



UKRAINIAN  
LAW  
FOR FOREIGNERS

Kyiv – 2017

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This book reveals the general aspects of the laws and the Ukrainian system of law that may assist foreigners to travel safely around Ukraine.

This manual contains the information about the rights, obligations and legal responsibilities of the foreigners in Ukraine and the legal status of key public institutions ensuring the rights and freedoms of foreigners. Provided information may be helpful to foreigners during their stay in Ukraine's capital, Kyiv.

The book is for the foreigners that are planning to stay and/or travel on the territory of Ukraine and other circles of interested persons.

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## GENERAL INFORMATION

Ukraine is a legal, democratic republic, with a mixed form of government. An executive power, which is administrated by the government, conducts an internal control, whereas the President of Ukraine conducts its external activities.<sup>1</sup> It holds the second largest area (603,700 sq. km.) and has eighth largest 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. During the absence of own state, Ukrainian nation lived for over 300 years under the governance of Lithuanian State and Polish–Lithuanian Commonwealth and Austria-Hungary States. On top of this, the nation and its lands were under the occupation of the Moscow State for almost 200 years. The Ukrainian nation was regaining its independence in 1648-1774 and 1917-1922 respectively. 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. Subordinate normative acts issued by the Government, the President and ministers play a significant role.<sup>2</sup> Judicial precedents of the European Court of Human Rights are the source of law, as well.

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 by the Constitution and laws of Ukraine, other normative and legal acts, to not infringe on the rights and freedoms, honor and dignity of other people, interests of society and the state.<sup>3</sup> Ukrainian people are spiritual and religious combined with diligence and individualism, have respect for private property. Ukrainian citizens kindly refer to foreigners.

Most of Ukrainian citizens don't 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>1</sup> The Constitution of Ukraine

<sup>2</sup> E.g.: The procedure for extending or reducing of the duration of foreigners' stay in Ukraine. Government Resolution 15.02.2012 No.150.

<sup>3</sup> E.g.: On the legal status of foreigners and stateless persons. Law 2.09.2011 3773-VI;



**Kyi, Shchek and Khoryv are the three legendary brothers with their sister Lybid, who were the founders of the medieval city of Kiev – now the capital of Ukraine.**

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## LEGAL STATUS OF THE FOREIGNERS IN UKRAINE

According to the Constitution and laws of Ukraine,<sup>1</sup> foreigners who stay in Ukraine legally enjoy the same rights and freedoms and also have the same obligations as the citizens of Ukraine, except for political rights and duties.

Foreigners may use the first principle of legal regulation in Ukraine: “Whatever is not prohibited by law is permitted”. Their rights are not exhaustive, on the condition that they are not recognized as public entities by the laws of Ukraine.

Foreigners enter the territory of Ukraine with the presence of the passport and obtained visas. International treaties established that citizens of 58 countries may enter Ukraine without visas. They are all member countries of the EU, the USA, Canada, Israel, and etc.



The building of the Ministry of Foreign Affairs of Ukraine

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<sup>1</sup> On the legal status of foreigners and stateless persons. Law 2.09.2011 3773-VI;

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The term of stay of the foreigners in Ukraine, is usually limited to maximum of 90-180 days.

Foreigner's registration is carried out at the checkpoints on the state border of Ukraine by the state border authorities. Certain categories of foreigners are exempt from the registration, including persons less than 18 years of age and tourists who are on a cruise.

Foreigners should abide by rules of stay in Ukraine, in particular, foreigners should not violate rules of entry; principles of national security; customs' and tax regulations; rules of public order; and foreigners have to respect state symbols of Ukraine (flag, emblem, and anthem).

In case of a loss of the passport or any other ID in Ukraine, a foreigner should immediately notify a territorial agency or a unit of State Migration Service, which shall issue a corresponding statement on a loss to the foreigner.

Foreigners are free to leave the territory of Ukraine in the established procedure.

In case of violations of Ukrainian laws, additional measures of a legal responsibility may be applied to foreigners: the duration of stay in Ukraine may be reduced;<sup>1</sup> a forced return or a forced deportation may also be applied, etc.



**Sofievskaya (Sophia) square located in the central part of Kiev, not far from Independence Square and the streets of Vladimir Panorama of the right bank of the Dnipro**

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<sup>1</sup> The procedure for extending or reducing the duration of stay of foreigners in Ukraine. Government Resolution 15.02. 2012 No.150.





Verkhovna Rada of Ukraine (Parliament)

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# CHAPTER 1

## THEORY OF UKRAINIAN LAW

### 1.1. The concept and features of law

Ukraine applies an integration understanding of law. The law is described in terms of types of legal understanding:

- 1) theory of natural Right;
- 2) legal positivism;
- 3) sociological approach for understanding Right;
- 4) psychological theory of Right by L. Petrazhitski.

*Features of law in terms of the theory of natural Right are:*

A core value is recognized as a Human being with his/her rights and freedoms, all other assets, including the government and law, are secondary;

Law and right are not identical terms, law which violates human rights is not legal, and its implementation is criminal;

Fundamental values are the categories of "humanity" and "justice."

The disadvantage of this understanding of Right is ambiguity of its interpretation by different subjects of law, since the categories of "humanity" and "justice" are not legally registered. They are philosophical.

***According to a theory of natural Right, law is a measure of ordered freedoms and rights. The rights of one individual come to an end when they begin to violate the rights of another individual.***

*Features of the law in terms of positivism are:*

- the highest value recognized is the law;
- the law and the right are identical;
  - the law cannot be illegal;
  - for not fulfilling the law the state applies a government coercion;
  - the core value of the law is the category of "legitimacy".

The disadvantage of this understanding of the law is that the lawyer does not see the "Human being", for him/her it is just one of the factors that make up the law.

***According to legal positivism, law is a system of mandatory rules of conduct that are established or authorized by the government and by not fulfilling it the state coercion is applied.***

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Sociological approach and psychological theory of Right occupy an important place for understanding the law, according to which the law should be socially and psychologically justified.

Thus, the law is a system of mandatory rules of conduct<sup>1</sup> that regulates the most important social relationships and is socially and psychologically justified and for the violation of which the state (international) coercion is applied.



**Leon Petrazycki - professor of Kiev University, founder of the psychological theory of law**

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<sup>1</sup> Obligatory rules of conduct are established or legalized by the government or exist objectively on the basis of natural Right, sociological and psychological approaches for understanding the law.

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## 1.2. The principles of rule of law and legitimacy

Ukrainian legal system is based on deductive method from the general to the individual. The most basic category is "principles of law". Among them, the most important is the rule of law principle and its derivative - the principle of legality.

The rule of law principle is characterized by the following features:

1) the core value is recognized as a Human being with his/her rights and freedoms, and all other assets including the government and the law are secondary;

2) the law and the right are not identical terms, the law which violates the human rights is not legal, and its implementation is criminal;

3) the law, that does not meet the theory of natural right, is illegal and its application is criminal;

4) the rule of law determines the content and direction of the government activity and its officials.

So, the rule of law means that subjects of law recognize the law as the highest value that ensures rights and freedoms of Human being.

The principle of legality is derived from the rule of law principle and should not contradict it. It applies to government entities. This means that they must strictly follow the law, act solely to the second form of legal regulation "Whatever is not prohibited by law is permitted".<sup>1</sup>

## 1.3. Statute of the law and source of law

Statute of the law is an elementary component of the law. Where there is the statute of the law, there is the law and vice versa where there is no rule of the law there is any law.

*Statute of the law is a mandatory rule of conduct which is established by state or recognized objectively on the basis of principles of natural right, sociological and psychological approaches and for the violation of which state (international) coercion is applied.*

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<sup>1</sup> Article 19 of the Constitution "Executive power bodies and local authorities and their officials are obliged to act only on the grounds, within the powers and in the manner envisaged by the Constitution and laws of Ukraine

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External expression of the statute of the law is a source of law. The sources of law include normative legal acts of Ukraine, judicial precedents of the European Court of Human Rights, and international agreements which have been Parliamentary sanctions.

*Normative legal acts are written documents of competent public authorities that contain formal binding rules of conduct of a general nature.*

Normative legal acts are divided into laws and subordinate regulatory acts. The Constitution is recognized as the fundamental Law of Ukraine and other laws of Ukraine.

Subordinate regulations are issued on performance and based on the law and must not conflict with the law.

*Subjects of Public Administration issue numerous subordinate normative and legal acts:*

President of Ukraine issues "decrees" in the field of national defense and external relations;

The Government of Ukraine issues "resolutions" in all areas of internal activities of the state;

Ministries and other central bodies of executive branch issue "orders" of a normative character specifying and developing laws, presidential decrees and government resolutions in certain areas of public activity. These orders must be registered with the Ministry of Justice of Ukraine;

Local government bodies issue "decisions" of a normative character;

The heads of departments, offices, departments of public administration and the heads of legal entities of all forms of ownership can give "orders" of a normative character concerning the activities of their departments.<sup>1</sup>



**Pylyp Orlyk – Hetman of Ukraine, diplomat, author of the first constitution in the world**

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<sup>1</sup> For example, the order of the Ministry of Foreign Affairs of Ukraine 20.08.2009 No. 169. Registered with the Ministry of Justice of Ukraine 15.09.2009. No. 871/16887 “Order of documents drawing which entitles foreigners and stateless persons crossing the state borders of Ukraine within local border traffic regime”

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## 1.4. Legal relationships and reinforcement of law

**Legal relationships** - public relations regulated by law. Legal relations arise not only because there are rules of law, but also because these relationships are objectively in need of regulation.

Legal relationships have structure. They consist of subjects and objects, contents and legal facts.

*Subjects of law* are the participants of legal relationships that have the subjective rights and legal responsibilities, and are endowed with specific legal properties.<sup>1</sup>

*Object of legal relationships* is something that interests subjects and with which the latter come into legal relationships. They are represented by a variety of material and not material goods that constitute the value for the individuals, as well as activities of subjects of law related to these goods.<sup>2</sup>

*The content of legal relationships* is a set of subjective rights and legal duties of subjects of law when each subjective right of one subject of legal relationships meets a legal obligation of another subject and vice versa.

*Legal fact* - is a specific life circumstance to which the rule of law binds the emergence, modification or termination of legal relations.<sup>3</sup>

Public and private individuals are engaged in the enforcement of right, including foreigners who are the subjects of law.

**Enforcement of law** - is the embodiment of regulations of legal rules in the activities of individuals. Enforcement of law is carried out through direct forms of implementation, use, compliance, performance.

*Use* – is when a foreigner voluntarily uses a legally established given opportunity.<sup>4</sup>

*Compliance* – is when a foreigner is prohibited to perform not allowed actions.

*Performance* – is when a foreigner must implement active operations.<sup>1</sup>

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<sup>1</sup> A foreigner in Ukraine is a complete subject of law

<sup>2</sup> The freedom of movement of the foreigners is the object of law ensured by the government of Ukraine

<sup>3</sup> For example, the fact of registration of foreigner at the border control point is a legal fact leading to the emergence of legal relationships between a foreigner and state, he comes under legal protection by Ukraine.

<sup>4</sup> For example, a foreigner at his own discretion determines by which mean of transport and which carrier to travel from the airport to the city.

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## 1.5. The Law system of Ukraine

The law system of Ukraine consists of law, institutions of law, and branches of law and subsystems of law. The subsystems of law are: private law, which is based on civil law; and public law, which is based on administrative law. By the subject and method of legal regulations it was distinguished that the following areas of law are:

**Constitutional law** regulates the social relations that give effect to popular government, determine the constitutional order, human rights and freedoms. The main source of constitutional law is the Constitution of Ukraine.

**Civil law** regulates personal non-property and property relationships based on legal equality, free expression of will, property independence of their participants. The main source of civil law is the Civil Code of Ukraine.

*Civil Procedural Law* defines the procedure for the consideration and resolution of civil cases, determines the rights and obligations of subjects of procedural activities related to the implementation of law by interested parties and the judicial protection.

**Administrative law** regulates relations arising in the sphere of public administration providing administrative services to persons and the administration of executive activity in the sphere of internal control. The main source of administrative law of Ukraine should have been the Administrative Procedural Code of Ukraine, but it hasn't been passed by the Parliament.

**Criminal law** defines which socially dangerous acts are considered crimes and what penalties apply to persons who have committed them. It establishes the grounds and conditions for bringing individuals to criminal liability and sanctions system. The only source of criminal law is the Criminal Code of Ukraine.

*Criminal procedural law* regulates relationships arising in administration of justice in criminal cases. It establishes procedure for criminal procedure and the rights and duties of its members. In addition to the branches of law in Ukraine we include: Labor Law, Family Law, Environmental Law, Land Law, Financial law and others.

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<sup>1</sup> For example, foreigners are prohibited to cross the state border of Ukraine in areas that are temporarily occupied by Russian-terrorist troops.

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## 1.6. Legal liability

**Legal responsibility** - are envisaged by sanctions of the rule of law, adverse effects of the personal, property or organizational nature incurred by the person who committed the violation of law.

Legal liability is only possible when there are positive factors (legal, factual and procedural), the complete set of which is the basis for their use, and there are no negative factors that exclude it.



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*Legal grounds* – are the rules of law defining set of actions (inactions) against the law violating actions and the sanctions for their implementation.

*Factual grounds* – are life circumstances in which the norms of law acquire the legal responsibility.

*Procedural grounds* – are legal procedures that must be necessarily followed of authority subject when bringing the person to a legal liability.

Circumstances which exclude the legal liability are: person's insanity, self-defense, extreme necessity, and insignificance of an act, legal incident, physical or mental coercion.

### ***Legal liability is divided into categories:***

**Criminal liability** – is the most severe type of legal liability. Its features are: a person who has committed a crime; established exclusively by the Criminal Code of Ukraine; applied only by the court on the basis of the Criminal Procedure Code of Ukraine; leads to sanctions for the liable person prescribed by the Criminal Code of Ukraine (restriction of liberty, community services, fines, etc.).

**Administrative liability** is incurred for administrative offenses. Its features are: a person who has committed administrative offenses violating the rules that operate in various areas of public life; established by the Code of Ukraine on Administrative Offences and other laws of Ukraine; involves the use of sanctions (fines, confiscation, community services, and administrative arrest).

**Civil liability** follows the commitment of a legal civil delict and results in application of civil law sanctions.

**Disciplinary liability** follows the violation of labor discipline.



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## CHAPTER 2

# LEGAL STATUS OF PUBLIC BODIES THAT ENSURE RIGHTS AND FREEDOMS OF FOREIGNERS IN UKRAINE

### 2.1. Judiciary



**Limited Liability  
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The state power is constituted by legislative, executive and judicial power in Ukraine. Judicial power is administered by independent courts. The courts administer justice on the basis of the Constitution and laws of Ukraine and Rule of law.

Foreigners are entitled to judicial protection in Ukraine equally with the citizens of Ukraine.

Legal proceedings in the courts of Ukraine are conducted in state (Ukrainian) language. For foreigners, the court provides free interpreter or the interpreter hired for a fee by a lawyer of the foreigner.

Ukrainian judicial system consists of: 1) local courts (courts of the first instance); 2) courts of appeals; 3) The Supreme Court of Ukraine (cassation courts).

The governmental bodies system is based on the administrative system of Ukraine: Kyiv - the capital of the state; regions: (24 regions) + an Autonomous Republic of Crimea + Kyiv city, as an individual region + the city of Sevastopol; regions consist of districts.

Courts of the first instance. Each district has a local general court that carries out judicial proceedings in criminal, civil cases and cases of administrative offenses. For example, in Kyiv there are 10 district local general courts. Some local general courts serve for several regions.

Each region has the district administrative and commercial courts<sup>1</sup>, which consider administrative and economic cases as courts of the first instance.

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<sup>1</sup> Commercial courts consider legal disputes between business persons. The contents of these cases are civil.

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Courts of Appeal. In each region there are courts of appeal that carry out proceedings on criminal, civil cases and cases of administrative offenses. In some regions, there is one administrative court and one commercial court of appeal that carry out the proceedings on administrative and economic cases.

Highest specialized courts are: 1) Supreme Court on Issues of Intellectual Property; 2) Anti-Corruption Supreme Court.<sup>1</sup>

Most foreigners frequently deal with the local general courts, in carrying out proceedings on administrative offenses and administrative courts in the implementation of forced deportation from Ukraine.



**The building of Kyiv Court of Appeal**

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<sup>1</sup> On judicial system and the status of judges. Act of 02.06.2016 No. 1402-VIII



## 2.2. National Police of Ukraine

In Ukraine there is the National Police. The local police have not been created. The objectives of the police is to provide police services in the areas of: 1) ensuring public safety and order; 2) protection of human rights and the interests of society and the state; 3) combating crime; 4) services, including foreigners who need help.<sup>1</sup>

Ukraine has implemented the police reform. Police patrol activities meet EU standards. Foreigners can feel themselves safe on the streets and in public areas, except for small territories occupied by Russian-terrorist troops. The occupied territories are blocked by a triple line of defense. So terrorists do not represent danger for foreigners.

For any questions, foreigners can contact the police patrol. Some police officers speak English. They need to be referred to as, "Pane polizejskiy" or in English: "Mr. Policeman)". Police phone operators (tel. 102) speak English at 'B2'-level. The policeman is obliged to help a foreigner himself or to call another service for that case.<sup>2</sup>

After the fulfillment of the tasks assigned to them, the police have the right to apply the preventive police and enforcement measures.

Police can apply the following basic **preventive measures**: check the documents of an individual; survey of a person; surface inspection and examination; suspension of a vehicle; restriction of the movement of people and vehicles; entering a home or other property.

While administrating measures, police are authorized to use such **coercive measures**.

*The policeman must* notify the person about the application of coercive measures in advance.

The law provides for administrative responsibility *gross disobedience to a legitimate instruction* of the police.<sup>3</sup> Each patrol police has a breastplate with an individual number. Police performance can be appealed with the prosecutor's office, by filing a lawsuit with the Administrative Court or to the police authority in person (by a lawyer), or by calling "102".

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<sup>1</sup> On the national police. Act of 02.07.2015 No. 580-VIII

<sup>2</sup> Regulations on the MIA Patrol Services. Approved by the Ministry of Internal Affairs of Ukraine from 02.07.2015. No. 796

<sup>3</sup> Article 185 of the Code of Ukraine on Administrative Offences

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## 2.3. State Migration Service of Ukraine

The State Migration Service Ukraine has a key authority on foreigners, which implements government policy in the areas of immigration and emigration.

***State Migration Service of Ukraine shall:***

- issue invitations to foreigners for obtaining visas to enter Ukraine;<sup>1</sup>
- issue documents to foreigners allowing living in Ukraine;
- make decisions about extension of the term of temporary stay of the foreigners on the territory of Ukraine,
- identify foreigners who have lost their documents;
- take decisions on the recognition of foreigners as individuals who require additional protection;
- issue travel documents to foreigners who have been recognized as refugees from other countries;
- ensure functioning of the reception centers and centers of the temporary stay of foreigners.

***State Migration Service of Ukraine has the right to:***

- affix documents of identification of foreigners markings prohibiting the entry to Ukraine;
- make decisions about forced return of foreigners to their countries of nationality or country of origin;
- appeal to the administrative court for forcible expulsion of foreigners;
- make decisions on withdrawal of refugee status or other protection of the foreigner.<sup>2</sup>

There is an office of the State Migration Service in every region of Ukraine. There are inter-regional local offices. In Kyiv there are 11 territorial units of the Service. For example, there is a unit of the Service in the Podolsk district in Kyiv at the address 30 Mezhygirskya St., open hours are from 9 to 18; Tel. +38 044 425-40-67.

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<sup>1</sup> The procedure for registration of invitations for foreigners and stateless persons for obtaining visas to enter Ukraine. approved by the Decree of the Minister of Internal Affairs as of 5.12.2013 No. 2060/24592.

<sup>2</sup> Regulations on State Migration Service of Ukraine. Approved by Government Decree as of 20 August 2014 No. 360.



Podil is a historic neighborhood in Kiev. It is one of the oldest neighborhoods of Kiev

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## 2.4. Advocacy

There is a powerful advocacy in Ukraine that ensures the implementation of protection, representation and provision of other types of legal assistance on a professional basis as a non-governmental self-governing institution.

Advocacy of Ukraine is made up of all lawyers of Ukraine who are entitled to perform a legal practice. In Ukraine, the legal practice is carried out by approximately 40 thousand lawyers, particularly in Kyiv there are more than 43000 lawyers.

If a foreigner has legal problems they should contact a lawyer. Lawyers that work as advocates are the best lawyers in Ukraine. They can reliably restore violated rights of foreigners and / or protect from unreasonable accusations of breaking the law for affordable pay comparing to European rates.

***The types of advocacy are:***

- Providing with legal information, advice and clarification, compilation of applications, complaints, proceedings and other legal documents;
- Protection of rights, freedoms and legal interests of detained, accused, convicted people, persons who are under consideration of issuing to foreign country (extradition) and people who are held accountable administrative responsibility;
- Providing legal assistance to the witness in criminal proceedings, victim representation in the proceedings of administrative offense, representation of the rights and obligations of the victim in criminal proceedings;
- Representation of interests of foreigners in courts during the implementation of civil, commercial, administrative proceedings and in other state agencies.

*Advocates are forbidden to:* use their rights against the rights of the client; disclose information that constitutes advocacy secrets; refuse legal assistance.

Activities of the advocates *are associated with lawyer confidentiality*. It contains any information that has become known to the lawyer and also some matters upon which the foreigner spoke to a lawyer.<sup>1</sup>

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<sup>1</sup> On Advocacy and legal practice. Act as of 05.07.2012 No. 5076-VI.

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## 2.5. Notaries

Ukraine has an effective system of notaries as a system of agencies and officials entrusted with the duty to certify the law as well as the facts that have a legal meaning and to perform other notary acts in order to provide them with legal certainty.

*The notary must:* assist foreigners in the implementation of their rights and protection of legitimate interests, warn about consequences exerted by notary acts so that legal ignorance could not be used to harm them; keep the information received by him/her during notary acts confidential; refuse a notary action in case of inconsistencies with legislation or international agreements.

***Notaries commit the following main notary duties:***

- certify transactions (contracts, wills, powers of attorney, etc.);
- take measures to protect the ancestral property, issue a certificate of inheritance;
- carry out the description of the individual who is recognized as missing or whose residence is unknown;
- demonstrate authenticity of copies (photocopies) of documents and extracts from them, certify the authenticity of signatures on documents, *certify accuracy of translation of documents from one language to another;*
- certify the fact that: individual or legal entity is the executor of the will; the individual is alive; presence of a person in a particular location; time of submission of the documents;
- transfer the application of individual and legal entity to other individuals and legal entities;
- commit: executive inscriptions; marine protests;
- take deposits of the documents; act as the state registrars.<sup>1</sup>

Notaries receive a fee for their notary acts, an amount is determined by an agreement between the public notary and a foreigner. Ukraine has applied a liberal system of notaries' activities. There are many notaries in Ukraine. Notary services' prices are low, because there is a great competition between notaries.

Notary's offices are located on almost every crowded street (area). Typically, they are in residential homes on the second floor.<sup>2</sup> Signboards "HOTAPIYC" unfortunately are not striking and are not duplicated in

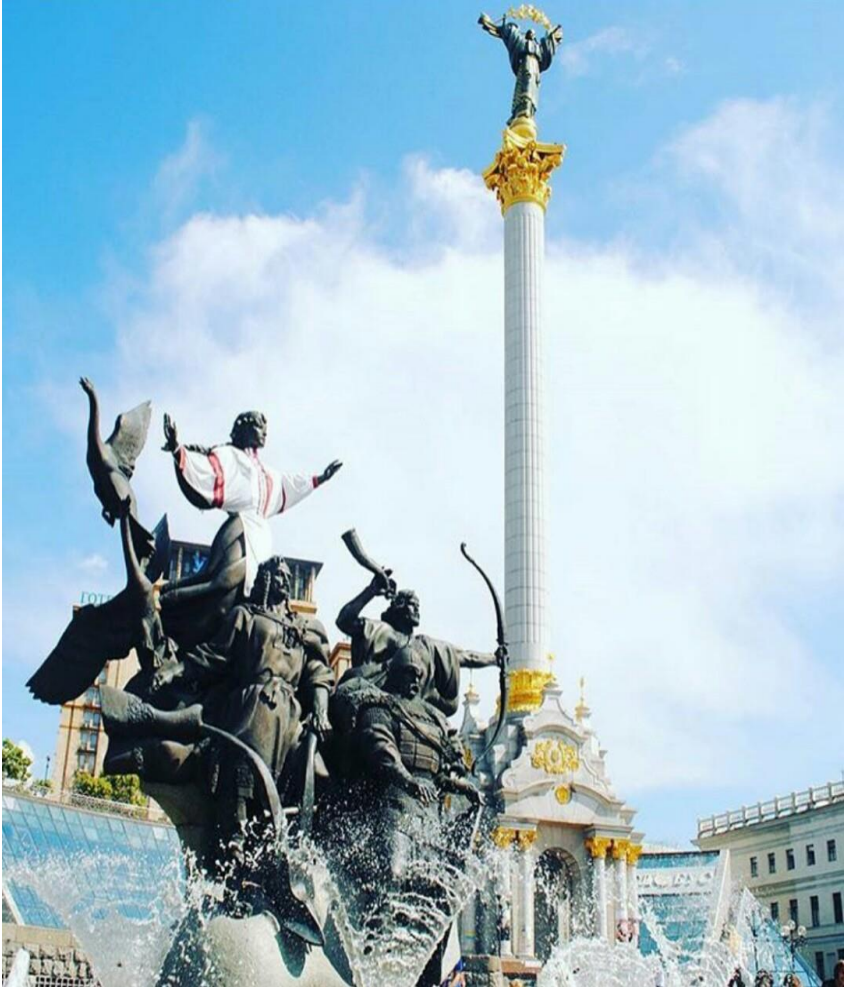
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<sup>1</sup> On Notary. Law as of 02.09.1993 No. 3425-XII

<sup>2</sup> The second floor in Ukrainian is the first floor by European standards

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English. Most notaries do not speak English, but understand the simple requirements expressed by foreigners in English. They have their own interpreters. After an appeal an individual should wait. Within an hour the public notary should provide a foreigner with an interpreter.



**Maidan Nezalezhnosti is the central square of Kiev**



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## **CHAPTER 3 USEFUL INSTRUCTIONS FOR FOREIGNERS**

### **3.1. Regulations on circulation of currency in Ukraine**

There are more than 90 banking institutions in Ukraine that guarantee financial stability. In Ukraine, any payments are paid by national currency (UAH). Hence, retail payments by foreign currency are illegal.

By the form of organization, exchange offices are different by legal nature, but all of them are legal. Some currency exchange offices do not meet EU standards on the quality of premises. However, in all of them the foreign currency can be exchanged. There haven't been any facts of fraud of foreigners.

As required by the resolution of the National Bank of Ukraine of 12.12.2002 No. 502 while exchanging foreign currency for UAH cash, the non-resident individual gets a Bank receipt (a No. 377 form). This receipt confirms operations with currency exchange and gives a non-resident permission to carry out a reverse exchange of unused hryvnas for the foreign currency. The receipt is valid for 6 months.

For the exchange a foreigner must apply to the exchange service, if the client needs a receipt (a No. 377 form), he has to present his ID that allows to determine that the person is not a resident of Ukraine. Otherwise there is no need to present any documents, if the exchange amount does not exceed the equivalent of 150 000 UAH.

A nonresident individual can only exchange foreign currency for the UAH at the bank (currency exchange), and do the reverse exchange of unused funds. Foreign individuals cannot buy foreign currency in Ukraine.

Of course an exchange rate may be higher on the black market comparing to official, thus it is not advised to use their services to avoid fraud.

It is also possible to conduct payments using bank cards in Ukraine. In Ukraine, payments are mainly carried out by bank payment systems - MasterCard, Visa. A foreign individual, with payment card can pay for goods and services and withdraw cash from ATMs without any problems.

If the ATM takes away the card, a foreigner should call the hotline of the bank that owns the terminal (phone number indicated on the ATM) and ask where he can come for his card and what he needs to do in order to get it back, and then follow received instructions.

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## 3.2. Regulations on sales of food products

Ukraine is fully provided with food products. Most of the food products meet the EU standards.

Trade in Ukraine is carried out on the basis of civil law. In the Civil Code of Ukraine trade is called "purchase and sale".

Under the contract of purchase and sale, one party (the seller) transfers (goods) to the possession of the other party (the buyer) and the buyer takes the property (good) and pay for it with a sum of money.<sup>1</sup>

All food products have the documents of conformity. Food products match the aspects of quality, safety, packaging, labeling, transportation and storage.

Low-quality and hazardous food products are not permitted in trade. The implementation of food products is allowed only for the duration of their life.

The contract of retail sale is public. In legal trade relations of "purchase and sale" three parties participate: the buyer, the seller and trade activity businessman. In case of violation of the rights of the buyer public authorities are included in these relations.

*The buyer has the right:* to examine the goods before buying, to demand replacement of the goods, or refuse the deal.

*The seller must:* provide a buyer with necessary and accurate information about the product; transfer qualitative goods; give the buyer a receipt.

*Businessman must:* provide customers with information about retail prices in national currency of Ukraine; in case of sale of low quality products - replace them with qualitative or return the money to the buyer.<sup>2</sup>

In case of violation of the rights of a buyer, a foreigner can complain with the State Service of Food Safety and Consumer Protection of Ukraine on. The main departments and units of the service are present in most areas.<sup>3</sup> For example, in Kyiv there is the main department of this Service: 04053, Kyiv, 10/8 Nekrasovska St., tel. +38 044 486 54 86, e-mail: [info@dpss.gov.ua](mailto:info@dpss.gov.ua)

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<sup>1</sup> The Civil Code of Ukraine. Law of 16.01.2003 No. 435-IV

<sup>2</sup> Rules of the retail food trade. Approved by the Ministry of Economy and European Integration of Ukraine of 11.07.2003 No. 185

<sup>3</sup> Regulations on the State Service of Food Safety and Consumer Protection of Ukraine. Approved by Government Decree as of 09.02.2015 No. 667

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### 3.3. Regulations on restaurant services

There are many quality establishments of catering (later referred as “a restaurant”) in Kyiv, regions, districts, cities, towns and villages, as well as airports, and train stations, where foreigners can safely have a delicious meal.

Establishments of restaurant service are divided into restaurants (first, high and lux class), bars, cafes, canteens, snack bars, and buffets, cafeterias where work talented Ukrainian chef cooks Ukrainian, European, Georgian, Armenian and other cuisines. Also there are many well-known fast food restaurants in Ukraine.

The restaurants use such methods of serving as a self-service, waiters’ services, combined, etc. Payments are made with cash and by noncash (credit cards).

A foreigner has the right to: read the menu, price lists of alcoholic and soft drinks, confectionery and tobacco products, fruit, provided additional services prior to the service; check volume, weight and price of products that are to be sold (or provided services), check if they match their quality with regulatory requirements.

When deficiencies are noticed the restaurant is obliged to (by the choice of a customer): eliminate flaws for no cost; reduce the amount of payment; substitute with a similar product or service; fully reimburse the customer.

More than half of the area in the restaurant must be assigned for the people who do not smoke. On the territory for non-smoking people, smoking of any tobacco products is not allowed.

Restaurants are required to ensure the safety of consumers’ items at the checkrooms. The book of feedbacks and suggestions shall be placed in a visible and accessible place.<sup>1</sup>

Almost all of the restaurants in Ukraine serve safe and tasty dishes. However, in high class restaurants there is a better service, decor, interior, etc. In such restaurants, waiters usually a good command of English.

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<sup>1</sup> Regulations on establishments (companies) of the restaurant industry. Approved by the Ministry of Economy and European Integration of Ukraine as of 24.07.2002, No. 219.

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### 3.4. Regulations on hotel services

The number of comfortable hotels in Ukraine is constantly increasing. There were about 4,500 hotels, of which almost 3,300 were connected to the system «booking.com» in 2016. For example, in Kyiv there are 160 hotels with a total room number of more than 11000 rooms.

In Ukraine hotels are voluntary certified for the acquiring of categories from "\*" to "\*\*\*\*\*" stars based on the norms of Ukrainian legislation, which are close to EU standards.<sup>1</sup>

Some hotel owners do not pass the voluntary certification. This does not mean that the quality of the service in these hotels is bad. Among them there are hotels with the high level of service as well as the low level. Regardless of the category, the presence or absence of certification, these hotels provide proper temperature, sanitary and fire protection regulations.

The hotel room is provided to a foreigner upon presentation of a passport or personal ID. Contract of the hotel services provided to a foreigner is considered valid after the questionnaire and its ascertainment by the payment is completed. The payment is made in cash or by credit card (in UAH).

*The hotel must* provide a foreigner with following information: the price of a room; a list of basic services; price list and additional services provided for an extra payment; information on the form and procedure of payment; information about the operation of services, located in the hotel.

This information is brought to the attention of consumers in Ukrainian. The hotel is not required to provide this information in English. However, many hotels may give all of the required information in English to their customers.

*The hotel is entitled to:* enter into a contract with a foreigner for booking rooms and to apply free prices.

*The hotel is responsible* for the safety of things that are brought to the hotel by a foreigner who stays in it.

*A foreigner is obliged to* follow the rules, internal rules of accommodation in hotels and fire safety.<sup>2</sup>

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<sup>1</sup> Classification of hotels. National standard of Ukraine, SSTU 4269: 2003;

The procedure for establishing categories of hotels and other facilities intended for the provision of temporary stay (accommodation). Government Resolution from 29.07.2009 No. 803

<sup>2</sup> Rules of the use of hotels and similar places of accommodation and hotel services. Approved by the State Tourism Administration of Ukraine as of 16.03.2004 No. 19

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### 3.5. Terms of use of the ground transportation

Buses and taxis are the major types of transportation. A foreigner can order a **taxi** by phone, also from the airport. Taxis are available at the parking lots, but the transportation cost a bit higher. Ukrainian taxis and buses are safe, but the quality of comfort of some of them does not meet the EU standards. Some taxis do not have the uniform appearance.

*The passenger of the cab must:* enter and exit the vehicle from the right side after a full stop; not distract the driver from driving the cab; pay for the ride; smoking is not allowed while in the vehicle. According to the contract of transportation of a passenger, the bus carrier is obliged to transport a foreigner to his destination safely. A passenger is obliged to buy a ticket and to have it during the whole trip. Tickets can be bought on the bus, but sometimes the driver sells them.

*Passenger of the bus has the right:* for a safe transportation; to carry one piece of luggage; to declare the value of their baggage; to get needed information from the driver and bus staff; to ask for a compensation for damages.

*Passengers of the bus (taxi) are prohibited:* to distract the vehicle driver from driving; to travel without a ticket; to violate public order; to smoke inside the vehicle.

*Passenger of the bus must:* take place indicated in the ticket; enter (exit) the vehicle only after a full stop; have all required documents for entry into Ukraine.<sup>1</sup>

In big cities of Ukraine, foreigners can use the trams and trolley buses, and in the capital city of Kyiv, and cities of Kharkiv and Dnipro - the subway. All electric transportation is safe, but considerable part of trams and trolley buses are old. Metro provides comfort and quality that meet the EU standards.<sup>2</sup>

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<sup>1</sup> Regulations on providing public auto transport services. Approved by the Government Decree as of 18.02.1997 No. 176

<sup>2</sup> Terms of use of trams and trolleybuses in cities of Ukraine. Order of the Ministry of Construction, Architecture and Housing-Communal Services of Ukraine as of 09.10.2006 No. 329;

Terms of the Use of subway. Approved by Kyiv City Council as of 01.20.1995

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**Railway transportation** is safe. Most railroad cars are old, but new high-speed trains INTERCITY meet the quality and comfort standards of the EU.<sup>1</sup>

### **3.6. Regulations on mobile communication**

Almost the whole territory of Ukraine is covered by mobile communication. In the cities communication is available at «3G» level.

Upon arrival in Ukraine a foreigner can use his operator rate through international roaming of its Ukrainian mobile operator partner. However, it is more reasonable to buy a starter package of Ukrainian mobile operator. They are sold freely without identification (without an ID) at airports, railway stations, in the majority of stores, etc.

There are several payment methods for mobile services: a foreigner can pay at payment terminals that can be found in the airports, railway stations, other crowded places using cash; at bank terminals using credit cards or cash; mobile recharge cards that can be purchased at the stores. It is possible to see information in English while using the bank terminals.

Regulations on mobile communication in Ukraine de jure and de facto meet the EU standards. In particular, mobile services' customers have the right: to a state protection of their rights; free access to services; security of the services; free choice of the carrier, mobile services provider; to choose the type and quantity of services; free reception of information from the operators and providers; refusal to pay for services they have not ordered; free receipt from the operator, provider bills for rendered services; protection of the personal data and other information with restricted access.<sup>2</sup>

### **3.7. Regulations on attending football matches**

Ukrainian people like sports; the most popular among them is football. Ukrainian clubs take part in all international football competitions. Ukraine successfully held the football championship final Euro-2012.

Ukrainian fans are characterized as tolerant to foreign fans.

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<sup>1</sup> Rules for the carrying of passengers, baggage, cargo and mail by railway transport of Ukraine. Approved by the Ministry of Transport and Communications of Ukraine 27.12.2006 No. 1196

<sup>2</sup> Regulations providing and obtaining of telecommunication services. Approved by Government Decree as of 11.04.2012 No. 295

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However, there might occur some light conflicts before and after a football match. Some local norms have been established in order to prevent such conflicts.<sup>1</sup> The main of them was ratified by the Parliament the European Convention on violence and misbehavior by spectators at sports events, particularly football matches' spectators.

Safety of the foreign fans on the territory and on the stands of the stadium is provided by the private stewards. On the territory adjacent to the stadium, on escape routes and in public areas safety is provided by the police.

On a day of the match and during it, the surrounding area around the stadium become a pedestrian zone, they is heavily patrolled by the national police. Each ethnic group of foreign fans is provided with a separate sector of the stands.

*Football fans must:* fulfill legal requirements of stewards and police and inform them about the detected threats.

*It is prohibited:* to be intoxicated on the territory of the stadium; to make a fire; to carry weapons or other objects that can cause bodily injuries, explosives, fireworks, flammable and corrosive substances; to bring and / or consume alcoholic beverages; to move to a different sector.

**Entrance to the stadium is forbidden to fans who:** have no ticket; refuse personal inspection; bring prohibited items to the stadium; are in a state of intoxication; are under 14 years of age, and unaccompanied by an adult; are on a list of fans for whom attending football matches is prohibited.

For violation of regulations on attending football matches a fan can be asked to leave the stadium and/or brought to administrative responsibility.

After the football match, the town that held the game is characterized by moderate security level, so it is the best for foreign fans to stay in a group. It is not recommended to leave the city center, as the periphery police patrols are not always able to provide timely assistance for the foreigners.

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<sup>1</sup> On Physical Culture and Sports. Law as of 17.11.2009. No. 1724-VI;

On the participation of citizens in protection of public order and state border. Law as of 22.06.2000 No. 1835-III;

On the peculiarities of public order and public safety in connection with the preparation and holding of football matches. Act 08.07.2011 No. 3673-VI; Regulations on stadiums' infrastructure and security measures during football competitions, Approved by the Presidium of Football of Ukraine 29.02.2016 Protocol No.2.

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### 3.8. Regulations on employment of foreigners in Ukraine

A lot of foreigners live and work in Ukraine. According to the Law of Ukraine "On Legal Status of Foreigners and Stateless Persons" it is stipulated that foreigners and persons without citizenship who permanently reside in Ukraine as well as persons who were given a refugee status in Ukraine have the right to work in enterprises, institutions and organizations or engage in other labor activities on the grounds and in the manner that are established for the citizens of Ukraine.

The law of Ukraine "On Employment" determines peculiarities of hiring foreigners and stateless persons. It is envisaged that employers have the right to use the labor of foreigners according to an employment contract with the presence of a permit to employ the foreigners that is given to the employer by the State Employment Service.

The number of foreign physical individual entrepreneurs in Ukraine is increasing with increasing development of economy and simplification of legislation.

*There are several regulations made for foreigners willing to start business in Ukraine:*

- legalize their stay in Ukraine;
- get the identification number at the tax authorities;
- register their place of residence. It can be done with the territorial divisions of the State Migration Service of Ukraine.

According to the Tax Code of Ukraine foreigners are residents if they were registered as physical individual entrepreneurs.



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## Eurovision Song Contest 2017

The Eurovision Song Contest 2017 will be the 62nd edition of the Eurovision Song Contest. It will take place in the International Exhibition Centre in Kiev, Ukraine, following Ukraine's victory at the 2016 in Stockholm with the song "1944", written and performed by Jamala. This will be the second time the contest takes place in Kiev, after 2005, and the fourth Eurovision event after hosting the Junior Eurovision Song Contests in 2009 and 2013. The contest is expected to consist of two semi-finals on 9 and 11 May and the final on 13 May 2017.<sup>1</sup>



**The address of the Eurovision Song Contest 2017:**  
15 Brovarskoy Ave., UA-02660 Kyiv, Ukraine  
tel/fax: +38 (044) 201 11 56

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<sup>1</sup> Eurovision Song Contest URL: <http://www.eurovision.tv/page/history>

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# THE OFFICIAL ADVICES FROM GOVERNMENT OF UKRAINE

## General pieces of advice for your travelling to Ukraine.

Always carry your identity documents, preferably national passport with you;

In case you are travelling by car, please also take your driver's license, the vehicle registration certificate and the car insurance policy;

In case you are travelling by public transport, please buy tickets only at ticket offices at airports, bus or train stations, or via official mobile applications uploaded from the AppStore, GooglePlay, MicrosoftStore etc.;

Use only licensed accommodations (hotels, hostels, apartments) for overnight stay; Do not leave your belongings unattended; Use only banking institutions for currency exchange; Avoid staying in deserted places, especially in the evening; Avoid contacting aggressive mobs. If it is impossible to avoid such contact, please show no fear, minimize communication and be polite, do not react on provocations and try to leave this place. In case of danger do not hesitate to make a noise and escape; Do not participate in gambling; Do not drink alcohol in public places (streets, parks, stadiums, railway stations, airports, public transport etc.), while driving or with strangers.

### ***If you are traveling with children:***

- Do not leave a child alone;
- Explain to a child how to behave with strangers (not follow them, take nothing from them) and in case he or she is lost;
- Provide a child with cell phone or your business card;
- Immediately contact police in case your child is lost.

### ***If you need help:***

- Contact fire guard (101), police (102) or ambulance (103) by phone;
- Ask passerby about the nearest police station or police patrol to request help or report offence;
- Ask passerby about the nearest medical facility to request help or attest injuries;
- Report to the diplomatic mission of your country.

### ***Police preventive and coercive powers:***

- 
- To stop persons and interview them or search them, check their documents or belongings;
  - To stop vehicle and interview its driver or passengers, search them, check their documents or belongings and vehicle itself;
  - To require from people to leave certain area or do not enter places, where it's forbidden to stay for the reasons of public order, protection of life and health or preservation of crime scene;
  - To use physical force, special means (rubber and plastic batons, handcuffs, tear gas, etc.) and firearms with the purpose to stop offences (depending on risk level).

## **What should you know if you have been detained by an administrative procedure?**

### ***Your rights:***

- to have public lawyer;
- to know the position, name and surname of the person who has made the protocol;
- to be notified in understandable language about the reasons for detention;
- to inform immediately the relatives, owner of the enterprise, institution, organization or authorized body on detention (by a law enforcement officer);
- to make appeals against the actions under administrative detention to court or to the body or person to which the official / authority that used these actions is accountable for (detention, inspection, seizure of driver's license, etc.);
- to receive compensation, if any actions will be declared to be illegal

### ***You are obliged:***

- be polite, behave with dignity;
  - fulfill legal requirements of a law enforcement officer.
- The term of administrative detention: the general rule - no more than three hours.

### ***Exceptions:***

Illegal crossing (crossing attempt) of the state border of Ukraine; violation of turnover of narcotic drugs and psychotropic substances – no more than three days with a mandatory notification of the prosecutor within 24 hours after detention.

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## What should you know if you are a victim of unlawful behavior?

If you are not able to appear once summoned at the prescribed time due to good causes, you must inform the person who summons you about this. If the investigating officer does not summon you for a long time, you should address him yourself and find out how the proceedings are developing.

### ***Rights of a victim:***

A victim has the following rights, among others (Article 56 of the CPC of Ukraine):

- to refuse to testify or provide statements in respect of himself/herself, family members or close relatives (Article 63 of the Constitution of Ukraine);
- to testify, provide statements in mother tongue in which he/she is fluent to provide evidence
- to have a representative;
- for securing safety in respect of himself/herself, close relatives, property or home;
- for reimbursement of caused damages;
- to receive copies of procedural documents;
- to read materials of the criminal proceeding;
- to challenge decisions, actions or omissions of an investigating officer, prosecutor, court.

If you disagree with the decision not to enter information into the Uniform Register of Pre-Trial Investigations, refusal to recognize you as a victim or criminal proceeding closure, such decisions may be appealed before an investigating judge (Article 303 of the CPC of Ukraine).

### ***IT IS IMPORTANT!***

Only the status of a victim will enable you to read the case files, file requests, find out about the pre-trial proceeding development and file a civil suit for the recovery of pecuniary and/or non-pecuniary damages.

### ***First visit to the police office***

Upon expiry of 24 hours after the notice on crime commitment, you may address a police office and find out whether information on the crime was entered into the Uniform Register of Pre-Trial Investigations, who was appointed as an investigating officer and which number was assigned to the criminal proceeding.

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Once certain time expires, the investigating officer will summon you, by phone or mail, for carrying out of investigating actions.

You must take with you to the police office the following:

- passport or another document identifying your person documents confirming your title to the property that is a crime subject (sale-purchase agreement, gift agreement, receipts etc.);

- documents confirming the amount of the damage caused to you (checks, receipts, goods delivery notes, etc.);

- medical documents confirming health deterioration as a result of unlawful behavior (hospital discharge lists, temporary disability leaves, doctors' certificates, etc.);

- information on persons who may be witnesses, their contact details and phone numbers

## What you should know if you have been detained

You are entitled to have a lawyer at the state's expense not later than 2 hours after being detained (for the entire term of your detention)

To identify yourself you may inform the police officer about your last name, first name, patronymic and date of birth You have the right to refuse to talk to a police officer before you talk to a lawyer (not to testify, not to reply to questions), right not to sign any documents

Provide last name, first name, address or phone number of a family member, close relative or another person (upon your choice) who must be immediately informed about you being detained

You have the right to be immediately informed, in the language known to you, of the grounds for being detained (what is the crime in which you are suspected)

You don't have to prove your innocence

You have the right to inform a consular mission about your detention if you are a citizen of another country.

Please tell the police a phone number of the consular mission (if known to you)

### ***Please note:***

A person is considered as detained not from the moment of compiling the protocol of detention, but from the moment when (s)he, by force or complying with an order, was forced to remain next to an authorized officer (or in the premises determined by the law enforcement officer)

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the detained person shall be handled same as a person who is not guilty your refusal from a lawyer will not help to accelerate your release.

Refusal from a lawyer provided at the expense of the state may be possible only in his/her presence

You have the right to consult with your lawyer at any time

## **What you should know if you are a witness**

### ***Duties of a witness:***

- to appear once summoned before an investigating officer, prosecutor, investigating judge or court. If you do not come once summoned without good cause, you may be subject to detention, i.e., forced delivery to court in connection with your evasion from voluntary attendance once summoned without good cause at the specified time;

- to give truthful testimony. Please remember that there is criminal liability provided for false testimony;

- not to disclose, without consent of an investigating officer, prosecutor, court, information of which you became aware as a witness. Not to disclose, without consent of an investigating officer, prosecutor, court, information which directly relates to the merits of the criminal proceeding and procedural actions that are being carried out (were carried out) during such proceeding;

- A witness is obliged to appear once summoned regardless whether he/she has, according to the law, the right to refuse to testify;

- If a witness fails to appear once summoned without good cause or if he/she does not inform about the reasons for his/her failure to appear, money penalty shall be imposed on such witness!:

- penalty applicable for the failure to appear before an investigating officer or a prosecutor is imposed in the amount ranging from 0.25 to 0.5 amounts of the minimum salary;

- penalty applicable for the failure to appear before an investigating judge or court is imposed in the amount ranging from 0.5 to 2 amounts of the minimum salary.

### ***Please note:***

- before the questioning an investigating officer shall be obliged to verify the witness identity, explain his/her rights and the procedure for the questioning;

- each witness will be questioned separately, in the absence of other witnesses and third parties who have no relation to the criminal proceedings (including law enforcement officers);

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- the questioning may not continue without a break for more than two hours, and in total for more than eight hours per day In the future, in court each witness will be questioned separately. Witnesses come to the court hearing premises by turn. Witnesses who have not yet testified do not have the right to be in the premises while the court hearing continues.

***Rights of a witness:***

- to know in connection with which and in which criminal proceeding you are being questioned;
- to use legal aid of a lawyer while testifying, participating in other procedural actions;
- to refuse to testify against himself/herself, close relatives and members of one's family, as well as in respect of information not subject;
- to disclosure to testify in mother tongue or another language in which you are fluent and use help of an interpreter;
- to use notes and documents in those cases when testimony relates to any calculations and other information which is difficult;
- to hold in one's memory to read the minutes of the interview and make requests as to making changes, supplements and comments thereto, as well as make such supplements and comments himself/herself;
- to file requests to secure safety in cases prescribed by law;
- to file objections to an interpreter.<sup>1</sup>

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<sup>1</sup> The National Police. Official site <https://www.npu.gov.ua/uk/publish/article/2151447>

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