



RESPONSES TO INFORMATION REQUESTS (RIRs)

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UKR101567.E

Ukraine: Whether a former resident and native of Ukraine who left the country as a minor before 1991 can easily regain Ukrainian citizenship if he or she fulfils the requirements of Article 10 of the Law of Ukraine on the Citizenship of Ukraine; whether it would make a difference if the person has been convicted in another country of a crime for which he or she served time in prison
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The Web site of the Office of the United Nations High Commissioner for Refugees (UNHCR) contains an unofficial translation of the Law of Ukraine on the Citizenship of Ukraine which was passed on 18 January 2001 and amended 16 June 2005. Under article 8 of this law, entitled Acquisition of the Citizenship of Ukraine by Territorial Origin, a person who was born or who had permanent residence status before 24 August 1991 (the date of Ukrainian independence) in the territory that would become independent Ukraine shall be conferred Ukrainian citizenship (Ukraine 18 Jan. 2001, Art. 8). In addition, a person who had at least one parent, grandparent, sibling, half-sibling, son, daughter, grandson or granddaughter who was born or who had permanent residence on Ukrainian territory before 24 August 1991 could also obtain Ukrainian citizenship (*ibid.*). Persons who hold a foreign citizenship, but otherwise meet these same criteria, can also be granted Ukrainian citizenship provided they apply to terminate their other citizenship and file an application for citizenship form (*ibid.*).

In 15 August 2006 correspondence sent to the Research Directorate, a consular official of the Embassy of Ukraine in Ottawa provided the following interpretation of Article 10 of the Law of Ukraine on the Citizenship of Ukraine: a stateless person who did not obtain foreign citizenship may have his or her Ukrainian citizenship restored, as long as none of the following circumstances apply:

He/she committed genocide or a crime against humanity;

He/she were convicted and imprisoned in the Ukraine for a "grave" or an "especially grave" crime;

He/she committed a crime in the territory of a foreign country that is a considered "grave" or "especially grave" crime under Ukrainian legislation.

Article 12 of the Criminal Code of Ukraine classifies criminal offences into four categories: minor, medium grave, grave and special grave (Ukraine 1 Sept. 2001, Art. 12). Minor crimes refer to offences punishable by up to two years

imprisonment; medium grave crimes refer to offences punishable by up to five years imprisonment; grave crimes refer to offences punishable by up to ten years imprisonment; and special grave crimes refer to offences punishable by more than ten years imprisonment, including life sentences (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection.

References

Ukraine. 15 August 2006. Embassy of Ukraine in Ottawa. Correspondence from a consular official.

_____. 18 January 2001 (last amended 16 June 2005). Law of Ukraine on the Citizenship of Ukraine (Unofficial Translation). (Office of the United Nations High Commissioner for Refugees, UNHCR Refworld) <<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RSDLEGAL&id=44a280fa4>> [Accessed 5 Sept. 2006]

_____. 1 September 2001. Criminal Code of Ukraine. (Legislationline Web site) <<http://www.legislationline.org/upload/legislations/2e/4b/e7cc32551f671cc10183dac480fe.htm>> [Accessed 5 Sept. 2006]

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