receiving such requests, conduct an inspection to identify persons who cannot be recognized as stateless due to the grounds specified in part 3 of Article 6¹ of the law of Ukraine ‘On legal status of foreigners and stateless persons’. The authority which sent the request shall be informed of the results of the inspection. The inspection period may be extended, but not more than for 1 month.

Territorial body / territorial unit of the SMS receives information about the applicant from the Administration of the State Border Guard Service within the limits of its jurisdiction.

26. When reviewing an application for recognition as a stateless person, an officer of a territorial body / territorial unit, structural unit of the SMS shall take the necessary measures to collect information from the place of birth of a person, countries or places of his/her previous permanent and long-term residence as well as from the State of citizenship of his/her family members.

If it is necessary to obtain more detailed information about the applicant, an officer of a territorial body / territorial unit of the SMS may initiate verification of the facts mentioned in the application by visiting the applicant at a place of his/her residence and interviewing persons who can confirm the information.

If a person provides certificates confirming the absence of a foreign citizenship from countries or places of his/her previous permanent and long-term residence, as well as from the state of citizenship of his/her family members, requests are sent to the issuing authorities to confirm issuance of these certificates.

If a person does not provide certificates confirming the absence of a foreign citizenship from the countries or places of his/her previous permanent and long-term residence, from the state of citizenship of his/her family members, an officer of a territorial body / territorial unit of the SMS sends inquiries to diplomatic missions or consulates (hereinafter referred to as foreign missions) of the country(ies) with a request to respond to the inquiries within 1 month.

In case if the officer does not receive responds from foreign missions within two months, he/she sends the inquiries to foreign missions for the second time. If there is no respond within two months from the moment of sending the inquiries, an officer of a structural unit of the SMS sends the inquiries to foreign missions for the third time.

If after the third inquiry there is no response from a foreign mission, it is considered that a person is not a citizen of this country.

27. Verification of information on the date of the applicant's entry in the territory of Ukraine is carried out using the integrated interdepartmental information and telecommunication system for control of persons, vehicles and goods crossing the state border 'Arkan' or by sending inquiries to the Administration of the State Border Service which are to be responded within a month from the moment of receipt of such a request.

If it is necessary to retrieve information from the State Register of Acts of Civil Status on the birth of a person and his/her origin, adoption, deprivation and renewal of parental rights, marriage, divorce, change of name, death, such information is obtained in the manner prescribed by the legislation.

If it is necessary to confirm other information about the applicant or the validity of the documents submitted by him/her, requests shall be sent to relevant state authorities or their territorial bodies / territorial units, which are to be responded within 1 month from the date of receipt of such requests.

28. If necessary, when a child's appearance is visually inconsistent with the age declared or specified in the documents, a territorial body / territorial unit or structural unit of the

SMS decides to send such a person for examination to determine the age in the manner prescribed by Ukrainian legislation.

29. After taking measures provided for in items 20-28 of this Procedure, which relate to the competence of officers of territorial bodies / territorial units of SMS, after receiving responds to inquiries from territorial bodies / territorial units of SMS, Ministry of Interior of Ukraine, National Police, regional offices of the Security Service of Ukraine and the Administration of the State Border Guard Service, a case on recognition as a stateless person with attached audio files of interviews is sent for further consideration to a structural unit of SMS. A case must be sent to a structural unit of SMS no later than three months since the day of receipt of the documents. If no responds to the inquiries are received within a specified period, the case is sent without such responds, which are to be sent to a structural unit of the SMS later.

If during inspection a territorial body / territorial unit of the SMS reveals that applicant has received documents confirming Ukrainian citizenship, the case shall be sent to a structural unit of the SMS within three working days from this moment. The structural unit makes an appropriate decision according to item 32 of this Procedure.

30. Officer of a structural unit of the SMS checks the correctness of the documents received from territorial bodies / territorial units of the SMS within 1 month, examines the compliance to the grounds specified in Article 6¹ of the law of Ukraine ‘On the legal status of foreigners and stateless persons’. If necessary, the officer sends requests to the Ministry of Internal Affairs, National Police, Security Service of Ukraine, appoints an interview with a person who applied for recognition as a stateless person, as well as takes other measures within his/her competence in accordance with item 26 of this Procedure.

The Ministry of Internal Affairs, the National Police, and the Security Services of Ukraine shall, in accordance with their competences, review such requests within 1 month since receiving them in order to identify persons who do not have a right for

recognition as stateless persons. Information about results of the review is sent to the SMS. Period of requests' review may be extended, but not more than for 1 month.

31. If any circumstances arise demonstrating the applicant's eligibility for a status of a refugee or a person in need of complementary protection (according the law of Ukraine 'On refugees and persons in need of complementary or temporary protection') during the procedure of recognition as a stateless person, this information shall be provided in writing to the applicant with a proposal to apply for recognition as a refugee or a person in need of complementary protection.

If the applicant agrees to submit an asylum application, an authorized person of the SMS shall suspend review of the application for recognition as a stateless person until the completion of a review of an asylum application.

In this case, the applicant returns the certificate of application for recognition as a stateless to a territorial body / territorial unit of the SMS at a place of filing the application after receiving an asylum-seeker certificate. Lawfulness of the applicant's stay in the territory of Ukraine during the asylum procedure will be confirmed by an asylum-seeker certificate.

Depending on the outcomes of the asylum application's review, authorized person of the SMS shall renew or cease a review of application for recognition as a stateless person.

32. If any circumstances arise demonstrating applicant's eligibility for Ukrainian citizenship (according to the law of Ukraine 'On the citizenship of Ukraine') during the procedure of recognition as a stateless person, review of the application on recognition as stateless person shall be suspended until completion of verification of Ukrainian citizenship.

To verify applicant's eligibility for Ukrainian citizenship, a request with copies of case materials is sent to the structural unit of the SMS for citizenship issues. Verification of the information specified in the request is carried out within a month since the day of

receipt of the request. Information on results of the verification is sent to the structural unit of the SMS. Verification period may be extended, but not more than for 1 month.

For the period of verification of applicant's eligibility for Ukrainian citizenship, the lawfulness of a person's stay in the territory of Ukraine is confirmed by a certificate of application for recognition as a stateless person, which remains with the applicant until the verification of eligibility for citizenship of Ukraine.

Depending on the outcomes of such verification the review of the application on recognition as a stateless person shall be renewed or ceased by an authorized person of the SMS.

The SMS authorized person decides to cease review of the application for recognition as a stateless person when the applicant's eligibility for Ukrainian citizenship is confirmed. In another case the SMS decides to renew the review of his/her application for recognition as a stateless person.

33. If it is impossible to identify a person, the identity setting procedure is carried out in accordance with the requirements of article 10 (1(2)) of the law of Ukraine 'On the Unified State Demographic Register and documents confirming citizenship of Ukraine, identifying a person or his/her special status'.

34. The decision on recognition as a stateless person is made by an authorized person of the SMS based on the results of identification of a person / or identity setting, verification of submitted documents and absence of grounds for refusal in recognition as a stateless person. The decision is based on the substantiated conclusion made by an officer of a structural unit of the SMS.

35. Decision on recognition as a stateless person or refusal in recognition as a stateless person is drawn up according to a sample form in annex 1 to this Procedure using means of the SMS information system, signed by a qualified electronic signature of an authorized person of the SMS. The decision is signed in a paper form by an authorized

person of the SMS, certified by the stamp of the SMS and attached to a case file on recognition as a stateless person.

Officer of a territorial body / territorial unit of the SMS who accepted the application creates a paper copy of an electronic decision on recognition as a stateless person by printing it out from the SMS information system. He/she certifies it with the stamp of a territorial body / territorial unit of the SMS and hands it out to the stateless person or his/her legal representative. The receiver should sign a form confirming receiving of the decision.

This document signed by the applicant or his/her legal representative is scanned and added to the application by an officer of a territorial body / territorial unit of the SMS using means of the SMS information system.

Decision on refusal in recognition as a stateless person after signing by an authorized person of the SMS is scanned and added to the application by an officer of a structural unit of the SMS using means of the SMS information system and sent to the person according to item 45 of this Procedure.

36. After a decision on recognition or refusal in recognition as a stateless person is made, case materials on the application for recognition as a stateless person are returned to a territorial body / territorial unit of the SMS at the place of application. Case materials shall be stored for 75 years.

37. In case of loss or abduction of a decision on recognition as a stateless person, the applicant receives a certified copy of such a decision upon his/her written request, based on a verification procedure.

38. After a decision on recognition or refusal in recognition as a stateless person is made, in case there are new circumstances those are essential for reviewing a decision on recognition or refusal in recognition as a stateless person, an officer of a structural unit of the SMS sends new requests prescribed by items 26 and 30 of this Procedure.

In case of confirmation of such circumstances, the previous decision is subject to review and is invalid, and a new procedure of recognition as a stateless person is carried out, taking into account the submitted documents and newly discovered circumstances.

39. A person, having received a decision on recognition as a stateless person, is obliged to apply to a territorial body / territorial unit of the SMS within 10 days for a temporary residence permit.

A person who has not applied for a temporary residence permit within the period specified in subitem 39(1), is considered to be unlawfully staying in the territory of Ukraine.

Issuance of a certificate on application for recognition as a stateless person

40. After accepting documents and application on recognition as a stateless person, an officer of a territorial body / territorial unit of the SMS shall take measures to issue a certificate on application for recognition as a stateless person.

41. Certificate on application for recognition as a stateless person is issued according to a sample form established by the CoM's Resolution no. 317 of 24 March 2021. The certificate is generated using means of the SMS information system and issued for a period of 6 months. The certificate confirms applicant's lawful temporary stay for the period of review of such an application.

In the case provided for in subitem 5(2) of this Resolution, a decision to prolong a certificate on application for recognition as a stateless person shall be made together with a decision to extend the period of application review to 12 months.

In the case provided for in subitem 46(2) of this Resolution, a decision to prolong a certificate on application for recognition of a stateless person is made on the basis of his/her application and confirmation that a person submitted an appeal to a decision on refusal of recognition as a stateless person.

42. In case a person loses a certificate on application for recognition as a stateless person, a duplicate of such certificate is issued to him/her upon his/her written request, following verification procedure.

43. Certificate on application for recognition as a stateless person shall be issued for the first time to a person or his / her legal representative on the day of receipt of the application for recognition as a stateless person.

In the future, during renewing of a certificate or issuing its duplicate in case of loss, a verification procedure is required.

Grounds for refusal in recognition as a stateless person

44. Authorized person of the SMS shall make a decision on refusal in recognition as a stateless person, in the following cases:

- 1) if the applicant is a citizen of Ukraine or another state, provided that his/her citizenship was recognized by the competent authority of this state and the applicant was documented according to this State's legislation;
- 2) if the applicant knowingly submitted invalid (except for documents which became invalid due to their expiration), forged documents or provided untruthful information in regard to the circumstances that have impact on recognition as a stateless person;
- 3) if the applicant had committed a crime against peace, war crime or a crime against humanity as defined in international acts developed with a view to prevent such crimes or committed a grievous non-political crime outside the country of his/her residence prior to his/her admission to this country or is guilty in commission of acts contrary to the purposes and principles of the United Nations.

45. The State Migration Service structural unit shall forward the notification of refusal in recognition as a stateless person including grounds for the refusal provided by the law of Ukraine 'On legal status of foreigners and stateless persons' and clarification of the appeal procedure to the applicant or his/her legal representative within 3 working

days after the adoption of such decision. It also should explain to the applicant his/her right to free legal aid during the appeal procedure.

46. The decision on refusal of recognition as a stateless person can be appealed by the applicant or his/her legal representative to the administrative court within 20 working days from the day of receiving notification on refusal in recognition as a stateless person.

In case the applicant has exercised his/her right to appeal, the SMS on the basis of a written application of such person or his/her legal representative shall extend his/her certificate on application for recognition as a stateless person, for 6 months at a time for the period until the final review of his/her application.

47. In case the applicant has not exercised his/her right to appeal, the State Migration Service shall withdraw from him/her the certificate on application for recognition as a stateless person, return to him/her originals of the documents attached to the application on recognition as a stateless person (if any), and make a decision on voluntary or forcible return or on forcible expulsion.

Grounds for cancelation of the decision on recognition as a stateless person

48. Decision on recognition as a stateless person is cancelled by the SMS on the grounds specified in item 44 of this Procedure.

Decision to cancel a decision on recognition as a stateless person shall be made by an authorized person of the SMS within 10 days since the moment when the grounds for cancelation of such decision became known.

The State Migration Service structural unit shall forward a notification of cancellation of the decision on recognition as a stateless person including grounds for cancellation under the law of Ukraine ‘On legal status of foreigners and stateless persons’ and clarification of the appeal procedure to the applicant or his/her legal representative within 3 working days after such decision was made. The decision on cancellation of

the decision on recognition as a stateless person can be appealed to the administrative court within 20 working days since the day of receiving the notification of cancellation of the decision on recognition as a stateless person by the applicant.

If a person, in whose regard the decision on cancellation of the decision on recognition as a stateless person was made, has exercised his/her right to appeal the State Migration Service shall not withdraw his/her permit for temporary or permanent residence and a certificate of a stateless person for traveling abroad (if any) until the final decision on cancellation of the decision on recognition as a stateless person is made, if such a person does not have documents certifying citizenship of Ukraine or citizenship of another state.

If a person, in whose regard the decision on cancellation of the decision on recognition as a stateless person was made, has not exercised his/her right to appeal, the State Migration Service shall withdraw his/her permit for temporary or permanent residence and a certificate of a stateless person for traveling abroad (if any) which had been obtained under the decision on recognition as a stateless person, and make a decision on voluntary or forcible return or on forcible expulsion.

Annex 1 to the Procedure for Consideration of Applications
for Recognition as a Stateless Person

The State Migration Service of Ukraine

**Decision
on recognition as a stateless person**

(date of decision)

No

Photo

Issued to:

Surname	
Name	
Date of birth	

In accordance with Article 6¹ of the law of Ukraine ‘On legal status of foreigners and stateless persons’ he/she is recognized as a stateless person.

/is refused in recognition as a stateless person due to para ___ of Article 6¹(3) of the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” (cross the unnecessary part).

Along with him (her) his / her minor children are recognized as stateless persons:

- 1.
- 2.

Authorized person of the SMS

(signature) (Surname, initials)

A paper copy of an electronic decision is certified:

Head of body (unit) that accepted the application for recognition as a stateless person

(signature) (Surname, initials)

Received

(signature) (Surname, initials, date)

Note. A person recognized as a stateless person is obliged to apply to a territorial body / territorial unit of the SMS for a temporary residence permit within 10 days after the receipt of the decision.

In case a person violates the established term, he / she is considered to be unlawfully staying in the territory of Ukraine.

Decision on the refusal in recognition as a stateless person may be appealed by the applicant or his/her legal representative within 20 working days since receiving a notification on the refusal.

Annex 2 to the Procedure for
Consideration of Applications for
Recognition as a Stateless Person

Act
of lineup (identification) of the person

Based on application № _____

(applicant's surname, name)

for recognition as a stateless person, due to the fact that an applicant does not have any documents with a photograph, he / she will be lined up with the help of (using) photo, when an identifier must recognize an applicant among three photos (one of which is a photo of a person who calls himself / herself)

(surname, name)

I agree to undergo a procedure of line up (identification)

(applicant's signature, surname, name)

Lineup (identification) is performed _____ (date)

(position, surname, initials of an officer who performed the procedure of lineup)

in the premises _____

(name of territorial body / territorial unit of the SMS)

with participation of an identifier _____

(surname, first name, middle name, place of residence

and ID details of an identifier)

who was warned about the necessity of giving true testimony concerning the persons in the photographs presented for lineup (identification).

Photo № 1	Photo № 2	Photo № 3
Stamp	Stamp	Stamp

2

Identifier answers a question: “Whom can you recognize in the photos?”

(summary of the answer (statement))

Note _____

I have read the act, I hereby confirm that my answer (statement) was recorded correctly

(identifier’s signature, surname, name)

_____ 20__

_____ (signature, surname, name of an officer who performed the procedure of lineup
(identification))

_____ 20__

APPROVED
by the resolution of the
Cabinet of Ministers of Ukraine no. 317
of 24 March 2021

Name of territorial body / territorial of the SMS

Application for recognition as a stateless person

Date No

I would like to be recognized as a stateless person. I report the following information about myself.		Photo
Surname		
Name		
Middle name		Signature
Date of birth		
Age		
Sex		
Place of birth		Fingerprints
Passport (if available)	Series, number, by whom and when issued	Left hand: Right hand:
Address in Ukraine		
Phone number		
E-mail address		

Previous citizenship (nationality)	
Country(ies) of previous residence	
Date of arrival in Ukraine	
Information on a spouse (if available)	
My children	1. 2. Surname, name, date of birth, citizenship
My parents	Mother (Surname, name, citizenship, date of birth, place of residence)

	Father (Surname, name, citizenship, date of birth, place of residence)
I ask to recognize my minor children as stateless persons along with me.	1. 2. Surname, name, date of birth
My close relatives who live in Ukraine	1. 2. Family relationship, surname, name, date of birth, citizenship
I would like to report the following information about myself (short autobiography).	
I attach the following documents to the application.	
The information provided by me can be confirmed by the following persons	1. 2. 3. Surname, name, place of residence, phone number
I agree that my relatives, neighbours, and other persons who can confirm the facts stated in the application may be interviewed	

I confirm the correctness of personal information provided in the application

Surname		Date	
Name		Signature	

I received the application. I confirm the correctness of the information about the applicant provided in the application (to be filled out in by an officer of a territorial body / territorial unit of the SMS in case of impossibility to confirm it with the applicant's own signature due to physical defects or illiteracy, underline the appropriate option).

Position			
Surname		Date	
Name		Signature	

I confirm the correctness of the information provided in the application about the person whom I represent (to be filled if the application is submitted by a legal representative)

Surname		Date	
Name		Signature	

An interpreter was engaged in the application process; he or she was warned about compliance with the conditions of non-disclosure of personal information

Surname	
Name	

Date	
Interpreter's signature	

or in the case of an interpreter assistance via a video conferencing system

Staff member of a territorial body / territorial unit of the SMS who engaged an interpreter			
Surname		Date	
Name		Signature	

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of 24 March 2021

Name of territorial body / territorial unit of the SMS

Certificate on application for recognition as a stateless person

Application number

Photo

Surname	
Name	
Date of birth	
Age	

This certificate confirms lawful temporary stay of a person who applied for recognition as a stateless person in the territory of Ukraine during the period of review of such application.

The certificate is valid until _____

The head of the body (unit) that received the application for recognition as a stateless person

signature

surname, initials

stamp

The certificate is prolonged until _____

The head of the body (unit) that received the application for recognition as a stateless person

signature

surname, initials

stamp

The certificate is prolonged until _____