



LEGISLATIVE MONITORING IN THE AREA OF MIGRATION AND BORDER MANAGEMENT for August 2015

Legislative act or draft	Status (date of approval/further consideration)	Short overview
Law of Ukraine “On the National Police” of 2 July 2015 No. 580-VIII	Some provisions entered into force on 7 August 2015 Entered into force in full on 7 November 2015	The Law is aimed at creating the National Police, the central executive authority that would serve society and would be designed to protect human rights and freedoms, combat crime and maintain public order and security. One of the police’s functions is to fill and update the database on foreigners and stateless persons detained by the police for violating specific rules of stay in Ukraine.
Draft Law of Ukraine “On amending the Family Code of Ukraine regarding the mandatory participation of the child protection authority in the process of issuing a permission for a child’s temporary travel abroad without the consent of one of the parents” (No. 2516a of 20 August 2015, MP Yu.H. Harbuz)	Sent to MPs for review on 25 August 2015	Court practice is such that courts order child protection bodies to provide their conclusions on whether it is possible and advisable to grant a permission for a child’s travel abroad without the consent of one of the parents, which is something that is not envisaged in the current legislation. In order to remove the legislative gap and protect the rights and legal interests of children, the draft law proposes to amend the Family Code by adding cases about granting a permission for a child’s temporary travel abroad without the consent of one of the parents to the list of disputes considered by court with the mandatory participation of the child protection authority.
Draft Law of Ukraine “On amending the Criminal Procedure Code of Ukraine regarding the fulfillment of the recommendations of the European Union on Ukraine’s progress in implementing the EU Visa Liberalisation Action Plan for Ukraine regarding the investigative jurisdiction of pre-trial investigation bodies” (No. 2542a of 31 August 2015, Cabinet of Ministers of Ukraine)	Sent to MPs for review on 3 September 2015	The draft law is prepared pursuant to subparagraph 2 of paragraph 1 of the decision of the National Security and Defense Council of Ukraine of 20 July 2015 “On additional measures to introduce a visa-free regime between Ukraine and the European Union” and the Action Plan to implement the recommendations of the European Union contained in the Fifth Progress Report of the European Commission on Ukraine’s progress in implementing the EU Visa Liberalisation Action Plan for Ukraine in order to clearly separate the investigative jurisdiction of criminal offences between pre-trial investigation bodies and limiting the authority of the Security Service of Ukraine in the pre-trial investigation of criminal offenses to criminal proceedings regarding crimes in the area of national security and defense and those connected with terrorism.

<p>Draft Law of Ukraine “On amending the Administrative Code of Ukraine (regarding the responsibility of officials for violating the rights, freedoms and legal interests of internally displaced persons)” (No. 2528a of 26 August 2015, MP I.S. Aleksieiev)</p>	<p>Sent to MPs for review on 31 August 2015</p>	<p>The draft law is designed to ensure the enforcement of the provisions contained in the Law of Ukraine “On guaranteeing the rights and freedoms of internally displaced persons” concerning the responsibility of officials for violating the rights, freedoms and legal interests of internally displaced persons during registration and provision of social services and information on the available temporary accommodation and jobs to them.</p>
<p>Draft Law of Ukraine “On court enforcement proceedings” (No. 2507a of 14 August 2015, President of Ukraine)</p>	<p>Submitted by the Committee for consideration on 3 September 2015</p>	<p>The draft law contains an article on the special aspects of enforcing court decisions regarding foreigners and stateless persons. In particular, if foreigners or stateless persons fail to comply with court decisions, the executor makes a submission to the competent authorities requesting the denial of entry to Ukraine or expulsion from Ukraine of such persons in accordance with the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons”.</p>
<p>Draft Law of Ukraine “On the Unified State Register of Persons Subject to Military Service” (No. 2504a of 13 August 2015, Cabinet of Ministers of Ukraine)</p>	<p>Sent to MPs for review on 18 August 2015</p>	<p>According to this draft law, the database of the Unified State Register of Persons Subject to Military Service is updated based on data submitted, inter alia, by the State Migration Service of Ukraine, namely data entered into the Unified State Demographic Register on all Ukrainian citizens (subject to military service (draftees)) who are changing their place of residence or stay, aged 17-60.</p>
<p>Draft Law of Ukraine “On the ratification of the Agreement between Ukraine and the Kingdom of Spain on the performance of paid activities by family members who live in dependence of the diplomatic, consular, administrative and technical staff of diplomatic missions and consular posts” (No. 0058 of 21 August 2015, President of Ukraine)</p>	<p>Law passed on 16 September 2015</p>	<p>The draft law is designed to help family members of the staff of the diplomatic mission to exercise their right to labor, to support their qualification level and receive opportunities for further professional growth.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 19 August 2015 No. 621 “On amending certain resolutions of the Cabinet of Ministers of Ukraine regarding the change of the first name (last name, given name or patronymic name) of an individual”</p>	<p>Entered into force on 27 August 2015</p>	<p>The amendments are adopted in order to implement the recommendations of the European Union contained in the Fifth Progress Report of the European Commission on Ukraine’s progress in implementing the EU Visa Liberalisation Action Plan for Ukraine regarding the removal of possible side (negative) effects when an individual changes his/her name.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 22 July 2015 No. 548 “On amending certain resolutions of the Cabinet of Ministers of Ukraine”</p>	<p>Entered into force on 7 August 2015</p>	<p>The resolution transfers the function of constructing, restoring, remodeling and maintaining border crossing points for automotive traffic from the Administration of the State Border Guard Service of Ukraine to the State Fiscal Service of Ukraine.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 30 July 2015 No. 546 “Certain issues in the introduction of the passport of a citizen of Ukraine”</p>	<p>Entered into force on 6 August 2015</p>	<p>The Ministry of Internal Affairs of Ukraine is allocated UAH 50,000,000 to carry out activities connected with the introduction of the passport of a Ukrainian citizen in the form of a card with a contactless electronic chip. Such passports are scheduled to start being processed and issued on 1 January 2016.</p>

Resolution of the Cabinet of Ministers of Ukraine of 5 August 2015 No.575 “On amending the Regulation on the Ministry of Public Health of Ukraine”	Entered into force on 25 August 2015	The resolution approves new powers of the Ministry of Public Health of Ukraine, in particular: <ul style="list-style-type: none"> - setting requirements for a series of activities for the sanitary protection of the state border of Ukraine and coordinating the activities of the executive authorities and local self-government bodies regarding these issues; - submitting, according to the established procedure, proposals on restricting or banning entry to Ukraine for its citizens, foreigners and stateless persons from states and regions due to the adverse epidemic situation in their territory.
Resolution of the Cabinet of Ministers of Ukraine of 12 August 2015 No.580 “On amending the Procedure of adoption activities and performing supervision over the observance of the rights of adopted children”	Entered into force on 28 August 2015	The resolution regulates special aspects of the adoption of children who are Ukrainian citizens by foreigners.
Resolution of the Cabinet of Ministers of Ukraine of 12 August 2015 No.579 “On approval of the Regulation on the procedure of exercising the right to academic mobility”	Entered into force on 26 August 2015	Academic mobility is an opportunity for educational process participants for studies, teaching, internships, research, etc. in a different higher education institution in the territory of Ukraine or abroad. International academic mobility is implemented by Ukrainian educational process participants in the partner higher education institutions (research institutions) outside Ukraine and by foreign educational process participants in Ukrainian higher education institutions (research institutions).
Resolution of the Cabinet of Ministers of Ukraine of 12 August 2015 No. 613 “On amending Regulations of the Cabinet of Ministers of Ukraine No. 567 of 1 June 2011 and No. 150 of 15 February 2012”	Entered into force on 28 August 2015	According to these amendments, one of the grounds for extending the term of stay of foreigners and stateless persons in the territory of Ukraine is the performance of duties of a foreign correspondent or representative of a mass media outlet.
Resolution of the Cabinet of Ministers of Ukraine of 12 August 2015 No. 615 “On amending Resolutions of the Cabinet of Ministers of Ukraine No. 1596 of 30 August 1999 and No. 637 of 5 November 2014”	Entered into force on 27 August 2015	The amendments concern technical aspects of paying pensions to persons displaced from the temporarily occupied territory of Ukraine, the regions of the counter-terrorist operation and populated areas at the contact line.
Decree of the Cabinet of Ministers of Ukraine of 28 August 2015 No. 860-r “On the appointment of M.Yu. Sokoliuk First Deputy Head of the State Migration Service of Ukraine”	Entered into force on 28 August 2015	M.Yu. Sokoliuk is appointed First Deputy Head of the State Migration Service of Ukraine.
Decree of the Cabinet of Ministers of Ukraine of 28 August 2015 No.861-r “On the temporary placement of the duties of the Head of the State Migration Service of Ukraine on M.Yu. Sokoliuk”	Entered into force on 28 August 2015	The duties of the Head of the State Migration Service of Ukraine are temporarily placed on M.Yu. Sokoliuk, who is appointed First Deputy Head, until the Head of the Service is appointed according to the established procedure.
Decree of the Cabinet of Ministers of Ukraine of 22 July 2015 No.781-r “On approval of tentative	Entered into force on 22 July 2015	The draft legal acts to be developed by the central executive authorities by the end of 2015 include the

<p>legislative activities for 2015”</p>		<p>draft Law “On amending certain laws of Ukraine on including in the length of pensionable service the period spent abroad by the wives (husbands) of the staff of diplomatic service sent to foreign diplomatic missions on a long-term duty trip”.</p>
<p>Decree of the President of Ukraine of 18 August 2015 No.478/2015 “On the decision of the National Security and Defense Council of Ukraine of 20 July 2015 “On additional activities to implement a visa-free regime between Ukraine and the European Union”</p>	<p>Entered into force on 20 August 2015</p>	<p>The additional activities are aimed at implementing the recommendations contained in the Fifth Progress Report of the European Commission on Ukraine’s progress in implementing the EU Visa Liberalisation Action Plan for Ukraine, published on 12 May 2015.</p>
<p>Decree of the President of Ukraine of 25 August 2015 No. 501/2015 “On approval of the National Strategy for Human Rights”</p>	<p>Entered into force on 2 September 2015</p>	<p>The approval of the Strategy is caused by the need to improve the activities of the state aimed at establishing and guaranteeing human rights and freedoms, creating an effective mechanism for protecting human rights and freedoms in Ukraine and solving systemic problems in this area. The goals and expected results of the Strategy include the following: observance of the principle of non-refoulement of foreigners and stateless persons to the states where they would face improper treatment; keeping foreigners and stateless persons in custody for later expulsion from Ukraine only as an extreme measure justified by the necessity to ensure forced expulsion; introduction of alternative ways of ensuring forced expulsion; ensuring the legal and social protection of persons recognized as refugees or persons in need of complementary protection in Ukraine; regulating problematic issues regarding the stay of foreigners and stateless persons in Ukraine, etc.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On approval of the Instruction on the procedure of acceptance and transfer of persons kept in custody on the border of Ukraine and outside its borders” of 2 July 2015 No. 794, registered in the Ministry of Justice of Ukraine on 17 July 2015 under No. 873/27318</p>	<p>Entered into force on 11 August 2015</p>	<p>This Instruction defines the procedure of acceptance and transfer of persons kept in custody on the border of Ukraine and outside its borders. The requirements of this Instruction do not cover persons being accepted or transferred over a violation of Ukraine’s legislation on the state border and the legal status of foreigners and stateless persons, including within the framework of the implementation of the provisions contained in Ukraine’s international treaties on the readmission (acceptance and transfer) of persons by the competent and authorized bodies of Ukraine.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On the program track of and list of specialties of specialists in the discipline “Military science, national security and state border security” at the bachelor, specialist and master education qualification levels in the State Border Guard Service of Ukraine” of 2 July 2015 No.793, registered in the Ministry of Justice of Ukraine on 17 July 2015 under No. 871/27316</p>	<p>Entered into force on 14 August 2015</p>	<p>The program track “Protection of the state border” will have the following specialties: “Protection of the state border”, “Operational service activities and management of the activities of border guard units (formations)” and “Securing the protection of the state border”.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On establishing the sum of money that the</p>	<p>Entered into force on 14 August 2015</p>	<p>The order establishes that, as they perform border control, the servicemen and staff members of the State</p>

<p>servicemen and staff members of the State Border Guard Service of Ukraine may possess during border control” of 6 July 2015 No.814, registered in the Ministry of Justice of Ukraine on 22 July 2015 under No. 879/27324</p>		<p>Border Guard Service of Ukraine have the right to possess a sum of money that does not exceed 10 tax-exempt minimum wages. This requirement is introduced in order to prevent and counteract corruption and to minimize corruption risks during border control.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On approval of Amendments to the Instruction on the procedure of paying the financial provision to the servicemen of the State Border Guard Service of Ukraine” of 13 July 2015 No. 844, registered in the Ministry of Justice of Ukraine on 29 July 2015 under No. 921/27366</p>	<p>Entered into force on 18 August 2015</p>	<p>The amendments pertain to the procedure of paying the health restoration assistance and one-time monetary assistance at discharge from military service to the servicemen of the State Border Guard Service of Ukraine.</p>
<p>Order of the Ministry of Social Policy of Ukraine “On approval of the technical specifications and model of the blank form of the permission to use the labor of foreigners and stateless persons in Ukraine” of 29 July 2015 No. 779, registered in the Ministry of Justice of Ukraine on 18 August 2015 under No. 992/27437</p>	<p>Entered into force on 11 September 2015</p>	<p>The order replaces Order No. 135 of the Ministry of Social Policy of Ukraine of 14 March 2012 “On approval of the Technical specifications of the blank form of the permission to use the labor of foreigners and stateless persons in Ukraine”. The blank forms of the permission to employ foreigners and stateless persons in Ukraine issued based on the previous order are valid until their expiration date, while such blanks that have not been used by the territorial bodies of the State Employment Service are valid until their eventual use.</p>
<p>Order of the Ministry of Justice of Ukraine “On amending Order No. 169/5 of the Ministry of Justice of Ukraine of 24 January 2013” of 13 August 2015 No. 1494/5, registered in the Ministry of Justice of Ukraine on 18 August 2015 under No. 1003/27448</p>	<p>Entered into force on 4 September 2015</p>	<p>The amendments are caused by structural changes in the Ministry of Justice of Ukraine, particularly by the elimination of the State Registration Service of Ukraine.</p>
<p>Order of the Ministry of Justice of Ukraine “On amending Order No. 1187/5 of the Ministry of Justice of Ukraine of 09 July 2015” of 27 August 2015 No. 1603/5, registered in the Ministry of Justice of Ukraine on 27 August 2015 under No. 1031/27476</p>	<p>Entered into force on 6 September 2015</p>	<p>The order expands the list of state civil status registration offices participating in the pilot project which envisages that state civil registration offices will accept, via the Internet, applications from natural persons generated with the help of the software of the State Register of Civil Status Acts to be further signed in these offices; accept applications with a digital signature; perform online registration of visitors, etc.</p>
<p>Order of the Ministry of Justice of Ukraine “On approval of the Model Regulation on a state civil status registration office of a chief territorial directorate of justice of the Ministry of Justice of Ukraine in the Autonomous Republic of Crimea, regions and the cities of Kyiv and Sevastopol” of 10 August 2015 No. 1470/5, registered in the Ministry of Justice of Ukraine on 18 August 2015 under No. 985/27430</p>	<p>Entered into force on 1 September 2015</p>	<p>The order replaces Order No. 1019/5 of 6 July 2012 of the Ministry of Justice of Ukraine “On approval of the Model Regulation on a state civil status registration office of a chief territorial directorate of justice of the Ministry of Justice of Ukraine in the Autonomous Republic of Crimea, regions and the cities of Kyiv and Sevastopol”. The amendments are caused by structural changes in the Ministry of Justice of Ukraine, particularly by the elimination of the State Registration Service of Ukraine.</p>