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International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954 	Yes.	Law of Ukraine № 23-VII of 11.01.2013 On Ukraine's Accession to the Convention Relating to the Status of Stateless Persons: http://zakon2.rada.gov.ua/laws/show/23-18 (Ukrainian (UK))
IOB	1	b		If yes, when was ratification/accession?		11 January 2013, but the Convention entered into force on 23 June 2013 .	<p>Law of Ukraine № 23-VII of 11.01.2013 On Ukraine's Accession to the Convention Relating to the Status of Stateless Persons: http://zakon2.rada.gov.ua/laws/show/23-18 (UK)</p> <p>Convention Relating to the Status of Stateless Persons: http://zakon2.rada.gov.ua/laws/show/995_232 (UK)</p>
IOB	1	c		Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Best practice is no reservations. If there are, they should have little or no effect on the rights of stateless persons. 	No, there are no reservations.	<p>Law of Ukraine № 23-VII of 11.01.2013 On Ukraine's Accession to the Convention Relating to the Status of Stateless Persons: http://zakon2.rada.gov.ua/laws/show/23-18 (UK)</p> <p>Convention Relating to the Status of Stateless Persons: http://zakon2.rada.gov.ua/laws/show/995_232 (UK)</p>
IOB	1	d		Does the Convention have direct effect?	<ul style="list-style-type: none"> • Best practice is that the Convention has direct effect, though this may depend on legal regime. 	Yes.	<p>The Constitution of Ukraine, Art. 9: http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80 (UK)</p> <p>Law of Ukraine № 1906-IV of 29.06.2004 On International Agreements of Ukraine, Art. 19: http://zakon2.rada.gov.ua/laws/show/1906-15/parao77#o77 (UK)</p>
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 	Yes.	Law of Ukraine № 22-VII of 11.01.2013 On Accession of Ukraine to the Convention on the Reduction of Statelessness: http://zakon3.rada.gov.ua/laws/show/22-18 (UK)

IOB	2	b		If yes, when was ratification/accession?		11 January 2013, but the Convention entered into force on 23 June 2013 .	Law of Ukraine № 22-VII of 11.01.2013 On Accession of Ukraine to the Convention on the Reduction of Statelessness: http://zakon3.rada.gov.ua/laws/show/22-18 (UK) Convention on the Reduction of Statelessness: http://zakon3.rada.gov.ua/laws/show/995_240 (UK)
IOB	2	c		Are there reservations in place? Please list them.	As above	No , there are no reservations.	Law of Ukraine № 22-VII of 11.01.2013 On Accession of Ukraine to the Convention on the Reduction of Statelessness: http://zakon3.rada.gov.ua/laws/show/22-18 (UK) Convention on the Reduction of Statelessness: http://zakon3.rada.gov.ua/laws/show/995_240 (UK)
IOB	2	d		Does the Convention have direct effect?	As above	Yes .	The Constitution of Ukraine, Art. 9: http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80 (UK) Law of Ukraine № 1906-IV of 29.06.2004 On International Agreements of Ukraine, Art. 19: http://zakon2.rada.gov.ua/laws/show/1906-15/parao77#o77 (UK)
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • European Convention on Nationality, 1997 	Yes, with two reservations : 1. Art. 8 (2): for Ukraine the term “citizens residing permanently abroad” is used to mean “citizens of Ukraine residing permanently abroad in accordance with the national law that regulates going abroad for Ukrainians”. 2. Ukraine declares that in accordance with Art. 25 (1) of the Convention, Ukraine excludes Chapter VII (On military obligations in cases of multiple nationalities from the application of the Convention) from the scope of application of the Convention.	Law of Ukraine № 163-V of 20.09.2006 On the Ratification of the European Convention on Nationality: http://zakon2.rada.gov.ua/laws/show/163-16 (UK)

IOB	3	b		State Party to European Convention on Human Rights 1950? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • European Convention on Human Rights, 1950 	Yes, with no reservations.	
IOB	3	c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006 	Ukraine signed the Council of Europe Convention on the avoidance of statelessness in relation to state succession in 2006 but has not acceded to it .	Chart of signatures and ratifications of Treaty 200: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=UNx53TZk
IOB	3	d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive) 	No.	Directive 2008/115/EC of the European Parliament and of the Council: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF
IOB	3	e		State Party to Convention on the Rights of the Child 1989? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989 	Yes, with no reservations.	Regulation of the Parliament of the Ukrainian SSR № 789-XII of 27.02.1991 On Ratification of the Convention on the Rights of the Child: http://zakon3.rada.gov.ua/laws/show/789-12 (UK)
IOB	3	f		State Party to International Covenant on Civil and Political Rights 1966? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • International Covenant on Civil and Political Rights 1966 	Yes, with no reservations.	Decree of the Presidium of the Parliament of the Ukrainian SSR № 2148 of 19.10.1973 On Ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights: http://zakon3.rada.gov.ua/laws/show/2148-08 (UK)

IOB	3	g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • International Covenant on Economic, Social and Cultural Rights 1966 	Yes, with no reservations.	Decree of the Presidium of the Parliament of the Ukrainian SSR № 2148 of 19.10.1973 On Ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights: http://zakon3.rada.gov.ua/laws/show/2148-08 (UK)
IOB	3	h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Convention on the Elimination of all Forms of Discrimination Against Women 1979 • Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness. 	Yes, with no reservations.	Convention on the Elimination of all Forms of Discrimination Against Women: http://zakon3.rada.gov.ua/laws/show/995_207 (UK)
IOB	3	i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 	Yes, with no reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: http://zakon3.rada.gov.ua/laws/show/995_085 (UK)
IOB	3	j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1965? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • International Convention on the Elimination of All Forms of Racial Discrimination 1965 	Yes, with no reservations.	International Convention on the Elimination of All Forms of Racial Discrimination: http://zakon2.rada.gov.ua/laws/show/995_105 (UK)
IOB	3	k		State Party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of	<ul style="list-style-type: none"> • International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990 	No.	Status of ratification interactive dashboard. Ratification of 18 International Human Rights Treaties: http://indicators.ohchr.org/

				their Families 1990? Are there reservations in place? Please list them.			
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Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Govt have a discrete category for statelessness in its data collection system (e.g. in the census)? If so, what are the Govt figures for the total stateless population on the territory? Is the data disaggregated? If so, how?	<ul style="list-style-type: none"> • Gen. Rec. 32 of CEDAW (para. 39): States parties should... gather, analyse and make available sex-disaggregated statistical data and trends... • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices...concerning the collection of reliable data on stateless persons... • UNHCR Global Action Plan to End Statelessness 2014-2024 (Action 10): Improve quantitative and qualitative data on stateless populations... • Institute on Statelessness and Inclusion (The World's Stateless) pg.11: States should adopt and/or strengthen measures to count stateless persons on their territory... 	Yes , the Government had a discrete category for statelessness in the most recent All-Ukrainian Population Census of 2001. According to the Census, 82,550 persons identified themselves stateless in 2001 . The data was collected based on the individual answers to the census questionnaire .	State Statistics Committee of Ukraine, All-Ukrainian Population Census 2001: http://2001.ukrcensus.gov.ua/publications/#_p14 (UK)
POP	1	b		Do Govt authorities define categories of persons who may overlap with stateless (e.g. unknown nationality, unspecified nationality, other)? Are statistics on these available? If, yes, please indicate categories and statistics.	As above	Yes , there was a category for persons who did not identify their nationality in the last All-Ukrainian Population Census of 2001. According to the Census results, 40,364 persons did not identify their citizenship . The data was collected based on the individual answers to the census questionnaire .	State Statistics Committee of Ukraine, All-Ukrainian Population Census 2001: http://2001.ukrcensus.gov.ua/publications/#p14 (UK)
POP	1	c		What is the UNHCR estimate for the	As above	UNHCR estimated the number of stateless persons in Ukraine to be 35,294 in 2017 . UNHCR draws its estimates from	UNHCR Statistics, The World in Numbers: http://popstats.unhcr.org/

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				population of stateless persons and/or those at risk of statelessness on the territory? What is UNHCR's source for this information?		three main providers of data: governmental agencies, UNHCR field offices and NGOs.	UNHCR Statistical Online Population Database: Sources, Methods and Data Considerations, 1 January 2013: http://www.unhcr.org/statistics/country/45c06c662/unhcr-statistical-online-population-database-sources-methods-data-considerations.html#stateless
POP	1	d		Are there indirect (proxy) sources of statistics on stateless persons? E.g. categories of persons for which statistics are available where stateless persons may be more highly represented (e.g. relevant country of origin or profiles (e.g. Palestinians or Syrian Kurds)? Please provide explanation and figures.	As above	The All-Ukrainian Population Census of 2001 is a further indirect source of statistics on stateless persons as it provides numbers for the Roma population (47,917) and persons who haven't specified their citizenship (40,464). Stateless persons may be more highly represented in these categories . Roma represent one of the largest groups of undocumented persons with one of the highest proportion of stateless persons and those at risk of statelessness . A Report of the Ombudsman of Ukraine 'The Conditions of the Implementation of the Roma State Policy' (2015), stated that 17% of Roma respondents were undocumented. The data in the All-Ukrainian census does not distinguish between documented and undocumented Roma , nor between Roma who are Ukrainian citizens and those who are stateless.	State Statistics Committee of Ukraine, All-Ukrainian Population Census 2001: http://2001.ukrcensus.gov.ua/publications/#p14 (UK)
POP	1	e		Have there been surveys or mapping studies done to estimate the population of stateless persons in the country?	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-2024: Action 10 	There have been no surveys or mapping studies to estimate the stateless population in Ukraine . There is fragmentary data on the stateless population in reports by UNHCR and NGOs in Ukraine.	<p>HIAS and UNHCR (2014), The Problem of Statelessness in Ukraine and the Ways of Addressing It, Kyiv: http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf</p> <p>Odessa regional organization of All-Ukrainian NGO Committee of Voters of Ukraine (2015), Invisible Statelessness</p>

							<p>in Ukraine: The Experience of Identification and Overcoming, Odessa: http://cvu.od.ua/en/likbez/pidg-otovleno-vidannya-pro-nevidime-bezgromadyanstvo-v-ukrayini_296/ (UK)</p> <p>ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention: http://www.stateless-ness.eu/sites/www.stateless-ness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</p>
POP	1	f		Are there other sources of estimates for the population of stateless persons (not covered by the above)? If so, list sources and figures.	As above	<p>NGO reports contain additional unpublished data on the stateless population in Ukraine. For example, the report 'Protecting Stateless Persons from Arbitrary Detention' provides the following numbers based on an official response from the State Migration Service of Ukraine (SMSU) in 2015:</p> <ul style="list-style-type: none"> • 5159 stateless persons have permanent residence in Ukraine; • 574 stateless persons have temporary residence in Ukraine; • 189 stateless persons received a permit for immigration (permanent residence) to Ukraine; • 200 stateless persons were granted a temporary residence permit; • 600 stateless persons were granted a permanent residence permit. <p>According to the Annual Report of the Ombudsman of Ukraine on Human Rights in Ukraine in 2017, official SMSU statistics reported around 6,500 official registered stateless persons in Ukraine.</p>	<p>ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention, p.18: http://www.stateless-ness.eu/sites/www.stateless-ness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</p> <p>The Annual Report of the Ombudsman of Ukraine on Human Rights in Ukraine 2017: http://www.ombudsman.gov.ua/ua/page/secretariat/docs/presentations/&page=3 (UK)</p>

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POP	1	g		Are there issues with reliability of stateless data? If yes, please describe why.	As above	<p>The reliability of statelessness data causes serious concerns. The only available official statistics on the stateless population in Ukraine is the All-Ukrainian Population Census of 2001, which is outdated. No other official government data is publicly available. In their reports and statistics, Ukrainian government agencies usually do not distinguish between foreigners and stateless persons. UNHCR data is also an estimate and is not claimed to be comprehensive for the whole Ukraine. Concerns about the reliability of data on statelessness in Ukraine are also repeatedly expressed in NGO reports.</p>	<p>HIAS and UNHCR (2014), The Problem of Statelessness in Ukraine and the Ways of Addressing It, Kyiv: http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf</p> <p>Odessa regional organization of All-Ukrainian NGO Committee of Voters of Ukraine (2015), Invisible Statelessness in Ukraine: The Experience of Identification and Overcoming, Odessa: http://cvu.od.ua/en/likbez/pidgotovleno-vidannya-pro-nevidimibezgromadyanstvo-v-ukrayini_296/ (UK)</p> <p>ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention: http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</p>
POP	1	h		Are there indications that the stateless population is either over or under reported? Please describe.	As above	<p>There are several factors indicating that the stateless population in Ukraine is most likely underreported. Firstly, parts of Donetsk and Luhansk regions as well as Crimea are not currently controlled by the Ukrainian Government. Therefore, official government statistics do not track persons residing in these regions. Yet, persons residing in regions not controlled by the Ukrainian Government have limited access to documents. Since the occupation and annexation of Crimea by the Russian Federation and the outbreak of the armed conflict in the East of Ukraine in 2014, children born in the territories not controlled by the</p>	<p>Law of Ukraine № 1207-VII of 15.04.2014 On Ensuring Civil Rights and Freedoms, and the Legal Regime on the Temporarily Occupied Territory of Ukraine: http://zakon2.rada.gov.ua/laws/show/1207-18 (UK)</p> <p>Regulation of the Parliament of Ukraine № 254-19-VIII of 17.03.2015 On Recognition of Certain Regions, Cities, Towns and Villages in Donetsk and Luhansk Regions as Temporarily Occupied Territories: http://zakon.rada.gov.ua/laws/show/254-19 (UK)</p>

						<p>Government of Ukraine and children who have reached passport age (14 years-old under current Ukrainian legislation) have limited access to procedures confirming Ukrainian nationality and acquiring citizenship, putting them at particular risk of statelessness. Secondly, Ukraine has one of the largest Roma populations in Europe. According to the Council of Europe, the overall estimate of Roma people living in Ukraine is 400,000. According to UNHCR, many Roma are undocumented and therefore their numbers are difficult to quantify. Roma represent one of the largest groups of stateless persons or those at risk of statelessness in Ukraine. Thirdly, all available official statistics reflect documented stateless persons only. Stateless people in Ukraine are often undocumented and are therefore not reflected in any government statistics.</p>	<p>Liégeois J.P. (2007), The Council of Europe and Roma: 40 years of action, Chapter 2: https://books.google.com.ua/books?id=RaLjBAAAQBAJ&vq=coe+roma+in+ukraine+400,000&dq=coe+roma+in+ukraine+400,000&hl=uk&source=gbs_navlinks_s</p> <p>UNHCR (2016), The Protection of Minorities in Ukraine: Roma and Crimean Tatars: http://unhcr.org.ua/attachments/article/317/2016%2011%20UNHCR%20UKRAINE%20Minorities%20Briefing%20Note%20FINAL%20EN.pdf</p>
POP	1	i		Please provide any available figures on stateless refugees or asylum seekers (if there is data, please clarify whether Govt also counts stateless refugees and asylum seekers in the stateless population to avoid under/over reporting).	As above	<p>There are no figures available on stateless refugees or asylum seekers in Ukraine. These numbers are not reported either by the Government or by UNHCR in Ukraine.</p>	

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POP	2	a	Stateless in Detention data	Number of stateless persons in immigration detention	As above and see also norms in Detention section.	The State Migration Service of Ukraine (SMSU) does not distinguish between foreigners and stateless persons in immigration detention in its statistics . According to SMSU data, 842 foreigners and stateless persons were held in immigration detention in 2017. 2 stateless people were detained in the Mykolaivskyi Immigration Detention centre in October 2018. The Report “Protecting Stateless Persons from Arbitrary Detention” provides some unpublished figures from the State Border Guard Service for the number of people detained, including stateless persons and those who may be stateless or at risk of statelessness (e.g. in 2015: 215 people – 2 stateless, 3 Somalis; in 2014: 236 people – 1 stateless, 11 Somalis & 1 Palestinian).	Indicators of the State Migration Service’s activities in 2017, p.4: https://dmsu.gov.ua/assets/files/statistic/year/dms_2017_pok.pdf (UK) Information from the Mykolaivskyi Immigration Detention centre was obtained during a monitoring visit by Desyate Kvitnya (Tenth of April). ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention, p.18: http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf
POP	2	b		Are there statistics on individuals released from immigration detention who were unremovable, their country of origin and length of detention? If yes, please provide.	As above	The Government does not provide any statistics on individuals released from immigration detention who were unremovable . According to the Report “Protecting Stateless Persons from Arbitrary Detention”, between 2011-2015, 439 people (46%) were released from detention after being detained for the maximum period, which suggests that people who are unremovable are often detained for the maximum period. In 2015, this percentage decreased to 28% .	ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention, p.18: http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf

Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IDP	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: Article 1(1) and 1(2). 	Ukrainian legislation defines a stateless person as a person who is not considered as a national by any State under its law. The definition is almost in line with the one in the 1954 Convention. The only difference is that the definition in Ukrainian legislation says rather about consideration under law and not “under the operation of law”. However, this is mainly a matter of translation.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, art. 1 para 1 item 15: http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946 (UK)
IDP	1	b	Existing SDP procedure	<p>Which of the following best describes the situation in your country?</p> <p>3. There is a dedicated stateless status even if no formal procedure exists for determining this.</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: ... it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions so as to provide them appropriate treatment in order to comply with their Convention commitments. • UNHCR (Good Practices Paper 6): Establishing a statelessness determination procedure is the most efficient means for States Parties to the 1954 Convention to identify the beneficiaries of that Convention. 	Group 3: there is no dedicated SDP procedure in Ukraine and no other administrative procedures by which statelessness can be identified . However, the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” and other legislative acts contain rules regarding a dedicated stateless status . It should also be mentioned that Ukrainian legislation does not prescribe any significant difference in the legal status of foreigners and stateless persons with legal residence in Ukraine. Ukrainian authorities have the same procedures for foreigners and stateless persons (e.g. procedures for obtaining a residence permit) and do not investigate claimed statelessness . On 21 September 2018, a draft law on the introduction of an SDP procedure was registered in the Parliament of Ukraine. However, it’s impossible to predict how long it will take for the law to be adopted.	<p>Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011: http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946 (UK)</p> <p>Law of Ukraine on Citizenship of Ukraine № 2235-III of January 18, 2001: http://zakon3.rada.gov.ua/laws/show/2235-14 (UK)</p>

					<ul style="list-style-type: none"> • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices among Member States concerning... procedures for determining statelessness. 		
IDP	15	a	Stateless status but unclear mechanism	<p>Is there a dedicated statelessness status even if no formal procedures exists for determining this? If there is a dedicated status for stateless persons how are beneficiaries identified and what rights are attached to the status? <u>If there is no stateless status proceed to question 16a.</u> <u>If yes, IDP section is complete. Proceed to questions on Detention.</u></p>	<p>As above</p>	<p>Yes, there is a dedicated stateless status. Stateless people are entitled to rights, freedoms and guarantees only if they have legal grounds for residence and documents. Enjoyment of these rights and freedoms depends on the availability of documents that identify a stateless person and confirm their status. Because of poor administrative procedures and inconsistent legislation many stateless persons are not able to obtain identity documents and confirm their status. The Law on the Legal Status of Foreigners and Stateless Persons provides a definition of a stateless person, which is similar to the 1954 Convention, but narrower in that it states, 'in accordance with its law', instead of 'under the operation of its law'.</p> <p>Ukrainian legislation contains some rules on a dedicated stateless status, mainly in the Constitution. According to Art. 26 of the Constitution, foreigners and stateless persons who reside legally in Ukraine enjoy the same rights and freedoms and also bear the same duties as citizens, with the exceptions established under the Constitution, laws or international treaties of Ukraine. Foreigners and stateless persons may be granted asylum under the procedure established in law. The same rules are enshrined in Art. 3 of the Law on the Legal Status of Foreigners and</p>	<p>The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Arts. 1 & 3: http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946 (UK)</p> <p>The Constitution of Ukraine of 28 June 1996, Arts. 26, 41, 43, 47, 49, 53 & 92: http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80 (UK)</p> <p>ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28th Session of the Universal Periodic Review (Third Cycle, 6-17 November 2017), p.7: https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/re-sources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</p>

					<p>Stateless Persons. Other important guarantees are found in Art. 92(2-1) of the Constitution, which sets the principle that the status of foreigners and stateless persons may be determined exclusively by the laws of Ukraine. The law On the Legal Status of Foreigners and Stateless Persons sets only the fundamentals of the legal status of stateless persons. It does not determine any restrictions of rights, which Art. 26 of the Constitution allows for. Restrictive provisions are prescribed by different legislative acts. The main restrictions relate to civic rights to take part in the conduct of public affairs, to vote and to be elected.</p> <p>Legally residing stateless people in Ukraine have the following socio-economic rights:</p> <ul style="list-style-type: none"> • Right to work: Stateless persons have the right to work (Art.43 Constitution), and the same labour rights (decent remuneration, right to leisure, right for healthy and safe working environment, etc.) as citizens of Ukraine, but they must obtain a work permit (Art. 42 Law On employment of population). • Right to social security: There are no general restrictions for stateless persons but entitlement to certain types of social security depends on the person's insurance record. • Right to own property and to housing: Stateless persons have the same rights in the possession of property as citizens of Ukraine with some exceptions (e.g. right to own agricultural land). • Right to education: Stateless persons have the same education rights i.e. school education is free and higher education can be free within a quota defined by the Cabinet of Ministers, but in practice there is no evidence of stateless persons accessing free higher education via the quota. • Right to medical care: stateless persons have the same rights to healthcare as citizens of Ukraine (Art. 11 Fundamentals of the Legislation of Ukraine on Health Care). 	<p>The Law of Ukraine On employment of the population № 5067-VI of 5 July 2012, Arts. 42 & 46: http://zakon3.rada.gov.ua/laws/show/5067-17 (UK)</p> <p>The Land Code of Ukraine № 2768-III of 25 October 2001, Art. 22(5): http://zakon3.rada.gov.ua/laws/show/2768-14/print1499248601111314 (UK)</p> <p>The Law of Ukraine On Higher Education № 1556-VII of 1 July 2014, Art. 4(2): http://zakon3.rada.gov.ua/laws/show/1556-18 (UK)</p> <p>The Law of Ukraine Fundamentals of the Legislation of Ukraine on Health Care, № 2801-XII of 19 November 1992, Art. 11: http://zakon3.rada.gov.ua/laws/show/2801-12/print1499248601111314 (UK)</p>
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						<p>Stateless people who do not have legal residence and identity documents:</p> <ul style="list-style-type: none"> • Right to work and social security: stateless persons are not entitled to work nor social security without identity documents. • Right to own property and to housing: undocumented stateless persons are not entitled to own property as these rights arise from registration in the Unified State Register, which is impossible for those without identity documents. • Right to education: school education is also free and available for stateless children but in practice, children without documents are unable to receive education certificates that are necessary to continue formal education. • Right to medical care: undocumented stateless persons have the right to emergency medical care (Art. 35 Fundamentals of the Legislation of Ukraine on Health Care). Other types of medical care are unavailable for stateless persons without identity documents. 	
IDP	16	a	Other routes to regularisation	<p>If none of the above questions can be answered, are there other possibilities by which stateless persons can regularise their stay without their statelessness being determined? For each such status please explain the rights during the procedure. For each such status explain the rights granted to beneficiaries.</p>	As above	No.	

Detention

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law?	<ul style="list-style-type: none"> • ICCPR Art 9 (1): Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. • ECHR Art 5 (1): Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: ...(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition. 	Immigration detention powers are provided for in the Law of Ukraine On the Legal Status of Foreigners and Stateless Persons (Art.30) and the Code of Administrative Proceedings of Ukraine (Art. 289).	<p>The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011: http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946 (UK)</p> <p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005: http://zakon2.rada.gov.ua/laws/show/2747-15 (UK)</p>
DET	1	b		Does domestic law allow immigration detention for purposes other than those allowed under ECHR 5(1)(f)?	<ul style="list-style-type: none"> • ECHR Art 5 (1)(f) 	<p>Grounds for immigration detention are found in different legal acts. Articles 298 of the Code of Administrative Proceedings prescribes that immigration detention may be enforced if there are reasonable grounds to believe that a foreigner or stateless person, against whom an administrative order for forced removal has been filed, does not possess a document that gives him or her the right to enter another country, is going to evade the enforcement of his/her deportation, or if there is a risk of absconding. Despite the reform of Ukrainian legislation in June 2016, which intended to allow immigration detention only following a court decision, legislation still contains provisions</p>	<p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Arts.289: http://zakon2.rada.gov.ua/laws/show/2747-15 (UK)</p> <p>Law of Ukraine On Amending Certain Legislative Acts of Ukraine on Improving the Provisions of Legal Protection of Foreigners and Stateless Persons and Resolving Certain Issues Related to Combating Illegal Migration № 1379-VIII of 19 May 2016: http://zakon2.rada.gov.ua/laws/show/1379-viii (UK)</p> <p>The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Arts. 1(27) & 30:</p>

						<p>that makes it possible for the State Migration Service (SMS) and for the State Border Guard Service (SBGS) of Ukraine to detain irregular migrants without a court decision. For example, the Law On the Legal Status of Foreigners and Stateless Persons grants powers to the SMS to detain foreigners and stateless persons if they ignored a compulsory return decision or if there are reasonable grounds to believe that a foreigner or stateless person will evade enforcement of a court decision on his/her removal. Such powers are not substantiated by clear rules on grounds and procedures for immigration detention. Similar provisions on powers to detain are also in the Instruction on the procedure for the detention of foreigners and stateless persons. The Law On the State Border Guard Service also stipulates SBGS officials’ competence to decide to detain foreigners and stateless persons. Concerns about the norms in Ukrainian legislation were expressed in the ENS report, Protecting Stateless Persons from Arbitrary Detention. Ukrainian legislation allows immigration detention for purposes beyond the provisions of the ECHR 5(1)(f). A person who has entered the country and has no legal grounds for residence may be placed in immigration detention before judgement on his/her deportation or extradition.</p>	<p>http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946 (UK)</p> <p>Instruction on the procedure for the detention of foreigners and stateless persons at places of temporary stay of foreigners and stateless persons who are illegally staying in Ukraine, adopted by the Order of the Ministry of Internal Affairs of Ukraine № 141 of 29 February 2016, Ch. 2 (paras. 1-3): http://zakon3.rada.gov.ua/laws/show/z0748-16 (UK)</p> <p>The Law of Ukraine No 661-IV On the State Border Guard Service of 3 April 2003, Art. 19(15-1): http://zakon2.rada.gov.ua/laws/show/661-15/print1443083747350167 (UK)</p> <p>ENS & R2P (2016), Protecting Stateless Persons from Arbitrary Detention in Ukraine, p.21: http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</p>
DET	1	c		Does a proposed country of removal need to be identified before	<ul style="list-style-type: none">• ICCPR Art 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Repeated attempts to expel a person to a country where his/her well-	<p>No. The law does not prescribe obligations for the court and State Migration Service of Ukraine to identify the pro-</p>	Judgment of the Zakarpaskyi District Aministrative Court № 2-a-3473/09/0770 of 2 September 2009:

				<p>a person is detained for the purpose of removal? Please describe the situation in law and in practice.</p>	<p>being is not guaranteed and where he/she could be subject to cruel, inhuman or degrading treatment or punishment or to a country that is refusing to admit the individual in question could amount to inhuman or degrading treatment.</p> <ul style="list-style-type: none"> • ECHR Art 5 (1)(f) • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. • EU Returns Directive: Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence. • ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once unreturnability is established, migrants should not be detained. 	<p>posed country of removal before detention. Ukrainian courts make decisions on removal even if obstacles for removal are known beforehand. There are judgments on removal without a designated country of removal.</p>	<p>http://www.reyestr.court.gov.ua/Review/5097151 (UK)</p> <p>Judgment of the Zakarpatskyi District Administrative Court № 2-a-3473/09/0770 of 2 September 2009: http://www.reyestr.court.gov.ua/Review/64861686 (UK)</p>
DET	1	d		<p>Is statelessness a juridically relevant fact in any decision to detain (in practice and in law)? If so, at what point(s) is a risk of statelessness identified? Is referral to an SDP possible within the detention regime?</p>	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above. • UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... For stateless persons, the absence of status determination procedures to verify identity or nationality can lead to prolonged or indefinite detention. SDPs are therefore an important mechanism to reduce the risk of prolonged and/or arbitrary detention. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 13 – states must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. 	<p>No.</p>	<p>The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011: http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946 (UK)</p> <p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005: http://zakon2.rada.gov.ua/laws/show/2747-15 (UK)</p>

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					<ul style="list-style-type: none"> • International Commission of Jurists, Migration and International Human Rights Law: a Practitioner's Guide 2014: the detention of stateless persons can never be justified when there is 'no active or realistic progress towards transfer to another State'. 		
	1	e		Are stateless persons detained in practice? Please provide figures and source of information if available.	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above. • UNHCR (2014), Handbook on Protection of Stateless Persons: as above. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: as above. • International Commission of Jurists, Migration and International Human Rights Law: a Practitioner's Guide 2014: as above. 	Yes. The State Migration Service of Ukraine (SMSU) does not distinguish between foreigners and stateless persons in immigration detention in its statistics . According to SMSU data, 842 foreigners and stateless persons were held in immigration detention in 2017. 2 stateless people were detained in the Mykolaivskiy Immigration Detention centre in October 2018 . The Report "Protecting Stateless Persons from Arbitrary Detention" provides some unpublished figures from the State Border Guard Service for the number of people detained, including stateless persons and those who may be stateless or at risk of statelessness (e.g. in 2015: 215 people – 2 stateless, 3 Somalis; in 2014: 236 people – 1 stateless, 11 Somalis & 1 Palestinian).	Performance indicators of the State Migration Service of Ukraine in 2016: https://dmsu.gov.ua/assets/files/statistic/year/2016_12.xlsx (UK) Information about 2 stateless people in the Mykolaivskiy Immigration Detention centre was obtained during a monitoring visit by Desyate Kvitnya. ENS & R2P (2016), Protecting Stateless Persons from Arbitrary Detention in Ukraine, p.18: http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf
DET	1	f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives to detention have been exhausted?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention is therefore a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention. • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-coun- 	No . The Code of Administrative Proceedings prescribes three measures , which may be taken by the court against irregular migrants. Immigration detention along with the rarely used two alternatives in the form of bail for the person to a company or a deposit surety bail is among them. The decision is up to the court.	Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Article 289: http://zakon2.rada.gov.ua/laws/show/2747-15 (UK)

					try national who is the subject of return procedures in order to prepare the return and/or carry out the removal process.		
DET	1	h		Are individual vulnerability assessments carried out before a decision to detain (or shortly thereafter), and are stateless persons defined as a vulnerable group?	<ul style="list-style-type: none"> • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless persons are not understood and addressed... • EU Returns Directive: Art 16(3) Particular attention shall be paid to the situation of vulnerable persons... • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention: The special circumstances and needs of particular asylum-seekers must be taken into account... • Council of the European Union Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons 2013: European entities should assess the situation of LGBTI persons in detention... 	<p>Stateless persons are not defined by Ukrainian legislation as a vulnerable group. Ukrainian legislation sets no vulnerability assessment at all and no vulnerability criteria. However, refugees and persons in need of subsidiary protection cannot be subject to migration detention (under Article 31 Refugee Convention, which Ukraine acceded to in 2002) with one exception: asylum seekers can be held in detention if they submitted an asylum claim after the decision on their immigration detention.</p>	<p>The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 30(4): http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946 (UK)</p> <p>Convention Relating to the Status of Refugees of 1951, Art. 31: http://zakon2.rada.gov.ua/laws/show/995_011 (UK)</p>
DET	2	a	Alternatives to immigration detention	<p>Does the country have alternatives to detention which individuals are considered for prior to any decision to detain?</p> <p>Are alternatives to detention established in law?</p> <p>Are they subject to a statutory</p>	<ul style="list-style-type: none"> • ICCPR Art 9 • FKAG v Australia (HRC): Any decision relating to detention must take into account less invasive means of achieving the same ends... • UN General Assembly Resolution on the protection of migrants 63/184 2009: Calls upon all States ... to adopt, where applicable, alternative measures to detention. • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention...can only be justified where other less invasive or coercive measures have been considered and found insufficient... Alternatives to detention...are part 	<p>The Code of Administrative Proceedings sets two alternatives to detention: bail for the person to a company, institution or organization; and, deposit surety bail, which may be paid by the individual or a third party. These measures are not subject to periodic review. The time limit of these measures depends on the length of removal proceedings.</p>	<p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Article 289: http://zakon2.rada.gov.ua/laws/show/2747-15 (UK)</p>

				<p>time limit and periodic reviews of their necessity and proportionality?</p>	<p>of any assessment of the necessity and proportionality of detention.</p> <ul style="list-style-type: none"> • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : alternatives to detention refers to any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement and since they can involve restrictions on movement of liberty they are bound by human right standards. • Human Rights Council (HRC), Report of the Special Rapporteur on the human rights of migrants, François Crépeau (2012) A/HRC/20/24: Alternatives to detention should not become alternatives to unconditional release [...] the obligation to always consider alternatives to detention (non-custodial measures) before resorting to detention should be established by law. • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: After a careful examination of the necessity of deprivation of liberty in each individual case, the authorities of the host state have concluded that compliance with the removal order cannot be ensured as effectively by resorting to non-custodial measures such as supervision systems, the requirement to report regularly to the authorities, bail or other guarantee systems. • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-coun- 		
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					<p>try national who is the subject of return procedures in order to prepare the return and/or carry out the removal process.</p> <ul style="list-style-type: none"> • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: (31) ...states have an obligation in the first instance to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive than detention, ensure the greatest possible freedom of movement and that respect the human rights of the individual. • International Detention Coalition (2015), There Are Alternatives: A handbook for preventing unnecessary immigration detention (revised edition): immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case. 		
DET	2	b		<p>Is there evidence that immigration detention is used in practice prior to all alternatives being considered? Please cite relevant reports.</p>	As above	<p>Yes, there are reports that immigration detention is used in practice prior to all alternatives being considered. Moreover, analysis of judgements against irregular migrants proves that immigration detention is the most widespread measure. The decision to detain must comply with the principles of necessity, reasonableness and proportionality (among others), which require the state to exhaust all less restrictive alternatives before finally resorting to detention. However, in practice, alternatives are seldom considered first in Ukraine.</p>	<p>ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28th Session of the Universal Periodic Review (Third Cycle, 6-17 November 2017): https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</p> <p>ENS & R2P (2016), Protecting Stateless Persons from Arbitrary Detention in Ukraine, p.18: http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</p>

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DET	3	a	Procedural safeguards	<p>Is there a maximum time period for immigration detention set out in the law? What is it?</p> <ul style="list-style-type: none"> • UN Human Rights Council (HRC) (2010), Report of the UN Working Group on Arbitrary Detention to the Human Rights Council, 13th Session, A/HRC/13/30: a maximum period of detention must be established by law and upon expiry of this period the detainee must be automatically released. • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention: to guard against arbitrariness, maximum periods of detention should be set in national legislation. • EU Returns Directive: Art 15(5) Each Member State shall set a limited period of detention, which may not exceed six months (extendable by 12 months in specific circumstances of the detainee refusing to cooperate with removal proceedings or delays in obtaining documentation from third countries). • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: It is desirable that states clearly specify a reasonable maximum time limit. Under no circumstances should indefinite detention be tolerated. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 39 Detention should always be for the shortest time possible. There should be a reasonable maximum time-limit for detention. It is highly desirable that states do not detain stateless persons for more than six months. States which at present have a lower than six-month maximum time-limit for detention are urged not to increase it, and all states 	<p>Under the Law on the Legal Status of Foreigners and Stateless Persons the maximum period for immigration detention is 18 months. The Code of Administrative Proceedings sets a 6-month term for immigration detention, which may be extended, but not for longer than 18 months. The Code of Administrative Proceedings was amended at the end of 2017 leading to a concern that the maximum length of detention was to be lengthened because of how the amended provision was worded. However, it has been confirmed by practice in 2018, that the maximum time limit remains 18 months (including extensions).</p>	<p>The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 30: http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946 (UK)</p> <p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Article 289: http://zakon2.rada.gov.ua/laws/show/2747-15 (UK)</p> <p>Desyate Kvitnya practice/casework.</p>
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					are urged to review and reduce their maximum time limit for detention.		
DET	3	h		Does law/policy provide that individuals must be informed in writing of the reasons for immigration detention?	<ul style="list-style-type: none"> • UN General Assembly (UNGA) (1988), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Resolution A/RES/43/173: Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him. • EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37 Stateless detainees shall receive their order of detention in writing and in a language they understand and this must outline the reasons for their detention. 	Yes, see DET 3 b.	
DET	3	b		Are all detainees provided with information on their rights, contact details of organisations to assist them, including in challenging the legality of their detention and conditions of detention? Does this include guidance on how to access a dedicated SDP?	<ul style="list-style-type: none"> • International Commission of Jurists (ICJ) (2014), Migration and International Human Rights Law: a Practitioner's Guide (updated edition): The authorities are required to take steps to ensure that sufficient information is available to detained persons in a language they understand, regarding the nature of their detention, the reasons for it, the process for reviewing or challenging the decision to detain. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37 Detainees must be informed of their rights related to the detention order, including the right to legal advice, the right to apply for bail, seek judicial review and/or appeal the legality of the detention. Where appropriate, they should receive free legal assistance; they must be informed of the maximum time limit which they can be held in detention; 	<p>Yes. The inspector of the detention centre personally or with the help of an interpreter brings to a detainee information in a language that he/she can understand or in his/her native language about his /her rights, including the right to free legal aid, and duties, reasons for detention and its term, accommodation rules and daily routine, contact numbers for state bodies and human rights organisations. The inspector o should bring the information in printed form. It does not include guidance on how to access a dedicated SDP because there is none (see IPD 1 a).</p>	Instruction on the procedure for the detention of foreigners and stateless persons at places of temporary stay of foreigners and stateless persons who are illegally staying in Ukraine, adopted by the Order of the Ministry of Internal Affairs of Ukraine № 141 of 29 February 2016, para. 29: http://zakon3.rada.gov.ua/laws/show/z0748-16 (UK)

					and they must be provided with a handbook in a language which they understand and that contains information on all their rights and entitlements during detention.		
DET	3	c		<p>Are there regular periodic reviews of the necessity for the continuation of detention before a court or an independent body?</p> <p>If yes, are detainees released when it becomes evident that their removal will not be possible within a reasonable time?</p>	<ul style="list-style-type: none"> • ICCPR Art 9(3): Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. • EU Returns Directive: Any detention shall ... only be maintained as long as removal arrangements are in progress and executed with due diligence. • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant... the length of the detention should not exceed that reasonably required for the purpose pursued. • Kim v Russia [2014] Application no 44260/13 (ECtHR): The purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure to which they are thereby subjected. • A. v. Australia, CCPR/C/59/D/560/1993, (HRC): Decisions to detain should be open to review periodically so that the grounds justifying the detention can be assessed. • Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatrešniteraboti [2009] Case C-357/09 (ECJ): There must, at the time of the national Court's review of the lawfulness of detention, be a real prospect that the removal can be carried out successfully. 	<p>Yes, there are periodic reviews of the necessity for the continuation of detention before a court. To extend the detention term beyond the initial six months, the detaining authority is required to file an administrative claim at least five days before the expiration of the period. Further extensions must be filed every three months, which must state the actions or measures taken by the authority to enforce the decision on deportation or to examine the application for granting refugee or complementary protection status. Detention may be extended only if: the detainee doesn't cooperate during the identification procedure; and/or there is a lack of information from the country of citizenship of a detainee or lack of documents for identification of a detainee. Otherwise a detainee should be released. Extension of detention because of lack of information from the country of citizenship of a detainee is a serious disadvantage for stateless persons, making it possible to detain stateless persons for the maximum period of 18 months. There are a lot of judgements on the release of immigration detainees in the Unified State Register of Court Decisions. The Code of Administrative Proceedings sets a 6-month term for immigration detention, which may be extended, but not for longer than 18 months.</p>	<p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Article 289: http://zakon2.rada.gov.ua/laws/show/2747-15 (UK)</p> <p>Judgement of the Ripkinsky District Court of Chernihiv Oblast № 743/380/17: http://www.reyestr.court.gov.ua/Review/65458417</p> <p>Judgement of the Pershotravnevnyi District Court of Chernivtsy № 725/3781/16-a http://www.reyestr.court.gov.ua/Review/59719642</p>

					<ul style="list-style-type: none"> • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: Detention pending removal shall be justified only for as long as removal arrangements are in progress. If such arrangements are not executed with due diligence the detention will cease to be permissible. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 41 To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. 		
DET	3	d		<p>What remedies are available to an individual to challenge detention? How often can these be invoked? Are there any obstacles in practice?</p>	<ul style="list-style-type: none"> • ICCPR Art 9(4): Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. • ECHR: Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful. • Kim v Russia [2014] Application no 44260/13 (ECtHR): the purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure to which they are thereby subjected. 	<p>A detainee may appeal against a judgement of the court of first instance on his/her detention, and to the court of cassation against the judgement of the appeal court. A detainee is entitled to challenge the extension of the term of immigration detention during periodic reviews every 3 months after expiration of 6-month period of detention. One of the main obstacles is that any appeal against the decision of the first instance court must be lodged within ten days. Given the vulnerable position of persons subject to immigration detention, appeal within this timeframe is often impossible. Detainees are also limited because of poor access to free legal aid. If placed in Migration Detention Centres based on decisions of the State Migration Service or the State Border Guard Service of Ukraine, the decisions of these governmental agencies can also be appealed to the courts of Ukraine.</p>	<p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Article 289: http://zakon2.rada.gov.ua/laws/show/2747-15 (UK)</p> <p>ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28th Session of the Universal Periodic Review (Third Cycle, 6-17 November 2017), para.39: https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</p>

DET	3	e		<p>Are there rules/guidance in place that govern the process of re-documentation and/or ascertain entitlement to nationality, for the purpose of removal?</p> <p>Do these rules articulate the respective roles that state and individual are expected to play?</p> <p>Are there time limits clearly set out?</p> <p>Are the outcomes of such processes used/considered relevant for subsequent determination of whether an individual is stateless?</p>	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): The only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: The inability of a stateless person to co-operate with removal proceedings should not be treated as non-cooperation (see also above). • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality...the respective roles that the state and the individual should be expected to play and related time limits should be clearly articulated. The longer it takes to do so, detention is more likely to become unreasonable and disproportionate. • ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once unreturnability is established, migrants should not be detained. Detention should not be used for nationals of countries to which forced returns are not generally possible. 	<p>There are no clear and consistent rules governing the process of re-documentation or ascertaining entitlement to nationality for the purpose of removal. If a foreigner has no identity documents, the State Migration Service or the Security Service of Ukraine or the State Border Guard should take action to identify them, including requesting information from diplomatic missions or consular offices. There are no rules governing time limits and how information gathered during this procedure should be used.</p>	<p>Instruction on the compulsory return and forced removal of foreigners and stateless persons from Ukraine, approved by the Order of the Ministry of Internal Affairs of Ukraine, the Administration of the State Border Guard Service of Ukraine, the Security Service of Ukraine № 353/271/150 of 23 April 2012, para.27: http://zakon2.rada.gov.ua/laws/show/z0806-12/print1499148687718755 (UK)</p>
DET	3	f		<p>Is free legal aid available to challenge detention?</p> <p>Are there any barriers to accessing this in practice?</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. • EU Returns Directive: Art 13(3) The third-country national concerned shall have the possibility to obtain legal advice, representation and, where necessary, linguistic assistance. 	<p>Yes, by law free legal aid is available to challenge detention. Undocumented stateless persons have poor access to free legal aid because legal aid centres demand documents proving statelessness. There are three immigration detention centres in Ukraine: in the Regions of Volyn (Zhuravychi village), Chernihiv (Rozsudiv village) and Mykolaiv (near Voznesensk</p>	<p>The Law of Ukraine On Free Legal Aid № 3460-VI of 2 June 2011, Art. 14(8): http://zakon2.rada.gov.ua/laws/show/3460-17 (UK)</p> <p>ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28th Session of the Universal Periodic Review (Third Cycle, 6-</p>

						<p>town). Since immigration detention centres are located in villages, lawyers from legal aid centres do not want to travel there. Access to free legal aid is also difficult and lengthy because detainees cannot approach these legal aid centres personally and can become their beneficiaries only after a decision by the centre to grant them free legal aid.</p>	<p>17 November 2017), para.36: https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</p> <p>State Migration Service of Ukraine, Пункти тимчасового перебування іноземців та осіб без громадянства (Immigration detention centres): https://dmsu.gov.ua/pro-dms/struktura-ta-kontakti/punkti-timchasovogo-perubuvannya-inozemcziv-ta-osib-bez-gromadyanstva.html (UK)</p>
DET	4	a	Protections on release	<p>Are those released from detention issued with any identification, including confirmation of their statelessness status, and thus protected from arbitrary re-detention?</p>	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: Art 27 • UNHCR (2014), Handbook on Protection of Stateless Persons: Statelessness, by its very nature, severely restricts access to basic identity and travel documents that nationals normally possess. Moreover, stateless persons are often without a legal residence in any country. Thus, being undocumented or lacking the necessary immigration permits cannot be used as a general justification for detention of such persons. • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Article 27 of the 1954 Statelessness Convention... applies to all stateless persons, which includes those not staying legally in the state's territory... state parties to the 1954 Convention have an obligation to provide stay rights to stateless persons who have been released from detention. 	<p>Those released from detention are issued with a certificate of detention in an immigration detention centre. This document contains a photograph and information about citizenship (or absence of citizenship). Those released from detention are recognised as lawful residents of Ukraine and cannot be detained again. The certificate of detention in an immigration detention centre should be submitted to the State Migration Service during the procedure for obtaining a temporary residence permit. Stateless persons face barriers to obtaining temporary residence permits, including the requirement of compulsory registration of the place of residence, and the requirement that the applicant was detained for the maximum detention period.</p>	<p>Temporary procedure for processing applications for a permanent residence permit and a temporary residence permit, adopted by the Order of the Ministry of Internal Affairs of Ukraine № 681 of 15 July 2013, Item 12, para 3.1: http://zakon2.rada.gov.ua/laws/show/z1335-13/page (UK)</p>

					<ul style="list-style-type: none"> • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guidelines 55 & 56 Special care should be taken to address the vulnerabilities of stateless persons who are released from detention and to ensure that they enjoy all human rights which they are entitled to under international law... Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation. 		
DET	4	b		<p>If the purpose of detention cannot be fulfilled (e.g. removal) and the person is released, what legal status is provided to them by law? Can they access social services, accommodation, welfare, education and healthcare? Do they have the right to work?</p>	<ul style="list-style-type: none"> • Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vntreshnite raboti [2009] Case C-357/09 (ECJ): Article 15(4) and (6) of the Directive should be interpreted as requiring that after the maximum period of detention has expired, the person must be released immediately... the individual's lack of valid documentation, his/her inability to support him/herself or his/her "aggressive conduct" should not be a deterrent to his/her release. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 55 as above. 	<p>Those released from detention are recognised as lawful residents of Ukraine while there are obstacles for their removal and cannot be detained again. Released persons have limited access to social and economic rights. Even persons with a temporary residence permit are not allowed to work or study legally. Released detainees can be documented with a temporary residence permit, however, the conditions for receiving one can be problematic for stateless persons or those at risk of statelessness.</p> <p>Besides, released detainees can receive temporary residence permits only for the period of 1 year, after which the grounds for extension of the document have to be reconsidered. This can create an additional risk of re-detention for stateless persons or those at risk of statelessness.</p>	<p>Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 17 (17): http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946 (UK)</p> <p>ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28th Session of the Universal Periodic Review (Third Cycle, 6-17 November 2017), para.36: https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</p>
DET	4	c		<p>If re-detention does occur, is the cumulative time spent in detention counted towards any maximum time limits?</p>	<ul style="list-style-type: none"> • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 40 When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration. 	<p>No legislative provision exists for immigration re-detention so there are no rules in Ukrainian legislation on cumulative duration of immigration detention. However, immigration re-detention occurs in practice. A major cause of re-detention is the absence of legal grounds for residence.</p>	<p>ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention, p.29: http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</p>

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						Stateless persons, who have been released from immigration detention, often face various obstacles in obtaining a residence permit. Those without residence permits may be placed in immigration detention again. Immigration re-detention may also occur in situations when a person tries to illegally cross the border of Ukraine.	
DET	5	a	Readmission agreements	Is statelessness considered a juridically relevant fact in any readmission and/or bilateral return agreements?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness. 	Ukraine has ratified 12 bilateral agreements on readmission. Statelessness is not considered as a juridically relevant fact in any of the agreements.	Migration legislation of Ukraine: readmission: www.iom.org.ua/sites/default/files/migraciynе_zakonodavstvo_ukrayini_readmisiya_osib_0.pdf (UK)
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		No.	

Prevention and Reduction

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? If yes, continue with PRS1b below. If no, proceed to PRS1j.	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless... • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality... • Convention on the Rights of the Child 1989: The child shall have... the right to acquire a nationality... States Parties shall ensure the implementation of these rights...in particular where the child would otherwise be stateless... States Parties undertake to respect the right of the child to preserve his or her identity, including nationality... • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011 	<p>Yes. Children are granted nationality in the following cases:</p> <ol style="list-style-type: none"> 1. If at least one of the child's parents is a Ukrainian citizen; 2. If the child was born on the territory of Ukraine to stateless parents legally and permanently residing in Ukraine; 3. If the child was born abroad to stateless parents legally and permanently residing in Ukraine; 4. If the child was born on the territory of Ukraine to foreigners (legally and permanently residing in Ukraine) and has not received any nationality from its parents; 5. If the child was born on the territory of Ukraine to parents one of whom has been granted the status of refugee or asylum in Ukraine ('asylum' status is not defined in Ukrainian legislation, but may be considered as any form of international protection); 6. If the child was born on the territory of Ukraine to a foreigner and a stateless person who legally and permanently reside in Ukraine; 7. If the child is a foundling. <p>The Law on Citizenship does not prevent statelessness in all cases. For the purpose of this article, stateless persons are those who have documents identifying or confirming their statelessness. It does not cover those who may be stateless but cannot evidence this. Children born abroad to foreigners or people with refugee status legally residing in Ukraine cannot be granted Ukrainian nationality.</p>	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7: http://zakon2.rada.gov.ua/laws/show/2235-14/para062#062 (UK)

PRS	1	b		<p>Is the provision for stateless children to access nationality automatic or non-automatic (i.e. by application)?</p>	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Article 1 of the 1961 Convention provides Contracting States with two alternative options for granting nationality to children who would otherwise be stateless born in their territory. States can either provide for automatic acquisition of nationality upon birth pursuant to Article 1(1)(a), or for acquisition of nationality upon application pursuant to Article 1(1)(b) ... • ENS (2015), No Child Should Be Stateless: Article 1 of the 1961 Convention and article 6(2) of the ECN are the most important of these norms for the European context. Both oblige the conferral of nationality to children born on the territory if they would otherwise be stateless but allow some leeway in how states transpose this safeguard into their domestic systems. The first, and optimal, method – as it is all-encompassing and does not tolerate even a temporary period of statelessness – is to grant nationality to otherwise stateless children automatically, at birth. 	<p>By law the child is granted nationality automatically at birth. If applying for a passport, however, the applicant must request a certificate of affiliation to citizenship, which is an additional burden prescribed only for the children of at least one parent who is not a citizen of Ukraine.</p>	<p>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7: http://zakon2.rada.gov.ua/laws/show/235-14/parao62#o62 (UK)</p> <p>Regulation of the Cabinet of Ministers of Ukraine On Approval of the Sample of the Form, the Technical Description and the Procedure for Issuing, Exchanging, Sending, Withdrawing, Returning to the State, Invalidating and Removing the Passport of a Citizen of Ukraine, 302, 25 March 2015, Part 35.2.1: http://zakon3.rada.gov.ua/laws/show/302-2015-%D0%BF (UK)</p>
PRS	1	c		<p>Is it a requirement that the parents are also stateless for the child to acquire the nationality of the host state?</p>	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: The test is whether a child is stateless because he or she acquires neither the nationality of his or her parents nor that of the State of his or her birth; it is not an inquiry into whether a child's parents are stateless. Restricting the application of Article 1 of the 1961 Convention to children of stateless parents is insufficient in light of the different ways in which a child may be rendered stateless and contrary to the terms of those provisions. • ENS (2015), No Child Should Be Stateless: Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the child's parent(s) do hold a nationality themselves, but are unable to pass this on... 	<p>By law, a child born in Ukraine may acquire citizenship when:</p> <ol style="list-style-type: none"> 1. At least one parent has Ukrainian citizenship; 2. Parents are stateless; 3. Parents are foreigners (legally residing in Ukraine) and the child has not received any citizenship from the parents; 4. One parent is a refugee and the child has not received any nationality; 5. One parent is stateless and the other a foreigner, and the child has not acquired any nationality; 6. The child is new born and the parents are unknown. 	<p>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7: http://zakon2.rada.gov.ua/laws/show/235-14/parao62#o62 (UK)</p>

						<p>It is impossible for a child of undocumented stateless parents to acquire citizenship in law and practice. Undocumented persons (whether stateless or not) do not have any legal grounds for residence due to the lack of documentation. Ukrainian legislation makes the right of a stateless child to Ukrainian citizenship subject to the legal residence of the child's parents.</p>	
PRS	1	d		<p>Are children born stateless required to prove they cannot access another nationality to acquire nationality of the country of birth?</p> <p>If yes, please describe the requirement e.g. what is the standard and burden of proof, and how lack of any other nationality (i.e. statelessness) is determined in practice?</p>	<p>• UNHCR Guidelines on Statelessness #4 2012: A Contracting State to the 1961 Convention cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless...based on its own interpretation of another State's nationality laws where this conflicts with the interpretation applied by the State concerned... the burden of proof must be shared between the claimant and the authorities... decision makers need to take into account Articles 3 and 7 of the CRC and adopt an appropriate standard of proof, for example... 'reasonable degree'... Requiring a higher standard of proof would undermine the object and purpose of the 1961 Convention. Special procedural considerations to address the acute challenges faced by children, especially unaccompanied children, in communicating basic facts with respect to their nationality are to be respected.</p>	<p>There is no need to prove the fact that a child has no nationality of any other country. The child should complete a declaration of non-access to any other nationality by birth if applying for a passport. In this case, the parents should apply for registration of the fact of the child's acquisition of nationality by birth. Additional documents required are:</p> <ol style="list-style-type: none"> 1. a copy of the birth certificate; 2. copies of certificates of permanent residence in Ukraine for stateless persons or other documents confirming the parents are stateless and legally lived in Ukraine when the child was born; 3. a declaration of non-access to another nationality if the child was born to stateless parents abroad (who were legally residing in Ukraine at the time). 	<p>Order of the President of Ukraine, The issuers of organization of the Law of Ukraine On Citizenship of Ukraine, 215/2001 of 27 March 2001, Part 18-19: http://zakon2.rada.gov.ua/laws/show/215/2001 (UK)</p>
PRS	1	e		<p>Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality?</p> <p>If yes, what is it? Must this be legal</p>	<p>• UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions:</p> <p>...b) that the person concerned has habitually resided in the territory of the Contracting State for such period as may be fixed by that State, not exceeding five years immediately preceding the lodging of the application nor ten years in all.</p>	<p>No. The parents must be legally residing on the territory, but there are no requirements concerning the child's legal residence. The child acquires nationality at birth in the circumstances set out in the Law on Citizenship.</p>	<p>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7: http://zakon2.rada.gov.ua/laws/show/235-14/para062#062 (UK)</p>

				and/or permanent residence?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: States may stipulate that an individual who would otherwise be stateless born in its territory fulfils a period of “habitual residence” This period is not to exceed five years immediately preceding an application nor ten years in all. In light of the standards established under the CRC, these periods are lengthy. States which ...require a certain period of habitual residence are encouraged to provide for a period as short as possible...The term “habitual residence” is ...to be understood as stable, factual residence. It does not imply a legal or formal residence requirement. The 1961 Convention does not permit Contracting States to make an application for the acquisition of nationality by individuals who would otherwise be stateless conditional upon lawful residence. • Convention on the Rights of the Child 1989: Arts 3 & 7 • Committee on the Rights of the Child, Concluding observations on the 4th periodic report of the Netherlands CRC/C/NDL/CO/4, 2015: The Committee recommends that the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions. • European Convention on Nationality, 1997: Article 6 (2)(b) ... Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application. • ENS (2016), Ending Childhood Statelessness: The ECN cannot be interpreted as undermining states’ obligations under the CRC...and the requirement of lawful residence should be removed. 		
PRS	1	f		Are the parents of a stateless child required to fulfil a	<ul style="list-style-type: none"> • Committee on the Rights of the Child, Concluding Observations Czech Republic CRC/C/CZE/CO/3-4, 	The parents of a stateless child are not required to fulfil a specific period of legal residence, but they must be legally residing in	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Arts. 1(10) & 7:

				<p>period of residence for the child to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?</p>	<p>2011: The outcome of an application for citizenship, legal residence or similar status by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State party where the child would otherwise be stateless.</p> <ul style="list-style-type: none"> • ENS (2015), No Child Should Be Stateless: Demanding that the child or his/her parents reside lawfully on the territory is... prohibited by the 1961 Convention which permits only the condition of a certain period of habitual residence. 	<p>Ukraine at the time of the child's birth. A stateless child of parents who reside illegally in Ukraine will have no right to Ukrainian citizenship. In law and practice, the right to Ukrainian citizenship is subject to the parents' legal residence in Ukraine. In practice, both adults and children who initially have no legal grounds for residence in Ukraine continue residing illegally. They have no access to documentation and, as a result, even children born in Ukraine have no access to Ukrainian citizenship. The Ukrainian authorities take no action to address the issue of people residing illegally and without documentation in Ukraine, nor any measure to ensure access to documentation for them.</p>	<p>http://zakon2.rada.gov.ua/laws/show/235-14/parao62#o62 (UK)</p>
PRS	1	g		<p>What are the age limits, if any, for making an application for nationality for a stateless person born on the territory?</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: (a) that the application is lodged during a period... beginning not later than at the age of eighteen years and ending not earlier than at the age of twenty-one years... • UNHCR Guidelines on Statelessness #4 2012: ...Contracting States ...need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21 in accordance with Article 1(2)(a) of the 1961 Convention. • ENS (2015), No Child Should Be Stateless: ...any application procedure which only becomes available in late childhood or even upon reaching majority is particularly problematic [...] closing the window of opportunity to apply for a nationality through such safeguards too early has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child and 	<p>There are no age limits as the acquisition is automatic by law.</p>	<p>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001: http://zakon2.rada.gov.ua/laws/show/235-14/parao62#o62 (UK)</p> <p>Order of the President of Ukraine, The issuers of organization of the Law of Ukraine On Citizenship of Ukraine, 215/2001 of 27 March 2001, Part 18-19: http://zakon2.rada.gov.ua/laws/show/215/2001 (UK)</p>

					may mean children are left stateless due to the lack of action on the part of their parents.		
PRS	1	h		Are there specific provisions for the nationality or statelessness of children born to beneficiaries of international protection?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Some children are born to refugee parents who are themselves stateless or cannot acquire the nationality of their parents owing to restrictions on transmission of nationality to children born abroad. Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities. 	Yes. A child is granted Ukrainian nationality born on the territory of Ukraine to parents one of whom has been granted the status of refugee or asylum in Ukraine ('asylum' status is not defined in Ukrainian legislation but may be considered as any form of international protection).	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7(5): http://zakon2.rada.gov.ua/laws/show/235-14/para062#o62 (UK)
PRS	2	a	Foundlings	Are foundlings granted citizenship <i>by law</i> ? If it's not automatic, is there an application procedure?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State. • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired ex lege by the following persons: [...] b) foundlings found in its territory who would otherwise be stateless. 	Yes, foundlings are citizens of Ukraine at birth. It is necessary to register the fact of acquisition of nationality at birth. The child's legal representative should apply for this and add a copy to the birth certificate.	<p>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7(7): http://zakon2.rada.gov.ua/laws/show/235-14/para062#o62 (UK)</p> <p>Order of the President of Ukraine, The issuers of organization of the Law of Ukraine On Citizenship of Ukraine, 215/2001 of 27 March 2001, Part 23: http://zakon2.rada.gov.ua/laws/show/15/2001 (UK)</p>
PRS	2	b		If yes to either question immediately above, is there an age limit (or status e.g. 'newborn') specified for foundlings to be granted citizenship? If not, when	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: At a minimum, the safeguard ... is to apply to all young children who are not yet able to communicate accurately information pertaining to the identity of their parents or their place of birth... If a State provides for an age limit for foundlings to acquire nationality, the age of the child at the date the child was found is decisive and not the date when the child came to the attention of the authorities. 	Under Ukrainian law, only newborns may be considered foundlings, but there is no definition of "newborn" in Ukrainian legislation and no specified age limit.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7(7): http://zakon2.rada.gov.ua/laws/show/235-14/para062#o62 (UK)

				would a child usually qualify in practice?			
PRS	2	c		Can citizenship be withdrawn from foundlings if parents are identified even if this leads to statelessness?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Nationality acquired by foundlings pursuant to Article 2 of the 1961 Convention may only be lost if it is proven that the child concerned possesses another State's nationality. 	No.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001: http://zakon2.rada.gov.ua/laws/show/235-14/para062#o62 (UK)
PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is adopted?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status of a person such as marriage, termination of marriage, legitimation, recognition or adoption, such loss shall be conditional upon possession or acquisition of another nationality. • European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals... Each State Party shall permit the renunciation of its nationality provided the persons concerned do not thereby become stateless. • Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: [recommended that Switzerland] accelerate the assessment procedure and ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between his or her arrival in the State party and formal adoption. • ENS (2015), No Child Should Be Stateless: ...the “sending” state in a situation of inter-country adoption may be a non-European one, so even if Europe's nationality laws were all in alignment 	Under the law of Ukraine, there is no such legal ground for a child to lose nationality.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 19(1): http://zakon2.rada.gov.ua/laws/show/235-14/para062#o62 (UK)

					with international standards, children may be exposed to a (temporary) risk of statelessness during the adoption process.		
PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Is there a risk of statelessness during the adoption process? Are there any age limits?	<ul style="list-style-type: none"> • European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals... • Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: ...ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between...arrival...and formal adoption. 	Yes. A child under 18 acquires Ukrainian nationality once the court decision on adoption comes into force. A stateless adult who permanently resides on the territory of Ukraine acquires Ukrainian nationality once the court decision on adoption comes into force. However, the provision on acquisition of Ukrainian nationality by an adult is not effective as Ukraine has not introduced a dedicated statelessness determination procedure.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 11: http://zakon2.rada.gov.ua/laws/show/235-14/para062#o62 (UK)
PRS	4	a	Ius sanguinis and discrimination	Can children of a parent who is a national, born outside the country, access nationality by descent (ius sanguinis)? Are there any conditions? Could these conditions be regarded as discriminatory?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Art 4 • UNHCR Guidelines on Statelessness #4 2012: ...where a child who would otherwise be stateless is born in a Contracting State to parents of another Contracting State but does not acquire the nationality of the State of birth automatically and either misses the age limit to apply for nationality or cannot meet the habitual residence requirement in the State of birth... responsibility falls to the Contracting State of the parents to grant its nationality to the child (or children) of its national... where children of a national of a Contracting State who would otherwise be stateless are born in a non-Contracting State... the Contracting State of the parents [is required] to grant its nationality to the child (or children) of its nationals born abroad... Article 4 of the 1961 Convention must be read in light of developments in international human rights law, in particular the right of every child to acquire a nationality... and the principle of the best interests of the child ... 	Yes. If at least one of the parents has Ukrainian nationality, the child is a Ukrainian citizen. It does not depend on the place of birth.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7(1): http://zakon2.rada.gov.ua/laws/show/235-14/para062#o62 (UK)

					<ul style="list-style-type: none"> • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011: While the right to citizenship is not as such a Convention right and while its denial in the present case was not such as to give rise to a violation of Article 8, the Court considers that its impact on the applicant's social identity was such as to bring it within the general scope and ambit of that article. Maltese legislation expressly granted the right to citizenship by descent and established a procedure to that end. Consequently, the state which has gone beyond its obligations under Article 8 in creating such a right [. . .] must ensure that the right is secured without discrimination within the meaning of Article 14. • ENS (2015), No Child Should Be Stateless: States are free to impose additional conditions [to ius Sanguinis conferral], as long as these are not discriminatory in nature... safeguards should again be in place to ensure that statelessness does not result.... • UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 • Fighting statelessness and discriminatory nationality law in Europe, Laura van Waas, 2012 • Convention on the Elimination of all Forms of Discrimination Against Women, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, November 2014 		
PRS	4	b		Can children of a parent who is a national, born outside the country, access nationality by descent (ius sanguinis) if they would otherwise be stateless?	As above	<p>Yes. If at least one of the parents has Ukrainian nationality, the child is a Ukrainian citizen. It does not depend on the place of birth.</p>	<p>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7(1): http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62 (UK)</p>

				Are there any conditions? Could these conditions be regarded as discriminatory?			
PRS	5	a	Access to birth registration	Does the law provide that all children are registered immediately upon birth? Can children be registered if parents are undocumented and/or not legally residing in the country (by law)?	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. • International Covenant on Civil and Political Rights 1966: Art 24(2) • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: register the birth of all children born on their territory, even if they are born to a foreign parent with an irregular immigration status or if the parents are unknown, in order to safeguard their right to a nationality. The registration of birth should be free of charge and be performed without delay, even if the period within which the birth should have been declared has already expired. • UNHCR Guidelines on Statelessness #4 2012: ... registration of the birth provides proof of descent and of place of birth and therefore underpins implementation of the 1961 Convention and related human rights norms. Article 7 of the CRC specifically requires the registration of the birth of all children and applies irrespective of the nationality, statelessness or residence status of the parents. • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 Ensure birth registration for the prevention of statelessness. • UN Sustainable Development Goal 16: By 2030, provide legal identity for all, including birth registration. 	Yes. A child should be registered within one month of the date of birth . The parents should have documents confirming their identity and legal residence in Ukraine. If the parents are undocumented, the child cannot be registered until the parents receive identity documents.	<p>The Law of Ukraine On State Registration of Civil Status Acts, 2398-VI, 1 July 2010, Art. 13(3): http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90 (UK)</p> <p>Order of the Ministry of Justice of Ukraine On Approving Rules of Registration of Civil Status Acts, 719/4940, 18 October 2000, Part III. 8: http://zakon2.rada.gov.ua/laws/show/z0719-00/paran95#n95 (UK)</p>

					<ul style="list-style-type: none"> • UN Human Rights Council, Resolution A/HRC/RES/20/4: Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child, and underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of his or her immigration status and that of his or her parents or family members, which can contribute to reducing statelessness, as well as reducing vulnerability to trafficking in persons and other abuses and violations of their human rights. 		
PRS	5	b		Are there credible reports that suggest that children are prevented from registering <i>in practice</i> because of lack of documentation and/or parents' legal residence?	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: Art 7(1) • International Covenant on Civil and Political Rights 1966: Art 24(2) • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • UNHCR Guidelines on Statelessness #4 2012: as above. • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 • UN Sustainable Development Goal 16 • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above 	<p>Yes. A UNHCR report describes the situation of so-called “legal orphans” or children whose parents do not have any documents confirming their identity, so no information about them can be included on the child’s birth certificate. There are also problems with the registration of births of children born in prisons, because of their parents having restricted access to rights. There are also reports of Roma children facing practical obstacles to birth registration.</p>	<p>HIAS and UNHCR (2014), The Problem of Statelessness in Ukraine and the Ways of Addressing It, Kyiv, p. 8 & 34: http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf</p> <p>ENS, ERRC & ISI (2017) Roma Belong : statelessness, discrimination and marginalisation of Roma in the Western Balkans and Ukraine: https://www.statelessness.eu/resources/roma-belong-statelessness-discrimination-and-marginalisation</p> <p>Desyate Kvitnya, ERRC, ISI & ENS (forthcoming) Roma Belong: statelessness, discrimination and marginalisation of Roma in Ukraine: https://www.statelessness.eu/romabelong</p>

PRS	5	c		Are there mandatory reporting requirements for authorities which would deter undocumented parents coming forward to register their children (e.g. medical authorities required to report undocumented migrants)?	<ul style="list-style-type: none"> • UNICEF, Access to Civil, Economic and Social Rights for Children in the Context of Irregular Migration, 2012: While there is generally a separation between civil registries and immigration enforcement, undocumented parents may also fear detection, particularly in countries where civil servants have a duty to report undocumented migrants... • PICUM, Rights of Accompanied Children in an Irregular Situation, 2011: Certain barriers that prevent access to basic rights for children in an irregular migration situation arise across the registry, health, education and housing sectors. National legislation is often below the standards set out in human rights law, inexplicit or contradicted by other rules and practices, such as the duty to denounce or administrative requirements. 	No.	
PRS	6	a	Late Birth Registration	Is there a statutory deadline before which birth registration should be completed? If yes, what is it? Is late birth registration possible by law?	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Low levels of birth registration can be difficult to correct subsequently because procedures for late birth registration have not been established or are lengthy, costly and complex and therefore inaccessible to undocumented populations... States also need procedures for late and delayed birth registration and may consider undertaking campaigns to register older children and adults. Birth registration needs to be free, accessible and undertaken on a non-discriminatory basis. • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • ENS (2015), No Child Should Be Stateless: One of the ways in which states have sought to deal with an intergenerational lack of documentation is by simplifying the procedures for the late registration of births, making it easier for adults who do not have a birth certificate to acquire one, which can 	The child should be registered within one month of the date of birth; otherwise, the parents should pay a fine (17-52 UAH). However, late registration is possible by law.	<p>The Law of Ukraine On State Registration of Civil Status Acts, 2398-VI, 1 July 2010, Art. 13(3): (UK)</p> <p>Order of the Ministry of Justice of Ukraine On Approving Rules of Registration of Civil Status Acts, 719/4940, 18 October 2000, Part III. 8: (UK)</p>

					subsequently be used to register their own children's births...		
PRS	6	b		Is late birth registration possible in practice?	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: as above. • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • ENS (2015), No Child Should Be Stateless: as above. 	Yes.	The Law of Ukraine On State Registration of Civil Status Acts, 2398-VI, 1 July 2010, Art. 13: http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90 (UK)
PRS	6	c		Are there any additional requirements (e.g. fee) for the late birth registration procedure? Are these problematic or do they cause lengthy delays?	<ul style="list-style-type: none"> • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. 	There is a fine (17-52 UAH) for late birth registration unless the parents can indicate a valid reason for missing the deadline. If a child's birth is registered more than one year after birth and before the child reaches 16 years-old , registration takes place in the registration authority at the place of residence, but the authorities should check if there was any registration at the place of the child's birth. The parents should provide a certificate of place of residence of the child or a note of the child's registration in their passports; a certificate of the child being under medical supervision; documents confirming the origin of the child; medical certificates. If the child is over 16, they may register themselves with a passport. However, in practice it is almost impossible to receive a passport without a birth certificate.	Code of Ukraine on administrative offences, 8073-X, 7 December 1984, Art. 212-1(3-4): http://zakon2.rada.gov.ua/laws/show/80731-10 (UK)
PRS	7	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 • Council of Europe, 3rd European Conference on Nationality, 11-12 October 2004: Taken together Art 7 & 8 ECHR should be understood to encourage States Parties not only to take positive steps to avoid statelessness – including the promotion of 	Yes. In 2015, the Ukrainian Government adopted a 'Plan on the Implementation of the National Strategy in the Sphere of Human Rights to 2020'. Item 72 of the Plan provides for 'the introduction of positive stimuluses for registration of birth to become freely accessible for all children regardless of their origin	Про затвердження плану дій з реалізації Національної стратегії у сфері прав людини на період до 2020 року (Plan on Implementation of the National Strategy in the Sphere of Human Rights up to 2020):

				yes, please provide details.	birth registration – but also to grant citizenship to children who would otherwise be stateless...	and social status', which is under the responsibility of the Ministry of Justice. The MoJ runs several programmes to fulfill the plan, including the 'I have the right' programme, which aims to raise legal awareness of <i>inter alia</i> birth registration. The MoJ regularly reports about the positive impact of the program.	https://www.kmu.gov.ua/ua/nas/248740679 (UK) Я МАЮ ПРАВО (I have the right) Programme: http://pravo.minjust.gov.ua/ (UK)
PRS	7	b		Are there sections of the population believed to be stateless/at risk of statelessness? Are minorities disproportionately affected? Please provide details and source of information.	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 Article 9 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 	<p>The Roma minority is most at risk of statelessness in Ukraine. Access to Ukrainian nationality is hindered for Roma people because of the inadequate policy framework, burdensome bureaucracy, lack of data on statelessness and Roma populations, and discrimination. Estimates for the Roma population range from 120,000 to 400,000 people. Ukrainian NGOs estimate that around 10-20% of the Roma population are stateless or at risk of statelessness.</p> <p>The population residing on the temporarily occupied territories of Donetsk and Luhansk regions and Crimea are also at heightened risk of statelessness. There are some reported cases of seizures of Ukrainian IDs by armed groups in these territories. Although Ukraine considers all people residing on the temporarily occupied territories as nationals, the absence of Ukrainian IDs and no access to migration means that those who remain on the temporarily occupied territories are at risk of statelessness.</p>	<p>ROMA BELONG: Statelessness, Discrimination and Marginalisation of Roma in Ukraine, March 2018: http://www.errc.org/uploads/up-load/en/file/4616_file1_roma-belong-ukraine-english-language.pdf</p> <p>Терористи "ЛНР" відбирають паспорти в українців (Armed groups of Luhansk Peoples Republic seizures Ukrainian passports), 4 Oct 2014: https://fakty.com.ua/ua/ukraine/polituka/20141004-1528920/ (UK)</p>
PRS	7	c		Has the Government implemented any other measures specifically aimed at reducing (risk of)	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 1, Action 8 • UNHCR, Good Practices Paper - Action 1: Resolving Existing Major Situations of Statelessness, 2015 	On 21 September 2018, the draft law on introduction of the SDP procedure was registered in the Parliament of Ukraine. However, it's impossible to predict how long it will take for the law to be adopted.	The Draft Law "On Amending Certain Legal Acts Related to Consideration of Statelessness" http://search.liga-zakon.ua/l_doc2.nsf/link1/JH71F00A.html (UK)

				statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)			
PRS	8	a	Withdrawal of nationality	Are there any provisions on loss and/or deprivation of nationality? If yes, are these established in law? If not, where can they be found? Do any provisions allow for statelessness? If there is a safeguard against statelessness, is it applied in practice?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Article 8: A contracting state shall not deprive a person of its nationality if such deprivation would render him stateless. • European Convention on Nationality, 1997: Article 7(3): A State party may not provide in its internal law for the loss of its nationality...if the person concerned would thereby become stateless... • Universal Declaration of Human Rights: Article 15(2) No one shall be arbitrarily deprived of his nationality ... 	Ukrainian legislation provides for both loss and deprivation of nationality. The general rule states that Ukrainian nationality is terminated in the case of voluntary expatriation; loss of nationality; and on grounds prescribed by international treaties. The grounds for loss of Ukrainian nationality are voluntary expatriation of an adult person; conferral of Ukrainian nationality by fraud and/or submission of falsified or forged documents; voluntary service in the armed forces of another country if military service is not obligatory in that country. Ukrainian law stipulates that the first two grounds will not lead to loss of nationality if it would result in statelessness. A person may also lose Ukrainian nationality due to cancellation of the decision grant nationality acquired on grounds of territorial origin or renewal of nationality if a person has submitted falsified or forged documents, committed fraud or concealed substantial facts which disable acquisition of nationality. There is no safeguard against statelessness in this case.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Section III: http://zakon2.rada.gov.ua/laws/show/2235-14/para062#062 (UK)
PRS	8	b		Who is the competent authority in any procedure for ordering deprivation of nationality?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Article 8(4): A contracting state shall not exercise a power of deprivation...except in accordance with the law, which shall provide for ...the right to a fair hearing by a court or other independent body. 	The State Migration Service of Ukraine is responsible for developing submissions on the withdrawal of nationality. The Presidential Commission on citizenship is responsible for consideration of submissions on withdrawal	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Section IV: http://zakon2.rada.gov.ua/laws/show/2235-14/para062#062 (UK)

				ality? What procedural guarantees are there? (e.g. judicial oversight, time limit, subject to prior sentencing, appeal rights, legal aid)	European Convention on Nationality, 1997 : Article 11: Each state party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing...	of nationality. Decisions on withdrawal of nationality are adopted by the President of Ukraine. Decisions on withdrawal of nationality can be challenged in the court.	
PRS	8	c		Are withdrawal provisions (both for loss and deprivation) applied in practice?		Withdrawal provisions are applied in practice. In 2017, three people were deprived of Ukrainian nationality. In another 4 cases decisions on acquisition of Ukrainian nationality were cancelled. Ukraine lacks a legal mechanism for the withdrawal nationality in cases of voluntary expatriation. The withdrawal of nationality on grounds of expatriation may take place only if a person informs the competent authority about the acquisition of nationality of another state.	Indicators of the State Migration Service's activities in 2017, p.4: https://dmsu.gov.ua/assets/files/status-tic/year/dms_2017_pok.pdf (UK)

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
LIT	1	a	Published Judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		<p>The publication of court decisions in Ukraine is regulated by law. All judgements must be registered in the Unified State Register of Court Decisions (Register) and published on the website “Judicial power” («Судова влада»). The website does not have enough search functions to research the number of court decisions on a specific category. The only category in the Register mentioning statelessness is: “<i>Cases of disputes over the provision of public order and security, including disputes concerning the expulsion of foreigners and stateless persons from Ukraine</i>”. There are 19,576 decisions in this category, including 15,846 first instance, 3,153 appellate, and 577 cassation (as of 29 October 2018).</p> <p>However, the Register does state how many of these decisions adjudicate matters related to stateless persons. 3 court decisions refer to the 1954 Convention relating to the Status of Stateless Persons – 1 first instance, 2 appellate. 8 judgements refer to the 1961 Convention on the Reduction of Statelessness – 6 first instance, 2 appellate.</p>	<p>The Law of Ukraine On access to court decisions № 3262-IV of 22 December 2005: http://zakon5.rada.gov.ua/laws/show/3262-15 (UK)</p> <p>National database of the judiciary of Ukraine «Судова влада» (“Judicial Power”): http://reyestr.court.gov.ua (UK)</p> <p>N.B. Access to this website is sometimes unavailable and/or restricted to foreign IP addresses due to heavy traffic.</p>
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction).		<p>Most published court decisions mention statelessness only because the basis of the legal status of foreigners and stateless persons in Ukraine is regulated by the same law (On the legal status of foreigners and stateless persons). The search request «без громадянства» (“stateless”) provides 466,651 decisions, including 400,917 first instance, 53,634 appellate, 12,047 cassations. But the majority of these decisions only contain references to the abovementioned law and are not concerned with the legal status of stateless persons. The</p>	<p>The Law of Ukraine On access to court decisions № 3262-IV of 22 December 2005: http://zakon5.rada.gov.ua/laws/show/3262-15 (UK)</p> <p>National database of the judiciary of Ukraine «Судова влада» (“Judicial Power”): http://reyestr.court.gov.ua (UK)</p>

						search request «апатрид» (“apatride”) returned 74 decisions, including 54 first instance, 15 appellate and 5 cassations.	<i>N.B. Access to this website is sometimes unavailable and/or restricted to foreign IP addresses due to heavy traffic.</i>
LIT	2	a	Legal training	Is there judicial training on statelessness? If yes, please provide details (e.g. provider, frequency).	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is recommended that States provide specialized training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations. 	Most training only addresses statelessness in the context of the similarity of the legal status of stateless persons and foreigners in Ukraine. The National School of Judges of Ukraine and UNHCR provide some training on this topic, but not on a regular basis.	<p>The National School of Judges of Ukraine: http://www.nsj.gov.ua/ua/news/pidgotovka-suddiv-okrujnih-administrativnih-sudiv/; http://www.nsj.gov.ua/ua/training/(UK)</p> <p>UNHCR:http://unhcr.org.ua/uk/novini/novyny/775-ceminari-dlya-suddiv-ukrajini; http://unhcr.org.ua/en/2011-08-26-06-58-56/news-archive/1283-the-unhcr-and-the-hacu-held-seminars-for-judges</p>
LIT	2	b		Is there training for lawyers on statelessness? If yes, please describe.	<ul style="list-style-type: none"> • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: as above 	During 2018 UNHCR’s partner NGOs in Ukraine provided several trainings for lawyers from the state Free Legal Aid system. The video materials of the training provided by NGO “The Tenth of April” are available online.	<p>Right to Protection, Legal protection of stateless persons, Training in Kiev: http://vpl.com.ua/uk/news/5100/ (UK)</p> <p>Recording of live-translation of the seminar on statelessness in Odesa, organized by NGO “Desyate Kvitnya”: https://www.facebook.com/pravokator.odesa/videos/896885307178760/ (UK)</p>
LIT	3	a	Pro Bono	Are there specialised lawyers, law firms or organisations providing free advice to stateless	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Applicants are to have access to legal counsel. 	Stateless people fall under UNHCR’s mandate. There are no specialised Ukrainian organisations providing free legal assistance to stateless people or those at risk of statelessness. Some organisations provide help through internationally funded	UNHCR official website: http://www.unhcr.org/stateless-people.html

				<p>persons or those at risk of statelessness? If yes, please describe.</p>	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Provides the example of Liverpool Law Clinic providing legal assistance to stateless clients in the UK. 	<p>projects, e.g. “The Tenth of April”, “Right to protection”, “Neeka”. Some organisations provide legal help for specific categories of people at risk of statelessness, e.g. Fund “Chirikli” provides legal help and other support for Roma in Ukraine.</p>	<p>“The Tenth of April” official website: http://desyatekvit-nya.com/?page_id=2188</p> <p>“Right to Protection” official website http://r2p.org.ua/uk/news/statelessness-en/</p> <p>“Neeka” official website: http://www.neeka.org/</p> <p>“Chirikli” Fund official website: http://www.chirikli.com.ua</p>
LIT	4	a	Literature	<p>Is there domestic legal academic literature on statelessness?</p> <p>If possible, please provide number of scholarly articles/references/bodies and hyperlinks etc.</p>		<p>There is no single scientific database in Ukraine, so search and access to academic literature is complicated. According to catalogues of the largest scientific libraries of Ukraine, most research addresses stateless persons' legal status only in the context of similarity of the legal status of stateless persons and foreigners in Ukraine. There are very few academic works addressing statelessness specifically: 4 monographs and 2 Ph.D. theses listed in the catalogues of the main scientific libraries in Ukraine.</p>	<p>V.I. Vernadskyi National Library: http://nbuv.gov.ua</p> <p>M. Maksymovych Scientific Library: http://www.library.univ.kiev.ua</p> <p>Scientific Library of Yaroslav Mudryi National Law University: http://library.nlu.edu.ua</p>