

**LAW OF UKRAINE ON  
LEGAL STATUS OF FOREIGNERS AND STATELESS PEOPLE**

*(Date of Entry into Force: # 3930-XII (3930-12) of February 04, 1994;*

*(Changed and amended according to Laws of Ukraine*

*#1807-III of June 08, 2000;*

*#2247-III of January 18, 2001;*

*#177-IV (177-15) of September 26, 2002;*

*#506-IV (506-15) of February 06, 2003;*

*#662-IV (662-15) of April 03, 2003 - comes into force as from August 01, 2003;*

*#1277-IV (1277-15) of November 18, 2003;*

*Code of Ukraine;*

*#2747-IV (2747-15) of July 6, 2005;*

*#1014-V (1014-16) of May 11, 2007)*

*(Throughout the name and text of the Law, the words "foreigners" and "foreign nationals" in all cases shall be replaced with the words "foreigners and stateless people" and "foreigners" in appropriate cases respectively.)*

This Law sets up legal status, establishes main rights, freedoms and duties of foreign citizens and persons without citizenship, who reside or temporary stay in Ukraine, and fixes the procedure for settling questions connected with their coming into Ukraine or leaving Ukraine. *(The Preamble changed according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

**I. GENERAL PROVISIONS**

**Article 1.** Definition of Terms

'Foreigner' shall be understood as an individual not being a citizen of Ukraine and being a citizen (subject) of another state or states.

'Stateless person' shall be understood as an individual, which is not deemed a citizen by any state in accordance with its legislation.

'Passport document' shall be understood as a national passport or a substituting document.

*(Article 1 in the wording of Law of Ukraine #506-IV (506-15) of February 06, 2003)*

**Article 2.** Grounds for Legal Status for Foreigners and Stateless People

Foreigners and stateless people have the same rights and freedoms, and fulfill the same duties as the citizens of Ukraine, if different is not provided by the Constitution, this and other Laws of Ukraine, and also the international agreements of Ukraine.

Foreigners and stateless people shall be legally equal, regardless their origin, social and property status, race and nationality, sex, spoken language, religion, occupation, other circumstances.

Where a foreign state provides for limits as to the realization of rights and freedoms for the citizens of Ukraine, the Cabinet of Ministers of Ukraine may take a decision for establishing the same order as to rights and freedoms for citizens of this country on the territory of Ukraine. This decision shall come into force when it is published. It may be cancelled, provided the grounds for taking such decision are liquidated.

Realization of the rights and freedoms by foreigners and stateless people shall not cause damage to the Ukrainian national interests, freedoms and legal interests of the Ukrainian citizens, and other persons residing in Ukraine.

Foreigners and stateless people shall respect and follow the Ukrainian constitution and laws, respect the traditions and customs of the Ukrainian people.

**Article 3.** Immigration and Temporary Residence for Foreigners and stateless people

Following the established procedure, foreigner may immigrate to Ukraine for permanent residence, or to arrive for employment for a set up term, and also temporary stay on the Ukrainian territory. *(The Paragraph changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*  
*(Paragraph 2 deleted according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

Foreigners and stateless people, who immigrated as permanent residents or arrived for temporary employees, shall receive certificates for permanent or temporary residence, respectively. *(Paragraph 3 changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

Procedure for giving a permit for immigration, and also certificates for permanent residence, and settling other questions connected with immigration of foreigners and stateless people is set up by the Law of Ukraine on immigration. *(Paragraph 4 changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

Foreigners and stateless people, who stay in Ukraine according to other legal ground, shall be considered as those temporary staying in Ukraine. They shall, following the procedure established by the Cabinet of Ministers of Ukraine, register their passport documents, which substitute passports, and leave Ukraine when the term of straying expires. *(Paragraph 5 changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

Provided foreigners and stateless people, who temporary stay in Ukraine, move to another place of residence, they shall inform on this the internal affairs organs, which registered their passport documents. *(Paragraph 6 changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

**Article 4.** Offering Refuge

In accordance with the Ukrainian legislation foreigners and stateless people may be given refuge.

**Article 5.** Granting the Refugee Status

Under the Law of Ukraine "On Refugees": *(2557-14)*, foreigners and stateless people can be vested with the status of a refugee in Ukraine. *(The Article in the wording of Law of Ukraine #177-IV (177-15) of September 26, 2002)*

**Article 6.** Receiving Ukrainian Citizenship

According to the Ukrainian Constitution and Law " On Ukrainian Citizenship" *(1636-12)* , foreigners and stateless people may receive the Ukrainian citizenship.

**II. MAIN RIGHTS, FREEDOMS AND DUTIES FOR FOREIGNERS AND STATELESS PEOPLE**

**Article 7.** Right for Investment and Business Activities

Foreigners and stateless people have the right for investment, foreign economic and other business activities in Ukraine, as provided by the Ukrainian legislation. At this they have the same rights and duties as the Ukrainian citizens, where different is not provided by the Ukrainian Constitution and laws.

**Article 8. Right for Labor Activities**

Foreigners and stateless people have equal with the Ukrainian citizens rights and duties in labor relations, if different is not provided by the Ukrainian legislation and the international agreements of Ukraine.

Foreigners and stateless people, who permanently reside in Ukraine and vested with the status of a refugee in Ukraine, have the right to work at enterprises, establishments and organizations, or be involved in other labor activities on the basis and according to the procedure, established for the Ukrainian citizens. *(The Paragraph changed and amended according to Law of Ukraine #177-IV (177-15) of September 26, 2002)*

Foreigners and stateless people, who arrived to Ukraine as temporary employees, may change labor activities in accordance with the duly received permit for employment. Foreigners and stateless people hired by an investor within limits and for positions (specialities) specified by the product sharing agreement shall be employed without obtaining an employment permit. *(The Paragraph changed and amended according to Law of Ukraine #1807-III of June 08, 2000; #506-IV (506-15) of February 06, 2003)*

Foreigners and stateless people cannot be nominated for the posts, or undertake some labor activities, where the Ukrainian legislation provides for these posts or labor activities be connected with activities relating to the Ukrainian citizenship.

**Article 9. Right for Rest**

Foreigners and stateless people have the right for rest equally to the Ukrainian citizens.

**Article 10. Right for Health Protection**

Foreigners and stateless people, permanently residing in Ukraine and vested with the status of a refugee in Ukraine, may use medical aid equally to the Ukrainian citizens. *(The Paragraph changed and amended according to Law of Ukraine #177-IV (177-15) of September 26, 2002)*

All other foreigners and stateless people shall receive medical aid according to the procedure, set up by the Cabinet of Ministers of Ukraine.

**Article 11. Right for Social Protection**

Foreigners and stateless people have the right for social protection, including getting pensions and other types of social assistance, as provided by the Ukrainian legislation and the international agreements of Ukraine.

Where there is required a certain length of service for a foreigner to receive pension, his length of service abroad may be taken into account in keeping with the ground and the procedure set up by the Ukrainian legislation and the international agreements of Ukraine.

**Article 12. Right for Housing**

Foreigners and stateless people, who permanently reside in Ukraine, have the right for receiving residential premises on the grounds and according to the procedure valid for the Ukrainian citizens, if different is not provided by the Ukrainian legislation.

Foreigners and stateless people receive the right for property for residential premises in accordance with the Ukrainian legislation.

Foreigners and stateless people shall follow the regulations for use of the residential premises.

**Article 13. Property and Personal Non-Property Rights**

Foreigners and stateless people may, in keeping with the Ukrainian legislation, own property, inherit and will it, and also have personal non-property rights.

**Article 14. Right for Education**

Foreigners and stateless people, who permanently reside in Ukraine and vested with the status of a refugee in Ukraine, have the right for education equally to the Ukrainian citizens. *(The Paragraph changed and amended according to Law of Ukraine #177-IV (177-15) of September 26, 2002)*

All other foreigners and stateless people shall pay for education, if different is not provided by the Ukrainian legislation and the international agreements of Ukraine.

Foreigners and stateless people, accepted to the Ukrainian educational establishments, have rights and duties of pupils and students according to the Ukrainian legislation.

**Article 15. Right for Use Cultural Achievements**

Foreigners and stateless people have the right for use of cultural achievements equally to the Ukrainian citizens, and shall treat carefully historic and cultural values.

**Article 16. Right for Participation in Public Organizations**

Foreigners and stateless people, who permanently reside in Ukraine, have the right to join, equally to the Ukrainian citizens, legal public organizations, if different is not provided by the Ukrainian laws, and where it is provided by the statutory documents of these organizations.

Foreigners and stateless people cannot be members of the Ukrainian political parties.

**Article 17. Right for Freedom of Justice**

Foreigners and stateless people shall be guaranteed the right for freedom of justice equally to the Ukrainian citizens.

There shall be prohibited promoting of religious hostility, and humiliation of religious feelings both of the Ukrainian citizens, foreigners and stateless people.

**Article 18. Rights in Marriage and Family Relations**

Foreigners and stateless people may marry and divorce Ukrainian citizens and other persons in accordance with the Ukrainian legislation.

Foreigners and stateless people have equal with the Ukrainian citizens rights and duties in marriage and family relations.

**Article 19. Guarantees of Personal Rights**

The Ukrainian legislation guarantees for foreigners and stateless people insolvency of their residential premises, non-interference into their family life, secrecy of correspondence, telephone conversations and telegraph messages, their respect as well as the Ukrainian citizens.

**Article 20. Movement on Ukrainian Territory and Choice for Place of Residence.**

Foreigners and stateless people may move on the Ukrainian territory and choose the place of residence according to the procedure, set up by the Cabinet of Ministers of Ukraine. Limitation in movement and choice for a place of residence may take place, where it is necessary for providing the security of Ukraine, protection of public order, health protection, of rights and legal interests of the Ukrainian citizens and other persons, who reside in Ukraine.

Foreigners and stateless people vested with the status of a refugee in Ukraine shall enjoy the right of movement, free choice of residence on an equal basis with the citizens of Ukraine, except for limitations imposed by the law. *(The Paragraph added to the Article according to Law of Ukraine #177-IV (177-15) of September 26, 2002)*

**Article 21. Taxation for Foreigners and Stateless People**

Foreigners and stateless people shall be liable to taxes and collections according to the Ukrainian legislation and the international agreements of Ukraine.

**Article 22. Protection of Foreigners and Stateless People' Rights**

Foreigners and stateless people have the right for applying to court or other state organs for protection of their personal, property and other rights. Foreigners and stateless people shall enjoy equal to the Ukrainian citizens rights in the court procedures.

**Article 23. Relation to Elections and Referendums**

Foreigners and stateless people can not elect or be elected to the state power organs and self-governing bodies, and also take part in referendums.

**Article 24. Relation to Military Duty**

*(The name of the Article with changes according to the Law of Ukraine # 1014-V (1014-16) of 11 May, 2007)*

Foreigners and stateless people shall not be effected by military duty, they do not serve in the Ukrainian Armed Forces and other military divisions formed according to the Ukrainian legislation. *(The Paragraph changed and amended according to Law of Ukraine # 1014-V(1014-16) of 11 May, 2007)*

**III. COMING TO UKRAINE AND LEAVING UKRAINE**

**Article 25. Coming to Ukraine**

Foreigners and stateless people may come to Ukraine, provided they have valid passport documents. This also provides for foreigners and stateless people shall obtain entrance visa, if different is not provided by the Ukrainian legislation. *(The Paragraph changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

Entrance to Ukraine for a foreigner shall be prohibited

- in the interests of the Ukraine's national security, or protection of public order;
- where it is needed for the health protection, protection of rights and legal interests of the Ukrainian citizens and other persons residing in Ukraine;
- where the procedure for applying the entrance into Ukraine is violated a foreigner submits deliberately false information about himself, or false documents;
- provided his passport document, or visa are false, or do not meet the established norms, or belong to other person; *(The Paragraph changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*
- provided he at the border point through the Ukraine state border violates the regulations for crossing the Ukrainian customs border, customs regulations, sanitary norms or rules, does not fulfill legal demands of the officials of the State Boundary Service of Ukraine, customs or other organs, which exercise control at the state border; *(The Paragraph changed and amended according to Law of Ukraine #662-IV (662-15) of April 03, 2003 - comes into force as from August 01, 2003)*
- provided there are established facts that he violated the Ukrainian legislation during his previous stay in Ukraine.

**Article 26. Leaving Ukraine**

Foreigners and stateless people shall leave Ukraine, provided they have valid passport documents. *(The Paragraph changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

Foreigners and stateless people vested with the status of a refugee in Ukraine shall enjoy the right to leave the territory of Ukraine on an equal basis with

the citizens of Ukraine, except for limitations imposed by the law. (*The Paragraph added to the Article according to Law of Ukraine #177-IV (177-15) of September 26, 2002*)

Exit from Ukraine for a foreigner shall be prohibited, provided he is involved in investigation, or under criminal court procedure - until the case is finished;

he is found guilty in a crime - until the term is served, or terminated;

his exit contradicts to the interests of the Ukraine's security - until the circumstances preventing from exit are removed.

Exit from Ukraine for a foreigner cannot be postponed because of property rights before physical and legal persons in Ukraine.

**Article 27. Transit through Ukrainian Territory**

Transit of foreigners and stateless people through the Ukrainian territory shall be allowed, provided there are transit visas, if different is not provided by the Ukrainian legislation.

**Article 28. Regulations for Entrance to Ukraine, Exit from Ukraine**

Regulations for entrance to Ukraine for foreigners and stateless people, their exit from Ukraine, and their transit through the Ukrainian territory shall be set up in accordance with this Law by the Cabinet of Ministers of Ukraine, and shall be published.

**IV. RESPONSIBILITIES FOR FOREIGNERS AND STATELESS PEOPLE**

**Article 29. Grounds for Responsibilities for Legal Violations**

Foreigners and stateless people, who caused damage, administrative or other legal violations, shall be responsible on the commonly accepted grounds.

**Article 30. Responsibility for Violation of Order for Staying in Ukraine, Transit through Ukraine**

For violations of the order for staying in Ukraine, which means residence without documents for residence in Ukraine, or residence with illegal documents, violations of the established procedure for registration or re-registration, or moving to another place of residence, work, staying in Ukraine after the term for his staying in the country expires, and also for violations of the Regulations for transit through Ukraine, foreigners and stateless people shall be subject to measures in accordance with the Ukrainian legislation.

**Article 31. Reducing Term of Temporary Stay in Ukraine**

A foreigner, who violates the Ukrainian legislation, where these violations provide for administrative or criminal responsibility, may become subject for whom the term of his stay in Ukraine is reduced.

This term may be also reduced, where a foreigner does not have further grounds to stay in Ukraine longer.

The decision on reduction of the term of temporary stay of a foreigner in Ukraine shall be taken by the internal affairs organs, State Boundary Service of Ukraine. (*The Paragraph changed and amended according to Law of Ukraine #662-IV (662-15) of April 03, 2003 - comes into force as from August 01, 2003*)

**Article 32. Expulsion from Ukraine**

A foreigner, who committed a crime or an administrative infraction, may be expelled from Ukraine after having served the sentence or the enforcement of the administrative punishment. The decision to expel such A foreigner from Ukraine after his having served the sentence or after the enforcement of the administrative punishment shall be made by an internal affairs body at the place of his stay with subsequent notification of the public prosecutor of the grounds for such a decision within 24 hours. By decision of the internal affairs body,

the expulsion of A foreigner from Ukraine may be accompanied with a prohibition of the entry to Ukraine for a period up to five years. The duration of the prohibition of the entry to Ukraine shall be calculated from the date of the said decision. The procedure of the enforcement of the decision to prohibit entry to Ukraine shall be specified by the legislation of Ukraine.

In addition to cases covered by part one hereof, a foreigner may be expelled from Ukraine by decision of bodies of internal affairs, state border protection agencies (in respect of individuals detained within the controlled border areas on an attempt or after the illegal crossing of the state border into Ukraine) or the Security Service of Ukraine with the subsequent notification of the public prosecutor of the grounds for such a decision within 24 hours, if the actions of the alien gravely violate the alien status legislation or contradict interests of the security of Ukraine or the protection of the public order, or if it is necessary to protect the health, rights and legitimate interests of citizens of Ukraine. *(The Paragraph changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003; #662-IV (662-15) of April 03, 2003 - comes into force as from August 01, 2003)*

Foreigner or a stateless person must leave the territory of Ukraine within the time frame indicated in the decision to deport. In case of a decision to deport an alien or a stateless person from Ukraine, the visa shall be annulled in his passport document and the documents entitling him to stay in Ukraine shall be seized immediately. *(The Paragraph in the wording of Law of Ukraine #506-IV (506-15) of February 06, 2003)*

Foreigner or a stateless person may be granted time up to 30 days to leave Ukraine after the said decision has been made. *(The Paragraph added to the Article according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

An internal affairs agency or a state border protection agency may detain and forcibly expel from Ukraine a foreigner or a stateless individual solely on the basis of a resolution of an administrative court. Such a resolution shall be issued by the court on the basis of a petition of an internal affairs agency, a state border protection agency, or the Security Service of Ukraine, if a foreigner or a stateless individual evade leaving the country after a decision has been made to expel or if there are reasonable grounds to believe that they will evade leaving. *(Paragraph 5 added to the Article according to Law of Ukraine #506-IV (506-15) of February 06, 2003; in the wording of Code of Ukraine #2747-IV (2747-15) of July 6, 2005)*

Aliens and stateless individuals detained because of the illegal stay on the territory of Ukraine (contrary to a prohibition to enter Ukraine, lacking the grounds for the stay in Ukraine (the transit passage across its territory) envisaged by the legislation and international treaties of Ukraine, including the stay on the basis of a visa (permit), passport document, which belongs to other people, is counterfeit or spoiled, or fails to meet the prescribed specimen) shall be accommodated in the temporary stay centres for aliens and stateless individuals staying in Ukraine illegally with the regulated in-house rules for a period required to prepare their compulsory deportation from Ukraine, but not more than six months. *(The Paragraph 6 added to the Article according to Law of Ukraine #1277-IV (1277-15) of November 18, 2003)*

A model charter of a temporary stay centre for aliens and stateless individuals staying in Ukraine illegally shall be approved by the Cabinet of Ministers of Ukraine. *(The Paragraph 7 added to the Article according to Law of Ukraine #1277-IV (1277-15) of November 18, 2003)*

A decision of internal affairs bodies, state border protection agencies or the Security Service of Ukraine to expel A foreigner from Ukraine may be disputed at a court. The fact of such dispute shall suspend the enforcement of the expulsion decision, except for cases, when the need for the immediate expulsion is justified by the interests of ensuring the security of Ukraine or the protection of the public order. *(The Paragraph changed and amended according to Law of Ukraine #506-IV (506-15) of February 06, 2003)*

Foreigners and stateless people detained within controlled border areas on an attempt or after the illegal crossing of the state border into Ukraine shall be deported by the state border protection agencies; in other cases, they shall be deported by the internal affairs agencies. The control over the correct and timely enforcement of the decision to deport shall be exercised by the agency, which has made such a decision. *(The Paragraph in the wording of Law of Ukraine #506-IV (506-15) of February 06, 2003; changed and amended according to Law of Ukraine #662-IV (662-15) of April 03, 2003 - comes into force as from August 01, 2003)*

Foreigners and stateless people to be expelled shall repay expenses related to the expulsion according to the procedure specified by law. If the said foreigners and stateless people have no funds for repaying the cost related to their expulsion from Ukraine, they shall be expelled at the expense of the state.

Individuals or legal entities, which invited or accepted such foreigners and stateless people, arranged for their illegal entry to the country, accommodated or employed them, assisted with the elusion from the departure after the expiry of the period of stay, shall repay the costs incurred by the state by the expulsion of the said foreigners and stateless people according to the procedure specified by law.

*(Article 32 in the wording of Law of Ukraine #2247-III of January 18, 2001)*

## **V. FINAL PROVISIONS**

### **Article 33. International Agreements**

Where international agreements of Ukraine provide for different norms than those under this Law, the norms of the international agreement shall be in force.

### **Article 34. Privileges and Immunities for Officials of Foreign Countries Representations**

Provisions of this Law shall not effect the privileges and immunities for the officials of the diplomatic representations and officials of the consular establishments of foreign countries in Ukraine, set up by the Ukrainian legislation.

Leonid Kravchuk, the President of Ukraine  
City of Kyiv, February 4, 1994  
#3929-XII