



LEGISLATIVE MONITORING IN THE AREA OF MIGRATION AND BORDER MANAGEMENT for January 2016

Legislative act or draft	Status (date of approval/further consideration)	Short overview
<p>Law of Ukraine “On Amending Certain Laws of Ukraine on Strengthening the Guarantees of the Rights and Freedoms of Internally Displaced Persons” of 24 December 2015 No. 921-VIII</p>	<p>Entered into force on 13 January 2016</p>	<p>The Law annuls the norms of the Law of Ukraine “On Guaranteeing the Rights and Freedoms of Internally Displaced Persons” under which the territorial units of the State Migration Service of Ukraine had to affix a stamp about the registered place of residence of an internally displaced person in his/her registration certificate and had to check personal data contained in the certificate.</p> <p>According to article 12 of the Law, as amended, if an internally displaced person fails to report his/her return to the previously abandoned place of permanent residence the decision to revoke the certificate is adopted based on data indicating the IDP’s long absence (over 60 days) from the place of residence and information about his/her movement within Ukraine that gives reasonable grounds to believe that the internally displaced person has returned to the previously abandoned place of permanent residence.</p>
<p>Draft Law of Ukraine “On amending article 7 of the Law of Ukraine “On Guaranteeing the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine” (on guaranteeing the right to education) (No.3832 of 28 January 2016, Cabinet of Ministers of Ukraine)</p>	<p>Sent to MPs for review on 1 February 2016</p>	<p>The draft Law is aimed at improving the mechanism of providing education to persons residing in the temporarily occupied territory and encouraging persons who studied in the temporarily occupied territory to continue studying towards a certain educational level in the territory of other regions of Ukraine (by way of introducing online platforms to be used for providing equal access to education to all persons who reside in the temporarily occupied territory and are unable to continue their studies in other regions of Ukraine; establishing quotas or higher education students residing in the temporarily occupied territory of Ukraine; introducing an attestation procedure to recognize qualifications acquired by Ukrainian citizens and foreigners in the course of studies in the temporarily occupied territory).</p>

<p>Draft Law of Ukraine “On amending the Law of Ukraine “On the Foundations of the National Security of Ukraine” (No. 3843 of 29 January 2016, MP N.V. Veselova)</p>	<p>Sent to MPs for review on 2 February 2016</p>	<p>The draft Law proposes to view an increase in the number of IDPs and the inefficiency of government policy on solving their socioeconomic problems as a threat to the national interests and the national security of Ukraine in the social and humanitarian spheres.</p>
<p>Draft Law of Ukraine “On amending the Law of Ukraine “On the 2016 State Budget of Ukraine” (on fixing an imbalance in the financial provision for the servicemen of the State Border Guard Service of Ukraine) (No. 3782 of 18 January 2016, MP I.V. Friz, MP I.V. Herashchenko, MP M. Naiem and others)</p>	<p>Sent to MPs for review on 22 January 2016</p>	<p>In September 2015, the Cabinet of Ministers of Ukraine issued Resolution No. 704 establishing the financial provision for the servicemen of the State Border Guard Service (SBGS) of Ukraine at the same level as that for the servicemen of the Armed Forces and the National Guard starting from 1 January 2016. However, the SBGS’s initiative and the government’s decision were not taken into account in the drafting of the 2016 State Budget. In view of this, the draft Law proposes amending the Law of Ukraine “On the 2016 State Budget of Ukraine” to increase the expenses of the SBGS Administration by UAH 1,481,400,000 to fix the imbalance in the financial provision for the SBGS servicemen and to allocate an additional UAH 256 million for tasks envisaged by the EU Visa Liberalization Plan for Ukraine for 2016.</p>
<p>Draft Law of Ukraine “On amending certain legislative acts of Ukraine on installing engineering facilities on the state border and its maintenance” (No. 3784 of 19 January 2016, MP I.V. Friz, MP A.V. Herasymov)</p>	<p>Sent to MPs for review on 22 January 2016</p>	<p>The draft Law envisages amendments to the Land Code, the Water Code and the Law of Ukraine “On the State Border of Ukraine” in order to establish the size of land plots provided to the SBGS bodies for constructing and maintaining engineering facilities, fences, border signs, border forest cuttings, communications and other border infrastructure objects, as well as to exempt these bodies from compensations for the agricultural and forestry losses caused by the abovementioned activities.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 2 December 2015 No. 1154 “On the implementation of a pilot project to engage members of low-income families and internally displaced persons in labor”</p>	<p>Entered into force on 6 January 2016</p>	<p>The pilot project will be implemented from 1 July 2016 until 31 December 2017 in Lviv, Poltava and Kharkiv oblasts in the framework of the Social Safety Nets Modernization Project for the Ukrainian population realized jointly with the International Bank for Reconstruction and Development. The state employment service will engage project participants in labor through employment facilitation, including filling newly created vacancies; provision of interest-free repayable financial assistance for starting own businesses; proposals to participate in public works.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 16 December 2015 No. 1094 “On approval of the Comprehensive State Program until 2017 for the support, social adaptation and reintegration of Ukrainian citizens who have moved from the temporarily occupied territory of Ukraine and the</p>	<p>Entered into force on 29 December 2015</p>	<p>The Program is aimed at solving the basic problems faced by Ukrainian citizens who have moved from the temporarily occupied territory of Ukraine and the areas of the counter-terrorist operation to other regions of Ukraine; reducing social tension among them and in society;</p>

<p>areas of the counter-terrorist operation to other regions of Ukraine”</p>		<p>facilitating their integration and social adaptation at the new place of residence; assisting with creating proper conditions for them to pursue their life activities, exercise their rights and realize their potential; providing social, medical, psychological and material support; creating preconditions for compensating the material and moral damages they have incurred; creating favorable conditions for voluntary return to the place of previous residence (provided hostilities cease completely and effectively in the territories where the government bodies are temporarily unable to exercise their authority).</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 23 December 2015 No. 1132 “On amending Resolution No.302 of the Cabinet of Ministers of Ukraine of 25 March 2015”</p>	<p>Entered into force on 31 December 2015</p>	<p>Amendments are made to the Resolution “On approval of the blank form and technical description of the passport of the Ukrainian citizen and the Procedure of its processing, issuing, exchange, sending, removing and returning to the state”. The Resolution establishes that until the territorial bodies of the State Migration Service of Ukraine are fully equipped with the material and technical resources that are necessary for processing and issuing the passport of the Ukrainian citizen, whose blank forms are approved by this Resolution, the passport is issued in the form of a book.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 23 December 2015 No.1121 “On recognizing certain resolutions of the Cabinet of Ministers of Ukraine as invalid”</p>	<p>Entered into force on 12 January 2016</p>	<p>Resolution No. 1873 of the Cabinet of Ministers of Ukraine of 27 November 1998 “On approval of the Procedure of processing, issuing, returning, storing and destroying diplomatic and service passports of Ukraine” is recognized as invalid.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 13 January 2016 No.10 “On amending resolutions of the Cabinet of Ministers of Ukraine No.168 of 16 February 1998 and No. 357 of 11 April 2012”</p>	<p>Entered into force on 22 January 2016</p>	<p>The Resolution approves new Ukrainian representatives on the Mixed Intergovernmental Ukrainian-Romanian Commission on Guaranteeing the Rights of Members of Ethnic Minorities.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 13 January 2016 No.11 “On amending Resolution of the Cabinet of Ministers of Ukraine of 29 August 2011 No.954”</p>	<p>Entered into force on 29 January 2016</p>	<p>The Resolution updates the composition of the Mixed Ukrainian-Hungarian Commission on Guaranteeing the Rights of Ethnic Minorities.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 23 December 2015 No.1411-r “On approval of the Concept of top-priority measures to reform the State Migration Service”</p>	<p>Entered into force on 23 December 2015</p>	<p>The Concept is aimed at defining the key priorities, directions, mechanisms, stages and terms for reforming the State Migration Service of Ukraine and is geared towards the following expected results: enforcing respect for human and citizen rights and freedoms; securing an unbiased, open and fair approach in the activities of the State Migration Service; implementing modern information technology in its activities; providing high-quality services to Ukrainian citizens, foreigners and stateless persons; bringing the SMS standards into line with European requirements; implementing proper professional training of the</p>

		<p>SMS staff to ensure increased capacity and a lower risk of corruption; transparency, accessibility and accountability of SMS officials to civil society; proper material provision for the SMS staff and enhancing the prestige of working for the SMS; building public trust in the SMS' activities.</p> <p>The implementation of the Concept is planned to continue until 2017 and will consist of two stages.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 23 December 2015 No.1428-r "On approval of the Concept to create a national identification system for Ukrainian citizens, foreigners and stateless persons"</p>	<p>Entered into force on 23 December 2015</p>	<p>The Concept is aimed at defining the directions, stages and terms of creating a national identification system for Ukrainian citizens, foreigners and stateless persons which will enable reliable identification of a person, establishment of legal personal data, issuing modern protected IDs and providing high-quality state services to Ukrainian citizens and stateless persons.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 20 January 2016 No. 23-r "On approval of the draft Agreement (by exchange of notes) between the Cabinet of Ministers of Ukraine and the Government of the Italian Republic on paid labor activity performed by the family members of the diplomatic, regular consular, administrative and technical staff of diplomatic missions and consular institutions accredited in the two states"</p>	<p>Entered into force on 20 January 2016</p>	<p>The Regulation approves the draft Agreement which, when implemented, will help the family members of the diplomatic staff to exercise their right to labor, maintain their qualification level and take advantage of opportunities for further professional growth.</p> <p>Thus, the Agreement will complement the guarantees envisaged for the diplomatic staff and their family members by article 37 of the Law of Ukraine "On the Diplomatic Service".</p>
<p>Order of the Ministry of Foreign Affairs of Ukraine "On recognizing as invalid Order No. 1 of the Ministry of Foreign Affairs of Ukraine of 9 January 2006" of 30 November 2015 No. 369, registered in the Ministry of Justice of Ukraine on 14 December 2015 under No. 1559/28004</p>	<p>Entered into force on 12 January 2016</p>	<p>On 1 January 2015, Ukraine started processing and issuing foreign passports with contactless chips and foreign passports without such chips using the Unified State Demographic Register. In view of this, the Procedure of processing and issuing old-type Ukrainian foreign passports by Ukraine's diplomatic missions and consular institutions is recognized as invalid.</p>
<p>Order of the Ministry of Foreign Affairs of Ukraine, the Ministry of Education and Science of Ukraine and the Ministry of Justice of Ukraine "On amending the Rules of affixing the apostille to official documents intended for use in the territory of other states" of 14 December 2015 No. 389/1285/2574/5, registered in the Ministry of Justice of Ukraine on 14 December 2015 under No. 1561/28006</p>	<p>Entered into force on 25 December 2015</p>	<p>Amendments are made in connection with the introduction of the electronic apostille pursuant to Regulation No. 890 of the Cabinet of Ministers of Ukraine of 4 November 2015.</p>
<p>Order of the Ministry of Justice of Ukraine "On approval of Amendments to certain legal acts of the Ministry of Justice of Ukraine regarding state registration of civil status acts" of 6 January 2016 No.14/5, registered in the Ministry of Justice of Ukraine on 6 January 2016 under No. 13/28143</p>	<p>Entered into force on 12 January 2016</p>	<p>The amendments pertain to the procedure of directly accessing the State Register of Civil Status Acts to obtain an extract in cases envisaged by the law.</p> <p>According to the order, information may be obtained from the Register via direct access in the form of an extract without the technical capability of making changes or viewing data in the civil act records contained in the Register</p>

[Protocol between the Administration of the State Border Guard Service of Ukraine, the State Fiscal Service of Ukraine and the Department of Border Police of the Ministry of Internal Affairs of the Republic of Moldova and the Customs Service in the Ministry of Finance of the Republic of Moldova regarding the organization of joint control at the Kuchurhan-Pervomaisc international checkpoint in the territory of Ukraine, signed on 4 November 2015](#)

Entered into force for Ukraine on 4 November 2015

The Protocol is adopted pursuant to the Agreement between the Government of Ukraine and the Government of the Republic of Moldova regarding the organization of joint control at checkpoints on the Ukraine-Moldova state border of 11 March 1997.

Joint control at the Kuchurhan-Pervomaisc checkpoint is organized in the territory of Ukraine. Border, customs and other types of control are carried out based on such principles as a single point of contact, one stop and selective examination of goods and vehicles.