

This is an unofficial translation.

LAW OF UKRAINE ON THE LEGAL STATUS OF ALIENS¹

The present Law shall determine the legal status of aliens in the Ukraine, assure the basic rights, freedoms and duties of foreign citizens and stateless persons residing or temporarily staying in the Ukraine and determine the procedure to solve matters related to their entry into the Ukraine and exit from the Ukraine.

I. GENERAL PROVISIONS

Article 1

DEFINITION OF THE TERM "ALIENS"

Foreign citizens — persons who have citizenship of foreign states and who are not citizens of the Ukraine, as well as stateless persons — persons, who do not have citizenship of any state, shall be recognized as aliens.

Article 2

PRINCIPLES GOVERNING THE LEGAL STATUS OF ALIENS

Aliens shall enjoy the same rights and freedoms and bear the same responsibilities as citizens of the Ukraine, unless otherwise is provided for by the Constitution, present and other laws of the Ukraine, as well as by the international treaties of the Ukraine.

Aliens shall be equal before the law irrespective of their origin, social and property status, race and ethnicity, sex, language, religion, type and nature of occupation, other circumstances.

Where a foreign state has established limitations with respect to the exercise of rights and freedoms by citizens of the Ukraine, the Cabinet of Ministers of the Ukraine can take a decision to establish the same procedure for the exercise of rights and freedoms by citizens of that state in the territory of the Ukraine. This decision shall become valid after its publication. It can be reversed if the grounds for its adoption cease to be in effect. :

The exercise by aliens of their rights and freedoms should not be detrimental to the national interests of the Ukraine, rights, freedoms and legitimate interests of its citizens and of other persons residing in the Ukraine.

Aliens shall be obliged to respect and observe the Constitution and laws of the Ukraine, to respect traditions and customs of the people of the Ukraine.

Article 3

IMMIGRATION AND TEMPORARY STAY OF ALIENS

Aliens may, in the established manner, immigrate to the Ukraine for permanent residence or for a fixed term employment, as well as to stay temporarily in its territory.

¹Adopted on 4 February 1994.

Came into force on 30 March 1994.

This Law was last amended 26.09.2002. Amendments are not reflected in the given version of English translation.

An alien may receive a permission for immigration and immigrate for permanent residence, if he:

- has in the Ukraine a legitimate source for livelihood;
- is an immediate relative (father, mother, child, brother, sister, spouse, grandfather, grandmother, grandchild) of a citizen of the Ukraine;
- is dependent on a citizen of the Ukraine;
- has as a dependent a citizen of the Ukraine;
- in other cases provided for by laws of the Ukraine.

Aliens who have immigrated for permanent residence or for temporary working placement shall receive permits for permanent or temporary residence respectively.

The procedure for the issuance of an immigration permit, as well as a permit for permanent or temporary residence, and solution of other matters related to immigration of aliens shall be determined by the Law of the Ukraine on Immigration. Aliens staying in the Ukraine on other legal grounds shall be considered as those who are temporarily staying in the Ukraine. They shall be obliged, in the manner established by the Cabinet of Ministers of the Ukraine, to register their national passports or equivalent documents and to depart from the Ukraine after the expiration of the term of stay.

If aliens who temporarily stay in the Ukraine change their place of residence, they shall be obliged to notify about it the internal affairs bodies where their national passports or equivalent documents are registered.

Article 4

GRANTING OF ASYLUM

In accordance with the Constitution and the legislation of the Ukraine aliens may be granted an asylum.

Article 5

ACQUISITION OF A REFUGEE STATUS

Aliens may acquire a refugee status on the grounds and in the manner provided for by the Law of the Ukraine on Refugees.

Article 6

ACQUISITION OF THE CITIZENSHIP OF THE UKRAINE

In accordance with the Constitution and the Law of the Ukraine on Citizenship aliens may acquire the citizenship of the Ukraine (naturalization).

II. BASIC RIGHTS, FREEDOMS AND DUTIES OF ALIENS

Article 7

RIGHT TO INVESTMENT AND BUSINESS ACTIVITY

Aliens shall be entitled to be engaged in the Ukraine in investment, as well as external economic and other types of business activity provided for by the legislation of the Ukraine. They shall also have the same rights and duties as the citizens of the Ukraine, unless the Constitution and laws of the Ukraine provide for otherwise.

Article 8

RIGHT TO LABOUR ACTIVITY

Aliens shall have equal with citizens of the Ukraine rights and duties in labour relations, unless the legislation of the Ukraine and international treaties of the Ukraine provide for otherwise.

Aliens permanently residing in the Ukraine shall have the right to work in enterprises, institutions and organizations or to be engaged in any other labor activity on the grounds and in the manner established for citizens of the Ukraine.

Aliens who immigrated to the Ukraine to work within a fixed term may be engaged in labor activity in accordance with the work permit received in the established manner.

Aliens may not be appointed to certain positions or be engaged in certain labor activity, if in accordance with the legislation of the Ukraine appointment to these positions or engagement in this activity is linked to the affiliation to the citizenship of the Ukraine.

Article9

RIGHT TO REST

Aliens shall have the right to rest equally with citizens of the Ukraine.

Article10

RIGHT TO HEALTH CARE

Aliens permanently residing in the Ukraine shall receive medical assistance equally with its citizens.

All other aliens shall be provided with medical assistance in accordance with the procedure established by the Cabinet of Ministers of the Ukraine.

Article11

RIGHT TO SOCIAL SECURITY

Aliens shall have the right to social security, including the right to pension and to other types of social assistance in accordance with the legislation of the Ukraine and the international treaties of the Ukraine.

In cases when for granting a pension a certain length of service is required, aliens' length of service abroad can be taken into consideration on the grounds and in the manner established by the legislation of the Ukraine and the international treaties of the Ukraine.

Article12

RIGHT TO A DWELLING

Aliens permanently residing in the Ukraine shall be entitled, on the grounds and in the manner established for the citizens of the Ukraine, to receive a dwelling, unless the legislation of the Ukraine provides for otherwise.

Aliens shall acquire the right to own a dwelling in accordance with the legislation Of Ukraine.

Aliens should care for the dwelling provided to them, observe the rules for exploitation of the dwelling. |

Article13

PROPERTY AND INDIVIDUAL RIGHTS NOT RELATED TO PROPERTY

Aliens may in accordance with the legislation of the Ukraine own any property, inherit and devise it, and have also individual rights not related to property.

Article14

RIGHT TO EDUCATION

Aliens permanently residing in the Ukraine shall be entitled to education equally with citizens of the Ukraine.

All other aliens shall pay for their education, unless the legislation of the Ukraine and the international treaties of the Ukraine provide for otherwise.

Aliens admitted to educational institutions of the Ukraine shall have the rights and duties of pupils and students in accordance with the legislation of the Ukraine.

Article15

RIGHT TO ENJOY CULTURAL ACHIEVEMENTS

Aliens shall be entitled to enjoy cultural achievements equally with citizens of the Ukraine and shall be obliged to care for historical and cultural monuments, as well as other cultural values.

Article16

RIGHT TO PARTICIPATE IN CITIZENS' ASSOCIATIONS

Aliens permanently residing in the Ukraine shall be entitled equally with citizens of the Ukraine to join legitimate, citizens' associations, unless the laws of the Ukraine and the statutes of these associations provide for otherwise.

Aliens may not be members of political parties of the Ukraine.

Article17

RIGHT TO FREEDOM OF CONSCIENCE

Aliens shall be guaranteed the right to freedom of conscience equally with citizens of the Ukraine.

Stirring up religious dissension and hatred and insulting feelings of citizens of the Ukraine and aliens due to their religious convictions shall be prohibited.

Article18

RIGHTS IN MARITAL AND FAMILY RELATIONS

Aliens may contract and dissolve a marriage with citizens of the Ukraine and other persons in accordance with the legislation of the Ukraine.

Aliens shall have equal with the citizens of the Ukraine rights and duties in marital and family relations.

Article19

GUARANTEES OF INDIVIDUAL RIGHTS

The legislation of the Ukraine shall guarantee to aliens security of a person and home, rights to privacy and family life, confidentiality of correspondence, telephone and telegraph communications, respect for their dignity equally with citizens of the Ukraine.

Article 20

MOVEMENT WITHIN THE TERRITORY OF THE UKRAINE AND CHOICE OF PLACE OF RESIDENCE

Aliens may move within the territory of the Ukraine and choose a place of residence in the Ukraine in accordance with the procedure established by the Cabinet of Ministers of the Ukraine. Restrictions with respect to movement and choice of

residence shall be allowed, when it is required for the security of the Ukraine, the protection of public order, health, rights and legitimate interests of its citizens and other persons residing in the Ukraine.

Article 21

TAXATION OF ALIENS

Aliens shall be subject to taxes and levies in accordance with the legislation of the Ukraine and the international treaties of the Ukraine.

Article 22

PROTECTION OF ALIENS' RIGHTS

Aliens shall have the right to apply to courts or to other state authorities for the protection of their individual, property and other rights.

Aliens as participants in the legal proceedings shall enjoy the same procedural rights as citizens of the Ukraine.

Article 23

ELECTIONS AND REFERENDUMS

Aliens may neither elect and be elected to bodies of state authority and self-government, nor participate in referendums.

Article 24

GENERAL MILITARY OBLIGATION

General military service shall not be applied to aliens, they shall not undergo military service in the armed forces of the Ukraine or in other military formations created in accordance with the legislation of the Ukraine.

III. ENTRY INTO THE UKRAINE AND EXIT FROM THE UKRAINE

Article 25

ENTRY INTO THE UKRAINE

Aliens may enter into the Ukraine with **valid** national passports or equivalent documents. Aliens should receive an entry visa in accordance with the established procedure, unless the legislation of the Ukraine provides for otherwise.

An alien shall not be allowed to enter the Ukraine:

- in the interests of the security of the Ukraine or protection of public order;
- if it is necessary for the protection of health, rights and legitimate interests or the citizens of the Ukraine and other persons residing in the Ukraine;
- if applying for entry into the Ukraine he has submitted deliberately false information or forged documents;
- if his national passport or equivalent document, visa are false, damaged or do not correspond to the established standard or belong to another person;
- if he, when crossing the state border of the Ukraine, has violated rules regulating the crossing of the state border of the Ukraine, customs rules, sanitation norms or rules, or has not fulfilled legitimate requirements of the officials of the border guard forces of the Ukraine, customs and other authorities exercising control over the state border;
- if facts of violation by him of the legislation of the Ukraine during his previous stay in the Ukraine have been established.

Article 26

EXIT FROM THE UKRAINE

Aliens shall exit from the Ukraine with valid national passports or equivalent documents. They should receive an exit visa in accordance with the established procedure, unless the legislation of the Ukraine provides for otherwise.

Aliens shall not be allowed to exit from the Ukraine if;

— he is under inquiry or preliminary investigation, or his criminal case is pending in the court — until the termination of the case;

— he has been convicted for committing a crime — until such sentence has been served or lifted;

— his exit from the country contradicts the interests of the security of the Ukraine — until the termination of circumstances impeding the exit.

Exit of an alien from the Ukraine may be postponed until he fulfils his property liabilities with respect to physical or legal persons in the Ukraine.

Article 27

TRANSIT VIA THE TERRITORY OF THE UKRAINE

Transit of aliens via the territory of the Ukraine on his way to a country of destination shall be allowed, if he has transit visas, unless the legislation of the Ukraine provides for otherwise.

Article 28

RULES REGULATING ENTRY INTO THE UKRAINE, EXIT FROM THE UKRAINE AND TRANSIT VIA THE TERRITORY OF THE UKRAINE

Rules regulating entry of aliens into the Ukraine, their exit from the Ukraine and transit via its territory shall be established in accordance with the present Law by the Cabinet of Ministers of the Ukraine and shall be published.

IV. ALIENS' RESPONSIBILITY

Article 29

GROUND FOR RESPONSIBILITY FOR VIOLATION OF LAW

Aliens who have committed a crime, administrative or other offences shall be subject to responsibility on general grounds.

Article 30

RESPONSIBILITY FOR THE VIOLATION OF THE ORDER OF STAY IN THE UKRAINE, OF TRANSIT VIA ITS TERRITORY

For the violation by aliens of an established order of stay in the Ukraine, i.e. residence in the Ukraine without a document permitting it, or residence with invalid documents, failure to observe the established procedure regulating registration or movement and choice of place of residence, work, failure to leave upon expiration of the term of stay, as well as failure to observe the Rules for transit the territory of the Ukraine, they shall be subject to measures in accordance with the legislation of the Ukraine.

Article 31

REDUCTION OF THE TERM OF TEMPORARY STAY IN THE UKRAINE

The term of the stay in the Ukraine established for an alien, may be reduced if he violates the legislation of the Ukraine and if the violations do not provide for administrative or criminal responsibility.

Such term may be also reduced if the grounds for an alien's further stay in the Ukraine have ceased to **exist**. A decision on reduction of the term of temporary stay of an alien in the Ukraine shall be taken by the internal affairs bodies.

Article 32

EXPULSION FROM THE UKRAINE

An alien, who committed a crime or an administrative offence, after passing of assigned punishment or implementation of the administrative penalty, may be expelled from Ukraine. Decision on his/her expulsion is adopted by Ministry of interior body at the place of alien's stay with further notification of Public Prosecutor within 24 hours on the basis for such a decision. Ministry of Interior body may, apart from expulsion of an alien from Ukraine, prohibit alien's further entrance into Ukraine for the term up to 5 years. The terms of prohibition of further entrance into Ukraine shall be counted from the day when the relevant decision was adopted. The procedure for implementation of the decision to prohibit further entrance into Ukraine is determined by the Ukrainian legislation.

Apart from the cases, envisaged in para 1 of this Article, an alien may be expelled from Ukraine if his/her actions are rudely violating legislation on legal status of aliens or contradict to interests to observe security of Ukraine, or protection of public order, or when it is necessary for protection of health, protection of rights and legal interests of Ukrainian citizens. In such cases decision on expulsion shall be adopted by the Ministry of Interior or Security Service bodies with further notification of Public Prosecutor within 24 hours on basis for such a decision.

An alien shall leave the territory of Ukraine in terms, stipulated in the decision on expulsion but not later that after 30 days following the day of adoption of such a decision. In case of adoption a decision on expulsion of an alien from Ukraine, his/her visa is immediately annulled and his/her documents that provide permission to stay in Ukraine are confiscated. Aliens, who are trying to avoid exit, upon receiving sanction from the Public Prosecutor shall be detained and forcibly expelled from Ukraine. Detention is permitted only during the term necessary for expulsion.

The decision of the Ministry of Interior or Security Service bodies on expulsion of an alien from Ukraine may be appealed to the court. The appeal suspends the implementation of the expulsion decision, apart from the cases when necessity of immediate expulsion is explained by the interest to observe the security of Ukraine or protect the public order.

The Ministry of Interior bodies conduct expulsion of aliens.

Aliens, who suppose to be expelled, shall compensate expenditures related to their expulsion according to the procedure established by Law. If the above mentioned aliens have no funds for compensation of expenditures related to their expulsion from Ukraine, expulsion shall be conducted on account of the state.

Physical or juridical persons (entities), who were inviting or receiving those aliens, organizing their illegal entrance, stay, working placement, facilitating avoidance from exit after invalidity of the term of stay, shall according to the procedure established by the Law, compensate expenditures caused to the state by the expulsion of the above

mentioned aliens.

V. FINAL PROVISIONS

Article33

INTERNATIONAL TREATIES

Where an international treaty of the Ukraine establishes norms other than those contained in the present Law, the norms of the international treaty shall be applied.

Article34

PRIVILEGES AND IMMUNITIES OF OFFICIALS OF MISSIONS OF FOREIGN STATES

Provisions of the present Law shall not apply to officials of diplomatic and consular missions of foreign states in the Ukraine as well as to other persons who enjoy privileges and immunities established by the legislation of the Ukraine and international treaties of the Ukraine.