



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

Legislative act or draft	Status (date of approval/further consideration)	Short overview
Draft Law of Ukraine "On ratification of the Agreement (in the form of exchange of notes) between the Cabinet of Ministers of Ukraine and the Government of the Republic of Latvia on carrying out paid activities by members of the families of the staff of diplomatic missions, consular offices" (No. 0155 from 10 August 2017, Cabinet of Ministers of Ukraine)	Provided for familiarization on 22 August 2017	The agreement shall facilitate further implementation of the right to work, support the level of qualification and obtain the opportunity for further professional development of the family members of the staff of diplomatic missions and consular offices of Ukraine in Latvia and Latvia in Ukraine, as well as to create on a mutual basis the legal grounds for the employment of family members of the staff of the diplomatic mission in the host country.
Draft Law of Ukraine "On amendments to the Criminal Code of Ukraine on liability for illegal crossing of the state border" (No. 7017 of 2 August 2017, I.S. Lutsenko, A.V. Herasymov)	Provided for familiarization on 4 August 2017	The draft Law proposes to establish criminal responsibility for crossing the state border of Ukraine by a person who has the citizenship (nationality) of the aggressor state or another person in the interests of the aggressor state which is contrary to the national interests of Ukraine, in any way outside the border crossing points of Ukraine or at the border crossing points of Ukraine without proper documents or with documents containing fraudulent data. Such act will be punishable by imprisonment for up to three years. For repeated acts or if committed by a group of persons they will be liable in the form of deprivation of liberty for a term of three to five years, and for committing such acts with the use of weapons - for a period from five to eight years.
Draft Law of Ukraine "On amendments to the Criminal Code of Ukraine on liability for illegal crossing of the state border" (No. 7017-1 of 16 August 2017, N.V. Veselova)	Provided for familiarization on 22 August 2017	The draft Law proposes to establish criminal liability for crossing the state border of Ukraine and violation of the procedure for entry into the temporarily occupied territory of Ukraine and departure from it by a person who has the citizenship (nationality) of the aggressor state. Such act will be punishable by imprisonment for up to three years. For repeated acts or if committed by a group of persons, they will be liable in the form of deprivation of liberty for a term from three to five years, and for committing such acts with the use of weapons - for a period from five to eight years. It is also proposed to abolish criminal liability for

		Ukrainian citizens for violating the order of entry into and departure from the temporarily occupied territory of Ukraine.
<p>Draft Law of Ukraine "On amendments to the Law of Ukraine "On foreign Ukrainians" (on cooperation with foreign Ukrainians) (No. 7033 of 21 August 2017, Cabinet of Ministers of Ukraine)</p>	<p>Provided for familiarization on 23 August 2017</p>	<p>The draft Law proposes to confer to the Ministry of Foreign Affairs of Ukraine powers in the field of cooperation with foreign Ukrainians. This will help to resolve the issue of the implementation by the Ministry of Foreign Affairs of the powers provided for the central executive body on cooperation with foreign Ukrainians by Article 10-2 of the Law of Ukraine "On foreign Ukrainians", which (body) has not been set up to date.</p> <p>Adoption of the draft Law shall improve the legal regulation of the relations related to the strengthening connection of Ukrainians living outside Ukraine with their homeland and their return to Ukraine, will contribute to the development of national consciousness, and to meeting the national, cultural and linguistic needs of Ukrainians and so on.</p>
<p>Draft Law of Ukraine "On amendments to the Law of Ukraine "On freedom of movement and free choice of residence in Ukraine" (on the implementation of the rights and duties of servicemen of the State Special Communication Service on the registration of their place of residence) (No. 7036 of 21 August 2017, Cabinet Ministers of Ukraine)</p>	<p>Provided for familiarization on 31 August 2017</p>	<p>The adoption of the draft Law aims to legislatively regulate the implementation of the rights and obligations of servicemen of the State Special Communication Service for the registration of their place of residence at the place of military service.</p>
<p>Draft Resolution of the Verkhovna Rada of Ukraine "On approval in principle of the draft Law of Ukraine "On amendments to certain legislative acts of Ukraine on strengthening counteraction to trafficking in human beings and protection of victims of trafficking" (No. 6125/P of 23 August 2017, R.P. Knyazevych, R.M. Sydorovych, I.S. Alekseev and others)</p>	<p>Sent to the Committee on 23 August 2017</p>	<p>It is proposed to approve in principle the draft Law of Ukraine "On amendments to certain legislative acts of Ukraine on strengthening counteraction to trafficking in human beings and protection of victims of trafficking" (registration No. 6125), developed by the Cabinet of Ministers of Ukraine.</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</p>

		<p>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 Resolution of the Verkhovna Rada of Ukraine "On establishment of a deputy working group on verification of the facts of ineffective and inappropriate use of the funds of the state budget of Ukraine for the financing of the project "European Wall" ("the Wall")" (No.7024 of 11 August 2017, S.M. Kaplin)</p>	<p>Provided for familiarization on 22 August 2017</p>	<p>As part of the control function of the Verkhovna Rada of Ukraine the draft proposes to create a deputy working group on verification of ineffective and inappropriate use of funds of the State Budget of Ukraine in financing the project "European Wall" ("The Wall").</p> <p>Such a decision is due to the fact that on 8 August 2017 seven persons allegedly involved in embezzlement of funds in the amount of about UAH 16.7 million when financing the project "European Wall" ("The Wall") were arrested. Among the detainees are officials of the State Border Guard Service and contractors.</p> <p>At the same time, on 13 July 2017, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On amendments to the Law of Ukraine "On the State Budget of Ukraine for 2017" which provides for additional allocation of funds to the Administration of the SBGS under the budget line 1002120 "Measures on engineering and technical equipping of the border" in the amount of UAH 300 million. The total amount based on the changes that were adopted is UAH 500 million.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 18 August 2017 No.628 "On amendments to the Resolution of the Cabinet of Ministers of Ukraine of 26 November 2014 No. 669"</p>	<p>Entered into force on 29 August 2017</p>	<p>The procedure for obtaining, extracting from the Unified State Demographic Register and erasure of fingerprints of a person has been brought into compliance with the law. In this regard, the list of documents with contactless electronic chip where the digitized fingerprints of a person are recorded to was expanded. The grounds for obtaining and impossibility of obtaining fingerprints of a person are specified, as well as a list of entities authorized to obtain digitized fingerprints of a person has been specified according to the Law of Ukraine "On the Unified State Demographic Registry and documents confirming citizenship of Ukraine, certifying the person or his/her special status".</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 18 August 2017 No.611 "On amendments to the Resolution of the Cabinet of Ministers of Ukraine of 2 April 2005 No. 261"</p>	<p>Entered into force on 31 August 2017</p>	<p>An application for social assistance and care allowance is submitted by a person to the relevant authorities at the place of residence. This Resolution amended the list of documents that certify the place of residence of both Ukrainian citizens and foreigners and stateless persons.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 9 August 2017 No. 579 "On amendment to clause 9 of the Rules of registration of the place of residence"</p>	<p>Entered into force on 16 August 2017</p>	<p>This Resolution harmonizes the list of documents to which information about the place of stay of a person is entered. In particular, it is envisaged to exclude a certificate on registration of an internally displaced person from the list of documents that</p>

		require entering information on the place of stay of the person, that will comply with the Law of Ukraine "On freedom of movement and free choice of place of residence in Ukraine".
Resolution of the Cabinet of Ministers of Ukraine of 9 August 2017 No.583 "On amendments to the Regulation on the State Migration Service of Ukraine"	Entered into force on 16 August 2017	In the framework of work on bringing the provisions on the central executive authorities into compliance with the legislation, the Government approved the resolution "On amendments to the Regulation on the State Migration Service of Ukraine". In particular, in compliance with the Law of Ukraine "On amendments to certain legislative acts of Ukraine on extending the powers of local self-government bodies and optimizing the provision of administrative services", the powers of the SMS in the field of (de-)registration of the place of residence of individuals are delegated to the registration authorities (executive body of the village, settlement or city council, head of the village). In addition, in order to facilitate access of the population to administrative services at the legislative level, implementation of the provision of services for the issuance of electronic digital signature, as well as a number of electronic services that operate online on the website of the SMS were introduced: electronic queue; transliteration check; checking the state of producing a passport of a citizen of Ukraine for traveling abroad and passport of a citizen of Ukraine in the form of a card.
Decree of the Cabinet of Ministers of Ukraine of 18 August 2017 No.565-r "On the opening of the border crossing point "Bronnytsya"	Entered into force on 18 August 2017	The Cabinet of Ministers of Ukraine made a decision to open at the Ukrainian-Moldavian state border the international border crossing point "Bronnytsya" for passenger and cargo (up to 3.5 tons) motor vehicle transport with a permanent mode of operation and round-the-clock work. Such a decision enables to create comfortable conditions for persons crossing the state border and to continue carrying out measures to improve the border infrastructure.
Decree of the Cabinet of Ministers of Ukraine of 9 August 2017 No.529-r "On submission of the Agreement (in the form of an exchange of notes) between the Cabinet of Ministers of Ukraine and the Government of the Republic of Latvia on carrying out paid activities by members of the families of the staff of diplomatic missions and consular offices for ratification by the Verkhovna Rada of Ukraine"	Entered into force on 9 August 2017	The Cabinet of Ministers has decided to submit for ratification by the Verkhovna Rada of Ukraine the relevant Agreement concerning the social and labor sphere that will regulate the issues of employment of family members of the staff of diplomatic mission of Ukraine in Latvia as well as family members of the staff of diplomatic mission of Latvia in Ukraine.
Decree of the Cabinet of Ministers of Ukraine of 9 August 2017 No.534-r "On approval of the tentative plan of legislative drafting works for 2017"	Entered into force on 9 August 2017	The tentative plan of legislative drafting works for 2017 foresees the development of 53 draft laws of Ukraine during the current year that will address the most important areas of public life. Among them the following drafts are envisaged: "On amendments to the Law of Ukraine "On the Unified State Demographic Registry and documents certifying the

		<p>citizenship of Ukraine, a person or his/her special status" regarding the introduction of a temporary passport of a citizen of Ukraine for traveling abroad", which is caused by the necessity of securing the rights of Ukrainian citizens staying abroad for the issuance of a passport document at foreign diplomatic mission of Ukraine as soon as possible (to be developed by the Ministry of Foreign Affairs and submitted to the Cabinet of Ministers in September); "On amendments to certain Laws of Ukraine regarding inclusion to the insurance record of the time spent abroad by the wives (husbands) of the staff of diplomatic missions who are deployed for long-term assignments at the diplomatic missions abroad" (to be developed by the Ministry of Foreign Affairs and submitted to the Cabinet of Ministers in December).</p>
<p>Decree of the President of Ukraine of 30 August 2017 No. 256/2017 "On the decision of the National Security and Defense Council of Ukraine of 10 July 2017 "On strengthening control over the entry to Ukraine, exit from Ukraine by foreigners and stateless persons, their adherence to the rules of stay on the territory of Ukrainian"</p>	<p>Enters into force on the day of publishing</p>	<p>The Cabinet of Ministers of Ukraine is instructed to develop a set of measures to strengthen the control over the entry, departure and stay of citizens of other states, including citizens of the Russian Federation, and stateless persons on the territory of Ukraine.</p> <p>It is planned to update the list of countries of migration risk, in particular, the inclusion of Russian Federation to the list; creation of an electronic system of preliminary notification by foreigners and stateless persons about their entry to Ukraine; entry to Ukraine with biometric passports, as well as the mandatory obtainment of biometric data of foreigners, in particular, citizens of the Russian Federation, and stateless persons.</p> <p>In order to implement this decision, in particular, for technical support for obtainment of biometric data, a suitable technical infrastructure will be created at all border crossing points. The SBGS will be allocated with budget funding sufficient for procuring the necessary equipment.</p>
<p>Decree of the President of Ukraine of 17 August 2017 No. 219/2017 "On amendments to the Regulation on the military service of citizens of Ukraine in the State Border Guard Service of Ukraine"</p>	<p>Enters into force on the day of publishing</p>	<p>The mentioned act of the President brought the military service at the State Border Guard Service in accordance with numerous changes in the legislation regulating different aspects of military service, fighting corruption, and purifying the authorities. Previously defined rules of service at the SBGS operated without changes since the end of 2009. Military service and performance of military duty in a special period is regulated separately.</p> <p>In addition, changes were made, the need for which arose in the process of ensuring additional staffing of the agency in the special period. Thus, the document stipulates that conscription at the SBGS is conducted during mobilization for a special period. Previously, it was conducted only for the compulsory service and for the service of officers.</p>

[Order of the Ministry of Internal Affairs of Ukraine "On amendments to the Order of the MIA of 26 November 2014 No.1279" of 10 July 2017 No.582, registered with the Ministry of Justice of Ukraine on 1 August 2017 under No. 946/30814](#)

Entered into force on
22 August 2017

The Order amended the sample application form for submitting information to the Unified State Demographic Registry. The annex to the application form is supplemented with a note stating that in the absence of a documentary confirmation of the information about the date and month of birth of the person during the formation of the Unique Record Number in the Register (URNR) in the positions 5-6 and 7-8 a combination of figures "01" should be used, in the positions 9-13 the combination of figures "666" should not be used.