



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

Legislative act or draft	Status (date of approval/further consideration)	Short overview
Law of Ukraine “On amending certain legislative acts of Ukraine on foreigners and stateless persons performing military service in the Armed Forces of Ukraine” of 6 October 2015 No. 716-VIII	Entered into force on 5 November 2015	The amendments regulate military service undertaken and performed by foreigners and stateless persons under contract in the ranks of privates and sergeant majors in the Armed Forces of Ukraine and other military formations. A new redaction of article 447 of the Criminal Code of Ukraine “Mercenaries” is also approved.
Law of Ukraine “On amending the Criminal Procedure Code of Ukraine on fulfilling the recommendations of the European Union on Ukraine’s implementations of the EU Visa Liberalization Action Plan for Ukraine regarding the investigative jurisdiction of pre-trial investigation bodies” of 10 November 2015 No. 771-VIII	Entered into force on 26 November 2015	The Law is adopted to fulfill the recommendations of the European Union contained in the Fifth Report of the European Commission on Ukraine’s progress in implementing the EU Visa Liberalization 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.
Law of Ukraine “On amending the Labor Code of Ukraine regarding the harmonization of legislation on preventing and counteracting discrimination with European Union law” of 12 November 2015 No. 785-VIII	Entered into force on 26 November 2015	Article 2 ¹ of the Labor Code of Ukraine is given a new redaction. In particular, the new Law expands the list of features based on which discrimination is prohibited by adding such features as “sexual orientation”, “gender identity”, “disability”, etc. These amendments are a direct requirement contained in the Fifth Report of the European Commission on Ukraine’s progress in the implementation of the EU Visa Liberalization Action Plan for Ukraine.
Draft Law of Ukraine “On amending the Law of Ukraine “On Counter-Intelligence Activities” (regarding internal and self- security units of the State Border Guard Service of Ukraine)” (No. 3483 of 16 November 2015, Cabinet of Ministers of Ukraine)	Submitted by the committee for consideration on 27 November 2015	The Draft Law seeks to amend the Law of Ukraine “On Counter-Intelligence Activities” and proposes to involve internal and self- security units of the State Border Guard Service of Ukraine in counter-intelligence activities (with the approval and coordination by the Security Service of Ukraine). The sponsor of the Draft Law believes that this kind of multilevel and coordinated cooperation of the

		State Border Guard Service of Ukraine and the Security Service of Ukraine will ensure successful preventive and pro-active actions of the state in protecting Ukraine's state border and national security on the border and in controlled border regions.
Draft Law of Ukraine "On declaring a moratorium on the forced return, expulsion and extradition of foreigners and stateless persons who participated in the counter-terrorist operation or ensured its conduction" (No. 3468 of 12 November 2015, MP D.B. Tymchuk, MP I.Yu. Vinnyk)	Sent to MPs for review on 16 November 2015	The Draft Law is primarily aimed at declaring a ban (moratorium) on the forced return, expulsion and extradition of foreigners and stateless persons who participated in the counter-terrorist operation or ensured its conduction to the countries of their origin (citizenship) and to other countries in which they are highly likely to be extradited to countries which may launch criminal persecution against them for helping Ukraine.
Draft Law of Ukraine "On amending certain laws of Ukraine on granting internally displaced persons and war veterans the right to access cultural values and benefits" (No. 3503 of 23 November 2015, MP S.O. Taruta, MP N.V. Veselova, MP I.I. Podoliak and others)	Sent to MPs for review on 25 November 2015	The Draft Law is primarily aimed at expanding the list of categories of citizens entitled to privileged access to cultural institutions, in particular by extending such privileges to internally displaced persons. This has to help their sociocultural adaptation and overcoming the psychological consequences of uncomfortable changes in their lives.
Draft Law of Ukraine "On education" (No. 3491 of 19 November 2015, Cabinet of Ministers of Ukraine)	Sent to MPs for review on 23 November 2015	The Draft Law contains norms, in particular about the right to education for foreigners and stateless persons, including refugees, as well as about international academic mobility.
Draft Law of Ukraine "On amending the Budget Code of Ukraine (regarding payment for the services of processing the passport of a Ukrainian citizen and the foreign passport)" (No. 3484 of 16 November 2015, Cabinet of Ministers of Ukraine)	Sent to MPs for review on 20 November 2015	The Draft Law is aimed at creating a transparent mechanism of payment for the services of processing the passport of a Ukrainian citizen and the foreign passport, the ID of a stateless person for travel abroad and the travel document of a refugee and at securing uninterrupted financing of the production of the blank forms of documents, their personalization and building up the infrastructure of the Unified State Demographic Register.
Draft Law of Ukraine "On amending certain legislative acts of Ukraine (regarding care for the children of migrant workers who are supported by the latter and remain in the territory of Ukraine)" (No. 3460 of 11 November 2015, MP O.B. Feldman)	Sent to MPs for review on 13 November 2015	The Draft Law is aimed at introducing the institute of temporary guardianship and temporary care for children whose parents are temporarily unable to perform their obligations with regard to the child for valid reasons, particularly because of employment abroad.
Draft Law of Ukraine "On amending the Labor Code of Ukraine (regarding the harmonization of the national labor legislation on preventing and counteracting discrimination with European Union law)" (No. 3442-2 of 12 November 2015, MP I.V. Lutsenko)	Heard on 12 November 2015	The Draft Law is aimed at fulfilling the tasks of the second implementation stage of the EU Visa Liberalization Action Plan for Ukraine regarding effective protection against discrimination in accordance with the international standards. This Draft Law is an alternative to the Draft Law registered under No. 3442 of 10 November 2015, which was passed on 12 November 2015 under No. 785-VIII (see above).

<p><u>Draft Law of Ukraine “On amending the Labor Code of Ukraine (regarding the improvement of the national labor legislation on preventing and counteracting discrimination with European Union law)” (No. 3442-1 of 11 November 2015, MP P.Ya. Unhurian, MP M.I. Lavryk, MP S.M. Tryhubenko and others)</u></p>	<p>Heard on 12 November 2015</p>	<p>The Draft Law is aimed at fulfilling the tasks of the second implementation stage of the EU Visa Liberalization Action Plan for Ukraine regarding effective protection against discrimination in accordance with the international standards. This Draft Law is an alternative to the Draft Law registered under No. 3442 of 10 November 2015, which was passed on 12 November 2015 under No. 785-VIII (see above).</p>
<p><u>Draft Law of Ukraine “On amending certain legislative acts of Ukraine (regarding the legal status of foreigners and stateless persons who participated in the defense of the territorial integrity and inviolability of Ukraine)” (No. 3433 of 9 November 2015, MP A.Ye. Biletsky, MP I.V. Lutsenko, MP O.M. Petrenko)</u></p>	<p>Sent to MPs for review on 11 November 2015</p>	<p>The Draft Law is aimed at regulating the issue of recognizing foreigners and stateless persons who participated in the defense of Ukraine’s territorial integrity and inviolability as such that are legally staying in the territory of Ukraine and offering them a simplified naturalization procedure or issuing temporary residence permits to them for residence in Ukraine for the period of their participation in the defense of Ukraine’s territorial integrity and inviolability.</p> <p>Furthermore, the Draft Law is designed to guarantee the rights and legal interests of foreigners who have defended the territorial integrity of Ukraine and are citizens of the Russian Federation or other states that do not recognize the territorial integrity of Ukraine due to which fact their voluntary or forced return to the country of their citizenship will violate their rights.</p>

		the certificate of registration issued to the internally displaced person by a structural unit of the local state administration for the social protection of the population.
Draft Law of Ukraine “On amending certain legislative acts with regard to guaranteeing the election rights of internally displaced persons” (No. 2501a-1 of 21 August 2015, MP S.O. Taruta, MP N.V. Veselova, MP H.M. Hopko and others)	Submitted by the committee for further elaboration on 24 November 2015	The Draft Law proposes to establish that a voter who is an internally displaced person and intends to fully integrate with the territorial community at his/her place of actual residence may receive, on a permanent basis, a new election address for voting at all levels of elections. The election address of a voter who is an internally displaced person is to be determined based on the address of his/her actual residence indicated in the certificate of registration issued to the internally displaced person. This Draft Law is an alternative to the Draft Law registered under No. 2501a of 12 August 2015 (see above).
Draft Law of Ukraine “On the Unified State Register of Persons Subject to Military Service” (No. 2504a-d of 24 November 2015, MP S.V. Pashynsky, MP T.T. Pastukh, MP I.Yu. Vinnyk)	Submitted by the committee for consideration on 24 November 2015	The Draft Law is an elaborated version, with the same title, of the draft law submitted by the Cabinet of Ministers of Ukraine under No. 2504a of 13 August 2015. Like the previous version, this Draft Law is prepared in order to create the Unified State Register of Persons Subject to Military Service and ensure automated military registration of Ukrainian citizens. According to the Draft Law, the database of the Register is to be updated based on data submitted, in particular, by the following: <ul style="list-style-type: none"> - the State Migration Service of Ukraine regarding Ukrainian citizens (subject to military service (draftees) aged 17-60 who are changing their place of residence/stay and persons who have acquired (lost) Ukrainian citizenship; - the State Border Guard Service regarding Ukrainian citizens aged 17-60 who have left abroad (returned).
Resolution of the Cabinet of Ministers of Ukraine of 28 October 2015 No. 855 “On approval of the new composition of the National Commission for Foreign Ukrainians and amending the Procedure of processing and issuing the foreign Ukrainian ID”	Entered into force on 3 November 2015	The composition of the National Commission for Foreign Ukrainians is updated, and amendments to the Procedure of processing and issuing the foreign Ukrainian ID are approved. The amendments concern, inter alia, evidence of Ukrainian ethnic origin and termination of the status of a foreign Ukrainian.
Resolution of the Cabinet of Ministers of Ukraine of 4 November 2015 No. 890 “Certain issues in ensuring the introduction of an electronic apostille service”	Entered into force on 10 November 2015	The Resolution introduces the Electronic Register of Apostilles and approves the procedure of maintaining it. Data on the apostilles affixed in Ukraine to official documents intended for use in the territory of other states are entered into the Register. The registration of data on apostilles in the Register is carried out in order to create a unified database of such data and simplify the verification of the apostille and the correspondence of the data it contains with the data entered into the Register. Moreover, the Register is also to contain data on

		sample signatures and stamp impressions of the respective officials.
Resolution of the Cabinet of Ministers of Ukraine of 28 October 2015 No.878 "On approval of the Regulation on the Ministry of Internal Affairs of Ukraine"	Entered into force on 7 November 2015	According to the Regulation, the Ministry of Internal Affairs of Ukraine is the main central executive authority that ensures the formation of state policy in such areas as state border protection and the protection of Ukraine's sovereign rights in its exclusive (maritime) economic zone; migration (immigration and emigration), including counteracting illegal (unlawful) migration; citizenship; registration of natural persons, refugees and other categories of migrants determined by legislation.
Resolution of the Cabinet of Ministers of Ukraine of 18 November 2015 No.957 "On approval of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on amending and expanding the Agreement between the Government of Ukraine and the Government of the Slovak Republic on railroad communication across the state border of 15 June 1995"	Entered into force on 28 November 2015	The Resolution approves the Agreement done on 6 February 2015 at Kyiv.
Resolution of the Cabinet of Ministers of Ukraine of 18 November 2015 No.958 "On amending annex 2 to Resolutions No.486 and 487 of the Cabinet of Ministers of Ukraine of 23 September 2014"	Entered into force on 4 December 2015	The amendments pertain to the technical specifications of the blank forms of service and diplomatic passports of Ukraine in accordance with the ICAO Doc 9303 recommendations.
Decree of the Cabinet of Ministers of Ukraine of 4 November 2015 No.1139-r "On approval of the Draft Agreement (by exchange of notes) between the Government of Ukraine, the Government of the Republic of Moldova and the European Commission on extending the mandate of the Border Assistance Mission of the European Commission in Ukraine and the Republic of Moldova"	Entered into force on 4 November 2015	The Mandate of the European Commission for the Border Assistance Mission in the Republic of Moldova and Ukraine (EUBAM) is extended by another 24 months.
Decree of the Cabinet of Ministers of Ukraine of 28 October 2015 No.1144-r "On amending Regulation No. 91 of the Cabinet of Ministers of Ukraine of 7 March 2007"	Entered into force on 28 October 2015	The general education institution "International Ukrainian School" functions in order to create conditions for Ukrainian citizens temporarily or permanently living abroad to exercise their right to complete general secondary education. According to the Regulation, the categories of citizens who may receive education services based on an individual study plan now include residents of the Autonomous Republic of Crimea and the city of Sevastopol.
Decree of the Cabinet of Ministers of Ukraine of 30 October 2015 No.1134-r "On signing the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on the organization of information"	Entered into force on 30 October 2015	The Regulation approves the draft Agreement signed on 4 November 2015 and determines the procedure of real-time information exchange in order to ensure the security of the common part of the border, national security and combatting cross-border crime.

<p>exchange on persons and vehicles used by persons to cross the Ukrainian-Moldovan state border”</p>		
<p>Decree of the Cabinet of Ministers of Ukraine of 11 November 2015 No. 1179-r “On approval of the Concept of the State Targeted Law Enforcement Program “Equipment and reconstruction of the state border” until 2020”</p>	<p>Entered into force on 11 November 2015</p>	<p>The Program is aimed at raising the equipment level of the state border; technical re-equipment of the agents of integrated border management with modern weapons, military hardware, surveillance and control systems; enabling them to counteract the existing and potential threats; ensuring their readiness to protect the temporarily uncontrolled stretches of the state border after control over them is restored and to protect the state border within the temporarily occupied territory after the constitutional order of Ukraine is restored there; creating favorable conditions for the development of cross-border cooperation with the neighboring states.</p>
<p>Decree of the Cabinet of Ministers of Ukraine of 11 November 2015 No. 1180-r “On signing the Agreement between the Cabinet of Ministers of Ukraine and the Government of Italian Republic on the reciprocal recognition and exchange of drivers’ licenses”</p>	<p>Entered into force on 11 November 2015</p>	<p>The Regulation approves the respective draft Agreement.</p>
<p>Decree of the Cabinet of Ministers of Ukraine of 18 November 2015 No. 1199-r “On signing Amendments to the Memorandum on Mutual Understanding between the Government of Ukraine, the Government of the Republic of Moldova and the European Commission regarding the Border Assistance Mission of the European Commission in Ukraine and the Republic of Moldova of 7 October 2005”</p>	<p>Entered into force on 18 November 2015</p>	<p>The Regulation approves draft Amendments to the Memorandum signed on 24 November in Brussels. The updated mandate of the EUBAM mission is designed to improve the effectiveness of the technical and financial assistance of the European Union for border and joint control and to ensure proper counteraction of customs violations. Moreover, the document will help harmonize border and customs procedures in Ukraine with the respective standards of the EU member states, primarily in the context of the deep and comprehensive free trade area between Ukraine and the EU from 1 January 2016.</p>
<p>Decree of the Cabinet of Ministers of Ukraine of 23 November 2015 No. 1189-r “On approval of the Development Strategy of the State Border Guard Service”</p>	<p>Entered into force on 23 November 2015</p>	<p>The purpose of the Strategy’s implementation is to ensure effective implementation of border security policy and to protect Ukraine’s sovereign rights in its exclusive (maritime) economic zone. The main directions of the Strategy’s implementation are as follows:</p> <ul style="list-style-type: none"> - ensuring the development of integrated border management considering the experience of the EU member states; - increasing the combat readiness of the bodies of the State Border Guard Service of Ukraine and their capacity to fulfill border protection tasks; - ensuring the reading of the State Border Guard Service of Ukraine to protect temporarily uncontrolled parts of the state border after control over them is restored; - building the population’s trust in the State Border Guard Service of Ukraine and its staff.

<p><u>Order of the Ministry of Internal Affairs of Ukraine “On approval of Amendments to the Instruction on the procedure of adopting decisions to ban entry to Ukraine for foreigners and stateless persons by the State Migration Service of Ukraine and its territorial bodies” of 9 September 2015 No. 1091, registered in the Ministry of Justice of Ukraine on 25 September 2015 under No. 1143/27588</u></p>	<p>Entered into force on 30 October 2015</p>	<p>The Instruction is amended to include a norm under which, if the circumstances which constituted the grounds for banning a person from entering Ukraine are no longer present, the decision to cancel this ban or reduce the term of its validity is made by the State Migration Service of Ukraine or its territorial body at its own discretion or on a submission from other initiators of the ban decision as defined in the Instruction.</p>
<p><u>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 6 November 2015 No.2227/5, registered in the Ministry of Justice of Ukraine on 9 November 2015 under No.1397/27842</u></p>	<p>Entered into force on 25 November 2015</p>	<p>The Order expands the list of state civil registration offices participating in the pilot project under which 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><u>Order of the Ministry of Justice of Ukraine “On normalization of relations regarding the affixing of the apostille and the preparation of documents for consular legalization” of 11 November 2015 No.2268/5, registered in the Ministry of Justice of Ukraine on 11 November 2015 under No.1419/27864</u></p>	<p>Entered into force on 20 November 2015</p>	<p>In order to implement the Rules of affixing the apostille to the official documents of Ukraine intended for use in the territory of other states and to ensure the introduction of the electronic affixation of the apostille to such documents, the Procedure of affixing the apostille and the Procedure of preparing notarized documents for consular legalization are approved.</p>