

Ukraine

Ivan Kasynyuk, Iryna Moroz and Dmitry Koval

AGA Partners Law Firm

TAX

1 How does an individual become taxable in your jurisdiction?

According to Ukrainian law, an individual can be considered as a tax resident of Ukraine if he or she meets the Ukrainian tax residency criteria, which are as follows:

- an individual is considered a Ukrainian tax resident if he or she has a domicile in Ukraine;
- if the individual also has a domicile in another country, the individual is deemed a resident of Ukraine provided he or she has a permanent place of residence in Ukraine;
- if the permanent place of residence is also available in another country, the individual is deemed resident of Ukraine provided his or her centre of vital interests is situated in Ukraine (eg, the place of the permanent residence of the members of an individual's family or the place of an individual's registration as a business entity);
- if it is not possible to determine the actual centre of vital interests, or if the individual does not have a permanent place of residence in any country, the individual is deemed to be tax resident of Ukraine if he or she stays in Ukraine in excess of 183 days during a tax (calendar) year;
- if it is impossible to determine tax residency on the basis of the above provisions, then the individual will be a tax resident of Ukraine if he or she is a Ukrainian citizen;
- a person who fails to qualify as a Ukrainian tax resident will be considered a 'non-resident' for purposes of the Tax Code;
- the Tax Code also provides for a self-recognition procedure, according to which an individual can voluntarily elect to be a Ukrainian tax resident; and
- in conflict cases, the rules of the relevant double taxation treaties may be applied.

2 What, if any, taxes apply to an individual's income?

In Ukraine, individuals are subject to personal income tax, regardless of whether they are tax residents or not. Individuals as tax residents of Ukraine are taxed on their worldwide income, while non-residents are taxed on their Ukraine-sourced income only. Ukrainian laws determine Ukraine-sourced income as income derived by an individual as a result of any business activity performed in Ukraine, which, inter alia, includes remuneration for work performed in Ukraine, whether paid by a Ukrainian or a foreign company.

Both resident and non-resident individuals are taxable at the same tax rates, being 15 per cent and 17 per cent applied as follows:

- the 15 per cent rate applies to monthly income up to a threshold of 10 minimum wages per month (in 2014, 12,180 hryvnas); and
- the 17 per cent rate is applicable to monthly income in excess of a threshold of 10 minimum wages per month.

The individual's income is taxable whether it was obtained in cash or in kind. Taxable income includes employment income (with in-kind benefits), incomes from trading or professional activities (including operations with intellectual property), incomes from the alienation of property, winnings and prizes, insurance payments, interest and dividends, investment income and contributions to unqualified pension plans made on behalf of a taxpayer by another person or employer.

3 What, if any, taxes apply to an individual's capital gains?

The taxation of an individual's capital gains depends on the source of the gains.

The general rate applied to employment income is 15 per cent (to monthly income not exceeding 10 minimum wages) and the 17 per cent rate applies to monthly income exceeding that threshold.

Interest income is taxed at a 15 per cent rate. Dividends, including foreign dividends are taxed at a 5 per cent rate. Winnings and prizes are subject to 30 per cent tax by both residents and non-residents, except winnings in the state lottery and those received from a gambling organiser. As an exception, cash winnings in sports (other than remuneration to athletes) are subject to the standard 15 per cent and 17 per cent tax rate.

Taxation of royalties and investment income is at the 15 per cent rate (if such income exceeds 12,180 hryvnas. The amount of such excess is taxable at a rate of 17 per cent).

Gains derived from the sale of a real estate are not subject to tax if the sale takes place once during the year, provided the owner has held legal title for at least three years before the sale (the three-year ownership period does not apply to inherited property). The rate is 5 per cent if the taxpayer makes more than one sale per year.

Gains derived from the sale of movable property by a resident are subject to a 5 per cent rate; gains derived by a non-resident are subject to a 15 per cent or 17 per cent rate. As an exception, income derived by the taxpayer from the sale (exchange) during the year of one of the objects of personal movable property such as a car or motorcycle is not subject to taxation. Sale of two or more motor vehicles by the same person during the year will be taxed at rates of 5 per cent for residents and 15 per cent and 17 per cent for non-residents.

4 What, if any, taxes apply if an individual makes lifetime gifts?

In Ukraine, funds, property or property rights, and the cost of work or services presented to the taxpayer as a gift shall be taxable in the same way as inheritances.

Inheritances (real estate, chattels, securities, corporate rights, cash, insurance, etc) and gifts, are taxable at following rates:

- zero per cent if the recipient is a resident defined as a close relative (parent, spouse, children, etc);
- 5 per cent if the recipient is a resident not qualified as a close relative;
- 15 per cent (or 17 per cent) if the recipient (non-relative) is a non-resident but the testator was a resident (or vice versa).

5 What, if any, taxes apply to an individual's transfers on death and to his or her estate following death?

See question 4.

6 What, if any, taxes apply to an individual's real property?

Property owners in Ukraine are subject to land tax and real estate tax.

The owner of the land (other than the state) is required to pay land tax. Under a land lease agreement, the lessee must pay a rent payment, but is not responsible for the payment of land tax. Land tax is established at the level of 1 per cent per annum of the 'pecuniary valuation' of land. For agricultural land plots, land tax is established at zero per cent, 1 per cent and 0.03 per cent of the 'pecuniary valuation' of land for one hectare of arable land, one hectare of pasture and one hectare of 'perennial plants' land respectively.

The objects of real estate tax are apartments and houses that exceed an area of 120 square metres and 250 square metres respectively. Apartments and houses with a smaller area are subject to tax benefits. Consequently, this tax is calculated on the actual number of metres that exceeds such an exemption value, which is not taxed. However, these tax benefits are removed immediately once it is proven that the owner gains income from property, either from renting it out, leasing or commercial use.

The individual's real property is taxable at following rates:

- less than 1 per cent for apartments with a total living space not exceeding 240 square metres and residential houses not more than 500 square metres;
- 1 per cent for various types of real estate that are owned by one taxpayer, the aggregate total area of which does not exceed 740 square metres; and
- 2.7 per cent for apartments and houses with a total area exceeding 240 square metres and 500 square metres respectively, and for various types of real estate owned by one taxpayer, with an aggregate total area exceeding 740 square metres.

7 What, if any, taxes apply on the import or export, for personal use and enjoyment, of assets other than cash by an individual to your jurisdiction?

Personal items that are directly imported in accompanied baggage by any means of transport to the customs territory of Ukraine or sent in unaccompanied baggage, declared orally or in writing by the owner, or at the request of a customs officer, are not taxed. The list of an individual's personal items is given in the Customs Code of Ukraine.

An individual may import into the territory of Ukraine food for their own consumption in a total value not exceeding the equivalent of €200 per person, in amounts established by the government.

Goods sent in international mail, addressed to one recipient (legal or natural person) in one cargo express carrier from one sender in international express shipments where the total invoice amount does not exceed the equivalent of €150, are not subject to customs duties.

As regards personal motor vehicles, non-residents are allowed to import them into Ukraine for the period of up to one year. Such vehicles must be registered with the competent bodies of foreign state and are not subject to a written declaration and are exempt from the submission of documents needed for customs control.

8 What, if any, other taxes may be particularly relevant to an individual?

There is no wealth tax or stamp duty in Ukraine.

Value added tax (VAT) is levied on import and export of goods and auxiliary services, and on supply and sale of goods and services in Ukraine. The standard VAT rate is 20 per cent. In some circumstances, a reduced rate or exemption may apply. For example, import or export operations in the customs territory of Ukraine, regardless of the chosen customs regime of goods and where the customs value of the goods does not exceed the equivalent of €150 are not subject to VAT.

9 What, if any, taxes apply to trusts or other asset-holding vehicles in your jurisdiction, and how are such taxes imposed?

Trusts are not recognised in Ukraine. However, representative offices (permanent establishments) of trusts may be established in Ukraine. Such offices are subject to corporate income tax. The basic rate of this tax is 18 per cent.

10 How are charities taxed in your jurisdiction?

In general, charity (in the sense of 'aid'), received by the taxpayer in the form of money or property donated or work or services performed is not taxable. However, it is subject to the purpose of the charity.

For tax purposes, charity is divided into targeted and non-targeted charity. Both types of charity are not subject to tax when given to a taxpayer who has suffered due to particular circumstances, in limited amounts established by the government.

Non-targeted charity is not taxable when given by individuals in favour of a taxpayer during the year in the aggregate amount not exceeding 1,710 hryvnas.

Targeted charity is not taxable when given by resident individuals in any amount, but only to the exclusive list of taxpayers established by the Tax Code.

TRUSTS AND FOUNDATIONS

11 Does your jurisdiction recognise trusts?

Trusts do not exist in Ukraine in their pure form. Ukrainian legislation has introduced a contract of property management, which may create trust property rights of a trustee. However, this kind of agreement is far from the concept of a trust that is established in common law jurisdictions. Ukraine, which belongs to states with a continental legal system, has entirely different principles of property management. Thus, trusts are not recognised by the Ukrainian jurisdiction.

Foreign entities, such as trusts, with or without the intention to carry out economic activity in Ukraine, are able to open their non-commercial representative offices (which are not taxable) and commercial representative offices (also known as 'permanent establishments', which are subject to taxes such as corporate income tax, etc.

12 Does your jurisdiction recognise private foundations?

Charitable funds in Ukraine are subject to special tax treatment. Pursuant to the Tax Code of Ukraine, the following incomes are exempted from taxes:

- funds or property received free of charge or as irrevocable financial aid or donations;
- passive income;
- funds or property received by a fund from the performance of their main activity; and
- grants or subsidies from the state, local budgets and funds or through technical, charitable and humanitarian aid (subject to exceptions).

Other income received by charities is taxed in the general manner. Notably, in the case of winding up of a fund, its assets must be transferred to another non-profit organisation or enrolled in the state budget, unless otherwise provided by the law that governs activities of such an entity.

VAT exemptions for charitable funds are: charitable aid, including supply of goods and services to such funds free of charge and providing of such aid by these funds to recipients.

Charitable aid in the form of excise goods, securities (subject to exceptions) and intangible assets and goods and services for use in economic activities are not exempt from taxes. Other taxes and charges are imposed in the usual order.

Foreign charity organisations may open their representative offices in Ukraine. Such offices must pass through the procedure of accreditation. This procedure is carried out according to the accreditation of a separate subdivision of a foreign non-governmental organisation without providing a status of legal entity.

SAME-SEX MARRIAGES AND CIVIL UNIONS

13 Does your jurisdiction have any form of legally recognised same-sex relationship?

A same-sex relationship is not recognised in Ukraine.

14 Does your jurisdiction recognise any form of legal relationship for heterosexual couples other than marriage?

In Ukraine, a civil union is partially recognised. On the one hand, a couple, living as a family without registering a marriage, will not obtain the rights and responsibilities of spouses. On the other hand, the property, obtained by such a couple during the time of living together belongs to them by right of joint ownership, unless otherwise provided by written agreement between them. Thus, in cases of breaking up or the death of one of a couple, the partner will have the right to half of the property obtained during the time they have been living together.

As regards succession by persons who are in a civil union, it should be borne in mind that the inheritance may be carried out by law or according to the will. If the testator left a will, in terms of which all property belonging to him or her (or a particular part of the property), the rights and obligations shall pass to his or her civil spouse and such an heir will get his or her share of the inheritance.

However, if a will is not drawn up, inheritance procedure will take place according to the law, in order of priority provided by the legislation. In this

case, a civil partner may be recognised as heir of the fourth line (there are five lines) of succession only, if he or she lived with the testator as a family for at least five years before the time of the opening of the inheritance (the death of the testator). The fact of living as a family without marriage can be set by the court with enough relevant evidence.

SUCCESSION

15 What property constitutes an individual's estate for succession purposes?

Under the law of Ukraine, the inheritance includes all the testator's rights and responsibilities that existed at the time of its opening, that may appear in future and that have not stopped due to the testator's death. It means that all property rights of an individual constitute his or her estate for succession purposes.

As regards co-ownership rights, the testator's share in joint ownership is passed on a common basis. Moreover, an individual is able to bequeath his or her share in common property before the identification and allocation of his or her part in kind. Further, the heirs acquire all rights and obligations under the lease-buyout housing agreement that the testator had.

Notably, the testator may oblige the successor of property, to give to another person the right to use it. The right to use such property shall be valid even if the owner has been changed. However, such a right is not transferable to the heirs of the successor.

16 To what extent do individuals have freedom of disposition over their estate during their lifetime?

Individuals have freedom of disposition over their estate from the age of 18 and if they are not recognised by the court as partially or fully incapable of committing any action. Importantly, the further loss of capacity by a testator after drawing up a will does not make it invalid. The testator has the freedom to make changes to the will, cancel it or make a new will (which would override the previous one) without specifying the reasons for such changes or cancellation.

As regards marital property disposition, the ownership title is passed on a common basis and can be inherited by heirs under the will and also by law. If any of the heirs acts simultaneously as a co-owner of such common property, it does not give him or her any significant advantages in succession.

17 To what extent do individuals have freedom of disposition over their estate on death?

Regardless of the contents of the will, minors, juveniles, adult disabled children of the decedent, disabled widows or widowers, or disabled parents are entitled to a compulsory share in the inheritance. Such persons inherit half of the share that belong to each of them in the case of inheritance by law. However, the size of the compulsory share may be reduced by the court in the certain circumstances.

18 If an individual dies in your jurisdiction without leaving valid instructions for the disposition of the estate, to whom does the estate pass and in what shares?

Succession procedure by law or by a will depends on the existence of the latter. In the case of its absence, inheritance is conducted in order of priority established by law. There are five succession lines of the heirs and each subsequent line is entitled to inherit in the absence of heirs of the previous line, by deprivation of their rights to inherit, missing the deadline or a refusal to accept the heritage. Such a priority order may be changed by mutual agreement of the heirs or by a court decision in certain cases. The succession lines are as follows:

- first line – the decedent's children (including ones conceived during his or her lifetime and born after his or her death) the spouse who survived him or her and his or her parents;
- second line – the decedent's brothers and sisters and his or her grandfather and grandmother, both from the father's and mother's side;
- third line – the uncle and aunt of the decedent;
- fourth line – persons who lived with the decedent as one family for at least five years by the time of the opening of the inheritance; and
- fifth line – other relatives of the decedent to the sixth degree of kinship inclusive, as well as dependents of the decedent who were not members of his or her family.

Shares in the inheritance of each of the heirs are equal. However, the size of the shares in the inheritance may be changed by mutual agreement of the heirs.

19 In relation to the disposition of an individual's estate, are adopted or illegitimate children treated the same as natural legitimate children and, if not, how may they inherit?

Under the law of Ukraine in relation to inheritance, adopted children are equal to the relatives by birth. Importantly, adopted children do not inherit after the death of their parents or other natural relatives in the ascending line.

Illegitimate children have the same rights to inheritance as natural legitimate children. The only requirement for them to obtain such rights is the record of the decedent parents in a birth certificate. If the testator is not recorded as the child's father, paternity may be established through the court.

20 What law governs the distribution of an individual's estate and does this depend on the type of property within it?

If the testator in his or her will has not selected the law of the country of his or her citizenship, then the law of the country in which the testator had his or her last place of residence governs inheritances. However, such choice of law by a testator will be invalid if his or her citizenship changed after drawing up a will.

Inheritance of real estate is governed by the law of the country where such property is situated. Property that is subject to state registration in Ukraine is governed by the law of Ukraine.

21 What formalities are required for an individual to make a valid will in your jurisdiction?

The will shall be in writing, specifying the place and time of its compilation and signed by a testator personally. If the person is unable to sign it personally (due to illness, etc), another person may sign it on the testator's behalf. Such signature of another person must be certified by a notary public or an official competent to do this.

A notary public or other competent officials must certify the will. Such wills are subject to state registration in the hereditary registry according to the procedure established by the government.

22 Are foreign wills recognised in your jurisdiction and how is this achieved?

In 2009, Ukraine ratified the Convention on the Conflicts of Laws Relating to the Form of Testamentary Dispositions, according to which a foreign will is valid in Ukraine if the form complies with the domestic law of:

- the place where the testator made it;
- the nationality of the testator at the time of making the will or time of his or her death;
- the domicile of the testator at the time of making the will or time of his or her death;
- the habitual residence of the testator at the time of making the will or time of his or her death;
- the location of such property insofar as it relates to real estate.

In 2011, Ukraine ratified the Convention on the Introduction of a System of Registration of Wills, according to which, both Ukrainian and foreign wills are subject to registration in the hereditary registers of Ukraine and foreign countries. This means that any person may send a request to the competent national body of a foreign state or Ukraine concerning the availability of a foreign or Ukrainian will, certified and registered in Ukraine or any other state that is party to this Convention.

23 Who has the right to administer an estate?

The testator may entitle an individual or legal entity to administer an estate. If the testator does not appoint the executor or if the person appointed refuses to administer an estate, the new executor may be appointed by the heirs.

If there is no mutual consent as to whom to appoint, the court may appoint an executor at the request of one of heirs. The executor of the will may also be appointed by a notary public if the heirs demand such assistance.

24 How does title to a deceased's assets pass to the heirs and successors? What are the rules for administration of the estate?

The successor has the right to accept the inheritance or not to accept it. The law sets a period of six months from the decedent's death during which the successor must accept the inheritance. This deadline may be extended by the court in certain circumstances.

An heir, who lived with the testator at the time of opening the inheritance shall be deemed to have accepted the inheritance, if within the period of six months he or she does not refuse it. An heir who wishes to accept the inheritance, but at the time of opening of the inheritance has not been living with the testator, must submit an application for acceptance of the inheritance to the notary public.

After a six-month period the heirs who successfully accepted the inheritance receive the certificate of inheritance. The absence of such a certificate does not deprive an heir from the right to inherit. However, it should be noted that an heir who accepted the inheritance that included real estate is obliged to apply to the notary public for the issuing of a certificate of inheritance of real property.

25 Is there a procedure for disappointed heirs and beneficiaries to make a claim against an estate?

Where there is a dispute between the heirs, the contents of will shall be interpreted by the court. Upon the complaint of an interested person, the court also may find the will or a separate point within the will invalid if it determines that the expressing of the testator was not free and independent.

A person who cared for a decedent for a long time or provided material or other help to a decedent who was in a helpless condition due to his or her age, serious illness or injury, may ask the court to give the right to inherit within the succession line, which has the right of inheritance.

Where the heir inherited the obligation to compensate material or moral damage or to pay any fines or penalties that were caused by the testator, he or she may appeal to the court asking for a reduction if such an amount is excessively large compared to the value of property he or she inherits.

CAPACITY AND POWER OF ATTORNEY

26 What are the rules for holding and managing the property of a minor in your jurisdiction?

Parents manage the property of a minor without special powers, and they must care for its safety and the use of property in the child's interests. If parents do not properly perform their duties to manage the child's property, they must reimburse the child who suffered pecuniary damage. The competent custody and care authorities have to monitor such cases.

The parents of a minor do not have rights to make any significant deals on behalf of the child without the permission of the custody and care authority. Minors aged between 14 to 18 years may commit the transactions only with the consent (for vehicles or property this must be a written and notarised consent) of the parents (including adoptive parents or guardians).

27 At what age does an individual attain legal capacity for the purposes of holding and managing property in your jurisdiction?

An individual attains full legal capacity at the age of 18 and, therefore, legal capacity to hold and manage property independently.

28 If someone loses capacity to manage their affairs in your jurisdiction, what is the procedure for managing them on their behalf?

If a person loses capacity to manage their affairs, then the court or custody and care authority have to appoint a guardian or a trustee that will manage them on their behalf. Guardians or trustees are appointed mostly from relatives, taking into account personal relations between them and the decedent, as well as the capability of the person who is to serve as guardian or trustee.

The guardian and trustee must take care of the person, create the desired conditions, ensuring care and medical treatment, take measures

to protect the civil rights and interests of the person and carry out legal actions on behalf and in the interest of the incapacitated person.

The guardian or trustee does not have right to conclude any significant deals on behalf of the ward or with his or her property without the permission of the custody and care authority. The guardian also cannot make gifts on behalf of the person or incur debts on his or her behalf by the surety.

IMMIGRATION

29 Do foreign nationals require a visa to visit your jurisdiction?

The requirement for a visa depends on the nationality of a visitor. Citizens of Armenia, Azerbaijan, Belarus, Georgia, Moldova and Uzbekistan can enter Ukraine without a visa for an indefinite stay.

Holders of passports of Andorra, Argentina, Brazil, Canada, the European Union, Israel, Japan, Kazakhstan, Kyrgyzstan, Macedonia, Monaco, Montenegro, Panama, Paraguay, Russia, San Marino, South Korea, Tajikistan, the United States and Vatican City can enter Ukraine without a visa for a stay of up to 90 days within a 180-day period.

For all stays longer than above-mentioned periods the foreign nationals need a visa or valid Ukrainian residency permit. Visas are also required for foreign nationals of states not mentioned above.

There are three types of visas in Ukraine: a transit visa (the allowed period of stay is five days), a short-term visa (the allowed period of stay must not exceed 90 days within 180 days from the date of first entry) and a long-term visa (issued for entry to Ukraine with the purpose of the processing of documents, which entitles a stay or residence in Ukraine for a period exceeding 90 days).

It should be noted that Crimea is under de facto Russian control and the visa policy of Russia applies. Ukraine announced that foreign nationals should comply with Ukrainian visa regime, including obtaining a Ukrainian visa, if one is necessary, otherwise it may entail sanctions for 'support of the temporary occupation of the Ukrainian territory'.

30 How long can a foreign national spend in your jurisdiction on a visitors' visa?

For all citizens (listed above) who enter Ukraine, if the period of their stay in Ukraine is more than permitted for their nationality, visas are required.

A foreign national visiting Ukraine for the purpose of tourism may apply for a short-term visa, which is issued for up to 90 days within 180 days from the date of first entry. It can be issued for a single, double and multiple entry for a period of six months or the period specified in the documents that are the basis for issuing such a visa, but not more than five years.

31 Is there a visa programme targeted specifically at high net worth individuals?

There is no special visa programme targeted specifically at high net worth individuals.

For investment purposes, a foreign investor may apply for a short-term visa. A short-term visa may be issued if a foreign national makes an investment in Ukraine in an amount of not less than US\$50,000.

For employment and immigration purposes, an individual may apply for a long-term visa. This visa's aim is to enable the foreign national to prepare documents for further staying or residing in Ukraine for a period exceeding 90 days (ie, applying for a temporary or permanent residence permit). It may be issued as a single visa for 45 days or a single, double or multiple visa for up to three years.

32 If so, does this programme entitle individuals to bring their family members with them? Give details.

There is no special visa programme and individuals can bring their family members under the general requirements. Since the individual gets a temporary or a permanent residence permit in Ukraine, his or her family members may apply for a long-term visa if relevant legalised documents verifying their family member status (marriage certificate, birth certificate, etc), a copy of the relevant permit for temporary or permanent residence in Ukraine and a document that confirms the presence of sufficient funds for the maintenance of family members in Ukraine are provided.

Update and trends

The law that amends the Tax Code regarding taxation of passive income entered into force on 1 August 2014. The following tax implications for personal income tax are now applied:

- interest income is taxed at a 15 per cent rate. Banks and credit unions are required to withhold personal income tax and report to the tax authorities the total amount of interest income and tax withheld during a given month without providing any information about the individuals or their bank accounts; and
- dividends, including foreign dividends, are taxed at a 5 per cent rate.

A new nationwide military tax was introduced until 1 January 2015. The rate of this tax is 1.5 per cent. The subject of this tax is personal income in the form of wages (including rewards and compensations), winnings in state and non-state money lotteries, as well as the winnings a player

received from a gambling organiser. The military fee is not paid from passive income (interest, dividends, royalties, investment income and lease payments).

From 1 January 2015, an electronic system of VAT administration is going to be implemented in Ukraine. On the day of registration in the system, the accounts will be opened to VAT payers. All tax bills from 1 January 2015 will be registered in the Unified Register of Tax Bills.

In addition to the system, from 1 January 2015, the 'threshold' of compulsory registration of the VAT-taxable entity increases from 300,000 hryvnas to 1 million hryvnas.

It is important to note that the EU imposes a ban (by Council Regulation (EU) No. 825/2014 of 30 July) on investments in key sectors in Crimea and Sevastopol (transport, telecommunications, energy and the exploitation of natural resources) and an export ban on key equipment and technology related to those sectors.

33 Does such a programme give an individual a right to reside permanently or indefinitely in your jurisdiction and, if so, how?

There is no special visa programme. Individuals may reside in Ukraine permanently or indefinitely if they have received a permanent residence permit (PRP) or an immigration permit.

In order to obtain a PRP, an individual must first obtain an immigration permit, which is issued within the immigration quota. Once such a permit is obtained, a person will get a permanent residence permit.

In order to obtain the PRP, an individual must invest in the economy of Ukraine not less than US\$100,000 or be a highly qualified specialist, the need for whom is tangible for Ukraine's economy.

If the person applying for the PRP is in Ukraine, then he or she is issued simultaneously with an immigration permit. A person who permanently resides outside Ukraine must first obtain an immigration permit. Following this, the diplomatic agency or consular office of Ukraine, at his or her request, issues an immigrant visa. An immigrant visa is valid for one year from the date of its issuance.

34 Does such a programme enable an individual to obtain citizenship or nationality in your jurisdiction and, if so, how?

There is no special programme for obtaining citizenship. A foreign national may be granted the citizenship of Ukraine, subject to the following conditions:

- a recognition of and adherence to the Constitution and the laws of Ukraine;
- an obligation to terminate foreign citizenship within two years from the date of Ukrainian citizenship registration;
- permanent lawful residence in the territory of Ukraine during the previous five years. This requirement is not applicable to foreign nationals if married to a citizen of Ukraine for over two years or to foreign nationals who were married to a citizen of Ukraine for over two years and their marriage has terminated because of the death of the spouse;
- obtaining an immigration permit;
- knowledge of the national language or its understanding to an extent sufficient for communication; and
- the existence of lawful sources of living.



Law Firm

Ivan Kasynyuk
Iryna Moroz
Dmitry Koval

kasynyuk@agalawyers.org
moroz@agalawyers.org
koval@agalawyers.org

11A Nauki prospect
03028 Kiev
Ukraine

Tel: +380 44 206 06 75 / 76
Fax: +380 44 206 06 75 / 76
www.agalawyers.org