

Family members of foreigners staying in Ukraine are granted a right to apply for temporary residence permit

On 25 December 2011 the [Law on Legal Status of Foreigners and Persons without Citizenship No. 3773-17](#) dated 22 September 2011 will enter into force.

The EBA has for a long time advocated the extended authorized period of stay for migrant workers and members of their families, as Ukrainian legislation had not defined the status and the category of "members of migrant worker's family" envisaged by the European Convention on the Legal Status of Migrant Workers as of 24 November 1977.

Newly-adopted Law No.3773-17 provides statutory definition of this category and foresees the possibility to prolong the stay of migrant workers' family members in Ukraine. Importantly, new Law sets new rules and procedures for obtaining temporary residence visas for family members of foreigners.

In particular, parts 4-12 of Article 4 of the new Law say that foreigners and persons without citizenship, who arrived to Ukraine with the purpose of reunion of family and obtained a temporary residence permit, can rightfully stay on the territory of Ukraine for the period defined in parts 2-12 of the Article.

To smooth the non-compliance between procedures for visa type C and temporary inhabitant visa (type D) application the Ministry of Foreign Affairs of Ukraine has elaborated draft resolution which amends [Cabinet of Minister's Resolution No.567](#) of 1 June 2011. If adopted, this draft document will cancel the requirement to fill in the standard form of questionnaire for entry visa for foreigners and persons without citizenship and introduce new rules for obtaining temporary residence permits for foreigners' family members, namely the right to apply for visa type D.

The EBA pins hopes on the early adoption of this draft resolution by the Cabinet of Ministers of Ukraine. We will continue working on the protection of the rights of migrant workers and their families legally staying in Ukraine and will keep you posted on all developments. Moreover, we would like to thank all EBA members who contribute to this initiative.