

**UNOFFICIAL TRANSLATION**  
**Consolidated version incorporating amendments**  
**introduced by the law of 16 June 2005**

**LAW OF UKRAINE**  
**ON THE CITIZENSHIP OF UKRAINE**

Pursuant to the Constitution of Ukraine, this Law shall determine the legal content of the citizenship of Ukraine, grounds and procedures for its acquisition and termination, scope of powers of public authorities taking part in deciding issues on the citizenship of Ukraine, procedure for appeal against decisions taken on citizenship issues, as well as against acts or omissions of public authorities, officials or employees.

**CHAPTER 1. GENERAL PROVISIONS**

**Article 1. Definition of Terms**

For the purpose of this Law, the following terms shall apply:

- citizenship of Ukraine shall mean a legal bond between a natural person and Ukraine, which finds its expression in their mutual rights and duties;
- person shall mean a natural person;
- citizen of Ukraine shall mean a person who has acquired the citizenship of Ukraine subject to the procedure stipulated by laws of Ukraine and international treaties, Ukraine is a party to;
- alien shall mean a person who has no citizenship of Ukraine and is a citizen (national<sup>1</sup>) of another state or states;
- stateless person shall mean a person who is not considered as a citizen by any state pursuant to the effective laws of such state;
- legal representatives shall mean parents, educative parents, **adoptive parents, foster parents<sup>2</sup>**, guardians, trustees, representatives of establishments acting as guardians and trustees;
- child shall mean a person under the age of 18;
- registration of the citizenship of Ukraine shall mean making a relevant entry by the specially authorized body concerning acquisition by a person of the citizenship of Ukraine, such record shall be made in relevant registration documents;

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<sup>1</sup> **NOTE:** In this translation, the words “national” or “nationality” added in brackets following “citizen” or “citizenship” are used to translate the distinctive Ukrainian terms referring to citizens (nationals) in monarchies.

<sup>2</sup> Inserted by the law of 16 June 2005.

- lawful residence on the territory of Ukraine shall mean a residence in Ukraine of an alien or a stateless person who have a passport of a citizen of the former USSR (passport type of 1974) containing a record about permanent or temporary registration of their residence on the territory of Ukraine, or who have registered their national passport on the territory of Ukraine, or have a permit to permanent or temporary residence on the territory of Ukraine, or were granted a refugee status or asylum in Ukraine;
- continuous residence on the territory of Ukraine shall mean a residence in Ukraine of a person, if his single departure abroad for his private business did not exceed 90 days, and in the total 180 days a year. A person's departure abroad for a business trip, training, vacations, treatment as recommended by appropriate medical establishment or a person's change of residence on the territory of Ukraine shall not be deemed as violation of the requirement concerning a continuous residence;
- obligation to terminate foreign citizenship shall mean a written declaration of an alien, stating that in the event of acquisition of the citizenship of Ukraine he will renounce the citizenship (nationality) of another state or citizenships (nationalities) of other states and, within **two years** following his acquisition of the citizenship of Ukraine, submit a document concerning termination of such citizenship (nationality) of another state or citizenships (nationalities) of other states to the body that issued him a provisional certificate of a citizen of Ukraine<sup>3</sup>;
- reason beyond control of a person for his failure to obtain a document concerning termination of his foreign citizenship shall mean failure to issue a person whose application for renunciation of the foreign citizenship (nationality) was admitted by the authorized bodies of the state of his citizenship (nationality) a document concerning termination of his foreign citizenship (nationality), within the period established under the laws of such foreign state (save for where termination of such person's citizenship (nationality) was refused or within a two years of the date of filing the above application if no such period is provided), or where the laws of such foreign state do not provide a procedure for termination of a person's citizenship on his application or such procedure is not executed, or where the cost of formal termination of a foreign citizenship (nationality) exceeds a half of the minimum wages as provided for by the laws of Ukraine at the time of the person's acquiring Ukrainian citizenship<sup>4</sup>;
- lawful breadwinners shall mean wages, returns from business activity or property, pension, stipend, alimony, welfare benefits and allowance, own financial savings or financial aid granted by family members, other natural persons or legal entities having legal incomes;
- international treaty of Ukraine shall mean any international treaty, the binding nature of which has been ratified by the Verkhovna Rada of Ukraine;
- declaration on renunciation of a foreign citizenship shall mean a document whereby an alien that has undertaken to terminate the citizenship of another state and who, for the reasons beyond his control, cannot receive a document on

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<sup>3</sup> Amended by the law of 16 June 2005.

<sup>4</sup> Amended by the law of 16 June 2005.

termination of such foreign citizenship (nationality) or foreign citizenships (nationalities) testifies to his renunciation of the citizenship (nationality) of that other state or citizenships (nationalities) of other states<sup>5</sup>;

- **a declaration on renunciation of a foreign citizenship by a person that has been granted the status of a refugee or asylum in Ukraine shall mean a document whereby the alien that has been granted the status of a refugee or asylum in Ukraine testifies to his renunciation of the citizenship (nationality) of such other state which is deemed under the Law of Ukraine 'On refugees' the state of his citizenship affiliation**<sup>6</sup>
- declaration on absence of foreign citizenship shall mean a document wherein a person notifies of his/her lack of foreign citizenship (**nationality**) or **citizenships (nationalities)**<sup>7</sup>, substantiating the reasons for such a lack;
- certificate of belonging to the citizenship of Ukraine shall mean a document evidencing the belonging of a person under the age of 16 to the citizenship of Ukraine, with indication of grounds for its acquisition;
- provisional certificate of the citizen of Ukraine shall mean a document identifying a person and evidencing his/her belonging to the citizenship of Ukraine.

## **Article 2. Principles of the Ukrainian Laws on Citizenship**

The Ukrainian laws on citizenship shall be based on the following principles:

- 1) single citizenship - citizenship of the state of Ukraine that rules out the possibility for existence of a citizenship of administrative-territorial units of Ukraine. Should a citizen of Ukraine acquire a citizenship (nationality) of another state or states, then in legal relations with Ukraine, such citizen shall be acknowledged as the citizen of Ukraine only. Should an alien acquire the citizenship of Ukraine, then in legal relations with Ukraine, he shall be acknowledged as the citizen of Ukraine only;
- 2) prevention of statelessness;
- 3) impossibility of depriving the Ukrainian citizen of the citizenship of Ukraine;
- 4) recognition of the right of the Ukrainian citizen to alter citizenship;
- 5) impossibility of automatic acquisition of the citizenship of Ukraine by an alien or a stateless person due to registration of marriage to the citizen of Ukraine or acquisition of the citizenship of Ukraine by his/her spouse and automatic termination of the citizenship of Ukraine by any of the spouses due to termination of marriage or termination of the citizenship of Ukraine by the other spouse;
- 6) equal protection of the law shall apply to the citizens of Ukraine regardless of the grounds, procedure, and the moment of acquisition of the citizenship of Ukraine;
- 7) retaining of the citizenship of Ukraine regardless of place of residence of the citizen of Ukraine.

## **Article 3. Affiliation to the Citizenship of Ukraine**

<sup>5</sup> Amended by the law of 16 June 2005.

<sup>6</sup> Inserted by the law of 16 June 2005

<sup>7</sup> Inserted by the law of 16 June 2005

Citizens of Ukraine shall be:

- 1) all citizens of the former USSR, who at the moment of declaration of independence of Ukraine (August 24, 1991), resided permanently on the territory of Ukraine;
- 2) persons, who at the moment the Law of Ukraine *On the citizenship of Ukraine* (November 13, 1991) came into force, resided in Ukraine, regardless of their race, colour of skin, political opinion, religion and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other features, and who were not citizens of other states;
- 3) persons arriving in Ukraine for permanent residence after November 13, 1991, and bearing a 1974 type passport of a citizen of the former USSR (type of 1974) wherein an inscription 'Citizen of Ukraine' has been made by a body of internal affairs of Ukraine, and, also, the children of such persons, where they accompany their parents and have not come of age on the date of their arrival in Ukraine, **in the event that such persons have applied for naturalization in Ukraine**<sup>8</sup>;
- 4) persons who acquired the citizenship of Ukraine according to the laws of Ukraine and international treaties of Ukraine.

The persons mentioned in clause 1, part one, of this Article, are considered as citizens of Ukraine since August 24, 1991, while the persons mentioned in clause 2 are considered as citizens of Ukraine since November 13, 1991, and the persons mentioned in clause 3 are considered as citizens of Ukraine from the moment of making a record concerning the citizenship of Ukraine.

#### **Article 4. Legislation on the Citizenship of Ukraine**

Any matters pertaining to the citizenship of Ukraine shall be regulated by the Constitution of Ukraine, this Law, international treaties of Ukraine.

Should the international treaty of Ukraine establish rules other than those contained herein, the rules of international treaty shall apply.

#### **Article 5. Documents Confirming Citizenship of Ukraine**

The following documents shall confirm the citizenship of Ukraine:

- 1) passport of the citizen of Ukraine;
- 2) certificate of belonging to the citizenship of Ukraine;
- 3) passport of the citizen of Ukraine for travelling abroad;
- 4) provisional certificate of the citizen of Ukraine;
- 5) travel document of a child;
- 6) diplomatic passport;
- 7) service passport;
- 8) identification card of a seaman;
- 9) identification card of a crewmember;
- 10) identification card of a person to come back to Ukraine.

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<sup>8</sup> Amended by the law of 16 June 2005.

## CHAPTER II. ACQUISITION OF THE CITIZENSHIP OF UKRAINE

### Article 6. Grounds for Acquisition of the Citizenship of Ukraine

The citizenship of Ukraine shall be acquired:

- 1) by birth;
- 2) by territorial origin;
- 3) by admission to the citizenship;
- 4) by restoration of the citizenship;
- 5) by adoption;
- 6) by establishment of guardianship or wardship for a child **or placement of the child in a childcare or healthcare institution, family children's home or adoptive family, or placement in the care of foster parent family<sup>9</sup>**;
- 7) by establishment of wardship for a person adjudged as incapable;
- 8) owing to situation when one parent is or both parents of a child are citizen(s) of Ukraine;
- 9) **by recognition of parenthood or affiliation<sup>10</sup>**;
- 10) on other grounds stipulated by international treaties of Ukraine.

### Article 7. Acquisition of the Citizenship of Ukraine by Birth

A person, one or both parents of which by the moment of his/her birth were citizens of Ukraine, shall be deemed a citizen of Ukraine.

A person born on the territory of Ukraine to stateless persons who have lawful grounds to reside on the territory of Ukraine, shall be deemed a citizen of Ukraine.

A person born outside Ukraine to stateless persons who have lawful grounds to reside on the territory of Ukraine on a permanent basis, shall be deemed a citizen of Ukraine, provided such a person did not acquire by birth a citizenship of another state.

A person born on the territory of Ukraine to aliens who have lawful grounds to reside on the territory of Ukraine ~~on a permanent basis<sup>11</sup>~~, shall be deemed a citizen of Ukraine, provided such person did not acquire by birth a citizenship of any parent.

A person born on the territory of Ukraine shall be a citizen of Ukraine provided one of parents of such person is granted a refugee status in Ukraine or an asylum in Ukraine, as well as provided such person did not acquire by birth a citizenship of any parent or acquired by birth a citizenship of the parent who is granted a refugee status in Ukraine or an asylum in Ukraine.

A person born on the territory of Ukraine to an alien and a stateless person, who have lawful grounds to reside on the territory of Ukraine ~~on a permanent basis<sup>12</sup>~~, shall be a citizen of Ukraine provided such person did not acquire by birth a citizenship of the parent who is an alien.

<sup>9</sup> Inserted by the law of 16 June 2005

<sup>10</sup> Text replaced by the law of 16 June 2005

<sup>11</sup> Deleted by the law of 16 June 2005

<sup>12</sup> Deleted by the law of 16 June 2005

A new-born child found on the territory of Ukraine shall be a citizen of Ukraine provided his/her both parents are unknown (i.e., such child is a foundling).

A person who has the right to acquire the citizenship of Ukraine by birth shall be a citizen of Ukraine from the moment of his/her birth.

### **Article 8. Acquisition of the Citizenship of Ukraine by Territorial Origin**

A person who himself or, at the least, whose parent, grandparent, sibling or half-brother (sister), son or daughter, grandson or granddaughter, was born or resided, until August 24, 1991, in the territory that later became, under Article 5 of the Law of Ukraine 'On Legal Succession of Ukraine', the territory of Ukraine, or who himself or, at the least, whose parent, grandparent, sibling or half-brother (sister), was born or permanently resided in other territories, which, at the date of their birth or during their permanent residence, formed part of either the Ukrainian People's Republic, the West Ukrainian People's Republic, the Ukrainian State, the Ukrainian Socialist Soviet Republic, the Transcarpathian Ukraine, the Ukrainian Soviet Socialist Republic, and is a stateless person or an alien who has filed an obligation to terminate foreign citizenship and an application for the citizenship of Ukraine, and, also, under-age children of such person, shall be registered as citizens of Ukraine. Aliens with multiple citizenship (nationality) shall submit an obligation to terminate all such citizenships (nationalities). Aliens that have been granted the status of a refugee or asylum in Ukraine, instead of obligation to terminate foreign citizenship, shall file a declaration of the person granted the refugee status in Ukraine or asylum in Ukraine on renunciation of his foreign citizenship<sup>13</sup>.

A child who was born or permanently resided on the territory of the UkrSSR (or at least one of his/her parents, grandparents was born or permanently resided on the territories mentioned in part one of this article) and is a stateless person **or an alien in regard of whom an obligation to terminate foreign citizenship has been undertaken**<sup>14</sup> shall be registered as citizen of Ukraine subject to the application submitted by either of his/her parents, a guardian or a ward.

A child born on the territory of Ukraine after August 24, 1991, where he has not acquired citizenship of Ukraine by birth and is a stateless person or an alien, shall be registered as a citizen of Ukraine subject to a request filed by one of his legal representatives<sup>15</sup>.

Aliens, as mentioned above in paragraphs one through three of this Article, that have filed an obligation to terminate their foreign citizenship shall be required to submit a document to this effect, issued by a competent authority of the foreign state, to the competent authority of Ukraine, within **two years** of the date of their registration as citizens of Ukraine. Where an alien is, for any reason beyond his control, unable to receive such document notwithstanding that the laws of such state entitle him thereto, he shall file a declaration of renunciation of such foreign citizenship<sup>16</sup>.

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<sup>13</sup> Amended by the law of 16 June 2005.

<sup>14</sup> Inserted by the law of 16 June 2005

<sup>15</sup> Amended by the law of 16 June 2005.

<sup>16</sup> Amended by the law of 16 June 2005.

Submission of an obligation to terminate foreign citizenship shall be required neither of the aliens who are citizens (nationals) of the states the laws of which provide an implicit cancellation of their citizenship (nationality) at the time of their acquiring the citizenship of another state, or where international treaties between Ukraine and the state of allegiance of such an alien provide a termination of such person's allegiance concurrently with the acquisition of the citizenship of Ukraine, nor of the persons who have been granted the status of a refugee or asylum in Ukraine, nor of stateless persons<sup>17</sup>.

The date of registration of a person's acquisition of the citizenship of Ukraine shall be considered as the date of acquisition of the citizenship of Ukraine in the events stipulated by this article.

A person who acquired the citizenship of Ukraine and submitted a declaration on renunciation of foreign citizenship shall return his/her foreign state's passport to the authorized bodies of this state. **The requirement to assume an obligation to surrender the passport of a foreign state shall not apply to the persons that have been granted the status of a refugee or asylum in Ukraine<sup>18</sup>.**

#### **Article 9. Admission to the Citizenship of Ukraine**

Foreigners or stateless persons can be admitted to the citizenship of Ukraine by their request.

The conditions of admission to the citizenship of Ukraine shall include:

- 1) recognition of and compliance with the Constitution and laws of Ukraine;
- 2) submission of a declaration on absence of foreign citizenship (for stateless persons) or assumption of an obligation to terminate foreign citizenship (for aliens).

Aliens with multiple citizenship (nationality) shall submit an obligation to terminate such.

Aliens that have been granted the status of a refugee or asylum in Ukraine shall file a declaration of the person with the status of a refugee or asylum in Ukraine, renouncing their foreign citizenship instead of an obligation to terminate such foreign citizenship.

Submission of an obligation to terminate foreign citizenship shall not be required of the aliens who are citizens (nationals) of the states the laws of which provide an implicit cancellation of their citizenship (nationality) at the time of their acquiring the citizenship of another state, or where international treaties between Ukraine and the state of allegiance of such an alien provide a termination of such person's allegiance concurrently with the acquisition of the citizenship of Ukraine.

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<sup>17</sup> Amended by the law of 16 June 2005.

<sup>18</sup> Inserted by the law of 16 June 2005

Aliens that have submitted an obligation to terminate their foreign citizenship shall be required to file a document to this effect issued by a competent authority of the relevant state to a competent authority of Ukraine within two years following their acquisition of the citizenship of Ukraine.

Where an alien is, for any reason beyond his control, unable to receive such document notwithstanding that the laws of such state entitle him thereto, he shall file a declaration of renunciation of such foreign citizenship<sup>19</sup>.

3) continuous residence on legal grounds on the territory of Ukraine for the previous five years.

This provision shall not apply to aliens or stateless persons who have been married to a citizen of Ukraine for over two years as well as to aliens or stateless persons who were married to citizens of Ukraine for over two years, where such marriage was terminated due to the death of respective spouse. The two-year period of marriage shall not apply to aliens or stateless persons who were granted an immigration permit pursuant to clause 1 of part three of Article 4 of the Law of Ukraine 'On immigration'<sup>20</sup>.

For persons who were granted a refugee status in Ukraine or an asylum in Ukraine, the term of continuous residence on a legal basis on the territory of Ukraine shall be established for three years from the moment when they were granted a refugee status in Ukraine or an asylum in Ukraine, and for the persons who entered Ukraine as stateless persons the said term shall be established for three years from the moment when they ~~obtained a permit to residence in Ukraine~~ **entered Ukraine**<sup>21</sup>;

4) obtaining of a permit to ~~permanent residence in Ukraine~~ **immigration**<sup>22</sup>.

This provision shall not apply to the persons who have been granted the status of a refugee or asylum in Ukraine, nor shall it apply to aliens or stateless persons that had entered Ukraine for permanent residence before the effective date of the Law of Ukraine 'On immigration' (August 7, 2001) and have in their 1974 type passports of the citizen of the former USSR a residence registration entry or received a certificate of permanent residence in Ukraine<sup>23</sup>.

5) command of a state language or its understanding within the extent sufficient for communication. This provision shall not apply to physically handicapped persons (blind, deaf, and dumb persons);

6) availability of lawful breadwinners. This provision shall not apply to the persons who were granted a refugee status in Ukraine or an asylum in Ukraine.

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<sup>19</sup> Amended by the law of 16 June 2005.

<sup>20</sup> Amended by the law of 16 June 2005.

<sup>21</sup> According to the law of 16 June 2005

<sup>22</sup> According to the law of 16 June 2005

<sup>23</sup> Amended by the law of 16 June 2005.

Provisions stipulated by clauses 3-6, part two of this article, shall not apply to persons who have made distinguished services to Ukraine or if their admission to the citizenship of Ukraine is of state interest for Ukraine.

A child shall be admitted to the citizenship of Ukraine, provided such child resides in Ukraine and either of his parents, or another person being his legal representative under the present Law and bearing a Ukrainian immigration permit, notwithstanding provisions stipulated by clauses 1, 3 – 6 of the second part of this Article. A Ukrainian immigration permit shall not be required if the legal representative of such child has been granted the status of a refugee or asylum in Ukraine, or is an alien or a stateless person that had entered Ukraine for permanent residence before the effective date of the Law of Ukraine 'On Immigration' (August 7, 2001) and has in his 1974 type passport of the citizen of the former USSR a residence registration entry or received a certificate of permanent residence in Ukraine<sup>24</sup>.

The citizenship of Ukraine shall not be granted to the person who:

- 1) committed crimes against humanity or practised genocide;
- 2) has been sentenced to imprisonment in Ukraine for commitment of a grave **or especially grave**<sup>25</sup> crime (before cancellation or withdrawal of conviction);
- 3) has committed a crime on the territory of other state, provided such act is acknowledged as a grave **or especially grave**<sup>26</sup> crime according to laws of Ukraine.

A person who acquired the citizenship of Ukraine and submitted a declaration on renunciation of foreign citizenship shall return his/her foreign state's passport to the authorized bodies of this state. **The requirement to assume an obligation to surrender the passport of a foreign state shall not apply to the persons that have been granted the status of a refugee or asylum in Ukraine.**<sup>27</sup>

The date of issue of the relevant Decree of the President of Ukraine shall be considered as the date of acquisition of the citizenship of Ukraine in the events stipulated by this article.

## **Article 10. Restoration of the Citizenship of Ukraine**

A person, who upon termination of the citizenship of Ukraine did not acquire a foreign citizenship **terminated the citizenship of Ukraine and is a stateless person**<sup>28</sup> and applied for restoration of the citizenship of Ukraine, shall be registered as a citizen of Ukraine regardless of the fact whether such person has a permanent residence in Ukraine or abroad, for lack of the circumstances stipulated by part five, article 9 of this Law.

A person who, upon termination of the citizenship of Ukraine, acquired foreign citizenship (nationality) or foreign citizenships (nationalities), returned to Ukraine for permanent residence, applied for restoration of the citizenship of Ukraine and submitted an obligation to terminate his foreign citizenship, if there are no

<sup>24</sup> Amended by the law of 16 June 2005.

<sup>25</sup> Inserted by the law of 16 June 2005

<sup>26</sup> Inserted by the law of 16 June 2005

<sup>27</sup> Inserted by the law of 16 June 2005

<sup>28</sup> According to the law of 16 June 2005

circumstances specified by part five of Article 9 of this Law, shall be registered as a citizen of Ukraine. An alien with multiple citizenships (nationalities) shall submit an application to terminate citizenships of all such states. An alien that has been granted the status of a refugee or asylum in Ukraine, instead of an obligation to terminate foreign citizenship, shall submit a declaration of the person with the status of a refugee or asylum in Ukraine, renouncing his foreign citizenship. An alien that has submitted an obligation to terminate his foreign citizenship must submit a relevant document issued by a competent authority of the appropriate state to a competent authority of Ukraine within two years after his registration as a Ukrainian citizen. Where an alien is, for any reason beyond his control, unable to receive such document notwithstanding that the laws of such state entitle him thereto, he shall file a declaration of renunciation of such foreign citizenship<sup>29</sup>.

Submission of an obligation to terminate foreign citizenship shall be required neither of the aliens who are citizens (nationals) of the states the laws of which provide an implicit cancellation of their citizenship (nationality) at the time of their acquiring the citizenship of another state, or where international treaties between Ukraine and the state of allegiance of such an alien provide a termination of such person's allegiance concurrently with the acquisition of the citizenship of Ukraine, nor of the persons who have been granted the status of a refugee or asylum in Ukraine, nor of stateless persons<sup>30</sup>.

The citizenship of Ukraine shall not be restored for the persons who lost their Ukrainian citizenship due to acquiring such citizenship through fraud, deliberate submission of false information or fraudulent documents, or regarding whom the decisions on naturalization in Ukraine were rescinded by virtue of Article 21 of the present Law<sup>31</sup>.

The date of registration of a person's acquisition of the citizenship of Ukraine shall be considered as the date of acquisition of the citizenship of Ukraine in the cases stipulated by this article.

A person who acquired the citizenship of Ukraine and submitted a declaration on renunciation of foreign citizenship shall return his/her foreign state's passport to the authorized bodies of this state. **The requirement to assume an obligation to surrender the passport of a foreign state shall not apply to the persons that have been granted the status of a refugee or asylum in Ukraine.**<sup>32</sup>

## **Article 11. Acquisition by Children of the Citizenship of Ukraine due to Adoption**

A child, who is an alien or a stateless person and who is adopted by the citizens of Ukraine or spouses, one of which is a citizen of Ukraine while the other one is a stateless person, shall be a citizen of Ukraine from the moment when a decision on adoption comes into force, regardless of the fact whether he/she has a permanent residence in Ukraine or abroad.

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<sup>29</sup> Amended by the law of 16 June 2005.

<sup>30</sup> Amended by the law of 16 June 2005.

<sup>31</sup> Amended by the law of 16 June 2005.

<sup>32</sup> Inserted by the law of 16 June 2005

A child, who is a stateless person or an alien and who is adopted by spouses, one of which is a citizen of Ukraine while the other one is an alien, shall be a citizen of Ukraine from the moment when a decision on adoption comes into force, regardless of the fact whether he/she has a permanent residence in Ukraine or abroad.

**An adult without citizenship, permanently residing in the territory of Ukraine, where he is adopted by citizens of Ukraine or by a married couple in which a spouse is a citizen of Ukraine, shall become a citizen of Ukraine on the effective date of a court decision on his adoption.<sup>33</sup>**

**Article 12. Acquisition of the Ukrainian citizenship by establishment of guardianship or ward of the child, or placement of the child in a childcare or healthcare institution, family children's home or adoptive family, or placement in the care of foster parent family<sup>34</sup>**

A child, if he is an alien or a stateless person, when placed in the care of guardians or wards who are citizens of Ukraine or the persons, one of whom is a citizen of Ukraine and the other one is a stateless person, shall become a citizen of Ukraine from the moment a decision on establishment of guardianship or wardship is taken or a court decision to establish such guardianship or wardship comes into effect.

A child, who resides on the territory of Ukraine and is a stateless person or an alien and who is placed under guardianship or wardship by the persons, one of whom is a citizen of Ukraine and the other one an alien, shall become a citizen of Ukraine from the moment when a decision on establishment of guardianship or wardship was taken, provided that, on the strength of the establishment of guardianship or wardship, such child does acquire the citizenship of his guardian or ward who is an alien.

A child, who is an alien or a stateless person, where he is in the care of a childcare institution and the administration of such institution has been appointed a guardian or custodian of such child shall become a citizen of Ukraine from the moment of his/her placement at such institution if his parents are deceased, deprived of parental rights, declared missing or incapable, or if they were declared as deceased, or if the parents of a child separated from the family have not been found.

A child, who is an alien or a stateless person, where he is placed in a family type children's home, adoptive or foster family and at least one of his educative, adoptive or foster parents is a citizen of Ukraine, shall become a citizen of Ukraine on the date of such child's placement in the family type children's home, adoptive or foster family if his parents are deceased, deprived of parental rights, declared missing or incapable, or if they were declared as deceased, or if the parents of a child separated from the family have not been found

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<sup>33</sup> Inserted by the law of 16 June 2005

<sup>34</sup> Amended by the law of 16 June 2005.

**Article 13. Acquisition of the Citizenship of Ukraine by a Person, Adjudged Incapable, due to Establishment of Guardianship for him/her by the Citizen of Ukraine**

An alien or a stateless person residing in Ukraine on a legal basis, who are adjudged as incapable persons and who are placed under guardianship of the citizen of Ukraine, shall acquire the citizenship of Ukraine from the moment when the decision on establishment of guardianship was taken.

**Article 14. Acquisition of the Citizenship of Ukraine by a Child Owing to Holding of the Citizenship of Ukraine by His/her Parents or Either of Them**

A child, who is an alien or a stateless person, one of parents of which is a citizen of Ukraine while the other one is a stateless person, shall be registered as the citizen of Ukraine at the request of the parent who is a citizen of Ukraine.

A child, who is a stateless person, one of parents of which is a citizen of Ukraine while the other one is an alien, shall be registered as the citizen of Ukraine at the request of the parent who is a citizen of Ukraine.

A child, who is an alien or a stateless person, the parents of which hold the citizenship of Ukraine, shall be registered as the citizen of Ukraine at the request of any of the parents.

**A child, who is an alien, where one of his parents is a citizen of Ukraine and the other one is an alien, shall be registered as a citizen of Ukraine at the request of the parent who is a citizen of Ukraine.<sup>35</sup>**

The date of registration of a person's acquisition of the citizenship of Ukraine shall be considered as the date of acquisition of the citizenship of Ukraine in the events specified in this article.

**Article 15. Acquisition of Ukrainian citizenship by recognition of parenthood or affiliation<sup>36</sup>**

In the event that paternity is recognised of a child whose mother is an alien or a stateless person and the father, a recognised citizen of Ukraine, such child shall acquire the citizenship of Ukraine regardless of his place of birth and residence.

In the event that maternity is recognised of a child whose father is an alien or a stateless person and the mother, a recognised citizen of Ukraine, such child shall acquire the citizenship of Ukraine regardless of his place of birth and residence.

In the event of affiliation of a child whose mother is an alien or a stateless person, where the father was a citizen of Ukraine, such child shall acquire the citizenship of Ukraine regardless of his place of birth and residence.

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<sup>35</sup> Inserted by the law of 16 June 2005

<sup>36</sup> Amended by the law of 16 June 2005.

In the event of affiliation of a child whose father is an alien or a stateless person, where the mother was a citizen of Ukraine, such child shall acquire the citizenship of Ukraine regardless of his place of birth and residence.

In the event that such recognition of parenthood or affiliation occurs upon attainment of majority by a person who is stateless, he shall acquire the citizenship of Ukraine regardless of his place of birth and residence, subject to the provisions of clauses one through four above of this Article.

In the event that such recognition of parenthood or affiliation occurs upon attainment of majority by a person who is an alien, he shall acquire the citizenship of Ukraine regardless of his place of birth and residence, subject to the provisions of clauses one through four above of this Article, where he applies for such citizenship and assumes an obligation to terminate his foreign citizenship.

Where the citizenship of Ukraine has been acquired as provided by clauses one through five above, the date of birth of the child (person) or the date of acquisition of the Ukrainian citizenship by the father or mother whose parenthood has been recognised or ascertained, should such father or mother acquired their citizenship of Ukraine upon the birth of the child (person), shall be deemed the date of acquisition of such citizenship.

Where the citizenship of Ukraine has been acquired as provided by clause six above, the date of acquisition of the Ukrainian citizenship shall be the date of registration of the person's citizenship of Ukraine

#### **Article 16. Requirement of Children's Consent While Acquiring the Citizenship of Ukraine**

Acquisition of the citizenship of Ukraine by children aged 15 to 18 years shall be possible only by their consent.

### **Chapter III. TERMINATION OF THE CITIZENSHIP OF UKRAINE AND REVERSAL OF DECISIONS ON ACQUISITION OF THE CITIZENSHIP OF UKRAINE**

#### **Article 17. Grounds for Termination of the Citizenship of Ukraine**

The citizenship of Ukraine shall be deemed terminated:

- 1) in consequence of secession from the citizenship of Ukraine;
- 2) in consequence of loss of the citizenship of Ukraine;
- 3) on other grounds stipulated by international treaties of Ukraine.

## Article 18. Secession from the Citizenship of Ukraine

A citizen of Ukraine, who ~~departed for permanent residence abroad~~ **permanently resides abroad according to the effective Ukrainian law**<sup>37</sup>, may secede from the citizenship of Ukraine at his/her request.

Should a child depart for permanent residence abroad together with his/her parents and the parents secede from the citizenship of Ukraine, the child may also secede from the citizenship of Ukraine together with his/her parents at the request of any of his/her parents.

Should one of the parents depart for permanent residence abroad together with his/her child and secede from the citizenship of Ukraine, while the other parent remains to be a citizen of Ukraine, a child may secede from the citizenship of Ukraine together with the parent who secedes from the citizenship of Ukraine, subject to his/her request.

Should one of the parents depart for permanent residence abroad together with his/her child and secede from the citizenship of Ukraine, while the other parent is an alien or a stateless person, a child may secede from the citizenship of Ukraine together with the parent who secedes from the citizenship of Ukraine, subject to his/her request.

Should a child depart for permanent residence abroad and his/her parents secede from the citizenship of Ukraine, such child may secede from the citizenship of Ukraine subject to the request of either of parents.

Should a child depart for permanent residence abroad with one of his/her parents and should such parent secede from the citizenship of Ukraine while the other parent is a citizen of Ukraine, then such child may secede from the citizenship of Ukraine subject to the request of the parent who has seceded from the citizenship of Ukraine.

Should a child depart for permanent residence abroad with one of his/her parents and should such parent secede from the citizenship of Ukraine while the other parent is an alien or a stateless person, then such child may secede from the citizenship of Ukraine subject to the request of the parent who has seceded from the citizenship of Ukraine.

**A child who, under the effective laws of Ukraine, is deemed to permanently reside abroad may relinquish his Ukrainian citizenship on the request of either of his parents.**<sup>38</sup>

A child who is a citizen of Ukrainian by birth, where at the time of his birth at least one of his parents was an alien or a stateless person, may relinquish his Ukrainian citizenship on the request of either of his parents, regardless of the child's place of residence<sup>39</sup>.

<sup>37</sup> According to the law of 16 June 2005

<sup>38</sup> Inserted by the law of 16 June 2005

<sup>39</sup> Amended by the law of 16 June 2005.

A child, adopted by spouses, one of which is a citizen of Ukraine while the other one is an alien, may secede from the citizenship of Ukraine at the request of the adoptive parent who is an alien.

A child, adopted by aliens or stateless persons, may secede from the citizenship of Ukraine at the request of either of his/her adoptive parents.

Secession from the citizenship of Ukraine shall be permitted if a person acquired a citizenship of another state or obtained a document (issued by the authorized bodies of another state) evidencing that a citizen of Ukraine shall acquire a citizenship of another state provided such citizen secede from the citizenship of Ukraine.

Secession from the citizenship of Ukraine by children aged 14 to 18 years shall be possible only subject to their consent thereof<sup>40</sup>.

Secession from the citizenship of Ukraine shall not be permitted if a person, who applies for secession from the citizenship of Ukraine, is sued in Ukraine as a person accused in a crime, or if a verdict of guilty was affirmed by a court in respect of such person in Ukraine, provided such verdict of guilty has come into force and is subject to execution.

The date of issue of the relevant Decree of the President of Ukraine shall be considered as the date of termination of the citizenship of Ukraine in the cases stipulated by this article.

#### **Article 19. Grounds for loss of the citizenship of Ukraine<sup>41</sup>**

The citizenship of Ukraine shall be lost on the following grounds:

1) voluntary acquisition of a foreign citizenship by a citizen of Ukraine if he has come of age at the time of such acquisition.

The acquisition of a foreign citizenship shall be deemed voluntary in any case where a citizen of Ukraine was required, for the purpose of such acquisition, to file a written application or request for acquisition, as established by the national legislation of the state of his allegiance.

A foreign citizenship shall not be deemed to have been acquired voluntarily where:

- a) a child acquires the citizenship of Ukraine by birth concurrently with the citizenship of another state or states;
- б) a child who is a citizen of Ukraine acquires the citizenship of his adopters by virtue of his adoption by aliens;
- в) a citizen of Ukraine acquires another citizenship by implication by virtue of marriage with an alien;
- г) a citizen of Ukraine acquires, at his coming of age, another citizenship by implication by virtue of citizenship laws of a foreign state, provided that he has not been issued a document certifying such foreign citizenship;

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<sup>40</sup> According to the law of 16 June 2005

<sup>41</sup> Amended by the law of 16 June 2005.

2) acquisition of the citizenship of Ukraine under Article 9 of the present Law by fraud, submission of knowingly false information or forged documents;

3) voluntary enlistment in the military service of another state, where such service is not universal under the laws of such state or alternative (non-military) service

Provisions of clauses 1, 2, 3, 5<sup>42</sup> of the first part of this article shall not apply, if a citizen of Ukraine as a result of application thereof shall become a stateless person.

**Where the citizenship of Ukraine is terminated as provided above in this Article, the date of the relevant decree of the President of Ukraine shall be the date of such termination<sup>43</sup>**

**Article 20. Legal Personality of a Citizen of Ukraine Who Has Applied for Secession from the Citizenship of Ukraine or in Respect of Whom a Loss of Citizenship is Formalized**

A citizen of Ukraine, who has applied for secession from the citizenship of Ukraine, or in respect of whom a loss of citizenship is formalized, shall enjoy all rights and bear all responsibilities of a citizen of Ukraine until ~~the decision on termination of his/her citizenship of Ukraine comes into force~~ **the date of the decree issued by the President of Ukraine<sup>44</sup>.**

**Article 21. Reversal of Decisions on Acquisition of the Citizenship of Ukraine**

Decision taken on formalizing of acquisition of the citizenship of Ukraine shall be reversed if a person has acquired the citizenship of Ukraine pursuant to articles 8 and 10 of this Law as a result of fraudulence, submission of patently false statements or forged documents, fraudulent concealment of a significant fact due to which such person cannot acquire the citizenship of Ukraine.

**Chapter IV. POWERS OF PUBLIC BODIES TAKING PART IN DECIDING ISSUES PERTAINING TO CITIZENSHIP**

**Article 22. Powers of the President of Ukraine**

The President of Ukraine:

- 1) shall take decisions and issue decrees in compliance with the Constitution of Ukraine and this Law concerning the admission to the citizenship of Ukraine and termination of the citizenship of Ukraine;
- 2) shall determine proceedings on applications and requests pertaining to citizenship and fulfilment of adopted decisions;
- 3) shall approve Regulations on the Commission for Citizenship under the President of Ukraine.

<sup>42</sup> Deleted by the law of 16 June 2005

<sup>43</sup> Inserted by the law of 16 June 2005

<sup>44</sup> According to the law of 16 June 2005

### **Article 23. Powers of the Commission for Citizenship under the President of Ukraine**

The Commission for Citizenship under the President of Ukraine:

- 1) shall consider applications for admission to the citizenship of Ukraine, secession from the citizenship of Ukraine and declarations on loss of the citizenship of Ukraine and shall submit suggestions to the President of Ukraine on satisfaction of such applications and declarations;
- 2) shall return documents on admission to the citizenship of Ukraine or on secession from the citizenship of Ukraine to the authorized central executive body for citizenship or to the Ministry of Foreign Affairs of Ukraine for their formalizing in compliance with requirements specified in the effective laws of Ukraine;
- 3) shall supervise the fulfilment of decisions on citizenship adopted by the President of Ukraine.

### **Article 24. Powers of the Specially Authorized Central Executive Body for Citizenship and its Subordinate Bodies**

The specially authorized central executive body for citizenship and its subordinate bodies shall be entitled:

**1) to identify affiliation with the citizenship of Ukraine as provided under Article three hereof<sup>45</sup>**

2) to accept applications along with the required documents concerning the admission to the citizenship of Ukraine, and withdrawal from the citizenship of Ukraine, of children as provided by paragraphs eight through ten of Article 18 of this Law; to check correctness of their form, existence of grounds for granting the citizenship of Ukraine and absence of grounds preventing admission of a person in the citizenship of Ukraine, existence of grounds for withdrawal from the citizenship of Ukraine, as well as well as grounds under which withdrawal from the citizenship of Ukraine may not be permitted, and to submit these documents along with their opinion for consideration to the Commission for Citizenship under the President of Ukraine<sup>46</sup>

3. to prepare declarations concerning loss of the citizenship of Ukraine by persons and to submit them for consideration by the Commission for Citizenship under the President of Ukraine (along with the required documents);

4. to take decisions on formalizing of acquisition of the citizenship of Ukraine by persons on grounds stipulated in clauses 1, 2, 4 - 10, article 6 of this Law;

5. to reverse decisions taken by them concerning the acquisition of the citizenship of Ukraine in the events specified in article 21 of this Law;

6. to execute decisions concerning citizenship, which were taken by the President of Ukraine;

<sup>45</sup> Inserted by the law of 16 June 2005 with consequential renumbering of the following items

<sup>46</sup> Amended by the law of 16 June 2005.

7. to issue passports of the citizen of Ukraine, certificates of belonging to the citizenship of Ukraine (for the persons under the age of 16), provisional certificates of the citizen of Ukraine, travel documents for a child, certificates on ~~termination of the citizenship~~ **registration of such person as a citizen**<sup>47</sup> of Ukraine to the persons who acquired the citizenship of Ukraine;

8) to withdraw from persons, whose citizenship was terminated or in respect to whom the decision on naturalization in Ukraine was cancelled, their passports of the citizen of Ukraine, certificates of belonging to the citizenship of Ukraine, provisional certificates of the citizen of Ukraine, passports of the citizen of Ukraine for travelling abroad, travel documents for children and issue them certificates on termination of the citizenship of Ukraine<sup>48</sup>;

9) to keep record of persons who have acquired the citizenship of Ukraine and terminated the citizenship of Ukraine.

The specially authorized central executive body for citizenship shall inform the Commission for Citizenship under the President of Ukraine (once per six months) of the performance of decisions on citizenship taken by the President of Ukraine.

The specially authorized central executive body for citizenship and its subordinate bodies shall exercise powers specified in part one of this article in respect of persons residing on the territory of Ukraine.

#### **Article 25. Powers of the Ministry of Foreign Affairs of Ukraine, Diplomatic Missions and Consulates of Ukraine**<sup>49</sup>

The Ministry of Foreign Affairs of Ukraine, diplomatic missions and consulates of Ukraine shall exercise the following powers:

- 1) ascertain the citizenship of Ukraine as provided under Article three hereof;
- 2) take in applications along with the required documents on admission to the citizenship of Ukraine of the persons who provided distinguished services to Ukraine and the persons whose admission to the citizenship of Ukraine serves the national interests of Ukraine, check correctness of their form, the existence of grounds for granting the citizenship of Ukraine and the absence of grounds under which a person may not be admitted in the citizenship of Ukraine and submit these documents along with their opinion for consideration to the Commission for Citizenship under the President of Ukraine;
- 3) take in applications along with the required documents on renouncement of the citizenship of Ukraine, check correctness of their form, existence of grounds for withdrawal from the citizenship of Ukraine, as well as grounds under which withdrawal from the citizenship of Ukraine may not be permitted, and submit these documents along with their opinion for consideration to the Commission for Citizenship under the President of Ukraine;

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<sup>47</sup> According to the law of 16 June 2005

<sup>48</sup> Amended by the law of 16 June 2005.

<sup>49</sup> Amended by the law of 16 June 2005.

- 4) draw up submissions on the loss of the citizenship of Ukraine and refer such to the Commission for Citizenship under the President of Ukraine, along with the required documents;
- 5) make decisions on formalizing the acquisition of the citizenship of Ukraine by persons on the grounds provided in paragraphs 1, 2, 4-10 of Article 6 of this Law;
- 6) revoke their decisions on formalizing the acquisition of the citizenship of Ukraine as specified in Article 21 of this Law;
- 7) execute decisions of the President of Ukraine related to the matters of citizenship;
- 8) issue to the persons, who acquired the citizenship of Ukraine, passports of the citizen of Ukraine for travelling abroad, provisional certificates of the citizen of Ukraine, travel documents for children and certificates on registration of persons as citizens of Ukraine;
- 9) withdraw from persons, whose citizenship of Ukraine was terminated or in respect to which the decision on formalizing the acquisition of the citizenship of Ukraine was cancelled, passports of the citizens of Ukraine for travelling abroad, provisional certificates of the citizen of Ukraine, travel documents for children and issue certificates on termination of the citizenship of Ukraine;
- 10) keep a register of persons who acquired the citizenship of Ukraine and terminated the citizenship of Ukraine;
- 11) Verify on request of persons staying abroad the fact of Ukrainian allegiance.

The Ministry of Foreign Affairs of Ukraine, diplomatic missions and consulates of Ukraine shall exercise the powers stipulated in paragraphs one through ten of this Article in regard of persons who, under the effective Ukrainian laws, are deemed to permanently reside abroad, and take decisions on formalizing the acquisition of the citizenship of Ukraine on the ground specified in paragraph 1 of Article 6 of this Law with respect to persons born outside Ukraine

## **Chapter V. APPEAL AGAINST DECISIONS ON ISSUES PERTAINING TO CITIZENSHIP, ACTS OR OMISSIONS OF PUBLIC AUTHORITIES, OFFICIALS AND EMPLOYEES**

### **Article 26. Appeal against Decisions on Issues Pertaining to Citizenship**

The decisions pertaining to citizenship adopted by the specially authorized central executive body for citizenship, the Ministry of Foreign Affairs of Ukraine and their bodies may be appealed against in a court according to the procedure established by laws.

### **Article 27. Appeal against Acts and Omissions of Officials and Employees violating the Procedures for Consideration of Citizenship Issues**

Acts and omissions of officials and employees who break the procedure and terms of consideration of issues on citizenship, as well as the execution of decisions on citizenship issues, may be appealed against in a court and administrative procedure.

**Article 28. Procedure for Appeal against Decisions on Issues Pertaining to Citizenship, Acts and Omissions of Officials and Employees by the Persons Permanently Residing Abroad**

The persons permanently residing abroad shall appeal against wrongful acts or omissions of officials of the Ukrainian diplomatic missions or consulates, in a court subject to the procedure established by laws.

**Article 29. Responsibility of Officials and Employees for Infringement of the Laws Concerning Citizenship**

Officials and employees who have broken this Law shall bear responsibility in accordance with the procedure established by laws of Ukraine.

**Chapter VI. FINAL PROVISIONS**

1. This Law shall come into force from the date of its promulgation.

2. This Law shall void the following enactments:

- The Law of Ukraine *On the Citizenship of Ukraine* (Vidomosti of the Verkhovna Rada of Ukraine, 1991, No.50, p.701; 1993, No.14, p.121; 1994, No.33, p.299, No.43, p.390; 1997, No.23, p.169; 2000, No.25, p.198);
- The decree of the Verkhovna Rada of Ukraine "On the procedure for entering into force of the Law of Ukraine *On the Citizenship of Ukraine*" (Vidomosti of the Verkhovna Rada of Ukraine, 1991, No.50, p.702);
- The decree of the Verkhovna Rada of Ukraine "On the procedure for application of Article 5 of the Law of Ukraine *On the Citizenship of Ukraine* in respect of servicemen" (Vidomosti of the Verkhovna Rada of Ukraine, 1994, No.51, p.450).

3. Within three months following the date of promulgation of this Law, the Cabinet of Ministers of Ukraine shall:

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

ensure that central executive bodies of Ukraine harmonize their regulatory acts with this Law.

4. The President of Ukraine shall be recommended to harmonize his acts with this Law.

President of Ukraine

L. KUCHMA

Kyiv

January 18, 2001

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