



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

Legislative act or draft	Status (date of approval/further consideration)	Short overview
Law of Ukraine "On Electronic Trust Services" No. 2155-VIII of 5 October 2017	Enters into force on 7 November 2018 (separate provisions entered into force on 7 November 2017)	The Law stipulates that identification of a physical person, in this case a person claiming the service related to generation of a qualified public key certificate, shall require presence of such person who should produce a Ukrainian passport or other documents that will rule out any doubt concerning the person's identity, in line with the legislation on the Unified State Demographic Registry and documents certifying a person's identity, confirming Ukrainian citizenship or his/her special status.
Law of Ukraine "On amendments to the Law of Ukraine "On touring activities in Ukraine" regarding the peculiarities of organizing and conducting touring activities with the participation of citizens of an aggressor country No. 2165-VIII of 5 October 2017	Entered into force on 11 November 2017	The Law of Ukraine "On touring activities in Ukraine" is supplemented with a new clause, according to which in the case a citizen of an aggressor country is a touring event participant, the organizer shall submit to the Security Service of Ukraine, not later than 30 days prior to the day of the tour, request for information on the presence or absence of legal grounds for preventing the citizen of the aggressor country from participating in the specified tour event.
Resolution of the Verkhovna Rada of Ukraine "On conclusions and proposals to the Draft Law of Ukraine on the State Budget of Ukraine for 2018" No. 2209-VIII of 14 November 2017	Entered into force on 11 November 2017	The Cabinet of Ministers of Ukraine is tasked with preparing the Draft Law of Ukraine on the State Budget of Ukraine for 2018 for the second reading in line with these Budget Conclusions. Some of the conclusions and proposals are: to consider and decide on the possibility and expediency to increase/secure expenditures and provide loans from the general fund of the draft state budget for 2018 under the budget programme "Measures related to the engineering and technical border infrastructure" (code 1002120); consider the increase of costs from the special fund under the budget programme "Building of the border road infrastructure on the Ukrainian-Polish border" (code 3111610).
Resolution of the Verkhovna Rada of Ukraine "On approval in principle of the draft Law of Ukraine "On amendments to certain legislative acts of	Entered into force on 7 November 2017	The draft Law of Ukraine "On amendments to certain legislative acts of Ukraine on strengthening counteraction to trafficking in human beings and

<p>Ukraine on strengthening counteraction to trafficking in human beings and protection of victims of trafficking” No. 2182-VIII of 7 November 2017</p>		<p>protection of victims of trafficking” (registration No. 6125), developed by the Cabinet of Ministers of Ukraine, has been approved in principle.</p> <p>The purpose of the draft act is to improve the state policy on combating trafficking in human beings which will improve the quality of service provision and assistance to people who have suffered from trafficking in human beings.</p> <p>In particular, the draft act provides for: approximation of the definition of "trafficking in human beings" to the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime; extension of the range of stakeholders of the National Referral Mechanism who are carrying out actions in the field of combating human trafficking; implementation by central executive authorities of actions to ensure the protection of women, girls, men and boys with disabilities from sexual violence and exploitation; conferring powers to the Council of Ministers of the Autonomous Republic of Crimea and local self-government bodies in the field of combating human trafficking; improvement of the procedure for establishing the status of a person who has suffered from trafficking in persons; expansion of the network of institutions that will provide assistance to people who have suffered from trafficking in human beings.</p>
<p>Draft Law of Ukraine “On amending some legislative acts of Ukraine in relation to conduct of economic activity on provision of intermediary services to facilitate employment abroad” (No. 6275 of 31 March 2017, I. Lutsenko, I. Herashchenko, M. Ionova and others)</p>	<p>Sent to the Committee for revision on 7 November 2017</p>	<p>The objective of the proposed draft law is to prevent human trafficking by adopting legislative provisions that improve monitoring of business operators acting as intermediaries facilitating employment abroad or engaging in other activities that could potentially lead to trafficking in persons. It also stipulates financial sanctions for conduct of intermediary services to facilitate employment abroad with violations of legislation, and administrative liability for failure to respond to officials’ lawful demands to eliminate identified violations.</p>
<p>Draft Law of Ukraine “On amending some legislative acts of Ukraine on strengthening protection of the right of the child to adequate standard of living by improving the procedure for enforced collection of unpaid alimony” (No. 7277 of 10 November 2017, I. Lutsenko, A. Pomazanov, I. Herashchenko and others)</p>	<p>Adopted in first reading on 16 November 2017</p>	<p>The proposed draft law is intended to improve the procedure that, as laid down in the explanatory note, will ensure proper execution of decisions related to collection of alimony, in particular by amending the Family Code of Ukraine, the Law “On the procedures for exiting Ukraine and entering Ukraine by Ukrainian citizens”, and the Law “On the State Border Guard Service of Ukraine”. Thus, it is envisaged to simplify the procedure for placing temporary restrictions on the debtor’ right to leave Ukraine: if the total unpaid alimony exceeds the amount of six respective monthly payments, the enforcement agent shall rule to impose temporary restriction for the debtor’s travel abroad until full</p>

		repayment of alimony-related debt is made. The proposed law also stipulates simplification of procedure for child's temporary travel abroad.
Draft Law of Ukraine "On amending some legislative acts of Ukraine concerning simplification of pre-trial investigation for some categories of criminal offences" (No.7279-1 of 16 November 2017, O. Sotnyk, O. Syroid, M.-M. Nayyem and others)	Provided for familiarization on 21 November 2017	<p>The draft law proposes some changes as regards penalty for crimes stipulated under Article 332 "Smuggling of people across the state border of Ukraine" and Article 332¹ "Violation of the procedure for entry to and exit from the temporary occupied territory of Ukraine" of the Criminal Code of Ukraine.</p> <p>In addition to crimes, the draft law introduces criminal misconduct among which the current 28 types of misconduct are deemed to be administrative offences falling under the Code of Ukraine on Administrative Offences. However, by their nature these acts do not constitute offence against administration (since they infringe on people's health, public order and other values not related to administration), and in view of their severity shall be criminalized, with the possibility to impose the least severe criminal penalty for committing such offence. It applies, for example, to illegal crossing of the state border of Ukraine.</p>
Draft Law of Ukraine "On the experiment on permanent resettlement of internally displaced persons who own homes on the territories of Donbas not controlled by the Ukrainian government" (No.7295 of 16 November 2017, V. Pidberezniak)	Provided for familiarization on 21 November 2017	The experiment involves exchange of housing property owned by IDPs that is located on noncontrolled territories for other equivalent (or better) property owned by the state on the territories of Kirovohrad and Mykolaiv regions in order to create conditions for permanent resettlement of IDPs to safe regions within the country. The experiment shall also involve creation of new jobs within settlements to provide employment opportunities for IDPs and other persons residing in the area. It will be implemented in given locations during three years - from 1 January 2018 to 31 December 2020.
Draft Law of Ukraine "On the Diplomatic Service" (No.7322 of 20 November 2017, President of Ukraine)	Provided for familiarization on 22 November 2017	The draft law is designed to facilitate the reform of the diplomatic service, as part of implementation of the Sustainable Development Strategy <i>Ukraine 2020</i> , approved by the Decree of the President of Ukraine in 2015. It defines that the key tasks and functions of the diplomatic service shall include protection of rights and interests of Ukrainian citizens and legal entities abroad; performance of consular functions in Ukraine and abroad, as stipulated by international agreements of Ukraine; ensuring development of ties with foreign Ukrainians and their associations.
Draft Law of Ukraine "On the Penitentiary System" (No.7337 of 24 November 2017, I. Mosiichuk, I. Lutsenko, A. Kozhemiakin and others)	Provided for familiarization on 28 November 2017	The proposed draft law establishes that the mandate of the central executive body that implements the public policy on enforcement of criminal penalties and probation shall include extradition of individuals and admission of

		<p>Ukrainian nationals convicted abroad to serve sentences on the territory of Ukraine and transfer of foreigners convicted by Ukrainian courts to serve sentences abroad, ensuring transit through the territory of Ukraine of persons in custody or convicted under the laws and international agreements of Ukraine. It also sets forth that a person whose citizenship has been terminated, who holds citizenship of a foreign state(s) or stateless person cannot serve as enlisted personnel of the penitentiary system.</p>
<p>Draft Law of Ukraine “On amending Article 3 of the Law of Ukraine “On All-Ukrainian Census” (concerning periodicity of population census in Ukraine and conduct of the All-Ukrainian Census in 2018) (No. 7344 of 29 November 2017, O. Vilkul)</p>	<p>Sent to the Committee for review on 30 November 2017</p>	<p>The draft law proposes to amend article 3 of the Law of Ukraine “On All-Ukrainian Census” to define periodicity of census as at least once every ten years, in line with UN guidelines. This will allow for obtaining clear statistical data on social and demographic situation on the territory of Ukraine every ten years. It is proposed to obligate the Cabinet of Ministers to conduct the All-Ukrainian Census in 2018.</p>
<p>Draft Law of Ukraine “On amending the Law of Ukraine “On Education” (concerning implementation of the Resolution of the Parliamentary Assembly of the Council of Europe on ensuring the right of indigenous peoples and national minorities in Ukraine to study in their native languages) (№ 7259 of 7 November 2017, V. Pysarenko)</p>	<p>Provided for familiarization on 9 November 2017</p>	<p>The draft law proposes amendments to the Law of Ukraine “On Education” adopted in September 2017 to guarantee for persons belonging to national minorities of Ukraine the right to attain not only pre-primary but also general secondary education in the language of respective national minority, alongside the official language of the State. It also proposes to extend the transition period for persons belonging to indigenous peoples and national minorities of Ukraine who have entered general secondary education before 1 September 2018 until 1 September 2030 (until they finish their schooling). It means that they will continue to engage in education according to the rules that had been in effect before this Law coming into force, with gradual increase in the number of subjects taught in the Ukrainian language.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 22 November 2017 No. 892 “On establishing the cost of administrative service involving issuance (also to replace lost or stolen crew member ID) and exchange of crew member ID”</p>	<p>Entering into force on 1 June 2018</p>	<p>The Resolution was adopted to meet the requirements of the Law of Ukraine “On amending some legislative acts of Ukraine concerning documents certifying Ukrainian citizenship, persons’ identity or special status aimed at EU visa liberalization for Ukraine” and aims to regulate the issue of administrative service delivery by executive authorities, when it comes to setting costs for issuance of documents certifying identity and Ukrainian citizenship to air crew members. In particular, it establishes the cost of administrative service involving issuance (also to replace lost or stolen crew member ID) and exchange of crew member ID with embedded contactless electronic chip.</p>

<p>Resolution of the Cabinet of Ministers of Ukraine of 15 November 2017 No. 858 “On approval of application forms for employers to apply for obtaining permission to use the labour of foreigners and stateless persons, extending validity period of permission to use the labour of foreigners and stateless persons, and modifying permission to use the labour of foreigners and stateless persons”</p>	<p>Entered into force on 22 November 2017</p>	<p>Approval of respective application forms shall simplify the mechanism by which employers obtain documents to engage foreign labour in Ukraine.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 25 October 2017 No. 811 “On amending paragraph 4 of the Rules on location of diplomatic missions and consular posts of foreign states, representations of international and foreign organizations in Ukraine”</p>	<p>Entered into force on 2 November 2017</p>	<p>The decision is adopted to bring the existing procedure for approving location of foreign diplomatic missions and consular posts in compliance with the Vienna Conventions on Diplomatic and Consular Relations of 1961 and 1963 respectively. The new provision stipulates that the Ministry of Foreign Affairs shall keep record of places of residence of staff of diplomatic missions and consular posts who are granted privileges and immunities according to international agreements of Ukraine.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 22 November 2017 No. 828-r “On re-distribution of some state budget expenditures allocated to the Ministry of Social Policy for 2017”</p>	<p>Entered into force on 22 November 2017</p>	<p>The Government has re-distributed some expenditures from the general fund of the state budget allocated to the Ministry of Social Policy for 2017 in order to increase expenditure amounts under individual budget programmes with a view to improving the social protection for the most vulnerable population groups. At the same time, the expenditure amounts are being reduced for the following programmes: “Provision of targeted monthly aid to internally displaced persons to cover accommodation costs including payment for utilities” – by UAH 295,022.7 thousand; “Financial support to activities related to engagement in work of members of low-income families and internally displaced persons within the experiment” – by UAH 648.8 thousand.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 15 November 2017 No. 822-r “On proposals to impose special restriction measures on designated individuals in accordance with the UN Security Council Resolution No. 2048 (2012) as regards the Republic of Guinea-Bissau”</p>	<p>Entered into force on 15 November 2017</p>	<p>The Regulation is adopted to introduce a ban on entry to Ukraine and transit through its territory for individuals designated by the UN Security Council Committee in the Resolution concerning the Republic of Guinea-Bissau. Government’s proposals to impose special restrictions on designated individuals are subject to approval of the National Security and Defence Council of Ukraine and the President of Ukraine.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 18 October 2017 No. 803-r “On signing of the Partnership Framework Programme between the Government of Ukraine and the United Nations for 2018-2022”</p>	<p>Entered into force on 18 October 2017</p>	<p>The Cabinet of Ministers approved the Partnership Framework Programme between the Government of Ukraine and the United Nations for 2018-2022. Implementation of the UN Programme will enable to engage over USD 600 million for the period of 2018-2022 in four areas: sustainable economic growth, environment and employment; equitable access to quality and inclusive services and social protection; democratic governance, rule of law and</p>

		<p>civic participation; human security, social cohesion and recovery with a particular focus on Eastern Ukraine.</p> <p>The Programme’s target groups are migrants, including labour migrants, refugees, IDPs, victims of human trafficking and the Roma minority.</p> <p>The State Migration Service and the State Border Guard Service are identified as implementing partners in the third area, and the International Organization for Migration is an implementing UN agency in all four areas.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 11 October 2017 No.782-r “On amending Regulation of the Cabinet of Ministers of Ukraine of 16 May 2014 No. 523”</p>	<p>Entered into force on 11 October 2017</p>	<p>The Regulation updates the list of executive authorities’ services delivered through the Administrative Services Centres. Specifically, it stipulates the possibility, on the basis of coordinated and agreed decisions between service providers and authorities that established Administrative Services Centres, to provide civil registration and issuance of driver’s license through such centres. Permissions to use labour of foreigners and stateless persons can be issued without such agreement. Services related to issuance of Ukrainian citizen’s passports, including passports for traveling abroad, are delivered by the State Migration Service and other authorized entities defined in the Law of Ukraine “On the Unified State Demographic Registry and documents certifying Ukrainian citizenship, person’s identity or special status”.</p>
<p>Order of the Ministry of Justice of Ukraine “On approval of Amendments to some legal acts in the area of civil registration” of 13 November 2017 No. 3548/5, registered with the Ministry of Justice of Ukraine on 13 November 2017 No.1383/31251</p>	<p>Entered into force on 17 November 2017</p>	<p>In the Annex to the Rules of Civil Registration in Ukraine “List of Ukrainian citizen passports returned due to state registration of death”, the phrase “title of authority to be notified” is replaced by the phrase “title of territorial unit of the State Migration Service of Ukraine”.</p>
<p>Order of the Ministry of Education and Science of Ukraine “On approval of Admission Requirements for educational programmes leading to Junior Specialist qualification in 2018” of 13 October 2017 No.1377, registered with the Ministry of Justice of Ukraine on 14 November 2017 No. 1396/31264</p>	<p>Entered into force on 5 December 2017</p>	<p>The approved Admission Requirements regulate specific features of admission of foreigners and stateless persons to higher education institutions of Ukraine.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On amending the List of military positions in the State Border Guard Service of Ukraine that in the time of peace can be filled in by civilians on the basis of fixed-term employment contract” of 2 October 2017 No.816, registered with the Ministry of Justice of Ukraine on 24 October 2017 No. 1297/31165</p>	<p>Entered into force on 17 November 2017</p>	<p>The Order reduces the List of military positions in the State Border Guard Service of Ukraine that in the time of peace can be filled in by civilians on the basis of fixed-term employment contract.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On approval of Insignia Samples for military</p>	<p>Entered into force on 21 November 2017</p>	<p>According to the Law of Ukraine “On Military Duty and Military Service”, the rules for military uniform</p>

<p>personnel, and the Rules for wearing the uniform and insignia by military personnel of the State Border Guard Service of Ukraine” of 2 October 2017 No. 808, registered with the Ministry of Justice of Ukraine on 25 October 2017 No. 1301/31169</p>		<p>wear and insignia samples are designed and approved by the respective central executive bodies that have military units under their authority. By this Order, the Ministry of Internal Affairs of Ukraine approved Insignia Samples for military personnel, and the Rules for wearing the uniform and insignia by military personnel of the State Border Guard Service of Ukraine.</p>
<p>Order of the Ministry of Finance of Ukraine and the Ministry of Internal Affairs of Ukraine “On approval of the Procedure for interaction between the information systems of the State Fiscal Service of Ukraine and the State Border Guard Service of Ukraine concerning data sharing necessary to perform control over the movement of persons and vehicles across the state (customs) border of Ukraine and administrative border of the free economic zone “Crimea” of 7 September 2017 No. 746/759, registered with the Ministry of Justice of Ukraine on 2 October 2017 No. 1207/31075</p>	<p>Entered into force on 31 October 2017</p>	<p>The Procedure is intended to enhance control over the movement of persons and vehicles across the state (customs) border of Ukraine and improve interaction between the information systems of the State Fiscal Service of Ukraine and the State Border Guard Service of Ukraine concerning data sharing necessary to perform customs and border control over the movement of persons and vehicles at border-crossing points across the state (customs) border of Ukraine and at checkpoints of the administrative border of the free economic zone “Crimea”.</p> <p>The following systems are engaged in the information interaction: system of the State Border Guard Service – information and telecommunication border control system GART-1; system of the State Fiscal Service – unified automated information system of the State Fiscal Service; integrated inter-agency information and telecommunication system to control persons, vehicles and cargo crossing the state border (ARKAN).</p> <p>The necessary software shall be developed within six months, and in 2017 a pilot project shall be implemented with regard to interaction between the information systems at automobile border-crossing points Novi Yarylovychi and Krakivets.</p>
<p>Order of the Ministry of Foreign Affairs of Ukraine “On approval of the Procedure for organization of trips of foreign and Ukrainian experts” of 6 September 2017 No. 380, registered with the Ministry of Justice of Ukraine on 7 November 2017 No. 1355/31223</p>	<p>Entered into force on 28 November 2017</p>	<p>The Order regulates some aspects of visa application and visa issuance for Ukrainian and foreign experts. For example, a Ukrainian diplomatic mission abroad shall cover costs related to obtaining Ukrainian visa by a foreign expert. Ukrainian experts can be provided with visa facilitation and letters of guarantee concerning reimbursement of travel-related expenses.</p>
<p>Cooperation Agreement between the General Prosecutor’s Office of Ukraine and the General Prosecutor’s Office of the Republic of Tajikistan, signed on 21 September 2017</p>	<p>Entered into force for Ukraine on 21 September 2017</p>	<p>In accordance with the Agreement, the Parties shall engage in cooperation in the areas that include combatting trafficking in human beings and organs.</p>