



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

| Legislative act or draft  | Status (date of approval/further consideration) | Short overview   |
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| <a href="#">Law of Ukraine “On the ratification of the Treaty between Ukraine and the Republic of Senegal on the extradition of offenders” of 2 September 2015 No. 660-VIII</a>   | Entered into force on 3 October 2015            | The ratification of the Treaty creates the legal foundation for the cooperation of the competent authorities of the Parties in instituting criminal proceedings and execution of sentences regarding persons who are trying to evade responsibility for committed crimes and are staying in the territory of one of the Parties.   |
| <a href="#">Law of Ukraine “On the ratification of the Treaty between Ukraine and the Republic of Senegal on legal assistance in civil and criminal cases” of 2 September 2015 No. 661-VIII</a>   | Entered into force on 3 October 2015            | The entry into force of the Treaty enables Ukrainian citizens to enjoy in the territory of the Republic of Senegal the same legal protection of their personal and property rights as do the citizens of the Republic of Senegal. The Treaty also establishes a mechanism of cooperation between the competent authorities of the two states in solving civil cases, investigating crimes and applying measures to seize the proceeds and instruments of crimes. Furthermore, the Treaty fixes the obligation of reciprocal recognition and enforcement of court decisions in civil cases. |
| <a href="#">Law of Ukraine “On the ratification of the Treaty between Ukraine and the Republic of Senegal on the transfer of convicted persons” of 2 September 2015 No. 662-VIII</a>  | Entered into force on 3 October 2015            | The entry into force of this Treaty lays down the legal foundation for the transfer of convicted citizens of Ukraine and the Republic of Senegal for serving their sentences in the country of citizenship, which will serve the purpose of justice, social rehabilitation of convicted persons and guaranteeing of their rights.  |
| <a href="#">Law of Ukraine “On the ratification of ILO Convention No. 117 concerning Basic Aims and Standards of Social Policy” of 16 September 2015 No. 692-VIII</a>   | Will enter into force on 13 October 2015        | The implementation of this law envisages that ILO Convention No. 117 concerning Basic Aims and Standards of Social Policy will enter into force for Ukraine, which will facilitate progress particularly in protecting labor migrants whose status is regulated by Part III of the Convention.   |
| <a href="#">Draft Law of Ukraine “On amending the Tax Code of Ukraine to exempt from taxation the profits of enterprises employing internally displaced persons” (No. 3015 of 2 September 2015, MP A.S. Matviienko, MP M.V. Dovbenko)</a> | Sent to MPs for review on 4 September 2015      | The Draft Law establishes a mechanism of creating additional conditions for the social protection of internally displaced persons. The essence of the mechanism is the introduction of a tax relief regarding the profits of legal persons which meet the  |

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|  |   | established requirements, particularly regarding the number of IDPs employed (at least 50%) and the percentage of the total wages paid to them (at least 25%).  |
| <a href="#">Draft Law of Ukraine “On amending the Tax Code of Ukraine regarding the creation by the state of favorable conditions for employers employing internally displaced persons” (No. 3015-1 of 14 September 2015, MP N.V. Veselova)</a>          | Sent to MPs for review on 16 September 2015 | The Draft Law establishes a mechanism of creating additional conditions for the social protection of internally displaced persons. The essence of the mechanism is the introduction of a tax relief regarding the profits of legal persons which meet the established requirements, particularly regarding the number of IDPs employed (at least 50%) and the percentage of the total wages paid to them (at least 25%).  |
| <a href="#">Draft Law of Ukraine “On amending the Tax Code of Ukraine regarding the stimulation of employers to employ internally displaced persons” (No. 3015-2 of 18 September 2015, MP N.Yu. Korolevska, MP Yu.V. Solod)</a>                          | Sent to MPs for review on 23 September 2015 | The Draft Law establishes a mechanism of creating additional conditions for the social protection of internally displaced persons. The essence of the mechanism is the introduction of a tax relief regarding the profits of legal persons which meet the established requirements, particularly regarding the number of IDPs employed and the percentage of the total wages paid to them.  |
| <a href="#">Draft Law of Ukraine “On amending certain laws of Ukraine on facilitating access to free legal assistance and improving the quality of its provision” (No. 3044 of 7 September 2015, Cabinet of Ministers of Ukraine)</a>                    | Sent to MPs for review on 9 September 2015  | The Draft Law significantly changes the range of individuals entitled to free secondary legal assistance. In particular, their list is expanded to include internally displaced persons, who are granted the right to receive all types of legal services envisaged in part two of article 13 of the Law of Ukraine “On Free Legal Assistance”.   |
| <a href="#">Draft Law of Ukraine “On amending certain laws of Ukraine on facilitating access to free legal assistance and improving the quality of its provision” (No. 3044-1 of 11 September 2015, MP N.Yu. Korolevska, Yu.V. Solod)</a>                | Sent to MPs for review on 15 September 2015 | This Draft Law is an alternative to the draft law registered under No. 3044 of 7 September 2015 and submitted by the Cabinet of Ministers of Ukraine (see above). While almost fully duplicating Draft Law No. 3044, it contains a different list of individuals entitled to free secondary legal assistance. Nevertheless, internally displaced persons are on this list also in this Draft Law.   |
| <a href="#">Draft Law of Ukraine “On the system of foreign-language broadcasting of Ukraine” (No. 2334a of 13 July 2015, Cabinet of Ministers of Ukraine)</a>  | Discussed on 9 October 2015                 | On the basis of the World Service of the State Television and Radio Broadcasting Company and “The Banking Television” LLC, the Draft Law proposes to create Ukraine Tomorrow, a state-run foreign-language television and radio broadcasting company of Ukraine. As indicated in the explanatory note, the goal is to “offer foreign audiences, including the Ukrainian diaspora and Ukrainian citizens abroad, access to objective, up-to-date and complete information on events in Ukraine”. |
| <a href="#">Draft Law of Ukraine “On amending certain legislative acts of Ukraine (regarding the protection of the housing rights of internally displaced persons from among orphaned children and children deprived of parental care)” (No. 3122 of</a> | Sent to MPs for review on 22 September 2015 | The Draft Law proposes amendments to legislation which:<br>- grant the right to be put on the social housing waiting list to Ukrainian citizens who are orphaned children and children deprived of parental care and  |

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| <p><a href="#">17 September 2015, MP Yu.H. Harbuz</a></p>  |  | <p>have first-time registration in the services for children's affairs in the temporarily occupied territory;</p> <ul style="list-style-type: none"> <li>- envisage that the registration or re-registration of the place of residence of orphaned children and children deprived of parental care displaced from the temporarily occupied territory, in the absence of their legal representative, is performed by the territorial bodies of the State Migration Service with the mandatory participation of the child protection authority, is free of charge and does not involve the payment of the state duty and any other charges and duties.</li> </ul>   |
| <p><a href="#">Draft Law of Ukraine "On amending article 5 of the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" (regarding grounds for issuing temporary residence permits to representatives of the foreign mass media)" (No. 3048 of 7 September 2015, Cabinet of Ministers of Ukraine)</a></p>                         | <p>Submitted by the committee for consideration on 17 September 2015</p> | <p>The Draft Law proposes to authorize the central executive authority implementing state policy on Ukraine's informational security – the Ministry of Information Policy of Ukraine – to make submissions for temporary residence permits to be issued to foreigners and stateless persons who are representatives of the mass media (instead of the State Committee for Television and Radio Broadcasting, which is the state authority responsible for state policy in the area of information and publishing).</p>  |
| <p><a href="#">Draft Law of Ukraine "On amending the Civil Procedure Code of Ukraine with regard to establishing the fact of birth or death in the temporarily occupied territory of Ukraine" (No. 3171 of 22 September 2015, Cabinet of Ministers of Ukraine)</a></p>   | <p>Consideration postponed until 7 October 2015</p>                      | <p>The Draft Law proposes amendments which will determine certain special aspects of proceedings in cases regarding establishing the fact of birth or death of a natural person in the temporarily occupied territory of Ukraine. The key aspects proposed for inclusion in article 259<sup>1</sup> which is to be added to the Civil Procedure Code of Ukraine are as follows:</p> <ol style="list-style-type: none"> <li>1) an applicant has the right to submit an application requesting to establish the fact of birth or death to any court outside this territory regardless of the applicant's place of residence;</li> <li>2) such cases are to be considered within 24 hours from the time of receipt of the respective application by the court;</li> <li>3) the applicant can receive a copy of the court decision if he/she is present when it is announced;</li> <li>4) court decisions in these cases are to be enforced immediately.</li> </ol> |
| <p><a href="#">Draft Law of Ukraine "On amending certain legislative acts of Ukraine regarding improvements in the provisions for the court protection of foreigners and stateless persons and regulation of certain issues connected with counteracting illegal migration" (No. 3159 of 21 September 2015, Cabinet of Ministers of Ukraine)</a></p> | <p>Sent to MPs for review on 24 September 2015</p>                       | <p>The amendments envisage the following:</p> <ul style="list-style-type: none"> <li>- adding new article No. 183<sup>7</sup> "Special aspects of proceedings in the cases of detention of foreigners and stateless persons subject to forced expulsion" to the Code of Administrative Court Procedure of Ukraine;</li> <li>- adding a new paragraph to article 259 "Delivery of an offender" of the Administrative Code of Ukraine which identifies the bodies to which foreigners and stateless persons who violated the laws of Ukraine may be delivered if it is impossible to identify them on the scene and ascertain the circumstances of the</li> </ul>   |

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|  |   | <p>offense;</p> <p>- adding paragraph 27 to article 1 “Definition of terms” of the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” to define the term “center for a temporary stay of foreigners and stateless persons illegally staying in Ukraine” and improve the procedure of placing foreigners and stateless persons who have violated Ukrainian laws to such centers, as well as the processing of permanent or temporary residence permits for this category of persons when they are released from such a center.</p>   |
| <p><a href="#">Draft Law of Ukraine “On amending the Law of Ukraine “On refugees and persons in need of complementary or temporary protection” (regarding improvements of the procedure of documenting persons)” (No. 3155 of 21 September 2015, Cabinet of Ministers of Ukraine)</a></p>  | <p>Consideration postponed until 7 October 2015</p> | <p>The Draft Law proposes to grant the State Migration Service the powers to make corrections in documents that are used in the procedure of recognizing a person as a refugee or a person in need of complementary protection if they are found to contain inexact data on these persons. Moreover, the Draft Law proposes to harmonize the terms of processing of the refugee ID and the ID of a person in need of complementary protection with the Law of Ukraine “On the Unified State Demographic Register and Documents That Prove Ukrainian Citizenship, the Identity of a Person or Their Special Status”.</p>   |
| <p><a href="#">Draft Law of Ukraine “On amending the Code of Administrative Court Procedure of Ukraine (regarding immediate court consideration of actions regarding forced expulsion or detention for the purpose of identification and securing forced expulsion of foreigners and stateless persons or the transfer of foreigners and stateless persons in accordance with international treaties on readmission)” (No. 3154 of 21 September 2015, Cabinet of Ministers of Ukraine)</a></p> | <p>Consideration postponed until 7 October 2015</p> | <p>The Draft Law is prepared pursuant to paragraph 34 of the National Action Plan to implement the second phase of the EU Visa Liberalisation Action Plan for Ukraine, approved by Regulation No. 805-r of the Cabinet of Ministers of Ukraine of 20 August 2014. It is aimed at improving the legal framework for effective migration management and counteracting illegal migration. To this end, the Draft Law proposes amendments that envisage immediate consideration by local courts of general jurisdiction of administrative cases on forced expulsion or detention for the purpose of identification and securing forced expulsion of foreigners and stateless persons.</p> |
| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 2 September 2015 No. 641 “On creating the National Police of Ukraine”</a></p>  | <p>Entered into force on 8 September 2015</p>       | <p>The National Police is created as a central executive authority whose activities are guided and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs. 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.</p>  |
| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 2 September 2015 No. 661 “On amending the Regulation on the travel document of a person who is granted complementary protection”</a></p>   | <p>Entered into force on 18 September 2015</p>      | <p>The amendments pertain, in particular, to the technical specification of the data page in the travel document of a person who is granted complementary protection. This page has to have a place for a photograph or a digitized image of the face of the holder and a place for his/her signature.</p>  |

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| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 8 September 2015 No.679 “On amending paragraph 13 of the Model technical plan of passage through the state border of persons, the automotive, water, railroad and air vehicles of carriers and the goods transported by them ”</a></p>                                      | <p>Entered into force on 17 September 2015</p> | <p>The amendments are aimed at minimizing the duration of control at checkpoints or control points in order to ensure a minimum of formalities needed for the required type of control.</p>  |
| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 8 September 2015 No.690 “On approval of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on reciprocal academic recognition and equivalence of education documents issued in Ukraine and in the Slovak Republic”</a></p> | <p>Entered into force on 17 September 2015</p> | <p>The Resolution approves the Agreement done on 8 April 2014 in Bratislava.</p>   |
| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 8 September 2015 No.696 “On approval of the Procedure of actions to facilitate employment and the recovery of funds disbursed to finance such actions when the employment guarantees for internally displaced persons have been violated”</a></p>                           | <p>Entered into force on 25 September 2015</p> | <p>The approved Procedure defines the conditions and mechanisms according to which district, city and city district employment centers run by the State Employment Service will take actions to facilitate employment and recover funds disbursed to finance such actions when the employment guarantees for internally displaced persons have been violated. This Procedure does not cover employers that are state-financed institutions.</p>  |
| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 8 September 2015 No.697 “Certain issues in the implementation of the Agreement on financing the program “Support for Border Management Sector Policy in Ukraine”</a></p>  | <p>Entered into force on 25 September 2015</p> | <p>The Resolution approves the transfer of budget funds (UAH 81,559,789) allocated to the Ministry of Finances under the program “Implementation of the EU assistance programs” that have come to the special fund of the state budget from the European Union as part of the first tranche under the Agreement on financing the program “Support for Border Management Sector Policy in Ukraine” to the State Fiscal Service for taking actions to further develop and ensure the operation of the multifunction comprehensive system “Electronic customs” (UAH 81,259,789) and to produce blank forms of goods movement certificates of the EUR1 form (UAH 300,000).</p> |
| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 14 September 2015 No.677 “On approval of the draft Law of Ukraine “On the State Budget of Ukraine for 2016”</a></p>   | <p>Entered into force on 15 September 2015</p> | <p>The Resolution approves the draft State Budget of Ukraine for 2016, which, among other things, sets allocations for the State Migration Service in the amount of UAH 1,074,286,600, including UAH 38,462,600 for administration and management in the area of migration, citizenship, immigration and registration of natural persons; UAH 1,033,999,900 for performing the tasks and functions in the area of citizenship, immigration and registration of natural persons; UAH 1,824,100 for contributions to the International Organization for Migration.</p>   |
| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 16 September 2015 No.705 “On approval of the Agreement between the Government of Ukraine and the Government of the Republic of Chile on the conditions for the reciprocal travel of citizens ”</a></p>  | <p>Entered into force on 26 September 2015</p> | <p>The Resolution approves the Agreement done on 24 April 2015 in Kyiv.</p>  |

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| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 16 September 2015 No.710 “On approval of the Protocol 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 border crossing points on the common state border”</a></p>       | <p>Entered into force on 26 September 2015</p> | <p>The Resolution approves the Protocol done on 6 February 2015 in Kyiv. The Agreement defines cases in which traffic through the common border may be temporarily suspended or restricted at border crossing points and when their working hours may be changed. These amendments will make it possible to improve the system of operation of border crossing points in the light of the provisions of the Schengen Borders Code and ensure growing passenger and vehicle traffic and comfortable conditions for the participants of international traffic.</p> |
| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 16 September 2015 No.722 “On amending the Procedure of entry to and exit from the temporarily occupied territory of Ukraine”</a></p>  | <p>Entered into force on 23 September 2015</p> | <p>The amendments pertain to documents required for entry to and exit from the temporarily occupied territory of Ukraine (passport documents and a special permit).</p>  |
| <p><a href="#">Resolution of the Cabinet of Ministers of Ukraine of 23 September 2015 No.742 “On approval of the Agreement (by exchange of notes) between the Cabinet of Ministers of Ukraine and the Government of Romania to open an international crossing point on the Ukraine-Romania state border for ferry, passenger and cargo traffic between Orlivka (Ukraine) and Isaccea (Romania)”</a></p> | <p>Entered into force on 30 September 2015</p> | <p>The Resolution approves the Agreement done on 28 May 2015 in Kyiv and on 5 June 2015 in Bucharest.</p>  |
| <p><a href="#">Decree of the Cabinet of Ministers of Ukraine of 16 September 2015 No. 929-r “The issue of the State Labor Service”</a></p>  | <p>Entered into force on 16 September 2015</p> | <p>The State Labor Service will perform the functions and will have the powers of the State Labor Inspection, which was terminated. These include state control over compliance with the legislation on the use of labor of foreigners and stateless persons and hiring workers for further employment by another employer in Ukraine.</p>   |
| <p><a href="#">Decree of the President of Ukraine of 24 September 2015 No. 555/2015 “On the decision of the National Security and Defense Council of Ukraine of 2 September 2015 “On the new redaction of the Military Doctrine of Ukraine”</a></p>   | <p>Entered into force on 26 September 2015</p> | <p>The Doctrine recognizes such factors as the non-demarcation of the state border of Ukraine in the Black Sea and the Sea of Azov; the contractual legal incompleteness of the state border of Ukraine with the Russian Federation, the Republic of Belarus and the Republic of Moldova; and illegal migration as military-political challenges that may turn into the threat of military force being used against Ukraine.</p>   |
| <p><a href="#">Decree of the President of Ukraine of 4 September 2015 No. 535/2015 “On the decision of the National Security and Defense Council of Ukraine of 20 July 2015 “On measures to protect the national interests of Ukraine in aviation”</a></p>  | <p>Entered into force on 9 September 2015</p>  | <p>The Decree envisages the development of measures to create, on the basis of state-owned Boryspil International Airport, an international hub airport, in particular by simplifying border control procedures for Ukrainian citizens arriving in Ukraine and for transit foreign passengers.</p>   |
| <p><a href="#">Decree of the President of Ukraine of 16 September 2015 No. 549/2015 “On the decision of the National Security and Defense Council of Ukraine of 2 September 2015 “On the application of personal special economic and other restrictive measures (sanctions)”</a></p>   | <p>Entered into force on 22 September 2015</p> | <p>Personal special economic and other restrictive measures proposed by the Cabinet of Ministers of Ukraine and the Security Service of Ukraine will be applied for one year against persons whose actions constitute real and/or potential threats to the national interests, national security, sovereignty and</p>  |

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|   |  | <p>territorial integrity of Ukraine and other actions. These measures include visa refusals and cancellations of visas for residents of foreign states and other restriction to enter the territory of Ukraine.</p>  |
| <p><a href="#"><u>Order of the Ministry of Justice of Ukraine “On ensuring the storage of documents removed from the temporarily occupied territory and the territory of the counter-terrorist operation” of 7 September 2015 No.1656/5, registered in the Ministry of Justice of Ukraine on 7 September 2015 under No.1077/27522</u></a></p> | <p>Entered into force on 29 September 2015</p> | <p>The Order approves the procedure of the archival storage of documents removed from the temporarily occupied territory and the territory of the counter-terrorist operation.</p>   |
| <p><a href="#"><u>Order of the Ministry of Justice of Ukraine “On amending Order No.1187/5 of the Ministry of Justice of Ukraine of 9 July 2015” of 22 September 2015 No.1791/5, registered in the Ministry of Justice of Ukraine on 22 September 2015 under No.1120/27565</u></a></p>  | <p>Entered into force on 7 October 2015</p>    | <p>The Order expands the list of state civil status registration offices participating in the pilot project under which state civil status 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> |