



Ministerie van Buitenlandse Zaken

Thematic Country of Origin Information
Report on citizenship and immigration
legislation in Moldova and Ukraine

Date 17 June 2024
Status Definitive

Publication details

Version number	3
Town/city	The Hague
Project leaders	

Appendices

Authors

Disclaimer:

The Dutch version of this report is leading. The Ministry of Foreign Affairs of the Netherlands cannot be held accountable for misinterpretations based on the English version of the report.

This translation has been co-funded by the European Union.



Contents

	Introduction	5
1	Legislation on citizenship and immigration in the Soviet Union.....	6
1.1	The collapse of the Soviet Union.....	6
1.2	Citizenship in the former Soviet Union	6
2	Moldova.....	8
2.1	Citizenship in Moldova.....	8
2.1.1	Important changes during the reporting period	8
2.1.2	General procedures	8
2.1.3	Proof of citizenship (Article 5)	9
2.1.4	Multiple citizenship	9
2.1.5	Acquisition of citizenship	10
2.1.6	Loss of citizenship	18
2.1.7	Transitional law after the collapse of the Soviet Union.....	20
2.1.8	Statelessness.....	21
2.1.9	Role of diplomatic representations	23
2.1.10	Transnistria	23
2.2	Legislation on aliens in Moldova	25
2.2.1	Regular migration.....	25
2.2.2	Asylum migration	26
2.2.3	Residence status of Ukrainians in Moldova	26
2.2.4	Displaced persons in the Soviet era	27
2.3	References	28
3	Ukraine.....	30
3.1	Citizenship in Ukraine	30
3.1.1	Most important changes during the reporting period	30
3.1.2	Demonstrating citizenship	30
3.1.3	Role of authorities	31
3.1.4	General citizenship procedures.....	32
3.1.5	Replacement of missing documents	32
3.1.6	Multiple citizenship	34
3.1.7	Acquisition of citizenship	35
3.1.8	Loss of citizenship	42
3.1.9	Transitional law after the collapse of the Soviet Union.....	45
3.1.10	Statelessness.....	45
3.1.11	The temporarily occupied territories in Crimea, Kherson, Donetsk, Luhansk, Zaporizhzhia	48
3.2	Immigration legislation in Ukraine	55
3.2.1	Regular immigration	55
3.2.2	Asylum migration	56
3.2.3	Russians in Ukraine	56
3.3	References	58

Introduction

This Country of Origin Information (COI) Report was drawn up on the basis of the questions asked and points for attention mentioned in the Terms of Reference (ToR) compiled by the Ministry of Justice and Security. The ToR for this COI Report were adopted on 25 September 2023. The ToR, together with the report, are available on the website of the Dutch Government.

This Thematic COI Report describes legislation on citizenship and immigration law in Moldova and Ukraine. This COI Report is part of a series of Thematic COI Reports on a number of countries that were previously part of the former Soviet Union¹. This is an update of an earlier Thematic OCI Report from 2011 on the same topic.² The reporting period of this COI Report covers the period from May 2011 to March 2024. This COI Report is a factual, neutral and objective account of the findings during the period under review. It is not a policy document, nor does it reflect the Dutch government's vision or policy in relation to any given country or region. It does not contain any conclusions concerning immigration policy.

This COI Report has been compiled on the basis of public and confidential sources, using carefully selected, analysed and verified information. In the compilation of this report, use was made of information from various sources, including non-governmental organisations (NGOs), specialist literature, media reporting and relevant government agencies. Except where the facts are generally undisputed or unless stated otherwise, the content in this report is based on multiple sources. The public sources that were consulted are listed in the appendices of this COI Report. Sources that were available only in Romanian, Ukrainian or Russian were translated using eTranslation³ and supported by an additional source where possible.

Some of the information used was obtained through interviews with sources on the ground, during a fact-finding mission and online, and through the Dutch diplomatic representations in Ukraine and Moldova. The information gleaned in this way was used mainly to support and augment passages founded on publicly available information. Each of these sources is marked as a 'confidential source' in the footnotes, along with a date indication. Where possible, information obtained from a confidential source is supported by information from another source.

Chapter 1 concerns legislation on citizenship and immigration during the time of the Soviet Union. Chapter 2 concerns legislation on citizenship and immigration in Moldova and its application in practice. Chapter 3 concerns legislation on citizenship and immigration and its application in Ukraine.

¹ Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Ukraine, Uzbekistan, the Russian Federation, Tajikistan and Turkmenistan.

² See the [Thematic Country of Origin Information Report](#) on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011.

³ See https://commission.europa.eu/resources-partners/etranslation_en.

1 Legislation on citizenship and immigration in the Soviet Union

1.1 The collapse of the Soviet Union

The statehood of the Soviet Union came to an end in December 1991. At that time, the Soviet republics that had not yet declared their independence also gained their independence. With the exception of Estonia, Latvia and Lithuania (which joined the European Union in 2004), the countries that were previously part of the former Soviet Union then united to form the Commonwealth of Independent States (CIS).⁴

All former republics have introduced their own legislation on citizenship and immigration since 1991. The new laws of the countries that had been part of the former Soviet Union were not identical, nor did they enter into force simultaneously. In some states, the old Soviet legislation remained in force for an extended period in the absence of new legislation.

After the collapse of the Soviet Union, millions of migrants began to arrive in the former Soviet countries. This consisted largely of Soviet citizens who, after the collapse of the Soviet Union, found themselves in a state with which they did not feel any primary relationship. Other reasons to migrate included armed conflicts and differences in prosperity.

To combat statelessness amongst these groups of migrants, and partly at the urging of the Organisation for Security and Cooperation in Europe (OSCE), the Council of Europe and the UNHCR, simplified citizenship-application procedures were created in many countries that had formerly been part of the Soviet Union. In general, this procedure applied only to stateless former Soviet citizens, and particularly to individuals who were not residing in the state in question, but who possessed the ethnicity (*natsionalnost*)⁵ of or had been born in that state.

1.2 Citizenship in the former Soviet Union

The first Soviet Citizenship Act dates back to 1924. This was followed by the laws of 1930, 1931, 1938, 1978 and, most recently, 1990. Citizens of the Soviet Union had a Soviet domestic passport containing a residential registration in the form of a stamp or an insert (the *propiska*). The domestic passport also listed ethnicity (*natsionalnost*). The acquisition of citizenship at birth was based on descent (*ius sanguinis*). This meant that children acquired Soviet citizenship through their parents, regardless of their place of birth.⁶

In the Soviet Union, an individual was both a Soviet citizen and a citizen of a separate republic. Citizenship of the republic was determined by permanent residence (*propiska*), and it changed automatically upon settling in another republic.

⁴ At present, not all countries are still members. For example, Ukraine, Georgia and Moldova have exited.

⁵ 'Natsionalnost' does not have the same meaning as the English 'nationality'. For the sake of clarity, only the terms 'citizenship' and 'ethnicity' have been used in this Country of Origin Information Report, and the term 'nationality' has been avoided.

⁶ See the [Thematic Country of Origin Information Report](#) on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011.

Multiple citizenship was not recognised in the Soviet Union. Loss of citizenship was possible in case of long-term residence abroad, and it could occur only by decree of the Supreme Soviet⁷. Individuals born and living in the Soviet Union could be deprived of citizenship. This almost never happened, and it usually involved individuals who had been identified as dissidents by the Supreme Soviet.⁸

⁷ The highest legislative body of the Soviet Union.

⁸ See the [Thematic Country of Origin Information Report](#) on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011.

2 Moldova

The Republic of Moldova (Republica Moldova) declared itself sovereign on 23 June 1990, and it gained formal independence from the Soviet Union on 27 August 1991. The official language is Moldovan.⁹ In 2023, the country had a population of 3,250,532. According to a 2014 estimate, the population composition was as follows: ethnic Moldovans (75%), ethnic Romanians (7%), ethnic Ukrainians (6.6%), Gagauz (4.6%), ethnic Russians (4.1%), ethnic Bulgarians (1.9%) and other ethnicities (0.8%).¹⁰

2.1 Citizenship in Moldova

In Moldova, Citizenship Law No 1024 of 2 June 2000 has been in force since 10 August 2000.¹¹ Since the previous COI Report of 2011,¹² several legislative changes have been made. This section describes the law as it was in force at the time of publication of this COI Report. Changes since 2011 are explicitly explained, where relevant.

2.1.1 *Important changes during the reporting period*

The most important change during the reporting period concerned the extension of eligibility for Moldovan citizenship by recognition from two to three generations in the descending line (see [3.1.5.3](#)).¹³ In addition, naturalisation was made available to investors in Moldova in August 2018, but abolished again in 2020 (see [3.1.5.2](#)).¹⁴ Since late 2011, Moldova has had a new statelessness procedure that is generally seen as accessible (see [2.1.8](#)). Until 2018, Moldova was the only country in Europe with unconditional provisions of *ius soli*, granting citizenship to all children born in Moldova. However, since 2018, the condition of lawful residence of one of the parents has been added, unless this would place the child at risk of statelessness (see [2.1.5.1](#)).

2.1.2 *General procedures*

Decision-making power on citizenship issues is distributed as follows. Applications for citizenship by naturalisation, recognition or confirmation are taken by the ASP¹⁵; applications for re-acquisition, naturalisation based on special merit or loss of Moldovan citizenship are directed to the president.¹⁶

Citizenship decisions may be appealed to the court within six months, as can refusal of consideration, dismissal, conduct on the part of an official or untimely decision.¹⁷

⁹ A very similar Moldovan variant of the Romanian language is spoken and written in Moldova.

¹⁰ CIA World Fact Book, [Moldova](#), accessed 11 April 2024.

¹¹ The text of the law in Romanian is available at the following website: [LP1024/2000 \(legis.md\)](#).

¹² See the [Thematic Country of Origin Information Report](#) on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011.

¹³ See Article 1 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended 8 June 2023. The extension to three generations was introduced in [Amendment](#) 132, dated 21 December 2017, published on 19 January 2018 and in force since 19 April 2018.

¹⁴ Global Citizenship Observatory, [Moldova Repeals its Short-lived but Controversial Citizenship by Investment Scheme](#), 12 February 2021; [website](#) Moldova Citizenship by Investment, accessed 11 October 2023.

¹⁵ Public Services Agency, *Agentia Servicii Publice ASP* (see <https://www.asp.gov.md/en>).

¹⁶ See the ASP [website](#), accessed 10 November 2023.

¹⁷ Articles 41 and 42 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

Proof of applications to acquire citizenship, or the loss thereof, is provided upon request and for a fee.¹⁸

2.1.3 *Proof of citizenship (Article 5)*

Under the Citizenship Act,¹⁹ Moldovan citizenship is proved with the ID card, passport and, in the case of children, with the birth certificate or, possibly, with certain other documents issued by the Moldovan authorities. Individuals who do not have such documents, and who have acquired and retained Moldovan citizenship in accordance with previous or current legislation, may have their citizenship confirmed by the authorities in Moldova or at diplomatic representations abroad.²⁰ As of 1 January 2023, Belgium, the Netherlands and Luxembourg no longer recognise Moldovan passports whose validity has been extended.²¹

According to Moldovan authorities, the following documents can also serve as indicative proof to substantiate prior acquisition and/or retention of Moldovan citizenship. Depending on the applicant's situation, as many of the following documents as possible should be submitted:²²

- A birth certificate,²³ marriage certificate, divorce certificate or court order (if applicable), any foreign documents from the civil registry;
- Documents confirming the individual's lawful principal residence at the time of the application; to this end, a combination of documents may serve as direct or indirect evidence, along with statements from the applicant and other individuals involved. These individuals must be residing in Moldova and able to identify themselves.
- Official documents substantiating address of residence and evidence of past residence in Moldova;
- A Soviet passport (1974 model);
- Moldovan or foreign documents relating to criminal history (if applicable);
- Any documents relating to government benefits or pension;
- Documents issued by educational institutions;
- A list of information, details and names of family members relevant to the application.

2.1.4 *Multiple citizenship*

In Moldova, multiple citizenship is possible in certain cases. Under Moldovan law, however, people with multiple citizenship are regarded as having Moldovan citizenship only. They thus have the same rights and obligations as all other Moldovans.²⁴ For example, individuals with both Moldovan and another citizenship are subject to compulsory military service if they are residing within Moldovan territory.²⁵

¹⁸ Confidential source dated 1 December 2023.

¹⁹ Article 5 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

²⁰ See the ASP [website](#), accessed 3 November 2023.

²¹ This decision was taken by BNL in respect of Moldovan passports whose validity expired between 1 January 2020 and 31 December 2022. Moldova regarded these passports as automatically extended until 30 June 2023; confidential source dated 26 May 2022. See also the [website](#) of the European Council, accessed 10 November 2023.

²² See Article 5 of the Citizenship Act and the ASP [website](#), accessed 3 November 2023.

²³ In the absence of a birth certificate — for individuals born before 1945 or individuals admitted to children's homes before 2013 — a declaration of a Soviet passport (1974 model) or an extract from the population register will suffice.

²⁴ For example, since 2023, the law has stipulated that the director of the Moldovan security service may not hold dual citizenship. According to one source, this is the only restriction for people with dual citizenship. Confidential source dated 30 November 2023.

²⁵ Articles 24-26 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

Moldovans can adopt another citizenship without having to renounce their Moldovan citizenship. The acquisition of another citizenship by a Moldovan thus does not lead to the loss of Moldovan citizenship.²⁶

Since 18 July 2003, multiple citizenship was already possible in certain cases:²⁷

- acquisition of both Moldovan and another citizenship at birth;
- automatic acquisition of another citizenship through marriage;
- acquisition of another citizenship during legal minority as a consequence of adoption;
- multiple citizenship arising from international agreements;
- if the person in question acquired Moldovan citizenship through naturalisation. This provision was repealed, however, with effect from 1 September 2020;²⁸
- if renunciation of the other citizenship by applicants for naturalisation is not allowed by the other country or cannot be reasonably expected;
- in other cases provided for by law;
- if the president decides in the national interest to grant Moldovan citizenship to an alien, this may also lead to multiple citizenship.

Common other citizenships

A 2009 amendment to Romanian legislation made Romanian citizenship accessible to third-generation descendants of people born in former Romanian territory. This also applied to people with principal residence outside Romania (e.g. in Moldova).²⁹

In spring 2020, Russia introduced new amendments to the Russian Citizenship Act, which will make it easier for citizens of Moldova³⁰ (amongst other countries) to acquire Russian citizenship. They do not have to meet any income requirement, nor are they required to have their principal residence in Russia.³¹

2.1.5 *Acquisition of citizenship*

Moldovan citizenship is acquired by birth, adoption, recognition, re-acquisition or naturalisation. The various procedures are described below.

Grounds for refusal of citizenship acquisition by naturalisation, recognition or re-acquisition are objections relating to the public order, providing false information, withholding relevant information or otherwise failing to comply with legal requirements. Documents pertaining to criminal history must go back to the

²⁶ Article 24 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023; confidential source dated 1 December 2023.

²⁷ NOTE: Although multiple citizenship is allowed in some cases, Moldovan citizenship always takes precedence over foreign citizenship in terms of the rights and obligations of the person in question. See also Ministry of Foreign Affairs, Thematic Country of Origin Information Report on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011, p. 10; Article 24 of the Citizenship Act, subsequent amendments.

²⁸ See also the [Amendment](#) of 18 June 2020, with regard to the Citizenship Act of the Republic of Moldova, with effect from 1 September 2020.

²⁹ These areas also include Bessarabia and Northern Bukovina, which is now part of Moldova. Global Citizenship Observatory, Knott, Eleanor, [Recent Updates to Moldovan Citizenship Legislation](#), February 2021. According to press reports, more than 1 million Moldovans have also obtained Romanian passports. See Euractiv, [Moldova in search of experts for EU talks after massive migration](#), 30 June 2023.

³⁰ As well as those from Ukraine, Belarus and Kazakhstan.

³¹ Middle East Institute, [The role of the West in countering Russian Passportization in the Black Sea](#), 16 November 2020; Articles 13 and 14(2n); Articles 13 and 14(2n) Russian Federal Law of 31.05.2002 N 62-FZ 'On Citizenship of the Russian Federation'; OFPRA, [L'acquisition de la citoyenneté russe par naturalization](#), 27 October 2020.

applicant's fourteenth year of age, and they must be provided from both the country of citizenship and any other country of previous residence.³²

2.1.5.1 Acquisition by operation of law – by birth, adoption or guardianship (Articles 11-13)

Acquisition by birth

Acquisition by birth means that people automatically have citizenship. They do not have to do anything else for this, and they can obtain confirmation of their citizenship by requesting it from the authorities (see Section 9).

*Ius sanguinis*³³

A child born to at least one Moldovan parent acquires Moldovan citizenship by operation of law.³⁴

*Ius soli*³⁵

Moldova applies *ius soli*, meaning that every child born in Moldovan territory acquires Moldovan nationality. Until 2018, Moldova was the only country in Europe with unconditional provisions of *ius soli*.³⁶ Since April 2018, the condition has been added that one of the parents must have lawful residence or be recognised as stateless.³⁷ The condition of lawful residence on the part of at least one parent does not apply if not acquiring Moldovan citizenship would place the child at risk of statelessness.³⁸

If a child qualifies for multiple nationalities in the aforementioned cases, the parents decide on the acquisition of Moldovan citizenship. If the parents disagree, a court will decide on citizenship. Ties to Moldova and the best interests of the child are paramount in this regard. For children 14 years of age or older, consent by notarial declaration of the child is required.³⁹

Children discovered as foundlings are automatically considered Moldovan, unless another nationality is revealed before their 18th birthday.⁴⁰

Acquisition by adoption and by guardianship

Adoption of a stateless child by one or more Moldovan citizens automatically leads to Moldovan citizenship. If one of the adoptive parents has a different nationality, however, the parents jointly decide on the child's nationality. If the adoptive parents do not agree, a court will decide on citizenship. Ties to Moldova and the best interests of the child are decisive factors in this regard. Children 14 years of age or older express their consent through a notarial declaration. Should the adopted child hold or have acquired another citizenship through one of the adoptive parents, the

³² Article 20 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023; confidential source dated 1 December 2023.

³³ Latin: right of blood

³⁴ Article 11(1a) of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

³⁵ Latin: right of the soil

³⁶ See GlobalCit, [Comparative Report: Citizenship in Central and Eastern Europe](#) by Costica Dumbrava, April 2017, p. 3.

³⁷ The condition of lawful residence was introduced into law on 21 December 2017, with effect from 19 April 2018. By legislative amendment dated 8 June 2023, effective from 1 November 2023, this condition does not apply if statelessness is imminent for a child born in Moldova. See [Legislative Amendment](#) dated 12 December 2017 and [Legislative Amendment](#) dated 23 June 2023; see also confidential source dated 1 December 2023; confidential source dated 30 November 2023; confidential source dated 1 December 2023; interview 30 November 2023.

³⁸ Article 11(1c) of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023;

³⁹ Article 11(3) of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

⁴⁰ Article 11(2) of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

GlobalCit, [Comparative Report: Citizenship in Central and Eastern Europe](#) by Costica Dumbrava, April 2017, p. 3.

child must renounce that other citizenship to be eligible for Moldovan citizenship. Exceptions to this may apply under international treaties.⁴¹

In the event that the adoption is reversed or annulled and the adopted child has primary residence outside Moldova, the award of Moldovan citizenship will also be revoked retroactively.⁴²

A stateless child placed under the guardianship of two Moldovan guardians or of one Moldovan guardian and one stateless guardian automatically acquires Moldovan citizenship. If there is one Moldovan guardian and one foreign guardian, the guardians can decide on the child's citizenship by mutual agreement. If the guardians do not agree, a court will decide on citizenship, with ties to Moldova and the best interests of the child being decisive factors. Children 14 years of age or older express their consent through a notarial declaration. If the child qualifies for another citizenship, the child must renounce that other citizenship in order to qualify for Moldovan citizenship.⁴³

2.1.5.2 Acquisition by naturalisation (Article 17)

Acquisition of Moldovan citizenship by naturalisation is subject to conditions of lawful principal residence, renunciation of previous citizenship, knowledge of the Romanian language and Moldovan culture, and an income requirement.⁴⁴ These requirements differ by target group, as described below.

Principal residence

The minimum duration of lawful principal residence, counting from the date of the right of residence in Moldova, is established as follows:⁴⁵

- for ten years; or
- eight years for stateless persons, asylum status holders and recognised refugees; or
- five years for minor applicants; or
- three years for spouses married to a Moldovan citizen for at least three years; or
- three years for relatives in the ascending or descending line of Moldovan citizens; or
- in case of re-acquisition (see [3.1.5.3](#)): five years for applicants who have held Moldovan citizenship in the past and who have public-order issues other than serious acts detrimental to the interest of the State.⁴⁶

The principal residence throughout the above duration must have been continuous. Principal residence is interrupted by emigration, by revocation of the right of residence or revocation of recognition as a stateless person, and by a gap between two residence permits.⁴⁷

⁴¹ Article 13 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023;

⁴² Article 13 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023;

⁴³ Article 15 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

⁴⁴ GlobalCit, [Comparative Report: Citizenship in Central and Eastern Europe](#) by Costica Dumbrava, April 2017, p. 3.

⁴⁵ The starting date of principal residence is the effective date of lawful residence. For aliens, it is the date of the positive decision on a residence application. Proof of principal residence can be the order, residence document or information from the population register (see Article 17 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023); IOM, [Migration Governance Snapshot: The Republic of Moldova](#), May 2018. See also GlobalCit, [Comparative Report: Citizenship in Central and Eastern Europe](#) by Costica Dumbrava, April 2017.

⁴⁶ Article 16 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

⁴⁷ Article 17 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

Civic integration exam

Applicants must demonstrate their knowledge of the Moldovan constitution and the Romanian language by means of a civic integration exam. The following are exempt:

- retirees;
- people with permanent disabilities that prevent them from taking a civic integration exam.

Children naturalising along with their parents

Minor children whose parents have applied for naturalisation acquire Moldovan citizenship on the same date that their parents acquire Moldovan citizenship. In case only one parent is applying for naturalisation, both parents must consent to the child acquiring Moldovan citizenship. If the parents do not agree, a court will decide on citizenship, with ties to Moldova and the best interests of the child being paramount.

Children 14 years of age or older express their consent through a notarial declaration.

Naturalisation for investors

An accelerated route to Moldovan citizenship for investors from €100,000 in Moldova was introduced in the second half of 2018, but was completely abolished on 1 September 2020, following various moratoria.⁴⁸

Ethnicity

Ethnicity plays no role in the acquisition or re-acquisition of Moldovan citizenship.⁴⁹

Naturalisation procedure

Applications for naturalisation are submitted either in person or by a notarised agent at an ASP office. The processing time for an application to the ASP is one year, and fees are payable.⁵⁰

The following documents are required for the application:

- identity document;
- passport or travel document and residence permit for aliens; or the identity document for stateless persons and refugees; or the residence permit for political refugees;
- the identity document of the legal representative or guardian in case of a minor applicant;
- notarial authorisation, if applicable;
- civil status documents and birth certificates of minor children. In addition, other documents substantiating changes in personal information and addresses, including marriage certificates, divorce certificates, name change certificates, extracts from the civil registry (with all corresponding changes) and foreign documents;
- a life-history description, including dates of settlement in Moldova, marriage (if applicable), registered address, employment and details concerning spouse, children and parents;
- proof of address and family composition;

⁴⁸ Global Citizenship Observatory, Knott, Eleanor, [Recent Updates to Moldovan Citizenship Legislation](#), February 2021; Global Citizenship Observatory, [Moldova Repeals its Short-lived but Controversial Citizenship by Investment Scheme](#), 12 February 2021; Moldova Citizenship by Investment [website](#), accessed 11 October 2023.

⁴⁹ GlobalCit, [Comparative Report: Citizenship in Central and Eastern Europe](#) by Costica Dumbrava, April 2017, p. 3.

⁵⁰ See the ASP [website](#), accessed 7 November 2023.

- proof of lawful residence, in support of the residence history;
- proof of employment or study; if not applicable, proof of other legal income or benefits;
- civic integration exam, except in the case of applicants who have reached retirement age or who have been exempted from the civic integration exam due to a permanent disability;
- document of criminal history in Moldova and the country of origin; recognised refugees are exempted from the latter condition;
- recent passport photographs.

In the case of minor children who will be naturalised along with the applicant, the child's other parent must provide notarised consent. If children between the ages of 14 and 18 years will be naturalised along with the applicant, the children must also sign a notarised consent form. Any translations of foreign documents must be legalised.⁵¹

The president decides on naturalisation in a presidential decree. Such presidential decrees on naturalisation usually concern a group of applicants. Individuals whose names appear on such a presidential decree can apply for proof of naturalisation through the ASP. The following are required to this end:

- Identity document;
- Oath of allegiance⁵² to the Republic of Moldova;
- Passport photographs.⁵³

2.1.5.3 Acquisition by recognition⁵⁴ based on territorial connection (Article 12)

Article 12 grants Moldovan citizenship by operation of law to people with strong territorial connection to Moldova and their descendants. These are people who were born in Moldova (Article 12(1)) or their descendants (including those born and residing abroad) up to the third generation (Article 12(2)). People who can prove they have lived in Moldova for a certain period of time can also qualify for Moldovan citizenship, as can their descendants (Article 12(2)). The aforementioned groups can have their Moldovan citizenship recognised under Article 12 of the Citizenship Act. Principal residence in Moldova at the time of application is not required.⁵⁵

Article 12(1)

Adults who were born in Moldova and who do not have proof of citizenship can acquire Moldovan citizenship by recognition (in Moldovan: '*recunoaştere*'; see Article 12(1) Citizenship Act). As a rule, the date of citizenship acquisition is the day on which the notification is made of the application for citizenship. Applicants who do not agree with that effective date can request the authorities to make their Moldovan citizenship effective on an earlier date. To this end, they must submit documents proving that, on the desired effective date, they met the requirements for acquiring Moldovan citizenship applicable at that time (see the heading 'Procedure' below).⁵⁶

⁵¹ See the ASP [website](#), accessed 7 November 2023.

⁵² The effective date of the newly acquired citizenship is the date on which this oath was taken. See confidential source dated 1 December 2023.

⁵³ See the ASP [website](#), accessed 13 November 2023.

⁵⁴ The original text reads '*recunoaştere*'. In a previous Country of Origin Information Report, the choice was made to use the English term 'recognition'.

⁵⁵ See confidential source dated 14 June 2024.

⁵⁶ Article 12(1) of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

Article 12(2)

In addition to individuals born in Moldovan territory, the recognition procedure is available to the following individuals:⁵⁷

- individuals with at least one parent, grandparent or great-grandparent⁵⁸ who was born in Moldovan territory;
- individuals who were living in the territory of Bessarabia, Northern Bukovina, the Hertsa region or the then Moldovan Autonomous Soviet Socialist Republic (ASSR) before 28 June 1940,⁵⁹ as well as their descendants;⁶⁰
- individuals who were expelled or who fled from Moldova after 28 June 1940;
- individuals who had permanent residence in Moldova on 23 June 1990 and have since then maintained their permanent residence in Moldova until the time of application for the recognition of their Moldovan citizenship.⁶¹

With effect from 19 April 2018, the law provides that the individuals listed above are excluded from the recognition procedure if it is found that they have provided false information in their application for recognition that would lead to the refusal of that application. Similarly, refusal will follow in case of serious criminal history, as mentioned in Article 20(1a–d),⁶² or if the applicant does not otherwise meet the conditions for naturalisation.⁶³ Principal residence in Moldova at the time of application is not required.⁶⁴

Procedure

The ASP may establish Moldovan citizenship with a past effective date (i.e. the date on which the applicant can demonstrate having met all the requirements). The processing time for requests submitted to the ASP is typically six months, according to information from the ASP itself. No fees are charged. An application can be submitted at the ASP office or at a Moldovan consulate. This is done either in person or by a notarised agent.⁶⁵ This procedure is intended for people who cannot prove their citizenship with a passport, the ID card, birth certificate or any other document issued by the Moldovan authorities.

The following documents are required for an application under Article 12(1):

1. identity document (passport or travel document);
2. birth certificate;⁶⁶

⁵⁷ Article 12(2) of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

⁵⁸ The option of third-generation recognition was introduced with effect from 19 April 2018. See Article 1 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023. The extension to three generations was introduced in [Amendment](#) 132 dated 21 December 2017, published on 19 January 2018 and in effect as of 19 April 2018.

⁵⁹ On 28 June 1940, Soviet troops occupied the part of what was then Romania that largely corresponds to present-day Moldova.

⁶⁰ The ASP lists the following areas as falling under Bessarabia: Chernivtsi: Novoselytsia, Hotin, Sokyriany; Herța, Northern Bukovina: Hliboca, Herța, Storojenet, Putila, Vijnița, Kitsmani, Zastavna, Kelmeneț; Odesa Region: Bolhrad, Ismail, Chilia, Tatarbunary, Artsyz, Tarutyne, Bilhorod-Dnistrovskiy, Sarata, Reni. The ASP lists the following areas as falling under The Moldovan ASSR: Ananiv, Balta, Codîma, Krasnîe Ocna, Bîrzula (Kotovsk), Valea Hotului, Ciorna, Pesciana. See the ASP [website](#), accessed 7 November 2023.

⁶¹ Article 12 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023; confidential source dated 1 December 2023.

⁶² Article 20(a–d) lists the following objections relating to the public order: International crimes, military crimes or crimes against humanity; terrorist activities; if the individual is serving or has already served a prison sentence or if a criminal investigation or prosecution is in progress at the time of application; activities against state security, public order, health or morals.

⁶³ Article 12 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

⁶⁴ Confidential source dated 14 June 2024.

⁶⁵ See the ASP [website](#), accessed 3 November 2023.

⁶⁶ In the absence of a birth certificate, the General Inspectorate for Migration (IGM) can verify birth through an application for recognition of statelessness (see [3.1.8](#)). Confidential source dated 30 November 2023.

3. other records from the civil registry as proof of personal information if there is a discrepancy between the personal information on the birth certificate and the information on the identity document;
4. a life-history description, including dates of marriage (if applicable), registered address, employment and details concerning spouse, children and parents;
5. a background certificate from the country of current citizenship, from Moldova and from the country of principal residence.

The following documents are required for an application under Article 12(2):

1. identity document, for example:
 - a. a foreign passport or travel document and residence permit in case of lawful residence in Moldova;
 - b. an identity card in case of recognised statelessness or refugee status;
 - c. a document issued by the Moldovan immigration authorities confirming lawful residence in Moldova;
 - d. identity documents of the legal representative or guardian in case of minors;
2. a notarial authorisation;
3. civil status documents and birth certificates of minor children. In addition, other documents substantiating changes in personal information and addresses, including marriage certificates, divorce certificates, name change certificates, extracts from the civil registry (with all corresponding changes) and foreign documents to that effect;
4. proof of lawful residence abroad;
5. a life-history description, including information about marriage (if applicable), registered address, employment, spouse, children and parents;
6. civil-registry documents concerning parents, grandparents or great-grandparents attesting to kinship and their birth in Moldovan territory — if the applicant was not born in Moldovan territory;
7. documents of parents, grandparents or great-grandparents with proof of kinship and residence of such person on the territory of Bessarabia, Northern Bukovina, the Hertsa region or the Moldovan Soviet Socialist Republic prior to 28 June 1940;
8. document attesting to kinship and refugee status of parents, grandparents or great-grandparents from Moldovan territory after 28 June 1940;
9. proof of the applicant's residence on Moldovan territory from 23 June 1990 to date;
10. document on criminal history from the country of residence, Moldova and applicant's nationality;
11. recent passport photographs.

If the applicant has a minor child, the child's other parent must provide notarised consent for the child to share in the recognition of Moldovan citizenship. Children between the ages of 14 and 18 years must also sign a notarised consent form. Any translations of foreign documents must be legalised.⁶⁷

2.1.5.4

Re-acquisition of lost citizenship (Article 16)

Individuals who have previously held Moldovan citizenship may apply for re-acquisition, and they are not required to renounce their current citizenship in order

⁶⁷ See the ASP [website](#), accessed 7 November 2023.

to do so.⁶⁸ Unlike applications for naturalisation, these applications can also be made from abroad. For re-acquisition, principal residence in Moldova at the time of application is not required.⁶⁹

Excluded from the possibility of re-acquisition are individuals against whom serious objections relating to the public order apply, as mentioned in Article 20(a–d),⁷⁰ or in respect of whom Moldovan citizenship has previously been revoked for serious acts detrimental to the interest of the State (Article 23c). Individuals whose citizenship has been revoked for the other reasons mentioned in Article 23⁷¹ are also ineligible for re-acquisition, but they may apply for normal naturalisation. These individuals will then be subject to all naturalisation requirements in full, as well as to a minimum period of residence in Moldova of five years.⁷²

Procedure for re-acquisition of citizenship

Applications for re-acquisition are submitted either in person or by a notarised agent at an ASP office or diplomatic representation abroad. The processing time for an application to the ASP is one year, and fees apply.⁷³

The following documents are required for the application:⁷⁴

- an identity document. For an alien residing in Moldova, this is a passport or travel document and residence permit; for an applicant recognised as stateless or a recognised refugee, it is the identity card; and for an applicant for recognition of statelessness, proof of permanent residence in Moldova is issued by the immigration authority;
- for a minor applicant or an applicant under guardianship: an identity document from the legal representative or guardian;
- authorisation in case of representation;
- a life-history description including information about employment, marriage, first-degree relatives in the ascending and descending line, and the reason for loss of citizenship;
- Moldovan or foreign documents from country of residence regarding criminal history (if applicable);
- records from the civil registry: birth certificates, marriage or divorce certificates and name changes;
- recent passport photographs.

For applicants with minor children, the child's other parent must provide notarial consent in case the child wishes to share in the acquisition of the Moldovan citizenship. Children between 14 and 18 years of age who are sharing in the acquisition of citizenship must also sign a notarised consent form. Any translations of foreign documents must be legalised.⁷⁵

⁶⁸ Article 16 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

⁶⁹ Confidential source dated 1 December 2023; confidential source dated 14 June 2024.

⁷⁰ Article 20(a–d) mentions the following: International crimes, military crimes or crimes against humanity; terrorist activities; if the individual is serving or has already served a prison sentence or if a criminal investigation or prosecution is in progress at the time of application; activities against state security, public order, health or morals.

⁷¹ These other reasons for revocation are as follows: provision of false information or voluntary military service for a foreign power.

⁷² Article 16 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

⁷³ See the ASP [website](#), accessed 13 November 2023.

⁷⁴ See the ASP [website](#), accessed 13 November 2023.

⁷⁵ See the ASP [website](#), accessed 13 November 2023.

2.1.6 *Loss of citizenship*

Moldovan citizenship may be lost when the person in question renounces it, when it is revoked by the president or due to provisions in international treaties.⁷⁶

2.1.6.1 Involuntary loss of citizenship (Article 21)

Statutory provisions

Reasons for revoking citizenship by presidential decree include the following:

- fraudulent acquisition of Moldovan citizenship through the provision of false information or the withholding of relevant information that would have led to the refusal of the application for citizenship;
- voluntary military service for another power;
- having committed very serious offences against the interests of Moldova.

Loss of Moldovan citizenship is always by presidential decree, and it is always at the express initiative of an authority applying to the president, and never by operation of law. Such presidential decrees are published in the Official Gazette⁷⁷ and, in case of residence abroad, the person in question is notified by email.⁷⁸ Individuals with residence in Moldova will also receive a personal message.⁷⁹

The mere fact that an individual resided abroad for a long time and never reported to the Moldovan authorities is not listed in the law as grounds for losing Moldovan citizenship.⁸⁰

Revocation must not result in statelessness, except if the first ground mentioned above applies (i.e. in case Moldovan citizenship was previously granted to the person in question based on fraudulent or false information).

Revocation of citizenship does not affect the citizenship of relatives of the person in question.

2.1.6.2 Voluntary revocation of citizenship (Article 22)

Statutory provisions

Adults may renounce Moldovan citizenship only if they can provide proof of acquisition of another citizenship, or a positive decision to grant another citizenship (i.e. intention to grant). Citizenship is then revoked by a presidential decree. Should the person in question not obtain the other citizenship and thus be at risk of becoming stateless, the presidential decree revoking Moldovan citizenship will be annulled.⁸¹ People living in Moldova cannot apply to renounce Moldovan citizenship. This procedure can be initiated only through consulates or embassies abroad in cases involving principal residence abroad.⁸²

⁷⁶ Article 21 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.

⁷⁷ The Official Gazette can be consulted online in Moldovan (see <https://monitorul.gov.md/ro>).

⁷⁸ Confidential source dated 14 March 2024.

⁷⁹ Guideline HG1144/2018 of 21.11.2018, Section 2(75).

⁸⁰ Confidential source dated 1 December 2023.

⁸¹ Article 22 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023; GlobalCit, *Comparative Report: Citizenship in Central and Eastern Europe* by Costica Dumbrava, April 2017, p. 3.

⁸² Confidential source dated 1 December 2023; confidential source dated 14 June 2024.

An application to renounce Moldovan citizenship must be made in person and addressed to the president of Moldova. This can be done only through a consulate or embassy abroad.⁸³

The documents required are as follows:⁸⁴

- the naturalisation decision (intention to grant citizenship) of a foreign power, legalised and valid for 12 months from the application for renunciation, accompanied by a legalised translation; or, if already obtained, legalised proof of acquisition of foreign citizenship (e.g. passport);
- documents concerning the registered address of the applicant and family, accompanied by legalised translations;
- a life-history description including information about residence in Moldova and settlement abroad, marriage, place of residence, employment, education;
- a valid Moldovan passport;
- birth certificate of the applicant and of any minor children;
- passport photographs;
- for minor children: proof of legal parenthood — a marriage certificate, an adoption certificate or a paternity-acknowledgement certificate.

Children between 14 and 18 years of age wishing to share in the loss of citizenship must sign a consent form. The other parent must also sign a consent form. The processing time is twelve months.⁸⁵

There is no separate registration of individuals who have renounced Moldovan citizenship. The change in citizenship is reflected in the civil registry.⁸⁶

2.1.6.3 Procedure for voluntary and involuntary loss of citizenship

Various authorities may submit to the president a proposal for the revocation of Moldovan citizenship. In the case of a request for renunciation by the person in question, the consulate or embassy abroad will forward the request to the president.⁸⁷

The president decides on the loss of citizenship. In the case of renunciation, this is done through collective decrees, in which several individuals are authorised by the president to renounce. These presidential decrees are published in the Moldovan Official Gazette, which can be accessed online.⁸⁸ No copy is provided, as the decree is publicly available. Moldovan consulates abroad are free to publish these collective decrees on their websites as well.⁸⁹ The loss of citizenship occurs when the presidential decree takes effect.⁹⁰

After the publication of the presidential decree, people whose names appear on it can formalise such loss by applying to a consulate or to the ASP for a document confirming the loss of citizenship. This document is issued by the embassy or

⁸³ [Website](#) of the Moldovan Consulate in Frankfurt, accessed 13 November 2023; see the [website](#) of the Moldovan Embassy in Washington, accessed 24 October 2023.

⁸⁴ [Website](#) of the Moldovan Consulate in Frankfurt, accessed 13 November 2023.

⁸⁵ [Website](#) of the Moldovan Consulate in Frankfurt, accessed 13 November 2023; see the [website](#) of the Moldovan Embassy in Washington, accessed 24 October 2023.

⁸⁶ Confidential source dated 1 December 2023; confidential source dated 14 March 2024.

⁸⁷ Confidential source dated 14 March 2024.

⁸⁸ Romanian: *Monitorul oficial al Republicii Moldova*, <https://monitorul.gov.md/ro>.

⁸⁹ Confidential source dated 1 December 2023; confidential source dated 1 December 2023.

⁹⁰ Confidential source dated 14 June 2024.

consulate in person, and it mentions the number of the presidential decree.⁹¹ The applicant need not appear in person to apply for formalisation. The following are required for the application for such formalisation:

- the Moldovan passport;
- fees;
- the address of the applicant.

Upon collecting the decree, the applicant must turn in the Moldovan passport in person. If the revocation decree is lost, a copy may be requested from the consulate.⁹²

2.1.7 *Transitional law after the collapse of the Soviet Union*

After the collapse of the Soviet Union, Moldova adopted transitional law to regulate the citizenship of its residents. The following first describes this transitional law as adopted in the years 1991 to 1993. This is followed by a description of the claims that people can still make under this law at the time of publication of this COI Report.

Transitional law

The first Citizenship Act of the Republic of Moldova was enacted on 5 June 1991, shortly before the independence of the Republic of Moldova on 27 August 1991. It entered into force on 9 July 1991 and applied until the present Act came into force (i.e. until 10 August 2000).

Acquisition by operation of law

The law automatically granted Moldovan citizenship to the following:

- individuals residing in the territory of Bessarabia, Northern Bukovina, the Hertsa territory or the Moldovan Soviet Socialist Republic before 28 June 1940, along with their descendants, if they were residing in the territory of the Republic of Moldova on 5 June 1991;
- individuals born in Moldovan territory or individuals with at least one parent or grandparent who was born in Moldovan territory and who do not already hold another citizenship.⁹³

Option for Moldovan citizenship

Individuals whose permanent residence was in Moldova until 23 June 1990 and who also had permanent employment or another source of income there could opt for Moldovan citizenship. They had one year from the entry into force of the Citizenship Act on 9 July 1991 (i.e. until 9 July 1992) to make their choice known. This deadline was later extended to 1 September 1993.⁹⁴ Those who did not opt for Moldovan citizenship and who did not or could not obtain any other citizenship became stateless.⁹⁵

Acquisition by operation of law for foreign spouses and their descendants

On 8 June 1993, parliament adopted an amendment to the law, which provided that individuals who had married a Moldovan citizen before 23 June 1990 would automatically hold Moldovan citizenship, as would their descendants. The same

⁹¹ Confidential source dated 14 June 2024.

⁹² Confidential source dated 14 March 2024.

⁹³ Ministry of Foreign Affairs, Thematic Country of Origin Information Report on Moldova, Ukraine and Belarus, May 2011, p. 17.

⁹⁴ Ministry of Foreign Affairs, Thematic Country of Origin Information Report on Moldova, Ukraine and Belarus, May 2011, p. 18.

⁹⁵ UNHCR, [Nationality Laws of the Former Soviet Republics](#), 1993.

applies to the special category of individuals who returned to Moldova at the invitation of the president or the government. No further information was obtained on this category.⁹⁶

Naturalisation

All Soviet citizens who were not eligible for the routes of acquisition described above had the option of applying to obtain Moldovan citizenship by naturalisation. In calculating the number of years of permanent residence required, any residence in Moldovan territory before independence was included.⁹⁷

Procedural aspects

In 1991, it was not yet directly possible to obtain a Moldovan passport, as they had not yet been produced. As a transitional arrangement, stamps were placed in the old Soviet passports, and the name of the person in question was entered into a registry.⁹⁸

Individuals who think they are covered by the above transitional law may apply for citizenship recognition (see [3.1.5.3](#)). Article 12 of the Citizenship Act has since been extended to include a descendant generation, meaning that great-grandchildren can also invoke this article.

In case of a final refusal of an application (e.g. because an individual once held citizenship but had since lost it), it may still be possible to request citizenship by applying for re-acquisition (see [3.1.5.3](#)), or the person in question can re-complete the entire naturalisation procedure (see [3.1.5.2](#)). Within the framework of an application for determination of statelessness (see [3.1.8](#)), the General Inspectorate for Migration (IGM)⁹⁹ also always considers whether the person in question is eligible for Moldovan citizenship under Article 12.

2.1.8 *Statelessness*

Moldova has been a party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness since 2012. According to the UNHCR, the Moldovan definition of statelessness is in line with the 1954 UN Convention definition. All stateless persons are registered. Moldova has made great efforts to combat statelessness.¹⁰⁰ Since late 2011, Moldova has had a new statelessness procedure that is generally regarded as accessible.¹⁰¹

According to the authorities, there were about 1940 people with stateless status in Moldova in 2023. These figures are most likely outdated, however, as more than

⁹⁶ Ministry of Foreign Affairs, Thematic Country of Origin Information Report on Moldova, Ukraine and Belarus, May 2011, p. 18.

⁹⁷ Ministry of Foreign Affairs, Thematic Country of Origin Information Report on Moldova, Ukraine and Belarus, May 2011, p. 18.

⁹⁸ Confidential source dated 1 December 2023.

⁹⁹ General Inspectorate for Migration (*Inspectoratul General pentru Migrație*), which falls under the Ministry of Internal Affairs. See the website <https://igm.gov.md/en>.

¹⁰⁰ UNHCR, [Ukraine Regional Office - All stateless persons in Belarus, Moldova and Ukraine](#), accessed 20 December 2023.

¹⁰¹ For an English translation of the Act, see: UNHCR, [Law No. 284 of 2011 on Amendment and Completion of Certain Legislative Documents](#), 10 February 2012.

[Website](#) Statelessness Index, *Moldova*, accessed 18 December 2023; UNHCR, [Establishing Statelessness Determination Procedures for the Protection of Stateless Persons](#), July 2020; Confidential source dated 1 December 2023; confidential source dated 1 December 2023; confidential source dated 30 November 2023.

half of these people have stateless status with an expired card. In addition, many people have presumably since adopted another citizenship.¹⁰²

Most people with stateless status and applicants for such status live in Transnistria.¹⁰³ According to the authorities, this group consists largely of people who had come to Moldova from other parts of the Soviet Union around 1990. In most cases, these people carried Soviet passports but no birth certificates, and they had never had their citizenship recognised after the collapse of the Soviet Union.¹⁰⁴

According to various sources, there are no known groups of stateless persons born in the former Soviet Union in Moldova who cannot claim any citizenship or obtain legal permanent residence.¹⁰⁵ The Moldovan procedure to be recognised as stateless is available to all stakeholders, and it has been described by the UNHCR as a good practice.¹⁰⁶ The only reason for refusal is having or being entitled to another citizenship.¹⁰⁷

Procedure

Individuals may apply to the IGM in oral or written form. The IGM itself may also initiate proceedings. Applicants provide details about their life history, place of birth, parents and countries of residence. This is supported by as much evidence as possible. A hearing follows within fifteen days. If the person in question cannot provide sufficient evidence, the IGM will conduct its own supplementary investigation. Throughout the statelessness procedure, applicants have the right of residence in Moldova unless there are objections relating to the public order or a threat to national security.¹⁰⁸

The processing time for applications for statelessness status may increase due to the extensive birthplace investigation conducted by the IGM in these cases to rule out the possible acquisition of Moldovan citizenship. A lack of capacity at the IGM may also play a role. The processing time for requests for recognition of statelessness is normally between twelve and eighteen months. In more complex cases, however, it can be as long as two or three years.¹⁰⁹ An applicant may appeal to the court against a negative decision.¹¹⁰

Numbers

Between the introduction of the new statelessness procedure in 2012 and the end of 2023, 1,618 applications were filed: 511 applications were granted, 420 applications were refused and 412 applications were withdrawn. Approximately 300 applications were pending at the end of 2023.¹¹¹ The bulk of applications come from Transnistria.¹¹²

¹⁰² Confidential source dated 1 December 2023; confidential source dated 1 December 2023; confidential source dated 30 November 2023.

¹⁰³ US Department of State, [Human Rights Report 2022](#), Moldova; confidential source dated 30 November 2023.

¹⁰⁴ Confidential source dated 2 December 2023; confidential source dated 30 November 2023.

¹⁰⁵ Confidential source dated 1 December 2023; confidential source dated 1 December 2023; confidential source dated 1 December 2023; confidential source dated 30 November 2023; confidential source dated 30 November 2023.

¹⁰⁶ UNHCR, [Establishing Statelessness Determination Procedures for the Protection of Stateless Persons](#), July 2020.

¹⁰⁷ Confidential source dated 30 November 2023; confidential source dated 1 December 2023.

¹⁰⁸ UNHCR, [Establishing Statelessness Determination Procedures for the Protection of Stateless Persons](#), July 2020.

¹⁰⁹ Confidential source dated 1 December 2023.

¹¹⁰ UNHCR, [Establishing Statelessness Determination Procedures for the Protection of Stateless Persons](#), July 2020.

¹¹¹ Confidential source dated 2 December 2023; confidential source dated 30 November 2023; for figures on 2022, see: [Information](#) provided by the Government of the Republic of Moldova to the Questionnaire of the European Commission, Chapter 24: Justice, Freedom and Security, May 2022, beginning with Point 12.

¹¹² Confidential source dated 30 November 2023.

In 2022 and 2023, there were 88 and 108 applications for stateless status, respectively, of which 41 and 11 were granted, 51 and 32 procedures were dismissed and 37 and 9 were refused, respectively. Dismissal follows, for example, when individuals withdraw their applications because they have obtained Moldovan nationality through an Article 12 procedure (recognition; see [3.1.5.3](#)).

In addition, 1,361 people were registered with unknown nationality, 254 of whom still had old Soviet passports.¹¹³

According to various sources, statelessness status is often seen as a temporary solution, in order to obtain an identity document that allows people to apply for naturalisation. Stateless persons are subject to a minimum period of residence of eight years before they can naturalise (see [3.1.5.2](#)).¹¹⁴ By the end of 2023, 54 stateless persons had been naturalised as Moldovan citizens.¹¹⁵

2.1.9 *Role of diplomatic representations*

Under Article 29 of the Citizenship Act, the Ministry of Foreign Affairs — and thereby the diplomatic and consular representations — may take and forward requests for renunciation, re-acquisition and recognition (Article 12). In addition, diplomatic and consular representations may, on their own initiative, submit proposals for deprivation of citizenship, or confirm citizenship based on documents (see [3.1.3](#)). They can also issue documents confirming the loss or acquisition of citizenship for people who are living abroad. This document is not a decision on an application. The representations are also responsible for implementing presidential decrees.¹¹⁶

The Moldovan diplomatic representation abroad can verify the identity and citizenship of individuals in the population register based on photographs and personal data. Diplomatic missions nevertheless do not have unrestricted access to this database. In case of doubt, they will send a verification request to the ASP.¹¹⁷ Although fingerprints are taken at diplomatic representations for the purpose of issuing passports, they do not remain stored in a central system in the population register for more than three months, as far as is known.¹¹⁸

2.1.10 *Transnistria*

Transnistria¹¹⁹ is a region located between the Dniester River and the border with Ukraine with an estimated population of 465,000.¹²⁰ The region unilaterally declared independence in 1990, but that status has not been recognised internationally. In the 1992 military clashes between Moldovan troops and separatist fighters, the latter were supported by Russian troops. Since the ceasefire, Russian troops have been present in the region to maintain order. The region operates almost

¹¹³ Confidential source dated 2 December 2023; US Department of State, [Human Rights Report 2022](#), Moldova.

¹¹⁴ Confidential source dated 30 November 2023; confidential source dated 1 December 2023.

¹¹⁵ Confidential source dated 2 December 2023.

¹¹⁶ Article 29 of the Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023; confidential source dated 1 December 2023; [Website](#) of the Moldovan Ministry of Foreign Affairs, accessed 24 October 2023.

¹¹⁷ Confidential source dated 14 March 2024.

¹¹⁸ Confidential source dated 14 March 2024.

¹¹⁹ Official name according to Transnistria: *Pridnestrovskaja Moldavskaia Respublica* (PMR). Transnistria literally means 'Across the Dniester'.

¹²⁰ [Website](#) City Population Index, accessed 15 November 2023; Centre for East European and International Studies (ZOIS), *Shrinking Transnistria – Older, More Monotone, More Dependent*, 27 January 2021. Moldovan authorities do not have access to the population register in Transnistria (see confidential source dated 1 December 2023).

independently from Moldova, but it is not recognised by any UN member state. Transnistria is therefore legally regarded as a territorial unit of Moldova.¹²¹

Moldovan citizenship in Transnistria

Moldova does not recognise Transnistria as a country, and it therefore regards all residents of Transnistria simply as residents of Moldova. If they have not previously acquired Moldovan citizenship and have lived in Moldova continuously since 23 June 1990, or if they meet Article 12 based on their descent, they may apply for recognition of their Moldovan citizenship (see [3.1.5.3](#)).¹²²

Transnistria regards itself as its own state, and it has its own government bodies. Although the region does not have its own law on citizenship, Transnistria does issue Transnistrian passports.¹²³ These passports are not recognised by any UN member state, and they are therefore used mainly within Transnistria. International travel requires a different passport, one that is internationally recognised. For this reason, residents of Transnistria often hold citizenship of Moldova or neighbouring countries (e.g. Ukraine, Romania or Russia) in addition to Transnistrian citizenship, which is not recognised internationally. Given that Moldova allows for the acquisition of another citizenship without the loss of Moldovan citizenship, multiple citizenship is common.¹²⁴ Russian citizenship is readily available to many people in Transnistria, as is Romanian citizenship¹²⁵ (see also [3.1.4](#)). According to multiple sources, people in Transnistria are free to apply for one of these citizenships.¹²⁶

Inhabitants of Transnistria can apply for Moldovan identity documents, birth certificates or Moldovan citizenship outside the Transnistrian area, in the town of Varnita on the right bank of the Dniester River.¹²⁷ This does require a valid Moldovan ID document or an internationally recognised foreign passport. If one of the parents of a child born in Transnistria lacks a valid ID document or passport, the parents must first be identified. The child's birth can then be registered by the Moldovan authorities. This may be followed by the issuance of a Moldovan passport. An application procedure for such cases was implemented in 2018. According to the Statelessness Index,¹²⁸ this procedure has entered into force since the implementation of the published working instruction in late May 2019.¹²⁹

¹²¹ [CIA World Factbook](#), Moldova, accessed 15 November 2023.

¹²² European University Institute, Gëzim Krasniqi, [Contested territories, liminal polities, performative citizenship: a comparative analysis](#), 2018, p. 30 ff.

¹²³ This is done according to the Transnistrian constitution, which gives the Transnistrian president the power to grant citizenship.

¹²⁴ Approximately 465,000 people live in Transnistria. Although current figures are lacking, figures from 2016 estimate that 250,000 of these people have Moldovan citizenship. In 2017, the number of Transnistrians with Russian citizenship was estimated at 213,000 — including the Transnistrian president — and figures from 2014 estimate that there are 100,000 people living in Transnistria with Ukrainian passports.

¹²⁵ European University Institute, Gëzim Krasniqi, [Contested territories, liminal polities, performative citizenship: a comparative analysis](#), 2018, p. 30 ff.; CEPS, de Waal, T., von Twickel, N. (eds.) 2020, [Beyond Frozen Conflict Scenarios for the Separatist Disputes of Eastern Europe](#).

¹²⁶ Confidential source dated 14 March 2024, interview embassy; confidential source dated 1 December 2023.

¹²⁷ [Website ASP, Identity Documents Issuance Services Bender](#), accessed 21 December 2023.

¹²⁸ The Statelessness Index is maintained by the NGO [European Network on Statelessness](#).

¹²⁹ Law 310/2017, in effect as of 1 January 2018. Statelessness Index, [Moldova publishes instructions to implement the law recognizing Transnistrian civil status acts](#), 26 July 2019; confidential source dated 1 December 2023.

2.2 Immigration legislation in Moldova

In Moldova, immigration policy and its implementation are the responsibility of the Ministry of Internal Affairs. Moldova draws a distinction between regular migration and asylum. Rules concerning migration are laid down in the Aliens Act,¹³⁰ and rules concerning asylum are specified in a separate asylum law.¹³¹ This legislation is implemented by the Asylum and Migration Directorate.

Ethnicity plays no role in immigration law, nor in the practical accessibility of procedures.¹³² One source reported knowing of cases in which it has been made difficult or impossible for Russian passport holders to apply for asylum.¹³³ According to the US State Department, in October 2022, there were indeed cases of Russian men subject to compulsory national service being denied entry to Moldova, even if they had applied for asylum. These cases purportedly would not have occurred after October 2022.¹³⁴

The following is a brief description of the rules and procedures for immigration. For a more detailed description, see the information provided by the Moldovan government to the European Commission (link in footnote).¹³⁵

2.2.1 Regular migration

Regular migrants receive either a temporary residence permit for a specific purpose of residence¹³⁶ or a permanent right of residence after five years of principal residence in Moldova, or after three years of marriage to a Moldovan citizen.¹³⁷ Foreign nationals residing for study or work are not eligible for a permanent right of residence.¹³⁸ A permanent right of residence is lost after twelve consecutive months of absence from Moldovan territory or after relocation of the principal residence.¹³⁹

Residence with partner

Spouses of Moldovan citizens, aliens with lawful residence in Moldova and stateless persons are eligible for temporary residence permits based on family reunification.¹⁴⁰ Spouses of individuals holding a residence permit for study, medical treatment or religious activities are not eligible for such a residence permit.¹⁴¹

Conditions for family reunification are sufficient income, a durable, sincere and exclusive marriage, and having suitable housing available. Depending on the main applicant's right of residence, family reunification is granted for a maximum of five years for each residence permit, with a possible extension. Grounds for refusal

¹³⁰ [Aliens Act](#) 200/2010 dated 16 July 2010, in effect as of 13 December 2010.

¹³¹ [Asylum Act](#) 270/ 2008 dated 18 December 2008, in effect as of 13 March 2009.

¹³² Confidential source dated 1 December 2023.

¹³³ Confidential source dated 1 December 2023.

¹³⁴ US Department of State, [2022 Country Reports on Human Rights Practices: Moldova](#), Section 2E.

¹³⁵ [Information](#) provided by the Government of the Republic of Moldova to the Questionnaire of the European Commission, May 2022.

¹³⁶ Temporary purposes of residence may include employment, study, family reunification, humanitarian or religious activities, medical treatment and rehabilitation. See Article 31 of the [Aliens Act](#) 200/2010 dated 16 July 2010, in effect as of 13 December 2010.

¹³⁷ Article 45 of the [Aliens Act](#) 200/2010 dated 16 July 2010, in effect as of 13 December 2010.

¹³⁸ GlobalCit, [Comparative Report: Citizenship in Central and Eastern Europe](#) by Costica Dumbrava, April 2017, p. 3.

¹³⁹ Article 45 of the [Aliens Act](#) 200/2010 dated 16 July 2010, in effect as of 13 December 2010.

¹⁴⁰ Article 38 of the [Aliens Act](#) 200/2010 dated 16 July 2010, in effect as of 13 December 2010.

¹⁴¹ Confidential source dated 30 November 2023.

include objections against the applicant in relation to the public order and having previously provided false information.¹⁴²

Other relatives who may be eligible for family reunification include dependent parents, children¹⁴³ and individuals with guardianship over the main applicant.

2.2.2 *Asylum migration*

The grounds for the granting, termination and revocation of an asylum permit, along with the asylum procedure are laid down in Law 270/2008 on asylum in the Republic of Moldova. This law recognises four types of asylum:¹⁴⁴

- refugee status;
- humanitarian protection;
- temporary protection for the duration of one year, extendable to a maximum of two years;
- political asylum.

Residence with partner (family reunification)

Under Article 12 of the Asylum Act, spouses of asylum status holders are entitled to the same residence status as the status holders to whom they are married. The law lists the following conditions for this: the spouse joins the asylum status holder, depends on and lives with the asylum status holder; there are no circumstances that would prevent the granting of a residence status.¹⁴⁵ Under Article 12, the marriage must have taken place prior to the date on which the asylum status holder entered Moldovan territory and prior to the asylum status holder's application date. In case of divorce, legal separation or death of the asylum status holder, the spouse retains the right of residence.¹⁴⁶

Other relatives who may be eligible for family reunification with an asylum status holder include children¹⁴⁷ and parents (including parents-in-law).¹⁴⁸

2.2.3 *Residence status of Ukrainians in Moldova*

Between February 2022 and December 2023, more than 112,000 people fled from Ukraine to Moldova and settled there, according to the UNHCR.¹⁴⁹ After Russia's invasion of Ukraine, Moldova initially allowed fugitive Ukrainians to stay longer than 90 days.¹⁵⁰ From 1 March 2023, this right of residence was formalised, referred to as Temporary Protection Status (TPS).¹⁵¹ With this status, Ukrainians, stateless persons from Ukraine, refugees who were residing in Ukraine and relatives of the aforementioned individuals with TPS are granted lawful residence. This entitles them

¹⁴² [Aliens Act](#) 200/2010 dated 16 July 2010, in effect as of 13 December 2010.

¹⁴³ This refers to minor children born of a marital or non-marital relationship, adopted children and foster children, and unmarried adult children dependent on the care of the main applicant for medical reasons.

¹⁴⁴ Article 16 of the [Asylum Act](#) 270/ 2008 dated 18 December 2008, in effect as of 13 March 2009.

¹⁴⁵ Grounds for refusal of an asylum application are listed in Articles 18 and 20 of the [Asylum Act](#) 270/ 2008 dated 18 December 2008, in effect as of 13 March 2009. These grounds are largely related to the public order and the holding of UN refugee status in another country.

¹⁴⁶ See Article 12 of the [Asylum Act](#) 270/ 2008 dated 18 December 2008, in effect as of 13 March 2009.

¹⁴⁷ This refers to minor children born of marital or non-marital relationship and adopted children.

¹⁴⁸ Article 16 of the [Asylum Act](#) 270/ 2008 dated 18 December 2008, in effect as of 13 March 2009.

¹⁴⁹ [Website](#) UNHCR Moldova, accessed 21 December 2023. Many more people passed through Moldova in their flight from Ukraine.

¹⁵⁰ [Website](#) UNHCR Moldova, accessed 21 December 2023.

¹⁵¹ [ICMPD](#), *Temporary protection for Ukrainians in Moldova: Achievements and challenges*, 4 July 2023.

to shelter, access to the labour market, access to social services, to basic health care and to education.¹⁵²

Not all people from Ukraine can access TPS. According to one source, people with Russian passports from Ukraine are not eligible for TPS, even if they are born Ukrainians who later obtained this passport. For Ukrainians who obtained Russian passports within the occupied territories, however, there is sometimes the possibility of qualifying for TPS despite holding a Russian passport. For example, this source referred to the case of an originally Ukrainian woman who was naturalised as a Russian as a minor in Crimea. The Moldovan authorities did count this woman as Ukrainian based on her Ukrainian birth certificate and granted her TPS, despite her Russian passport. According to the same source, people who already hold or are eligible for Moldovan citizenship will be denied TPS.¹⁵³ Another source reported on third-country nationals from Ukraine not getting through strengthened security checks at the Moldovan border and who were denied entry to Moldova.¹⁵⁴

2.2.4 *Displaced persons in the Soviet era*

Foreign nationals meeting the conditions for obtaining Moldovan citizenship through a recognition procedure are entitled to a residence permit pending the procedure.¹⁵⁵ This includes individuals who were residing in Moldovan territory before the collapse of the Soviet Union (see 3.1.7).

¹⁵² See the UNHCR Moldova [website](#), *Temporary Protection in Moldova*, accessed 21 December 2023; [ICMPD](#), *Temporary protection for Ukrainians in Moldova: Achievements and challenges*, 4 July 2023; confidential source dated 30 November 2023.

¹⁵³ Confidential source dated 30 November 2023.

¹⁵⁴ Confidential source dated 1 December 2023.

¹⁵⁵ See [Information](#) provided by the Government of the Republic of Moldova to the Questionnaire of the European Commission, May 2022.

2.3 References

Articles and reports:

- Centre for East European and International Studies (ZOIS), [Shrinking Transnistria – Older, More Monotone, More Dependent](#), 27 January 2021.
- CEPS, de Waal, T., von Twickel, N. (eds.) 2020, [Beyond Frozen Conflict Scenarios for the Separatist Disputes of Eastern Europe](#).
- CIA World Factbook, Moldova, accessed 15 November 2023.
- Euractiv, [Moldova in search of experts for EU talks after massive migration](#), 30 June 2023.
- European University Institute, Gëzim Krasniqi, [Contested territories, liminal politics, performative citizenship: a comparative analysis](#), 2018.
- Global Citizenship Observatory, Knott, Eleanor, [Recent Updates to Moldovan Citizenship Legislation](#), February 2021.
- Global Citizenship Observatory, [Moldova Repeals its Short-lived but Controversial Citizenship by Investment Scheme](#), 12 February 2021.
- GlobalCit, [Comparative Report: Citizenship in Central and Eastern Europe](#) by Costica Dumbrava, April 2017.
- Government of Republic of Moldova, [Information](#) provided to the Questionnaire of the European Commission, Chapter 24: Justice, Freedom And Security, May 2022.
- ICMPSD, [Temporary protection for Ukrainians in Moldova: Achievements and challenges](#), 4 July 2023.
- IOM, [Migration Governance Snapshot: The Republic of Moldova](#), May 2018.
- Journal of Ethnic and Migration Studies, Knott, Eleanor, 'Strategy, Identity or Legitimacy? Analysing Engagement with Dual Citizenship from the Bottom-Up'.
- Middle East Institute, [The role of the West in countering Russian Passportization in the Black Sea](#), 16 November 2020.
- Ministry of Foreign Affairs, Thematic Country of Origin Information Report on Moldova, Ukraine and Belarus, May 2011, p. 17.
- OFPRA, [L'acquisition de la citoyenneté russe par naturalization](#), 27 October 2020.
- UNHCR, [Establishing Statelessness Determination Procedures for the Protection of Stateless Persons](#), July 2020.
- US Department of State, [Human Rights Report 2022](#), Moldova.

Websites:

- [Website](#) ASP, accessed 13 November 2023.
- [Website](#) ASP, [Identity Documents Issuance Services Bender](#), accessed 21 December 2023.
- [Website](#) City Population Index, accessed 15 November 2023.
- [Website](#) European Council, accessed 10 November 2023.
- [Website](#) Moldovan Consulate in Frankfurt, accessed 13 November 2023.
- [Website](#) Moldovan Ministry of Foreign Affairs, accessed 24 October 2023.
- [Website](#) Moldovan Embassy in Washington, accessed 24 October 2023.
- [Website](#) Moldova Citizenship by Investment, accessed 11 October 2023.
- [Website](#) Moldova Citizenship by Investment, accessed 11 October 2023.
- [Website](#) Statelessness Index, *Moldova*, accessed 18 December 2023.
- [Website](#) UNHCR Moldova, accessed 21 December 2023.
- [Website](#) UNHCR Moldova, accessed 21 December 2023.
- Website UNHCR, [Ukraine Regional Office - All stateless persons in Belarus, Moldova and Ukraine](#), accessed 20 December 2023.
- [Website](#) UNHCR Moldova, [Temporary Protection in Moldova](#), accessed 21 December 2023.

Legislation:

- [Aliens Act](#) 200/2010 dated 16 July 2010, in effect as of 13 December 2010.

- [Amendment](#) 132 dated 21 December 2017, published on 19 January 2018 and in effect as of 19 April 2018.
- [Asylum Act](#) 270/ 2008 dated 18 December 2008, in effect as of 13 March 2009;
- Citizenship Act of the Republic of Moldova, 10 August 2000, last amended on 8 June 2023.
- Guideline [HG1144/2018](#) of 21 November 2018.
- Russian Federal Act of 31.05.2002 N 62-FZ 'On Citizenship of the Russian Federation'.

3 Ukraine

The republic of Ukraine declared itself sovereign on 16 July 1990, and it became formally independent of the Soviet Union on 24 August 1991. The country has about 43.3 million inhabitants.¹⁵⁶ Shortly after Ukraine's independence, the Law on the Succession of Ukraine was passed on 12 September 1991. Under Article 9 of this law, all citizens of the Soviet Union who had their permanent place of residence in Ukraine at the time of the proclamation of independence are citizens of Ukraine by operation of law.¹⁵⁷ For an explanation of transitional law after the collapse of the Soviet Union, see [4.1.9](#).

During the reporting period, Russia's illegal annexation of Crimea and Russian interference in Donetsk and Luhansk in 2014, as well as Russia's large-scale invasion of Ukraine in 2022, were the most decisive factors for the country. In addition to Crimea, parts of the regions of Kherson, Donetsk, Luhansk and Zaporizhzhia were occupied by Russia at that time. For further details, see [4.1.11](#).

3.1 Citizenship in Ukraine

The Law on Citizenship 2235-PI of 18 January 2001, which has been in force since 1 March 2001, applies in Ukraine.¹⁵⁸ Since the previous COI Report in 2011,¹⁵⁹ several legislative amendments have taken place. In addition to the Law on Citizenship, the procedures and necessary documents are specified in a presidential Directive.¹⁶⁰

This chapter describes the law as it applies at the time of publication of this COI Report. Changes since 2011 are explicitly explained, where relevant.

3.1.1 *Most important changes during the reporting period*

The illegal annexation of Crimea in 2014 and the Russian invasion in 2022 were reflected in the adjustment of citizenship legislation. For example, conditions were eased for the naturalisation of foreign nationals serving in the Ukrainian armed forces (army, State Transport Special Service or National Guard; see [4.1.7](#)). In addition, Russian naturalisations in the temporarily occupied territories were not recognised, due to the involuntary character of these procedures (see [4.1.11](#)).

Ukraine introduced by law a new procedure for statelessness recognition in 2020. The implementation of this procedure by Directive made this procedure accessible to applicants as of May 2021 (see [3.1.10](#)).

3.1.2 *Demonstrating citizenship*

Ukrainian citizenship can be demonstrated with one of the following documents:¹⁶¹

¹⁵⁶ CIA World Factbook [Ukraine](#).

¹⁵⁷ See the [Thematic Country of Origin Information Report](#) on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011, p. 25.

¹⁵⁸ [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁵⁹ See the [Thematic Country of Origin Information Report](#) on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011.

¹⁶⁰ See the [Directive](#) of 27 March 2001, 215, last amended by the Directive dated 29 April 2022, 285/2022.

¹⁶¹ Article 5 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023. For specimens, see: [Website](#) PRADO, accessed 17 November 2023.

- Domestic passport of Ukraine;
- International passport of Ukraine;
- Temporary passport of Ukraine;
- Diplomatic passport of Ukraine;
- Service passport of Ukraine;
- Sailor's certificate;
- Aviation Crew certificate;
- Laissez-passer¹⁶² for Ukraine for Ukrainian citizens.

Some of these documents can also be presented to Ukrainian authorities in digital form (e.g. the international passport of Ukraine).¹⁶³

3.1.3 *Role of authorities*

The division of powers between the president, the Presidential Commission, the State Migration Service (hereinafter: SMS¹⁶⁴) and the Ministry of Foreign Affairs is established in Articles 23, 24 and 25 of the Law on Citizenship.¹⁶⁵

Presidential Commission (Article 23)

The Citizenship Commission is headed by the president, and it advises the president on naturalisation applications and requests for the loss of Ukrainian citizenship. The president takes and signs decisions in these procedures. Presidential decrees are sent by the commission to the competent authorities: the central executive authority (State Migration Service, SMS) or the Ministry of Foreign Affairs (posts). The commission further monitors the implementation of presidential decrees.

SMS (Article 24)

The central executive authority for citizenship is the State Migration Service (SMS). This authority takes decisions on the recognition, registration and automatic acquisition of Ukrainian citizenship, in accordance with Article 3 of the Law on Citizenship (see [4.1.7.2](#)). In addition, the SMS takes decisions on the revocation of citizenship from Ukrainian children in certain cases, and it takes decisions on the acquisition of citizenship on grounds other than naturalisation. Applications for naturalisation are taken by the commission, checked for completeness and provided with a recommendation to the Presidential Commission. Requests for revocation of citizenship are also prepared by the SMS. The SMS is further responsible for a database in which information concerning the acquisition and loss of citizenship is recorded.

Ministry of Foreign Affairs and embassies (Article 25)

The Ministry of Foreign Affairs and the consular departments of embassies abroad have the authority to take decisions on recognising the citizenship of individuals whose principal residency is abroad. They may issue a statement confirming or denying Ukrainian citizenship, possibly after consulting the SMS or other Ukrainian authorities.¹⁶⁶ Such an affirmative statement is not sufficient to issue a passport, but it can be taken into account in a passport application. In case of a first passport application, the person in question should apply to the SMS in Ukraine. To this end, the embassy can issue a *laissez-passer*.¹⁶⁷

¹⁶² Also referred to as an identity card for return to Ukraine.

¹⁶³ Ukraine Now, [Digital Country](#).

¹⁶⁴ In Ukrainian: *Derzhavna mihratsiyina sluzhba Ukrayiny* (DMS).

¹⁶⁵ [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁶⁶ Confidential source dated 10 June 2024.

¹⁶⁷ Article 25 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023; confidential source dated 4 April 2024.

In addition, Ukrainian embassies abroad accept applications for naturalisation from individuals with special merits for Ukraine or whose naturalisation is in the interest of Ukraine. They forward these applications to the Presidential Commission, accompanied by a recommendation. Furthermore, embassies take applications for the renunciation of citizenship and provide them with a recommendation to the Presidential Commission. In times of war, however, renunciation procedures are suspended.¹⁶⁸ Embassies may also initiate and submit to the Presidential Commission their own proposals to revoke citizenship (see [4.1.8.1](#)).

If an individual claims to be in possession of Ukrainian citizenship but has no proof of it, the embassy may request verification from the SMS in Ukraine. The embassy itself does not have direct access to the population register. Verification of citizenship can be complicated for people from the temporarily occupied areas, or from areas where there is not yet any digitised population register. In addition, there is a register of passports issued, which includes fingerprints.¹⁶⁹

If there are questions regarding a Ukrainian passport, the embassy can also contact the Consular Affairs Department of the Ukrainian Ministry of Foreign Affairs. For the automatic acquisition of Ukrainian citizenship based on territorial attachment (Article 3; see [4.1.7.2](#)), a recognition procedure must be initiated through the court in Ukraine. The embassy cannot issue documents in this case.¹⁷⁰

3.1.4 *General citizenship procedures*

Applications to acquire or renounce Ukrainian citizenship are submitted to the SMS office with jurisdiction for the place of residence,¹⁷¹ or to the Ukrainian consular or diplomatic representation with jurisdiction for the place of residence abroad. The application is forwarded to the Ministry of Internal Affairs, which prepares a decision and forwards the file to the Presidential Commission. The president takes a formal decision on such applications by presidential decree.¹⁷²

Legal remedies

If an application for citizenship is granted or refused, or if citizenship is revoked, a reasoned decision is issued. Appeals or administrative procedures before the administrative court are allowed against such decisions by the Presidential Commission, as well as against the failure to take the decision or other procedural defects.¹⁷³

3.1.5 *Replacement of missing documents*

In the absence of any of the required documents, replacement documents can be requested.

A missing birth certificate can be replaced by the following:¹⁷⁴

¹⁶⁸ Confidential source dated 4 April 2024.

¹⁶⁹ Confidential source dated 4 April 2024. Embassies can consult the register of international passports in terms of previous passport applications at the same embassy. In addition, embassies may be informed by the authorities in Ukraine about a Ukrainian passport that was previously applied for or issued elsewhere (e.g. if that embassy requests the issuance of a passport). With regard to the exchange of information, see also the [Ministerial Directive](#) concerning the approval of the procedure for the registration and issuance of international passports by diplomatic representations.

¹⁷⁰ Confidential source dated 4 April 2024; confidential source dated 10 June 2024.

¹⁷¹ For a list of the offices, see the [website](#) of the State Migration Service, accessed 12 February 2024.

¹⁷² Articles 22 and 23 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁷³ See Article 26 ff. of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁷⁴ See the [website](#) of the UNHCR and the [website](#) Legalaid.gov.ua, accessed 14 February 2024.

- a replacement foreign document issued by the competent authority, in case of a foreign place of birth; the Ukrainian authorities themselves can request a replacement document from a number of countries that belonged to the former Soviet Union; or
- a replacement document issued by the Ukrainian civil registry (Department of the State Registration Acts of Civil Status, DRACS), in case the birthplace is in Ukraine. This requires a passport. Legal representatives or authorised representatives may also apply for this document; or
- documents from the hospital or a court order, if a birth certificate has never previously been issued for the person in question.

In case of a missing Soviet passport with the annotation 'citizen of Ukraine', the Ministry of Internal Affairs may issue a confirmation, if one has the following:¹⁷⁵

- a document from the municipal archives; or
- a photocopy of the passport; or
- any other documents that could serve as evidence.

If the Soviet passport is present but the annotation 'resident in Ukraine' in the Soviet passport is missing as proof of residence on 24 August 1991 or 13 November 1991, one can apply to the court to obtain proof of residence.¹⁷⁶ This requires witness statements, supporting evidence, a birth certificate and Soviet papers indicating registration of the place of residence.¹⁷⁷ The US State Department notes that such procedures can be costly and burdensome, which may deter people. According to the UNHCR, Roma are particularly at risk of statelessness due to missing birth certificates or other supporting documents. Previous homelessness can purportedly also lead to procedural problems, given the lack of documentation of previous places of residence.¹⁷⁸

Verification of identity

In case a Soviet or other passport is no longer available, one can apply to the State Migration Service (SMS) under the Ministry of Internal Affairs to have one's identity verified. To this end, the following are necessary:

- birth certificate;
- other supporting documents as proof of residence and foreign citizenship – the SMS may contact other authorities to this end;
- witness statements (if applicable).¹⁷⁹

Since 1 January 2005, the Soviet passport has no longer been valid in Ukraine. The SMS has provided large numbers of holders of such expired Soviet passports with Ukrainian documents in recent years. Between 2014 and 2023, 2,570 individuals had their principal residence in Ukraine confirmed on the reference date – 24 August 1991 or 13 November 1991 – without having any other citizenship. Ukrainian citizenship was recognised on this basis. In addition, for 583 individuals who did have the old stamp with the annotation 'resident in Ukraine' in their Soviet passports, this stamp was verified, and Ukrainian citizenship was recognised on this basis.¹⁸⁰

¹⁷⁵ See the [website](#) of the UNHCR and the [website](#) Legalaid.gov.ua, accessed 14 February 2024.

¹⁷⁶ UNHCR, [Issue of Ukrainian passports](#), 2022, p. 13; See the [website](#) of the UNHCR and the [website](#) Legalaid.gov.ua, accessed 14 February 2024.

¹⁷⁷ Confidential source dated 2 April 2024.

¹⁷⁸ US Department of State, Human Rights Report on Ukraine, 2022.

¹⁷⁹ UNHCR, [Issue of Ukrainian passports](#), 2022, p. 13; see the [website](#) of the UNHCR and the [website](#) Legalaid.gov.ua, accessed 14 February 2024; UNHCR, [Questions and answers on Statelessness Determination Procedures in Ukraine](#), 2021, p.3.

¹⁸⁰ Confidential source dated 2 April 2024.

Former Soviet citizens who cannot obtain proof of their principal residence on the above reference dates must apply for a recognition of their statelessness (see [4.1.10](#)).

3.1.6 *Multiple citizenship*

Multiple citizenship is possible in some cases. The Ukrainian Law on Citizenship nevertheless follows the principle of a single citizenship, as anchored in Article 4 of the Ukrainian Constitution. More specifically, people with another citizenship in addition to Ukrainian are regarded as having only Ukrainian citizenship.¹⁸¹ For example, according to one source, this means that, when leaving Ukraine, the Ukrainian passport must be used, and not another available passport.¹⁸²

One example of a situation in which multiple citizenship can currently arise is when a foreign citizenship is acquired automatically. In that case, the acquisition of foreign citizenship does not lead to loss of Ukrainian citizenship.¹⁸³

In principle, if a foreign citizenship is acquired voluntarily, this leads to the loss of Ukrainian citizenship. There appears to be no systematic monitoring of dual nationality.¹⁸⁴ Conversely, when naturalising as a Ukrainian citizen, the requirement to renounce another citizenship also forms an impediment to dual citizenship.

Russian citizenship

The Ukrainian authorities have qualified the acquisition of Russian citizenship in the Ukrainian territories temporarily occupied by Russia as involuntary and, therefore, null and void. Consequently, this does not lead to the loss of Ukrainian citizenship.¹⁸⁵ See also [4.1.11](#) on Crimea and other temporarily occupied territories.

Draft bill of January 2024

On 22 January 2024, President Zelensky submitted a draft bill¹⁸⁶ containing a number of major changes relating to citizenship. This bill was pending at the time of publication of this COI Report. Amongst other changes, it introduces the possibility of dual citizenship for nationals of certain countries (e.g. EU member states, the UK, Norway, Switzerland, the US, Canada, Japan), as well as for recognised refugees. For individuals from these countries seeking naturalisation, the renunciation requirement would be replaced by a 'unilateral declaration'. In this declaration, individuals seeking naturalisation promise to fulfil the obligations of Ukrainian citizens, regardless of their other citizenship. It primarily concerns descendants of people born in Ukraine (i.e. the Ukrainian diaspora). Conversely, it would be possible for Ukrainians to take citizenship of those countries voluntarily without losing Ukrainian citizenship. Another group of candidates for naturalisation would have easier access to Ukrainian citizenship: instead of renouncing, they could suffice

¹⁸¹ Article 2(1) of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁸² Forbes Ukraine, [The Verkhovna Rada is preparing to legalize dual citizenship in Ukraine](#), 6 September 2022.

¹⁸³ Article 19 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁸⁴ Forbes Ukraine, [The Verkhovna Rada is preparing to legalize dual citizenship in Ukraine](#), 6 September 2022; confidential source dated 4 April 2024.

¹⁸⁵ Foreign Policy, [Ukraine's Counteroffensive Against Forced Russian Citizenship](#), 2 June 2023.

¹⁸⁶ Draft Bill [10425](#) dated 22 January 2024.

with a declaration opting for Ukrainian citizenship.¹⁸⁷ The draft bill excludes Russian citizens from Ukrainian naturalisation until 24 months after the end of war.¹⁸⁸

3.1.7

Acquisition of citizenship

Article 4 of the Law on Citizenship defines who can be regarded as Ukrainian citizens:

1. All citizens of the former USSR who were permanently residing in Ukrainian territory at the time of Ukraine's declaration of independence on 24 August 1991 (see [4.1.7.2](#)).
2. Individuals who were living in Ukraine at the time this law entered into force (13 November 1991) and who were not citizens of another state (see [4.1.7.2](#)).
3. Individuals who arrived in Ukraine for permanent settlement after 13 November 1991 and who have the annotation 'citizen of Ukraine' in their USSR passport. This also applies to the minor children of these individuals (see [4.1.7.2](#)).
4. Individuals who acquire Ukrainian citizenship under Ukrainian laws, for example by:
 - birth ([4.1.7.1](#));
 - naturalisation ([4.1.7.4](#));
 - re-acquisition ([4.1.7.5](#)).

Draft bill of January 2024

Under the aforementioned draft bill dated 22 January 2024, President Zelensky proposed the following grounds for refusing the acquisition of Ukrainian citizenship:

- conviction for serious or particularly serious crimes, until the conviction is overturned or revoked;
- committing an act abroad that qualifies as a serious or particularly serious crime under Ukrainian criminal law;
- posing a risk to the national interest, national security, public order, sovereignty and territorial integrity of Ukraine.¹⁸⁹

Under the draft bill, integration requirements — consisting of knowledge of the Ukrainian language and basic knowledge of the constitution and history of Ukraine — would apply as a requirement not only for naturalisation, but also for all forms of acquisition. Exemptions would include citizens of EU member states, Norway, Switzerland, Canada, the USA, the UK and Japan.¹⁹⁰ See also [4.1.6](#).

3.1.7.1 Acquisition by operation of law — birth, adoption or guardianship (Article 7)

Legislation

Ukrainian law recognises both *ius sanguinis* and *ius soli*. This means that both parents and place of birth can determine the acquisition of Ukrainian citizenship.

Ethnicity plays no role in these provisions.

Acquisition by birth

Article 7 provides that the following children are Ukrainian citizens by birth:

¹⁸⁷ For the status and text of the draft bill, see the website of the [Verkhovna Rada](#) and the [amendment text](#). For an explanation, see Centre UA, [Acquisition and loss of citizenship, dual citizenship](#), 24 January 2024. The draft bill had not yet been adopted at the time of publication of this Country of Origin Information Report.

¹⁸⁸ See Draft Bill [10425](#) dated 22 January 2024. Article 9 Section II.

¹⁸⁹ Draft Bill [10425](#) dated 22 January 2024.

¹⁹⁰ Draft Bill [10425](#) dated 22 January 2024.

- Children born to one or two parents who were Ukrainian citizens at the time of the child's birth;
- Children born in Ukrainian territory to stateless parents with lawful residence in Ukraine;
- Children born outside Ukrainian territory to stateless parents with lawful residence in Ukraine, if they do not obtain another citizenship at birth;
- Children born in Ukrainian territory to foreign parents with lawful residence in Ukraine, if they do not obtain another citizenship at birth;
- Children born in Ukrainian territory to one stateless and one foreign parent, if they do not obtain the citizenship of the foreign parent at birth;
- Foundlings discovered in Ukrainian territory, whose parents are unknown.

Draft bill of January 2024

The aforementioned presidential draft bill of January 2024 proposes to exclude children from acquiring citizenship based on their birth in Ukraine, if their parents have only temporary lawful residence.¹⁹¹ According to NGOs, this would impose an unconstitutional restriction of the right to Ukrainian citizenship under Article 7 for children born to the following: stateless parents or parents with unknown citizenship; parents receiving subsidiary protection; and parents in asylum proceedings.¹⁹²

Acquisition by adoption and guardianship

When a minor stateless or foreign child is adopted by at least one Ukrainian parent, the child acquires Ukrainian citizenship by operation of law from the date on which the court's adoption ruling became binding. Residence in or outside Ukraine does not affect this. Recognition of Ukrainian citizenship is granted upon application by the Ukrainian adoptive parent or by the adoptee upon reaching the age of legal majority.¹⁹³

Guardianship of a foreign or stateless child results in the acquisition of Ukrainian citizenship if at least one of the guardians is Ukrainian and the child does not also acquire another citizenship as a result of the guardianship. Children in foster care obtain Ukrainian citizenship if their parents are missing, dead, incapacitated or removed from parental authority.¹⁹⁴

Finally, any child who is an alien or stateless person and who is found to be a descendant of a Ukrainian citizen by virtue of recognition or establishment of paternity or maternity will acquire Ukrainian citizenship by operation of law retroactively from the time of birth.¹⁹⁵ The same also applies to a stateless child who has reached 18 years of age.¹⁹⁶

Plenary guardianship

Acquisition resulting from plenary guardianship occurs in the following circumstances: the person in question is an alien or stateless, has lawful residence

¹⁹¹ Draft Bill [10425](#) dated 22 January 2024.

¹⁹² Position of the Coalition of Organizations that Care for Protection of the Rights of Victims of Armed Aggression Against Ukraine, on the Draft Law of Ukraine 'On Certain Issues in the Field of Migration Regarding the Grounds and Procedure for Acquiring and Terminating Ukrainian Citizenship' (10425), 14 February 2024.

¹⁹³ Article 11 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁹⁴ Article 12 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁹⁵ If the father or mother in question acquired Ukrainian citizenship after the child's birth, citizenship will apply from the time of acquisition by the parent in question.

¹⁹⁶ Article 15 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

in Ukraine, has been declared legally incapacitated by the court and has been placed under the plenary guardianship of a Ukrainian citizen.¹⁹⁷

3.1.7.2 Acquisition by operation of law – territorial connection since 1991 (Article 3)

The following are regarded as citizens of Ukraine by operation of law:¹⁹⁸

- citizens of the former Soviet Union who had a permanent place of residence in Ukraine at the time of Ukraine's declaration of independence — **on 24 August 1991** — and who still have a permanent place of residence in Ukraine.
- individuals who had their permanent place of residence in Ukraine **on 13 November 1991** and who still have this place of residence, and who were not citizens of another country. Ethnicity, political or religious beliefs, property, place of residence or knowledge of the language are explicitly irrelevant to this provision.

Procedure

The group claiming permanent residence since 24 August 1991 or 13 November 1991 have acquired citizenship by operation of law. This group is thus formally required only to apply for recognition, and not to obtain citizenship. If granted, the citizenship is therefore established as obtained with effect from 24 August 1991 and 13 November 1991, respectively. Applicants must submit the following documents with the application for recognition under Article 3:

- an original birth certificate or replacement birth certificate from the competent foreign authority;
- an original Soviet passport;
- a court ruling confirming continuous residence in Ukraine since the reference date;
- if the applicant was a minor on the reference date: documents concerning the parents' residence in Ukraine, and documents concerning adoption or foster care, if applicable.¹⁹⁹

Since 2005, the following group has also held Ukrainian citizenship by operation of law under Article 3:²⁰⁰

- individuals who were living in Ukraine **after 13 November 1991** and who had the annotation 'citizen of Ukraine' (*gromadjanin Oekrajini*) in their Soviet passport (1974 model). Minor children of these individuals travelling with them are also considered Ukrainian, if their parents had applied for Ukrainian citizenship for them. Citizenship is acquired with effect from the date on which the aforementioned annotation was inserted in the Soviet passport.

Procedure

The group of individuals who came to live in Ukraine after 13 November 1991 with a Soviet passport bearing the annotation 'citizen of Ukraine' can apply at a local office of the Ministry of Internal Affairs and Communications. The application is accompanied by an original birth certificate or replacement documents, as well as by

¹⁹⁷ Article 13 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁹⁸ Article 3 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

¹⁹⁹ See the [website](#) of the UNHCR and the [website](#) Legalaid.gov.ua, accessed 14 February 2024.

²⁰⁰ Legislative amendment to Law 2663-17 of 16 June 2005; see also [Thematic Country of Origin Information Report](#) on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011, p. 34.

the original Soviet passport or replacement documents thereof.²⁰¹ The application is followed by the provision of a document confirming registration as a citizen of Ukraine. A passport can be obtained on this basis.²⁰²

Missing documents

If any of the above documents are missing, replacement documents can be requested. See [4.1.5](#) for additional information on this point.

3.1.7.3 Acquisition upon request — territorial connection before 1991 (Article 8)

Special rules also exist for people with a territorial connection to Ukraine that is weaker than the aforementioned connection (see [4.1.7.2](#)). These people do not meet the listed dates of residence in Ukraine, but they were born in Ukrainian territory. They can obtain Ukrainian citizenship under less strict conditions than regular candidates for naturalisation (see [4.1.7.4](#)).

The application based on territorial connection is available to people who were born before Ukraine's declaration of independence (i.e. before 24 August 1991) in territory belonging to what later became Ukraine, or who were residing there permanently. The following territories are designated as later belonging to Ukraine: the Ukrainian People's Republic, the West Ukrainian People's Republic, the Ukrainian State, the Ukrainian Soviet Socialist Republic, Transcarpathia or the Ukrainian Soviet Socialist Republic (at the time of the USSR).²⁰³ The following relatives of these individuals are also eligible to apply: parents, grandparents, great-grandparents, siblings, children, grandchildren. Minor children of the aforementioned individuals are also eligible to acquire Ukrainian citizenship.²⁰⁴

One condition for obtaining Ukrainian citizenship is that the applicant must renounce any other citizenships and opt for Ukrainian citizenship. Proof of renunciation must be submitted within two years in the form of legalised documents issued by the foreign authorities. In principle, the first Ukrainian passport in such cases is issued for two years. If no proof of renunciation can be presented, the passport will not be renewed and the presidential naturalisation decree will be reversed. If people have renounced within the two-year period, they can apply for another passport in Ukraine at an office of the SMS. If these individuals are residing abroad, the embassy can issue a Ukrainian *laissez-passer* for this purpose.²⁰⁵

The article provides more lenient rules for proof of renunciation for the following individuals:

- recognised refugees in Ukraine: a personal statement renouncing their own citizenship;
- aliens with authorised principal residence in Ukraine and whose country of origin has concluded a treaty with Ukraine for the automatic loss of citizenship upon the acquisition of Ukrainian citizenship: an application for change of citizenship;

²⁰¹ See the [website](#) of the UNHCR and the [website](#) Legalaid.gov.ua, accessed 14 February 2024.

²⁰² Confidential source dated 2 April 2024.

²⁰³ For the exact designation of the historical areas listed, see the legislative text in Ukrainian.

²⁰⁴ Article 9 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023: [Law on the legal succession of Ukraine](#), 5 October 1991, 1543-XII.

²⁰⁵ Confidential source dated 10 June 2024, written responses of the Ukrainian embassy in The Hague.

- aliens serving in the Ukrainian army, the State Transport Special Service²⁰⁶ or the National Guard, as well as their spouses: a personal statement renouncing their own citizenship for themselves and their spouses;
- aliens with a temporary residence permit based on their military activities²⁰⁷ in Ukraine, as well as their spouses: a personal statement of renunciation for the applicant and the applicant's spouse;
- aliens and their spouses whose country of origin has been designated by the Ukrainian Parliament as an attacking state or occupying power, and who are subject to criminal prosecution in the country of origin: a document substantiating the prosecution, and a personal statement of renunciation;
- minor children are also subject to various more lenient provisions for the renunciation of current citizenship.

Individuals for whom naturalisation to Ukrainian citizenship automatically results in the loss of previous citizenship under the laws of their country of origin are not required to submit proof of renunciation.

Procedure

Applicants or their legal representatives apply for Ukrainian citizenship under Article 8 in person at the local office of the SMS. Requirements include at least an identity document and proof of birth or residence in Ukraine. Additional documents are required depending on the applicant's situation, as specified in the lower-level regulations.²⁰⁸ No fees are due. A decision follows within three months of the application.²⁰⁹ Ukrainian citizenship is granted based on an application under Article 8 under the law, with effect from the date of the application.

Draft bill of January 2024

The aforementioned presidential draft bill of January 2024 requires a civic integration exam for applications under Article 8.²¹⁰ This proposed amendment received criticism from NGOs, as the introduction of the integration requirement would exclude vulnerable groups (e.g. stateless persons), given that illiteracy is purportedly more common amongst them.²¹¹

3.1.7.4 Acquisition upon request — naturalisation (Article 9)

Legislation

The following requirements apply for the acquisition of Ukrainian citizenship:²¹²

- Knowledge of the Ukrainian language;²¹³

²⁰⁶ The State Transport Special Service is part of the Ukrainian Ministry of Defence; it was established to perform transport services, and not only for the Ukrainian armed forces. In Ukrainian: *Derzhavna spetsial'na sluzhba transportu* (DSST).

²⁰⁷ For a specification of these activities, see Article 4(20) of the [Law on the legal status of foreigners and stateless persons](#), 22 September 2011, No. 3773-VI, last amended on 13 December 2022.

²⁰⁸ See Sections 24–44 of the [Directive](#) of 27 March 2001, 215, last amended by the Directive dated 29 April 2022, 285/2022; [website](#) of the Ukrainian State Migration Service (SMS), *Acquiring Ukrainian Citizenship by geographic place of origin*, accessed 10 June 2024.

²⁰⁹ [Website](#) of the Ukrainian State Migration Service (SMS), *Acquiring Ukrainian Citizenship by geographic place of origin*, accessed 22 January 2024.

²¹⁰ Draft Bill [10425](#) dated 22 January 2024.

²¹¹ Position of the Coalition of Organizations that Care for Protection of the Rights of Victims of Armed Aggression Against Ukraine, on the Draft Law of Ukraine 'On Certain Issues in the Field of Migration Regarding the Grounds and Procedure for Acquiring and Terminating Ukrainian Citizenship' (10425), 14 February 2024.

²¹² Article 9 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

²¹³ This requirement was introduced by law [2704-VIII](#) dated 25 April 2019, in effect for this section as of 16 July 2021. Certain categories of applicants are granted an additional period of two years after obtaining citizenship to take the examination. Details about the examination are available [here](#).

- Knowledge of the constitution and history of Ukraine;²¹⁴
- Recognition of and obedience to the Ukrainian constitution;
- Renunciation of current citizenship (as needed);²¹⁵
- Legal and continuous principal residence in Ukrainian territory for five years, unless any of the following circumstances apply:
 - a. spouses or widows/widowers of Ukrainian citizens, if they have been (or were) married to the person in question for at least two years;²¹⁶
 - b. in case of marriage to a stateless person whose legal principal residence was in Ukrainian territory and who has died;
 - c. for recognised refugees or asylum status holders: at least three years of legal principal residence;
 - d. for stateless persons: three years of principal residence since arrival in Ukrainian territory or since their request for recognition of their statelessness;
 - e. for foreign nationals and stateless persons serving as professional military personnel in the Ukrainian Army, State Transport Special Service or National Guard: three years since the start of their contract;
- Lawful regular residence, with the exception of:
 - a. recognised refugees and asylum status holders;
 - b. aliens and stateless persons serving as military personnel in the Ukrainian Army, the State Transport Special Service or the National Guard, or holding a residence permit because they settled in Ukraine before the entry into force of the Law on Citizenship of Ukraine and holding a residence permit in their Soviet passport (1974 model), as well as their minor children travelling with them at the time;
- Sufficient income, with the exception of:
 - a. recognised refugees and asylum status holders;
 - b. people who have been granted Ukrainian citizenship because of special achievements.

Grounds for refusal

The following circumstances preclude the granting of Ukrainian citizenship:²¹⁷

- having committed crimes against humanity or genocide;²¹⁸
- conviction for a serious or particularly serious crime (until expungement of the criminal record), taking the threat to national security into account;

²¹⁴ This requirement was introduced by law [2996-IX](#) dated 21 March 2023, in effect as of 24 October 2023. Exempt from this requirement include people with certain medical conditions and people seeking naturalisation based on special merit for Ukraine.

²¹⁵ Individuals for whom naturalisation to Ukrainian citizenship automatically results in the loss of previous citizenship under the laws of their country of origin are not required to submit proof of renunciation. Under Draft Bill [10425](#) dated 22 January 2024, the renunciation requirement would no longer apply to citizens from certain countries, including EU member states, the UK, the US and Japan. Under the same draft bill, citizens of Russia and Belarus who were granted Ukrainian citizenship on condition of renouncing their Belarusian or Russian citizenship would be granted twelve months after the end of the war for the actual renunciation.

²¹⁶ The two-year period does not apply to spouses with residence status under Article 4(1)(3) of the Ukrainian Law on Immigration. Under Draft Bill [10425](#) dated 22 January 2024, the two-year period would be extended to three years for all other cases.

²¹⁷ Article 9 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

²¹⁸ The presidential draft bill replaces this ground for refusal with the broader wording 'danger to the national interests, national security, public order and territorial integrity of Ukraine'. A concrete definition of previous terms is thus far lacking. See Draft Bill [10425](#) dated 22 January 2024; *Position of the Coalition of Organizations that Care for Protection of the Rights of Victims of Armed Aggression Against Ukraine*, on the Draft Law of Ukraine 'On Certain Issues in the Field of Migration Regarding the Grounds and Procedure for Acquiring and Terminating Ukrainian Citizenship' (10425), 14 February 2024.

- committing a criminal offence abroad that is qualified as a serious or particularly serious crime under Ukrainian legislation.

Since 24 March 2022, the aforementioned grounds for refusal no longer apply to certain applicants. One condition for this exception, however, is that the Ukrainian authorities must establish that the applicant is being prosecuted for the aforementioned crimes for political reasons by another power that does not recognise Ukrainian territorial integrity. This would concern the following applicants:²¹⁹

- aliens and stateless persons serving in the Ukrainian Army, the State Transport Special Service or the National Guard;²²⁰ as well as aliens and stateless persons who have contributed directly or indirectly to the fight against Russian aggression in Donetsk and Luhansk;
- if the applicant's naturalisation would be in the state interest of Ukraine;
- for applicants who fought in anti-terrorist operations for Ukraine or carried out tasks in defence of national security, and repelling Russian aggression in the temporarily occupied territories of Crimea, in Kherson, Donetsk, Luhansk and Zaporizhzhia.

Procedure

The application for naturalisation is filed at the closest office of the SMS.²²¹ The documents required are as follows:²²²

- **passport**;
- proof of **lawful residence** in Ukraine;
- copy of the application for **renunciation** of all other citizenships, except in the following cases:
 - acquisition of Ukrainian citizenship leads to automatic loss;
 - Ukraine has signed a bilateral treaty to that effect;
 - the applicant is persecuted for political reasons in the country of origin, if the Ukrainian Parliament (the *Verkhovna Rada*) has designated that country as an attacking state, together with proof of the persecution in that country — in that case, a personal statement renouncing citizenship is sufficient;
 - if the applicant has served in the fight against terrorism and the defence of Ukraine — in that case, a personal statement renouncing citizenship is sufficient;
 - if the applicant is a recognised refugee — in that case, a personal statement renouncing citizenship is sufficient;
 - declaration of absence of another citizenship if the applicant has been recognised as stateless;
- proof of uninterrupted **principal residence** and right to residence in Ukraine;
- proof of **linguistic ability** in the Ukrainian language or a diploma from a Ukrainian degree programme;
- proof of sufficient legitimate **income** during the six months preceding the application, or assets equal to twelve times the minimum income;

²¹⁹ For the exact wording of the Ukrainian legislative text, see: Article 9 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023; Article 4(19 and 20) of the [Law on the Legal Status of Foreigners and Stateless Persons](#), accessed 20 November 2023.

²²⁰ Article 4(19 and 20) of the [Law on the Legal Status of Foreigners and Stateless Persons](#), accessed 20 November 2023.

²²¹ Website of the [SMS](#), accessed 25 March 2024; Article 9 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

²²² [Directive](#) of 27 March 2001, 215, last amended by the Directive dated 29 April 2022, 285/2022.

- proof of military service in the Armed Forces of Ukraine (if applicable);
- a certificate of marriage to a Ukrainian spouse (if applicable);
- a death certificate of the Ukrainian spouse (if applicable);
- documents relating to military service or special merit (if applicable).

The documents can also be submitted to the government's electronic portal, known as the Unified State Web Portal or DIYA.²²³ The date of acquisition of Ukrainian citizenship is the date of the presidential decree granting citizenship. The applicant receives an original copy of this decree.²²⁴

3.1.7.5 Re-acquisition of lost citizenship (Article 10)

Legislation

In the case of stateless persons who have previously relinquished their Ukrainian citizenship, the only requirement that applies is sufficient legal income; such applicants may also live abroad.

For other cases, the following conditions apply for the re-acquisition of Ukrainian citizenship:

- principal residence in Ukraine;
- sufficient legal income;
- renunciation of any other citizenships within two years of re-acquiring Ukrainian citizenship;

Proof of actual renunciation of the other citizenship through documents from another state is not required for the following individuals:

- stateless applicants;
- applicants for whom re-acquisition automatically results in the loss of previous citizenship;
- recognised refugees or asylum status holders in Ukraine — they submit a personal statement renouncing their previous citizenship;
- aliens and stateless persons serving in the Ukrainian Army, the State Transport Special Service or the National Guard — they submit a personal statement renouncing their previous citizenship;
- aliens who are nationals of a state that the Ukrainian Parliament has designated as an attacking state, and who are persecuted in the state of origin — they submit a personal statement renouncing their previous citizenship and proof of persecution;

The following are grounds for refusal:

- insufficient income;
- previous acquisition of Ukrainian citizenship based on fraud;
- previous revocation of Ukrainian citizenship based on fraud.

The effective date of re-acquisition is the date of application.

3.1.8 *Loss of citizenship*

Loss of citizenship takes place in accordance with the law by deprivation, by voluntary renunciation and under provisions of international treaties. All three

²²³ Forbes Ukraine, [The Verkhovna Rada is preparing to legalize dual citizenship in Ukraine](#), 6 September 2022.

²²⁴ Confidential source dated 10 June 2024.

means are described below. Loss by operation of law does not exist; all grounds for loss require a presidential decree.²²⁵

3.1.8.1 Involuntary loss of citizenship (Article 19)

The Ukrainian authorities may revoke Ukrainian citizenship if:

- previous acquisition is based on fraud; or
- if the person in question has voluntarily served in the military of a foreign power; or
- if an adult has voluntarily applied for and acquired foreign citizenship.

Involuntary acquisition of foreign citizenship

If the acquisition of foreign citizenship was not upon request and therefore not at the free will of the person in question, no refusal will follow. For example, this is the case when:²²⁶

- a child automatically acquires foreign citizenship at birth, in addition to Ukrainian citizenship;
- a Ukrainian child through adoption automatically also acquires the citizenship of the foreign adoptive parents;
- marriage to a foreign citizen leads to automatic acquisition of foreign citizenship;
- an adult citizen of Ukraine automatically acquires another citizenship as a result of the application of the citizenship legislation of a foreign state, and if this citizen of Ukraine has not received a document/passport confirming the relevant foreign citizenship. This means that applying for a passport is an indication of voluntary acquisition of citizenship, and it can therefore lead to the loss of Ukrainian citizenship. Given the situation in the temporarily occupied territories in Ukraine, the element of voluntariness in such situations is subject to debate (see also [4.1.11](#)).

New proposed grounds for loss

On 22 January 2024, President Zelensky submitted a draft bill proposing new grounds for loss. Under the draft bill, revocation would also follow if:

- the person in question voluntarily adopts the citizenship of a state that the Ukrainian Parliament has designated as an attacking state (see also [4.1.11.2](#));
- the person in question enters into military service for a state that the Ukrainian Parliament has designated as an attacking state;
- a judicial conviction has taken effect against the person in question for crimes against national security, peace, humanity or international law;
- the person in question is participating or has participated in aggression against Ukraine in the service of a state that the Ukrainian Parliament has designated as an attacking state;
- the person in question has dual citizenship and has used the other, foreign passport, thereby posing a danger to national security or the national interests of Ukraine;
- the person in question has not fulfilled the requirement of renunciation or the requirement of passing the civic integration exam within the stipulated time after naturalisation.²²⁷

²²⁵ EUDO Citizenship Observatory, [Country Report Ukraine](#), 2013, p. 10.

²²⁶ Article 19 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

²²⁷ Draft Bill [10425](#) dated 22 January 2024. **UPDATE — HAS THIS DRAFT BILL BEEN ADOPTED?**

Conditions for revocation

If the revocation is based on entering into the service of a foreign power or on the acquisition of foreign citizenship, it must not result in statelessness under Article 19. In case of imminent statelessness, no revocation will follow. Under Article 20, Ukrainian citizenship is not lost unless all requirements have been met. The revocation is effective from the date the presidential decree is published. Until that date, the person in question is considered a Ukrainian national with all associated rights and obligations.²²⁸ The presidential decree is not published.²²⁹

Procedure

Proposals for revocation are submitted to the State Citizenship Commission by the Ministry of Foreign Affairs — consulates and embassies — or by the Ukrainian Ministry of Internal Affairs — the State Migration Service (SMS). The president decides on revocation, and issues a decree to that effect.²³⁰ This decree will not be published, for reasons of privacy.²³¹

It is not entirely clear whether and on what scale the option to revoke citizenship for reasons of voluntary acquisition of another citizenship is applied. There appears to be no systematic monitoring of dual nationality.²³² For this reason, revocation does not always follow after naturalisation abroad, and the person in question retains Ukrainian citizenship.

The mere fact that a person has been abroad for a long time and never reported this to the authorities does not lead to the automatic loss of Ukrainian citizenship.²³³

3.1.8.2 Voluntary renunciation of citizenship (Article 18)

To renounce Ukrainian citizenship, the person in question submits an application to the embassy or consulate with jurisdiction over the applicant's place of residence. The applicant must be registered as a Ukrainian citizen residing in the relevant country. Along with the application, the applicant attaches a Ukrainian international passport containing permission to settle abroad, or a Soviet passport (1974 model) containing such an annotation.²³⁴ The applicant also submits proof of acquisition of another citizenship, or of the imminent acquisition thereof. In case of minor children, a birth certificate is required.²³⁵

Applications to renounce citizenship are forwarded to the Ministry of Internal Affairs (see 4.1.3). The decision will follow by presidential decree. In normal situations, this occurs within one year of receipt of the documents by the Ministry of Internal Affairs. The applicant receives an original copy of the presidential decree.²³⁶ Meanwhile, it is also possible to obtain written confirmation of the application for renunciation.²³⁷

²²⁸ Article 19 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

²²⁹ Confidential source dated 10 June 2024.

²³⁰ See Section 87 ff. of the [Directive](#) of 27 March 2001, 215, last amended by the Directive dated 29 April 2022, 285/2022.

²³¹ Confidential source dated 2 April 2024; confidential source dated 4 April 2024.

²³² Forbes Ukraine, [The Verkhovna Rada is preparing to legalize dual citizenship in Ukraine](#), 6 September 2022; confidential source dated 4 April 2024.

²³³ Article 2(7) of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

²³⁴ Such annotations are not issued in case of outstanding liabilities (e.g. tax debt or compulsory military service).

²³⁵ See Section 78 ff. of the [Directive](#) of 27 March 2001, 215, last amended by the Directive dated 29 April 2022, 285/2022. For an example of permission to exit, see the following: [Departure to a permanent place of residence \(pravdop.com\)](#)

²³⁶ Confidential source dated 10 June 2024.

²³⁷ Confidential source dated 4 April 2024.

During the current situation of martial law, it is not possible to renounce Ukrainian citizenship. The procedure outlined above is thus not possible. In case of application, the Presidential Commission will issue a negative decree²³⁸ (see also [4.1.3](#)).

3.1.9 *Transitional law after the collapse of the Soviet Union*

Shortly after Ukraine's independence, the Law on the Succession of Ukraine was passed on 12 September 1991. Under Article 9 of this law, all citizens of the Soviet Union who had their permanent place of residence in Ukraine at the time of the proclamation of independence are citizens of Ukraine by operation of law. The first constitution of the independent Ukraine entered into force on 28 June 1996. Under Article 4 contained therein, the country has a single citizenship, which can be obtained and terminated only according to the law. At that time, this was the Law on Citizenship of Ukraine, which had entered into force on 13 November 1991.²³⁹

One major problem with this Law on Citizenship was the legislative amendment introduced in 1997, which ensured that any individuals wishing to apply for naturalisation first had to renounce their non-Ukrainian citizenship and thus effectively become stateless for a certain time. On 18 January 2001, however, a new citizenship law was enacted that remedied this statelessness problem. This law has been in force since 1 March 2001 up to the time of writing of this COI Report.²⁴⁰

Article 3 of the current law still confirms the automatic acquisition of Ukrainian citizenship by operation of law for former Soviet citizens residing in Ukraine on 24 August 1991, as well as for all individuals residing there on 13 November 1991 and having no other citizenship. People who came to live in Ukraine after 13 November 1991 and who have an annotation of Ukrainian citizenship in their Soviet passports are also considered Ukrainian. They can request their citizenship by applying for recognition from the SMS (see [4.1.7.2](#)). People born in areas that came under Ukraine after the date of birth can apply for Ukrainian citizenship (see [4.1.7.3](#)).

3.1.10 *Statelessness*

In 2013, Ukraine acceded to the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness. In 2020, Ukraine introduced by law²⁴¹ a new procedure for statelessness recognition. The implementation of this procedure by Directive²⁴² made this procedure accessible to applicants as of May 2021. This new 2020 law also brought the definition of statelessness in line with the 1954 UN Convention. Under this new law, an applicant for statelessness status is entitled to temporary residence status during the application process. Recognised stateless persons may be granted a temporary residence permit based on their statelessness and, after two years, a

²³⁸ Confidential source dated 4 April 2024.

²³⁹ See the [Thematic Country of Origin Information Report](#) on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011, p. 25.

²⁴⁰ See the [Thematic Country of Origin Information Report](#) on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011, p. 25.

²⁴¹ Law [693-IX](#) dated 16 June 2020. In the concluding remarks, the law sets a six-month deadline to develop lower-level regulations for the procedure. This ultimately became May 2021; see Statelessness Index website, [Update Ukraine](#), accessed 11 June 2024.

²⁴² Directive [317](#), dated 24 March 2021.

non-temporary right of residence.²⁴³ Since a legislative amendment in 2023, there has also been an option of issuing shorter-term permits, and the conditions have been tightened.²⁴⁴ Three years²⁴⁵ after the recognition of statelessness, the person in question can submit an application for naturalisation (see [4.1.7.4](#)).²⁴⁶ The integration requirements will then apply in full.²⁴⁷

A granted status of statelessness may be revoked if it is found that the application involved fraud or false information.²⁴⁸

3.1.10.1 Number of stateless persons

Recent and accurate numbers of the stateless population in Ukraine are not available. In the 2001 census, 82,550 people reported identifying themselves as stateless. A later census could be conducted only in pilot form in a few locations, due to territorial disputes and the war. According to the SMS, 5,815 people had residence permits for stateless persons at the end of 2020.²⁴⁹ According to the UNHCR, there were approximately 35,000 stateless persons and people with unknown citizenship in Ukraine in 2021. Other sources refer to many tens of thousands more whose citizenship is unknown or who are stateless.²⁵⁰

Under the new procedure for the recognition of statelessness,²⁵¹ 1,351 applications were submitted between its introduction in March 2021 and December 2023, according to official figures. In all, 964 applicants were actually recognised as stateless.²⁵²

According to UNHCR partner organisations, the majority of persons of unknown nationality or at risk of statelessness in Ukraine include Roma, holders of Soviet passports, children born in occupied territories, homeless people and former prisoners.²⁵³ To combat statelessness, Ukraine has introduced a simplified procedure for recording events such as birth and death. This includes exemption from court fees for legal proceedings during martial law and in areas that are not under the control of the Ukrainian authorities. In addition, a new procedure for remote birth registration has been implemented. In 2022, this procedure was used by 125 people born in areas that were not under the control of the Ukrainian authorities.²⁵⁴

3.1.10.2 Procedure for recognition of statelessness

²⁴³ An annotation of 'ОБГ' or 'особа без громадянства' (person without citizenship) is placed on the residence document under 'citizenship'. The NGO Right to Protection also shows documents in booklet form issued in Crimea after 2014 with a Russian annotation to the same effect: 'ЛБГ'. See the website of Right to Protection: [Who are stateless persons who fled Ukraine after the Russian invasion on 24 of February, 2022](#), accessed 28 February 2024.

²⁴⁴ Website Statelessness Index, [Update Ukraine](#), accessed 25 March 2024.

²⁴⁵ In 2021, this required period of residence was reduced from seven to three years. See OCHCR Standing Committee, *Statelessness (including an update on the #Ibelong campaign)*, [EC/74/SC/CRP.12](#), 24 May 2023.

²⁴⁶ [Website](#) Index Statelessness, accessed 28 February 2024; UNHCR, [Statelessness Update Ukraine](#), p. 3.

²⁴⁷ Website Statelessness Index, [Update Ukraine](#), accessed 25 March 2024.

²⁴⁸ Confidential source dated 2 April 2024.

²⁴⁹ European Network on Statelessness, [Stateless Population Data 2022 Ukraine](#), p. 6; for exact data from 2001 see the [website](#) of the State Statistics Committee of Ukraine (in Ukrainian); Index Statelessness, [Index Survey 2023 Ukraine](#).

²⁵⁰ European Network on Statelessness, [Statelessness and the Ukraine war](#), accessed 28 February 2024.

²⁵¹ Procedural Guideline [317](#) dated 24 March 2021, implemented by Law [693-IX](#) dated 16 June 2020.

²⁵² Index Statelessness, [Index Survey 2023 Ukraine](#); confidential source, dated 2 April 2024.

²⁵³ UNHCR [Statelessness Update Ukraine](#), April 2021.

²⁵⁴ See OCHCR Standing Committee, *Statelessness (including an update on the #Ibelong campaign)*, [EC/74/SC/CRP.12](#), 24 May 2023.

Adult applicants submit applications in person to the local SMS office for their place of residence or to the nearest SMS office that accepts such applications.²⁵⁵ In case of proven health problems, the applicant may request the SMS officer to receive the application at another location (e.g. the applicant's home).

The following documents, if available, are submitted along with the application²⁵⁶:

- an identity document or travel document;
- a confirmation of the absence of citizenship;
- documents concerning birth, marriage, children, study/education in Ukraine or elsewhere, or a USSR passport (1974 model);
- documents related to employment, medical care received in Ukraine, place of residence, ownership of property;
- other documents issued by the Ukrainian authorities;
- documents from embassies or foreign authorities as proof of residence abroad;
- other relevant documents.

Because the SMS may conduct a hearing with the applicant for further information, the time needed to submit an application is around three hours. Applicants are not routinely informed of their rights during the application process.²⁵⁷ In the absence of identifying documents with a passport photograph, the SMS will interview at least three witnesses. These witnesses must have lawful residence in Ukraine. For hearing these witnesses, the applicant provides written consent and provides a list of possible witnesses. These interviews are conducted within fourteen days of the request. The SMS makes enquiries with foreign diplomatic representations of countries of previous residence. Failure to respond to a third request of the SMS after six months will be regarded as confirmation of the absence of citizenship of that country. Pending the proceedings, applicants for recognition of statelessness are provided with proof of lawful residence by the SMS.²⁵⁸ Under the law, funded legal aid is available for the proceedings.²⁵⁹ According to one source, however, this requires a birth certificate.²⁶⁰

During the recognition procedure, the SMS also checks whether the applicant may qualify for refugee or asylum status, and whether that person is eligible for Ukrainian citizenship.²⁶¹ In the latter case, the application for recognition of statelessness will be disregarded.

Access to the procedure

Sources report shortcomings in the procedure, particularly in relation to access to the procedure. Stateless persons without residence permits would purportedly not want to apply, for fear of a fine or alien detention.²⁶² In addition, an application

²⁵⁵ Of the 425 SMS offices in Ukraine, 115 handle applications for recognition of statelessness. No application is possible in the Donetsk and Luhansk regions, due to Russia's invasion (see confidential source, dated 2 April 2024).

²⁵⁶ UNHCR, [Questions and answers on Statelessness Determination Procedures in Ukraine](#), 2021; confidential source, dated 2 April 2024.

²⁵⁷ Confidential source dated 2 April 2024.

²⁵⁸ UNHCR, [Questions and answers on Statelessness Determination Procedures in Ukraine](#), 2021.

²⁵⁹ Article 14 of the Law of Ukraine on Free Legal Aid, amended by Law [693-IX](#) dated 16 June 2020.

²⁶⁰ Confidential source dated 2 April 2024.

²⁶¹ UNHCR, [Questions and answers on Statelessness Determination Procedures in Ukraine](#), 2021.

²⁶² Ukrainian law allows alien detention for individuals without residence status — both stateless persons and aliens — for six months to a maximum of 18 months. A fine for illegal residence is between UAH 1,700 and UAH 5,100, which translates to between EUR 40 and EUR 120. In 2023, 177 stateless persons were fined for unlawful residence, and four stateless persons were in alien detention in 2023. Appeals against such sanctions are possible, but undocumented stateless persons do not have access to subsidised legal aid, according to the Statelessness Index. Unpaid fines may prevent the granting of statelessness. See also confidential source, dated 2 April 2024; Statelessness Index, [Country Briefing Ukraine](#), August 2021, p. 2; UNHCR Ukraine [Q&A Statelessness](#), 2021; European Network on Statelessness, [Navigating Limbo](#), 21 February 2024.

cannot be made if people do not have the necessary documents. No subsidised legal aid is available to obtain replacement documents.²⁶³

In addition, children born to undocumented parents often do not have birth certificates. For children born to stateless parents in Ukraine, there is now a risk of statelessness, as they acquire Ukrainian citizenship only on condition of lawful residence, regardless of the risk of statelessness. In the Ukrainian territories that are temporarily occupied by Russia, people have experienced obstacles in accessing the procedure, as the Ukrainian authorities do not accept documents issued by Russian authorities.²⁶⁴

Furthermore, former residents of Russia and Belarus could not obtain a certificate of non-citizenship, as these countries have ceased their consular activities in Ukraine. Since Ukraine's withdrawal from the 1993 Minsk Convention,²⁶⁵ copies of birth certificates from Belarus and Russia cannot be requested in case these certificates are lost. According to one source, in some cases, SMS offices have asked for additional documents from former residents of Belarus or Russia.²⁶⁶

Children who miss the opportunity to be included in their parents' application for recognition of statelessness must wait until their 18th birthday before they can apply themselves. According to one source, applicants are not alerted to this fact.²⁶⁷

3.1.11 *The temporarily occupied territories in Crimea, Kherson, Donetsk, Luhansk, Zaporizhzhia*

The Ukrainian citizenship laws described above apply to all areas of Ukraine, including Crimea and the temporarily occupied territories in eastern Ukraine. Residents of Crimea and the occupied territories acquire and lose Ukrainian citizenship under Ukrainian law in the same way as all other residents of Ukraine. However, the Russian armed invasion of Ukraine needs to be taken into account for the following reasons.

During the reporting period, Russia used nationality legislation as a power tool to bring Ukrainian territory under Russian control. In February 2024, Russia announced that it had issued two million passports in the temporarily occupied territories of Ukraine.²⁶⁸ In addition, the armed struggle made access to documents and services from Ukrainian authorities partly impossible. This is explained in [4.1.11.3](#) (children born in occupied territories) and [4.1.11.5](#) (authorities).

The Ukrainian authorities have no insight into the population register or the register of civil acts in the temporarily occupied territories.²⁶⁹

3.1.11.1 Russian transnational application of nationality law

Since 2014, Russia has passed a series of laws that make Ukrainians either automatically considered Russian citizens under Russian law or more easily eligible for Russian citizenship.²⁷⁰ The Ukrainian side condemns these legislative

²⁶³ Confidential source dated 2 April 2024. [Website](#) Statelessness Index, accessed 28 February 2024.

²⁶⁴ European Network on Statelessness, [Navigating Limbo](#), 21 February 2024; Statelessness Index, [Country Briefing Ukraine](#), August 2021, p. 2.

²⁶⁵ Convention on legal assistance and legal relations in civil, family and criminal matters, signed in Minsk in January 1993. Ukraine has not been a member since December 2022.

²⁶⁶ Confidential source dated 2 April 2024.

²⁶⁷ Confidential source dated 2 April 2024.

²⁶⁸ Pravda, [Russia claims distribution of 2 million passports in occupied Ukrainian territories](#), 27 February 2024; Pravda, [Russians start issuing Russian citizenship to residents of Avdiivka](#), 24 February 2024.

²⁶⁹ Confidential source dated 4 April 2024.

²⁷⁰ Yale School of Public Health, [Forced Passportization in Russia-occupied areas of Ukraine](#), 2 August 2023.

amendments as null and void, and not lawful. They therefore do not lead to legal consequences in Ukraine. Ukrainians who are naturalised as Russians — whether voluntarily or involuntarily — based on the following laws do not lose their Ukrainian citizenship under Ukrainian law.²⁷¹

Since March 2014, Russia has regarded Ukrainian or stateless permanent residents of Crimea and Sebastopol as Russian citizens. People not wishing to become Russian citizens were required to express their desire to retain only Ukrainian citizenship within one month of the annexation of Crimea on 18 March 2014.²⁷² Since 2017, Russian law has no longer made it mandatory to renounce Ukrainian citizenship if one is naturalised as Russian — regardless of the applicant's place of residence.²⁷³ This was followed in April 2019 by the application of the simplified naturalisation procedure to residents of the People's Republics of Luhansk (LNR) and Donetsk (DPR) — which had been illegally annexed by Russia — and, later, also for all residents of the entire Ukrainian oblasts²⁷⁴ Luhansk and Donetsk, without requiring residence in Russia.²⁷⁵ Since July 2020, nationals from across Ukraine²⁷⁶ have been required to demonstrate only one year of lawful residence in Russia prior to their naturalisation application, instead of five years, and they are no longer required to meet the income requirement.²⁷⁷ Additional relaxations were added in May and July 2022. In May 2022, Russia opened the simplified naturalisation procedure to residents of Russian-occupied Kherson and Zaporizhzhia. In July 2022, President Putin issued a decree providing all Ukrainian citizens with access to a simplified naturalisation procedure.²⁷⁸ Such admission to the simplified naturalisation procedure also applies to Ukrainian citizens with lawful residence in Russia.²⁷⁹

As of October 2022, Russia stipulated in the annexation agreements with the illegally annexed People's Republics of Kherson, Zaporizhzhia, Luhansk and Donetsk that Ukrainian and stateless residents of these territories would become Russian citizens by taking an oath, and would be granted a passport.²⁸⁰ Russian annexation law refers to automatic acquisition of Russian citizenship for Ukrainian or stateless residents of those territories, unless they object within a month.²⁸¹ In practice, the first method of acquisition by oath is applied. Residents acquire Russian citizenship by taking an oath with the local occupation authorities.²⁸²

²⁷¹ [Statement](#) of the Ukrainian Ministry of Foreign Affairs, *Statement of the MFA of Ukraine on the decree of the President of the Russian Federation on a simplified procedure for granting the Russian citizenship for citizens of Ukraine*, 11 July 2022, accessed 19 March 2024; Foreign Policy, [Ukraine's Counteroffensive Against Forced Russian Citizenship](#), 2 June 2023; Raam op Rusland, [Caught in the jaws of the 'russkiy mir': Ukraine's occupied regions a year after their annexation](#), 25 October 2023.

²⁷² OCHCR, [Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol](#), September 2017, p. 8 ff.

²⁷³ Russia in Global Affairs, vol. 19 No. 2 April-June 2021, Igor A. Zevelev, *Russia in the Post-Soviet Space: Dual Citizenship as a Foreign Policy Instrument*, p. 24.

²⁷⁴ An oblast is an administrative region or province.

²⁷⁵ For a detailed description, see the general Country of Origin Information Report on the Russian Federation of April 2021. See also Russia in Global Affairs, vol. 19 No. 2 April-June 2021, Igor A. Zevelev, *Russia in the Post-Soviet Space: Dual Citizenship as a Foreign Policy Instrument*, p. 10.

²⁷⁶ and Belarus, Kazakhstan and Moldova.

²⁷⁷ OFPRA, *L'acquisition de la citoyenneté russe par naturalization*, 27 October 2020; Articles 13 and 14(2n) of the Russian Federal Law of 31.05.2002 [N 62-FZ](#) 'On Citizenship of the Russian Federation'.

²⁷⁸ Reuters, [Putin decree gives all Ukrainians path to Russian citizenship](#), 11 July 2022; The Moscow Times, [Russia Expands Fast-Tracked Citizenship Scheme to All Ukrainians](#), 11 July 2022; VOA, [Putin Signs Decree Offering Russian Citizenship to All Ukrainians](#), 11 July 2022.

²⁷⁹ Russian Presidential Decree dated 11 July 2022 (440).

²⁸⁰ See, for example, the [Kherson Annexation Agreement](#) dated 30 September 2022; [Zaporizhzhia Annexation Agreement](#) dated 30 September 2022.

²⁸¹ Russian [Annexation Act](#) dated 5 October 2022.

²⁸² Confidential source dated 7 June 2024.

Russian pressure on Ukrainian residents

Simultaneous with the nationality legislation described above, Russian laws were passed that imposed sanctions in the temporarily occupied territories on Ukrainians who did not hold Russian citizenship. According to a report by the Yale School of Public Health and reports by NGOs, these sanctions involved denying access to medical services and to social benefits to people if they did not have Russian passports. The sanctions also took away the right to a driving licence or to work, and they led to open threats of violence and intimidation.²⁸³ People who did not accept Russian citizenship were required to register with the occupation authorities using biometric data, or they were registered, including through employer pressure.²⁸⁴ According to another source, people with Ukrainian documents were interrogated by the FSB²⁸⁵ and, in some cases, Ukrainian documents were destroyed by the FSB.²⁸⁶ Beginning in July 2024, residents from the regions of Zaporizhzhia, Kherson, Donetsk and Luhansk also face the threat of expulsion to areas that are not under Russian control if they do not hold Russian citizenship.²⁸⁷

There are no reliable figures concerning the number of naturalisations (forced or other) in the temporarily occupied territories. According to the Russian Ministry of Internal Affairs, as of October 2023, more than 2.2 million residents of the four illegally annexed regions had acquired Russian citizenship, and a total of 83% of all local residents had applied for Russian citizenship.²⁸⁸

3.1.11.2

Invalid acquisition of Russian citizenship — extent of voluntary character

If Russian citizenship is automatically imposed on Ukrainian citizens, this acquisition is not legally valid under Ukrainian law, and it is not a reason for the loss of Ukrainian citizenship. This is stipulated in both the Law on Citizenship ('automatic acquisition without having applied for a passport') and the Law on Rights and Freedoms in the temporarily occupied territories ('forced automatic acquisition').²⁸⁹ There are three procedures for acquiring Russian citizenship in the temporarily occupied territories (see 3.1.10.1), varying from automatic acquisition — without any voluntary character — to the coerced submission of an application for naturalisation as a Russian, or simplified acquisition by taking an oath declaring one's commitment to Russia.²⁹⁰

Whether there is free will in the acquisition of Russian citizenship, and thus the loss of Ukrainian citizenship, is a subject of debate in Ukraine. On the one hand, there is considerable distrust of people who may have freely acquired Russian citizenship.

²⁸³ Yale School of Public Health, [Forced Passportization in Russia-occupied areas of Ukraine](#), 2 August 2023; Physicians for Human Rights (PHR), [Russian Forces Target Health Care to Control Civilian Population in Ukraine's Occupied Territories](#), 12 December 2023; confidential source dated 27 March 2024; confidential source dated 4 April 2024.

²⁸⁴ Yale School of Public Health, [Forced Passportization in Russia-occupied areas of Ukraine](#), 2 August 2023; OCHCR, [Climate of Fear](#), 20 March 2024, p. 17.

²⁸⁵ The FSB is the Russian Federal Security Service. In Russian: *Federalnaja sloezjba bezopasnosti Rossijskoj Federatsii*.

²⁸⁶ Confidential source dated 4 April 2024.

²⁸⁷ Russian Presidential Decree 307 of 27 April 2023 'On peculiarities of the legal status of certain categories of foreign citizens and stateless persons in the Russian Federation', at <http://actual.pravo.gov.ru/text.html#pnum=0001202304270013> (accessible with a Russian IP address); OCHCR, [Report on the Russian occupation of Ukraine and its aftermath](#), 20 March 2024, p. 34; Raam op Rusland: [Caught in the jaws of the 'russkiy mir': Ukraine's occupied regions a year after their annexation](#), 25 October 2023.

²⁸⁸ Raam op Rusland: [Caught in the jaws of the 'russkiy mir': Ukraine's occupied regions a year after their annexation](#), 25 October 2023.

²⁸⁹ Article 19(1)(d) of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023; Article 5(6) of the Law on Civil Rights and Freedoms and the Legal System in the Temporarily Occupied Territories of Ukraine, [1207-VII](#), 15 April 2014, last amended on 21 November 2023; confidential source dated 4 April 2024.

²⁹⁰ Confidential source dated 4 April 2024.

On the other hand, in the temporarily occupied territories, the pressure on people to adopt Russian citizenship is also strong. In addition, Ukrainian law does not provide a clear definition of the aforementioned automatic acquisition that fits well with practice. In practice, people do indeed obtain Russian citizenship through various types of procedures (see the previous paragraph: automatic acquisition, application under pressure or merely taking an oath).²⁹¹

A draft bill dated 19 September 2022 proposed extending Section 5 of the Ukrainian Law on Rights and Freedoms in the Temporarily Occupied Territories (as mentioned above). In the following cases, the acquisition of Russian citizenship would not be recognised, and would therefore not constitute grounds for the loss of Ukrainian citizenship: in the case of forced automatic acquisition, acquisition under threat of curtailment of rights, and acquisition during martial law by Ukrainian citizens deported to Russian territory. This draft bill also proposed making cooperation with 'passportisation'²⁹² a criminal offence. The draft bill was still pending in April 2024.²⁹³

This was followed in January 2024 by a presidential draft bill that proposes revocation of Ukrainian citizenship if the person in question voluntarily adopts the citizenship of a state that the Ukrainian Parliament has designated as an attacking state.²⁹⁴ This draft bill was also pending in April 2024.

There are no known cases of the actual revocation of Ukrainian citizenship solely on the grounds of acquiring Russian citizenship. The media reported some cases of revocation, in which there was also a serious suspicion of danger to public order or national interests.²⁹⁵ As a rule, presidential decrees of revocation are not published, for reasons of privacy (see [4.1.8](#)).

Ukraine considers Russian passports obtained after involuntary naturalisation invalid. To identify these passports, the Ukrainian cabinet issued a decree in November 2020 specifying that Russian passports issued by certain Russian authorities will not be recognised as valid.²⁹⁶

Invalidity of Russian passports in NL

Following the Implementing Decisions (EU) 2023/1061 and 2022/2512, The Netherlands does not accept any Russian passports or other Russian identity or travel documents²⁹⁷ that were issued by authorities in the temporarily occupied territories or to inhabitants of these territories. The Netherlands therefore does not accept or recognise Russian passports or other identity or travel documents issued since the stated date:

²⁹¹ [Position](#) of the Coalition of Organizations that Care for Protection of the Rights of Victims of Armed Aggression Against Ukraine, on the Draft Law of Ukraine 'On Certain Issues in the Field of Migration Regarding the Grounds and Procedure for Acquiring and Terminating Ukrainian Citizenship' (10425), 14 February 2024; confidential source dated 4 April 2024.

²⁹² The term passportisation denotes the imposition of Russian citizenship in the temporarily occupied territories.

²⁹³ Draft Bill [8057](#) dated 20 September 2022; confidential source dated 2 April 2024.

²⁹⁴ Draft Bill [10425](#) dated 22 January 2024.

²⁹⁵ For example, see Politico, [Zelenskyy stripped four pro-Russia MPs of Ukrainian citizenship. Here's why](#), 11 January 2023; confidential source dated 2 April 2024.

²⁹⁶ For example, see Cabinet Decree [1491](#) dated 25 November 2020. The following numbers from Russian issuing authorities are listed in this decree: 610-000, 610-008, 610-026, 610-027, 610-039, 610-040, 610-047, 610-048, 610-055, 610-068, 610-069, 611-001, 612-006, 612-007, 612-008, 612-019, 612-047, 612-059, and the following series of international passports: MVD 1479, MVD 1480, FMS 23101, MVD 23101, MVD 90101. Given the changing situation in Ukraine, this should be seen as only a snapshot in time.

²⁹⁷ This includes the following Russian documents: ordinary passports, diplomatic passports, residence permits for stateless persons, certificates of return, seafarers' identity documents and seamen's books.

- The Autonomous Republic of Crimea and the city of Sebastopol after March 18, 2014; (not recognised)
- The Donetsk region after 24 April 2019; (not recognised)
- The Luhansk region after 24 April 2019; (not recognised)
- The Kherson region after 25 May 2022; (not accepted)
- The Zaporizhzhia region after 25 May 2022; (not accepted)
- The Kharkiv region after 1 August 2022.²⁹⁸ (not accepted)

Also, the Netherlands joined Belgium and Luxembourg in expressing reservations about the recognition of ordinary Russian passports. These are not recognised, in any case if they were issued by the Russian FMS offices²⁹⁹ numbered 90, 91 and 92. However, these passports are recognised if residents of Crimea and Sebastopol already were Russian citizens before the illegal annexation. Passports issued after 24 April 2019 to residents of the areas in the Donetsk and Luhansk regions that are not under the control of the Ukrainian authorities are also not recognised by the Netherlands. These passports are however recognised if the residents mentioned were already Russian citizens before 24 April 2019.³⁰⁰

3.1.11.3

Children born in the temporarily occupied territories

Under Ukrainian law, children born in Ukrainian territory acquire Ukrainian citizenship by operation of law (see [4.1.7.1](#)).³⁰¹ Under Russian legislation, children born after 24 February 2022 in the Kherson and Zaporizhzhia oblasts have automatically obtained Russian citizenship, without any residence requirement in Russia.³⁰²

In practice, it has proven quite difficult to register children with the Ukrainian authorities if they were born in Crimea and in other Ukrainian territories temporarily occupied by Russia. According to media reports, approximately 200,000 children born between 2015 and 2021 did not receive Ukrainian birth certificates.³⁰³ Normally, Ukrainian authorities ask for hospital or medical documents to register births and issue birth certificates. A birth certificate is required to obtain a Ukrainian passport. Russian occupation authorities, however, do not issue Ukrainian birth certificates, but Russian birth certificates. They also took possession of hospital documents along with applications for birth registration.³⁰⁴ Ukrainian authorities do not recognise documents issued by the Russian occupation authorities.³⁰⁵

Court procedure for the conversion of Russian documents

To be able to apply for a Ukrainian passport for their child, even with a Russian birth certificate, parents from the temporarily occupied territories have been able to have Russian documents converted to Ukrainian documents through a special court

²⁹⁸ See information from [PRADO](#), accessed 19 March 2024; see also the Implementing Decisions (EU) [2023/1061](#) and [2022/2512](#) of the European Commission on the establishment of the list of travel documents issued in — or to residents of — regions or territories of Ukraine that are occupied by the Russian Federation. The decisions also mention Georgia's renegade regions of Abkhazia and South Ossetia. Previous decisions of the European Commission date back to 2014.

²⁹⁹ FMS stands for Federal Migration Service.

³⁰⁰ See information from [PRADO](#), accessed 19 March 2024.

³⁰¹ Article 7 of the [Law on Citizenship of Ukraine](#), 1 March 2001, last amended on 21 March 2023.

³⁰² Raam op Rusland: [Caught in the jaws of the 'russkiy mir': Ukraine's occupied regions a year after their annexation](#), 25 October 2023.

³⁰³ Zn.ua, [About 200,000 children born in non-controlled territories and in Crimea celebrated the New Year without a Ukrainian birth certificate](#), 22 January 2022; confidential source dated 2 April 2024.

³⁰⁴ US Department of State, [Human Rights Report on Ukraine, 2022](#).

³⁰⁵ Ukrainian Helsinki Committee, [Birth, death and marriage in the occupation](#), 10 May 2023.

procedure since 2016.³⁰⁶ A court fee is charged for this, and a third person can also be authorised for the procedure.³⁰⁷ A court decision is then converted in the population register.³⁰⁸ The law requires Ukrainian courts to rule on the same day. After 2022, however, this was generally not feasible, due to a lack of judges,³⁰⁹ as well as to the effects of war (e.g. shelling, bombing, air alarms and power outages). At the time of publication of this COI Report, the total average duration of the procedure was six days.³¹⁰ To be eligible for such conversion of documents, the documents must have been issued in an area officially recognised as temporarily occupied territory. Given the rapid changes of the front line, official recognition as occupied territory does not always correspond to the actual situation.³¹¹

Between 21 February 2016 and 31 October 2023, Ukrainian birth certificates were still issued for 65,102 children through this court procedure.³¹² Between September 2022 and November 2023, a pilot project allowed a paper Ukrainian birth certificate to be issued to children from the occupied territories through an online administrative procedure — without the intervention of a court.³¹³

The draft law to convert the court procedure described above to an administrative procedure was still pending at the time of writing this COI Report.³¹⁴

3.1.11.4

Ukrainian children abducted to Russia

According to Ukrainian authorities, at least 19,500 children from the temporarily occupied territories had been abducted to Russia as of April 2024. Of these children, 10,513 have been located, but only 388 children have been able to return.³¹⁵ The actual number of children who have been abducted is not known.³¹⁶ Starting in January 2024, Russian foster care institutions and foster parents for Ukrainian children abducted to Russia from Ukraine could apply for Russian citizenship in a simplified manner.³¹⁷ Major concerns are being raised internationally about the granting of Russian citizenship to these children without the consent of the parents or guardians.³¹⁸ The Ukrainian Ministry of Foreign Affairs strongly condemned this practice and annulled the acquisition. In this case as well, the acquisition of Russian citizenship is neither voluntary nor lawful, and it therefore does not result in the loss of Ukrainian citizenship.³¹⁹ In addition to having Russian citizenship imposed upon them, it is feared that these Ukrainian children will have their names changed upon adoption, making them untraceable.³²⁰

³⁰⁶ See the [Ukrainian Civil Code](#); confidential source dated 27 March 2024; US Department of State, Human Rights Report on Ukraine, 2022.

³⁰⁷ UAH 537, equivalent to EUR 12. See xe.com dated 3 April 2024.

³⁰⁸ US Department of State, Human Rights Report on Ukraine, 2022.

³⁰⁹ Confidential source dated 5 April 2024; US Department of State, Human Rights Report on Ukraine, 2022.

³¹⁰ Confidential source dated 2 April 2024; US Department of State, Human Rights Report on Ukraine, 2022.

³¹¹ Confidential source dated 5 April 2024; Ukrainian Helsinki Committee, [Birth, death and marriage in the occupation](#), 10 May 2023.

³¹² Confidential source dated 2 April 2024.

³¹³ Confidential source dated 2 April 2024.

³¹⁴ Draft Bill [9069](#) dated 28 February 2023; confidential source dated 5 April 2024.

³¹⁵ Council of Europe, [Human rights situation in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine](#), August 2023, Point 63; [website](#) Children of War, accessed 16 April 2024.

³¹⁶ UN Committee on the Rights of the Child, [CRC/C/RUS/CO/6-7](#), 1 March 2024, p. 15

³¹⁷ Euromaidan, [Ombudsman: Putin issues order granting Russian citizenship to Ukrainian children](#), 5 January 2024; website Kremlin, [Executive Order on determining certain categories of foreign citizens and stateless persons having the right to apply for Russian citizenship](#), 4 January 2024.

³¹⁸ Council of Europe, [Human rights situation in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine](#), August 2023, Point 63.

³¹⁹ [Website](#) of the Ukrainian Ministry of Foreign Affairs, *Comment of the Ministry of Foreign Affairs of Ukraine regarding the adoption by the Russian Federation of a legal act that violates the legal rights of children — citizens of Ukraine*, dated 6 January 2024, accessed 19 March 2024. Confidential source dated 4 April 2024.

³²⁰ Confidential source dated 4 April 2024.

3.1.11.5 Authorities in the temporarily occupied territories

Russia has tried to bring the temporarily occupied territories under Russian administration in three steps: 1) through violence and intimidation against Ukrainian government employees to force them to continue working in key positions for the administration; 2) by applying Russian law and administrative systems in all areas of public life (e.g. political, social, cultural, economic, judicial, enforcement, notaries); and 3) by forcing the population to acquire Russian citizenship. Systematic human rights violations and violations of international humanitarian law were used as a means of pressure, including torture.³²¹ Some of the existing government structures in the occupied territories are staffed by Russian officials.³²² Ukrainian officials are forced to adopt Russian citizenship on pain of dismissal.³²³

3.1.11.6 Obtaining Ukrainian documents in occupied territory

Since the illegal annexation of Crimea in 2014, and Russia's invasion in 2022, it has become increasingly difficult and, eventually, almost impossible to obtain Ukrainian civil documents in the temporarily occupied territories. To this end, it is necessary to contact Ukrainian authorities or courts in Ukraine-controlled territory. Travel to areas outside the occupied territories is prohibited, however, and travel by way of Russia is expensive, dangerous and long, and digital court procedures are difficult to access from this area, as Ukrainian websites are blocked.³²⁴ For information on the possibility of having Russian civil documents converted into Ukrainian documents, see the court procedure described in [4.1.11.3](#).

Displaced persons from the temporarily occupied territories who hold only a Ukrainian birth certificate and a Russian passport, but who never had a Ukrainian passport, must have their identity established through the identification procedure at the SMS in order to be eligible for Ukrainian identity documents.³²⁵ According to one source, it may be difficult for these people to produce the required witnesses from their places of residence. Some people in the temporarily occupied territories are pro-Russian and do not wish to help people to obtain Ukrainian documents. Others would like to help but fear that their assistance in obtaining Ukrainian documents would be penalised by the Russian occupation forces.³²⁶

³²¹ OCHCR, [Climate of Fear](#), 20 March 2024, p. 19; confidential source dated 2 April 2024; confidential source dated 14 April 2024; Euromaidan, [Ukrainians who resist Russian passportization face cruel torture – Center for National Resistance](#), 26 March 2023.

³²² Raam op Rusland: [Caught in the jaws of the 'russkiy mir': Ukraine's occupied regions a year after their annexation](#), 25 October 2023.

³²³ Confidential source dated 4 April 2024.

³²⁴ UNHCR, [Briefing note on Birth registration](#), January 2020; confidential source dated 2 April 2024.

³²⁵ Confidential source dated 4 April 2024.

³²⁶ Confidential source dated 4 April 2024.

3.2 Immigration legislation in Ukraine

The fundamental rights, freedoms and responsibilities of foreign citizens and stateless persons residing or temporarily residing in Ukraine are determined by the Constitution of Ukraine, the Law on Immigration,³²⁷ the Law Concerning the Legal Status of Aliens and Stateless Persons,³²⁸ and the Law on Refugees and Persons in Need of Subsidiary Protection or Asylum.³²⁹

3.2.1 Regular immigration

According to the Law on Migration, certain types of labour migration and family reunification with lawfully resident aliens are subject to a quota.³³⁰ This quota is set annually by the government in line with the proposals of the central and local executive authorities. Permits outside of the quota can be granted based on a number of grounds for residence related to the right to family reunification with Ukrainian citizens, territorial attachment to Ukraine or the Ukrainian national interest. Decision-making power rests with the SMS or local authorities, depending on the category of immigrants. Applications can be submitted to diplomatic representations abroad and, in case of legal residence in Ukraine, to local SMS offices in Ukraine. Grounds for refusal include public order, public health, fraud, drug addiction, missing documents or a previously imposed entry ban. The decision period for regular residence applications is up to one year.³³¹

The Ukrainian Law on Immigration distinguishes between temporary and non-temporary permits. The latter requires an immigration permit. For example, temporary permits cover such residence purposes as study and certain types of employment.³³²

Residence with partner

The Law on Immigration grants the right to family reunification to legal spouses.³³³ Spouses of Ukrainian citizens can apply for family reunification regardless of the quota. Spouses of lawfully resident aliens are subject to a quota. A minimum marriage duration of two years applies to both groups.³³⁴ In addition to the grounds for refusal described above, the following circumstances are grounds for refusal:

- there is a marriage of convenience, or there are indications of such a marriage;
- the spouses are not living together;
- the spouses do not speak the same language;
- an application for family reunification with a spouse was previously refused;
- one of the spouses refuses to be present at the application.

³²⁷ Law [2491-III](#) 2001 dated 7 June 2001.

³²⁸ Law [3773-VI](#) 2011 dated 22 September 2011.

³²⁹ Law [3671-VI](#) 2011 dated 08 July 2011.

³³⁰ This quota applies to residence permits granted on the following grounds: certain types of work in science and culture; knowledge migration and labour migration meeting the needs of the Ukrainian economy; investment; family reunification of the nuclear family with lawfully resident aliens; family reunification with Ukrainian citizens not belonging to the nuclear family; previously lost Ukrainian citizenship; victims of human trafficking; and military service in Ukraine. See the SMS website, [Obtaining immigration permit](#), accessed 26 March 2024.

³³¹ Article 10 of the Law on Immigration, 2491-III 2001 dated 7 June 2001. See also: Zarovna, Iryna (2022). Activities of the State Migration Service of Ukraine relating to immigration. *Entrepreneurship, Economy and Law*, 5, 44–50, <https://doi.org/10.32849/2663-5313/2022.5.07>.

³³² See the SMS website, [Issuance of temporary permit](#), accessed 11 June 2024; SMS website, [Obtaining immigration permit](#), accessed 26 March 2024; see Articles 4 and 5 of Law [3773-VI](#) 2011 dated 22 September 2011.

³³³ Article 4(6) of Law [2491-III](#) 2001 dated 7 June 2001.

³³⁴ Article 4 of the Law on Immigration, 2491-III 2001 dated 7 June 2001.

3.2.2 *Asylum migration*

In 2002, Ukraine acceded to the 1951 UN Refugee Convention and the 1967 Protocol.

Under the Ukrainian Law on Refugees and Persons in Need of Subsidiary Protection or Asylum,³³⁵ aliens and stateless persons can have one of three types of residence status in Ukraine:³³⁶

- recognition as a refugee within the meaning of the UN Refugee Convention;
- recognition as a person in need of subsidiary protection because of fear for life, safety or freedom in the country of origin, based on the threat of execution of a death penalty or the execution of a death penalty sentence, torture or inhuman or degrading treatment or punishment;
- recognition as a person in need of temporary protection as a result of mass flight from external aggression, occupation, civil war, ethnic clashes, natural disasters or other events affecting the public order in part or all of the country of origin.

Grounds for refusal include identity fraud and providing insufficient evidence of the reason for the application. According to the regulations, a decision on the application will be taken within three weeks. A residence permit on the grounds outlined above entitles the holder to register at an address and to obtain a travel document.

Grounds for revocation:

- travel to the country of origin;
- acquisition of citizenship of Ukraine or of a third country;
- cessation of the grounds for asylum;
- obtaining a residence permit in another country;
- threat to national order and security or public health;
- provision of false data or other fraudulent acquisition of the permit.

Residence with partner

The Law on Refugees and Persons in Need of Subsidiary Protection or Asylum grants lawful spouses the right to family reunification.³³⁷ Spouses of recognised refugees and people with temporary or subsidiary protection status are eligible for a residence permit for purposes of family reunification. Grounds for refusal include objections relating to the public order or the granting of an asylum permit in another country.³³⁸

3.2.3 *Russians in Ukraine*

According to estimates, approximately 150,000 Russians with permanent residence permits and 17,000 with temporary residence permits are living in Ukraine. According to media reports, the residence permits of Russian immigrants in Ukraine were not renewed after 24 February 2022. On 1 November 2022, the Ukrainian cabinet announced an immigration freeze for Russian citizens, valid until 30 days after the end of the state of war. As of November 2022, pending residence applications from Russian applicants were set aside, and new residence applications were not considered. Excluded from this measure were Russian relatives of Ukrainian citizens and Russians who had served in the Ukrainian army for three years or more.³³⁹ In October, media reported that 635 Russians residing in Ukraine

³³⁵ Law 3671-VI 2011 dated 08 July 2011.

³³⁶ See the SMS website, [Obtaining refugee status or subsidiary protection](#), accessed 26 March 2024.

³³⁷ Article 1(26) of Law 3773-VI 2011 dated 22 September 2011.

³³⁸ Articles 4, 6 and 25 of Law 3671-VI 2011 dated 08 July 2011.

³³⁹ SMS website, [The Government of Ukraine approved changes concerning documentation of citizens of the Russian Federation](#), 1 November 2022; Visit Ukraine Today, [Issuance and exchange of residence permits in Ukraine: new rules for Russians](#), 2 November 2022.

had received a stamp in their passports obligating them to leave. Initially, broader policies on identification applied in respect of expired Russian passports.³⁴⁰ Naturalisation procedures of Russians were also complicated, given the renunciation requirement. As of 22 February 2022, no proof of renunciation of Russian citizenship could be obtained, as Russian consulates had ceased operations in Ukraine.³⁴¹

³⁴⁰ DW, *How Russians in Ukraine are fast becoming illegal immigrants*, 1 October 2023.

³⁴¹ BBC, [Ukraine war: The Russians fighting for a Ukrainian passport](#), 20 November 2023; Deutsche Welle, [How Russians in Ukraine are fast becoming illegal immigrants](#), 1 October 2022; confidential source dated 2 April 2024.

3.3 References

Articles and reports

- BBC, Ukraine war: The Russians fighting for a Ukrainian passport, 20 November 2023;
- Centre UA, Acquisition and loss of citizenship, dual citizenship, 24 January 2024.
- Coalition of Organizations that Care for Protection of the Rights of Victims of Armed Aggression Against Ukraine, Position on the Draft Law of Ukraine 'On Certain Issues in the Field of Migration Regarding the Grounds and Procedure for Acquiring and Terminating Ukrainian Citizenship' (10425), 14 February 2024.
- Council of Europe, Human rights situation in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, August 2023.
- Directive of 27 March 2001, 215, last amended by the Directive dated 29 April 2022, 285/2022.
- DW, How Russians in Ukraine are fast becoming illegal immigrants, 1 October 2022;
- EUDO Citizenship Observatory, Country Report Ukraine 2013.
- Euromaidan, Ombudsman: Putin issues order granting Russian citizenship to Ukrainian children, 5 January 2024;
- European Network on Statelessness, Navigating Limbo, 21 February 2024;
- European Network on Statelessness, Stateless Population Data 2022 Ukraine;
- Forbes Ukraine, The Verkhovna Rada is preparing to legalize dual citizenship in Ukraine, 6 September 2022.
- Foreign Policy, Ukraine's Counteroffensive Against Forced Russian Citizenship, 2 June 2023;
- Implementing Decision (EU) 2023/1061 of the European Commission of 31 May 2023 on the establishment of the list of travel documents issued in — or to residents of — regions or territories of Ukraine that are occupied by the Russian Federation. This decision also mentions the Georgian regions of South Ossetia and Abkhazia.
- Ministry of Foreign Affairs, General Country of Origin Information Report on the Russian Federation, April 2021.
- Ministry of Foreign Affairs, Thematic Country of Origin Information Report on citizenship and immigration legislation in Moldova, Ukraine and Belarus, May 2011.
- OCHCR Standing Committee, Statelessness (including an update on the #Ibelong campaign), EC/74/SC/CRP.12, 24 May 2023.
- OCHCR, Climate of Fear, 20 March 2024, p. 17.
- OCHCR, Report on the Russian occupation of Ukraine and its aftermath, 20 March 2024, p. 34;
- OCHCR, Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, September 2017, p. 8 ff.
- OFPRA, L'acquisition de la citoyenneté russe par naturalization, 27 October 2020; Articles 13 and 14(2л)
- Physicians for Human Rights (PHR), Russian Forces Target Health Care to Control Civilian Population in Ukraine's Occupied Territories, 12 December 2023;
- Politico, Zelenskyy stripped four pro-Russia MPs of Ukrainian citizenship. Here's why, 11 January 2023;
- Pravda, Russia claims distribution of 2 million passports in occupied Ukrainian territories, 27 February 2024;

- Pravda, Russians start issuing Russian citizenship to residents of Avdiivka, 24 February 2024.
- Raam op Rusland: Caught in the jaws of the 'ruskiy mir': Ukraine's occupied regions a year after their annexation, 25 October 2023.
- Reuters, Putin decree gives all Ukrainians path to Russian citizenship, 11 July 2022;
- Right to Protection, Who are stateless persons who fled Ukraine after the Russian invasion on 24 of February, 2022, accessed 28 February 2024.
- Russia in Global Affairs, vol. 19 No.2 April-June 2021, Igor A. Zevelev, Russia in the Post-Soviet Space: Dual Citizenship as a Foreign Policy Instrument, p. 24.
- Russian Federal Act of 31.05.2002 N 62-FZ 'On Citizenship of the Russian Federation'.
- Statelessness Index, Country Briefing Ukraine, August 2021, p. 2.
- The Moscow Times, Russia Expands Fast-Tracked Citizenship Scheme to All Ukrainians, 11 July 2022;
- Ukraine Now, [Digital Country](#).
- Ukrainian Helsinki Committee, Birth, death and marriage in the occupation, 10 May 2023;
- UNHCR Statelessness Update Ukraine, April 2021;
- UNHCR Ukraine Q&A Statelessness, 2021;
- UNHCR, Briefing note on Brith registration, January 2020;
- UNHCR, Issue of Ukrainian passports, 2022, p. 13.
- UNHCR, Questions and answers on Statelessness Determination Procedures in Ukraine, 2021;
- US Department of State, Human Rights Report on Ukraine, 2022;
- Visit Ukraine Today, Issuance and exchange of residence permits in Ukraine: new rules for Russians, 2 November 2022;
- VOA, Putin Signs Decree Offering Russian Citizenship to All Ukrainians, 11 July 2022;
- Yale School of Public Health, Forced Passportization in Russia-occupied areas of Ukraine, 2 August 2023;
- Zarovna, Iryna (2022). Activities of the State Migration Service of Ukraine relating to immigration. Entrepreneurship, Economy and Law, 5, 44-50
- Zn.ua, About 200,000 children born in non-controlled territories and in Crimea celebrated the New Year without a Ukrainian birth certificate, 22 January 2022.

Websites

- Children of War;
- Departure to a permanent place of residence (pravdop.com)
- Index Statelessness, Index Survey 2023 Ukraine;
- Index Statelessness;
- Kremlin, Executive Order on determining certain categories of foreign citizens and stateless persons having the right to apply for Russian citizenship;
- Legalaid.gov.ua;
- PRADO;
- SMS, Obtaining immigration permit;
- SMS, Obtaining refugee status or subsidiary protection;
- State Statistics Committee of Ukraine (in Ukrainian);
- Statelessness Index, Update Ukraine;
- Ukrainian Ministry of Foreign Affairs, Comment of the Ministry of Foreign Affairs of Ukraine regarding the adoption by the Russian Federation of a

legal act that violates the legal rights of children — citizens of Ukraine, dated 6 January 2024;

- Ukrainian Ministry of Foreign Affairs, Statement of the MFA of Ukraine on the decree of the President of the Russian Federation on a simplified procedure for granting the Russian citizenship for citizens of Ukraine, 11 July 2022;
- Ukrainian State Migration Service (SMS), Acquiring Ukrainian Citizenship by geographic place of origin;
- UNHCR
- Verkhovna Rada.

Legal obligations

- Cabinet Decree 1491 dated 25 November 2020;
- Directive of 27 March 2001, 215, last amended by the Directive dated 29 April 2022, 285/2022;
- Draft Law 8057 dated 20 September 2022;
- Draft Law 9069 dated 28 February 2023;
- Draft Law 10425 dated 22 January 2024;
- Law of Ukraine on Free Legal Aid, amended by Law 693-IX dated 16 June 2020;
- Law dated 25 April 2019, 2704-VIII, in effect for this section as of 16 July 2021;
- Law on Citizenship of Ukraine, 1 March 2001, last amended on 21 March 2023;
- Law on Citizenship of Ukraine, 1 March 2001, last amended on 21 March 2023;
- Law on Citizenship of Ukraine, 1 March 2001, last amended on 21 March 2023;
- Law on Civil Rights and Freedoms and the Legal System in the Temporarily Occupied Territories of Ukraine, 1207-VII, 15 April 2014, last amended on 21 November 2023;
- Law on the Legal Status of Foreigners and Stateless Persons, 22 September 2011, No. 3773-VI, last amended on 13 December 2022.
- Law on the Legal Status of Foreigners and Stateless Persons, accessed 20 November 2023;
- Law on the legal succession of Ukraine, 5 October 1991, 1543-XII;
- Law 693-IX dated 16 June 2020;
- Law 2491-III 2001 dated 7 June 2001;
- Law 3671-VI 2011 dated 08 July 2011;
- Law 3773-VI 2011 dated 22 September 2011;
- Legislative amendment to Law 2663-17 of 16 June 2005;
- Procedural Guideline 317 dated 24 March 2021, implemented by Law 693-IX dated 16 June 2020;
- Ukrainian Civil Code.