



LEGISLATIVE MONITORING IN THE AREA OF MIGRATION AND BORDER MANAGEMENT for April 2018

| Legislative act or draft | Status (date of approval/further consideration) | Short overview |
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| Decree of the President of Ukraine of 27 April 2018 No. 111/2018 “On the Ukrainian Border Guard Day” | Entered into force on 28 April 2018 | The Decree launches professional day – the Ukrainian Border Guard Day, to be celebrated each year on 30 April to honour courage and heroism of those who protect the state border of Ukraine. |
| Law of Ukraine “On ratification of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Bulgaria on cooperation in the event of disasters” of 14 March 2018 No. 2336-VIII | Entered into force on 17 April 2018 | This Law stipulates ratification of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Bulgaria on cooperation in the event of disasters executed on 30 June 2016 in Sofia. Article 6 of the Agreement establishes procedures for border crossing and rules of stay of the rescue and/or expert groups. |
| Law of Ukraine “On ratification of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on joint control of persons, vehicles, goods and items at joint Ukrainian-Moldova state border crossing points” of 1 March 2018 No. 2317-VIII | Entered into force on 24 April 2018 | The Agreement, which was executed on 6 October 2017 in Chisinau, was ratified with the view to develop the cross-border cooperation, good neighbourly relations and mutual understanding in order to effectively counteract to irregular migration and unlawful activities at the common state border, as well as simplify conditions for border crossing. |
| Law of Ukraine “On introduction of amendments to some legislative acts of Ukraine in order to ensure the border security of the State” of 27 February 2018 No. 2293-VIII | Entered into force on 29 April 2018 | The Law is aimed at amending, in particular, the Code of Ukraine on Administrative Offences, the Laws of Ukraine “On the State Border Guard Service of Ukraine”, “On the legal status of foreigners and stateless persons” in order to improve the measures taken by the State Border Guard Service of Ukraine to counteract to irregular migration at the state border and other offences in the border related sphere. The adopted Law will facilitate effective countermeasures against administrative offences at the state border of Ukraine, as well as controlled border areas and entry/exit control points to/from the temporarily occupied territory of Ukraine. |
| Draft Law of Ukraine “On ratification of the Agreement between the Cabinet of Ministers of Ukraine and the Federal Council of Switzerland on implementation of the paid activity of persons accompanying the staff of diplomatic missions, consular offices and permanent | Provided for familiarization on 23 April 2018 | With adoption of this Law it will be possible to ratify the Agreement, which will facilitate further exercising of the right to work, as well as maintaining qualifications and having opportunities for further professional development of family members of the |

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| <p>missions to an international organization” (No. 0182 of 19 April 2018, the Cabinet of Ministers of Ukraine)</p> | | <p>staff of Ukraine’s diplomatic missions, consular offices and permanent missions to the international organisations headquartered in the Swiss Confederation, and conversely, in respect of the staff of the Swiss Confederation in Ukraine.</p> |
| <p>Draft Law of Ukraine “On introduction of amendments to some legislative acts of Ukraine on simplifying pre-trial investigation of certain categories of criminal offences” (No. 7279-д of 20 April 2018, A. Kozhemiakin, M. Palamarchuk, I. Kotvitskyi and others)</p> | <p>Submitted to the Committee on 23 April 2018</p> | <p>The draft Law is aimed at defining non-grave crimes as criminal misdemeanours. Moreover, the amendments to article 244 of the Criminal Code of Ukraine provide for the heavier penalties for exploration, prospection, development of natural resources and other works on the Ukraine’s continental shelf by foreign nationals, unless otherwise is provided in an agreement between Ukraine and concerned foreign state acknowledged by the Verkhovna Rada of Ukraine as binding or in a special permit issued under procedure established by law.</p> |
| <p>Draft Law of Ukraine “On introduction of amendments to articles 165 and 166 of the Tax Code of Ukraine” (No. 8295 of 19 April 2018, I. Lutsenko, A. Herasymov, I. Herashchenko and others)</p> | <p>Provided for familiarization on 25 April 2018</p> | <p>In order to comply with the principle of equality of all taxpayers before the law, prevent any form of tax discrimination, the draft Law stipulates deletion of the provision from the Tax Code of Ukraine requiring inclusion of income in the form of alimony as received from a non-resident into the total monthly (annual) taxable income, as alimony paid to a taxpayer by a resident is not included in the total monthly (annual) taxable income.</p> |
| <p>Draft Law of Ukraine “On introduction of amendments to some legislative acts of Ukraine in order to create the economic preconditions for enhancing protection of the child’s right for adequate support” (No. 8296 of 19 April 2018, I. Lutsenko, A. Ivanchuk, I. Herashchenko and others)</p> | <p>Provided for familiarization on 25 April 2018</p> | <p>The draft Law stipulates introduction of amendments to the Family Code of Ukraine, in particular, concerning situations, in which one of the child’s parents takes independent decisions on his/her child’s travel abroad for the purposes of medical treatment, study or recreation.</p> |
| <p>Draft Law of Ukraine “On introduction of amendments to the Law of Ukraine “On citizenship of Ukraine” in order to improve certain provisions thereof” (No. 8297 of 19 April 2018, President of Ukraine)</p> | <p>Provided for familiarization on 23 April 2018</p> | <p>The draft Law is aimed to improve the provisions, which establish grounds for acquiring citizenship of Ukraine, primarily based on the territorial origin, as well as additional grounds preventing persons from acquiring citizenship of Ukraine, powers of the state authorities dealing with Ukrainian citizenship matters in a part of verification of grounds for acquiring citizenship, approving and making decisions on formalisation thereof; and to improve the mechanism of termination of Ukrainian citizenship where a citizen of Ukraine acquires citizenship of a foreign state; as well as to prevent dual citizenship of individuals acquiring citizenship of Ukraine.</p> |
| <p>Draft Law of Ukraine “On introduction of amendments to the Code of Criminal Procedure of Ukraine in order to confer powers on the State Border Guard Service of Ukraine” (No. 8313 of 20 April 2018, I. Yefremova)</p> | <p>Provided for familiarization on 24 April 2018</p> | <p>The draft Law is aimed, in particular, to ensure avoidance, timely detection and prevention of the external and internal threats to Ukraine’s security at the state border, as well as prevention of intelligence, terrorist and other illegal encroachments of the foreign special services, organizations, individual groups or persons; elimination of conditions favouring the above and reasons therefore. To achieve those purposes, the draft Law stipulates introduction of amendments to those articles of the Code of Criminal Procedure of</p> |

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| | | <p>Ukraine that confer powers of pre-trial criminal investigation of offences under articles 332, 332-1 and part four of article 358 of the Criminal Code of Ukraine on the bodies of the State Border Guard Service of Ukraine, provided that such offences were committed while crossing the state border of Ukraine or in attempt to do so.</p> |
| <p>Draft Law of Ukraine “On pre-higher vocational education” (No. 8321 of 24 April 2018, O. Marchenko, V. Lytvyn, I. Konstankevych and others)</p> | <p>Provided for review on 26 April 2018</p> | <p>Part two of article 3 of the draft Law provides that foreigners and stateless persons may obtain their education in Ukraine under the legislation and/or international agreements of Ukraine. Foreigners and stateless persons may obtain their pre-higher vocational education at the expense of the individuals or legal entities, unless otherwise is provided for in the international agreements to which Ukraine is the party, which were acknowledged by the Verkhovna Rada of Ukraine as binding; in laws and in the agreements between pre-higher educational institutions on international academic mobility. All persons obtaining their pre-higher vocational education have equal rights and obligations.</p> <p>According to part four of article 46 of the draft Law, institutions, where foreign students may be admitted as interns, should be specified in the respective contract or agreement on training of such specialists and may be located both on the territory of the ordering country and within Ukraine.</p> |
| <p>Resolution of the Verkhovna Rada of Ukraine “On approval as a basis of the draft Law of Ukraine on the national security of Ukraine” of 5 April 2018 No. 2391-VIII</p> | <p>Entered into force on 5 April 2018</p> | <p>The draft Law of Ukraine “On the national security of Ukraine” (under the registration No. 8068 of 28 February 2018) which was submitted by the President of Ukraine with the consideration of proposals of the Committee of the Verkhovna Rada on National Security and Defence on supplementing thereto, was approved as a basis by the respective Resolution.</p> <p>The draft Law provides that the Cabinet of Ministers of Ukraine will ensure, in particular, civil control over the activities of the State Border Guard Service of Ukraine and the State Migration Service of Ukraine that are part of the security and defense sector of Ukraine. It is also stated that the Ministry of Internal Affairs of Ukraine is a central executive authority responsible, among other things, for developing and implementing the state policy in following areas: defense of the state border of Ukraine and protection of Ukraine’s sovereign rights in its exclusive (maritime) economic zone, as well as migration (immigration and emigration), in particular, counteracting irregular migration, citizenship, registration of persons, in particular, refugees and other categories of migrants defined by the legislation. The activities of the State Border Guard Service of Ukraine and the State Migration Service of Ukraine are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine.</p> |

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| <p>Resolution of the Verkhovna Rada of Ukraine “On holding parliamentary hearings on the topic “Prevention of and countering discrimination against women from the vulnerable social groups” of 4 April 2018 No. 2385-VIII</p> | <p>Entered into force on 4 April 2018</p> | <p>Though such problems as disrespect of women’s rights and discrimination against women are acute in all areas and with regard to all categories of women, they are also the most pressing for women from the vulnerable groups: women with disabilities, Romani women, women with HIV/AIDS, rural women, aged women, internally displaced women and so on. They often suffer from numerous forms of discrimination where gender-based discrimination is further strengthened by some additional factors like ethnic origin, disability, age and gender identity.</p> <p>In light of the above, it was decided to hold parliamentary hearings on the topic “Prevention of and countering discrimination against women from the vulnerable social groups”.</p> |
| <p>Resolution of the Verkhovna Rada of Ukraine “On approval as a basis of the draft Law of Ukraine on introduction of amendments to the Law of Ukraine “On provisional measures for the period of the Anti-Terrorist Operation” on the peculiarities of issuing documents certifying identity and citizenship of Ukraine” of 4 April 2018 No. 2382-VIII</p> | <p>Entered into force on 4 April 2018</p> | <p>The draft Law (under registration No. 4023a of 15 July 2016), which was approved as a basis, proposes to supplement the Law of Ukraine “On provisional measures for the period of the Anti-Terrorist Operation” with new article 9³ “Peculiarities of issuing documents certifying identity and citizenship of Ukrainian to citizens living in the area of the Anti-Terrorist Operation or were displaced from it during its execution”.</p> |
| <p>Draft Resolution of the Verkhovna Rada of Ukraine “On urgent measures aimed to resolve problems of temporarily displaced persons and citizens living near the contact line” (No. 8255 of 10 April 2018, N. Korolevska, A. Palatnyi, Y. Boiko and others)</p> | <p>Provided for familiarization on 12 April 2018</p> | <p>The draft Resolution stipulates, among other things, the list of measures to facilitate urgent solution of the problems internally displaced persons and citizens living near the contact line face by providing the relevant tasks to the Cabinet of Ministers of Ukraine. It is proposed, in particular, to approve a comprehensive state programme for support of the above-mentioned categories of persons.</p> |
| <p>Resolution of the Cabinet of Ministers of Ukraine of 18 December 2017 No. 237 “On amending the Resolution of the Cabinet of Ministers of Ukraine of 27 February 1995 No. 146”</p> | <p>Entered into force on 27 April 2018</p> | <p>The amendments include, in particular, provision of the legal framework for the term “mission of a foreign organisation of the aggressor state”, which includes staff, buildings and premises.</p> |
| <p>Resolution of the Cabinet of Ministers of Ukraine of 25 April 2018 No. 321 “On approval of the template, technical description of the blank form and the Procedure for processing, issuing, replacing, cancelling, sending, seizing, returning to the state, invalidating and destroying permanent residence certificate”</p> | <p>Have not yet entered into force</p> | <p>The Resolution provides the new template and technical description of the blank of the permanent residence certificate with contactless electronic chip, as well as procedure for its processing and issuance. It also establishes that permanent residence certificates should be processed and issued to foreigners and stateless persons through the use of means of the Unified State Demographic Register as of 1 June 2018.</p> |
| <p>Resolution of the Cabinet of Ministers of Ukraine of 25 April 2018 No. 322 “On approval of the template, technical description of the blank form and the Procedure for processing, issuing, replacing, cancelling, sending, seizing, returning to the state, invalidating and destroying temporary residence certificate”</p> | <p>Have not yet entered into force</p> | <p>The Resolution provides the new template and technical description of the blank of the temporary residence certificate with contactless electronic chip, as well as procedure for its processing and issuance. It also establishes that temporary residence certificate should be processed and issued to foreigners and stateless persons through the use of means of the Unified State Demographic Register as of 1 June 2018.</p> |

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| <u>Resolution of the Cabinet of Ministers of Ukraine of 27 April 2018 No. 329 “On introduction of amendments to some resolutions of the Cabinet of Ministers of Ukraine and repealing the Resolution of the Cabinet of Ministers of Ukraine of 28 December 2016 No. 1022”</u> | Entered into force on 1 May 2018 | The Resolution establishes that starting from 1 May 2018 housing subsidies will be granted only upon submission of a new application and declaration, if a household includes, in particular, internally displaced persons. |
| <u>Resolution of the Cabinet of Ministers of Ukraine of 18 April 2018 No. 280 “On providing housing to internally displaced persons who defended independence, sovereignty and territorial integrity of Ukraine”</u> | Entered into force on 24 April 2018 | The Resolution improves the mechanism of provision of housing to internally displaced persons, who defended independence, sovereignty and territorial integrity of Ukraine. It provides for a possibility to pay compensation to that category of people for the accommodation they are entitled to, in the case they need housing improvements and have been registered in the Unified Database of Internally Displaced Persons for a year. |
| <u>Resolution of the Cabinet of Ministers of Ukraine of 11 April 2018 No. 273 “On approving of the State social programme for ensuring equal rights and opportunities for women and men for the period till 2021”</u> | Entered into force on 27 April 2018 | A number of activities and measures for implementation of the State programme are related to the State Migration Service of Ukraine and the State Border Guard Service of Ukraine, as well as internally displaced people and Romani people. |
| <u>Decree of the Cabinet of Ministers of Ukraine of 11 April 2018 No. 235-p “On approval of the financial plan of the State Enterprise “Boryspil International Airport” for 2018”</u> | Entered into force on 11 April 2018 | The approved financial plan is expected to allow allocation of the additional funds to cover capital expenditures for infrastructural development of the Boryspil International Airport, which is aimed, in particular, at timely meeting of economic and public demands for provision of primary services related to passenger air transportation in order to transform it into an international hub. |
| <u>Decree of the Cabinet of Ministers of Ukraine of 18 April 2018 No. 245-p “On dismissal of Nikitina T.V. from the post of Deputy Head of the State Migration Service of Ukraine”</u> | Entered into force on 18 April 2018 | Ms. Tetiana Nikitina was dismissed from the post of Deputy Head of the State Migration Service of Ukraine by mutual agreement of the parties (part two of article 86 of the Law of Ukraine “On public service”). |
| <u>Decree of the Cabinet of Ministers of Ukraine of 4 April 2018 No. 208-p “On approval of the financial plan of the State Enterprise “Polygraph Combine “Ukraina” for securities’ production” for 2018”</u> | Entered into force on 18 April 2018 | Approval of the financial plan by the Government is supposed to facilitate the creation of proper conditions for the performance of the enterprise’s tasks under its constituent documents, including manufacturing of blanks of the documents certifying a person’s identity and citizenship of Ukraine, and his/her special status. The financial plan is expected to stabilise the financial situation of the enterprise and create conditions for its development. It will lead to securing net income in the amount of UAH 237.2 million and making payments to the state in the amount of UAH 471.1 million in the current year. |
| <u>Decree of the Cabinet of Ministers of Ukraine of 4 April 2018 No. 215-p “On signing the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on air traffic”</u> | Entered into force on 4 April 2018 | The Decree stipulates approval of the draft Agreement between the governments of Ukraine and the Republic of Moldova on air traffic. The decision was taken in order to ensure implementation of domestic procedures required for conclusion of the new Agreement which will improve bilateral contractual and legal framework for regular aircraft traffic between the two states and will replace the Agreement between the governments of Ukraine and the Republic |

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| | | of Moldova on air traffic executed in Chisinau on 20 March 1993, which is currently effective. |
| Decree of the Cabinet of Ministers of Ukraine of 28 March 2018 No.244-p “On approval of the Government’s Priority Action Plan for 2018” | Entered into force on 28 March 2018 | The Government’s Priority Action Plan for 2018 has been approved to ensure consistent and comprehensive implementation of the reforms provided in the Action Programme of the Cabinet of Ministers of Ukraine and the Medium-Term Priority Action Plan till 2020. The Government’s Operational Plan for 2018 includes taking measures in the area of migration and border management reflected, in particular, in paragraphs 382, 419, 519, 537, 538, 539, 540, 568 to 571 thereof. |
| Decree of the Cabinet of Ministers of Ukraine of 28 March 2018 No.218-p “On approval of the action plan aimed at implementation of some principles of the state domestic policy in respect of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol” | Entered into force on 28 March 2018 | The plan provides for, in particular: ensuring human and citizen’s rights and freedoms guaranteed by the Constitution of Ukraine during crossing of entry/exit control points; providing persons now living in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol with documents certifying their identity and citizenship, or a special status, as well as with certificates of birth and death. |
| Decree of the Cabinet of Ministers of Ukraine of 25 April 2018 No. 272-p “On approval of the Action Plan for 2018 on implementation of the European Integration Communication Strategy for the period of 2018–2021” | Entered into force on 25 April 2018 | The Plan includes, in particular, a number of awareness-raising campaigns to inform the Ukrainian citizens about the process of the European integration in terms of doing business, educational and scientific preferences. |
| Decree of the Cabinet of Ministers of Ukraine of 18 April 2018 No. 254-p “On establishing the immigration quota for 2018” | Entered into force on 18 April 2018 | The Government has set the quota of immigration of foreigners and stateless persons to Ukraine in 2018. The decision was taken to set a threshold number of foreigners and stateless persons to be permitted to immigration within the immigration quota during the calendar year. |
| Decree of the Cabinet of Ministers of Ukraine of 11 April 2018 No. 221-p “On signing the Protocol on introduction of amendments to the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on international automobile communications” | Entered into force on 11 April 2018 | The Decree approved the draft Protocol on introduction of amendments to the intergovernmental Agreement signed on 20 March 1993 and ratified by the Law of Ukraine No. 1486-III of 22 February 2000 . The Agreement regulates, in particular, scheduled and non-scheduled passenger bus services as well as travels by cars. |
| Order of the Ministry of Justice of Ukraine of 16 April 2018 No. 1180/5 “On introduction of amendments to the Order of the Ministry of Justice of Ukraine of 11 November 2015 No.2268/5”, registered with the Ministry of Justice of Ukraine on 17 April 2018 under No. 458/31910 | Registered with the Ministry of Justice of Ukraine on 17 April 2018 | The Order amended the List of the registry offices of the territorial bodies of the Ministry of Justice of Ukraine provided in annex 1 to the Procedure for apostilization of official documents issued by justice agencies and courts, and documents issued by the Ukrainian notaries to be used abroad, as approved by the Order of the Ministry of Justice of Ukraine of 11 November 2015 No. 2268/5. |
| Order of the Ministry of Education and Science of Ukraine of 7 March 2018 No.238 “On amending some orders of the Ministry of Education and Science of | Entered into force on 27 April 2018 | The Order is aimed to improve the system for ensuring equal access to higher education by persons living in the temporarily occupied territories of Ukraine (the Autonomous Republic of Crimea and the city of |

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| <p>Ukraine”, registered with the Ministry of Justice of Ukraine on 3 April 2018 under No. 394/31846</p> | | <p>Sevastopol) or in settlements where the state authorities are temporarily unable to exercise their powers, or in settlements situated along the contact line.</p> |
| <p>Order of the Ministry of Internal Affairs of Ukraine of 1 March 2018 No. 161 “On repealing the Order of the Ministry of Internal Affairs of Ukraine of 13 April 2012 No. 320”, registered with the Ministry of Justice of Ukraine on 22 March 2018 under No. 352/31804</p> | <p>Entered into force on 17 April 2018</p> | <p>The Order of the Ministry of Internal Affairs of Ukraine “On approval of the Procedure for processing and issuance of the passport of the citizen of Ukraine” of 13 April 2012 No. 320, registered with the Ministry of Justice of Ukraine on 2 July 2012 under No. 1089/21401, was repealed based on paragraph 3 of section IV “Final provisions” of the Law of Ukraine “On the Unified State Demographic Register and documents certifying Ukrainian citizenship, identity of a person or his/her special status” and in order to bring the regulatory acts on activities of the State Migration Service of Ukraine in line with the legislation of Ukraine.</p> |
| <p>Order of the Ministry of Internal Affairs of Ukraine of 28 February 2018 No. 151 “On introduction of amendments to the Instruction on operational procedures for officials of the State Border Guard Service of Ukraine and interaction with territorial bodies of the State Migration Service of Ukraine in the course of application by the foreigners or stateless persons for a status of refugee or person in need of complementary protection”, registered with the Ministry of Justice of Ukraine on 23 March 2018 under No. 353/31805</p> | <p>Entered into force on 17 April 2018</p> | <p>Amendments were adopted in order to bring the regulatory acts of the Ministry of Internal Affairs of Ukraine into compliance with the legislation of Ukraine.</p> |
| <p>Order of the Ministry of Internal Affairs of Ukraine of 27 February 2018 No. 148 “On amending the Procedure of interaction of the Ministry of Internal Affairs of Ukraine with the central executive authorities whose activities are guided and coordinated by the Cabinet of Ministers of Ukraine via the Minister of Internal Affairs of Ukraine”, registered with the Ministry of Justice of Ukraine on 15 March 2018 under No. 314/31766</p> | <p>Entered into force on 17 April 2018</p> | <p>The amended Procedure defines organisational and procedural aspects of interaction between the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine, the State Migration Service of Ukraine, the Administration of the State Border Guard Service of Ukraine and the State Emergency Service of Ukraine in the process of development and implementation of the state policy in respective areas.</p> <p>The approved amendments concern, in particular: defining the MIA’s departments responsible for interaction with the respective agencies, procedure for review and approval of the draft legal acts developed by the respective agencies and other state authorities.</p> |
| <p>Order of the Ministry of Internal Affairs of Ukraine of 28 February 2018 No. 152 “On setting of a standard cost of one expert-hour in the Main Centre of Forensic Examinations of the State Border Guard Service of Ukraine in 2018”, registered with the Ministry of Justice of Ukraine on 23 March 2018 under No. 354/31806</p> | <p>Entered into force on 17 April 2018</p> | <p>The Order was issued in order to streamline the procedure for setting the fees for examinations conducted at departments of the Main Centre of Forensic Examinations of the State Border Guard Service of Ukraine. It provides that in 2018 the one expert-hour standard fee amounts to UAH 143 taking into account the consumer price index (inflation index) for 2017.</p> |