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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?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	Yes.	Law of Ukraine № 23-VII of 11.01.2013 On Ukraine's Accession to the Convention Relating to the Status of Stateless Persons: <a href="http://zakon2.rada.gov.ua/laws/show/23-18">http://zakon2.rada.gov.ua/laws/show/23-18</a> (Ukrainian (UK))
IOB	1	b		If yes, when was ratification/accession?		11 January 2013, but the Convention entered into force on 23 June 2013.	Law of Ukraine № 23-VII of 11.01.2013 On Ukraine's Accession to the Convention Relating to the Status of Stateless Persons: <a href="http://zakon2.rada.gov.ua/laws/show/23-18">http://zakon2.rada.gov.ua/laws/show/23-18</a> (UK)  Convention Relating to the Status of Stateless Persons: <a href="http://zakon2.rada.gov.ua/laws/show/995_232">http://zakon2.rada.gov.ua/laws/show/995_232</a> (UK)
IOB	1	c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No, there are no reservations.	Law of Ukraine № 23-VII of 11.01.2013 On Ukraine's Accession to the Convention Relating to the Status of Stateless Persons: <a href="http://zakon2.rada.gov.ua/laws/show/23-18">http://zakon2.rada.gov.ua/laws/show/23-18</a> (UK)  Convention Relating to the Status of Stateless Persons: <a href="http://zakon2.rada.gov.ua/laws/show/995_232">http://zakon2.rada.gov.ua/laws/show/995_232</a> (UK)
IOB	1	d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes.	The Constitution of Ukraine, Art. 9: <a href="http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80">http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80</a> (UK)

							Law of Ukraine № 1906-IV of 29.06.2004 On International Agreements of Ukraine, Art. 19: <a href="http://zakon2.rada.gov.ua/laws/show/1906-15/parao77#o77">http://zakon2.rada.gov.ua/laws/show/1906-15/parao77#o77</a> (UK)
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a>	Yes.	Law of Ukraine № 22-VII of 11.01.2013 On Accession of Ukraine to the Convention on the Reduction of Statelessness: <a href="http://zakon3.rada.gov.ua/laws/show/22-18">http://zakon3.rada.gov.ua/laws/show/22-18</a> (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: <a href="http://zakon3.rada.gov.ua/laws/show/22-18">http://zakon3.rada.gov.ua/laws/show/22-18</a> (UK)  Convention on the Reduction of Statelessness: <a href="http://zakon3.rada.gov.ua/laws/show/995_240">http://zakon3.rada.gov.ua/laws/show/995_240</a> (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: <a href="http://zakon3.rada.gov.ua/laws/show/22-18">http://zakon3.rada.gov.ua/laws/show/22-18</a> (UK)  Convention on the Reduction of Statelessness: <a href="http://zakon3.rada.gov.ua/laws/show/995_240">http://zakon3.rada.gov.ua/laws/show/995_240</a> (UK)
IOB	2	d		Does the Convention have direct effect?	As above	Yes.	The Constitution of Ukraine, Art. 9: <a href="http://zakon2.rada.gov.ua/laws/show/">http://zakon2.rada.gov.ua/laws/show/</a>

							<a href="http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80">w/254%D0%BA/96-%D0%B2%D1%80</a> (UK)
							Law of Ukraine № 1906-IV of 29.06.2004 On International Agreements of Ukraine, Art. 19: <a href="http://zakon2.rada.gov.ua/laws/show/1906-15/para077#o77">http://zakon2.rada.gov.ua/laws/show/1906-15/para077#o77</a> (UK)
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	<a href="http://zakon2.rada.gov.ua/laws/show/163-16">European Convention on Nationality, 1997</a>	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: <a href="http://zakon2.rada.gov.ua/laws/show/163-16">http://zakon2.rada.gov.ua/laws/show/163-16</a> (UK)
IOB	3	b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	<a href="http://zakon2.rada.gov.ua/laws/show/163-16">European Convention on Human Rights, 1950</a>	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?	<a href="http://zakon2.rada.gov.ua/laws/show/163-16">Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006</a>	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: <a href="https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=UNx53TZk">https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=UNx53TZk</a>

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				Please list any reservations.			
IOB	3	d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)</a>	No.	Directive 2008/115/EC of the European Parliament and of the Council: <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF</a>
IOB	3	e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	<a href="#">Convention on the Rights of the Child 1989</a>	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: <a href="http://zakon3.rada.gov.ua/laws/show/789-12">http://zakon3.rada.gov.ua/laws/show/789-12</a> (UK)
IOB	3	f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Civil and Political Rights 1966</a>	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: <a href="http://zakon3.rada.gov.ua/laws/show/2148-08">http://zakon3.rada.gov.ua/laws/show/2148-08</a> (UK)
IOB	3	g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Economic, Social and Cultural Rights 1966</a>	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: <a href="http://zakon3.rada.gov.ua/laws/show/2148-08">http://zakon3.rada.gov.ua/laws/show/2148-08</a> (UK)

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IOB	3	h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	<a href="#">Convention on the Elimination of all Forms of Discrimination Against Women 1979</a> Gen. Rec. 32 <a href="#">on the gender-related dimensions of refugee status, asylum, nationality and statelessness.</a>	Yes, with no reservations.	Convention on the Elimination of all Forms of Discrimination Against Women: <a href="http://zakon3.rada.gov.ua/laws/show/995_207">http://zakon3.rada.gov.ua/laws/show/995_207</a> (UK)
IOB	3	i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984</a>	Yes, with no reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: <a href="http://zakon3.rada.gov.ua/laws/show/995_085">http://zakon3.rada.gov.ua/laws/show/995_085</a> (UK)
IOB	3	j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination 1965</a>	Yes, with no reservations.	International Convention on the Elimination of All Forms of Racial Discrimination: <a href="http://zakon2.rada.gov.ua/laws/show/995_105">http://zakon2.rada.gov.ua/laws/show/995_105</a> (UK)
IOB	3	k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990?	<a href="#">International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990</a>	No.	Status of ratification interactive dashboard. Ratification of 18 International Human Rights Treaties: <a href="http://indicators.ohchr.org/">http://indicators.ohchr.org/</a>

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				Please list any relevant reservations.			
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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 Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p><a href="#">Gen. Rec. 32, CEDAW</a>: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">Council of the European Union (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p><a href="#">UNHCR (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">Institute on Statelessness and Inclusion (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p>	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. The category "stateless" was included in the Pilot Population Census in December 2019.	<p>State Statistics Committee of Ukraine, All-Ukrainian Population Census 2001: <a href="http://2001.ukrcensus.gov.ua/publications/#">http://2001.ukrcensus.gov.ua/publications/#</a> p14 (UK)</p> <p>Order of the State Statistics Service of Ukraine No 174 of 21.08.2018 (not available online)</p>
POP	1	b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	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 nationality. The data was collected based on the individual answers to the census questionnaire. The All-Ukrainian Population Census of 2001 also provides numbers for the Roma population (47,917) and persons who haven't specified their nationality (40,464). Stateless persons may be more highly represented in these categories. Roma represent one of the largest groups of	<p>State Statistics Committee of Ukraine, All-Ukrainian Population Census 2001: <a href="http://2001.ukrcensus.gov.ua/publications/#p14">http://2001.ukrcensus.gov.ua/publications/#p14</a> (UK)</p> <p>State Statistics Committee of Ukraine, All-Ukrainian Population Census 2001: <a href="http://2001.ukrcensus.gov.ua/publications/#p14">http://2001.ukrcensus.gov.ua/publications/#p14</a> (UK)</p> <p>Order of the State Statistics Service of Ukraine No 174 of 21.08.2018 (not available online)</p>

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						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. The category for persons who did not specify their nationality was not included in the Pilot Population Census in December 2019.	
POP	1	c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	UNHCR estimated the number of stateless persons in Ukraine to be 35,294 in 2017. In 2018, the number increased to 35,650. UNHCR draws its estimates from three main providers of data: governmental agencies, UNHCR field offices and NGOs.	UNHCR Statistics, The World in Numbers: <a href="http://popstats.unhcr.org/">http://popstats.unhcr.org/</a>  UNHCR Statistical Online Population Database: Sources, Methods and Data Considerations, 1 January 2013: <a href="http://www.unhcr.org/statistics/country/45c06c662/unhcr-statistical-online-population-database-sources-methods-data-considerations.html#stateless">http://www.unhcr.org/statistics/country/45c06c662/unhcr-statistical-online-population-database-sources-methods-data-considerations.html#stateless</a>
POP	1	d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	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.	HIAS and UNHCR (2014), The Problem of Statelessness in Ukraine and the Ways of Addressing It, Kyiv: <a href="http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf">http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf</a> Odessa regional organization of All-Ukrainian NGO Committee of Voters of Ukraine (2015), Invisible Statelessness in Ukraine: The

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						<p>Experience of Identification and Overcoming, Odessa:  <a href="http://cvu.od.ua/en/likbez/pidgotovl-eno-vidannya-pro-nevidime-bezgromadyanstvo-v-ukrayini_296/">http://cvu.od.ua/en/likbez/pidgotovl-eno-vidannya-pro-nevidime-bezgromadyanstvo-v-ukrayini_296/</a>          (UK)</p> <p>ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention:  <a href="http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf">http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</a></p>	
POP	1	e		<p>Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.</p>	<p>As above</p>	<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"> <li>· 5159 stateless persons have permanent residence in Ukraine;</li> <li>• 574 stateless persons have temporary residence in Ukraine;</li> <li>• 189 stateless persons received a permit for immigration (permanent residence) to Ukraine;</li> <li>· 200 stateless persons were granted a temporary residence permit;</li> <li>• 600 stateless persons were granted a permanent residence permit.</li> </ul> <p>According to the Annual Report of the Ombudsman of Ukraine on Human Rights in Ukraine in 2017, official SMSU statistics</p>	<p>ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention, p.18:  <a href="http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf">http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</a></p> <p>The Annual Report of the Ombudsman of Ukraine on Human Rights in Ukraine 2017:  <a href="http://www.ombudsman.gov.ua/ua/">http://www.ombudsman.gov.ua/ua/</a></p>

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						reported around 6,500 official registered stateless persons in Ukraine.	<a href="#">page/secretariat/docs/presentations/&amp;page=3</a> (UK)
POP	1	f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	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. 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 Government of Ukraine and children who have reached passport	<p>HIAS and UNHCR (2014), The Problem of Statelessness in Ukraine and the Ways of Addressing It, Kyiv: <a href="http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf">http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf</a></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: <a href="http://cvu.od.ua/en/likbez/pidgotovleno-vidannya-pro-nevidime-bezgromadyanstvo-v-ukrayini_296/">http://cvu.od.ua/en/likbez/pidgotovleno-vidannya-pro-nevidime-bezgromadyanstvo-v-ukrayini_296/</a> (UK)</p> <p>ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention: <a href="http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf">http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</a></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: <a href="http://zakon2.rada.gov.ua/laws/show/1207-18">http://zakon2.rada.gov.ua/laws/show/1207-18</a> (UK)</p> <p>Regulation of the Parliament of Ukraine № 254-19-VIII of 17.03.2015</p>

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						<p>age (14 years-old under current Ukrainian legislation) have limited access to procedures confirming Ukrainian nationality and acquiring nationality, 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>On Recognition of Certain Regions, Cities, Towns and Villages in Donetsk and Luhansk Regions as Temporarily Occupied Territories:  <a href="http://zakon.rada.gov.ua/laws/show/254-19">http://zakon.rada.gov.ua/laws/show/254-19</a> (UK)</p> <p>Liégeois J.P. (2007), The Council of Europe and Roma: 40 years of action, Chapter 2:  <a href="https://books.google.com.ua/books?id=RaLjBAAQBAJ&amp;vq=coe+roma+in+ukraine+400,000&amp;dq=coe+roma+in+ukraine+400,000&amp;hl=uk&amp;source=gbs_navlinks_s">https://books.google.com.ua/books?id=RaLjBAAQBAJ&amp;vq=coe+roma+in+ukraine+400,000&amp;dq=coe+roma+in+ukraine+400,000&amp;hl=uk&amp;source=gbs_navlinks_s</a></p> <p>UNHCR (2016), The Protection of Minorities in Ukraine: Roma and Crimean Tatars:  <a href="http://unhcr.org.ua/attachments/article/317/2016%2011%20UNHCR%20UKRAINE%20Minorities%20Briefing%20Note%20FINAL%20EN.pdf">http://unhcr.org.ua/attachments/article/317/2016%2011%20UNHCR%20UKRAINE%20Minorities%20Briefing%20Note%20FINAL%20EN.pdf</a></p>
POP	1	g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Govt also counts these groups in figures for the stateless population (i.e. 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	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	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 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).	Indicators of the State Migration Service’s activities in 2017, p.4: <a href="https://dmsu.gov.ua/assets/files/statistic/year/dms_2017_pok.pdf">https://dmsu.gov.ua/assets/files/statistic/year/dms_2017_pok.pdf</a> (UK)  Information from the Mykolaivskiy 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: <a href="http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf">http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</a>
POP	2	b		Does the Government record and publish figures on people released from immigration detention due to un-removability? 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: <a href="http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf">http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</a>

Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS	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.	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a> : Articles 1(1) & 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: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)
SDS	1	b	Existence of a dedicated SDP	Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b>  1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure ( <b>proceed to Question 2a</b> ).  2. There is no dedicated SDP but there are other	<a href="#">UNHCR (2014)</a> : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. <a href="#">UNHCR (2016)</a> : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the 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.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Law of Ukraine on Citizenship of Ukraine № 2235-III of January 18, 2001: <a href="http://zakon3.rada.gov.ua/laws/show/2235-14">http://zakon3.rada.gov.ua/laws/show/2235-14</a> (UK)

				<p>administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures)  <b>(proceed to Question 10a).</b></p> <p><b>3.</b> There is a dedicated Stateless Status but no formal procedure for determining this  <b>(proceed to Question 16a).</b></p> <p><b>4.</b> None of the above. Are there other possibilities for stateless people to regularise their stay without their statelessness being determined  <b>(proceed to Question 17a)?</b></p>			
SDS	16	a	Stateless status without a clear identification mechanism	<b>Is there a Stateless Status even if no formal procedure exists for</b>	As above	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	The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Arts. 1 & 3:



				<p>determining this? If yes, how are stateless people identified and what rights are attached to the status?  <b>[Section complete, proceed to DET]</b></p>		<p>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 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</p>	<p><a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)</p> <p>The Constitution of Ukraine of 28 June 1996, Arts. 26, 41, 43, 47, 49, 53 &amp; 92:  <a href="http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80">http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80</a> (UK)</p> <p>ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28<sup>th</sup> Session of the Universal Periodic Review (Third Cycle, 6-17 November 2017), p.7:  <a href="https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf">https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</a></p> <p>The Law of Ukraine On employment of the population № 5067-VI of 5 July 2012, Arts. 42 &amp; 46:  <a href="http://zakon3.rada.gov.ua/laws/show/5067-17">http://zakon3.rada.gov.ua/laws/show/5067-17</a> (UK)</p> <p>The Land Code of Ukraine № 2768-III of 25 October 2001, Art. 22(5):  <a href="http://zakon3.rada.gov.ua/laws/show/2768-14/print1499248601111314">http://zakon3.rada.gov.ua/laws/show/2768-14/print1499248601111314</a> (UK)</p> <p>The Law of Ukraine On Higher Education № 1556-VII of 1 July 2014,</p>
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					<p>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"> <li>· 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).</li> <li>· 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.</li> <li>· 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).</li> <li>· 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</li> </ul>	<p>Art. 4(2):  <a href="http://zakon3.rada.gov.ua/laws/show/1556-18">http://zakon3.rada.gov.ua/laws/show/1556-18</a> (UK)</p> <p>The Law of Ukraine Fundamentals of the Legislation of Ukraine on Health Care, № 2801-XII of 19 November 1992, Art. 11:  <a href="http://zakon3.rada.gov.ua/laws/show/2801-12/print1499248601111314">http://zakon3.rada.gov.ua/laws/show/2801-12/print1499248601111314</a> (UK)</p>
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					<p>is no evidence of stateless persons accessing free higher education via the quota.</p> <ul style="list-style-type: none"> <li>· 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).</li> </ul> <p>Stateless people who do not have legal residence and identity documents:</p> <ul style="list-style-type: none"> <li>· Right to work and social security: stateless persons are not entitled to work nor social security without identity documents.</li> <li>· 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.</li> <li>· 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.</li> <li>· 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.</li> </ul>	
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SDS	16	b		<p>Do stateless people have access to nationality? If yes, please describe the procedure and requirements.</p>	<p><a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>: Article 32  <a href="#">UNHCR (2016)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.  <a href="#">Council of Europe Committee of Ministers (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p>	<p>Yes, stateless persons are granted access to nationality under the current Law on Citizenship of Ukraine. In general, the requirements for stateless persons to acquire Ukrainian nationality are the same as for foreign nationals:</p> <ul style="list-style-type: none"> <li>- recognition and adherence to the Constitution of Ukraine and the laws of Ukraine;</li> <li>- continuous legal residence on the territory of Ukraine for the last five years;</li> <li>- obtaining an immigration permit;</li> <li>- knowledge of the state language or understanding enough to communicate;</li> <li>- the presence of legitimate sources of subsistence (salary, pension, social benefits).</li> </ul> <p>The only difference from other foreigners is that stateless persons must provide a declaration of non-possession of foreign citizenship instead of complying with the obligation to renounce a foreign citizenship. There is a fee of 179.74 UAH (6 EUR) for issuing an immigration permit and 8.50 UAH (0.30 EUR) for the application for naturalisation. The applicant must also provide documents confirming a legitimate source of income (salary, pension or social benefits with no minimum amount) or savings in a bank account (at least 20 times the minimum subsistence). The minimum subsistence is set by the Parliament and as of 1 January 2020 is equivalent to 2,027 UAH (68 EUR), therefore the applicant must possess at</p>	<p>Law of Ukraine on Citizenship of Ukraine № 2235-III of January 18, 2001:  <a href="http://zakon3.rada.gov.ua/laws/show/2235-14">http://zakon3.rada.gov.ua/laws/show/2235-14</a> (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:  <a href="http://zakon2.rada.gov.ua/laws/show/215/2001">http://zakon2.rada.gov.ua/laws/show/215/2001</a> (UK)</p>
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						<p>least 40,540 UAH (1,365 EUR) in their bank account. Compliance with all requirements must be documented. Additionally, applicants must provide a valid identification document, which most stateless persons in Ukraine do not possess.</p> <p>The main barriers for stateless persons to acquire nationality are (i) the need to provide an ID, which cannot be obtained by stateless persons in Ukraine due to a lack of legal procedure, and (ii) the need to prove the legal grounds to stay in Ukraine, which cannot be achieved due to the lack of an ID.</p>	
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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? Please provide the legal source(s).	<p><a href="#">ICCPR</a> Article 9(1)  <a href="#">ECHR</a> Article 5 (1)</p>	<p>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>	<p>The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011:  <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)</p> <p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005:  <a href="http://zakon2.rada.gov.ua/laws/show/2747-15">http://zakon2.rada.gov.ua/laws/show/2747-15</a> (UK)</p>
DET	1	b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	<p><a href="#">ECHR</a> Article 5(1)(f)</p>	<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 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</p>	<p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Arts.289:  <a href="http://zakon2.rada.gov.ua/laws/show/2747-15">http://zakon2.rada.gov.ua/laws/show/2747-15</a> (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:  <a href="http://zakon2.rada.gov.ua/laws/show/1379-viii">http://zakon2.rada.gov.ua/laws/show/1379-viii</a> (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) &amp; 30:  <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)</p>

						<p>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>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):  <a href="http://zakon3.rada.gov.ua/laws/show/z0748-16">http://zakon3.rada.gov.ua/laws/show/z0748-16</a> (UK)</p> <p>The Law of Ukraine No 661-IV On the State Border Guard Service of 3 April 2003, Art. 19(15-1):  <a href="http://zakon2.rada.gov.ua/laws/show/661-15/print1443083747350167">http://zakon2.rada.gov.ua/laws/show/661-15/print1443083747350167</a> (UK)</p> <p>ENS &amp; R2P (2016), Protecting Stateless Persons from Arbitrary Detention in Ukraine, p.21:  <a href="http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf">http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</a> -</p>
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DET	1	c		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p><a href="#">ICCPR Article 7</a>: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment.</p> <p><a href="#">Aaad v Bulgaria ECtHR (2011)</a>: The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant.</p> <p><a href="#">EU Returns Directive</a>: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	No. The law does not prescribe obligations for the court and State Migration Service of Ukraine to identify the proposed 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>Judgment of the Zakarpatskyi District Administrative Court № 2-a-3473/09/0770 of 2 September 2009: <a href="http://www.reyestr.court.gov.ua/Review/5097151">http://www.reyestr.court.gov.ua/Review/5097151</a> (UK)</p> <p>Judgment of the Zakarpatskyi District Administrative Court № 2-a-3473/09/0770 of 2 September 2009: <a href="http://www.reyestr.court.gov.ua/Review/64861686">http://www.reyestr.court.gov.ua/Review/64861686</a> (UK)</p>
DET	1	d		Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p><a href="#">Aaad v Bulgaria ECtHR (2011)</a></p> <p><a href="#">Mikolenko v. Estonia ECtHR (2009)</a>: Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p><a href="#">UNHCR (2014)</a>: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p><a href="#">Equal Rights Trust (2012)</a>: 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> <p><a href="#">International Commission of Jurists (2014)</a>: The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	No.	<p>The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)</p> <p>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005: <a href="http://zakon2.rada.gov.ua/laws/show/2747-15">http://zakon2.rada.gov.ua/laws/show/2747-15</a> (UK)</p>
DET	1	e		Are stateless people detained in practice?		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	Performance indicators of the State Migration Service of Ukraine in 2016: <a href="https://dmsu.gov.ua/assets/files/statistic/year/2016_12.xlsx">https://dmsu.gov.ua/assets/files/statistic/year/2016_12.xlsx</a> (UK)



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						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).	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: <a href="http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf">http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</a> -
DET	1	f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	<a href="#">UNHCR (2014)</a> : Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. <a href="#">EU Returns Directive</a> : Article 15(1)	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: <a href="http://zakon2.rada.gov.ua/laws/show/2747-15">http://zakon2.rada.gov.ua/laws/show/2747-15</a> (UK)
DET	1	g		Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	<a href="#">ENS (2015)</a> : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. <a href="#">EU Returns Directive</a> : Article 16(3) <a href="#">EU Returns Handbook (2017)</a> : Attention should be paid to the specific situation of stateless persons. <a href="#">Council of the European Union (2013)</a> : European entities should	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	The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 30(4): <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Convention Relating to the Status of Refugees of 1951, Art. 31: <a href="http://zakon2.rada.gov.ua/laws/show/995_011">http://zakon2.rada.gov.ua/laws/show/995_011</a> (UK)

					assess the situation of LGBTI persons in detention.	an asylum claim after the decision on their immigration detention.	
DET	2	a	Alternatives to immigration detention	Are alternatives to detention established in law and considered prior to any decision to detain?	<p><a href="#">ICCPR Article 9</a>  <a href="#">FKAG v Australia HRC (2013)</a>: Any decision relating to detention must consider less invasive means of achieving the same ends.  <a href="#">UN General Assembly (2009)</a>: Calls upon all States to adopt alternative measures to detention.  <a href="#">UNHCR (2014)</a>: Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient.  <a href="#">Human Rights Council (2012)</a> : The obligation to always consider alternatives before resorting to detention should be established by law.  <a href="#">EU Returns Directive</a>: Article 15(1)  <a href="#">Equal Rights Trust (2012)</a>: States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive.  <a href="#">International Detention Coalition (2015)</a> : 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.</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.	Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Article 289: <a href="http://zakon2.rada.gov.ua/laws/show/2747-15">http://zakon2.rada.gov.ua/laws/show/2747-15</a> (UK)
DET	2	b		Is there evidence that immigration detention is used in practice prior to all	As above.	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	ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28 <sup>th</sup> Session of the Universal Periodic Review (Third Cycle, 6-17 November

				alternatives being considered?		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.	2017): <a href="https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf">https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</a>  ENS & R2P (2016), Protecting Stateless Persons from Arbitrary Detention in Ukraine, p.18: <a href="http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf">http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</a> -
DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<a href="#">UN Human Rights Council (2010)</a> : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. <a href="#">UNHCR (2012)</a> : To guard against arbitrariness, maximum periods of detention should be set in national law. <a href="#">EU Returns Directive</a> : Article 15(5) <a href="#">Equal Rights Trust (2012)</a> : Detention should always be for the shortest time possible.	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).	The Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 30: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Article 289: <a href="http://zakon2.rada.gov.ua/laws/show/2747-15">http://zakon2.rada.gov.ua/laws/show/2747-15</a> (UK) Desyate Kvitnya practice/casework.

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DET	3	b		Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p><a href="#">UN General Assembly (1988)</a> : Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p><a href="#">EU Returns Directive</a>: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p><a href="#">Equal Rights Trust (2012)</a> : Stateless detainees shall receive their order of detention in writing and in a language they understand.</p> <p><a href="#">International Commission of Jurists (2014)</a>: The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	Yes, see below.	
DET	3	c		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<p><a href="#">Equal Rights Trust (2012)</a> : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</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.	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: <a href="http://zakon3.rada.gov.ua/laws/show/z0748-16">http://zakon3.rada.gov.ua/laws/show/z0748-16</a> (UK)
DET	3	d		Are there regular periodic reviews of detention before a court or	<p><a href="#">Kim v Russia ECtHR (2014)</a> : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial</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	Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Article 289:

				<p>independent body, which can order release?</p>	<p>supervision of the lawfulness of the measure.  <a href="#">Equal Rights Trust (ERT) (2012)</a> : 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.</p>	<p>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 nationality 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 nationality 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><a href="http://zakon2.rada.gov.ua/laws/show/2747-15">http://zakon2.rada.gov.ua/laws/show/2747-15</a> (UK)</p> <p>Judgement of the Ripkinsky District Court of Chernihiv Oblast № 743/380/17:  <a href="http://www.reyestr.court.gov.ua/Review/65458417">http://www.reyestr.court.gov.ua/Review/65458417</a></p> <p>Judgement of the Pershotravnevyi District Court of Chernivtsy № 725/3781/16-a  <a href="http://www.reyestr.court.gov.ua/Review/59719642">http://www.reyestr.court.gov.ua/Review/59719642</a></p>
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DET	3	e	What remedies are available to challenge detention? Please any obstacles to accessing effective remedies in practice.	<p><a href="#">ICCPR Article 9(4)</a>  <a href="#">ECHR: Article 5(4)</a>  <a href="#">Kim v Russia ECtHR (2014)</a> : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p><a href="#">Alimuradov v. Russia ECtHR (2019)</a>: The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.</p>	<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:  <a href="http://zakon2.rada.gov.ua/laws/show/2747-15">http://zakon2.rada.gov.ua/laws/show/2747-15</a> (UK)</p> <p>ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28<sup>th</sup> Session of the Universal Periodic Review (Third Cycle, 6-17 November 2017), para.39:  <a href="https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf">https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</a></p>
DET	3	f	Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p><a href="#">Equal Rights Trust (2012)</a> : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p><a href="#">ENS (2015)</a> : The detaining state should have rules in place that govern the process of re-documentation and/or ascertaining entitlement to nationality.</p>	<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</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:  <a href="http://zakon2.rada.gov.ua/laws/show/z0806-12/print1499148687718755">http://zakon2.rada.gov.ua/laws/show/z0806-12/print1499148687718755</a> (UK)</p>

						information gathered during this procedure should be used.	
DET	3	g		Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	<p><a href="#">UNHCR (2014)</a>: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p><a href="#">EU Returns Directive</a>: Article 13(3)</p>	<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 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>The Law of Ukraine On Free Legal Aid № 3460-VI of 2 June 2011, Art. 14(8): <a href="http://zakon2.rada.gov.ua/laws/show/3460-17">http://zakon2.rada.gov.ua/laws/show/3460-17</a> (UK)</p> <p>ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28<sup>th</sup> Session of the Universal Periodic Review (Third Cycle, 6-17 November 2017), para.36: <a href="https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf">https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</a></p> <p>State Migration Service of Ukraine, Пункти тимчасового перебування іноземців та осіб без громадянства (Immigration detention centres): <a href="https://dmsu.gov.ua/pro-dms/struktura-ta-kontakti/punkti-timchasovogo-perebuvannya-inozemcziv-ta-osib-bez-gromadyanstva.html">https://dmsu.gov.ua/pro-dms/struktura-ta-kontakti/punkti-timchasovogo-perebuvannya-inozemcziv-ta-osib-bez-gromadyanstva.html</a> (UK)</p>
DET	4	a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless	<p><a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>: Article 27</p> <p><a href="#">UNHCR (2014)</a> : Being undocumented cannot be used as a general justification for detention.</p> <p><a href="#">ENS (2015)</a> : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people</p>	<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 nationality (or absence of nationality). Those released from detention are recognised as lawful residents of Ukraine and cannot be</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:</p>

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				status) and protected from re-detention?	who have been released from detention. <a href="#">Equal Rights Trust (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	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.	<a href="http://zakon2.rada.gov.ua/laws/show/z1335-13/page">http://zakon2.rada.gov.ua/laws/show/z1335-13/page</a> (UK)
DET	4	b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<a href="#">Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatrehnite raboti ECJ (2009)</a> : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. <a href="#">Equal Rights Trust (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	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. 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.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 17 (17): <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK) ENS, Desyate Kvitnya, R2P, ISI, ERRC (2017), Joint Submission to the Human Rights Council at the 28 <sup>th</sup> Session of the Universal Periodic Review (Third Cycle, 6-17 November 2017), para.36: <a href="https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf">https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-UPR_Submission_Ukraine-28_Session-Statelessness.pdf</a>
DET	4	c		If re-detention occurs, is the cumulative time	<a href="#">Equal Rights Trust (2012)</a> : When calculating the total time spent by an individual in detention, it is highly	No legislative provision exists for immigration re-detention so there are no rules in Ukrainian legislation on	ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention, p.29:



				spent in detention counted towards any maximum time limits?	desirable that time spent in detention on previous occasions is taken into consideration.	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. 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.	<a href="http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf">http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Ukraine-EN.pdf</a>
DET	5	a	Return & readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<a href="#">UNHCR (2014)</a> : 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: <a href="http://www.iom.org.ua/sites/default/files/migraciyne_zakonodavstvo_ukrayini_readmisiya_osib_0.pdf">www.iom.org.ua/sites/default/files/migraciyne_zakonodavstvo_ukrayini_readmisiya_osib_0.pdf</a> (UK)
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		No.	

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	<p>Is there a provision in law for stateless children born on the territory to be granted nationality?</p> <p><b>[If yes, continue to PRS1b. If no, proceed to PRS1h]</b></p>	<p><a href="#">UN Convention on the Reduction of Statelessness, 1961</a>: Article 1</p> <p><a href="#">European Convention on Nationality, 1997</a>: Article 2</p> <p><a href="#">Convention on the Rights of the Child 1989</a>: Article 7</p> <p><a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a>: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.</p> <p><a href="#">European Parliament (2018)</a>: The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p>	<p>Yes. Children are granted nationality in the following cases:</p> <ol style="list-style-type: none"> <li>1. If at least one of the child's parents is a Ukrainian citizen;</li> <li>2. If the child was born on the territory of Ukraine to stateless parents legally and permanently residing in Ukraine;</li> <li>3. If the child was born abroad to stateless parents legally and permanently residing in Ukraine;</li> <li>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;</li> <li>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);</li> <li>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;</li> <li>7. If the child is a foundling.</li> </ol> <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>	<p>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7:  <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (UK)</p>

PRS	1	b	Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p><a href="#">UNHCR (2012)</a>: The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p> <p><a href="#">ENS (2015)</a>: The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality 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 nationality, which is an additional burden prescribed only for the children of at least one parent who is not a citizen of Ukraine.	<p>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7:  <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#062">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#062</a> (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:  <a href="http://zakon3.rada.gov.ua/laws/show/302-2015-%D0%BF">http://zakon3.rada.gov.ua/laws/show/302-2015-%D0%BF</a> (UK)</p>
PRS	1	c	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p><a href="#">UNHCR (2012)</a>: The test is not an inquiry into whether a child's parents are stateless.</p> <p><a href="#">ENS (2015)</a>: Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.</p>	<p>By law, a child born in Ukraine may acquire nationality when:</p> <ol style="list-style-type: none"> <li>1. At least one parent has Ukrainian nationality;</li> <li>2. Parents are stateless;</li> <li>3. Parents are foreigners (legally residing in Ukraine) and the child has not received any nationality from the parents;</li> <li>4. One parent is a refugee and the child has not received any nationality;</li> <li>5. One parent is stateless and the other a foreigner, and the child has not acquired any nationality;</li> <li>6. The child is new born and the parents are unknown.</li> </ol> <p>It is impossible for a child of undocumented stateless parents to acquire nationality in law and practice.</p>	<p>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7:  <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#062">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#062</a> (UK)</p>

						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 nationality subject to the legal residence of the child's parents.	
PRS	1	d		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<a href="#">UNHCR (2012)</a> : A Contracting State 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. The burden of proof must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	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: 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).	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: <a href="http://zakon2.rada.gov.ua/laws/show/215/2001">http://zakon2.rada.gov.ua/laws/show/215/2001</a> (UK)
PRS	1	e		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 1(2) <a href="#">UNHCR (2012)</a> : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all.	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.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7: <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)

					<p><a href="#">Convention on the Rights of the Child, 1989</a>: Articles 3 &amp; 7</p> <p><a href="#">Committee on the Rights of the Child (2015)</a>: Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions.</p> <p><a href="#">European Convention on Nationality, 1997</a>: Article 6(2)(b)</p>		
PRS	1	f		<p>Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.</p>	<p><a href="#">Committee on the Rights of the Child (2011)</a>: The outcome of an application 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.</p> <p><a href="#">ENS (2015)</a>: Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	<p>The parents of a stateless child are not required to fulfil a specific period of legal residence, but they must be legally residing in 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 nationality. In law and practice, the right to Ukrainian nationality 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 nationality. 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>The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Arts. 1(10) &amp; 7:  <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)</p>
PRS	1	g		<p>What are the age limits (if any) for making an application for nationality for a</p>	<p><a href="#">UN Convention on the Reduction of Statelessness, 1961</a>: Article 1(2)</p> <p><a href="#">UNHCR (2012)</a>: Contracting States need to accept applications lodged at a time beginning not later than the</p>	<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:  <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)</p>

				stateless person born on the territory?	age of 18 and ending not earlier than the age of 21. <a href="#">ENS (2015)</a> : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.		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: <a href="http://zakon2.rada.gov.ua/laws/show/215/2001">http://zakon2.rada.gov.ua/laws/show/215/2001</a> (UK)
PRS	1	h		Are there specific provisions to protect the right to a nationality of children born to refugees?	<a href="#">UNHCR (2012)</a> : 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): <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)
PRS	2	a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 2 <a href="#">European Convention on Nationality, 1997</a> : Article 6(1)(b)	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.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7(7): <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)  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: <a href="http://zakon2.rada.gov.ua/laws/show/215/2001">http://zakon2.rada.gov.ua/laws/show/215/2001</a> (UK)

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PRS	2	b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	<a href="#">UNHCR (2012)</a> : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	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): <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (UK)
PRS	2	c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR (2012)</a> : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	No.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001: <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (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 acquired?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 5 <a href="#">ENS (2015)</a> : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	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): <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (UK)
PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<a href="#">European Convention on Nationality, 1997</a> : Article 6(4)(d) <a href="#">Committee on the Rights of the Child (2015)</a> : Ensure that the child 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: <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (UK)

PRS	4	a	<i>Ius sanguinis</i>	Can children born to nationals abroad acquire nationality by descent ( <i>Ius sanguinis</i> ) in general and/or if they would otherwise be stateless?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 4 <a href="#">UNHCR (2012)</a> : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to 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): <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (UK)
PRS	4	b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<a href="#">Genovese v. Malta ECtHR (2011)</a> : The state must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW Gen. rec. No. 32, 2014</a> : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. <a href="#">UNHCR (2014)</a> : Action 4	No.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7(1): <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (UK)
PRS	5	a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	<a href="#">Convention on the Rights of the Child, 1989</a> : Article 7 <a href="#">International Covenant on Civil and Political Rights, 1966</a> : Article 24(2) <a href="#">Council of Europe (2009)</a> : Member states should 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 the parents are unknown.	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.	The Law of Ukraine On State Registration of Civil Status Acts, 2398-VI, 1 July 2010, Art. 13(3): <a href="http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90">http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90</a> (UK)  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:



					<p><a href="#">UNHCR (2012)</a>: Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p><a href="#">UNHCR (2014)</a>: Action 7</p> <p><a href="#">UN Sustainable Development Goal 16.9</a></p>		<p><a href="http://zakon2.rada.gov.ua/laws/show/z0719-00/paran95#n95">http://zakon2.rada.gov.ua/laws/show/z0719-00/paran95#n95</a> (UK)</p>
PRS	5	b	Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p><a href="#">UN Human Rights Council, Resolution A/HRC/RES/20/4</a>: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p><a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a>: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p>	<p>Yes, all children must be issued with a birth certificate upon registration. The only exception is the stillbirth. In this case the civil registry body issues the certificate ("dovidka") confirming the fact of stillbirth.</p> <p>Children born in non-government controlled areas (NGCA) face additional challenges in obtaining civil registration documents issued by the Government of Ukraine, as all documents issued in NGCA are considered invalid. There is an exception in the law stating that documents certifying facts of birth issued in NGCA are exceptionally considered valid and may be attached to applications for birth registration in Ukraine. However, the Government has not yet established an effective administrative procedure to implement this exceptional provision and it only applies to documents issued in the Donetsk and Luhansk regions, not in Crimea. In 2017 a procedure was introduced to allow medical commissions (which may involve international humanitarian organisations) to deploy experts to the NGCA to confirm the birth of children there, but the procedure has not been implemented and appears</p>	<p>The Law of Ukraine On State Registration of Civil Status Acts, 2398-VI, 1 July 2010, Art. 13: <a href="http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90">http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90</a> (UK)</p> <p>United Nations Ukraine, Briefing Note on Birth Registration, January 2020: <a href="https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf">https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf</a> (EN)</p>	

						lengthy and complex. There is also a judicial procedure that allows children born in NGCA to obtain birth certificates, however the process is cumbersome and costly.	
PRS	5	c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<a href="#">Convention on the Rights of the Child, 1989: Articles 3 &amp; 7</a>	No, the nationality of the child is not determined or recorded upon birth registration. Birth registration is the responsibility of the Ministry of Justice, while the determination of nationality is an exclusive power of the State Migration Service. Only parentage is determined upon birth registration, which includes the names and nationality of parents. The indication of the parents' nationality in the birth certificate is not enough for confirmation of the nationality of the child. A certificate of affiliation to nationality is required when applying for the national passport of Ukraine in the following instances: (1) when both parents of the applicant were nationals of Ukraine on the date of birth, but the documents confirming this fact are absent; (2) when one or both of the parents were foreigners or stateless persons legally residing in Ukraine on the date of birth (even if the second parent was a national of Ukraine); (3) if the applicant was naturalised.	The Law of Ukraine On State Registration of Civil Status Acts, 2398-VI, 1 July 2010, Art. 13: <a href="http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90">http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90</a> (UK)  The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7: <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)  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: <a href="http://zakon3.rada.gov.ua/laws/show/302-2015-%D0%BF">http://zakon3.rada.gov.ua/laws/show/302-2015-%D0%BF</a> (UK)
PRS	5	d		If a child's nationality is not determined or	<a href="#">Convention on the Rights of the Child, 1989: Articles 3 &amp; 7</a>	When applying for the passport at age 14, the applicant must confirm the grounds for obtaining Ukrainian nationality. It can	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Art. 7:

				recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.		be confirmed, for example, by the passport of Ukraine of one of the parents (who was a national of Ukraine at the time of birth), or the residence permit of the parent (who was a legally residing stateless person). In case if the parents were foreign nationals legally residing in Ukraine, the applicant must provide documents confirming the legal residence of the parents (residence permits and foreign passports), and a declaration that they did not obtain the nationality of either of the parents.	<a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (UK)  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: <a href="http://zakon2.rada.gov.ua/laws/show/215/2001">http://zakon2.rada.gov.ua/laws/show/215/2001</a> (UK)  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: <a href="http://zakon3.rada.gov.ua/laws/show/302-2015-%D0%BF">http://zakon3.rada.gov.ua/laws/show/302-2015-%D0%BF</a> (UK)
PRS	5	e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?	<a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a> : Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.	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. The Ministry of Justice has estimated that only 45% of children reported to have	HIAS and UNHCR (2014), The Problem of Statelessness in Ukraine and the Ways of Addressing It, Kyiv, p. 8 & 34: <a href="http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf">http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf</a>  ENS, ERRC & ISI (2017) Roma Belong : statelessness, discrimination and marginalisation of Roma in the Western Balkans and Ukraine: <a href="https://www.statelessness.eu/resources/roma-belong-statelessness-discrimination-and-marginalisation">https://www.statelessness.eu/resources/roma-belong-statelessness-discrimination-and-marginalisation</a>

						<p>been born in the areas of Donetsk and Luhansk and 12% in Crimea have obtained a birth certificate.</p>	<p>Desyate Kvitnya, ERRC, ISI &amp; ENS (forthcoming) Roma Belong: statelessness, discrimination and marginalisation of Roma in Ukraine: <a href="https://www.statelessness.eu/romabelong">https://www.statelessness.eu/romabelong</a></p> <p>United Nations Ukraine, Briefing Note on Birth Registration, January 2020: <a href="https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf">https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf</a> (EN)</p>
PRS	5	f		<p>Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?</p>	<p><a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a>: Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status.</p>	No.	

PRS	5	g		<p>Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.</p>	<p><a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a>: Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p><a href="#">UN Human Rights Council, Resolution A/HRC/RES/20/4</a>: Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p>	<p>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>	<p>The Law of Ukraine On State Registration of Civil Status Acts, 2398-VI, 1 July 2010, Art. 13(3): <a href="http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90">http://zakon2.rada.gov.ua/laws/show/2398-17/paran90#n90</a> (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: <a href="http://zakon2.rada.gov.ua/laws/show/z0719-00/paran95#n95">http://zakon2.rada.gov.ua/laws/show/z0719-00/paran95#n95</a> (UK)</p>
PRS	5	h		<p>Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.</p>	<p>As above</p>	<p>There is a fine (17-52 UAH/0.60-1.75 EUR) 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.</p>	

PRS	6	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<p><a href="#">UNHCR (2014): Action 7</a></p>	<p>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 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 inter alia birth registration. The MoJ regularly reports about the positive impact of the program.</p> <p>In 2019, the Cabinet of Ministers adopted the pilot program "E-baby" ("Є-малятко"), which will provide the opportunity to obtain a range of services through a single application, including:</p> <ul style="list-style-type: none"> <li>- birth registration;</li> <li>- place of residence registration for the child;</li> <li>- financial assistance;</li> <li>- registration in the Unified Demographic Registry;</li> <li>- determination of the child's Ukrainian nationality.</li> </ul> <p>The pilot project will start on 1 January 2020 - no information on practice is available yet.</p> <p>The Government has introduced a judicial procedure that allows children born in NGCA to obtain birth certificates, but the</p>	<p>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):  <a href="https://www.kmu.gov.ua/ua/npas/248740679">https://www.kmu.gov.ua/ua/npas/248740679</a> (UK)</p> <p>Я МАЮ ПРАВО (I have the right) Programme:  <a href="http://pravo.minjust.gov.ua/">http://pravo.minjust.gov.ua/</a> (UK)</p> <p>Regulation No 691 of the Cabinet of Ministers, 10.07.2019:  <a href="https://www.kmu.gov.ua/npas/pro-realizaciyu-eksperimentalnogo-proektu-shchodo-stvorenniya-spriyatlivih-umov-dlya-t100719">https://www.kmu.gov.ua/npas/pro-realizaciyu-eksperimentalnogo-proektu-shchodo-stvorenniya-spriyatlivih-umov-dlya-t100719</a></p> <p>United Nations Ukraine, Briefing Note on Birth Registration, January 2020:  <a href="https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf">https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf</a> (EN)</p>
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						process is cumbersome and costly. A number of legislative amendments have also been approved to establish special administrative procedures for the registration of children born in NGCA and a procedure to enable medical verification of births by special commissions deployed to NGCA. However, these have not yet been implemented in practice and the UN has urged the Government to act (see PRS.5.b).	
PRS	6	b	Are there particular sections of the population - such as minority groups - believed to be stateless/at risk of statelessness? Please provide details and source of information.	<p><a href="#">UN Convention on the Reduction of Statelessness, 1961</a>: Article 9</p> <p><a href="#">UNHCR (2014)</a>: Action 4</p> <p><a href="#">UN Human Rights Council (2019)</a>: States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.</p>	<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</p>	<p>ROMA BELONG: Statelessness, Discrimination and Marginalisation of Roma in Ukraine, March 2018: <a href="http://www.errc.org/uploads/upload_en/file/4616_file1_roma-belong-ukraine-english-language.pdf">http://www.errc.org/uploads/upload_en/file/4616_file1_roma-belong-ukraine-english-language.pdf</a></p> <p>Терористи “ЛНР” відбирають паспорти в українців (Armed groups of Luhansk Peoples Republic seizes Ukrainian passports), 4 Oct 2014: <a href="https://fakty.com.ua/ua/ukraine/polituka/20141004-1528920/">https://fakty.com.ua/ua/ukraine/polituka/20141004-1528920/</a> (UK)</p> <p>United Nations Ukraine, Briefing Note on Birth Registration, January 2020: <a href="https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf">https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf</a> (EN)</p>	

									means that those who remain on the temporarily occupied territories are at risk of statelessness. Children born in these territories face obstacles in accessing birth certificates and birth registration (see PRS.5.b)	
PRS	6	c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> <a href="#">UNHCR (2014)</a> : Actions 1 & 8 <a href="#">UNHCR (2015)</a> : States parties to the 1954 Convention are required to help stateless persons become naturalised citizens.			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” <a href="http://search.ligazakon.ua/l_doc2.nsf/link1/JH71F00A.html">http://search.ligazakon.ua/l_doc2.nsf/link1/JH71F00A.html</a> (UK)	
PRS	7	a	Withdrawal of nationality	Are there provisions on loss and/or deprivation of nationality established in law? Please describe and state whether there is a safeguard against statelessness in law and practice.	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 8 <a href="#">European Convention on Nationality, 1997</a> : Article 7(3) <a href="#">Universal Declaration of Human Rights</a> : Article 15(2)			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	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Section III: <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (UK)	



						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.	
PRS	7	b		Who is the competent authority for withdrawal of nationality and what procedural safeguards are in place (legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 8(4) <a href="#">European Convention on Nationality, 1997</a> : Article 11	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 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.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Section IV: <a href="http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/para062#o62</a> (UK)
PRS	7	c		Are withdrawal provisions 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	Indicators of the State Migration Service’s activities in 2017, p.4: <a href="https://dmsu.gov.ua/assets/files/statistic/year/dms_2017_pok.pdf">https://dmsu.gov.ua/assets/files/statistic/year/dms_2017_pok.pdf</a> (UK)

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						the competent authority about the acquisition of nationality of another state.	
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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 judgments 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: “Cases of disputes over the provision of public order and security, including disputes concerning the expulsion of foreigners and stateless persons from Ukraine”. There are 19,576 decisions in this category, including 16,949 first instance, 3,779 appellate, and 696 cassation (as of 13 December 2019).</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. 11 judgments refer to the 1961 Convention on the Reduction of Statelessness – 7 first instance, 3 appellate, 1 cassation.</p>	<p>The Law of Ukraine On access to court decisions № 3262-IV of 22 December 2005: <a href="http://zakon5.rada.gov.ua/laws/show/3262-15">http://zakon5.rada.gov.ua/laws/show/3262-15</a> (UK)</p> <p>National database of the judiciary of Ukraine «Судова влада» (“Judicial Power”): <a href="http://reyestr.court.gov.ua">http://reyestr.court.gov.ua</a> (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). Please list.		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 554,967 decisions, including 476,284 first instance, 63,884 appellate, 14,799 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 search request «апатрид» (“apatride”) returned 85 decisions, including 60 first instance, 18 appellate and 7 cassations.	The Law of Ukraine On access to court decisions № 3262-IV of 22 December 2005: <a href="http://zakon5.rada.gov.ua/laws/show/3262-15">http://zakon5.rada.gov.ua/laws/show/3262-15</a> (UK)  National database of the judiciary of Ukraine «Судова влада» (“Judicial Power”): <a href="http://reyestr.court.gov.ua">http://reyestr.court.gov.ua</a> (UK) N.B. Access to this website is sometimes unavailable and/or restricted to foreign IP addresses due to heavy traffic.
LIT	2	a	Legal training	Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<a href="#">UNHCR (2016)</a> : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. <a href="#">UNHCR (2010)</a> : It is recommended that States provide specialised 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. 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.	The National School of Judges of Ukraine: <a href="http://www.nsj.gov.ua/ua/news/pidgotovka-suddiv-okrujnih-administrativnih-sudiv/">http://www.nsj.gov.ua/ua/news/pidgotovka-suddiv-okrujnih-administrativnih-sudiv/</a> ; <a href="http://www.nsj.gov.ua/ua/training/">http://www.nsj.gov.ua/ua/training/</a> (UK)  UNHCR: <a href="http://unhcr.org.ua/uk/novini/novyny/775-ceminari-dlya-suddiv-ukrajini">http://unhcr.org.ua/uk/novini/novyny/775-ceminari-dlya-suddiv-ukrajini</a> ; <a href="http://unhcr.org.ua/en/2011-08-26-06-58-56/news-archive/1283-the-unhcr-and-the-hacu-held-seminars-for-judges">http://unhcr.org.ua/en/2011-08-26-06-58-56/news-archive/1283-the-unhcr-and-the-hacu-held-seminars-for-judges</a>  Right to Protection, Legal protection of stateless persons, Training in Kiev:

							<a href="http://vpl.com.ua/uk/news/5100/">http://vpl.com.ua/uk/news/5100/</a> (UK)  Recording of live-translation of the seminar on statelessness in Odesa, organized by NGO “Desyate Kvitnya”: <a href="https://www.facebook.com/pravokat.or.odesa/videos/896885307178760/">https://www.facebook.com/pravokat.or.odesa/videos/896885307178760/</a> (UK)
LIT	3	a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	<a href="#">UNHCR (2014)</a> : Applicants must 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 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.	UNHCR official website: <a href="http://www.unhcr.org/stateless-people.html">http://www.unhcr.org/stateless-people.html</a>  “The Tenth of April” official website: :http://desyatekvitnya.com/?page_id=2188  “Right to Protection” official website <a href="http://r2p.org.ua/uk/news/statelessness-en/">http://r2p.org.ua/uk/news/statelessness-en/</a>  “Neeka” official website: <a href="http://www.neeka.org/">http://www.neeka.org/</a>  “Chirikli” Fund official website: <a href="http://www.chirikli.com.ua">http://www.chirikli.com.ua</a>
LIT	4	a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		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	V.I. Vernadskyi National Library: <a href="http://nbuv.gov.ua">http://nbuv.gov.ua</a>  M. Maksymovych Scientific Library: <a href="http://www.library.univ.kiev.ua">http://www.library.univ.kiev.ua</a>  Scientific Library of Yaroslav Mudryi National Law University: <a href="http://library.nlu.edu.ua">http://library.nlu.edu.ua</a>

						works addressing statelessness specifically: 4 monographs and 2 Ph.D. theses listed in the catalogues of the main scientific libraries in Ukraine.	
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