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LAW OF UKRAINE ON IMMIGRATION

This Law regulates terms and procedures of immigration of foreign nationals and stateless persons to Ukraine.

Section I.

General

Article 1. Definitions

In this Law the following terms have the following meanings:

Immigration means entry of foreign nationals and stateless persons to Ukraine for permanent residence or continuation of their stay in Ukraine, according to legislatively established procedures;

Immigrant means a foreign national or a stateless persons, who was granted immigration permit and entered Ukraine for permanent residence or, a foreign national or a stateless persons, who stayed in Ukraine legally and was granted immigration permit and continued his/her stay in Ukraine as permanent residence;

Immigration quota means a highest possible number of foreign nationals or stateless persons, who may be granted permission for immigration within a calendar year.

Immigration permit means a decision of the specially authorised central executive body in charge of immigration and its subordinate entities, permitting immigration of a foreigner or a stateless person;

Permanent residence permit means a document, confirming the right of a foreigner or a stateless person for permanent residence in Ukraine;

Immigration visa means an entry in a passport document, confirming the right of a foreign national or a stateless person for entry to Ukraine for permanent residence;

Passport document means a document, issued by competent bodies of a foreign state or competent bodies, specialised entities or other autonomous organisations of the United Nations Organisation, that confirms nationality of a foreign national, confirms identity of a foreign national or a stateless person, grants the right to go abroad and is recognised by Ukraine;

Legal representatives mean parents, adoptive parents, fosterers, guardians, wards, representatives of entities, serving as guardians and wards.

Article 2. Immigration legislation

Immigration issues are regulated by the Constitution of Ukraine, this Law and other laws and regulations, that should not contradict to them.

If an international treaty of Ukraine, that is approved by the Verkhovna Rada of Ukraine for mandatory application, stipulates other rules, than those of this Law, the international treaty provisions should be applied.

Article 3. Legal status of an immigrant

Legal status of an immigrant in Ukraine is regulated by the Constitution of Ukraine, this Law, other laws of Ukraine and regulations, approved pursuant to these legislative acts.

Article 4. Immigration quota

Immigration permits shall be issued within the limits of immigration quota.

Immigration quota shall be set by the Cabinet of Ministers of Ukraine, according to procedures, established by the Cabinet of Ministers of Ukraine, for the following categories of immigrants:

- 1) scientists and artists, whose immigration corresponds to the interests of Ukraine;
- 2) highly skilled specialists and workers, who are in high demand in Ukrainian economy;
- 3) individuals, who have made foreign investments into the economy of Ukraine, amounting to not less than \$100 thousand (one hundred thousand US dollars), in hard currency, registered according to procedures, established by the Cabinet of Ministers of Ukraine;
- 4) individuals, who are full sisters, brothers, grandparents or grandchildren of citizens of Ukraine;
- 5) persons, who were citizens of Ukraine earlier;
- 6) parents, spouses of immigrants and their children under legal age;
- 7) individuals, who have stayed permanently at the territory of Ukraine for three years from dates of granting them refugee status or asylum in Ukraine, and their parents, spouses and children under legal age, staying with them.

Immigration permits shall be issued in excess of immigration quota to:

- 1) one of the spouses, if the second spouse, to whom the first one is married for more than two years, is a citizen of Ukraine; children and parents of citizens of Ukraine;
- 2) individuals, who are guardians or wards of citizens of Ukraine or are under guardianship/wardship of citizens of Ukraine;
- 3) individuals, who have the right to be admitted to citizenship of Ukraine by territorial origin;
- 4) individuals, whose immigration corresponds to national interests of Ukraine.

Section II

Responsibilities of Bodies in Charge of Enforcing Immigration Legislation

Article 5. Responsibilities of the Cabinet of Ministers of Ukraine

The Cabinet of Ministers of Ukraine:

- 1) establishes procedures for setting immigration quotas and sets immigration quotas for every calendar year;

- 2) establishes procedures for processing of applications for issuance of immigration permits and submissions on withdrawal of immigration permits and for enforcement of decisions made;
- 3) approves sample forms of permanent residence permit, rules and procedures for its processing and issuance.

Article 6. Responsibilities of the specially authorised central executive agency in charge of immigration and its subordinate bodies

The specially authorised central executive agency in charge of immigration and its subordinate bodies:

- 1) receive applications on issuance of immigration permits, accompanied by documents, specified in this Law, from individuals, staying in Ukraine legally;
- 2) check, whether the documents, submitted for issuance of immigration permits are duly made, check compliance with the due requirements, necessary for issuance of these permits and absence of reasons to reject issuance of these permits;
- 3) make decisions to issue immigration permits, to reject to issue immigration permits, to withdraw immigration permits and issue copies of these decisions to the persons involved;
- 4) issue and withdraw permanent residence permits in cases, stipulated by this Law;
- 5) register persons, who submitted applications on issuance of immigration permits and persons, who have been issued these permits.

Article 7. Responsibilities of diplomatic missions and consular facilities of Ukraine

Diplomatic missions and consular facilities of Ukraine:

- 1) receive applications on issuance of immigration permits, accompanied by documents, specified in this Law, from individuals, who stay permanently outside Ukraine; check, whether these documents are duly processed and transfer these documents to the specially authorised central executive agency in charge of immigration via the Ministry of Foreign Affairs of Ukraine;
- 2) issue copies of decisions to issue immigration permits or to reject to issue immigration permits to the persons involved;
- 3) issue immigration visas to persons, who have been issued immigration permits.

Article 8. Responsibilities of other executive agencies in the sphere of immigration

The central executive agency in charge of labour and social policy annually approves the list of professions and requirements to skills of specialists and workers, demand for whose services may be met by immigration.

The central executive agency in charge of public health approves the list of infections, carriers of which shall be rejected granting of immigration permits.

Other executive bodies ensure enforcement of immigration legislation in their respective spheres of jurisdiction.

Section III

Issuance of Immigration Permits and Permanent Residence Permits

Article 9. Submission of applications on issuance of immigration permits

Applications on issuance of immigration permits shall be sent:

- 1) by persons, who stay permanently outside Ukraine - to diplomatic missions and consular facilities of Ukraine abroad in places of their permanent residence;
- 2) by persons, who stay in Ukraine legally - to bodies of the specially authorised central executive agency in charge of immigration in places of their residence.

An applicant shall submit his/her application on issuance of immigration permit personally to a relevant governmental body. In the case of serious reasons, preventing a personal submission (a disease of an applicant, a natural disaster, etc.) the application may be also sent by mail or submitted by another person, provided a notary-certified request of the applicant.

In the case of persons under legal age and adults, who have been declared legally incompetent according to established procedures, applications on issuance of immigration permits, shall be submitted by their legal representatives on behalf of these persons.

If only one of two parents is immigrating, accompanied by children under legal age, he/she is obliged to submit a notary-certified statement of another spouse, that he/she does not object to immigration of children with their father/mother. In the case of failure to submit such a consent, the above father/mother is obliged to submit a decision of a competent governmental body on stay of the children in question with their father/mother. The above decision shall be legalised by a consular facility of Ukraine unless other provisions are stipulated by an international agreement of Ukraine.

An application on issuance of immigration permit shall be accompanied by the following documents:

- 1) three photos;
- 2) a copy of ID document;
- 3) a document on a place of residence of the applicant;
- 4) information on composition of the applicant's family, a copy of marriage certificate (if the applicant is married);
- 5) a document, certifying that the applicant does not suffer chronic alcoholism, substance abuse or infections, referred to in the list of the central executive agency in charge of public health.

Requirements of Clause 5 do not apply to persons, referred to in Clauses 1, 3 of Part 3 of Article 4 of this Law.

Besides the above documents, the following documents shall be also submitted:

- 1) for persons, referred to in Clause 1 of Part 2 of Article 4 of this Law - a document, confirming support of their application by a central executive body of Ukraine;

- 2) for persons, referred to in Clause 2 of Part 2 of Article 4 of this Law - copies of documents, certifying that skills of a specialist of a worker comply with requirements of the list, approved by a central executive agency in charge of labour and social policies;
- 3) for persons, referred to in Clause 3 of Part 2 of Article 4 of this Law - a copy of a document on state registration of a foreign investment into the Ukrainian economy, in hard currency, amounting to not less than \$100 thousand (one hundred thousands US dollars);
- 4) for persons, referred to in Clause 4 of Part 2 and Clause 1 of Part 3 of Article 4 of this Law - copies of documents, confirming their family ties with a citizen of Ukraine;
- 5) for persons, referred to in Clause 5 of Part 3 of Article 4 of this Law - a document, confirming their prior citizenship of Ukraine;
- 6) for persons, referred to in Clause 6 of Part 2 of Article 4 of this Law - copies of documents, confirming their family ties with an immigrant and a document, confirming that the immigrant has no objections to their immigration and guarantees them finance support not lower than the subsistence income, officially set in Ukraine;
- 7) for persons, referred to in Clause 7 of Part 2 of Article 4 of this Law - a copy of a document, confirming that a person was granted refugee status or asylum in Ukraine as well as a document, confirming the fact of permanent legal residence of the person at the territory of Ukraine for three years after being granted refugee status or asylum in Ukraine;
- 8) for persons, referred to in Clause 2 of Part 3 of Article 4 of this Law - copies of documents on appointing them as guardians or wards of citizens of Ukraine or documents on appointing a citizen of Ukraine as their guardian/ward;
- 9) for persons, referred to in Clause 3 of Part 3 of Article 4 of this Law - documents, confirming that at least one of their parents, a grandfather or a grandmother, a full brother/sister were born or stayed permanently before July 16, 1990 at a territory, that was incorporated into the territory of Ukraine pursuant to Article 5 of Law of Ukraine "On Legal Succession of Ukraine", as well as at other territories, that were incorporated into territories of the Ukrainian Peoples Republic, the Western Ukraine Peoples Republic, the Ukrainian State, the Ukrainian Socialist Soviet Republic, Transcarpatian Ukraine, the Ukrainian Soviet Socialist Republic (UkrSSR);
- 10) for persons, referred to in Clause 4 of Part 3 of Article 4 of this Law - a submission of a central executive body of Ukraine, that immigration of a given person corresponds to national interests of Ukraine.

Persons, who stay permanently outside Ukraine, except those persons, who are listed in Clauses 1, 3 of Part 3 of Article 4 of this Law, shall submit, with their application on granting immigration permits, certificates on absence of prior criminal convictions.

If the legislation of Ukraine stipulates payment of state duties or consular fees for actions, associated with issuance of immigration permits, an application on issuance of immigration permit shall be accompanied by a document, confirming relevant payments.

If an applicant fails to submit all the necessary documents, his/her application for issuance of immigration permit shall not be taken for processing.

The term of review of an application on issuance of immigration permit shall not exceed one year from a date of its submissions.

Article 10. Reasons to reject issuance of immigration permits

Immigration permits shall not be issued to:

- 1) persons, who were sentenced to imprisonment for more than one year for acts, that are considered as crimes by the due legislation of Ukraine, unless their convictions were cancelled and lifted according to legislatively established procedures;
- 2) persons, who committed crimes against peace, war crimes or crimes against humanity or the humankind, as these crimes are defined by the international law; or persons, who are wanted for having committed crimes, which are considered as grave crimes by the legislation of Ukraine, or persons under criminal proceeding, if preliminary investigation of their cases has not been completed yet;
- 3) persons, suffering chronic alcoholism, substance abuse or infections, incorporated into the list of the central executive agency in charge of public health;
- 4) persons, who provided patently false information in their applications on issuance of immigration permits or submitted fraudulent documents;
- 5) persons, whose entry to Ukraine is prohibited by law;
- 6) in other cases, stipulated by laws of Ukraine.

Provisions of Clauses 1, 3 are not applicable to persons, referred to in Clauses 1, 3 of Part 3 of Article 4 of this Law.

Article 11. Procedures of entry of immigrants to Ukraine and issuance of permits for permanent residence

A persons, who stays outside Ukraine permanently and has been granted immigration permit, shall be issued an immigration visa by a diplomatic mission or a consular facility of Ukraine, at his/her request. The visa is in force for 1 year after its issuance. The above person enters territory of Ukraine, according to procedures, established by the due legislation of Ukraine.

After arrival of an immigrant in Ukraine, he/she is obliged, within five working days, to apply for issuance of a permanent residence permit to a body of the specially authorised central executive agency in charge of immigration in a place of his/her residence. The application shall be accompanied by a copy of his/her passport document (containing the immigration visa) and a copy of decision on issuance of immigration permit.

A body of the specially authorised central executive agency in charge of immigration shall issue a permanent residence permit to an immigrant within one week from a date of receiving his/her application.

A person, who entered Ukraine legally and has been granted immigration permit, shall be issued permanent residence permit by a body of the specially authorised central executive agency in charge of immigration in a place of his/her residence within one week from a date of submission of his/her application

Section IV

Procedures for Withdrawal of Immigration Permits, Exit from Ukraine and Deportation from Ukraine

Article 12. Reasons for cancellation of immigration permits

An immigration permit may be cancelled by a body of issuance, if:

- 1) it is found, that an immigration permit was issued due to submission of patently false information, altered/forged documents or invalid documents;
- 2) an immigrant was sentenced to imprisonment for more than one year by a court of law of Ukraine and the court sentence entered into force;
- 3) actions of an immigrant endanger the national security of Ukraine, the due public order of Ukraine;
- 4) it is necessary for protection of health, rights and legitimate interests of citizens of Ukraine;
- 5) an immigrant violated legislation on legal status of foreign nationals and stateless persons;
- 6) in other cases, stipulated by laws of Ukraine.

Article 13. Withdrawal of permanent residence permits, exit from Ukraine and deportation from Ukraine

A body of the specially authorised central executive agency in charge of immigration in a place of residence of a person, with respect to whom a decision on cancellation of his/her immigration permit was taken, shall send a copy of the decision to the person and withdraw his/her permanent residence permit not later than within one week from the date of reception of the decision.

A persons, with respect to whom a decision on cancellation of his/her immigration permit was taken, is obliged to depart from Ukraine within one month from the date of reception of a copy of the decision.

If the immigrant failed to depart from Ukraine within this period of time, he/she shall be deported, according to procedures, stipulated by the due legislation of Ukraine. In the case of cancellation of immigration permit of a person, who had refugee status in Ukraine prior to issuance of the immigration permit, the person cannot be expelled or deported by force to a country, where his/her life or freedom would be endangered on reasons of his/her race, ethnic origin, religion, nationality (citizenship), social group or political views.

If a person appealed to a court of law against a decision on cancellation of his/her immigration permit, decision on his/her deportation shall not be taken prior to effective date of a relevant court ruling.

If immigration permits are cancelled and permanent residence permits are withdrawn in connection with imprisonment sentences, made by courts of law, relevant persons shall depart from Ukraine within one month after completion of their sentences.

If a person, whose application for immigration permit was rejected, has lost all other legitimate grounds for stay in Ukraine in the course of processing of his/her application, he/she shall be a subject of requirements of Parts 2 - 4 of this Article.

Article 14. Repeated application for issuance of immigration permit

A persons may submit a repeated application for issuance of immigration permit not earlier than after expiration of one year from the date of a previous decision on rejection to issue immigration permit or cancellation of the permit.

Article 15. Appeals against decisions on immigration matters, actions or failures to act of governmental bodies, officers and officials

Actions or failures to act of officers and officials, who fail to comply with established procedures and terms of processing application on issuance of immigration permits, decisions of the specially authorised central executive agency in charge of immigration and its subordinate bodies, may be appealed against in a court of law, according to established procedures.

Section V

Finalising Provisions

1. This Law shall enter into force after one months from the date of its publications.
2. The Cabinet of Ministers of Ukraine, within two months from the effective date of this Law, shall:
 - develop and submit its proposals on harmonisation of legislative acts of Ukraine with this Law for review of the Verkhovna Rada of Ukraine;
 - approve laws and regulations, necessary for implementation of this Law;
 - harmonise its legislative acts with this Law;
 - ensure harmonisation of legislative acts of central executive agencies of Ukraine with this Law.
3. To recommend the President of Ukraine to identify a central executive agency to be authorised to fulfil functions of the specially authorised central executive agency in charge of immigration, and to harmonise his legislative acts with this Law.
4. To define, that the following persons have been permitted to immigrate to Ukraine:
 - foreign nationals and stateless persons, who entered Ukraine for permanent residence prior to effective date of this Law, if their passports of citizens of the former USSR (standard of 1974) contain propiska (residence registration) entries or if they have been already granted permits for permanent residence in Ukraine;
 - foreign nationals and stateless persons, who were forced to leave their places of permanent residence of the Autonomous Republic of Abkhasia (Georgia), entered Ukraine, were granted temporary certificates according to established procedures, stayed in Ukraine for not less that five years and applied for issuance of permits for permanent residence in Ukraine, within six month from the effective date of this Law;
 - foreign nationals and stateless persons, who entered Ukraine before March 6, 1998, according to the Agreement between the Government of the Socialist Republic of Vietnam and the Government of the USSR on Sending and Receiving Citizens of Vietnam for Their Professional Education and Employment in Facilities and Organisations of the USSR of April 2, 1981, continued their residence in Ukraine and applied for issuance of permits for permanent residence in Ukraine, within six month from the effective date of this Law;
 - foreign nationals and stateless persons, who entered Ukraine as orphan children in connection with military conflicts in places of their permanent residence and were/are

raised in state childcare facilities or family-type orphanages, or were/are under guardianship/wardship of citizens of Ukraine.

Persons, referred to in Clause 4 of the Finalising Provisions, shall be issued permanent residence permits, based on their applications or applications of their legal representatives without processing immigration permits. These persons are subjects to Articles 12 - 15 of this Law.

The President of Ukraine

L.Kuchma

Kyiv

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