



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

Legislative act or draft	Status (date of approval/further consideration)	Short overview
Law of Ukraine "On Education" No.2145-VIII of 5 September 2017	Entered into force on 28 September 2017	The adopted Law regulates, <i>inter alia</i> , the following issues: conditions for gaining education in Ukraine by foreigners and stateless persons, including refugees and persons under subsidiary protection; conditions for gaining education by representatives of indigenous peoples and national minorities of Ukraine; establishment of equivalence of education certificates and diplomas; international academic mobility, etc.
Draft Law of Ukraine "On the State Budget of Ukraine for 2018" (No. 7000 of 15 September 2017, Cabinet of Ministers of Ukraine)	Draft presented on 22 September 2017	The draft State Budget stipulates expenditures in the following budget programmes: "Governance and management in the area of migration, citizenship, immigration and registration of physical persons"; "Ensuring performance of tasks and functions in the area of citizenship, immigration and registration of physical persons"; "Fees to the International Organization for Migration"; "Governance and management in the area of protection of the state border of Ukraine"; "Material and technical provisions for the State Border Guard Service of Ukraine and provisions for its personnel"; "Intelligence activity in the area of protection of the state border of Ukraine"; "Activities related to the engineering and technical border infrastructure"; "Nationwide topographic, geodesic and cartographic work, demarcation and delimitation of the state border", etc.
Draft Law of Ukraine "On amending some legislative acts of Ukraine concerning pensionable service of internally displaced persons" (No. 7081 of 6 September 2017, S. Kaplin)	Provided on 11 September 2017	The draft Law proposes to amend the Law of Ukraine "On Mandatory State Pension Insurance" and the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" so that the period of IDP status would factor into the length of pensionable service required to be granted pension by age, without payment of pension contributions.
Draft Law of Ukraine "On amending the Law of Ukraine "On Military Civil Administrations" (concerning adequate maintenance of border-crossing points through the state border of Ukraine and checkpoints)"	Provided on 13 September 2017	The proposed draft Law stipulates establishment of the authority of military civil administrations regarding maintenance of border-crossing points through the state border and ensuring adequate

(No. 7105 of 11 September 2017, S. Rudyk, S. Shakhov, V. Siumar and others)		conditions for their operation.
Draft Law of Ukraine “On amending some legislative acts of Ukraine concerned with ensuring the protection of state border of Ukraine” (No. 7106 of 11 September 2017, S. Rudyk, S. Shakhov, V. Siumar and others)	Provided on 13 September 2017	The draft Law is intended to create possibilities and adequate conditions for building the engineering and technical infrastructure of the state border of Ukraine with neighbouring states, first of all with Russian Federation, by ensuring the right of permanent utilization of land allocated to the State Border Guard Service of Ukraine for the construction and maintenance of engineering and technical facilities, fence, border signs, border security strips, communication facilities and other objects of border infrastructure. It will also contribute to ensuring performance of the State Border Guard Service of Ukraine in relation to state border defence and protection tasks by providing a legal framework for determining the size of such land plots.
Draft Law of Ukraine “On amending the Law of Ukraine “On the Unified State Demographic Registry and documents certifying Ukrainian citizenship, person’s identity or special status” (concerning the procedure for handing over of diplomatic passport to Member of the Verkhovna Rada of Ukraine)” (No. 7137 of 22 September 2017, A. Antonyshchak, B. Matkivskyy, O. Musiy and others)	Provided on 26 September 2017	The draft Law is intended to address the controversy of provisions contained in the Law of Ukraine “On the Status of Ukrainian Parliamentarian” and the Law of Ukraine “On the Unified State Demographic Registry and documents certifying Ukrainian citizenship, person’s identity or special status”. The latter provides that diplomatic passports are handed over to Members of the Verkhovna Rada for the period of their service-related travel abroad and shall be returned to the Ministry of Foreign Affairs for safe-keeping within ten days after the expiration of the relevant term. However, the Law “On the Status of Ukrainian Parliamentarian” diplomatic passports are handed over to individuals for the period of their performance of duties as members of parliament. The Explanatory Note states that “such legislative regulation ambiguity as regards handing over and using diplomatic passports by Ukrainian parliamentarians causes unlawful and legally unjustified demands of the Ministry of Foreign Affairs that parliamentarians should hand over their diplomatic passports to the Ministry for safe-keeping.”
Draft Law of Ukraine “On amending the Law of Ukraine “On Education” (on ensuring the protection of language rights of national minorities) (No. 7146 of 28 September 2017, N. Shufrych)	Provided on 2 October 2017	The draft Law is intended to ensure protection of minority language rights by non-application of some provisions of Article 7 of the Law “On Education” concerning education in schools located in the areas where regional or minority languages are widely used. It also stipulates that respective local councils decide on implementing measures aimed at ensuring the usage of regional or minority languages.
Draft Resolution of the Verkhovna Rada of Ukraine “On establishing a joint parliamentary working group to conduct inquiry of the situation with the legality of	Provided on 7 September 2017	The proposes Resolution stipulates that the main task of the joint parliamentary working group will be acquisition and verification of information

<p>Ukrainian citizenship acquisition and termination with regard to Mikheil Nikolozovych Saakashvili” (No. 7056 of 1 September 2017, Y. Derevianko)</p>		<p>concerning legality of Ukrainian citizenship acquisition and termination with regard to Mikheil Nikolozovych Saakashvili.</p> <p>The draft Resolution prescribes that the Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, General Prosecutor’s Office, State Migration Service and other public authorities, institutions and organizations regardless of their ownership should ensure compliance with the Laws of Ukraine “On the Status of Ukrainian Parliamentarian”, “On Committees of the Verkhovna Rada of Ukraine”, “On State Secret” with regard to access of the joint parliamentary working group members to information, materials and documents related to the main task of the group’s activity.</p> <p>It is envisaged that the report on the work of the joint parliamentary working group shall be presented at the plenary session of the Verkhovna Rada of Ukraine on 19 September 2017.</p>
<p>Draft Resolution of the Verkhovna Rada of Ukraine “On establishing a joint parliamentary working group to conduct inquiry into the legality of Ukrainian citizenship termination with regard to Mikheil Nikolozovych Saakashvili and legality of his crossing of the state border on 10 September 2017” (No. 7107 of 11 September 2017, S. Kaplin)</p>	<p>Provided on 13 September 2017</p>	<p>The draft Resolution proposes to task the Anti-Corruption Committee and the Committee on Legal Policy and Justice of the Verkhovna Rada of Ukraine with establishment of a joint parliamentary working group to conduct inquiry into the legality of Ukrainian citizenship termination with regard to Mikheil Nikolozovych Saakashvili and legality of his crossing of the state border on 10 September 2017.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 13 September 2017 No.692 “On amending the Resolution of the Cabinet of Ministers of Ukraine of 23 April 2014 No. 117”</p>	<p>Entered into force on 20 September 2017</p>	<p>The State Migration Service of Ukraine has been granted the right to make pre-payment for blank Ukrainian passports with embedded contactless electronic chip in the form of ID card. This arrangement shall enable to ensure, without waiting for approval of detailed budget allocations, smooth and continuous process of acquisition and personalization of Ukrainian passports in the form of ID card.</p> <p>The decision was intended to create adequate conditions for State Migration Service to comply with the legally established time limits for issuance of Ukrainian passports with embedded contactless electronic chip, in line with the Law of Ukraine “On the Unified State Demographic Registry and documents certifying Ukrainian citizenship, person’s identity or special status”.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 13 September 2017 No. 689 “On amending some Resolutions of the Cabinet of Ministers of Ukraine”</p>	<p>Entered into force on 16 September 2017</p>	<p>The Government increased the amounts of social benefits for internally displaced persons (IDPs), including people with disabilities, and simplified control procedures in relation to these payments. The adopted Resolution stipulates the following: increase in the amount of monthly assistance to cover accommodation expenses; the upper limit of cash allowance for a family that has members with disabilities is UAH 3,400; extending the group of IDPs entitled to cash allowance; providing for the</p>

		possibility to pay social benefits to IDPs not only through PAT Oshchadbank, but also through any bank network located on the territory controlled by the Government of Ukraine; simplification of control procedures regarding social benefit payments for certain groups of IDPs.
Resolution of the Cabinet of Ministers of Ukraine of 30 August 2017 No. 665 "On amending the Resolution of the Cabinet of Ministers of Ukraine of 2 March 2016 No. 207"	Entered into force on 2 September 2017	This Resolution was prepared by the Ministry of Economic Development and Trade of Ukraine, the State Statistics Service and the State Migration Service to enable more comprehensive account of population migration information which is an essential element for estimation of population size in Ukraine and its administrative regions. The Resolution stipulates that the State Statistics Service shall receive necessary information in de-personalized form about (de)registration of place of residence of individuals directly from registration authorities. Administrative data about place of residence change is an important source for calculation (estimation) of population size and its composition. The adopted act will enable to ensure adequacy of data produced with regard to quantitative and qualitative characteristics of population and assessment of migration processes in Ukraine.
Resolution of the Cabinet of Ministers of Ukraine of 23 August 2017 No. 638 "On amending paragraph 4 of the Regulation on the Ministry of Foreign Affairs of Ukraine"	Entered into force on 31 August 2017	The Ministry of Foreign Affairs of Ukraine has received powers regarding cooperation with foreign Ukrainians, for example, to coordinate activities carried out by central executive authorities on ensuring cooperation with foreign Ukrainians; provide organizational, methodological, technical and other assistance to civil society organizations (cultural centers) of foreign Ukrainians concerning their activity; participate in the work of joint intergovernmental commissions dealing with issues of national minorities; ensure implementation of activities funded from the state budget concerning maintenance of relations with Ukrainians residing abroad; ensure functioning of the National Commission on Foreign Ukrainians.
Decree of the Cabinet of Ministers of Ukraine of 20 September 2017 No. 646-r "On amending the Decree of the Cabinet of Ministers of Ukraine of 25 July 2012 No. 515"	Entered into force on 20 September 2017	The Decree updated personal composition of the delegation to engage in negotiations on preparation of draft agreements between the Government of Ukraine and Governments of the Russian Federation, Belarus, Poland, Moldova and Romania on the junction point of these countries' state borders. The adopted changes will enable to renew the work of the delegation in order to engage in negotiations on drafting respective agreements, and will facilitate the legal definition of the state border with neighbouring states and determination of the boundaries of Ukraine's territory.
Decree of the Cabinet of Ministers of Ukraine of 6 September 2017 No. 609-r "On approval of the draft	Entered into force on 6 September 2017	The draft Agreement stipulates, <i>inter alia</i> , launching of cooperation between education and research

<p>Agreement between the Government of Ukraine and the Government of the Republic of Latvia on Cooperation in Education, Science, Youth and Sports”</p>		<p>institutions of the both states with regards to mutual recognition of diplomas, scientific degrees and professional qualifications acquired in the states of the both Parties, as well as scholarships for studies and research at higher education institutions.</p>
<p>Decree of the Cabinet of Ministers of Ukraine of 23 August 2017 No. 577-r “On providing access for the National Agency of Ukraine for Detection, Search and Management of Assets Obtained from Corruption and Other Crimes to the integrated interagency information-telecommunication system performing control of individuals, vehicles and cargo crossing the state border”</p>	<p>Entered into force on 23 August 2017</p>	<p>The Decree is adopted to meet requirements of the legislation that establishes the right of the Agency to access automated information and reference systems, registers and data banks owned (administered) by state authorities or local self-governments. The decree defines the Agency as a user of the system “Arkan”. Connection to “Arkan” will facilitate performance of tasks entrusted to the Agency with regard to detection and tracking of assets that could be arrested in criminal proceedings.</p>
<p>Decree of the Cabinet of Ministers of Ukraine of 31 May 2017 No. 598-p “On amending the Decree of the Cabinet of Ministers of Ukraine of 23 December 2016 No. 1016”</p>	<p>Entered into force on 31 May 2017</p>	<p>The Government adopted a decision to extend up to 31 December 2017 the period of the pilot project launched on 23 December 2016 that involved carrying out border and customs control procedures in the Intercity+ train “Kyiv – Lviv – Przemysl” <i>en route</i> between the stations Lviv and Mostyska-2 and in reverse direction. Implementation of this act will enable optimal performance of control procedures during international passenger carriage.</p>
<p>Decree of the President of Ukraine of 15 September 2017 No. 278/2017 “On the decision of the National Security and Defence Council of Ukraine of 13 September 2017 “On proposals to the draft Law of Ukraine “On the State Budget of Ukraine for 2018” concerning budget lines related to ensuring the national security and defence of Ukraine”</p>	<p>Entered into force on 19 September 2017</p>	<p>The Cabinet of Ministers of Ukraine has been assigned the task to stipulate in the draft Law “On the State Budget of Ukraine for 2018” expenditures for national security and defence at the level not lower than 5% of GDP, providing funding to meet the needs of the security and defence sector in the amount of at least UAH 165,372.3 million, specifically for the Administration of the State Border Guard Service of Ukraine (from the general fund of the State Budget UAH 9,010.6 million; from the special fund – UAH 33.2 million); the State Migration Service of Ukraine (UAH 1,436.9 million and UAH 1,437.0 million, respectively). It has also been regulated that in 2018 action should be taken to ensure priority funding for entities within the Ukrainian security and defence sector in several priority areas, including development of the Ukrainian state border infrastructure.</p>
<p>Order of the Ministry of Education and Science of Ukraine “On approval of the Amendments to some legal acts of the Ministry of Education and Science of Ukraine” of 11 August 2017 No. 1167, registered with the Ministry of Justice of Ukraine on 6 September 2017 under No. 1097/30965</p>	<p>Entered into force on 6 October 2017</p>	<p>The Order introduces changes in the legal acts regulating organization of the enrolment and studies (internship) of foreigners and stateless persons and issuance of invitations to the foreigners and stateless persons for studies (internship) in Ukraine and their registration.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On approval of the Procedure for entry and stay in the area</p>	<p>Entered into force on 29 September 2017</p>	<p>The Procedure defines arrangements (procedures) of passage for entry and stay in the area between</p>

<p>located between the state border and the line of border infrastructure for Ukrainian citizens and other persons” of 4 August 2017 No. 686, registered with the Ministry of Justice of Ukraine on 4 September 2017 No. 1082/30950</p>		<p>the state border and the line of border infrastructure for Ukrainian citizens and other persons with a view to ensuring compliance with the state border regime and border area regime. This act defines documents required for passage of persons beyond the line of border infrastructure, grounds for denial or temporary restriction of passage, procedure for review of applications and lists of persons and issuance of passes.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On approval of the Instruction for the organization of interaction between district border guard inspectors of the State Border Guard Service of Ukraine and district police officers of the National Police of Ukraine” of 4 August 2017 No. 689, registered with the Ministry of Justice of Ukraine on 4 September 2017 No. 1083/30951</p>	<p>Entered into force on 29 September 2017</p>	<p>The Instruction defines the procedure of organization and support of interaction between district border guard inspectors and district police officers in performance of tasks related to the protection of the state border and maintenance of public order and safety within the controlled border areas. The forms of such interaction include exchange of information about operative situation, notification in case of detection or reported information about committed offence in the sector of responsibility and police district of service; joint control of legal compliance by Ukrainian citizens, foreigners and stateless persons, refugees and persons in need of complementary protection; implementation of joint actions along likely routes or places where potential violators of Ukrainian legislation can be located.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On approval of the Instruction for organization of record-keeping of personnel of the State Border Guard Service of Ukraine” of 6 June 2017 No. 468, registered with the Ministry of Justice of Ukraine on 16 August 2017 No. 1011/30879</p>	<p>Entered into force on 26 September 2017</p>	<p>The Instruction defines the procedure of organization and rules of record-keeping of servicemen and staff of the State Border Guard Service in the time of peace and during special period. The main purpose of such personnel record-keeping is to reflect the record track of military service by servicemen and employment of staff of the State Border Guard Service; provide the command officers (managers) with additional information about the personnel essential for taking informed decisions about deployment; notification of family or close relatives of diseased (fallen) members of the personnel about the place, date, cause (circumstances) of death, issuance of documents required for applying for pension (assistance) and provision of benefits established by the Ukrainian legislation.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On approval of Amendments to the Instruction on detention of foreigners and stateless persons at the facilities for temporary detention of foreigners and stateless persons who stay in Ukraine irregularly” of 31 May 2017 No. 458, registered with the Ministry of Justice of Ukraine on 6 July 2017 No. 830/30698</p>	<p>Entered into force on 29 August 2017</p>	<p>These Amendments were intended to align the legal act with the Law of Ukraine “On amending some legislative acts of Ukraine concerning improvement of judicial remedy available to foreigners and stateless persons and regulation of some issues related to combating of irregular migration”.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On approval of the Instruction for organization of operations of forensic records of the Chief Forensic Centre of the State Border Guard Service of Ukraine” of</p>	<p>Entered into force on 8 September 2017</p>	<p>The Instruction defines key provisions for organization of functioning (generation, maintenance and use) of forensic records at the Chief Forensic Centre of the State Border Guard</p>

<p>10 July 2017 No. 580, registered with the Ministry of Justice of Ukraine on 3 August 2017 No. 957/30825</p>		<p>Service of Ukraine. Forensic records are intended to be used for prevention, detection, discovery and investigation of crimes and other offences in the area of protection of the state border of Ukraine in the course of intelligence operations and pre-trial investigations. The purpose also includes strengthening of the evidence base used in forensic examination and studies, verification of documents of Ukrainian citizens, foreigners and stateless persons who cross the state border, as well as research and education activity.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine “On approval of the Procedure regulating actions of authorized officials of the State Border Guard Service of Ukraine in case of detecting at border-crossing points along the state border of Ukraine and checkpoints for entry to or exit from the temporarily occupied territory of Ukraine individuals concerning whom a request has been issued, and procedure of interaction between the border guard units and authorized government bodies that have issued the request” of 23 June 2017 No. 535, registered with the Ministry of Justice of Ukraine on 5 September 2017 No. 1091/30959</p>	<p>Entered into force on 3 October 2017</p>	<p>The Procedure has been designed to determine the sequence of steps in the interaction between the border guard units and authorized government bodies, ensure quick response and alignment of actions taken by respective units and officials in the fulfilment of the requests at border-crossing points along the state border of Ukraine and checkpoints for entry to or exit from the temporarily occupied territory of Ukraine.</p>
<p>Cooperation Agreement between the Ministry of Culture of Ukraine and the Ombudsperson on Religions and Nationalities of the Republic of Belarus in the area of interethnic relations, signed on 21 July 2017</p>	<p>Entered into force for Ukraine on 21 July 2017</p>	<p>The subject matter of this Agreement is cooperation between the Parties as regards support to the activities of associations of persons who identify themselves as national minorities, exchange of information and practices in the area of regulation of interethnic relations.</p>
<p>Programme of Cooperation in the Area of Culture between the Ministry of Culture of Ukraine and the Ministry of Culture of the Republic of Belarus for 2017-2021, signed on 21 July 2017</p>	<p>Entered into force for Ukraine on 21 July 2017</p>	<p>The activities included in the Programme include: promotion of participation of Ukrainian and Belarusian music groups and individual performers in international music contests and festivals held on the territories of the states that are Parties to this Agreement; promotion of participation of Ukrainian and Belarusian film-makers and their films in international film festivals held on the territories of the Parties; promote organization of guest appearance and performance of theatre groups and individual performers, participation in theatre festivals on parity basis; promotion, according to the national legislation, of various forms of cooperation as regards meeting the cultural needs of national minorities; promotion of exchange between pupils, students and teachers from the education institutions in the area of culture and art, exchange of creative teams and performance groups; support to participation of researchers and experts in the areas of culture and art in international conferences, symposiums and seminars held on the territories of the states that are Parties to this Agreement.</p>
<p>Cooperation Agreement between the Cabinet of Ministers of Ukraine and the Government of Georgia in</p>	<p>Entered into force for Ukraine on 18 July 2017</p>	<p>The Agreement stipulates, <i>inter alia</i>, education of specialists on the basis of mutual exchange of</p>

<p>the area of education and science, signed on 18 July 2017</p>		<p>undergraduate, postgraduate and doctoral students and interns in areas identified as priority areas by each Party (precise numbers of students, programmes of study and conditions of study at higher education institutions shall be determined according to financial capabilities of the Parties and agreed separately through diplomatic channels); promotion of learning of the Georgian language at Ukrainian higher education institutions and learning of the Ukrainian language at Georgian higher education institutions.</p>
<p>Protocol between the Administration of the State Border Guard Service of Ukraine, the State Fiscal Service of Ukraine and the Department of Border Police of the Ministry of Internal Affairs of the Republic of Moldova, the Customs Service of the Republic of Moldova on organization of joint control at the international border-crossing point “Reni – Giurgiulesti” on the territory of Ukraine, signed on 5 June 2017</p>	<p>Entered into force for Ukraine on 5 June 2017</p>	<p>The Protocol was signed on the basis of the Agreement between the Government of Ukraine and the Government of the Republic of Moldova on organization of joint control at border-crossing points through the Ukrainian-Moldovan border of 11 March 1997. The Protocol defines that the Parties organize joint control at the international automobile border-crossing point through the Ukrainian-Moldovan border “Reni – Giurgiulesti” on the territory of Ukraine. The Parties shall perform border control, customs control and other forms of control on the principles of “single window service”, “single stop” and spot checks of goods and vehicles according to the flowchart to be designed and jointly agreed by the top officials of the border-crossing point within 60 days after signing of this Protocol.</p>
<p>Protocol between the Administration of the State Border Guard Service of Ukraine, the State Fiscal Service of Ukraine and the Department of Border Police of the Ministry of Internal Affairs of the Republic of Moldova, the Customs Service of the Republic of Moldova on organization of joint control at the international border-crossing point “Mayaky – Udobne – Palanca” on the territory of the Republic of Moldova, signed on 5 June 2017</p>	<p>Entered into force for Ukraine on 5 June 2017</p>	<p>The Protocol was signed on the basis of the Agreement between the Government of Ukraine and the Government of the Republic of Moldova on organization of joint control at border-crossing points through the Ukrainian-Moldovan border of 11 March 1997. The Protocol defines that the Parties organize joint control at the international automobile border-crossing point through the Ukrainian-Moldovan border “Mayaky – Udobne – Palanca” on the territory of Moldova. The Parties shall perform border control, customs control and other forms of control on the principles of “single window service”, “single stop” and spot checks of goods and vehicles according to the flowchart to be designed and jointly agreed by the top officials of the border-crossing point within 15 days after signing of this Protocol.</p>