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PECULIARITIES OF TEMPORARY PROTECTION OF STATELESS STATES IN UKRAINE DURING THE RUSSIAN-UKRAINIAN WAR

Due to amendments to the Law of Ukraine “On Citizenship of Ukraine” adopted in 1997, about 25,000 previously deported stateless persons acquired Ukrainian citizenship between 1997 and 2001. In addition, with the support of UNHCR and the OSCE High Commissioner on National Minorities, Uzbekistan and Ukraine have reached an agreement that will allow 90,000 former deportees and their descendants to acquire Ukrainian citizenship.

In 2001, after intensive advocacy by UNHCR and the Council of Europe, the new Law on Citizenship of Ukraine introduced a simplified procedure for acquiring citizenship, as a result of which applicants no longer had to renounce their previous citizenship (become stateless in the process) before applying. for the acquisition of

Ukrainian citizenship. Preliminary requirements for proficiency in the Ukrainian language and five years of legal residence have also been abolished for persons with ties to Ukraine, including those previously deported.

In 2013, Ukraine acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. In 2020, the Parliament of Ukraine adopted Law № 693-IX which defined the procedure for recognition as a stateless person (SP). On March 24, 2021, the government adopted Resolution No. 317 to implement this Law.

The procedure should regulate the legal status of SPs and their children who arrived in Ukraine after November 1991 and do not have documents or do not have valid documents. It will also help regulate the status of children of such OBGs born in Ukraine. Recognized SP will receive a temporary residence permit (TRP), as well as a travel document. Recognized SPs will be eligible for a permanent residence permit (PRP) after two years of residence with a PTP. The Migration Service of Ukraine will provide such residence permits free of charge. Seven years after the recognition of SP will be able to apply for naturalization in Ukraine [1].

Holders of Soviet passports include not only stateless persons, but also those who, as an adult citizen of the USSR, lived in Ukraine as of August / November 1991 and did not receive the inscription "Citizen of Ukraine" in their passport. Such persons are forced to go to court to establish this fact. Only after that they can apply to the State Migration Service of Ukraine (LCA) to establish their citizenship of Ukraine and obtain a passport of a citizen of Ukraine.

According to public indicators of the LCA for the period from 2014 to 2021 inclusive, the LCA established the citizenship of Ukraine 1,136 people based on court decisions (paragraphs 1 and 2 of Part 1 of Article 3 of the Law of Ukraine «On Citizenship of Ukraine»

UNHCR partners in Ukraine assisted 99 people in obtaining such court decisions during 2017-2021 such cases from partner partnerships are still pending. Among the partners identified as persons of uncertain citizenship were those adults born in Ukraine, mostly Roma (aged 18+), whose parents violated the deadline for obtaining a birth certificate (after their children reach 1 month) and / or obtaining a passport of a citizen of Ukraine (14 years)) [2].

However, not everyone was able to complete the statelessness procedure, as it is time consuming. Especially due to lack of time to naturalize in Ukraine. And in the period of the beginning of the Russian invasion of Ukraine on February 24, 2022, it is a problematic moment to cross the border and further obtain temporary protection in the EU.

Unfortunately, without any identity documents, even at the time of the person's status as a stateless person in Ukraine, the right to freedom of movement abroad and

the right to temporary protection in the EU during the Russian invasion of Ukraine are leveled.

Therefore, we believe that a procedure should be developed for expedited consideration of the acquisition of statelessness and for the period of its consideration to work out the issuance of documents confirming legal stay in Ukraine and the ability to cross the border due to martial law so that people can take advantage of temporary EU protection.

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ANALOGY OF LAW AND COMPETITION OF DUTIES AS AN EXCLUSIONARY CIRCUMSTANCE

According to the current Georgian Criminal Code, it is prohibited to prosecute a person on the basis of the analogy of the law. A crime that is recognized as a ground of responsibility under Article 7 of the Criminal Code is considered to be only an act provided for by the Code. An action, no matter how intolerable and unacceptable to the public, since it is not provided for in the Code is not a crime. Consequently, there is no legitimate right of the state to use punishment as the most extreme form of state invasion of human rights. "It is not a crime without law" It is this civil legal principle that ensures the temptation of the state not to allow retaliation against a person even if he has committed unbearable behavior. Actions similar to the crime (which are not provided for in the Code) provoke a severe reaction in the society, the state using the punishment, as the most severe response to it tries to neutralize it. Therefore, if the analogy of the law were allowed, the repressive state machine would turn into a seeker of envy and the punishment would be stripped of its practical utility function.