

# **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 Dikhtiiievskiy, 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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# General Information on Legal Ukraine<sup>1</sup>

Ukraine is a legal, democratic state, with a mixed form of government – a presidential-parliamentary republic<sup>2</sup>. It is the second-largest country by area (603,700 sq. km.) and the eighth-largest one by population (42 million people) in Europe.

The starting point of Ukrainian statehood was Rus as a powerful state in IX-XIII centuries. The state of Rus was destroyed by Mongol invasion in 1240. In the absence of own state, Ukrainian nation lived for over 300 years governed by Lithuanian State and Polish-Lithuanian Commonwealth and Austria-Hungary States. Moreover, its lands were under the occupation of the Moscow State for almost 200 years. The Ukrainian nation regained its independence in 1648–1774 and 1917–1922 respectively. Ukraine has been a founding member of the United Nations since its founding. However, Ukraine became a fully independent State in 1991.

Ukraine's legal system belongs to the Romano-Germanic legal family. The main sources of law are the Constitution and other laws of Ukraine. Case law of the European Court of Human Rights are sources of law in Ukraine. By-laws issued by the Government, the President and ministers play a significant role in public administration<sup>3</sup>.

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<sup>1</sup> Valentyn Halunko

<sup>2</sup> The Constitution of Ukraine.

<sup>3</sup> For example: The procedure for extending or reducing of the duration of foreigners' stay in Ukraine. Government Resolution No.150 of 15.02.2012.

***For example:*** *The procedure for extending or reducing of the duration of foreigners' stay in Ukraine. Government Resolution No. 150 of 15 February 2012.*

Foreigners, who stay in Ukraine on legal grounds, enjoy the same rights and freedoms and also have the same obligations as citizens of Ukraine, except for several political rights and duties.

Foreigners are required to abide the Constitution and laws of Ukraine, other legal regulations, not to infringe on the rights and freedoms, honour and dignity of other people, interests of society and the Ukrainian State<sup>4</sup>.

Ukrainian people profess European values, are highly diligent, are moderately religious, and respect the right to private property. Ukrainian citizens kindly refer to foreigners. However, most of Ukrainian citizens do not speak English.

All emergency operators speak English at the "B 2" level: the State Emergency Service (Tel. 101), the Police (tel. 102), Medical Help (ambulance) (tel. 103).

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<sup>4</sup> On the legal status of foreigners and stateless persons. Law of 02 September 2011.

## 2.13 Who and How Provides Administrative Services to Foreigners<sup>46</sup>?

The creation of convenient and accessible conditions for foreigners to obtain administrative services is one of the major tasks of the State and local self-government bodies. It is precisely on the quality of these services that every foreign citizen appreciates the State's concern for him/her and the level of respect for rights and dignity.

Administrative services for foreigners are, in the vast majority of cases, provided by the administrative service providers through **administrative service centres**.

*The key administrative services provided to foreigners are:*

- issuing a temporary residence permit with a contactless electronic medium;
- issuing immigration permits to foreigners or stateless persons in Ukraine;
- extension of stay of foreigners or stateless persons in Ukraine.

**For example:** *in order to obtain a residence permit, a foreigner submits to the Administrative Service Centre a passport document, a certified Ukrainian translation of the foreigner's passport document, a health insurance policy and a copy thereof, a document confirming the payment of the administrative fee.*

In our country, the leading factor in ensuring the comfortable access of foreigners to information on public services is the development of an appropriate **public service information card**. Hard copies of such cards are available on information stands, as well as electronically on a website or other Internet resources.

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<sup>46</sup> Anfisa Nashynets-Naumova

Administrative Service Centres provide easy access to premises for the reception of foreigners and stateless persons, including the provision of adequate facilities for the access of persons with disabilities.

Electronic administrative services and access to information on administrative services, using the Internet, are provided through the Unified State portal of administrative services, which is the official information source on administrative services in Ukraine.

In Ukraine, a Unified State portal of administrative services enables foreigners to obtain certificates and documents required without leaving their homes. This portal contains all the information about the services, all the requirements. In addition, an Electronic Digital Signature (EDS) authorization service is provided.

The introduction of an effective advising system is important because of improving access to information for foreigners in administrative services required. In particular, depending on the type of information and their providers, *advising* in 'one-stop-shop' should be grouped into:

1) Organizational (provided within the reception, such as orders, instructions). That is, it will deal with organisational issues of 'one-stop-shop': general information about its location (addresses, transport); structure; competence; work schedules; management; reception of clients;

2) Specific, professional or legal, provided by the personnel who receive the documents. That is, such advising deals with: information about a specific State service; the procedure for obtaining it; the list of necessary documents; the deadlines for submission.

Advising can be provided in two ways: by personal communication with clients; by remote information to clients in response to their request through appropriate technical means of communication.