Unofficial translation

LAW OF UKRAINE
on Refugees and Persons in need of Complementary orTemporary Protection in Ukraine

This Law shall determine the procedure for regulation of social relations in the sphere of recognition of a person as refugee, as a person in need of complementary or temporary protection; loss and deprivation of this status, and also establishment of the legal status of refugees and persons in need of complementary protection and who have been granted temporary protection in Ukraine.

Section I. GENERAL PROVISIONS

Article 1. Definition of Terms

1. In this Law terms are used in this sense:

1) **A refugee** - a person who is not a citizen of Ukraine and who owing to well-founded fear of becoming a victim of persecution for reasons of race, religion, nationality, citizenship, membership of a particular social group or political opinion, is outside the country of his citizenship and is unable to avail himself of the protection of this country or unwilling to avail himself of this protection owing to such fear; or, not having citizenship and being outside the country of his previous permanent residence, is unable or is unwilling to return to it owing to the mentioned fear;

2) **A child separated from the family** - a person under eighteen years old who arrives or has arrived to the territory of Ukraine unescorted by parents or one of them, grandfather or grandmother, adult brother or sister, custodian or guardian appointed in accordance with laws of the country of origin, or other adult persons who prior to arrival in Ukraine, voluntary or owing to the practice of the country of origin have undertaken the responsibility for bringing up the child;

3) **Certificate on application for protection in Ukraine** - a document, which confirms the legitimacy of a person's stay in the territory of Ukraine for the period, which starts from the moment of person's respective application for recognition as refugee or as a person in need of complementary protection and is valid for exercise of rights and fulfillment of obligations envisaged by the present Law and other laws of Ukraine until final determination of the status of such person or such person's leaving the territory of Ukraine;

4) **Complementary protection** - the form of protection, which is granted in Ukraine on an individual basis to foreigners and stateless persons who arrived in Ukraine or stay in Ukraine and cannot or unwilling to return to the country of citizenship or the country of previous permanent residence owing to circumstances which threaten their life, safety or freedom;

5) **Prohibition of expulsion or forceful return** - non-admission of expulsion (voluntary or forceful), extradition, rendition or other forceful displacement outside Ukraine of a person to whom this law applies;

6) **Legal representatives of a child, separated from the family** - the custody and guardianship authority, custodians and guardians appointed in accordance with the laws of Ukraine, foster parents, parents-educators, foster educators, administration of the health care institution, educational or other day-care center;

7) **Legal representatives of person under eighteen years old -** one of parents, foster parents, grandfather or grandmother, adult brother or sister, custodians or guardians, appointed as such before arrival in Ukraine, or other adult person, who before arrival in Ukraine voluntary or owing to the practice of the country has undertaken the responsibility for bringing up the child;

8) **Application for recognition as a refugee or as a person in need of complementary protection** - an application- questionnaire of standard pattern, in which foreigner or stateless person requests to be recognized as refugee or as a person in need of complementary protection, specifying and substantiating one of reasons for such recognition specified in paragraphs 1 and 13 of Part 1 of this Article;

9) **Person's identification** - measures related to establishment by the executive authorities of identity of the applicant who applied for recognition as refugee or a person in need of complementary protection and has no identity documents, or such documents are false;

10) **Country of citizenship** - a country, the citizen of which person is. In case the person has more than one citizenship, he/she is not considered as the one who is lacking protection of the country of his/her citizenship, if he/she has not availed him/herself of the protection of one of the countries, the citizen of which he/she is, without any legitimate excuse owing to the well-founded fear;

11) **Country of former habitual residence of the stateless person** - a country in which the stateless person permanently resided prior to arrival in Ukraine;

12) **Country of origin** - a country or countries of citizenship for a foreigner or a country of **former habitual residence** for a stateless person;

13) **A person in need of complementary protection** - a person who is not a refugee in accordance with the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees and the present Law, but is in need of protection whereas such person was forced to arrive in Ukraine or stay in Ukraine in consequence of the threat to his/her life, safety or freedom in the country of origin owing to fear of execution in relation to him/her a death penalty or implementation of judgment on death penalty, torture or inhuman or degrading treatment or punishment;

14) **Persons in need of temporary protection -** foreigners and stateless persons who permanently reside in the territory of country bordering Ukraine, who are forced in a mass to seek protection in Ukraine in consequence of external aggression, foreign occupation, civil war, ethnic clashes, natural disasters, man-made disasters or other events which violate public order in a certain part or throughout the country of origin;

15) **Refugee certificate** - a passport document, which proves identity of its owner and confirms the fact of recognition him/her as a refugee in Ukraine, and is valid for exercising rights and fulfilling obligations, provided by the present Law and other laws of Ukraine;

16) **Certificate of a person in need of complementary protection -** a passport document, which proves identity of its owner and confirms the fact of recognition him/her s

a person in need of temporary protection, and is valid for exercising rights and fulfilling obligations, provided by the present Law and other laws of Ukraine;

17) **Certificate of a person who has been granted temporary protection -** a passport document, which proves identity of its owner and confirms the fact of recognition him/her as a person in need of temporary protection, and is valid for exercising rights and fulfilling obligations, provided by the present Law and other laws of Ukraine;

18) **Temporary accommodation center for refugees** - a place of temporary accommodation of persons who submitted an application for recognition as a refugee or a person in need of complementary protection, in relation to whom the decision about processing documents for solvong the issue of recognition as a refugee or a person in need of complementary protection is taken;

19) **Refugee status** - recognition of a foreigner or a stateless person as refugee by the specially authorized central executive migration authority;

20) **Period of stay in the territory of Ukraine** - a period determined by the legislation of Ukraine, international agreements of Ukraine, during which a foreigner or a stateless person may legally stay in Ukraine;

21) **Temporary protection** - a form of protection, which is an exceptional practical time-bounded measure, and is granted in Ukraine to foreigners and stateless persons who arrived in Ukraine on a mass basis from the country bordering Ukraine, and cannot return to the country of habitual residence owing to circumstances specified in paragraph 14 part 1 of this Article;

22) **Safe third country** - a country where a person stayed prior to arrival in Ukraine, except cases of transit through territory of such country, and could apply for recognition as refugee or a person in need of complementary protection, whereas such country:

adheres to international human rights standards in the field of asylum, set forth by international legal acts of universal and regional nature including regulations on prohibition of torture, inhuman or degrading treatment or punishment;

adheres to international principles concerning protection of refugees stipulated by the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, as well as relating to persons in need of complementary protection;

has national legislation in the field of asylum and refugees, and its respective government bodies determine the refugee status and grant asylum;

will provide such person with effective protection against expulsion and give an opportunity to apply for asylum and avail him/herself of it;

agrees to receive a person and ensure his/her access to the procedure of determination of the refugee status or granting complementary protection;

23) **UNHCR –** United Nations High Commissioner for Refugees;

24) **Family members of a refugee or a person in need of complementary or temporary protection**:

a husband (wife);

children under eighteen in case they are not married and supported by somebody;

adult children who are not married if, owing to their physical condition, they are reasonably incapable to meet their needs;

disabled parents;

other persons under their care or guardianship as defined by the national legislation and customs of a respective country.

Article 2. Legislation on refugees and persons in need of complementary or temporary protection

1. Issues related to refugees and persons in need of complementary of temporary protection, are regulated by the present Law, other regulatory-legal acts, as well as international treaties, approved as binding by the Verkhovna Rada of Ukraine.

2. If the international treaty, approved as binding by the Verkhovna Rada of Ukraine, sets rules other than those contained in the present Law, rules of the international treaty shall be applied.

Article 3. Prohibition of expulsion or forced return of a refugee or a person in need of complementary or temporary protection to the country they came from and where their life or freedom are endangered

1. A refugee or a person in need of complementary protection or who has been granted a temporary protection cannot be expelled or forcibly returned to the country where their life or freedom are endangered on account of race, religion, nationality, citizenship, membership of a particular social group or political opinion, or other reasons recognized by international treaties or international organizations, parties of which Ukraine are, as though who cannot be returned to their countries of origin.

2. A refugee or a person in need of complementary protection or who has been granted a temporary protection cannot be expelled or forcibly returned to countries where they may be subjected to torture and other severe, inhuman or degrading treatment or punishment, or to ones from which they may be expelled or forcibly returned to countries where their life or freedom are endangered on account of religion, nationality, citizenship, membership of a particular social group or political opinion, or for other reasons recognized by international treaties or international organizations, parties of which Ukraine are, as though who cannot be returned to their countries of origin.

Article 4. Promotion of preservation of family unity of refugees and persons in need of complementary protection or who have been granted temporary protection

1. Ukraine shall promote preservation of family unity of refugees and persons in need of complementary protection or who have been granted temporary protection.

2. Family members of a person who has been recognized as a refugee or a person in need of complementary protection, or who has been granted temporary protection in Ukraine, shall have the right to arrive in Ukraine with the purpose of family reunification and to be recognized as refugees or persons in need of complementary protection, or to be granted temporary protection provided there is no conditions stipulated by Article 6.1.2-4 and Article 25.1.2-3.

3. In case refugees and persons in need of complementary protection or who have been granted temporary protection, cannot provide official documented evidences of family

connection with their family members, other evidences, which should be evaluated in accordance with Ukrainian legislation, are taken into account.

4. Refugees and persons in need of complementary protection or who have been granted temporary protection, may leave the territory of Ukraine freely for the purpose of family reunification.

Section II. RECOGNITION AS A REFUGEE OR AS A PERSON IN NEED OF COMPLEMENTARY PROTECTION; CESSATION, WITHDRAWAL OF THE REFUGEE STATUS AND COMPLEMENTARY PROTECTION

Article 5. Procedure of applying for recognition as a refugee or as a person in need of complementary protection

1. A person who, intending to be recognized as a refugee in Ukraine or a person in need of complementary protection, crossed the Ukrainian state border in compliance with procedures set by the legislation of Ukraine, must apply to the respective migration service authority for recognition as a refugee or a person in need of complementary protection, within five working days.

2. A person who, intending to be recognized as a refugee in Ukraine or a person in need of complementary protection, illegally crossed the state border when entering Ukraine, must immediately apply to the respective migration service authority for recognition as a refugee or a person in need of complementary protection.

If such person submitted the abovementioned application to an officer of the Border Guard Service of Ukraine during the illegal crossing of the border, he/she shall be obliged to explain to such officer reasons of the illegal crossing of the state border of Ukraine. If such person has no identity documents, or if such documents are false, he/she must specify this fact in an explanation and give an account of reasons for the said situation. If a person giving such explanation does not speak Ukrainian or Russian, the State Border Guard Service authority must provide an interpreter from the language, which such person can speak. After explanations are given, the State Border Guard Service of Ukraine’s officers shall transfer the person who applied for recognition as a refugee or a person in need of complementary protection to a representative of the migration service authority within 24 hours.

3. If a child separated from the family is crossing or crossed the state border of Ukraine, and applies for recognition as a refugee or a person in need of complementary protection, or this was informed by other persons who are not her/his legal representatives, officers of the State Border Guard Service of Ukraine shall immediately notify the migration service authority as well as the custody and guardianship authority of such fact.The migration service body together with the tutorship and guardianship authority must take measures to provide for temporary accommodation of such child in appropriate care institution or family.

4. A person specified in part two of this Article should not bear responsibility for illegal crossing of the state border of Ukraine if he/she immediately applied for recognition as a refugee or a person in need of complementary protection. Such person shall not bear responsibility for violation of the rules of stay in Ukraine if he/she stays in the territory of Ukraine during the period needed for submission of the application for recognition as a refugee or a person in need of complementary protection.

5. If a person, stays legally in Ukraine on a temporary basis, and during such stay conditions indicated in Article 1.1.1 or 1.1.13 hereof have arisen in the country of his/her citizenship or former habitual residence, owing to which he/she cannot return to the country of his/her origin; and if such person has intention to be recognized as a refugee in Ukraine or a person in need of complementary protection, he/she must apply to the appropriate migration service authority for recognition as a refugee or a person in need of complementary protection before expiration of the period of his/her stay in the territory of Ukraine.

6. The migration service authority may decide to refuse to accept the application for recognition as a refugee or a person in need of complementary protection if the applicant impersonates him/herself or if the applicant had previously been refused to be recognized as refugee or a person in need of complementary protection owing to the absence of conditions envisaged by Article 1.1.1 or 1.1.13 of the present Law, provided the abovementioned conditions have not changed.

7 The requirement for immediate submission of the application for recognition as a refugee or a person in need of complementary protection in Ukraine set by part two of this Article, as well as requirement as for terms of submission of such application envisaged by part five of this Article shall not apply to cases when such applications are submitted by legal representatives of children separated from their families.

Article 6. Conditions under which a person shall not be recognized as a refugee or a person in need complementary protection

1. The status of a refugee or a person in need of complementary protection shall not be granted to a person:

who committed a crime against peace, a war crime or crime against the humanity and humankind as defined in the international law;

who prior to arrival in Ukraine committed a non-political crime outside Ukraine with the purpose of being recognized as a refugee or a person in need of complementary protection, in case the Criminal Code of Ukraine defines such deed as a severe or especially severe crime;

who is guilty in committing deeds that conflict with the goals and principles of the United Nations Organization;

in relation to whom it is revealed that conditions stipulated in Article 1.1.1 or 1.1.13 of th epresent Law do not exist;

who prior to arrival in Ukraine had been recognized as a refugee or a person in need of complementary protection in the other country;

who, prior to arrival in Ukraine with the intention to be recognized as a refugee or a person in need of complementary protection, stayed in a safe third country. This paragraph shall not apply to children separated from their families or to persons, who were born or permanently residing in Ukraine, and to their descendants (children, grandchildren).

Article 7. Processing documents required for solving the issue of recognition as a refugee or a person in need of complementary protection

1. Processing documents for solving the issue of recognizing as a refugee or a person in need of complementary protection shall be executed on the ground of the application for recognition as a refugee or a person in need of complementary protection. Such application

shall be submitted personally by a foreigner or a stateless person or by his/her legal representative to the migration service authority in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol according to the place of applicant's temporary stay.

2. The applicant who turned eighteen years old shall submit the application for recognition as a refugee or a person in need of complementary protection, and provide in this application basic information about him/herself, as well as circumstances that forced him/her to leave the country of origin.

3. Information on children under 18 shall be included in the application of one of minor's legal representatives.

4. Separated from his/her family child's application for recognition as a refugee or a person in need of complementary protection, shall be submitted by one of his/her legal representatives.

5. Disabled person's application for recognition as a refugee or a person in need of complementary protection shall be submitted by his/her legal representative; the migration service authority shall make an appropriate note about such fact in the application form.

6. If the applicant cannot draw up the application for recognition as a refugee or a person in need of complementary protection personally owing to illiteracy or physical impairment, upon such person's request, the application may be drawn up, by another person, the migration service authority shall make an appropriate note about such fact in the application form.

7. Identity documents, as well as documents and materials that may serve as evidences of existing conditions for recognition as a refugee or a person in need of complementary protection shall accompany the application for recognition as a refugee or a person in need of complementary protection. If the applicant has no identity documents, or such documents are false, the person must specify this circumstance in the application for recognition as a refugee or a person in need of complementary protection, and explain reasons of such circumstances.

8. If an applicant has no identity documents, his/her first, middle and last name and other data shall be provisionally recorded as indicated by him/her, until they are identified; such fact is notified in the applicant's registration form and in the application for recognition as a refugee or a person in need complementary protection. .

9. The application for recognition as a refugee or a person in need of complementary protection shall be accompanied by four photos of the applicant and his/her family members under 18 y.o. whose data were indicated in the application.

10. Information provided by the applicant, information about submission of the application for recognition as a person entitled to protection in Ukraine shall be confidential.

11. Simultaneously with processing child's separated from the family documents for solving of the issue of recognition as a refugee or a person in need of complementary protection, the migration service authority shall use its best efforts to find parents or other legal representatives of a child under 18 years old.

12. The migration service authority shall:

register the application for recognition as a refugee or person in need of complementary protection and submitted documents;

brief the applicant or his/her legal representative on the procedure of decision-making in relation to their applications, rights and obligations of a person in respect of whom the decision was made to process documents for recognition as a refugee or a person in need of complementary protection, and have them sign the acknowledgement form;

perform fingerprinting of a person who applied for recognition as a refugee or a person in need of complementary protection;

send the person for examination to estimate age, where necessary, in the order envisaged by the legislation of Ukraine;

fill out registration form of a person who applied for recognition as a refugee or a person in need of complementary protection, and his/her family members under eighteen years old, or of a child separated from the family, on whose behalf the application for his/her recognition as refugee or a person in need of complementary protection was submitted by the legal representative;

fill out other required documents;

prepare personal file;

explain application procedure for the free legal assistance

enter the information received into the centralized information system.

Article 8. Preliminary consideration of applications

1. The migration service authority, that took a foreigner's or stateless person's application for recognition as a refugee or a person in need complementary protection into consideration, shall issue to the applicant a certificate on application for protection in Ukraine and register the applicant. Within fifteen working days following the registration of the application day, the migration service authority shall conduct an interview with the applicant, examine information indicated in the application and other documents, ask for complementary information and decide upon processing documents for solving the issue of recognition as a refugee or a person in need of complementary protection, or refusal to process documents for solving of the abovementioned issue.

In case an application for recognition as a refugee or a person in need of complementary protection of a child separated from the family is submitted by his/her legal representative, the decision on recognition as a refugee or a person in need of complementary protection shall be made without prior consideration of the application.

2. At the request of the applicant, the attorney shall participate in the prior consideration of the application for recognition as refugee or person who needs complementary protection. The appointment of attorney for rendering legal assistance shall be made in accordance with the established procedure.

3. During the interview, the migration service authority shall provide the applicant who does not speak Ukrainian or Russian, with an interpreter to translate from the language that applicant can speak. The applicant shall have the right to engage an interpreter at own cost or at the cost of other legal entities or natural persons. An interpreter shall strictly observe confidentiality principle and unconditionally sign the obligation of nondisclosure of information contained in the applicant's personal file drawn up by the migration service authority.

4. The decision on processing or refusal to process documents for solving the issue of recognition as a refugee or a person in need of complementary protection shall be made on the ground of conclusion, written by the employee, who process a case, and formalized by the order of the Head of the migration service body.

5. In case of making a decision on processing documents for solving the issue of recognition as a refugee or a person in need of complementary protection, the migration service authority shall renew the certificate of application for protection in Ukraine.

6. Decisions to deny processing documents for solving the issue of recognition as a refugee or a person in need of complementary protection shall be made in respect of application which are manifestly unfounded, i.e., if the conditions envisaged by Article 1.1.1. or 1.1.13 hereof do not exist in the applicant's case, as well as if applications are abusive: if the applicant, in order to be recognized as a refugee or a person in need of complementary protection impersonates him/herself; and in respect of applications submitted by persons who had been refused to be recognized as a refugee or a person in need of complementary protection in view of absence of conditions set by Article 1.1.1. or 1.1.13 hereof, provided the abovementioned conditions have not changed.

7. In case of making decision on refusal to process documents for solving the issue of recognition as a refugee or a person in need of complementary protection, the migration service authority shall send a notification to the applicant or his/her legal representative in writing within three working days following the day of such decision specifying the reasons for refusal and explaining the procedure of appeal.

8. If a person exercises his/her right to appeal, the migration service authority, shall keep the applicant's identity documents and other documents, until the decision on appeal is made, and during three working days shall notify the internal affairs body at the applicant's place of residence about this fact.

9. In case a person fail to exercise his/her right to appeal within five working days following the day of he/she was notified in written of the decision to deny processing documents for solving the issue of recognition as a refugee or a person in need of complementary protection, the migration service authority shall remove the certificate of application for protection in Ukraine from such person, notifying the internal affairs body at the applicant's place of residence of such removal within three working days, and shall redeliver the applicant's identity and other documents kept by the migration service authority.

Article 9. Procedure of consideration of the application upon making decision on processing documents for solving the issue of recognition as a refugee or a person in need of complementary protection

1. The application for recognition as a refugee or a person in need of complementary protection shall be considered by the migration service authorities in the Autonomous Republic of Crimea, oblasts, and cities of Kyiv and Sevastopol within two months following the day of decision on processing the documents solving the issue of recognition as a refugee or a person in need of complementary protection. The Head of the migration service authority may extend the consideration period based on substantiated request of the officer, who consider the application, but for the period not exceeding three months.

2. The officer of the migration service authority shall conduct interviews with the applicant or his/her legal representative in order to obtain complementary information

needed for evaluation of authenticity of facts provided by the applicant or his/her legal representative.

The interview with the applicant shall be conducted pursuant to the rules stipulated in Article 8.2 and 8.3 hereof.

3. While considering the separated from the family child's application for recognition as a refugee or a person in need of complementary protection, the interview shall be conducted with such child's legal representative and the child, if his/her age is sufficient for such interview

The interview with the child separated from the family shall be conducted in the presence of his/her legal representative who had submitted on behalf of the child the application for recognition as a refugee or a person in need of complementary protection, as well as in the presence of psychologist and pedagogue.

4. While considering the separated from the family child's application for recognition as a refugee or a person in need of complementary protection, the participation of advocate is obligatory. The appointment of attorney for rendering legal assistance to such child shall be made in accordance with the established procedure.

5. If there are any doubts as to the age of the child, the migration service, with the consent of the child or with the consent of such child's legal representative, authority shall refer such child to age determination examination, which shall be conducted in accordance with the established procedure.

6. The migration service authority in cooperation with the Security Service of Ukraine shall investigate circumstances which could prevent a person from being recognized as a refugee or as a person in need complementary protection, subject to Article 6.1.2-4 hereof.

7. In case of absence of any identity documents, or if the applicant's documents are false, with the aim of personal identification of the applicant the migration service authority together with appropriate bodies of The Security Service of Ukraine shall conduct identification procedure in accordance with the legislation .

8. In case of doubts about the authenticity of information provided by the applicant, and the need for proving the authenticity and validity of documents submitted, the migration service authority shall have the right to request the Security Service of Ukraine's bodies, other governmental bodies, local authorities and communities, which could assist in obtaining real information about the person whose application is being considered. Such requests shall be considered within the period envisaged by the laws of Ukraine.

9. The migration service authority shall refer the person who applied for recognition as a refugee or a person in need of complementary protection to medical examination, which shall be conducted according to the procedure determined by the authorized central executive health care authority.

10. The applicant's file shall be accompanied by documents received or prepared by the migration service authority during the application consideration for recognition as a refugee or a person in need of complementary protection.

11. Following documents examination and verification of facts provided by the person who applied for recognition as a refugee or a person in need of complementary protection, the migration service authority shall prepare a written conclusion on recognition or refusal to recognize such person as a refugee or a person in need of complementary protection.

12. Applicant's personal file together with the conclusion of the migration service authority, which considered the application, shall be sent to the designated central migration authority for final decision on the application.

13. Upon applicant's appropriate request, the review of his/her application for recognition as a refugee or a person in need of complementary protection can be discontinued.

Article 10. Decision on application for recognition as a refugee or a person in need of complementary protection

1. Decisions on the application for recognition as a refugee or a person in need of complementary protection, including in respect of infant children who stay with such person in the territory of Ukraine (applicant's family members or those under the applicant's care or in guardianship) who were mentioned in application form of the principal applicant, whose recognition as refugees or persons in need of complementary protection is agreed by the applicant in writing in the application, shall be made by the specially authorized central executive migration authority within one month following the receipt of the applicant's personal file and written conclusion of migration service authority that considered the application. The head of the specially authorized central executive migration authority may extend the decision-making period for three months at most.

2. Specially authorized central executive migration authority may request complementary information from the migration service authority that considered the application for recognition as a refugee or a person in need of complementary protection.

3. In case of doubts about information authenticity, and the need of determination of authenticity and validity of the documents, specially authorized central executive migration authority shall have the right to approach the Ministry of Foreign Affairs, Security Service of Ukraine, other governmental authorities, local authorities and communities which can assist in obtaining real information about the person whose application is being considered.

To ensure confidentiality of information about applicants and protection of their family members who might remain in countries of their origin, the executive authorities shall, in the course of taking of the above measures, avoid sending queries with the applicants' personal information to specialized law enforcement bodies (services) of the applicants' countries of origin.

4. The applicant's personal file shall be accompanied by.documents received or prepared by specially authorized central executive migration authority in the decision-making process on application for recognition as a refugee or a person in need of complementary protection.

5. Based on comprehensive study and evaluation of documents and materials that may serve as evidence of existence of conditions for recognition as a refugee or a person in need of complementary protection, specially authorized central executive migration authority shall decide to recognize the person recognition as a refugee or a person in need of complementary protection, or deny such recognition.

6. A foreigner or a stateless person shall be recognized as a refugee in Ukraine or as a person in need of complementary protection, and are considered as permanently residing in Ukraine, followith the moment of decision-making on recognition them as refugees, or who legally stay in Ukraine for an unlimited period.

7. The decision of the specially authorized central executive migration authority together with the applicant's personal file shall be sent to the migration service authority, which considered the application case, within three working days following the day of decision-making.

8. Within seven working days following obtaining of the decision on recognition as a refugee or a person in need of complementary protection, the migration service authority shall issue a certificate of a refugee or a person in need of complementary protection to each person, who is at least sixteen years old. As an exceptional case, on a respective request of parents or legal representatives, agreed with the educational or medical institution, etc., the respective certificate can be issued to a minor, specified in part twelve of this Article, as soon as he/she turns fourteen, in case the issue of certificate is needed for exercising his/her right to education, medical treatment, etc.

The refugee certificate or the certificate of a person in need of complementary protection shall be issued to a child under 16, if he/she is separated from the family and has been recognized as a refugee or as a person in need of complementary protection. The certificate of application for protection in Ukraine shall be withdrawn when the refugee certificate or the certificate of a person in need of complementary protection is issued.

9. The refugee certificate or certificate of a person in need of complementary protection shall be a ground for registration with the migration service authority at the place of registration of a refugee or a person in need of complementary protection.

10. Information on the refugee’s or a person’s in need of complementary protection family members under sixteen years old shall be mentioned in refugee certificate or certificate of a person in need of complementary protection,of one of the parents, and in their absence, a grandfather or grandmother, adult brother or sister, guardian or tutor or other person who prior to arrival in Ukraine, voluntary or owing to the practice in the country of origin has committed him/herself to raise and support the children.

11. The refugee certificate or certificate of a person in need of complementary protection shall be issued for a five-year period.

At the time of re-registration of a refugee or a person in need of complementary protection, the migration service authority shall renew the refugee certificate or certificate of a person in need of complementary protection at his/her place of residence.

12. A person who has been recognized as a refugee and a person in need of complementary protection, and who turned sixteen shall have the right to receive documents for traveling abroad pursuant to procedure set by the legislation of Ukraine. A child under sixteen, separated from the family, who has been recognized as a refugee or as a person in need of complementary protection shall have the right to receive documents for traveling abroad for the period, upon the appropriate request of his/her legal representatives.

13. If the specially authorized central executive migration authority makes the decision on refusal to recognize as a refugee or a person in need of complementary protection, the migration service authority in the Autonomous Republic of Crimea, oblasts, and cities of Kyiv and Sevastopol shall send or hand a written notification of such decision to the respective person, specifying the reasons for such refusal and explaining the procedure for raising an appeal. If a person appeals against such decision, the certificate of application for protection in Ukraine shall be renewed.

14. If a person exercises his/her right to appeal, the migration service authority, shall, until the decision on appeal is made, keep the national passport and other documents (if such are available in the applicant's file) and notify thereof the the internal affairs body at the applicant's place of residence within three working days.

15. Where a person fails to exercise his/her right to appeal within five working days following the day of written notification of such person of the decision to deny execution of documents for recognition as a refugee or a person in need of complementary protection, the migration service authority shall remove the certificate of application for protection in Ukraine from such person, notifying the the internal affairs body at the applicant's place of residence of such withdrawal within three working days, and redeliver the national passport and other documents (if such are available in the applicant's file) kept by the migration service body.

16. A person who received the notice of refusal to be recognized as a refugee or a person in need of complementary protection and failed to avail him/herself of the right for appeal must leave the territory of Ukraine within the specified period, unless there are other lawful reasons to stay in Ukraine in accordance with the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons".

Article 11. Cessation and withdrawal of the refugee status or the status of a person in need of complementary protection, and cancellation of decision on recognition as a refugee or a person in need of complementary protection

1. A person shall lose the refugee status and complementary protection if he/she:

1) voluntarily again availed him/herself of the complementary protection of the country of nationality;

2) obtained Ukrainian citizenship or voluntarily obtained previous citizenship or citizenship of a third country, and avails him/herself of its protection;

3) voluntarily returned to the country, which he/she left or outside the territory of which he/she stayed due to well-founded fear of becoming a victim of persecution;

4) being a stateless person, can return to the country of previous habitual residence because circumstances under which he/she was recognized as a refugee or a person in need of complementary protection have ceased to exist;

5) was granted an asylum or residence permit in other country;

6) can no longer refuse to avail him/herself of the protection of the country of nationality, because the circumstances under which he/she has been recognized as a refugee or a person in need of complementary protection have ceased to exist;

2. Provisions of paragraph 4 part 1 of this Article shall not apply to a refugee or a person in need of complementary protection if he/she is capable of providing compelling reasons (arising out of previous persecution) for his/her refusal to return to the country of previous habitual residence.

3. Provisions of paragraph 6 part 1 of this article shall not apply to a refugee or a person winho need of complementary protection if he/she can provide compelling reasons (arising out of previous persecutions) for his/her refusal to avail him/herself of the protection of the country of his/her nationality.

4. Personal application of a refugee or a person in need of complementary protection, or solicitation of the Security Service of Ukraine, or other government body can be grounds for submission a request of cessation of the refugee status or complementary protection to the migration service authority.

5. The refugee status or complementary protection shall be withdrawn from a person if he/she is involved in activities posing threat to national security, public order or health of the population of Ukraine.

6. The decision on recognition as a refugee or a person in need of complementary protection shall be cancelled if such person provided invalid data, submitted false documents that became the reason for recognition a person as a refugee or a person in need of complementary protection.

7. The solicitation of the Security Service of Ukraine or other government body can be a ground for submission the request of withdrawal of the refugee status or complementary protection to the migration service body .

8. Subject to existence of reasons specified in parts 1, 5 and 6 of this Article, the migration service authorities in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol shall on their own initiative submit a request of cessation or withdrawal of the refugee status or complementary protection or of cancellation of decision on person's recognition as a refugee or a person in need of complementary protection to the specially authorized central executive migration authority.

9. The request for cessation or withdrawal of refugee status or complementary protection, or for cancellation of a decision on recognition of a person as a refugee of as a person in need of complementary protection, must contain circumstances and be accompanied with the documents confirming existence of grounds for cessation or withdrawal of refugee status or complementary protection, or for cassation of a decision on recognition of a person as a refugee of as a person in need of complementary protection.

10. The decision on cessation or withdrawal of refugee status or complementary protection, or cassation of a decision on recognition of a person as refugee or as a person in need of complementary protection shall be delivered by the specially authorized central executive migration authority upon request of the migration service authority at the refugee or a person's in need of complementary protection place of residence within one month following the receipt of the request and his/her personal file. The Head of the specially authorized central executive migration authority may extend the decision-making period for three months at most.

11. The specially authorized central executive migration authority may request additional information from the migration service authority that filed the request.

12. In the case of doubts as to the trustworthiness of information provided in the request, and the need for proving the authenticity and validity of the documents, the specially authorized central executive migration authority shall have the right to send appropriate requests to the Ministry of Foreign Affairs of Ukraine, the Security Service of Ukraine, other governmental agencies, local authorities and communities which could assist in establishing true facts about the person concerning whom the issue on cessation or withdrawal of refugee status or complementary protection, or cassation of a decision on

recognition as a refugee or as a person in need of complementary protection is being considered.

13. The request for cessation and withdrawal of refugee status or complementary protection, or cancellation of a decision on recognition of a person as a refugee or as a person in need of complementary protection, the documents received or prepared during consideration of the request shall be attached to the personal file of a refugee or person in need of complementary protection.

14. Based on comprehensive examination and evaluation of documents and materials, the specially authorized central executive migration authority shall deliver decision on cessation or withdrawal of refugee status or complementary protection, as well as on cancellation of a decision on recognition of a person as a refugee or as a person in need of complementary protection, or on the absence of reasons for cancellation of a decision on recognition of a person as a refugee or a person in need of complementary protection.

15. The decision of the specially authorized central executive migration authority shall be sent to the local migration service authority at the person's place of residence within three working days following the date of its delivery, along with the personal file of a refugee or a person in need of complementary protection.

16. The migration service authority at the place of residence of a person concerning whom a decision on cessation or withdrawal of refugee status or complementary protection, or a decision on cancellation of recognition of a person as a refugee or as a person in need of complementary protection was delivered, shall send or hand to such person within seven working days a notification specifying the reasons of such decision and advising on the procedure to appeal against it. The certificate of a refugee or certificate of a person in need of complementary protection, as well as their travel documents for traveling abroad shall be withdrawn or cancelled.

17. If a person exercises his/her right to appeal, the migration service authority shall, until the decision on appeal is made, keep the national passport and other documents (if such are available in the applicant's personal file) and notify thereof the law enforcement authority at the applicant's place of residence within three working days.

18. Where a person fails to exercise his/her right to appeal within five working days following the day of a written notification of such a person about making the decision on cessation or withdrawal of his/her refugee status or complementary protection, or cancellation of a decision on recognition of a person as a refugee or a person in need of complementary protection, the migration service authority shall withdraw from such a person a refugee certificate or a certificate of a person in need of complementary protection in Ukraine, and their travel documents for traveling abroad or cancel them, notifying thereof the law enforcement authority at the applicant's place of residence within three working days, and return to a person his/her national passport and other document (if such are available in the applicant's personal file) which are kept into the migration service authority's charge.

19. The person who did not exercise his/her right to appeal against a decision on cessation or withdrawal of his/her refugee status or complementary protection, or cancellation of a decision on recognition of a person as a refugee or as a person in need of complementary protection must leave the territory of Ukraine within the specified period unless such person has other lawful reasons to stay in Ukraine provided by the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons".

Article 12. Appealing against decisions on refugee status or complementary protection

1. Decisions of the migration service authority in the Autonomous Republic of Crimea, the regions, the cities of Kyiv and Sevastopol on refusal to accept the application on recognition as a refugee or as a person in need of complementary protection; on refusal to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection may be appealed against at the specially authorized central executive migration authority within five working days following the receipt of a notification of refusal, as well as to court within the periods established by the present Law.

2. Decisions made by the specially authorized central executive migration authority on recognition of a foreigner or a stateless person as a refugee or as a person in need of complementary protection, as well as decisions on the cessation or withdrawal of refugee status or complementary protection; on cancellation of a decision on recognition as a refugee or as a person in need of complementary protection may be appealed to the court in the order established by legislation and within the periods established by the present Law.

3. After registration of an appeal against refusal to accept application for recognition as a refugee or as a person in need of complementary protection, or an appeal against refusal to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, the specially authorized central executive migration authority shall prolong validity period of the certificate on application for protection in Ukraine through respective migration service authority.

4. If a person or his/her legal representative appeal at the court a decision of the migration service authority or specially authorized central executive migration authority, the migration service authority or specially authorized central executive migration authority shall prolong validity period of the certificate on application for protection in Ukraine through the respective migration service authority.

5. The specially authorized central executive migration authority shall make the decision on the appeal within one month following the receipt of the personal file. The Head of the specially authorized central executive migration authority may extend the decision-making period for three months at most.

6. The person, whose appeal is under consideration, or legal representative of such a person, shall have the right to participate in consideration of their appeal.

7. The person, whose appeal is under consideration, or legal representative of such a person, shall have the right to legal assistance. At person’s will, the attorney may participate in consideration of the appeal. The attorney for provision of legal assistance to a person shall be appointed by the person, such person’s legal representatives and also other persons upon request or by consent of the person whose appeal is under consideration. The migration service authority may appoint the attorney through the Bar association in the order established by legislation.

Participation of the attorney in consideration of the appeal in respect of a child separated from the family, or a disabled person, shall be obligatory. Appointment of the attorney to provide legal assistance to such a child shall be as done in the established order.

8. If the specially authorized central executive migration authority or a court make a positive decision on the applicant's appeal, the migration service authority shall, within seven working days following the receipt of such a decision, make decision on processing

documents for solving the issue of recognition of a person as a refugee or as a person in need of complementary protection, and prolong validity period of the certificate on application for protection in Ukraine.

9. A person who received a notification on rejection of the appeal against refusal to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, and has not exercised his/her right to appeal it in court within five working days, must leave the territory of Ukraine within the specified period, unless such person has other lawful reasons for staying in Ukraine, envisaged by the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons”.

10. If the court decides to meet the appeal of a person against refusal to recognize a person as a refugee or as a person in need of complementary protection, cessation or withdrawal of refugee status or complementary protection, the specially authorized central executive migration authority shall make a respective decision within seven working days following the receipt of the court's decision and notify the local migration service authority at the place of applicant’s residence.

Section III. RIGHTS AND OBLIGATIONS OF REFUGEES AND PERSONS IN NEED OF COMPLEMENTARY PROTECTION

Article 13. Rights and obligations of a person concerning whom the decision on processing documents for solving the issue of recognition as a refugee or as a person in need of complementary protection was made

1. The person, concerning whom a decision on processing documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, shall have the right to:

temporary employment, education and medical care pursuant to the procedure determined by the Ukrainian legislation;

stay with relatives, in a hotel, rented premises or temporary accommodation centers for refugees;

free legal assistance in the established order ;

confidential correspondence with UNHCR and the right to be visited by UNHCR officers;

other rights provided by the Constitution and laws of Ukraine for foreigners and stateless persons who stay legally in the territory of Ukraine.

2. A person, who applied for granting refugee status or complementary protection, and concerning whom a decision was made about processing documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, shall be obliged to:

submit to the respective migration service authority information necessary for solving the issue of recognition as a refugee or as a person in need of complementary protection;

in case of receipt of migration service authority’s directive, leave for the determined place of temporary residence;

undergo medical examination upon request of migration service authorities;

appear at appropriate migration service authority at the time determined by the latter;

inform the migration service authority, with which the application for recognition as a refugee or as a person in need of complementary protection was filed, on the person's travels outside the territory of the administrative and territorial unit of Ukraine to which the powers of such authorities apply.

Article 14. Legal status of persons who have been recognized as refugees or as persons in need of complementary protection

1. Persons who have been recognized as refugees or as persons in need of complementary protection shall enjoy the same rights and freedoms, and incur the same obligations as the citizens of Ukraine, save for exceptions set forth by the Constitution and the laws of Ukraine, as well as by international treaties approved as binding by the Verkhovna Rada of Ukraine.

2. Persons who have been recognized as refugees in Ukraine shall be regarded as persons who reside permanently in Ukraine from the moment of decision on their recognition as refugees.

3. Persons who have been recognized as persons in need of complementary protection shall be regarded as persons who stay in the territory of Ukraine legally for an unlimited period.

Article 15. Rights of a person who has been recognized as a refugee or as a person in need of complementary protection

1. A person whohas been recognized as a refugee or as a person in need of complementary protection shall enjoy, on a par with the Ukrainian citizens, the rights to:

movement, free choice of the place of residence, free departure from the territory of Ukraine, save for exceptions determined by the legislation;

labor;

business activities not prohibited by the legislation;

health care, medical care and medical insurance;

rest;

education;

freedom of opinions and religion;

address individual or joint written requests to, or personally address the governmental agencies, local authorities, officers and oficials of such authorities;

own, use and manage owned property and the results of their intellectual, creative activity;

appeal in courts against decisions, actions or omissions of governmental agencies, local authorities, officers and officials;

address the Ombudsman of the Verkhovna Rada of Ukraine in respect of protection of their rights;

free legal assistance in the established order .

2. A person who has been recognized as a refugee or as a person in need of complementary protection shall have the matrimonial and family rights on a par with the Ukrainian citizens.

3. A person who has been recognized as a refugee or as a person in need of complementary protection shall have the right to financial aid, pension and other types of social care pursuant to the procedures set forth by legislation of Ukraine, and the right to use accommodation provided at the place of residence.

4. A person who has been recognized as a refugee or as a person in need of complementary protection shall enjoy other rights and freedoms envisaged by the Constitution and laws of Ukraine.

Article 16. Obligations of a person who has been recognized as a refugee or as a person in need of complementary protection

1. A person who has been recognized as a refugee or as a person in need of complementary protection shall be obliged:

to notify the local migration service authority at the place of residence within ten working days of any change of surname, family composition, marital status, place of residence, facts of obtaining citizenship of Ukraine or other country, asylum or residence permit in other country;

in case of change of the place of residence and move to another administrative and territorial unit of Ukraine covered by powers of another migration service authority get struck off the register and get registered with the appropriate migration service authority at the new place of residence;

get re-registered annually, pursuant to the terms set forth by the migration service authority at the place of residence. The procedure of re-registration of refugees or persons in need of complementary protection shall be established by the specially authorized central executive migration authority.

Article 17. Rights and obligations of a person who has been refused on processing documents for solving the issue on recognition as a refugee or as a person in need of complementary protection and who has been ceased or withdrawn refugee status or complementary protection

1. A person who has been refused on processing documents for solving the issue of recognition as a refugee or as a person in need of complementary protection due to the lack of conditions stipulated in the Article 1, part 1, paragraphs 1 and 13 of the present Law, in case of occurrence of the mentioned conditions may reapply with the application for recognition as a refugee or as a person in need of complementary protection.

2. A person concerning whom the decision was made on refusal to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, on refusal to recognize as a refugee or as a person in need of complementary protection, on cessation of withdrawal of refugee status or complementary protection, on cassation of a decision on recognition as a refugee or as a person in need of complementary protection, as well as who appeals against the relevant decision at the specially authorized central executive migration authority or in court, shall enjoy the rights and incur

obligations envisaged by the Article 13 of the present Law until decision on his/her appeal is made.

3. A person who received the court's notification on confirming decision on refusal to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, or to recognize as a refugee or as a person in need of complementary protection, or on cessation or withdrawal of refugee status or complementary protection, cancellation of a decision on recognition as a refugee or as a person in need of complementary protection, must leave the territory of Ukraine within the specified period, unless such person has other lawful reasons to stay in Ukraine provided by the Law of Ukraine ‘On the Legal Status of Foreigners and Stateless Persons’.

SECTION IV. TEMPORARY PROTECTION

Article 18. Reasons for and period of granting temporary protection

1. If persons from the country bordering Ukraine arrive in the territory of Ukraine in a mass due to events specified in the Article 1, part 1, paragraph 14 of the present Law, the Cabinet of Ministers of Ukraine, upon request of the specially authorized central executive migration authority shall adopt a resolution on granting temporary protection to such persons.
2. The Cabinet of Ministers of Ukraine shall regulate the issues of acceptance of persons in need of temporary protection, determination of places for their accommodation, procedure of registration, guarantying their activities and financing.
3. The Cabinet of Ministers of Ukraine shall grant temporary protection to persons for the period until the circumstances in their countries of origin that forced them to arrive in the territory of Ukraine, have ceased to exist, but no longer than for one year. The period of temporary protection can be extended but not longer than for one year.
4. The migration service authority shall issue a certificate of a person who has been granted temporary protection to each adult person from among those who were granted temporary protection in Ukraine.

Article 19. Legal status of persons who have been granted temporary protection

1. Persons who have been granted temporary protection shall be foreigners or stateless persons who stay legally in the territory of Ukraine for the period of existence of circumstances for which such temporary protection was granted.

Article 20. Rights of persons who have been granted temporary protection

1. Persons who have been granted temporary protection shall have the right to:

free residence at the places suitable for temporary stay. The Cabinet of Ministers of Ukraine shall set the requirements for the facilities of temporary stay of persons who have been granted temporary protection. The list of places for temporary stay of persons who have been granted temporary protection and the order of maintenance of such places shall be determined by the Cabinet of Ministers of Ukraine with due account for offers of executive authorities and local government authorities;

sufficient supply of food, medicines, clothing with due account for special needs of children including the newborns, persons having diseases, elderly people;

employment in Ukraine for the period for which temporary protection has been granted;

receive financial aid in case of absence of other income sources in Ukraine;

freedom of movement in the territory of Ukraine subject to the same conditions set forth by the laws of Ukraine for foreigners and stateless persons who stay legally in the territory of Ukraine;

free emergency medical care at public health care institutions;

voluntary repatriation to the country of origin;

filing of application for recognition as a refugee or as a person in need of complementary protection in accordance with the procedure established by the present Law;

receive information on their rights and obligations in their native language or the language they can understand;

enjoy other rights they are entitled to in accordance with the international treaties, laws and other legal regulatory instruments of Ukraine;

2. A minor who has been granted temporary protection shall have the right to upbringing and education at the public and community pre-school, secondary and vocational institutions in accordance with the procedure established by the specially authorized central executive educational authority.

Article 21. Obligations of the persons who have been granted temporary protection

1. Persons who have been granted temporary protection shall be obliged to:

adhere to the provisions of the Constitution and laws of Ukraine;

provide all available documents and reliable information about themselves;

undergo the procedure of identification of personality, in case of absence of identification documents, or in case of submition of forged document

undergo registration;

undergo obligatory medical examination;

perform other obligations on a par with foreigners and stateless persons who stay temporarily in Ukraine on a legal basis.

Article 22. Sources to cover expenses on temporary protection of foreigners and stateless persons

1. Temporary protection to the foreigners and stateless persons shall be granted at the expense of the state budget of Ukraine. Subject to the procedure established by the legislation of Ukraine, temporary protection to foreigners and stateless persons may be granted at the expense of funds of the international organizations, charity funds and civic organizations.

Article 23. A document certifying granting of temporary protection to foreigners and stateless persons.

1. Foreigners and stateless persons, who have been granted temporary protection, shall be issued with an identification document of a person who has been granted temporary protection in Ukraine valid for the period of temporary protection.

Article 24. Termination of temporary protection

1. Temporary protection shall be terminated in case:

persons can repatriate to the country of origin because of cessation of circumstances under which the temporary protection has been granted;

persons move residence to another country.

2. The Cabinet of Ministers of Ukraine shall make a decision on termination of temporary protection.

3. Prior to making the decision of the Cabinet of Ministers of Ukraine on termination of temporary protection of persons, such protection shall be terminated concerning a certain person if the latter has filed an application for recognition as a refugee or as a person in need of complementary protection, from the day of making by the migration service authority of the decision on processing documents for solving the issue of recognition as a refugee or as a person in need of complementary protection.

4. The decision on termination of temporary protection concerning a person specified in paragraph three of this Article shall be made by the migration service authority which has made a decision on processing documents for solving the issue of recognition of such person as a refugee or as a person in need of complementary protection.

Article 25. Reasons for withdrawal of temporary protection on an individual basis

1. Before the decision of the Cabinet of Ministers of Ukraine on termination of temporary protection, a person may return to the country of origin due to cessation of circumstances based on which such person has been granted temporary protection. A person shall be withdrawn of temporary protection in case of commitment of a crime:
   has committed a crime against peace, a war crime or a crime against humanity and humankind, as defined by the international law;
   has committed a non-political crime outside Ukraine prior to arrival in Ukraine for purpose of obtaining temporary protection, if the Criminal Code of Ukraine determines such deed to grave or very grave crimes.
2. The decision on withdrawal of temporary protection concerning a person shall be made by the specially authorized central executive migration authority.

SECTION V. POWERS OF EXECUTIVE AUTHORITIES PARTICIPATING IN SOLVING THE ISSUES RELATED TO REFUGEES AND PERSONS IN NEED OF COMPLEMENTARY OR TEMPORARY PROTECTION

Article 26. Powers of the Cabinet of Ministers of Ukraine

1. The Cabinet of Ministers of Ukraine shall:

1) determine in a draft of the State Budget of Ukraine the amount of funds allocated for activities on implementation of the present Law;

2) at the offer of the specially authorized central executive migration authority, make the decision on temporary protection of persons and on termination of temporary protection;

3) approve regulations about a refugee certificate, a certificate of a person in need of complementary protection, a certificate of a person who has been granted temporary protection, about a travel document of a refugee and a travel document of a person who has been granted complementary protection, and other necessary documents;

4) determine the procedure for employment, education and rendering medical care, financial aid, pensions or other types of social care to persons concerning whom the decision was made to process documents for solving the issue of recognition as refugees or as persons in need of complementary protection, or who have been recognized as refugees or persons in need of complementary protection;

5) determine the procedure of issue of entry visas to family members of persons who have been recognized as refugees or persons in need of complementary protection, as well as who have been granted temporary protection.

Article 27. Powers of the specially authorized central executive migration authority

1. The powers of the specially authorized central executive migration authority shall include:

1) establishment, reorganization and liquidation of the migration service authorities, approval of regulations about these authorities and their headcount;

2) approval of the rules of considering of applications for recognition as a refugee or as a person in need of complementary protection;

3) adoption of decisions on recognition as a refugee or as a person in need of complementary protection, decisions on the cessation, withdrawal of refugee status and complementary protection and on cancellation of decision on recognition as a refugee or as a person in need of complementary protection;

4) making offers to the Cabinet of Ministers of Ukraine on necessity to make decisions on temporary protection and on termination of temporary protection;

5) making decision on withdrawal from a foreigner or a stateless person of temporary protection;

6) coordination of interaction among executive authorities on issues relating to refugees and persons in need of complementary or temporary protection;

7) elaboration and approval of samples of applications for recognition as a refugee or as a person in need of complementary protection, and certificates of application for protection in Ukraine;

8) consideration of appeals against decisions of migration service authorities in the Autonomous Republic of Crimea, the regions, the cities of Kyiv and Sevastopol on refusal to accept the application for recognition as a refugee or as a person in need of complementary protection, on refusal to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, on cancellation of such decisions if they were made in violation of legislation;

9) directing inquiries to the competent authorities of other countries concerning the presence in those countries of family members of persons who filed applications for recognition as refugees or as persons in need of complementary protection, or who have been recognized as refugees or as persons in need of complementary protection, and concerning legal grounds for their reunification with families or family members;

10) issuance of travel documents for foreigners and stateless persons who have been recognized as refugees by other countries which are parties to the 1951 Convention relating to the Status of Refugees and/or the 1967 Protocol relating to the Status of Refugees;

11) keeping centralized records and development of the centralized information system on the persons who submitted application for recognition as a refugee or as a person in need of complementary protection;

12) gathering and conduct of analysis of information concerning the existence of conditions stipulated by Article 1, part 1, paragraphs 1, 13 and 14 of the present Law in the countries of origin of refugees and persons in need of complementary or temporary protection.

13) establishment, reorganization, maintenance and liquidation of temporary accommodation centers for refugees, approval of regulation about such centers and their headcount;

14) preparation of offers on determination of amounts of financing activities carried out in pursuance of the present Law for consideration by the Cabinet of Ministers of Ukraine

15) control of implementation of the present Law.

Article 28. Powers of migration service authorities in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol

1. The migration service authorities in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol shall be subordinated to the specially authorized central executive migration authority.

2. The powers of migration service authorities shall include:

1) acceptance from foreigners and stateless persons of applications for recognition as a refugee or as a person in need of complementary protection;

2) performing fingerprinting of applicants;

3) facilitation of placement of children separated from their families to respective child-care centers or families;

4) assistance to children separated from their families in searching for their parents or other their legal representatives;

5) making decisions on processing documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, on cessation or withdrawal of refugee status or complementary protection, or on cassation of a decision on recognition as a refugee or as a person in need of complementary protection;

6) consideration of applications for recognition as a refugee or as a person in need of complementary protection, and preparation of a written conclusion on recognition or on refusal to recognize as a refugee or as a person in need of complementary protection;

7) issuance of certificates of application for protection;

8) issuance of certificates and travel documents for travelling abroad to persons who have been recognized as refugees or as persons in need of complementary protection;

9) issuance of certificates to persons who have been granted temporary protection;

10) re-registration of persons who have been recognized as refugees or as persons who need complementary protection;

11) registration of persons who have been granted temporary protection;

12) determination of places for temporary accommodation of the persons who submitted applications for recognition as refugees or as persons in need of complementary

protection, concerning whom a decision was made to process their documents for solving the issue of recognition as refugees or as persons in need of complementary protection, and sending them to the temporary accommodation centers;

13) preliminary determination of places where persons who have need granted temporary protection shall reside;

14) making decision on granting financial aid to persons who have been recognized as a refugee or as a person in need of complementary protection, or who have been granted temporary protection;

15) assistance in employment of the persons concerning whom a decision was made to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, and who have been recognized as a refugee or as a person in need of complementary protection;

16) assistance to persons, concerning whom the decision was made to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, and who have been recognized as a refugee or as a person in need of complementary protection, in obtaining of social and medical services;

17) keeping the records and personal files of persons who applied with applications for recognition them as a refugee or as a person in need of complementary protection, concerning whom the decision was made to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, and who have been recognized as a refugee or as a person in need of complementary protection;

18) assistance to persons who submitted applications for recognition as a refugee or as a person in need of complementary protection, who have been recognized as refugees or persons in need of complementary protection, or who have been granted temporary protection, in search for and reunification with their family members inside or outside Ukraine, and directing inquiries to the specially authorized central executive migration authority concerning the check for presence in other countries of family members of the mentioned persons and existence of legal grounds for their family reunification;

19) registration of persons who submitted applications for recognition as a refugee or as a person in need of complementary protection, concerning whom a decision was made to process documents, who have appealed or are appealing against a decision on refugee status or complementary protection, on refusal to process documents, on refusal to recognize as a refugee or as a person in need of complementary protection, on cessation or withdrawal of refugee status, statuses of complementary or temporary protection; on cassation of a decision on recognition as a refugee or as a person in need of complementary protection;

20) preparation and submission to the specially authorized central executive migration authority of requests on the cessation or withdrawal of refugee status or complementary protection, on withdrawal of temporary protection, on cassation of a decision on recognition as a refugee or as a person in need of complementary protection;

21) representing the specially authorized central executive migration authority in courts on behalf of the former;

22) solving of other issues referred to the powers of the respective authority by the legislation.

Article 29. Powers of other executive authorities

1. The specially authorized central executive state border guard authority shall organize the receipt of applications for recognition as a refugee or as a person in need of complementary protection, from persons detained for illegal crossing of the state border or attempt to cross in such a manner with the purpose to be recognized as a refugee or as a person in need of complementary protection, and forward such applications to migration service authorities. In case the specially authorized central executive state border guard authority is addressed by persons who arrived in Ukraine on legal grounds with the intention to be recognized as a refugee or as a person in need of complementary protection, it shall explain them procedure of submission of application for recognition as a refugee or as a person in need of complementary protection and inform about location of migration service authorities.

2. The Security Service of Ukraine and its local authorities shall within the scope of their powers, upon request from the migration service authorities, take measures to identify persons, from among those who submitted applications for recognition as a refugee or as a person in need of complementary protection, concerning whom a decision was made to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, who are not recognized as a refugee or as a person in need of complementary protection, subject to Article 6, part 1, paragraphs 2-4 of the present Law.

3. The specially authorized central executive labor and social policy matters authority and its local authorities shall, if possible, assist persons concerning whom a decision was made to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, in employment, guarantee that the persons who have been recognized as a refugee or as a person in need of complementary protection receive financial aid, pensions, and other types of social care, and persons who have been granted temporary protection receive financial aid.

4. The Ministry of Foreign Affairs of Ukraine and foreign diplomatic missions of Ukraine shall participate in preparation of documents and make appropriate offers in the established order to the Cabinet of Ministers of Ukraine concerning conclusion of the international instruments on issues, related to the protection of social, economic and other rights and interests of refugees, including recovery of damages caused to refugees, expenses on their reception and accommodation; provide the specially authorized central executive migration authority with the information on situation in the refugees' countries of origin; issue entry visas to the family members of the persons who have been recognized as refugees or as persons in need of complementary protection; facilitate voluntary repatriation of refugees to the country of their origin or resettlement to countries which agree to grant them asylum. The Ministry of Foreign Affairs of Ukraine shall perform general monitoring of implementation of international instruments in the field of refugee protection approved as binding by the Verkhovna Rada of Ukraine.

5. The specially authorized central executive healthcare authority shall establish the procedure for medical examination of persons concerning whom a decision was made to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection, and the procedure for age assessment. The specially authorized central executive healthcare authority, the Council of Ministers of the Autonomous Republic of Crimea, regional and Kyiv and Sevastopol municipal state administrations shall ensure, when requested by the migration service authorities, obligatory medical examination, and if necessary, treatment of persons concerning whom a decision was made to process documents for solving the issue of recognition as a refugee or

as a person in need of complementary protection, and who have been recognized as refugees or as persons in need of complementary protection.

6. The specially authorized central executive education authority, the Council of Ministers of the Autonomous Republic of Crimea, regional and Kyiv and Sevastopol municipal state administrations shall facilitate in ensuring educational needs of persons concerning whom a decision was made to process documents for solving the issue of recognition as a refugee or as a person in need of complementary protection.

7. The custody or guardianship authorities shall be legal representatives of children separated from their families and take measures for temporary placement of children separated from their families to the respective children-care institutions or families, as well as for arranging custody or guardianship for such children, participate in the procedure of recognition of a child separated from the family as a refugee, and assist children separated from families in enforcement of their rights.

SECTION VI. INTERNATIONAL COOPERATION

Article 30. International cooperation for the purpose of refugees rights protection

1. Ukraine shall cooperate with other countries, the Office of the United Nations High Commissioner for Refugees and other international organizations with the purpose of elimination of reasons of origin of refugee issues, improvement of their financial conditions and legal status as well as repatriation of the refugees to the country of their citizenship or former habitual residence as well as, in case of need, their resettlement to other countries in case of existence of relevant international instruments.

Article 31. Legal status of persons who have been granted refugee status by other countries parties to the 1951 Convention relating to the Status of Refugees and 1967 Protocol relating to the Status of Refugees

1. Foreigners and stateless persons who have been recognized as refugees by other countries parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, and who stay legally in Ukraine shall enjoy the same rights and freedoms, and incur the same obligations as the citizens of Ukraine, save for exceptions set forth by the Constitution and the laws of Ukraine, as well as by international instruments approved as binding by the Verkhovna Rada of Ukraine.

2. Foreigners and stateless persons who have been recognized as refugees by other countries parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, and who stay in Ukraine, cannot be expelled or forcibly returned to the countries where their lives or freedom are endangered for reasons of race, religion, nationality, citizenship membership of a particular social group or political opinions.

3. Foreigners and stateless persons who have been recognized as refugees by other countries parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, and who stay in Ukraine, cannot be expelled or forcibly returned to the countries where they can be subject to torture and other cruel, inhuman or degrading treatment or punishment, or to such countries from which they may be expelled or forcibly returned to the countries where their lives or freedom are endangered for reasons of race, religion, nationality, citizenship, membership of a particular social group or political opinions.

4. Foreigners and stateless persons who have been recognized as refugees by other countries parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, and who stay legally in Ukraine and have no valid travel documents for travelling abroad shall have the right to obtain such a document according to the procedure established by the legislation of Ukraine.

SECTION VII. FINAL CLAUSES

1. The present Law shall enter into force on the day following the day of its publication.

2. Law of Ukraine ’On Refugees’ (the Verkhovna Rada of Ukraine’s Bulletin, 2001, No.47, p. 250; 2003, No.27, p.209; 2005, No.25, p.336) shall become null and void;

3. Persons who were granted refugee status in Ukraine prior to entering the present Law into force shall be considered as those who have been recognized as refugees for an unlimited period of time for the period of existence of circumstances specified in Article 1, part 1, paragraph 1 of the present Law.

4. Applications for granting refugee status submitted prior to entering the present Law into force shall be considered according to the procedure established by the present Law for consideration of application for recognition as a refugee or as a person in need of complementary protection in Ukraine;

5. Prior to adaptation of the Ukrainian legislation with the present Law, legislative acts shall apply to the extent which does not contradict the present Law.

6. Within three months following the entering the present Law into force, the Cabinet of Ministers of Ukraine shall:

prepare and submit for consideration of the Verkhovna Rada of Ukraine the offers on adaptation of the laws of Ukraine to the present Law;

ensure adaptation by central executive authorities of their legislation acts regulating the issues related to refugees to the present Law.

President of Ukraine

V.Yanukovych

Kyiv, 08 July 2011
No. 3671-VI