

Acquiring Ukrainian citizenship

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Citizenship of Ukraine is a firm, unlimited legal connection of a person with the Ukrainian state based on the legal recognition by the state of this person as a citizen of Ukraine, as a result of which the person and the state acquire mutual rights and obligations to the extent prescribed by the Constitution and laws of Ukraine.

1. Acquisition of Ukrainian citizenship by birth

To obtain the right to acquire Ukrainian citizenship by birth, a person (foreigner) must meet any of the following conditions:

- the person's parent(s) held Ukrainian citizenship at his/her birth;

- the person was born in Ukraine to stateless persons who legally reside in Ukraine;
- the person was born outside Ukraine to stateless persons who permanently and legally reside in Ukraine and did not acquire citizenship of another state at birth;
- the person was born in Ukraine to foreigners who legally reside in Ukraine and did not acquire citizenship of either parent by birth;
- the person, one of whose parents has been granted refugee status or asylum in Ukraine, was born in Ukraine and did not acquire citizenship of either parent by birth or acquired citizenship of the parent who was granted refugee status or asylum in Ukraine by birth;
- the person was born in Ukraine to a foreigner and a stateless person who legally reside in Ukraine and did not acquire the citizenship of the parent who is a foreigner by birth;
- the person is a newborn child found in Ukraine, both parents of whom are unknown.

2. Acquisition of citizenship by territorial principle

Citizenship by territorial principle is possible if a foreigner:

- himself/herself or at least one of his/her parents, grandparents, siblings (full and half), son/daughter, grandson/granddaughter were born or permanently resided in the territory that became the territory of Ukraine in accordance with the Law of Ukraine "On the Succession of Ukraine" before 24 August 1991;
- himself/herself or at least one of his/her parents, grandparents, siblings (full and half) were born or permanently resided in other territories that were part of the Ukrainian People's Republic, the Western Ukrainian People's Republic, the Ukrainian State, the Ukrainian Socialist Soviet Republic, Transcarpathian Ukraine, the Ukrainian Soviet Socialist Republic (USSR) at the time of their birth or during their permanent residence.

3. Acquisition of citizenship by admission to the citizenship of Ukraine

The conditions for being admitted to the citizenship of Ukraine are:

1) recognition and observance of the Constitution of Ukraine and laws of Ukraine
2) knowledge of the fundamentals of the Constitution of Ukraine and the history of Ukraine, as evidenced by passing exams
3) submission of a declaration of absence of foreign citizenship or an obligation to terminate foreign citizenship. Submission of an obligation to terminate foreign citizenship is not required if:

- foreigners who are citizens (nationals) of states whose legislation provides for automatic termination of citizenship (nationality) of these states simultaneously with the acquisition of citizenship of another state. Such rules, for instance, apply in Norway, Austria, Japan, China, India, and Indonesia;
- if international treaties between Ukraine and the other state in question provide for the termination of citizenship of the latter

simultaneously with the acquisition of Ukrainian citizenship (e.g., the "Treaty between Ukraine and Georgia on the Prevention of Cases of Dual Citizenship and Elimination of Existing Dual Citizenship").

4) continuous legal residence in Ukraine for the past 5 years (this can be confirmed by a permanent residence permit in Ukraine)

Continuous residence in Ukraine means residence in Ukraine if the person's single trip abroad for private matters did not exceed 90 days, and in total for the year – 180 days. It is not a violation of the requirement of continuous residence if a person travels abroad on a business trip, for study, vacation, medical treatment on the recommendation of a relevant medical institution, or if a person changes his/her place of residence in Ukraine.

The condition of continuous residence does not apply to foreigners who having been married to Ukrainian citizens for more than 2 years, as well as to foreigners or stateless persons who have been married to Ukrainian citizens for more than 2 years and whose marriage was terminated due to the latter's death.

For foreigners who, in accordance with the procedure established by the legislation of Ukraine, perform military service under a contract in the Armed Forces of Ukraine, the State Special Transport Service or the National Guard of Ukraine, the period of continuous legal residence in Ukraine is reduced to 3 years at the time of submitting an application for Ukrainian citizenship from the date the contract for military service in the Armed Forces of Ukraine, the State Special Transport Service or the National Guard of Ukraine comes into force.

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For persons who have been recognised as refugees or granted asylum in Ukraine, the period of continuous legal residence in Ukraine must be the previous 3 years as of the date of submission of the application for Ukrainian citizenship from the date of recognition as a refugee or granting asylum in Ukraine, and for stateless persons – the previous 3 years as of the date of submission of such an application from the date of entry into Ukraine or from the date of recognition as a stateless person.

5) obtaining an immigration permit

Among others, the most common grounds for obtaining an immigration permit are foreign investments in the Ukraine's economy in the amount of at least USD 100,000.

Since Ukrainian legislation stipulates that a foreign investment is made in the Ukrainian economy, the funds must be used to conduct business activities and generate profit in Ukraine.

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The best option for making an investment is to set up one's own company (for example, in the form of a limited liability company) and deposit USD 100,000 into its authorised capital from a personal investment account in Ukraine to the current account of the established company or participate in the authorised capital of an existing company. Only foreign convertible currency can be used as a form of investment; corporate rights, shares, bonds are not considered an investment in this case.

Therefore, if a foreign citizen has the above grounds for immigration to Ukraine, he/she must submit documents, including an application for an immigration permit. The application is submitted to the embassy or consulate of Ukraine (if the foreigner is abroad) or to the local department of the State Migration Service (at the place of residence in Ukraine). The application is submitted by the foreigner in person, although it may be submitted by proxy, but only due to illness or natural disaster.

The period for consideration of an immigration permit application is 1 year. In practice, the Migration Service of Ukraine usually considers such applications within 3-6 months.

An immigration permit is not required for persons:

- who are performing military service in the Armed Forces of Ukraine under a contract;
- who are performing military service in the Armed Forces of Ukraine under a contract and have been awarded a state award;
- who have outstanding merits before Ukraine;
- whose admission to the citizenship of Ukraine is of state interest to Ukraine;
- who, as an example, have provided instructor (shooting, tactical, medical, radio engineering, explosive engineering and other) assistance to units of the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine.

6) knowledge of the Ukrainian language in accordance with the level established by the legislation of Ukraine

Proficiency in the Ukrainian language is confirmed by a certificate of proficiency in the state (Ukrainian) language issued by the National Commission for State Language Standards based on the exam results.

This condition does not apply to persons:

- having outstanding merits before Ukraine;
- whose admission to the citizenship of Ukraine is of state interest to Ukraine;
- having, for example, provided instructor (shooting, tactical, medical, radio engineering, explosive engineering and other) assistance to units of the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine.

7) a document confirming the existence of legal sources of subsistence

Such a document is a foreigner's bank account statement. In this case, the amount of funds in the bank account must be not less than 12 subsistence minimums in Ukraine established at the time of submission of the application for Ukrainian citizenship.

This condition does not apply to persons who have been recognised as refugees or granted asylum in Ukraine.

4. Acquisition of Ukrainian citizenship through its restoration

Restoration of Ukrainian citizenship applies to persons whose citizenship was terminated by relevant orders of the President of Ukraine.

For the Ukrainian citizenship to be restored, a person who after the termination of Ukrainian citizenship, acquired foreign citizenship (nationality) and returned to Ukraine for permanent residence, must submit, inter alia:

- an application for restoration of Ukrainian citizenship; an obligation to terminate foreign citizenship (not required for citizens (nationals) of states whose legislation stipulates automatic termination of their citizenship (nationality) simultaneously with the acquisition of another one, or if international treaties of Ukraine with the relevant state stipulate termination of their citizenship simultaneously with the acquisition of Ukrainian citizenship);
- a certificate of termination of Ukrainian citizenship or other document confirming the termination of Ukrainian citizenship; a declaration of renunciation of foreign citizenship by a person who has been granted refugee status or asylum in Ukraine, together with a document confirming that the person has been granted refugee status or asylum in Ukraine – for foreigners who have been granted refugee status or asylum in Ukraine;
- a copy of a document confirming the person's permanent residence in Ukraine; a declaration of renunciation of Russian citizenship by a person who is a citizen of the Russian Federation and has been persecuted for political beliefs in Russia, together with a document confirming persecution for political beliefs (a certificate of the Ministry of Foreign Affairs of Ukraine, diplomatic mission or consular office of Ukraine issued in accordance with the procedure established by the Cabinet of Ministers of Ukraine) – for citizens of the Russian Federation who have been persecuted for political beliefs in Russia; an application for change of citizenship – for foreigners who are citizens of states whose international treaties with Ukraine provide for the termination of citizenship of these states simultaneously with the acquisition of Ukrainian citizenship.
- and one of the following documents:

5. Acquisition of Ukrainian citizenship through adoption

The grounds for acquiring citizenship under this principle is adoption of a child or an adult by citizens of Ukraine or by spouses, one of whom has Ukrainian citizenship.

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According to Ukrainian law, a child who is a foreigner or stateless person becomes a citizen of Ukraine from the moment the adoption decision comes into force, regardless of whether he/she resides permanently in Ukraine or abroad.

An adult who is a stateless person permanently residing on the territory of Ukraine becomes a citizen of Ukraine from the moment the adoption decision enters into force.

6. Acquisition of citizenship through guardianship or custody

This also applies to the placement of a child in a children's or healthcare institution, a family-type children's home or foster family, or placement in the family of a foster carer.

Acquisition of Ukrainian citizenship under this principle is possible if:

- a citizen of Ukraine or persons, one of whom has Ukrainian citizenship, and the other is a stateless person, is/are appointed as a guardian or custodian of a child who is a foreigner or stateless person;
- persons one of whom has Ukrainian citizenship and the other has foreign citizenship are appointed as guardians or custodians of a child residing in Ukraine who is a stateless person or a foreigner;
- the functions of a guardian or custodian of a child who is a foreigner or stateless person and permanently resides in a childcare or protection facility are performed by the administration;
- at least one of the foster parents, adoptive parents or foster carers of a child who is a foreigner or stateless person and is being brought up in a family-type children's home, foster family, or foster carer's family has Ukrainian citizenship.

7. Acquisition of citizenship through guardianship by a person declared incapacitated

A foreigner or a stateless person legally residing in Ukraine, who has been recognised by a court as incapacitated and who has been taken under the guardianship of a citizen of Ukraine, acquires Ukrainian citizenship from the moment the decision on guardianship comes into force.

8. Acquisition of citizenship due to Ukrainian citizenship of at least one of the parents

For a foreign child, at least one of whose parents has Ukrainian citizenship, to acquire Ukrainian citizenship, one of the parents who has Ukrainian citizenship must apply to the territorial unit of the State Migration Service of Ukraine at the place of residence and submit, inter alia, the following documents:

- an application for registration of the child's acquisition of Ukrainian citizenship in connection with the Ukrainian citizenship of at least one of the parents;
- a copy of the child's birth certificate;
- a declaration that the child is a foreigner or stateless person;
- copies of passports of Ukrainian citizens or other documents confirming that the child's parents are Ukrainian citizens;
- a statement of consent to the acquisition of Ukrainian citizenship by a child aged 14 to 18 years;
- a copy of a document confirming that one of the child's parents is a citizen of another state (other states), if applicable.

9. Acquisition of Ukrainian citizenship as a result of recognition/establishment of paternity or maternity

In case of recognition or establishment of the fact of paternity or maternity of a child whose mother or father is a foreigner and whose other parent is a citizen of Ukraine, the child, regardless of the place of birth and place of permanent residence, acquires Ukrainian citizenship.

In such cases, the date of acquisition of Ukrainian citizenship is the child's date of birth or the date of acquisition of Ukrainian citizenship by the respective parent, if they acquired Ukrainian citizenship after the child's birth.

If the recognition or establishment of paternity or maternity took place after the child reached the age of majority, such a person who is a foreigner acquires Ukrainian citizenship under the conditions mentioned above, provided that he/she has submitted an application for Ukrainian citizenship and an obligation to terminate foreign citizenship.

In this case, the date of acquisition of Ukrainian citizenship is the date of registration of the foreigner's acquisition of Ukrainian citizenship.