



LEGISLATIVE MONITORING IN THE AREA OF MIGRATION AND BORDER MANAGEMENT for April 2017

Legislative act or draft	Status (date of approval/further consideration)	Short overview
Law of Ukraine “On Ukraine joining the International Convention on Salvage 1989” of 22 March 2017 No. 1968-VIII	Entered into force on 25 April 2017	<p>This Convention is one of central international treaties that regulate rendering of assistance to vessels or other poverty in danger in navigable waters.</p> <p>Ukraine’s joining the International Convention on Salvage 1989 is stipulated by the necessity to determine uniform rules regarding salvage operations at sea, to contribute to the safety of navigation and the protection of the environment.</p> <p>Although the Convention mainly concerns prevention of the damage to the marine environment and salvage of property, it also establishes duties of the salvor and of the owner and master in rendering assistance to a vessel or any person in danger of being lost at sea. These requirements also apply to vessels carrying unregulated migrants.</p>
Law of Ukraine “On amending the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” concerning the right to receive utility services” of 23 March 2017 No. 1972-VIII	Entered into force on 20 April 2017	<p>The Law is intended to restore the rights of internally displaced persons to have access to utility services, electricity, heating and gas according to prices and tariffs set by competent authorities for population, and to remove the discrimination that emerged.</p> <p>To this end, the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” has been amended as follows: it is established that the actual address of IDPs could be the address of a relevant IDP compact settlement setting (modular housing settlement, hostel, recreation camp, resort facility, sanatorium, hotel, etc.); it is established that IDPs have the right to pay the costs of utility services, electricity, heating and gas in IDP compact settlement settings according to the tariffs defined for the population, with respective government guarantees for realization of this right.</p>
Law of Ukraine “On amending Article 3 of the Law of Ukraine “On freedom of movement and free choice of residence in Ukraine” of 23 March 2017 No. 1973-VIII	Entered into force on 16 April 2017	<p>It was proposed to exclude the certificate about person’s registration as IDP from the list of documents that should contain information about person’s location.</p> <p>The purpose of this amendment was to align this provision with the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons”</p>

		concerning place of residence registration for IDPs.
Law of Ukraine “On ratification of the Framework Agreement between Government of Ukraine and Government of Hungary on the provision of a loan on terms of tied aid” of 23 March 2017 No. 1978-VIII	Entered into force on 16 April 2017	The Agreement concluded on 24 November 2016 in Budapest envisages granting of an interest-free loan to Ukraine for the amount of up to 50 ml. EUR for the period of up to 18.5 years with 1.5 year easy-term period. These funds are intended to finance the investment projects for construction of the border road infrastructure on the Ukrainian-Hungarian border and other projects agreed between the Parties.
Law of Ukraine “On amending the Law of Ukraine “On State Budget of Ukraine for 2017” of 23 March 2017 No. 1979-VIII	Entered into force on 21 April 2017	The Law is adopted to avail implementation of the Framework Agreement between Ukraine and Hungary on granting a tied aid loan (see above). Thus, by amending relevant Annexes approved by the Law of Ukraine “On State Budget of Ukraine for 2017”, it is suggested that the State Agency for Automobile Roads increased special fund expenditure by 100,000 thousand UAH to finance the new budget programme for construction of the border road infrastructure on the Ukrainian-Hungarian border (coded 3111620). The source of income to this special fund of the State Budget to cover the specified expenditure is the government’s external borrowing from the Hungarian Eximbank.
Draft Law of Ukraine “On the status of the Crimean Tartar People in Ukraine” (No. 6315 of 7 April 2017, M. Dzhemilev, R. Chubarov, H. Lohvynsky and others)	Provided on 10 April 2017	On 20 March 2014, the Verkhovna Rada of Ukraine adopted a Resolution “On Declaration of the Verkhovna Rada of Ukraine concerning guarantees of the rights of the Crimean Tartar People within the Ukrainian State” that guarantees the Crimean Tartar People protection and inherent right to self-determination within Ukraine. In addition, the Cabinet of Ministers of Ukraine required, in consultations with the Mejlis of the Crimean Tartar People, to develop and “urgently submit the draft laws of Ukraine that define and codify the status of the Crimean Tartars as indigenous people of Ukraine”. According to Article 92 of the Ukrainian Constitution, the rights of indigenous peoples and ethnic minorities are to be defined exclusively by laws of Ukraine. Thus, the proposed law intends to provide legislative regulation of issues related to the status of the Crimean Tartars as indigenous people of Ukraine and safeguarding of their rights.
Draft Law of Ukraine “On amending some laws of Ukraine on ensuring development and use of minority languages in Ukraine” (No. 6348 of 12 April 2017, I. Podolyak, O. Syroid, H. Hopko and others)	Provided on 18 April 2017	The proposed law is intended to regulate modalities of how the minority languages are to be used in public life. The draft suggests a mechanism to recognize the territory of a village or town as the place of compact settlement of ethnic minorities and proposes to regulate the use of minority languages in the following situations: when exercising authority by local self-governments and local executive bodies in places of compact settlement of ethnic minorities; during criminal and court proceedings; in education,

		including in places of compact settlement of ethnic minorities; in culture, mass media, advertising, and in geographic names in places of compact settlement of ethnic minorities.
Draft Law of Ukraine “On amending some legislative acts of Ukraine concerning elimination of discrimination of citizens who reside on the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol” (No. 6383 of 14 April 2017, H. Lohvynsky, R. Chubarov, V. Patskan and others)	Provided on 19 April 2017	The draft law proposes to make administrative and social services, as well as bank and notary services geographically accessible for Ukrainian citizens residing on the temporarily occupied territory. The authors of the draft recognize the existence of objective barriers for realization of property rights due to non-accessibility of notary services, which prevents realization of property rights by Ukrainian citizens in Crimea, for example, by finalizing inheritance cases opened before occupation. The proposed law also seeks to establish additional guarantees for the protection of national interests of the state by introducing registration of documents issued by the occupation authorities, which should assist in the efforts on de-occupation of the Crimean Peninsula.
Draft Law of Ukraine “On the territory of Ukraine temporarily occupied by Russian Federation” (No. 6400 of 20 April 2017, O. Syroid, O. Bereziuk, O. Liashko and others)	Provided on 26 April 2017	The draft law proposes to regulate the following issues: retention of Ukrainian citizenship by civilians residing on the temporarily occupied territory; procedure for issuance of documents certifying Ukrainian citizenship, identify a person or his/her special status; procedure for crossing the boundary of the temporarily occupied territory; special regime and restrictions for entering and exiting the temporarily occupied territory.
Draft Resolution of the Verkhovna Rada of Ukraine “On conducting parliamentary hearing on the topic: “Demographic Crisis in Ukraine – Causes, Outcomes and Solutions” (21 June 2017) (No. 6349 of 12 April 2017, A. Palatny, N. Korolevska, I. Sporysh and others)	Submitted to the Committee on 12 April 2017	The main intention of this act is to hold a comprehensive discussion within the Parliament about ways to address the demographic crises in Ukraine and to develop specific proposals in this area.
Resolution of the Cabinet of Ministers of Ukraine of 29 March 2017 No. 202 “On amending paragraph 2 of Resolution of the Cabinet of Ministers of Ukraine of 2 March 2016 No. 207”	Entered into force on 1 April 2017	This Resolution has regulated some issues concerning filling of the Unified State Demographic Registry – it extended the time limits for local self-governments to send information about place of residence registration/state and cancellation of such registration/stay of individuals to the Unified State Demographic Registry in hard copy, until the respective technical facility and software are fully functional and capable to ensure uploading of this information from registries maintained by territorial communities. This Government decision is meant to ensure continuous and uninterrupted channelling of such information.
Resolution of the Cabinet of Ministers of Ukraine of 12 April 2017 No. 259 “On amending Resolution of the Cabinet of Ministers of Ukraine of 16 December 2002 No. 1983”	Entered into force on 25 April 2017	This Resolution ensured legal compliance of the Procedure for defining immigration quotas and Procedure for managing cases related to applications requesting permission to immigrate, submissions

		<p>about cancellation of such permissions and decision enforcement. Thus, it concerned the Laws of Ukraine “On amending some legislative acts of Ukraine concerning military service in the Armed Forces of Ukraine by foreigners and stateless persons”, and “On amending some legislative acts of Ukraine concerning cancellation of mandatory state registration of foreign investments”.</p> <p>The Resolution defines the Ministry of Defence as having the competency to propose immigration quotas concerning persons who served in the Armed Forces of Ukraine for three years and longer. It also establishes the procedure for confirming that a foreign investment has been received by the Ukrainian economy due to cancellation of a legally binding requirement of state registration of foreign investment, and improved the procedure for cancelling immigration permissions.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 5 April 2017 No. 285 “On approval of the template form, technical description and Procedure for issuance of an ID for return to Ukraine”</p>	<p>Has not entered into force</p>	<p>The Resolution approves the template and technical description of a person’s ID for return to Ukraine, and respective issuance procedure. It regulates that blank ID cards should be produced in line with recommendations of the International Civil Aviation Organization, national and international standards, and have security features to prevent potential counterfeit.</p> <p>This Government act also regulates a range of technical solutions enabling issuance of a person’s ID for return to Ukraine through the Unified State Demographic Registry, as envisaged by the Law of Ukraine “On the Unified State Demographic Registry and documents certifying Ukrainian citizenship, a person’s identity or special status”.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 16 March 2017 No.168-r “On adoption of the Strategy for development of tourism and resorts up to 2026”</p>	<p>Entered into force on 16 April 2017</p>	<p>The purpose of the Strategy is to create favourable conditions for boosting the development of tourism and resorts that would meet the international quality standards.</p> <p>The main areas of the Strategy include visa liberalization and simplification of visa procedures for tourists from countries that are target markets for Ukraine. Thus, visa liberalization is envisaged with ten such countries.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 5 April 2017 No. 226-r “On issuance of long-term visas for Hungarian citizens to enter Ukraine”</p>	<p>Entered into force on 5 April 2017</p>	<p>The Regulation approved the decision by which long-term visas for Hungarian citizens are to be issued free of charge. It is the result of Ukrainian-Hungarian agreement reached on liberalization of mutual travel of these countries’ citizens, and the response of the Ukrainian side to the no-charge regime for long-term visas for Ukrainian citizens issued by Hungary, introduced on 24 November 2016. This visa type allows entry to Hungary with the intention to apply for further stay or residence on its territory for the period exceeding 90 days. Implementation of this Regulation shall promote bilateral relations between</p>

		<p>the two countries, and intensify contacts in social, economic, cultural, humanitarian and other domains.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 5 April 2017 No. 230-r “On approval of the Concept for the State Social Programme “National Action Plan for implementation of the UN Convention on the Rights of the Child” for the period up to 2021”</p>	<p>Entered into force on 5 April 2017</p>	<p>The Programme is intended to continue efforts on implementation of the UN Convention on the Rights of the Child, building an effective community-based system of protection of the rights and freedoms of children under the decentralization, and creating child-friendly environment according to the international standards and priorities of the Council of Europe Strategy for the Rights of the Child (2016-2021).</p> <p>The Programme priorities include creation of benevolent environment for the life and development of children, in particular ensuring the rights of foreign children, refugee children, minority children and children recognized as in need of subsidiary protection.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine 5 April 2017 No. 235-r “On amending the Regulation of the Cabinet of Ministers of Ukraine of 12 February 2014 No. 71”</p>	<p>Entered into force on 5 April 2017</p>	<p>The Government authorized the Minister of Social Policy, Andriy Reva, to sign the Arrangement on Implementation of the Agreement between Ukraine and the Federal Republic of Germany on social security. This action is intended to ensure the procedure for implementation of the Agreement regulating relations in the area of pension benefits.</p> <p>Granting and payment of pension benefits to Ukrainian citizens who reside abroad and other countries’ nationals who have arrived for permanent residence in Ukraine are subject to Ukrainian pension legislation comprised of the Law of Ukraine “On General Mandatory State Pension Insurance”, other legal acts as well as international treaties (agreements) regulating relations in the area of pension benefits.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 12 April 2017 No. 257-r “On approval of the action plan to ensure reintegration of labour migrants and their family members”</p>	<p>Entered into force on 12 April 2017</p>	<p>The Regulation seeks to promote employment of labour migrants and their family members, and involvement of children of labour migrants in education, in particular by offering them additional learning opportunities (first of all, to study Ukrainian language, Ukrainian literature and history), including those based on online sources.</p> <p>It is also planned to enhance social and legal safeguards for Ukrainian citizens working abroad, intensifying international cooperation on labour migrant protection. Consular posts will begin to maintain records as regards applications from Ukrainian citizens staying abroad about violations of their rights, including labour rights.</p> <p>Drawing on the international experience, it is also envisaged to consider and address provision of psychological support to labour migrants and their family members who have fallen victim of labour and other types of exploitation.</p> <p>The planned measures, when implemented, will create additional opportunities for Ukrainian citizens</p>

		<p>working abroad to return to homeland, followed by their further integration into the national labour market and active participation in social life in Ukraine.</p>
<p><u>Regulation of the Cabinet of Ministers of Ukraine of 19 April 2017 No. 265-r “On ensuring the access of the National Anti-Corruption Agency to the integrated inter-agency information and telecommunication system for persons, vehicles and cargo crossing the state border”</u></p>	<p>Entered into force on 19 April 2017</p>	<p>The National Anti-Corruption Agency is included in the list of users of the “Arkan” system – the integrated inter-agency information and telecommunication system for persons, vehicles and cargo crossing the state border. This will facilitate the Agency’s monitoring of lifestyle of persons obliged to disclose their assets.</p> <p>The Regulation requires that the Administration of the State Border Guard Service take relevant action in order to ensure that in a monthly term the National Anti-Corruption Agency receives access to the system.</p>