



Immigration issues

Fundamental regulatory acts governing immigration to Ukraine is the Constitution of Ukraine and the Law of Ukraine "On Immigration".

8.1. Immigration to Ukraine

Pursuant to the legal definition, immigration is entry of foreign nationals and stateless persons to Ukraine for permanent residence.

To immigrate to Ukraine, foreign nationals shall obtain permission for immigration provided for certain categories of immigrants. Immigrants in Ukraine are divided into two groups. The first group includes individuals within immigration quotas established by the Cabinet of Ministers of Ukraine. These include:

- scientists and artists, whose immigration corresponds to the interests of Ukraine;
- highly skilled specialists and workers, who are in high demand by the Ukrainian economy;
- foreign nationals, having made foreign investments into the economy of Ukraine amounting to not less than USD 100,000 in hard currency;
- individuals, who are full sisters, brothers, grandparents or grandchildren of citizens of Ukraine;
- foreign nationals, who used to be citizens of Ukraine;
- parents, spouses of immigrants and their children under legal age;
- foreign nationals, having permanently stayed on the territory of Ukraine for five

- years from the dates of granting them a refugee status or an asylum in Ukraine, and their parents, spouses and children under legal age, staying with them;
- foreign nationals, having permanently stayed on the territory of Ukraine for three years from the dates of granting them a status of a person, who has suffered from trafficking in human beings.

The second group includes individuals who may get an immigration permit out of the immigration quota:

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

This list of grounds for permit for immigration to Ukraine is exhaustive.

8.2. Obtaining immigration permit

If there are grounds for immigration to Ukraine, a foreign national shall submit an exhaustive list of the following documents:

- an application for the immigration permit. The application shall be addressed to embassies and consular services of Ukraine (if a person resides permanently outside Ukraine) or to the local office of the State Migration Service (at the place of the person's residence). The best option shall be applying for the immigration permit in the country, because it takes much less time. The application shall be submitted in person by migrants, although in some cases it may be filed by a third party on the basis of a power of attorney;
- three photos (3.5 x 4.5 cm);
- a copy of an ID document with a stamp on crossing the Ukrainian border;
- a document on a place of residence of the applicant;
- information on the applicant's family composition;
- data on the applicant's chronic diseases;
- a receipt of payment of state duties or consular fees.

All documents issued by foreign state authorities shall be translated into Ukrainian. More-

over, these documents shall be either legalized or apostilled.

The term of consideration of an application on issuance of the immigration permit shall not exceed one year following the date of its submission. In effect, the State Migration Service of Ukraine usually considers the application within 3-6 months.

8.3. Visas for entering Ukraine

Visas for foreign nationals depend on the planned duration of their stay in Ukraine and on availability of relevant documents.

Visas for entering Ukraine are divided into:

- a transit visa (type B, for the stay duration less than five days);
- a short-term visa (type C, if the duration of a foreign national's stay in Ukraine does not exceed 90 days in a given 180-day period from the date of first entry);
- a long-term visa (type D, issued for entering Ukraine with a view to process documents that give the right to stay or reside in Ukraine for a period exceeding 90 days).

A visa shall be issued within 15 calendar days from the date of receipt of the visa application and documents required for a visa. This period may be extended to 30 calendar days if there is a need for further verification of the documents submitted.

8.4. Permanent residence permit

Permanent residence permit is a document confirming the right of a foreign national or a stateless person for permanent residence in Ukraine.

Getting a permit for permanent residence in Ukraine provides significant benefits to foreigners. One advantage is that a foreign national may freely enter Ukraine at any time without a visa, and there is no need to obtain a work permit for foreign nationals provided they are formally employed in Ukraine. The validity of the permanent residence permit in Ukraine is not limited.

To obtain a permanent residence permit a foreign national shall apply to the territorial authority of the State Migration Service of Ukraine at the place of the person's residence with an application on granting a permanent residence permit. The application shall be accompanied by:

- the original passport of a foreign national and a copy of pages with personal data, a visa and a stamp on crossing the Ukrainian border;
- a notarized Ukrainian translation of the passport page with personal data;
- a notarized copy of the decision on issuing the immigration permit;

- documents on availability of housing in Ukraine, where the person is entitled to registration. It should be noted that provided there are no such documents, the registration shall be carried out with the consent of the owner/co-owners of housing, a tenant and his family members for the registration of residence;
- a receipt of state duties payment;
- a receipt of payment for services rendered by the State Migration Service of Ukraine;
- four photos 3.5 x 4.5 cm (matte paper) and a copy of the identification number certificate issued by the tax authority (if any).

Thus, after a successful submission of the aforementioned documents the territorial body of the State Migration Service shall issue the original certificate of permanent residence to the applicant (a foreign national) within one week following receipt of the application. A relevant mark shall be also stamped onto the last free page of the immigrant's passport, which certifies availability of a permanent residence permit in Ukraine.

8.5. Temporary residence permit

A temporary residence permit in Ukraine confirms the legal right of a foreigner for temporary residence in Ukraine provided certain terms and conditions are met.

Pursuant to the Ukrainian law, a person, having arrived to the country with one of the purposes listed below, shall be entitled to apply for registration for temporary residence permit in Ukraine:

- employment in Ukraine;
- family reunion with persons who are citizens of Ukraine;
- family reunion with persons who have a temporary residence permit in Ukraine;
- implementation of an international technical assistance project;
- employment with a religious organization (preaching of religious beliefs, performance of religious rites or other canonical activities);
- work in offices and representative offices of foreign organizations, companies or banks;
- cultural, educational, scientific work and volunteering;
- work as a correspondent or a representative of foreign mass media;
- education and training.

Therefore, a foreign national shall submit to the State Migration Service of Ukraine the following documents:

- an application form for registration of a temporary residence permit in Ukraine;
- a passport or an ID document including a visa type D, copies of passport pages with the personal data and a visa, a notarized translation into Ukrainian of the passport page with personal data;
- a petition of the receiving party;
- a valid medical insurance policy;
- certificate of no criminal record;
- four photos 3.5 x 4.5 cm;
- a copy of the identification number (if any) certified by the holder's signature;
- a receipt of payment of state duty for temporary residence permit form and services rendered by the State Migration Service of Ukraine;
- any additional documents, relating to the objectives (the purpose) of coming to Ukraine such as in case of:
 - a) employment – a work permit for foreigners and its copy;
 - b) participation in the implementation of international technical assistance projects – a copy of the registration card of an international technical assistance project issued by the Ministry of Economic Development and Trade of Ukraine;
 - c) preaching of religious beliefs, performance of religious rites or other canonical activities – an invitation of a religious organization and approval of the governmental body, having registered the respective religious organization for issuing a temporary residence permit for a foreign national;
 - d) participation in the activities of branches, representative offices and other structural units of public (governmental) organizations of foreign countries registered in Ukraine – an original copy and a copy of the certificate on registration of the structural unit of public (governmental) organizations of foreign countries in Ukraine;
 - e) work in offices and representative offices of foreign organizations, companies or banks registered in Ukraine – an original copy and a copy of a branch or representative office accreditation;
 - f) work as a correspondent or a representative of foreign mass media – a submission from the State Committee for Television and Radio Broadcasting of Ukraine regarding the registration of a temporary residence permit for foreigners or stateless persons in Ukraine;
 - g) education – a document confirming actual studies in Ukraine and commitment of the institution to report on expulsion from this institution;

- h) family reunion with persons who are citizens of Ukraine or who married citizens of Ukraine while legally staying within the territory of Ukraine – an original copy and a copy of the document confirming the fact of being married to a citizen of Ukraine.

Thus, following the receipt of the documents by the State Migration Service of Ukraine, a residence permit shall be issued within 15 calendar days.

Having obtained a residence permit, a foreign national must register at the address provided in the documents submitted to the migration authorities. The term within which a foreign national must register shall be 10 days from the date of actual receipt of a temporary residence permit. A penalty shall be paid if this term is not observed.