

LABENSKA L.

Associate Professor
at the Department of Core Legal Disciplines,
(*Dnipropetrovsk Humanitarian University*)

ZASLONOVA K.

Student,
Law Faculty
(*Dnipropetrovsk Humanitarian University*)

**CONSTITUTIONAL AND LEGAL STATUS OF FOREIGN UKRAINIANS:
PRACTICAL REALIZATION**

Ukraine has one of the largest diasporas in the world, which is why it is interested in the comprehensive development of relations with foreign Ukrainians, including their repatriation and reintegration into Ukrainian society. It is necessary to determine the constitutional and legal status of these individuals in the legislation of Ukraine. The first steps in this direction have already been taken: the Law of Ukraine “On the Legal Status of Foreign Ukrainians” adopted on March 4, 2004 and later adopted regulations aimed at creating a mechanism for its implementation, as well as appropriate changes to other laws.

Conditions for provision of the status of foreign Ukrainian under Article 3 of the Law of Ukraine “On Foreign Ukrainians” are:

1. Ukrainian self-identity;
2. Ukrainian ethnic origin;
3. written application on the desire to have the status of foreign Ukrainian;
4. age of 16 and more;
5. absence of Ukrainian citizenship.

Ukrainian ethnicity or origin of the applicant is confirmed by relevant documents or testimony of citizens of Ukraine, foreign Ukrainians or non-governmental organizations of foreign Ukrainians.

Regarding the relationship between the concepts “the legal status of foreign Ukrainian” and “constitutional and legal status of foreign Ukrainian” we believe that the latter is a subtype of first one. Along with the constitutional and legal status of foreign Ukrainian it is possible to talk about his/her administrative and legal status and so on. Constitutional and legal status of foreign Ukrainian does not coincide completely with constitutional and legal status of foreigners or stateless persons, because current legislation of Ukraine grants foreign Ukrainians additional rights, particularly to entry into Ukraine, immigration into it and more. In this case we are talking about constitutional and legal status of foreign Ukrainian as a special kind of constitutional and legal status of foreigners and stateless persons. National legislation, which defines the constitutional and legal status of foreign Ukrainian in Ukraine, requires improvement. The downside of Article 26 of the Constitution of Ukraine is the lack of provision for the right of foreigners and stateless persons to get the status of foreign Ukrainian on the terms and in the manner prescribed by law.

