

ADMINISTRATIVE LAW OF UKRAINE FOR FOREIGNERS

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Authors:

Andrii Ivanyshchuk, Anatolii Berlach, Alla Rubanenko, Andrii Denysov, Andrii Kudin, Anfisa Nashynets-Naumova, Artur Zamryha, Borys Kindiuk, Diana Levchenko, Dmytro Zhuravlov, Hanna Danylenko, Igor Hlobenko, Inesa Kostenko, Iryna Ryzhenko, Iryna Kazanchuk, Iryna Orlovska, Iurii Buglak, Kateryna Chyzhmar, Khrystofor Yarmaki, Kseniia Kurkova, [Kyrylo Dramarenko], Larysa Soroka, Liliya Popova, Lesya Rusnak, Lyudmila Holovii, Mariia Novikova, Maryna Pushkar, Mykola Novikov, Nataliia Berlach, Nataliia Lytvyn, Mykola Pykhtin, Oleg Reznik, Oleksandr Ilchenko, Oleksandr Lavrynovych, Oleksandr Svitlychnyi, Oleksandr Sytnykov, Oleksii Drozd, Olena Halahan, Olena Korotun, Olena Syniavska, Olena Yara, Olena Uliutina, Olena Gulac, Olena Makhmurova-Dyshliuk, Olesya Radyshevskaya, Olga Getmanets, Olga Pravotorova, Olha Kosilova, Olha Pravotorova, Petro Dikhtiiievskyyi, Serhiy Didenko, Serhii Sliusarenko, Serhii Koroied, Serhii Rozsokha, Serhii Rozsokha, Svitlana Popova, Tetiana Kolomoiets, Valentyn Halunko, Valeriia Chernyshova, Valeriia Riadinska, Viacheslav Boiko, Viktor Stepanenko, Vira Halunko, Volodymyr Kurylo, Yaroslav Stashkiv

Reviewers:

Serhii Mosondz – Doctor of Law, Professor;
Pavlo Liutikov – Doctor of Law, Professor

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In the publication, the achievements of the modern theory of administrative law and the administrative practice of the national public administration enable to reveal the key provisions of Ukraine's modern administrative law in the form of questions and answers. They are based on the examples faced by foreigners in Ukraine. The publication considers the human-centred theory, according to which national public administrators are required to ensure the rights and freedoms of foreigners. A popular scientific publication can be used as educational provisions for foreigners. Furthermore, it will be useful to foreign scientists and students.

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CONTENTS

GENERAL INFORMATION ON LEGAL UKRAINE	6
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THE BASIS FOR THE LEGAL STATUS OF FOREIGNERS IN UKRAINE	8
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CHAPTER 1

GENERAL INFORMATION

ON THE LEGAL SYSTEM OF UKRAINE

1.1 The legal system of Ukraine	10
1.2 Legal liability of foreigners	12
1.3 Ukrainian Judiciary	13
1.4 National Police of Ukraine	15
1.5 State Migration Service of Ukraine	17
1.6 Advocacy in Ukraine	20
1.7 Notary in Ukraine	21

CHAPTER 2

BASIC QUESTIONS AND ANSWERS

ON THE ADMINISTRATIVE LAW

OF UKRAINE FOR FOREIGNERS

2.1 Why do foreigners need knowledge of the administrative law of Ukraine?	23
2.2 What is the rule of law?	25
2.3 What rights and freedoms of foreigners are provided for by the administrative law of Ukraine?	26
2.4 The administrative and legal status of foreigners and stateless persons in Ukraine	28

2.5 What rights and freedoms do foreigners enjoy in Ukraine?	30
2.6 What are duties and restrictions of foreigners in Ukraine?	32
2.7 What does public administration do for Foreigners?	36
2.8 What is the public interest in the activities of public administrators?	38
2.9 How public administration is carried out in Ukraine?	40
2.10 How the administrative law of Ukraine interacts with European administrative law?	41
2.11 What are the major sources of administrative law in Ukraine?	46
2.12 What instruments of public administration are applicable for the rights and freedoms of foreigners?	52
2.13 Who and How Provides Administrative Services to Foreigners?	53
2.14 What measures of administrative coercion and in what cases can law enforcement bodies of Ukraine impose on foreigners?	55
2.15 What is the administrative liability of foreigners in Ukraine?	57
2.16 What role do Administrative Courts play in Protecting the Rights and Freedoms of Foreigners in Ukraine?	60
2.17 What is the procedure for filing an administrative action to Administrative Court?	63
2.18 What is important to know for a foreigner in administrative detention?	65
2.19 What is the procedure for administrative liability of foreigners?	68

2.20 Specificities of administrative liability of foreigners for offences related to trafficking in narcotic drugs, psychotropic substances and precursors	72
2.21 Refugees in Ukraine	73
2.22 How Business is administered in Ukraine?	76
2.23 What is the procedure for employment of foreigners in Ukraine?	77
INFORMATION ABOUT THE AUTHORS	82

Foreigners and stateless persons' rights and freedoms realisation shall not harm the interests of Ukraine, rights and lawful interests of its citizens or other people staying in Ukraine.

Accordingly, foreigners and stateless persons may immigrate to Ukraine for permanent residence. **Immigration** is arrival at Ukraine or stay in Ukraine of foreigners and stateless persons in the manner prescribed by law with the purpose of the permanent residence. Correspondingly, **an immigrant** is a foreigner or stateless person, granted an immigration permit and entered Ukraine for permanent residence, or staying in Ukraine on legal grounds and was granted an immigration permit and continued his/her stay in Ukraine as permanent resident.

***It is important to know!** If a person intentional to be recognized as a refugee or a person requiring complimentary protection crossed the state border of Ukraine in the manner prescribed by the law of Ukraine, he/she shall apply to the central executive authority that implements public policy in this sector.*

2.5 What rights and freedoms do foreigners enjoy in Ukraine²⁴?

According to the legal status of foreigners, they shall enjoy some rights and freedoms as well as bear some duties. Foreigners and stateless persons' rights and freedoms realisation shall not harm the national interests of Ukraine, rights and lawful interests of its citizens or other people residing in Ukraine.

Foreigners and stateless persons are equal before the law, regardless of their origin, social and property status, race,

²⁴ Irina Ryzhenko, Olena Halahan

nationality, gender, language, attitude to religion, type and nature of occupation and other circumstances.

According to **the national regime**, foreigners who stay in Ukraine shall enjoy the same scope of rights as citizens and legal entities of Ukraine. The national legal regime is unconditional: it applies to foreigners and stateless persons, regardless of whether Ukrainian citizens have similar rights in the countries of foreigners' citizenship. The effect of the national regime on foreigners has certain restrictions: they are not fully equal in rights and duties to Ukrainian citizens. This regime generally applies to businesses of foreign persons, foreign goods, copyright protection, international civil proceedings, etc.

At the legislative level, Ukraine creates conditions for equal rights for citizens of other States and Ukrainian citizens. At the regulatory level, legal relations involving foreign citizens and legal entities are characterized by the presence of a 'foreign element'²⁵.

***It is important to know!** Foreigners are not restricted in their right to freedom and personal inviolability, to protection from interference with their privacy, family, conscience, home, correspondence, telephone and telegraphic communications and respect for their dignity.*

The national regime enables foreign nationals to enjoy their rights: to investment and business; to work; to rest; to health care²⁶; to social protection²⁷; to private property and housing; to property

²⁵ The concept of a foreign element is provided for in the Law of Ukraine "On Private International Law" no. 2709-IV of 23 June 2005, the analysis thereof testifies to the protection of foreign citizens and legal entities from infringements on their rights and legitimate interests.

²⁶ Procedure for providing medical care to foreigners and stateless persons..., approved by Resolution of the Cabinet of Ministers no. 121 of 19 March 2014.

²⁷ On compulsory State pension insurance. Law of Ukraine no. 1058-IV of 9 July 2003.

and personal non-property rights; to education; to enjoyment of cultural achievements; to participation in associations of citizens; to marital and family relations; to protections of personal rights; to travel throughout Ukraine and choice of residence, etc.

Foreigners and stateless persons have the right to apply to the courts and other State bodies for the protection of their personal property and non-property rights.

Frequently, the national regime, applied to foreign nationals and stateless persons in Ukraine, does not preclude the application of certain elements of the most-favoured regime, special (preferential, privileged) regime or reciprocity.

According to the purpose of the stay in Ukraine, a foreign national may receive a temporary or permanent residence permit, certificate of a foreign Ukrainian, stateless person, refugee or a person requiring additional protection; a temporary certificate of a citizen of Ukraine; a certificate of a person granted a temporary protection. A stateless person who is a permanent or temporary resident of Ukraine, but does not have a travel ticket, shall receive a stateless person's document for travel abroad, that is, a document that identifies the stateless person when crossing the state border of Ukraine and staying abroad.

2.6 What are duties and restrictions of foreigners in Ukraine?²⁸

The national regime enables foreigners not only to enjoy the same rights as the citizens of the country of residence but also bears responsibilities established by the legislation of Ukraine. Foreigners and stateless persons are obliged to strictly abide by

²⁸ Irina Ryzhenko, Olena Halahan