



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

Legislative act or draft	Status (date of approval/further consideration)	Short overview
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 and consular offices” No. 2152-VIII of 4 October 2017	Entered into force on 11 November 2017	Ratification of the Agreement will promote realization of the right to work, help maintain qualifications and provide opportunities for further professional development of family members of the staff of diplomatic missions and consular offices of Ukraine in Latvia, and of Latvia in Ukraine. The ratification will enable to establish, on the basis of reciprocity, the legal grounds for employment of such groups of people, as well as simplify recruitment procedures.
Draft Law of Ukraine “On special policy modalities concerning assertion of state sovereignty of Ukraine over the temporarily occupied territories in the Donetsk and Luhansk regions” (No. 7163 of 4 October 2017, President of Ukraine)	Adopted in the first reading on 6 October 2017	The draft Law defines the legal regime of some districts of the Donetsk and Luhansk regions as temporarily occupied territories of Ukraine; special modalities of realization and protection of the rights of Ukrainian citizens residing on these territories; procedure for persons’ entry to and exit from the temporarily occupied territories in the Donetsk and Luhansk regions, and liability for violation of this procedure.
Draft Law of Ukraine “On special policy modalities concerning assertion of state sovereignty of Ukraine over the temporarily occupied territories” (No. 7163-1 of 4 October 2017, O. Syroid, O. Bereziuk, I. Podoliak and others)	Heard on 6 October 2017	The draft Law is intended to define special modalities of the legal status of the part of Ukrainian territory temporarily occupied due to military aggression of the Russian Federation. The draft Law regulates, <i>inter alia</i> , the matters concerning retention of Ukrainian citizenship by civil population residing on the temporarily occupied territory, procedure for the issuance of documents confirming Ukrainian citizenship, certifying person’s identity or special status, procedure for crossing the boundary line of the temporarily occupied territory, special provisions and restrictions concerning entry to and exist from this territory.
Draft Law of Ukraine “On special policy modalities concerning assertion of state sovereignty of Ukraine over the temporarily occupied territories” (No. 7163-3 of 5 October 2017, I. Lutsenko)	Heard on 6 October 2017	The draft Law defines the legal regime of some districts of the Donetsk and Luhansk regions, and the Autonomous Republic of Crimea as temporarily occupied territories of Ukraine; special modalities of realization and protection of the rights of Ukrainian citizens residing on these territories;

		procedure for persons' entry to and exit from the temporarily occupied territories in the Donetsk and Luhansk regions, and liability for violation of this procedure.
Draft Law of Ukraine "On special policy modalities concerning assertion of state sovereignty of Ukraine over the temporarily occupied territories in the Donetsk and Luhansk regions" (No. 7163-4 of 6 October 2017, N. Veselova)	Heard on 6 October 2017	The draft Law defines the legal regime of some districts of the Donetsk and Luhansk regions as temporarily occupied territories of Ukraine; special modalities of realization and protection of the rights of Ukrainian citizens residing on these territories; procedure for persons' entry to and exit from the temporarily occupied territories in the Donetsk and Luhansk regions, and liability for violation of this procedure.
Draft Law of Ukraine "On Accession of Ukraine to the Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption" (No. 0166 of 10 October 2017, President of Ukraine)	Provided for familiarization on 12 October 2017	The Convention establishes the system of cooperation in respect of intercountry adoption amongst competent authorities of the Contracting States; its provisions contain the obligation to control the adoption process and respect of the rights of the child after the adoption, which shall apply both to the State of origin and the receiving State. Ukraine's accession to the Convention strives to ensure harmonization of the procedure for adoption of children by foreigners in Ukraine with those of other States that are Parties to the Convention, to establish a clear and transparent system of safeguards that ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights, to establish a system of cooperation amongst the Contracting States to ensure that these safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children, and to implement an international legal mechanism of cooperation in the area of international adoption and to secure the recognition in Contracting States of adoptions made in accordance with the Convention.
Draft Law of Ukraine "On amending some legislative acts of Ukraine in relation to accession of Ukraine to the Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption" (No. 7195 of 10 October 2017, President of Ukraine)	Provided for familiarization on 12 October 2017	This draft Law was developed in relation to the drafting of the Law of Ukraine "On Accession of Ukraine to the Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption" with a view to establishing a legal framework enabling the adequate implementation of the Convention in Ukraine.
Draft Law of Ukraine "On amending some legislative acts of Ukraine" (introducing temporary restriction of the right of Ukrainian citizens to exit Ukraine in order to arrive in the aggressor state) (No. 7187 of 9 October 2017, A. Nemyrovsky, A. Shynkovich, A. Denysenko)	Provided for familiarization on 10 October 2017	The draft Law is intended to introduce a temporary restriction of the right of Ukrainian citizens, holding certain civil service positions identified as those having special significance for the functioning of the state, to leave Ukraine in order to arrive in the aggressor state. The necessity to place such restriction is caused by the fact that under the hybrid war the aggressor state may put

		<p>pressure on such persons through special services using bribery, blackmail or recruitment aiming to conduct activity undermining the state. Such persons may be abducted, tortured, deprived of liberty or life. At the same time, Ukraine is not able to provide protection to such persons.</p> <p>Adoption of the draft Law will enable to prevent the influence of the aggressor state on this group of Ukrainian citizens.</p> <p>The proposed restriction shall not apply to staff of diplomatic service or in cases of departure with the purpose of urgent medical treatment or partaking in burial of a close relative, subject to being attested by relevant documents.</p> <p>The draft Law also envisages administrative liability for violation of the temporary restriction. It is stipulated that the restriction will be in force until the Verkhovna Rada adopts the decision to repeal the Law of Ukraine “On ensuring the rights and freedoms of citizens and legal regime on the temporarily occupied territory of Ukraine”.</p>
<p>Draft Law of Ukraine “On amending article 14 of the Law of Ukraine “On the State Border Guard Service of Ukraine” (concerning polygraph testing) (No. 7193 of 10 October 2017, Y. Soboliev)</p>	<p>Provided for familiarization on 12 October 2017</p>	<p>Extensive use of the polygraph in Ukrainian public administration and law enforcement authorities requires legal definition and regulation of the process by which the polygraph is used in the State Border Guard Service of Ukraine. The proposed draft Law adds a new part to article 14 of the Law “On the State Border Guard Service of Ukraine” obliging candidates for military service and servicemen applying for positions with high corruption risk to undergo psychophysiological examination with the use of the polygraph, aiming to detect possible past offences.</p>
<p>Draft Law of Ukraine “On amending some laws of Ukraine” (concerning mandatory submission of information by Member of Parliament about his/her being abroad and reduction of financial provisions of Member of Parliament in case of his/her absence at the plenary session) (No. 7194 of 10 October 2017, S. Kaplin)</p>	<p>Provided for familiarization on 12 October 2017</p>	<p>Since some Members of Parliament violate legislation and fail to attend plenary sessions of the Verkhovna Rada for no valid reason, including due to being abroad, the draft Law proposes to amend some laws of Ukraine concerning mandatory submission of information by Member of Parliament to the Verkhovna Rada about his/her being abroad and reduction of financial provisions of Member of Parliament in case of his/her absence at the plenary session.</p>
<p>Draft Law of Ukraine “On amending some legislative acts of Ukraine” (concerning the improvement of the procedure for confirmation of Ukrainian citizenship and establishment of facts of legal effect) (No. 7211 of 19 October 2017, Y. Myroshnychenko, I. Mosiychuk, I. Kotvitsky)</p>	<p>Provided for familiarization on 23 October 2017</p>	<p>The draft Law is intended to improve the procedure for confirmation of Ukrainian citizenship and establishment of facts that bear legal effect concerning persons held in custody at penitentiary institutions and pre-trial detention facilities. Adoption of these amendments should result in ensuring the possibility for such persons to obtain documents in due time, that would create necessary pre-conditions for their successful adaptation to life in society after release.</p> <p>Specifically, the amendment of article 3 of the Law</p>

		<p>“On citizenship of Ukraine” is intended to address the problem of confirmation of Ukrainian citizenship for those convicted persons who have been moved to serve their sentence in other republics of the former Soviet Union, without being able to declare their desire to be citizens of Ukraine before their release.</p>
<p><u>Draft Law of Ukraine “On the President of Ukraine and procedure of termination of office” (No.7248 of 31 October 2017, Y. Derevianko)</u></p>	<p>Provided for familiarization on 6 October 2017</p>	<p>The draft Law defines a legal and organizational framework for the activity of the President of Ukraine, including regulation of the impeachment procedure. Thus, the draft Law stipulates the following: President takes a decision on admission to Ukrainian citizenship and termination of Ukrainian citizenship, and on granting shelter in Ukraine; for the period of service, President shall be issued a diplomatic passport of Ukraine, according to the established procedure; if the Verkhovna Rada adopts a decision to initiate removal of President from office in the impeachment proceeding, President shall be banned from leaving the territory of Ukraine without Verkhovna Rada’s permission, and for this period shall hand over his/her travel passport(s) of Ukrainian citizen and diplomatic passport(s) for safe-keeping to Chairman of the Verkhovna Rada, signing the respective documents on such transfer to safe-keeping, to be published on the official website of the Verkhovna Rada on the day of signature.</p>
<p><u>Draft Law of Ukraine “On ratification of the Memorandum between the Cabinet of Ministers of Ukraine and the Government of the Republic of Austria on mutual access to labour markets for family members of the staff of diplomatic missions and consular offices” (No.0165 of 5 October 2017, Cabinet of Ministers of Ukraine)</u></p>	<p>Provided for familiarization on 10 October 2017</p>	<p>Ratification of the Memorandum will promote realization of the right to work, help maintain qualifications and provide opportunities for further professional development of family members of the staff of diplomatic missions and consular offices of Ukraine in Austria, and of Austria in Ukraine. The ratification will enable to establish, on the basis of reciprocity, the legal grounds for employment of such groups of people, as well as simplify recruitment procedures.</p>
<p><u>Draft 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. 7000-P of 19 October 2017, A. Pavelko, S. Melnyk, V. Amelchenko and others)</u></p>	<p>Submitted for consideration on 19 October 2017</p>	<p>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 the Budget Conclusions adopted by the Verkhovna Rada after hearing in the first reading. 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 “Activities 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</p>

		Ukrainian-Polish border” (code 3111610).
<u>Resolution of the Cabinet of Ministers of Ukraine of 11 October 2017 No. 767 “On amending paragraph 2 of the Procedure for the use of funds allocated in the state budget for the Administration of the State Border Guard Service of Ukraine for implementation of activities on enhancement of defence capacity and security of the state”</u>	Entered into force on 14 October 2017	The adopted Resolution, among other provisions, extends the list of areas for the use of funds in the budget programme “Expenditures for the Administration of the State Border Guard Service of Ukraine for implementation of activities on enhancement of defence capacity and security of the state”. This will allow for effective spending of funds allocated to the State Border Guard Service to procure munition, identification equipment, upgrade ITC systems, procure and upgrade special equipment.
<u>Resolution of the Cabinet of Ministers of Ukraine of 18 October 2017 No. 784 “On approval of the Procedure for maintenance of the Unified State Demographic Register and provision of information from the Register, interaction between the authorized entities, performance of identification and verification”</u>	Entered into force on 3 November 2017	The purpose of the Register is identification of persons to enable processing, issuance, transfer, withholding, return to the state, invalidation and destruction of documents, and keeping records about place of residence registration or stay of persons. The adopted Procedure defines procedural issues of the Register maintenance, provision of information from the Register, provision of a certificate confirming entry of data to the Register and documents issued, as well as procedure for identification and verification of person’s identity during data entry and document issuance.
<u>Resolution of the Cabinet of Ministers of Ukraine of 4 October 2017 No. 759 “On Government Office for Coordination of European and Euro-Atlantic Integration”</u>	Entered into force on 24 October 2017	Government Office for Coordination of European and Euro-Atlantic Integration is a stand-alone unit within the Secretariat of the Cabinet of Ministers that carries out organizational, expert, analytical and information support to the activity of the Cabinet of Ministers in the area of European and Euro-Atlantic integration, including migration and border management.
<u>Resolution of the Cabinet of Ministers of Ukraine of 27 September 2017 No. 736 “On repealing some acts of the Cabinet of Ministers of Ukraine”</u>	Entered into force on 13 October 2017	The Resolution is adopted in relation to the legislative proposal coming into force on 11 June 2017 amending Council Regulation (EC) No. 539/2001 of 15 March 2001 on introduction of visa-free travel to the EU for citizens of Ukraine. Resolution repeals the National Action Plan on implementation of the second phase of the EU Visa Liberalisation Action Plan for Ukraine, and dissolves the Coordination Centre for implementation of the EU Visa Liberalisation Action Plan for Ukraine.

<p><u>Resolution of the Cabinet of Ministers of Ukraine of 4 October 2017 No. 754 “On amending Resolution of the Cabinet of Ministers of Ukraine of 25 November 2015 No. 1068”</u></p>	<p>Entered into force on 18 October 2017</p>	<p>Government adopted the decision that will secure further implementation of the joint project with the European Investment Bank “Emergency Credit Programme to Renew Ukraine” providing relief from the effects of military conflict in Eastern Ukraine, including attending to the needs of internally displaced population. Resolution identifies 189 projects with the overall cost of UAH 2,030,822.654 thousand, and funding envisaged for 2017 equalling UAH 578,455.608 thousand. Thus, 16 projects are envisaged for the Dnipropetrovsk region, 99 projects for the Donetsk region, 11 projects for the Zaporizhzhia region, 30 projects for the Luhansk region, and 33 projects for the Kharkiv region.</p>
<p><u>Decree of the Cabinet of Ministers of Ukraine of 11 October 2017 No. 728-r “On approval of the draft Agreement between the Cabinet of Ministers of Ukraine and the Swiss Federal Council concerning carrying out paid activities by persons who accompany the staff of diplomatic missions, consular offices and permanent missions to international organizations”</u></p>	<p>Entered into force on 11 October 2017</p>	<p>The Agreement will enable to establish the legal grounds for employment of family members of the staff of Ukraine’s diplomatic missions in Switzerland, and family members of the staff of Switzerland’s diplomatic service in Ukraine. Income received by family members of the staff of Switzerland’s diplomatic service in Ukraine shall be taxable according to the national legislation.</p>
<p><u>Decree of the Cabinet of Ministers of Ukraine of 11 October 2017 No. 726-r «On amending the Action Plan on implementation of the Strategy for Public Administration Reform in Ukraine for 2016-2020”</u></p>	<p>Entered into force on 11 October 2017</p>	<p>The Regulation adjusts the earlier established timelines and entities responsible for implementation of some activities, and removes some of the activities that are no longer relevant. Such activity as ensuring accessibility of administrative services shall be implemented, among other measures, by connecting before end 2017 of 80% of administrative services centres to state registers, including those administered by the Ministry of Internal Affairs of Ukraine and the State Migration Service of Ukraine.</p>
<p><u>Decree of the Cabinet of Ministers of Ukraine of 4 October 2017 No. 706-r “On submitting to the Verkhovna Rada of Ukraine for ratification of the Memorandum between the Cabinet of Ministers of Ukraine and the Government of the Republic of Austria on mutual access to labour markets for family members of the staff of diplomatic missions and consular offices”</u></p>	<p>Entered into force on 4 October 2017</p>	<p>This international agreement concerns social and labour domain and will regulate employment of family members of the staff of Ukraine’s diplomatic service in Austria, and family members of the staff of Austria’s diplomatic service in Ukraine, following the principle of reciprocity.</p>
<p><u>Decree of the Cabinet of Ministers of Ukraine of 4 October 2017 No. 695-r “On signing of the Agreement between the Government of Ukraine and the Government of the Republic of Moldova on joint control of persons, vehicles, goods and items at joint border-crossing points through the Ukrainian-Moldovan border”</u></p>	<p>Entered into force on 4 October 2017</p>	<p>This Agreement shall enable to organize joint control along the entire Ukrainian-Moldovan border, namely at border-crossing points “Kryva – Mamaliga”, “Kelmentsi – Larga”, “Rossoshany – Bricheni”, “Kuchurhan – Pervomaisk”, “Mayaky – Palanca – Udobne”, “Reni – Giurgiulesti”. Adoption of this document will promote cross-border cooperation, good neighbourhood, help combat irregular migration and illicit activities, and allow for simplification of border-crossing procedures for citizens of both states.</p>

<p>Decree of the Cabinet of Ministers of Ukraine of 25 October 2017 No.779-r “On approving the Communication Strategy in the sphere of European integration for 2018-2021”</p>	<p>Adopted on 25 October 2017</p>	<p>Among communication objectives of the approved Strategy is to increase awareness of the general public about the European values and standards with regard to the rule of law and respect of human rights and fundamental freedoms, ensuring gender equality and fighting discrimination of all forms and manifestations.</p>
<p>Draft Regulation of the Cabinet of Ministers of Ukraine “On approving the Concept for the draft Migration Code of Ukraine”</p>	<p>Published for public discussion on 29 September 2017</p>	<p>The draft Concept of the draft Migration Code of Ukraine is prepared by the State Migration Service to implement the Action Plan for implementation of the Concept of priority actions for reforming the State Migration Service of Ukraine for 2017, approved by the Decree of the Cabinet of Ministers of Ukraine of 8 February 2017 No. 83-r, and the Strategy of the State Migration Policy of Ukraine for the period up to 2025, approved by the Decree of the Cabinet of Ministers of Ukraine of 12 July 2017 No.482-r, and envisages elaboration of common approaches to possible ways for codification of the legislation in the area of migration, and drafting of the codification act that could partially combine and systematize legal norms regulating relations in the area of migration.</p>
<p>Decree of the President of Ukraine of 20 October 2017 No.333/2017 “On repealing the Decree of the President of Ukraine of 22 April 2011 No. 494”</p>	<p>Entered into force on 24 October 2017</p>	<p>The Decree repeals the National Action Plan on implementation of the EU Visa Liberalisation Action Plan for Ukraine, in relation to the legislative proposal coming into force on 11 June 2017 amending Council Regulation (EC) No. 539/2001 of 15 March 2001 on introduction of visa-free travel to the EU for citizens of Ukraine.</p>
<p>Order of the Security Service of Ukraine “On approving Amendments to the List of information items that constitute state secret” of 14 September 2017 No. 527, registered with the Ministry of Justice of Ukraine on 4 October 2017 No. 1225/31093</p>	<p>Entered into force on 31 October 2017</p>	<p>The List of information items that constitute state secret is supplemented by information about the measures aimed at engineering and technical equipping the state border and border strip, prospects and regime of maintenance of structures, equipment and communications intended for border protection, their specifications and combat capabilities that, if disclosed, would increase their vulnerability and may affect performance of operational and service tasks.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On repealing the Order of the Ministry of Internal Affairs of Ukraine of 15 November 2013 No. 1104” of 31 August 2017 No. 742, registered with the Ministry of Justice of Ukraine on 18 September 2017 No. 1147/31015</p>	<p>Entered into force on 20 October 2017</p>	<p>The Order repeals the Procedure for issuance of invitations to foreigners and stateless persons for issuance of visa to enter Ukraine, since on the basis of the Resolution of the Cabinet of Ministers of Ukraine of 1 March 2017 No. 118 “On approving the Rules for visa issuance for entry to or transit through Ukraine” the State Migration Service of Ukraine ceased to issue such invitations.</p>
<p>Order of the State Statistics Service of Ukraine, the Supreme Court of Ukraine, and the Ministry of Justice of Ukraine “On repealing the Order of the State Statistics Committee of Ukraine, the Supreme Court of Ukraine, the</p>	<p>Entered into force on 20 October 2017</p>	<p>With a view to aligning legal acts of the State Statistics Service of Ukraine with requirements of the current legislation, templates of statistical reports on the work of courts of general</p>

<p><u>Ministry of Justice of Ukraine of 27 May 2002 No. 206/90/44/5</u> of <u>30 August 2017 No. 241/26/2768/5</u>, registered with the Ministry of Justice of Ukraine on <u>15 September 2017 No. 1131/30999</u></p>		<p>jurisdiction (except for economic courts) and Guidelines for their completion were repealed.</p>
<p><u>Order of the Ministry of Internal Affairs of Ukraine "On approving Amendments to the Regulation on paramilitary security forces of the State Border Guard Service of Ukraine" of 4 August 2017 No. 679</u>, registered with the Ministry of Justice of Ukraine on <u>29 August 2017 No. 1063/30931</u></p>	<p>Entered into force on 17 October 2017</p>	<p>These Amendments have been introduced with the purpose of regulating the procedure for training of personnel of paramilitary security units of the State Border Guard Service of Ukraine to perform sentry (internal) service, and reducing the load on personnel of these units.</p>