

NEW RULES ON THE ENTRY AND STAY OF FOREIGNERS IN UKRAINE

On July 11, 2007, the Cabinet of Ministers of Ukraine issued Decree # 917 on “Changes to the [Regulations on the Entry and Stay of Foreign Nationals and Stateless Persons in Ukraine](#), their Exit from Ukraine and their [Transit through the Territory of Ukraine](#)” (“Decree”). The Decree was published in the official journal of the Government of Ukraine and entered into force on July 26, 2007.

The Decree establishes the following changes:

- (i) foreign citizens who were previously allowed to enter Ukraine for tourist purposes on the basis of a tourist visa and who were allowed to stay in Ukraine for no longer than six months may now stay in Ukraine for no longer than 90 days.
- (ii) foreign citizens who were previously allowed to enter Ukraine under a visa-free program¹ and stay in Ukraine for up to 90 days (without restrictions on the number of stays of up to 90 days per year), may now stay in Ukraine for a cumulative period of up to 90 days within a period of 180 days from the moment of the first entry into Ukraine.

Thus, if foreign citizens intend to stay longer than 90 days in Ukraine during a given period of 180 days counted from the first entry into Ukraine, they must apply for a visa even if the 90-day period was interrupted by exiting Ukraine. Consequently, if during a period of 180 days foreign citizens who have entered Ukraine without a visa have already stayed in Ukraine for 90 days, they cannot re-enter Ukraine before the end of the 180-day period.

This new rule limits a stay in Ukraine of a citizen entering under a visa-free program to a maximum of 180 days per year.

Moreover, foreign citizens entering and staying in Ukraine for employment or living purposes must apply for an immigration visa allowing them to stay in Ukraine for a period exceeding 90 days within each given 180-day period.

- (iii) foreign citizens of countries the list of which the Cabinet of Ministers will approve, must prove their ability to financially support themselves during their stay in Ukraine (both while staying in Ukraine and while transiting through Ukraine). To date, the Cabinet of Ministers has not approved the list of countries and until it does so this provision will remain without force.

Uncertainty remains as to the application of the new rule outlined in point (ii) above, mainly regarding the date that should be considered as the commencement date of the 180-day period for foreign citizens who entered Ukraine under a visa-free program prior to July 26, 2007.

¹ This concerns citizens from the following countries: Austria, the Principality of Andorra, the Kingdom of Belgium, the Vatican, the United Kingdom of Great Britain and Northern Ireland, Greece, the Kingdom of Denmark, Estonia, the Republic of Ireland, the Kingdom of Spain, Italy, Canada, Cyprus, Latvia, Lithuania, Liechtenstein, the Grand-Duchy of Luxemburg, Malta, Monaco, the Kingdom of the Netherlands, Germany, the Kingdom of Norway, Poland, Portugal, San Marino, Slovakia, Slovenia, the United States of America, Hungary, Finland, France, the Czech Republic, Switzerland, the Kingdom of Sweden and Japan.

To date, no official interpretation has been issued by the Cabinet of Ministers, the Ministry of Foreign Affairs or the immigration services with respect to this question, however, it is assumed that the new rule will apply only after it comes into force, i.e. after July 26, 2007.

Therefore, it is highly advisable that each particular case is verified carefully. Our law firm is at your entire disposal for any legal assistance related to this issue that you may require.