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## Country context (optional)

**Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).**

Ukraine is the Eastern Europe country, one of the former Soviet republics. Most undocumented residents at risk of statelessness are Former USSR nationals, who due to different reasons were not able to confirm the possession of the nationality of the newly independent countries, and their descendants. Ukrainian legislation provides the legal procedure to confirm the possession of Ukrainian nationality for such persons, but it requires the applicant to provide documentary proof of registered residence in Ukraine as of 1991 (August 24 or November 13) or establishing the fact of residence as of mentioned dates in court. Thus, the procedure is not available to all affected and has several gaps, e.g. lack of the identity confirmation.

A Statelessness Determination Procedure became available for applicants in Ukraine in May 2021. By November, the State Migration Service of Ukraine had registered more than 600 applications. Despite several applicants being granted statelessness status to date, the recognition level is still unclear. Recognised stateless persons will obtain a temporary residence permit for two years, and will then be able to acquire a permanent residence permit. Naturalisation will be available for recognised stateless persons too. But the persons who applied for status, but the decision was not made yet lacks access to the basic rights, such as healthcare, education and employment.

## International and Regional Instruments

Item	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_23_2">http://zakon2.rada.gov.ua/laws/show/995_23_2</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_23_2">http://zakon2.rada.gov.ua/laws/show/995_23_2</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/para077#o77">http://zakon2.rada.gov.ua/laws/show/1906-15/para077#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_24_0">http://zakon3.rada.gov.ua/laws/show/995_24_0</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_24_0">http://zakon3.rada.gov.ua/laws/show/995_24_0</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/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/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="#">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="#">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? Please list any reservations.	<a href="#">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>
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Return 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)
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> <a href="#">CEDAW, Gen. Rec. 32 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? Please list any relevant reservations.	<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>
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	<a href="#">Convention on the Rights of Persons with Disabilities, 2006</a>	Yes, with no reservations.	Law of Ukraine № 1767-VI of 16.12.2009 On ratification of <a href="#">Convention on the Rights of Persons with Disabilities</a> : <a href="https://zakon.rada.gov.ua/laws/show/1767-17#Text">https://zakon.rada.gov.ua/laws/show/1767-17#Text</a> (UK)

## Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State 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="#">CEDAW, Gen. Rec. 32 (2014)</a>: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (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, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p>	<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. However, the full-scale Population Census was not conducted in 2020 as planned. The new census is planned for 2023.</p> <p>According to the State Migration Service of Ukraine, 5,815 stateless persons were residing in Ukraine with a residence permit as of the end of 2020.</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> <p>Order of the Cabinet of Ministers of Ukraine No 1542-p of 09.12.2020: <a href="https://zakon.rada.gov.ua/laws/show/1542-2020-%D1%80#Text">https://zakon.rada.gov.ua/laws/show/1542-2020-%D1%80#Text</a> (UK)</p> <p>Official Website of State Migration Service of Ukraine: <a href="https://dmsu.gov.ua/news/dms/7389.html">https://dmsu.gov.ua/news/dms/7389.html</a> (UK)</p>
POP.1.b		Do public 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	<p>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). Stateless persons may be more highly represented in these categories. Roma represent one of the largest groups of undocumented persons with one of the highest proportion of stateless persons and those at risk of statelessness. A Report of the Ombudsman of Ukraine 'The Conditions of the Implementation of the Roma State Policy' (2015), stated that 17% of Roma respondents were undocumented. The data in the All-Ukrainian census does not distinguish between documented and undocumented Roma, nor between Roma who are Ukrainian citizens and those who are stateless. The category for persons who did not specify their nationality was not included in the Pilot Population Census in December 2019. However, the full-scale Population Census was not conducted in 2020 despite it being planned. The new census is planned for 2023.</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>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> <p>Order of the Cabinet of Ministers of Ukraine No 1542-p of 09.12.2020: <a href="https://zakon.rada.gov.ua/laws/show/1542-2020-%D1%80#Text">https://zakon.rada.gov.ua/laws/show/1542-2020-%D1%80#Text</a> (UK)</p>
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	<p>UNHCR estimated the number of stateless persons in Ukraine to be 35,294 in 2017. In 2018, the number increased to 35,650. In 2020, UNHCR reported 35,875 persons in Ukraine under its statelessness mandate. UNHCR also estimates that approximately 69,400 children born in the non-government-controlled areas (NGCA) have not yet obtained a Ukrainian birth certificate and are at risk of statelessness. UNHCR draws its estimates from three main providers of data: governmental agencies, UNHCR field offices and NGOs.</p>	<p>UNHCR, Refugee Data Finder: <a href="https://www.unhcr.org/refugee-statistics/download?url=u058Qp">https://www.unhcr.org/refugee-statistics/download?url=u058Qp</a></p> <p>UNHCR Ukraine: Stateless Persons: <a href="https://www.unhcr.org/ua/en/stateless-persons">https://www.unhcr.org/ua/en/stateless-persons</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></p> <p>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></p>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	<p>There have been no surveys or mapping studies to estimate the stateless population in Ukraine. There is fragmentary data on the stateless</p>	<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>

				population in reports by UNHCR and NGOs in Ukraine.	<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-bezgormadyanstvo-v-ukrayini_296/">http://cvu.od.ua/en/likbez/pidgotovleno-vidannya-pro-nevidime-bezgormadyanstvo-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		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	<p>NGO reports contain additional unpublished data on the stateless population in Ukraine. For example, the report 'Protecting Stateless Persons from Arbitrary Detention' provides the following numbers based on an official response from the State Migration Service of Ukraine (SMSU) in 2015:</p> <ul style="list-style-type: none"> <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 reported around 6,500 official registered stateless persons in Ukraine.</p>	<p>ENS and R2P HIAS (2016), Protecting Stateless Persons from Arbitrary Detention, p.18: <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/page/secretariat/docs/presentations/&amp;page=3">http://www.ombudsman.gov.ua/ua/page/secretariat/docs/presentations/&amp;page=3</a> (UK)</p>
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	<p>The reliability of statelessness data causes serious concerns. The only available official statistics on the stateless population in Ukraine is the All-Ukrainian Population Census of 2001, which is outdated. No other official government data is publicly available. In their reports and statistics, Ukrainian government agencies usually do not distinguish between foreigners and stateless persons. UNHCR data is also an estimate and is not claimed to be comprehensive for the whole Ukraine. Concerns about the reliability of data on statelessness in Ukraine are also repeatedly expressed in NGO reports. 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 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 up to 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</p>	<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-bezgormadyanstvo-v-ukrayini_296/">http://cvu.od.ua/en/likbez/pidgotovleno-vidannya-pro-nevidime-bezgormadyanstvo-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 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=RalJBAAAQBAJ&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=RalJBAAAQBAJ&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%2">http://unhcr.org.ua/attachments/article/317/2016%2011%20UNHCR%20UKRAINE%2</a></p>

				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.	<a href="#">OMinorities%20Briefing%20Note%20FINAL%20EN.pdf</a>
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	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.	
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	<p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: State parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p> <p><a href="#">Equal Rights Trust, Guidelines (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="#">Council of the European Union, Conclusions on Statelessness (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>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, 629 foreigners and stateless persons were held in immigration detention in January-September 2021 (during 2017, for example, this number reached 842, and 810 in 2020). Two 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 &amp; 1 Palestinian).</p> <p>The Southern Department of the State Border Guard Service reported that over 9 months in 2020, 30 stateless persons were not permitted to enter the territory of Ukraine and detained at the Temporary Holding Facility. Between 2018-2020 at least three stateless persons were detained in Chernihiv in Volyn Immigration Detention Centres.</p>	<p>Indicators of the State Migration Service's activities in 9 months of 2021: <a href="https://dmsu.gov.ua/assets/files/statistic/year/2021_9.pdf">https://dmsu.gov.ua/assets/files/statistic/year/2021_9.pdf</a> (UK)</p> <p>Indicators of the State Migration Service's activities in 2020, p.2: <a href="https://dmsu.gov.ua/assets/files/statistic/year/2020_12.pdf">https://dmsu.gov.ua/assets/files/statistic/year/2020_12.pdf</a> (UK)</p> <p>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)</p> <p>Information from the Mykolaivskiy Immigration Detention centre was obtained during a monitoring visit by Desyate Kvitnya (Tenth of April).</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>Joint NGO submission, "State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine": <a href="https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/JointSubmissionUkraine.docx">https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/JointSubmissionUkraine.docx</a></p>
POP.2.b		Does the State 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%. The State Migration Service states that 284 persons were released from immigration detention during 9 months of 2021 (which is about 45% of detainees) but does not provide the reasons for release (whether it was by the court decision or because the maximum detention term was reached).	<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>Indicators of the State Migration Service's activities in 9 months of 2021: <a href="https://dmsu.gov.ua/assets/files/statistic/year/2021_9.pdf">https://dmsu.gov.ua/assets/files/statistic/year/2021_9.pdf</a> (UK)</p>

## Statelessness Determination and Status

Item	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="#">1954 Convention</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 the operation of its law. The definition was brought in line with the 1954 Convention in 2020.	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)  Law of Ukraine on Amending Certain Legislative Acts of Ukraine regarding Recognition as a Stateless Person №693-IX of 16 June 2020: <a href="https://zakon.rada.gov.ua/laws/show/693-20#n23">https://zakon.rada.gov.ua/laws/show/693-20#n23</a> (UK) <a href="https://www.refworld.org/pdfid/5f2196bb4.pdf">https://www.refworld.org/pdfid/5f2196bb4.pdf</a> (EN)
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<a href="#">UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006)</a> : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	UNHCR and its partners provide several trainings about statelessness for the State Migration Service, other government stakeholders and legal practitioners every year. The specific SDP-related trainings and roundtables were conducted in 2021 by UNHCR and partners for the SMSU officials.	The State Migration Service website: <a href="https://dmsu.gov.ua/news/region/v-odesi-obgovorili-problemi-dokumentuvannya-obg-ta-osib-pid-rizikom-bez-gromadyanstva.html">https://dmsu.gov.ua/news/region/v-odesi-obgovorili-problemi-dokumentuvannya-obg-ta-osib-pid-rizikom-bez-gromadyanstva.html</a> (UK)  The UNHCR Ukraine Facebook page: <a href="https://www.facebook.com/UNHCRKyiv/videos/212459190971898">https://www.facebook.com/UNHCRKyiv/videos/212459190971898</a> (UK)  The CF "Right to Protection" website: <a href="https://r2p.org.ua/kruglyj-stil-obg/">https://r2p.org.ua/kruglyj-stil-obg/</a> (UK)
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</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, Geneva Conclusions (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 Kyiv: <a href="https://r2p.org.ua/pravovyj-zahyst-osib-bez-gromadyanstva-oformlennya-nabuttya-gromadyanstva-ukrayiny-zarodzhenyam-ta-terytorialnym-pohodzhennyam-trening-u-kyjevi/">https://r2p.org.ua/pravovyj-zahyst-osib-bez-gromadyanstva-oformlennya-nabuttya-gromadyanstva-ukrayiny-zarodzhenyam-ta-terytorialnym-pohodzhennyam-trening-u-kyjevi/</a> (UK)  Recording of live-translation of the seminar on statelessness in Odesa, organized by NGO "Desyate Kvitnya": <a href="https://www.facebook.com/pravokator.odesa/videos/896885307178760/">https://www.facebook.com/pravokator.odesa/videos/896885307178760/</a> (UK)  UNHCR Ukraine at Facebook: <a href="https://www.facebook.com/UNHCRKyiv/posts/2090731450963225">https://www.facebook.com/UNHCRKyiv/posts/2090731450963225</a>  Right to Protection at Facebook: <a href="https://www.facebook.com/right2protection/posts/2414953428820385">https://www.facebook.com/right2protection/posts/2414953428820385</a>  The Tenth of April at Facebook: <a href="https://www.facebook.com/dkoduaposts/1029994017464753">https://www.facebook.com/dkoduaposts/1029994017464753</a>  Neeka Ukraine at Facebook: <a href="https://www.facebook.com/neekaukraine/posts/1468628423286853">https://www.facebook.com/neekaukraine/posts/1468628423286853</a>



<p>SDS.3.a</p>	<p>Existence of a dedicated SDP</p>	<p>Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b></p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated stateless status (<b>proceed to Question 4a</b>).</p> <p>2. There is no dedicated SDP leading to a dedicated stateless status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (<b>proceed to Question 10a</b>).</p> <p>3. There is a dedicated stateless status but no formal procedure for determining this (<b>proceed to Question 15a</b>).</p>	<p><a href="#">UNHCR, Handbook on Protection (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, Good Practices Papers – Action 6 (2020)</a>: Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>Group 1: Ukrainian legislation contains both a dedicated statelessness status and a dedicated procedure for establishing such status (SDP). The SDP was introduced in June 2020 with the adoption of the Law №693-IX. The bylaw required for implementation of the SDP was adopted on 24 March 2021, and the SDP became available for applicants in late May 2021.</p>	<p>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>Law of Ukraine on Amending Certain Legislative Acts of Ukraine regarding Recognition as a Stateless Person №693-IX of 16 June 2020: <a href="https://zakon.rada.gov.ua/laws/show/693-20#n23">https://zakon.rada.gov.ua/laws/show/693-20#n23</a> (UK) <a href="https://www.refworld.org/pdfid/5f2196bb4.pdf">https://www.refworld.org/pdfid/5f2196bb4.pdf</a> (EN)</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 Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)</p>
<p>SDS.4.a</p>	<p>Access to the procedure (Group 1)</p>	<p>Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is important that examiners develop expertise while ensuring that the procedures are accessible.</p>	<p>The examination is conducted by the State Migration Service, which is a dedicated government body responsible for the realisation of state migration policy, as well as state policy on nationality, and regularisation of stay. The State Migration Service is coordinated by the Cabinet of Ministers through the Minister of Internal Affairs.</p>	<p>Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <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 Regulation on the State Migration Service of Ukraine (appr. by the Cabinet of Ministers Order № 360 of 24 August 2014): <a href="https://zakon.rada.gov.ua/laws/show/360-2014-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/360-2014-%D0%BF#Text</a> (UK)</p> <p>Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)</p>
<p>SDS.4.b</p>		<p>Are there clear, accessible instructions on how to make a claim of statelessness?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	<p>There are no instructions on applying to the SDP published by government. The instructions are published by NGOs.</p>	<p>Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <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>NGO "The Tenth of April": <a href="https://dk.od.ua/news/viznannya-osoboyu-bez-gromadyanstva-yak-tse-bude">https://dk.od.ua/news/viznannya-osoboyu-bez-gromadyanstva-yak-tse-bude</a> (UK)</p>
<p>SDS.4.c</p>		<p>Can submissions be made orally and/or in writing in any language?</p>	<p><a href="#">ENS, Statelessness Determination and the Protection Status of Stateless Persons (2013)</a>: Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.</p>	<p>The submission must be made in writing in Ukrainian. However, the law obliges the State Migration Service to complete the application upon oral request of the applicant if they are unable to do so due to literacy or disability. If the applicant does not understand Ukrainian, the State Migration Service is obliged to provide them with an interpreter in a language they understand, as well as translation of documents free of charge.</p>	<p>Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <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>Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a</p>

					stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.4.d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	<a href="#">ENS (2013)</a> : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	A specific application form is required to be used. However, in most of the SMS departments, the applications are filled in e-form by the SMS officials and printed for applicants to sign. The application form is simple and requires basic biodata, information on previous places of residence, relatives, and other persons who can confirm the applicant's statements. There are no strict requirements on documents that must be attached to the application. Thus, the applicant may provide any documents they possess. The State Migration Service can collect documents and information about the applicant from various sources (registers, archives, consular bodies, etc.). Relatives or other persons stated in the application may be questioned to confirm the applicant's statements.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.4.e		Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . <a href="#">UNHCR, Handbook on Protection (2014)</a> : Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	No, there are no provisions on <i>ex officio</i> initiation of the SDP.	
SDS.4.f		Are there obligations in law on authorities to consider the application?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed.	Yes, the State Migration Service is obliged to consider the application. However, under the bylaws the State Migration Service can refuse to accept the application under certain conditions: (1) during the submission of documents, it was found that the applicant is a national of Ukraine, foreigner, or a stateless person recognised by a foreign state and possesses a stateless ID issued by the foreign state or UN organisation, and refuses to provide a document confirming the termination of this status; (2) the applicant does not possess any ID or document with a photo and refuses to submit written consent for questioning of at least three relatives, neighbours or other persons who are able to confirm the applicant's statements; (3) the applicant refuses to provide their biometric data.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.4.g		Is there an application fee?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed.	There is no application fee; the application is free of charge.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 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)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.4.h		Is there a lawful stay requirement to access the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. <a href="#">ENS (2013)</a> : There is no basis in the 1954 Convention for requiring lawful stay.	No, there is no such requirement. The Law states that a person can apply for stateless status regardless of the lawfulness of stay in Ukraine.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 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)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.4.i		Is there a time limit on access to the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed and not subject to time limits. <a href="#">ENS (2013)</a> : There is no basis in the 1954 Convention to set time limits for individuals to claim stateless status.	No, there is no time limit on access to the SDP.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 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)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021

					"Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.4.j		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	NGOs that are UNHCR partners support persons of concern during the application under the SDP and are able to accompany them during the process. The State Migration Service in practice asks UNHCR and NGOs to provide financial assistance for the applicants to apply to consulate bodies to obtain documentation confirming non-possession of the foreign nationality.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 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)
SDS.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : SDPs must take into consideration the difficulties inherent in proving statelessness. <a href="#">UNHCR, Geneva Conclusions (2010)</a> : In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. <a href="#">ECtHR, Hoti v. Croatia (2018)</a> : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	The burden of proof is shared between the applicant and the State Migration Service. The applicant is obliged to cooperate with the State Migration Service, attend interviews, and provide all information possible. Also, the bylaws obliges the applicant to inform the State Migration Service within 10 days of any new relevant information that they become aware of, and of any documents relevant to the case that come into their possession. The State Migration Service has the duty to collect all possible information about the applicant and is entitled to request documents or other information from other government agencies, state registries, and archives, non-government entities, as well as consular bodies of foreign countries. However in practice the State Migration Service officials often requests the applicants to collect and submit documents prior to application, such as consulate certificates, birth certificates, documents confirming the place of residence etc.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.5.b		What is the standard of proof? Is it the same as in refugee status determination procedures?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). <a href="#">UNHCR, Good practices in nationality laws (2018)</a> : The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. <a href="#">ECtHR, Hoti v. Croatia (2018)</a> : If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.	The legislation does not clearly establish the standard of proof in the SDP. However, the law contains an exclusive list of grounds for refusal to recognise a person as stateless: (1) the applicant is a Ukrainian national; (2) the applicant is a foreigner, and the foreign state recognises this fact officially and provides the applicant with the relevant documentation; (3) the applicant intentionally provided wrongful information or false/invalid documents (except outdated ones); (4) the applicant falls under the exclusion criteria stated in Art.1(iii) of the 1954 Convention.  There are no exact rules on the weighing of evidence in the legislation regulating the SDP. The applicant is not obliged to provide specific evidence to the State Migration Service. The Law clearly states that in the absence of documents, the statements of the applicant can be confirmed by relatives, neighbours, or other persons. In practice, situations were observed when the SMS officials orally refused to accept the SDP applications in case the applicant does not provide specific documents (consulate certificates, birth certificates, documents confirming the place of residence etc)	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)  Casework from Right to Protection, The Tenth of April, and Neeka
SDS.5.c		What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP?  In particular, what measures are in place to ensure respect for the best interests of the child in the procedure (burden of proof, guardianship, child-	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children and persons with disabilities may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of pursuing the best interests of the child. Additional safeguards for child claimants include priority processing of their claims, appropriately trained professionals and a greater share of the burden of proof by the State.	There are no specific provisions guaranteeing access to the SDP for women. The legal norms are developed in a gender-neutral way. There were no registered cases of lack of access to the SDP due to discrimination.  The legislation establishes the following; (1) the legal representative can initiate the SDP on behalf of an unaccompanied minor or person without legal capacity; (2) the State Migration Service official is obliged to complete the application upon oral request of the applicant if they are unable to do so due to literacy or disability; (3) if the applicant does not understand Ukrainian, the State Migration Service is obliged to provide them with an interpreter	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)

		friendly procedures, etc.)?	<p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women.</p> <p><a href="#">CRC</a>: Articles 2, 3, 7 and 8</p> <p><a href="#">CRPD</a>: Article 18</p>	<p>in a language they understand as well as translation of documents free of charge.</p> <p>In addition, the bylaws establishes the possibility to request that a State Migration Service official visits the home or medical institution of an applicant if they are unable to move without aid because of a durable health disorder (confirmed by a medical certificate).</p> <p>The under-aged stateless persons should join the same procedure as one of their parents, thus they have to be included in the parent's application. They do not obtain the applicant's certificate. In the case of unaccompanied minors, the application should be submitted by their legal representative. If the child contacts the State Migration Service and does not possess a legal representative, the SMSU official should immediately contact the local child protection service.</p> <p>There are no specific safeguards for children regarding the burden of proof. It is only stated that the interview with the minor should be conducted in the presence of their legal representative. The child may be subject to age assessment procedures in case of doubt.</p>	
SDS.5.d		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	<p><a href="#">ENS (2013)</a>: Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p>	<p>The Law indicates that the applicant must provide only the evidence that they actually possess, and there is no specific required evidence. If the applicant does not possess any documents, the questioning of at least three relatives, neighbours, or other persons to confirm the applicant's statements can be initiated. When reviewing an application, the State Migration Service shall undertake the necessary steps to gather information from the applicant's place of birth, countries or places of previous permanent or long-term residence and the country of nationality of family members. The bylaws is more specific and provides the possible sources of information: outdated IDs, birth certificate, marriage documents, education and work documents, medical certificates, documents confirming the ownership of property, certificates issued by municipal authorities, and others. The list is not exclusive. The bylaws also states that the State Migration Service can request information from other state agencies, registers, and archives and apply to the consular bodies of foreign states. In practice the State Migration Service officials request additional documents upon application, and has orally refused to accept applications submitted without evidence. The State Migration Service officials informs about issues in contacting the consulates of foreign countries, and proposes that applicants contact the consulates themselves, which requires applicants to pay high consular fees.</p>	<p>Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <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>Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)</p> <p>Casework from Right to Protection, The Tenth of April, and Neeka</p>
SDS.5.e		Is there any evidence of significant errors in decision-making?		There is no evidence of errors in decision-making observed as of the date.	
SDS.6.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p><a href="#">ENS (2013)</a>: If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>The Law On Free Legal Aid was amended with the introduction of the SDP. Currently, persons who filed an application for the status of a stateless person are entitled to all primary and secondary legal services provided by the state free of charge. This right can be used at any stage of the SDP from the moment the person submits an application for recognition as a stateless person until the final decision on the application. However, potential stateless persons are not entitled to secondary free legal aid. Thus, in case the State Migration Service refuses to accept the application, the person can't be provided with secondary legal aid under the law.</p>	<p>The Law of Ukraine On Free Legal Aid № 3460-VI of 02 June 2011: <a href="https://zakon.rada.gov.ua/laws/show/3460-17#Text">https://zakon.rada.gov.ua/laws/show/3460-17#Text</a> (UK)</p>
SDS.6.b		Is an interview always offered (unless granting without interview)?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The right to an individual interview [is] essential.</p>	<p>The applicant has a right to an interview. The State Migration Service is also able to initiate</p>	<p>Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-</p>

				an interview, which is obligatory for the applicant.	1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.6.c		Is free interpreting offered for statelessness determination interviews?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to assistance with interpretation/translation [is] essential. <a href="#">ENS (2013)</a> : Assistance should be available for translation and interpretation.	If the applicant does not understand Ukrainian, the State Migration Service is obliged to provide them with an interpreter in a language that the applicant understands, as well as written translation of their documents free of charge at the application stage. The right to free interpreting is only guaranteed during the initial application. There are no special provisions regarding interpretation during interviews. The interviews are in practice conducted in Ukrainian or Russian. The interpretation and translations, in practice, are not provided for free and the State Migration Service requests applicants to provide translations certified by the notary of documents issued in foreign languages. The only exception is the documents in Russian issued in the territory of Ukraine, which are accepted without translation.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.6.d		Are there quality assurance audits of the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Quality assurance audits of SDPs are considered good practice.	There are no provisions on quality assurance audits in the legislation.	
SDS.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.	In practice, UNHCR partner NGOs can accompany persons of concern during interview. The trainings are provided to the State Migration Service officials.	The Tenth of April
SDS.6.f		Are decisions (refusals and grants) given in writing with reasons?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	Yes. In case of refusal, the State Migration Service is obliged to inform the applicant in writing of the decision and its reasons. This must be done within three days after the decision is made.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.6.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months.	The timeframe is set in the law. The standard timeframe for the SDP is 6 months, which can be extended upon a reasoned decision to 12 months.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.6.h		Is there a referral mechanism from refugee status determination procedures to the statelessness procedure (e.g. if refused asylum)?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants. <a href="#">ENS (2013)</a> : Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.	No, such referral mechanism is not established in the law. However, the law provides a mechanism for a referral from the SDP to the asylum procedure if grounds for asylum are identified during the SDP. A similar mechanism is proposed in case facts emerge indicating possible possession of Ukrainian nationality. In this case, the SDP is ceased until it is examined whether the person is a Ukrainian national.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.7.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for stateless status is assessed or is there a risk of expulsion?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : An individual awaiting a decision is entitled, at a minimum, to all rights based on presence and being 'lawfully in' the territory (including identity documents, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that applicants for	Yes, during the application review period, the applicant is considered lawfully temporarily staying in the territory of Ukraine. To confirm this the person is provided with a certificate confirming their application for recognition as a stateless person (the legal admission of asylum seekers is confirmed in a similar way with a different certificate). The certificate should be prolonged by the State Migration	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021

			stateless status receive the same treatment as asylum-seekers. <a href="#">ENS (2013)</a> : States should refrain from expelling or removing an individual pending the outcome of the determination process.	Service if the timeframe of the procedure is extended.	"Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.7.b		Do applicants for stateless status have permission to work and access to assistance to meet their basic needs?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.	Applicants have the right to work. However, access to employment is hindered by the necessity for employers to obtain special permission for the employment of foreigners and stateless persons. To this, the employer must guarantee the salary for an employee who is an applicant for stateless status of at least 10 minimum wages (65,000 UAH or approx. 2131 EUR as of December 2021). The average salary in Ukraine in 2nd quarter of 2021 was approx. 13,184 UAH (452 EUR).  The law grants access to free legal aid during the SDP. Access to other assistance may be hindered by the fact that applicants are considered temporarily staying in Ukraine, but not as temporary or permanent residents. Applicants will face obstacles to accessing medical aid. Full access to medical aid is guaranteed only for Ukrainian nationals and foreigners/stateless persons who legally permanently reside in Ukraine.	The Law of Ukraine On employment of the population № 5067-VI of 5 July 2012: <a href="http://zakon3.rada.gov.ua/laws/show/5067-17">http://zakon3.rada.gov.ua/laws/show/5067-17</a> (UK)  The average salaries rates in Ukraine during 2021 - The State Statistics Service of Ukraine: <a href="http://www.ukrstat.gov.ua/operativ/operativ2021/gdn/snzp/snzp_ek/smzp_ek_21_ue.xlsx">http://www.ukrstat.gov.ua/operativ/operativ2021/gdn/snzp/snzp_ek/smzp_ek_21_ue.xlsx</a> (UK)  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/print149924860111314">http://zakon3.rada.gov.ua/laws/show/2801-12/print149924860111314</a> (UK)
SDS.7.c		Do applicants for stateless status face a risk of detention?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. 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 to safeguard the lawful governmental objective pursued by detention.	There are no provisions in the law that may put the applicants at risk of detention; however, the practical implementation did not start yet. Applying to the SDP is not grounds for release from detention. In practice, it is not possible for a person in immigration detention to apply for the SDP due to limitations established by the bylaws. The applicant has to arrive personally to the State Migration Service department to file the application under the SDP, which is impossible for detained persons. During the public discussion regarding amendments to the instruction on detention, several NGOs proposed to provide the possibility to apply to SDP from detention, but these proposals were totally declined by the State Migration Service. A draft law is currently before Parliament which would provide for the possibility of an SDP applicant remaining in immigration detention until a final decision is made on their SDP application. A similar provision already exists in law for the asylum procedure.	Draft law No.4412 (NOT ADOPTED): <a href="http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70498">http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70498</a> (UK)  Results of the public discussions of the amendments to the instruction on immigration detention: <a href="https://dmsu.gov.ua/assets/files/project/zvit_project_nakaz_9086.pdf">https://dmsu.gov.ua/assets/files/project/zvit_project_nakaz_9086.pdf</a> (UK)
SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	The applicant has a right to appeal against the State Migration Service's negative decision to the administrative court within 20 days after receiving the written refusal decision.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <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.8.b		Is legal aid available for appeals?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means. <a href="#">ENS (2013)</a> : Applicants should have access to legal counsel both at first instance and on appeal.	Yes, free legal aid is provided at all stages until the final decision on the case is issued.	Law of Ukraine On Free Legal Aid № 3460-VI of 02 June 2011: <a href="https://zakon.rada.gov.ua/laws/show/3460-17#Text">https://zakon.rada.gov.ua/laws/show/3460-17#Text</a> (UK)
SDS.8.c		Is there a fee for the appeal application?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : An effective right to appeal against a negative first instance decision is an essential safeguard.	Yes. The court fee for application to the administrative court of first instance is (908.00 UAH, approx. 29.80 EUR as of November 2021).	Law of Ukraine On Court Fee № 3674-VI of 08 July 2011: <a href="https://zakon.rada.gov.ua/laws/show/3674-17#Text">https://zakon.rada.gov.ua/laws/show/3674-17#Text</a> (UK)
SDS.9.a	Stateless status (Group 1)	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	Under the bylaws, within 10 days of receiving the decision recognising a person as stateless, they must apply to the State Migration Service to obtain a temporary residence permit. The applicant shall provide the application, the decision on recognition as a stateless person, and the written obligation to inform the State Migration Service in case of acquisition of any nationality. The temporary residence permit is issued for one year and can be prolonged. After two years of stay with a temporary residence permit, the stateless person may apply for an immigration permit (out of quota) and obtain a permanent residence permit.	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 6-1: <a href="http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946">http://zakon2.rada.gov.ua/laws/show/3773-17/print1498457630285946</a> (UK)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)  Law of Ukraine On Immigration № 2491-III of 07 June 2001:

					<a href="https://zakon.rada.gov.ua/laws/show/2491-14#n73">https://zakon.rada.gov.ua/laws/show/2491-14#n73</a> (UK)
SDS.9.b		How long is initial status granted for and is it renewable?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	The temporary residence permit is valid for one year and can be renewed constantly for one year.	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)
SDS.9.c		Is a travel document issued to people recognised as stateless?	<a href="#">1954 Convention</a> : Article 28.	Yes.	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)
SDS.9.d		Do people recognised as stateless have a right to family reunification?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised stateless status in their territory with their spouses and dependents.	The law grants the right to family reunification to foreigners or stateless persons who permanently reside in Ukraine. So, the right to reunification will be granted only after obtaining a permanent residence permit (after two years with a temporary residence permit).	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)
SDS.9.e		On what grounds (if any) may residence status granted to stateless people be revoked?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention. This may justify the cancellation of a residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.	Stateless status may be revoked on the following grounds: (1) the person became a Ukrainian national; (2) the person obtained a foreign nationality, and the foreign state recognises this fact officially and provides the person with the relevant documentation; (3) the person intentionally provided wrongful information or false/invalid documents (except outdated ones) when applying for stateless status; (4) the applicant falls under the exclusion criteria stated in Art.1(iii) of the 1954 Convention.	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)  Order of the Cabinet of Ministers of Ukraine No 317 of 24 March 2021 "Certain issues of recognition as a stateless person" <a href="https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/317-2021-%D0%BF#Text</a> (UK)
SDS.9.f		Do people granted stateless status have permission to work?	<a href="#">1954 Convention</a> : Article 17 <a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to work must accompany a residence permit.	Yes. Recognised stateless persons do not require permission for employment (see SDS.5.b).	The Law of Ukraine On employment of the population № 5067-VI of 5 July 2012: <a href="http://zakon3.rada.gov.ua/laws/show/5067-17">http://zakon3.rada.gov.ua/laws/show/5067-17</a> (UK)
SDS.9.g		Do people granted stateless status have access to primary, secondary, and higher education?	<a href="#">1954 Convention</a> : Article 22	Yes. Stateless persons have the right to free school education and higher education can be free within a quota defined by the Cabinet of Ministers. However, in practice there is no evidence of stateless persons accessing free higher education via the quota.	Law of Ukraine On Education № 2145-VIII of 05 September 2017
SDS.9.h		Do people granted stateless status have access to social security and healthcare?	<a href="#">1954 Convention</a> : Articles 23 & 24 <a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	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. Also, the right to certain types of social assistance depends on residence status, so there may be some barriers during the first two years prior to acquiring permanent residence.  Right to healthcare: access to healthcare is guaranteed for foreigners and stateless persons who lawfully permanently reside in Ukraine. Thus, access to healthcare is also based on residence status. Stateless persons with temporary residence permits may be excluded from the state-funded healthcare programme may face obstacles in access to free healthcare. In practice, persons who obtained the certificate of application to the SDP were refused access to medical aid, namely COVID-19 vaccination and hospitalisation.	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/print149924860111314">http://zakon3.rada.gov.ua/laws/show/2801-12/print149924860111314</a> (UK)  Law on State Financial Guarantees of Health Care Services to the Population № 2168-VIII of 19 October 2017: <a href="https://zakon.rada.gov.ua/laws/show/2168-19#Text">https://zakon.rada.gov.ua/laws/show/2168-19#Text</a> (UK)
SDS.9.i		Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)?	<a href="#">1954 Convention</a> : Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.	No. Only Ukrainian nationals are entitled to active and passive election rights.	The Constitution of Ukraine of 28 June 1996: <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)  The Electoral Code of Ukraine of 19 December 2019: <a href="https://zakon.rada.gov.ua/laws/show/396-20#Text">https://zakon.rada.gov.ua/laws/show/396-20#Text</a> (UK)

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Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered. Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.	<p><a href="#">ICCPR</a>: Article 9  <a href="#">ECHR</a>: Article 5  <a href="#">EU Return Directive</a>: Article 15  <a href="#">UNHCR, Handbook on Protection (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="#">UN General Assembly (2009)</a>: Calls upon all States to adopt alternative measures to detention.  <a href="#">HRC, Report of the Special Rapporteur (2012)</a>: The obligation to always consider alternatives before resorting to detention should be established by law.  <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>	<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>Grounds for immigration detention are found in different legal acts. 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 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.</p> <p>The Code of Administrative Proceedings sets two alternatives to detention: bail for the person to a company, institution or organisation; and, deposit surety bail, which may be paid by the individual or a third party. These measures are not subject to periodic review. The time limit of these measures depends on the length of removal proceedings.</p> <p>There are reports that immigration detention is used in practice prior to all alternatives being considered. Moreover, analysis of judgments against migrants in an irregular situation proves that immigration detention is the most widespread measure. The decision to detain must comply with the principles of necessity, reasonableness and proportionality (among others), which require the State to exhaust all less restrictive alternatives before finally resorting to detention. However, in practice, alternatives are seldom considered first in Ukraine.</p> <p>In the case of Shoygo v Ukraine, the European Court of Human Rights concluded that prolonged immigration detention of a person without documents was not justified in a situation when the authorities failed to pursue proceedings for deportation with requisite diligence.</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>Code of Administrative Proceedings of Ukraine № 2747-IV of 6 July 2005, Art. 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>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> <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):  <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>Joint NGO submission, "State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine"  <a href="https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/JointSubmissionUkraine.docx">https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/JointSubmissionUkraine.docx</a></p> <p>Shoygo v. Ukraine ECtHR judgement of 30 September 2021:  <a href="https://hudoc.echr.coe.int/eng/?i=001-212003">https://hudoc.echr.coe.int/eng/?i=001-212003</a> (EN)</p>
DET.1.b		Does a proposed country of removal need to be identified before a person is detained for	<a href="#">ICCPR</a> : Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).	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	Judgment of the Zakarpaskyi District Administrative Court № 2-a-3473/09/0770 of 2 September 2009:

		removal? Please describe the situation in law and in practice.	<a href="#">ECtHR, Auad v. Bulgaria (2011)</a> : In cases detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation. <a href="#">EU Return Directive</a> : Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	make decisions on removal even if obstacles for removal are known beforehand. There are judgments on removal without a designated country of removal.	<a href="http://www.reyestr.court.gov.ua/Rev1ew/5097151">http://www.reyestr.court.gov.ua/Rev1ew/5097151</a> (UK)  Judgment of the Zakarpatskyi District Administrative Court № 2-a-3473/09/0770 of 2 September 2009: <a href="http://www.reyestr.court.gov.ua/Rev1ew/64861686">http://www.reyestr.court.gov.ua/Rev1ew/64861686</a> (UK)
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal?	<a href="#">EU Return Directive</a> : When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately. <a href="#">UN Working Group on Arbitrary Detention (2018)</a> : When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary. <a href="#">ECtHR, Auad v. Bulgaria (2011)</a> <a href="#">ECtHR, Mikolenko v. Estonia (2009)</a>	No, there is no explicit obligation. The Ukrainian legislation only provides the person's release from immigration detention in case of impossibility of removal. The reasons for such impossibility are defined by legislation: lack of the travel document; absence of transport connection with the destination country; other reasons independent of the detainee. Such release may be conducted after the maximum detention period is passed, OR in case the impossibility to remove was defined earlier - at any time during detention. In practice, persons are released in most cases after the almost maximum period of detention has passed.	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)  Order of the Cabinet of ministers of Ukraine No 322 of 25 April 2018 On approval of sample, technical description of the form and Order of registration, issue, exchange, cancellation, transfer, withdrawal, return to the state, recognition invalid and destruction of the temporary residence permit: <a href="https://zakon.rada.gov.ua/laws/show/322-2018-%D0%BF?lang=en#Text">https://zakon.rada.gov.ua/laws/show/322-2018-%D0%BF?lang=en#Text</a> (UK)
DET.2.a	Identification of statelessness	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.	<a href="#">ECtHR, Auad v. Bulgaria (2011)</a> <a href="#">ECtHR, Mikolenko v. Estonia (2009)</a> : Detention may only be justified as long as deportation proceedings are being conducted with due diligence. <a href="#">UNHCR, Handbook on Protection (2014)</a> : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. <a href="#">Equal Rights Trust, Guidelines (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. <a href="#">ICJ, Migration and International Human Rights Law (2014)</a> : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.	No. It's clearly impossible to apply for the statelessness status from detention. During the public discussion regarding amendments to the instruction on detention, several NGOs proposed to provide the possibility to apply to SDP from detention, but these proposals were declined by the State Migration Service.	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)  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)  Results of the public discussions of the amendments to the instruction on immigration detention: <a href="https://dmsu.gov.ua/assets/files/project/zvit_project_nakaz_9086.pdf">https://dmsu.gov.ua/assets/files/project/zvit_project_nakaz_9086.pdf</a> (UK)
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a> : Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.	Stateless persons are not defined by Ukrainian legislation as a vulnerable group. Ukrainian legislation sets no vulnerability assessment at all and no vulnerability criteria.	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)
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. <a href="#">EU Return Directive</a> : Article 16(3) <a href="#">EU Return Handbook (2017)</a> : Attention should be paid to the specific situation of stateless persons. <a href="#">Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013)</a> : European entities should assess the situation of LGBTI persons in detention. <a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a> : There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.	Stateless persons are not defined by Ukrainian legislation as a vulnerable group. Ukrainian legislation sets no vulnerability assessment at all and no vulnerability criteria. However, refugees and persons in need of subsidiary protection cannot be subject to migration detention (under Article 31 Refugee Convention, which Ukraine acceded to in 2002) with one exception: asylum seekers can be held in detention if they submitted an asylum claim after the decision on their immigration detention.	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)

DET.2.d		Are stateless people detained in practice?		<p>Yes. The State Migration Service of Ukraine (SMSU) does not distinguish between foreigners and stateless persons in immigration detention in its statistics. According to SMSU data, 842 foreigners and stateless persons were held in immigration detention in 2017. 2 stateless people were detained in the Mykolaivskiy Immigration Detention centre in October 2018. The Report “Protecting Stateless Persons from Arbitrary Detention” provides some unpublished figures from the State Border Guard Service for the number of people detained, including stateless persons and those who may be stateless or at risk of statelessness (e.g. in 2015: 215 people – 2 stateless, 3 Somalis; in 2014: 236 people – 1 stateless, 11 Somalis &amp; 1 Palestinian).</p>	<p>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)</p> <p>Information about 2 stateless people in the Mykolaivskiy Immigration Detention centre was obtained during a monitoring visit by Desyate Kvitnya.</p> <p>ENS &amp; 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> -</p>
DET.3.a	Procedural safeguards	<p>Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?</p>	<p><a href="#">ICCPR</a>: Article 9(4)  <a href="#">ECHR</a>: Article 5(4)  <a href="#">EU Return Directive</a>: Articles 12, 13 and 15(5)  <a href="#">HRC, Report of the Working Group on Arbitrary Detention (2010)</a>: A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.  <a href="#">UNHCR, Detention Guidelines (2012)</a>: To guard against arbitrariness, maximum periods of detention should be set in national law.  <a href="#">UNHCR, Handbook on Protection (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.  <a href="#">UNGA, Body of Principles (1988)</a>: Anyone who is arrested shall be informed at the time of the reason for his arrest.  <a href="#">Equal Rights Trust, Guidelines (2012)</a>: Stateless detainees shall receive their order of detention in writing and in a language they understand. 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. Detention should always be for the shortest time possible.  <a href="#">ECtHR, Kim v. Russia (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>Under the Law on the Legal Status of Foreigners and Stateless Persons the maximum period for immigration detention is 18 months. The Code of Administrative Proceedings sets a 6-month term for immigration detention, which may be extended, but not for longer than 18 months. The Code of Administrative Proceedings was amended at the end of 2017 leading to a concern that the maximum length of detention was to be lengthened because of how the amended provision was worded. However, it has been confirmed by practice in 2018, that the maximum time limit remains 18 months (including extensions).</p> <p>Individuals are informed in writing of the reasons for their immigration detention.</p> <p>There are periodic reviews of the necessity for the continuation of detention before a court. To extend the detention term beyond the initial six months, the detaining authority is required to file an administrative claim at least five days before the expiration of the period. Further extensions must be filed every three months, which must state the actions or measures taken by the authority to enforce the decision on deportation or to examine the application for granting refugee or complementary protection status. Detention may be extended only if: the detainee doesn't cooperate during the identification procedure; and/or there is a lack of information from the country of 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 judgments on the release of immigration detainees in the Unified State Register of Court Decisions.</p> <p>A detainee may appeal against a judgment of the court of first instance on his/her detention, and to the court of cassation against the judgment 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>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)</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>Desyate Kvitnya practice/casework.</p> <p>Judgment of the Ripkinsky District Court of Chernihiv Oblast № 743/380/17: <a href="http://www.reyestr.court.gov.ua/Revizija/65458417">http://www.reyestr.court.gov.ua/Revizija/65458417</a></p> <p>Judgment of the Pershotravnevyi District Court of Chernivtsy № 725/3781/16-a <a href="http://www.reyestr.court.gov.ua/Revizija/59719642">http://www.reyestr.court.gov.ua/Revizija/59719642</a></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>

				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. An applicant under the SDP will obtain the right to free legal aid only after actual submission of the application under the SDP to the State Migration Service. As the SDP is not operational yet, actual access to free legal aid remains poor. There are three immigration detention centres in Ukraine: in the Regions of Volyn (Zhuravychi village), Chernihiv (Rozsudev 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.	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)  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-perebuвання-inozemcziv-ta-osib-bez-gromadyanstva.html">https://dmsu.gov.ua/pro-dms/struktura-ta-kontakti/punkti-timchasovogo-perebuвання-inozemcziv-ta-osib-bez-gromadyanstva.html</a> (UK)
DET.3.b		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<a href="#">Equal Rights Trust, Guidelines (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.	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 should bring the information in printed form. The application to SDP in detention is impossible in practice.	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.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<a href="#">Equal Rights Trust, Guidelines (2012)</a> : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. <a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	There are no clear and consistent rules governing the process of re-documentation or ascertaining entitlement to nationality for the purpose of removal. If a foreigner has no identity documents, the State Migration Service or the Security Service of Ukraine or the State Border Guard should take action to identify them, including requesting information from diplomatic missions or consular offices. There are no rules governing time limits and how information gathered during this procedure should be used. The European Court of Human Rights found a violation of Art. 5 of the ECHR, due to the long-term inaction of the Ukrainian government to apply for identity documents for a detained person, who was presumably a Russian national.	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)  Shoygo v. Ukraine ECtHR judgement of 30 September 2021: <a href="https://hudoc.echr.coe.int/eng/?i=001-212003">https://hudoc.echr.coe.int/eng/?i=001-212003</a> (EN)
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	<a href="#">1954 Convention</a> : Article 27 <a href="#">UNHCR, Handbook on Protection (2014)</a> : Being undocumented cannot be used as a general justification for detention. <a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	People 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). People released from detention are recognised as lawful residents of Ukraine and cannot be detained again. The certificate of detention in an immigration detention centre should be submitted to the State Migration Service during the procedure for obtaining a temporary residence permit. People released from detention face barriers to obtaining temporary residence permits, including the requirement of compulsory registration of the place of residence. The applicant must also have been detained for the maximum period to acquire a temporary residence permit on grounds of release from detention. Stateless persons who applied or were recognised under the SDP once it is operational will obtain a temporary residence permit in a simplified procedure, requiring submission of the application, a copy of the decision on recognition as a stateless person and written obligation to inform the State Migration Service in 30 days if they obtain any nationality.	Order of the Cabinet of ministers of Ukraine No 322 of 25 April 2018 On approval of sample, technical description of the form and Order of registration, issue, exchange, cancellation, transfer, withdrawal, return to the state, recognition invalid and destruction of the temporary residence permit: <a href="https://zakon.rada.gov.ua/laws/show/322-2018-%D0%BF?lang=en#Text">https://zakon.rada.gov.ua/laws/show/322-2018-%D0%BF?lang=en#Text</a> (UK)
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal	<a href="#">CJEU, Kadzoev, C-357/09 PPU (2009)</a> : After the maximum period of detention has expired, the person must be released immediately. A lack	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	Law of Ukraine On the Legal Status of Foreigners and Stateless Persons № 3773-VI of 22 September 2011, Art. 17 (17):

		status and rights are provided to them in law?	of valid documentation or inability to support themselves should not be a deterrent to release. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	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.	<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.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<a href="#">UNHCR, Handbook on Protection (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_readmissiya_osib_0.pdf">www.iom.org.ua/sites/default/files/migraciyne_zakonodavstvo_ukrayini_readmissiya_osib_0.pdf</a> (UK)
DET.5.b		Are you aware of cases of cases of stateless people being returned under such agreements?		No.	

## Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<p><a href="#">1954 Convention</a>: Article 32  <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.  <a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.  <a href="#">ENS (2013)</a>: The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p>	<p>Recognised stateless persons can apply for naturalisation on general grounds, which include holding an immigration permit and continuous legal residence on the territory of Ukraine for five years. As a recognised stateless person may apply for an immigration permit only after two years of temporary residence, it is unclear how the term "continuous residence on the territory of Ukraine" will be applied to recognised stateless persons and whether they will be able to naturalise after five years or seven years from recognition under the SDP.</p> <p>There is a draft law currently before Parliament which would reduce the residence period required for a stateless person to be naturalised to three years after their initial recognition as stateless.</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>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>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> <p>The draft law On Amendments to the Law of Ukraine On Citizenship of Ukraine regarding simplified naturalization for foreigners and stateless persons who participated in protection of territorial integrity and inviolability of Ukraine:  <a href="http://w1.c1.rada.gov.ua/pls/zweb2/w ebproc4_1?pf3511=72163">http://w1.c1.rada.gov.ua/pls/zweb2/w ebproc4_1?pf3511=72163</a> (UK)</p>
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	<p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.</p>	<p>The recognition and adherence to the Constitution of Ukraine and laws of Ukraine are among the general requirements for person to be naturalised in Ukraine. The Law On Citizenship prohibits the naturalisation of a person if:</p> <ol style="list-style-type: none"> <li>(1) that person has committed a crime against humanity or an act of genocide;</li> <li>(2) that person received a term of imprisonment for a serious or grave crime (until the criminal record is cleared or expunged) taking into account the level of threat to national security;</li> <li>(3) that person has perpetrated acts outside Ukraine qualified as serious or grave criminal offences under Ukrainian law.</li> </ol>	<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>
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children.	<p><a href="#">1954 Convention</a>: Article 32  <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.  <a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p>	<p>Stateless persons are only exempted from the requirement to provide documents proving renunciation of a foreign nationality. Instead, they must provide a declaration of absence of a foreign nationality. Applicants for naturalisation must 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 12 times the minimum subsistence). The minimum subsistence is set by the Parliament and as of 1 December 2021 is equivalent to 2,393 UAH (78.5 EUR), therefore the applicant must possess at least 28,716 UAH (941.66 EUR) in their bank account.</p> <p>The applicant must also provide a document confirming their command of the Ukrainian language or understanding to a sufficient degree for adequate communication (except blind, deaf and/or mute persons). There is a fee of 179.74 UAH (5.8 EUR) for issuing an immigration permit and 8.50 UAH (0.28 EUR) for the application for naturalisation. Compliance with all requirements must be documented.</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>
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? <b>[If yes, continue to PRS2b. If no, proceed to PRS2i]</b>	<p><a href="#">1961 Convention</a>: Article 1  <a href="#">ECN</a>: Article 2  <a href="#">CRC</a>: Article 7  <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.  <a href="#">HRC, CCPR General comment No. 17 (1989)</a>: States are required to adopt</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> </ol>	<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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)</p>

			<p>every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.</p> <p><a href="#">European Parliament resolution (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>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;</p> <p>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);</p> <p>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;</p> <p>7. If the child is a foundling.</p> <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. Also, the residence status of the parents must be confirmed at the time of birth. If their residence status was regularised later, the children follow the residence status of the parent(s) (e.g. if the parent(s) were granted stateless status). If the parents' status was not regularised before the children reached 18, they must apply for regularisation by themselves on the general grounds.</p>	
PRS.2.b	Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (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, No Child Should Be Stateless (2015)</a>: The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	<p>The 1961 Convention provisions on the acquisition of nationality by otherwise stateless children is part of Ukrainian legislation under the Constitution of Ukraine. However, the provision is not implemented directly by the Law On Citizenship. As mentioned in PRS.2.a, children's nationality status is based on the residence status of parents at the time of birth. 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 national of Ukraine.</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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</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.2.c	Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	<p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must to be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.</p>	<p>No, the parents are not provided with such information.</p>		
PRS.2.d	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: The test is not an inquiry into whether a child's parents are stateless.</p> <p><a href="#">ENS, No Child Should Be Stateless (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. Undocumented persons</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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)</p>	

				(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.2.e		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, Guidelines on Statelessness No. 4 (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, but in the case of children the State assumes a greater share of the burden of proof. 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: <ol style="list-style-type: none"> <li>1. a copy of the birth certificate;</li> <li>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;</li> <li>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).</li> </ol>	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.2.f		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="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (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. <a href="#">CRC</a> : Articles 3 & 7 <a href="#">Committee on the Rights of the Child, Concluding observations on the Netherlands (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. <a href="#">ECN</a> : Article 6(2)(b)	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)
PRS.2.g		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.	<a href="#">Committee on the Rights of the Child, Concluding observations on Czech Republic (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. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	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.	The Law of Ukraine On Citizenship of Ukraine №2235 – III of 1 March 2001, Arts. 1(10) & 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)
PRS.2.h		What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. <a href="#">ENS, No Child Should Be Stateless (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.	There are no age limits as the acquisition is automatic by law.	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)  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.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (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.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<a href="#">1961 Convention</a> : Article 2 <a href="#">ECN</a> : Article 6(1)(b)	Yes, foundlings are nationals 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)
PRS.3.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, Guidelines on Statelessness No. 4 (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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)
PRS.4.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="#">1961 Convention</a> : Article 5 <a href="#">ENS, No Child Should Be Stateless (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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)
PRS.4.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="#">ECN</a> : Article 6(4)(d) <a href="#">Committee on the Rights of the Child, Concluding Observations on Switzerland (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.	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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)
PRS.5.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="#">1961 Convention</a> : Article 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (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 national. 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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)
PRS.5.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="#">ECTHR, Genovese v. Malta (2011)</a> : The state must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW, Gen. Rec. 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, Global Action Plan to End Statelessness 2014-24 (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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)
PRS.6.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="#">CRC</a> : Article 7 <a href="#">ICCPR</a> : Article 24(2) <a href="#">CoE, Recommendation CM/Rec(2009)13 (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. <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Article 7 CRC applies irrespective of the nationality,	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 can be registered by another person (third party), but the legal bonds to parents will be under question.	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: <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)

			statelessness or residence status of the parents. <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7 UN Sustainable Development Goal 16.9</a>		
PRS.6.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</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. <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</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.	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. Children born in the 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 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.	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)  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>
PRS.6.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="#">CRC</a> : Articles 3 & 7	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.6.d		If a child's nationality is not determined or 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.	<a href="#">CRC</a> : Articles 3 & 7 <a href="#">1961 Convention</a> : Articles 1 & 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. <a href="#">HRC, CCPR General comment No. 17 (1989)</a> : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. <a href="#">HRC, D.Z. v. Netherlands (2021)</a>	When applying for the passport at age 14, the applicant must confirm the grounds for obtaining Ukrainian nationality. It can 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.	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)  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.6.e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' migration or residence status, sexual orientation or gender identity, or other reasons (please specify)?	<p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</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.</p> <p><a href="#">Global Compact for Safe, Orderly and Regular Migration</a>: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p><a href="#">Global Compact on Refugees</a>: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p><a href="#">European Parliament Resolution (2018)</a>: Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p>	<p>Yes, there are the reports on preventing of the child's registration because of parent's migration and/or residence status. A UNHCR report describes the situation of so-called "legal orphans" or children whose parents do not have any documents confirming their identity, so no information about them can be included on the child's birth certificate. There are also problems with the registration of births of children born in prisons, because of their parents having restricted access to rights. There are also reports of Roma children facing practical obstacles to birth registration.</p> <p>The Ministry of Justice has estimated that only 45% of children reported to have been born in the areas of Donetsk and Luhansk and 12% in Crimea have obtained a birth certificate.</p> <p>At the same time there are no reports regarding the issues with registration based on parent(s)' sexual orientation or gender identity.</p>	<p>HIAS and UNHCR (2014), The Problem of Statelessness in Ukraine and the Ways of Addressing It, Kyiv, p. 8 &amp; 34: <a href="http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf">http://unhcr.org.ua/attachments/article/365/StatelessResearchENG.pdf</a></p> <p>ENS, ERRC &amp; 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> <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.6.f		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)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> and <a href="#">Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC</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. Children's personal data, in particular biometric data, should only be used for child protection purposes.</p> <p><a href="#">CoE, ECRI General Policy Recommendation No. 16(2016)</a>: States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.</p>	<p>No, but nor is there an explicit firewall to prevent the sharing of data between health or civil registry officials and immigration authorities.</p>	
PRS.6.g		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><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p><a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</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.6.h		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.	As above	<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.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 7	<p>Yes. In 2021 the new National Strategy in the sphere of Human rights was adopted, as well as Action plan to this Strategy on period 2021-2023. One of the key aspects of the Strategy is ensuring provision of the civil documents to the residents of the non-government controlled areas of Ukraine. However, there were no new developments on implementation of the administrative procedure of the registration of birth in NGCA.</p> <p>In 2019, the Cabinet of Ministers adopted the pilot program "E-baby" ("Є-малятко"), which provided 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>In 2020 the "Є-малятко" was updated and connected to the "Diia" application to make services available online. According to the Ministry of Justice, the service remains available only in limited locations.</p>	<p>National Strategy in the Sphere of Human Rights : <a href="https://zakon.rada.gov.ua/laws/show/119/2021/conv#Text">https://zakon.rada.gov.ua/laws/show/119/2021/conv#Text</a> (UK)</p> <p>The Action plan on realisation of the National Strategy in the Sphere of Human Rights for 2021-2023: <a href="https://www.kmu.gov.ua/npas/pro-zatverdzhennya-planu-dij-z-realizaciyi-nacionalnoyi-strategiyi-u-sferi-prav-lyudini-na-20212023-roki-i230621-756">https://www.kmu.gov.ua/npas/pro-zatverdzhennya-planu-dij-z-realizaciyi-nacionalnoyi-strategiyi-u-sferi-prav-lyudini-na-20212023-roki-i230621-756</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-stvorennya-spriyatlivih-umov-dlya-t100719">https://www.kmu.gov.ua/npas/pro-realizaciyu-eksperimentalnogo-proektu-shchodo-stvorennya-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> <p>The complex service "Є-малятко" - The Ministry of Justice website: <a href="https://minjust.gov.ua/m/kompleksna-posluga-emalyatko">https://minjust.gov.ua/m/kompleksna-posluga-emalyatko</a> (UK)</p>
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	<a href="#">1961 Convention</a> : Article 9 <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 4 <a href="#">HRC, Recommendations of the Forum on Minority Issues (2019)</a> : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	<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 Government is aware of the issue and adopted the Roma integration strategy in July 2021. One of the aims of this strategy is providing Roma community members with relevant personal documents (birth certificates and IDs).</p> <p>The population residing on the non-government-controlled areas are also at heightened risk of statelessness. There are some reported cases of seizures of Ukrainian IDs by armed groups in these territories. Although Ukraine considers all people residing on the temporarily occupied territories as nationals, the absence of Ukrainian IDs and no access to migration means that those who remain on the temporarily occupied territories are at risk of statelessness. Children born in these territories face obstacles in accessing birth certificates and birth registration</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>Order of the Cabinet of Ministers of Ukraine No 866-p of 28 July 2021 On adoption of the Strategy to promote the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society until 2030: <a href="https://zakon.rada.gov.ua/laws/show/866-2021-%D1%80#Text">https://zakon.rada.gov.ua/laws/show/866-2021-%D1%80#Text</a> (UK)</p> <p>Терористи "ЛНР" відбирають паспорти в українців (Armed groups of Luhansk Peoples Republic seizures Ukrainian passports), 4 Oct 2014: <a href="https://fakty.com.ua/ua/ukraine/politika/20141004-1528920/">https://fakty.com.ua/ua/ukraine/politika/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></p>
PRS.7.c		Has the State 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="#">1961 Convention</a> <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Actions 1 & 8 <a href="#">UNHCR, Good Practices Paper - Action 1 (2015)</a> : States parties to the 1954 Convention are required to help stateless persons become naturalised nationals.	No, the Government does not implement any other measures aimed at reducing of statelessness.	
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state	<a href="#">1961 Convention</a> : Article 8 & 9 <a href="#">ECN</a> : Article 7(3) <a href="#">UDHR</a> : Article 15(2) <a href="#">Principles on Deprivation of Nationality</a> and the <a href="#">Draft Commentary</a> : Principle	Ukrainian legislation provides for both loss and deprivation of nationality. The general rule states that Ukrainian nationality is terminated in the case of voluntary	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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)

		whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 <a href="#">HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009)</a> : para. 23 <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a> : the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). <a href="#">ILEC Guidelines (2015)</a> : Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.	expatriation; loss of nationality; and on grounds prescribed by international treaties.  There are provisions on deprivation of nationality that could render a person stateless. A person cannot be deprived of Ukrainian nationality when this would result in statelessness on the following grounds: (1) voluntary expatriation of an adult person and (2) voluntary service in the armed forces of another country if military service is not obligatory in that country.  A person may be deprived of Ukrainian nationality by Order of the President of Ukraine, when nationality was conferred by fraud and/or submission of falsified or forged documents. The State Migration Service may also cancel its decision to grant nationality if a person has submitted falsified or forged documents, committed fraud or concealed substantial facts which disable acquisition of nationality, provided that nationality was acquired on grounds of territorial origin or as a result of restoration of nationality. In both cases, there is no safeguard against statelessness.	
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<a href="#">1961 Convention</a> : Article 8(4) <a href="#">ECN</a> : Articles 10 to 13 <a href="#">Principles on Deprivation of Nationality</a> : Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation. <a href="#">ILEC Guidelines (2015)</a> : The consequences of a decision to deprive somebody of his nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.	The State Migration Service of Ukraine is responsible for drafting submissions on deprivation of nationality. The Presidential Commission on Citizenship is responsible for considering submissions on deprivation of nationality. Decisions on deprivation of nationality are adopted by the President of Ukraine. Decisions on deprivation of nationality can be challenged in 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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)
PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		Deprivation 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 deprivation of nationality in cases of voluntary expatriation. The deprivation of nationality on grounds of expatriation may take place only if a person informs the competent authority about the acquisition of nationality of another state. The State Migration Service stopped providing statistical data on this matter. Previously published statistics are not accessible.	Statistics have been deleted from the State Migration Service website.
PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<a href="#">1961 Convention</a> : Article 7 <a href="#">ECN</a> : Articles 7 and 8	The Law states that renunciation of Ukrainian nationality is only possible if the person obtained a foreign nationality or provided documentary proof that they would obtain a foreign nationality after renouncing their Ukrainian nationality. There are no provisions on the revocation of a decision to renounce Ukrainian nationality. However, a stateless person who has previously lost Ukrainian nationality can apply for its restoration by providing the document confirming the loss of Ukrainian nationality and one of the following documents: a) declaration of absence of a foreign nationality, if the person does not reside abroad; or b) document provided by the country of residence on the absence of nationality, if the person resides abroad. The restoration of nationality is not automatic and could be inaccessible (e.g., if the country of residence refuses to confirm absence of nationality). However, there is one exemption: Russian nationals or stateless	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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)

				persons residing permanently in the Russian Federation are not obliged to provide documents issued by the Russian authorities, provided they obtained a certificate from the Ukrainian Ministry of Foreign Affairs (or a diplomatic or consular representative) confirming that they face political persecution in Russia (this is not the same as asylum status).	
PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p><a href="#">Principles on Deprivation of Nationality</a> Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.</p> <p><a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a>: Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p>	No. There are no such provisions relating to deprivation of nationality.	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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<p><a href="#">ICCPR</a>: Article 26 <a href="#">1961 Convention</a>: Article 9 <a href="#">ECN</a>: Article 5 <a href="#">Principles on Deprivation of Nationality</a>: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p>	No, there are no such provisions in the legislation.	
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<p><a href="#">CRC</a>: Articles 2(2), 7 and 8 <a href="#">CEDAW</a>: Article 9(1) <a href="#">Principles on Deprivation of Nationality</a>: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	The Ukrainian legislation provides that if the parent(s) renounce their nationality, their child must renounce their nationality through a separate application, thus such renunciation is not automatic. At the same time, the Ukrainian legislation does not provide clear safeguards for children regarding derivative loss of nationality	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/parao62#o62">http://zakon2.rada.gov.ua/laws/show/2235-14/parao62#o62</a> (UK)

## Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<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>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.</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) N.B. Access to this website is sometimes unavailable and/or restricted to foreign IP addresses due to heavy traffic.</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) N.B. Access to this website is sometimes unavailable and/or restricted to foreign IP addresses due to heavy traffic</p>
RES.2.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, Handbook on Protection (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.	<p>UNHCR official website: <a href="http://www.unhcr.org/stateless-people.html">http://www.unhcr.org/stateless-people.html</a></p> <p>“The Tenth of April” official website: <a href="http://desyatekvitnya.com/?page_id=2188">http://desyatekvitnya.com/?page_id=2188</a></p> <p>“Right to Protection” official website <a href="http://r2p.org.ua/uk/news/statelessness-en/">http://r2p.org.ua/uk/news/statelessness-en/</a></p> <p>“Neeka” official website: <a href="http://www.neeka.org/">http://www.neeka.org/</a></p> <p>“Chirikli” Fund official website: <a href="http://www.chirikli.com.ua">http://www.chirikli.com.ua</a></p>
RES.3.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 works addressing statelessness specifically: 4 monographs and 2 Ph.D. theses listed in the catalogues of the main scientific libraries in Ukraine.	<p>V.I. Vernadskyi National Library: <a href="http://nbuv.gov.ua">http://nbuv.gov.ua</a></p> <p>M. Maksymovych Scientific Library: <a href="http://www.library.univ.kiev.ua">http://www.library.univ.kiev.ua</a></p> <p>Scientific Library of Yaroslav Mudryi National Law University: <a href="http://library.nlu.edu.ua">http://library.nlu.edu.ua</a></p>