



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

Legislative act or draft	Status (date of approval/further consideration)	Short overview
Law of Ukraine “On Amending Certain Legislative Acts of Ukraine on the Expansion of Powers of Local Self-Government Bodies and Optimization of the Provision of Administrative Services” of 10 December 2015 No. 888-VIII	Entered into force on 29 December 2015	The Law amends article 6 of Law of Ukraine “On the Procedure of Exit from Ukraine and Entry to Ukraine by Citizens of Ukraine” according to which, as the migration service processes a foreign passport, it will not check whether there are any restrictions on its future holder’s exit from Ukraine. This will accelerate internal document processing and will reduce the load on the staff of the migration service. Any restrictions on exit from Ukraine will be checked exclusively on the border.
Resolution of the Verkhovna Rada of Ukraine “On the recommendations of the parliamentary hearing on the topic “The role and meaning of civic society and its influence on the formation of the ethnic policy of unity in Ukraine” of 25 November 2015 No. 824-VIII	Entered into force on 25 November 2015	Based on the results of the 11 March 2015 hearing, recommendations to the Cabinet of Ministers of Ukraine, the Ministry of Culture, the Ministry of Education and Science, the Ministry of Social Policy, the Ministry of Internal Affairs and other government bodies were developed. For example, it was recommended that the Cabinet of Ministers of Ukraine develop draft laws on the concept of state ethnic policy; on national-cultural autonomy; on amending the Law of Ukraine “On the Ratification of the European Charter for Regional or Minority Languages”; on the status of the Crimean Tatars as an indigenous people of Ukraine; on ethnic minorities (in a new redaction); on amending certain legislative acts of Ukraine to increase punishment for offenses committed for the purpose of fueling ethnic, racial or religious enmity, motivated by ethnic, racial or religious hatred or enmity, injuring the feelings of citizens in connection with their religious beliefs; organize the development of the concept of the State Program for Cooperation with Ukrainians Abroad Until 2020, etc.
Resolution of the Verkhovna Rada of Ukraine “On holding a parliamentary hearing on the topic “The situation with respect for the rights of internally displaced persons and citizens of Ukraine living in the temporarily occupied territory of Ukraine and in the	Entered into force on 8 December 2015	The Verkhovna Rada of Ukraine decided to hold a parliamentary hearing on 17 February 2016 on the topic indicated. The goal of the hearing is to analyze progress in the implementation of state policy on guaranteeing the rights of and providing

<p>territory not controlled by the Ukrainian authorities in the area of the counter-trafficking situation” of 8 December 2015 No. 853-VIII</p>		<p>government assistance to internally displaced persons; to develop and adopt the recommendations of the Verkhovna Rada of Ukraine for government bodies regarding improvements of the current legislation and the state mechanism of assistance to internally displaced persons.</p>
<p>Draft Law of Ukraine “On the ratification of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on the activities of border commissioners” (No. 0073 of 14 December 2015, Cabinet of Ministers of Ukraine)</p>	<p>Sent to MPs for review on 17 December 2015</p>	<p>The draft law is designed to ratify the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on the activities of border commissioners (hereinafter, Agreement) concluded on 4 May 2015 in Kyiv. The Agreement to be ratified lays down the legal foundation for the activities of border commissioners, i.e., officials from among officers of state border protection bodies who are appointed in accordance with the legislation of the Parties to solve border incidents and issues regarding border regime. The Agreement defines terms, the procedure of creating the apparatus of border commissioners, the list of their functions and powers, the procedure of joint investigations of border incidents, working meetings, the procedure of their financing and a number of other issues.</p>
<p>Draft Law of Ukraine “On amending Law of Ukraine “On Border Control” to change the rules and conditions for the crossing of the state border by ship crew members” (No. 3649 of 14 December 2015, MP B.Yu.Kozyr, MP O.I.Urbansky, MP O.O.Zholobetsky)</p>	<p>Sent to MPs for review on 17 December 2015</p>	<p>The draft law envisages a new norm according to which crew members who are on a ship list are not subjected to a border check if this is justified based on the results of risk evaluation, and the authorized officials of the State Border Guard Service of Ukraine do not come aboard. This change will greatly simplify the crossing of the state border by ship crew members and will make it possible to apply a special procedure for this purpose.</p>
<p>Draft Law of Ukraine “On amending article 10 of the Law of Ukraine “On Guaranteeing the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine” regarding exit from and entry to the territory of Ukraine” (No. 3606 of 9 December 2015, MP Yu.M.Bereza)</p>	<p>Sent to MPs for review on 11 December 2015</p>	<p>According to the explanatory note attached to the law, it is aimed at limiting the possibilities for the aggressor state and its henchmen from among local collaborators to freely cross the administrative border between mainland Ukraine and the Autonomous Republic of Crimea and engage in commercial activities taking advantage of proximity to mainland Ukraine. Under this draft Law, any automotive vehicles registered in the Russian Federation, including those that are re-registered in the territory of the annexed Autonomous Republic of Crimea, are prohibited from crossing the administrative border between Kherson Oblast and the temporary occupied Autonomous Republic of Crimea.</p>
<p>Draft Law of Ukraine “On the temporarily occupied territory of Ukraine” (No. 3593 of 8 December 2015, MP</p>	<p>Sent to MPs for review on 10 December 2015</p>	<p>In general, the draft law is designed to increase the efficiency of state policy regarding the</p>

<p>O.I.Syroid, MP R.A.Chubarov, MP S.I.Semenchenko and others]</p>		<p>temporarily occupied territory, facilitate the restoration of Ukraine's sovereignty within its borders and create a complex of means to protect Ukraine's national interests.</p> <p>Individual articles of the draft law regulate the procedure of crossing the boundary of the temporarily occupied territory and place restrictions on such crossing. Moreover, it defines that forced automatic acquisition of Russian or other citizenship by Ukrainian citizens living in the temporarily occupied territory is not recognized by Ukraine and does not constitute grounds for losing Ukrainian citizenship.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 23 December 2015 No.1075 "On creating the Intergovernmental Ukrainian-German Commission on Cooperation for Persons of German Descent Living in Ukraine"</p>	<p>Entered into force on 26 December 2015</p>	<p>The resolution approves the composition of and the regulation on the Commission, which is a temporary advisory body to the Cabinet of Ministers of Ukraine. The Commission's main tasks are defined as facilitating the rights of persons of German descent living in Ukraine; determining ways, mechanisms and means of solving problematic issues; improving the legal framework to guarantee the rights of persons of German descent.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 16 December 2015 No.1063 "On amending the Procedure of keeping the State Register of Civil Status Acts"</p>	<p>Entered into force on 22 December 2015</p>	<p>Amendments pertain to the procedure of issuing an extract from the State Register of Civil Status Acts.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 16 December 2015 No.1060 "On approval of the Licensing conditions for foreign employment intermediary business activity"</p>	<p>Entered into force on 23 December 2015</p>	<p>These licensing conditions set an exhaustive list of documents that are to be attached to the application for a license for foreign employment intermediary business activity, as well as an exhaustive list of conditions necessary for fulfillment in the course of such activity.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 9 December 2015 No. 1014 "On amending the Procedure of providing monthly targeted assistance to internally displaced persons to cover living expenses, including the utilities"</p>	<p>Entered into force on 18 December 2015</p>	<p>The amendments refer to the payment of this kind of assistance to a child who is not accompanied by his/her parents or persons replacing them as he/she is moved from the temporarily occupied territory of Ukraine, the area of the counter-terrorist operation or populated area located on the line on confrontation.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 25 November 2015 No.966 "On approval of the Procedure of forming a list of persons linked to terrorist activities or subjected to international sanctions"</p>	<p>Entered into force on 1 December 2015</p>	<p>The Procedure defines the mechanism of forming a list of persons linked to terrorist activities or subjected to international sanctions, including entering data on foreigners and stateless persons into this list.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 25 November 2015 No. 972 "On amending Regulation of the Cabinet of Ministers of Ukraine of 23 April 2014 No. 117"</p>	<p>Entered into force on 1 December 2015</p>	<p>The blank forms of the Ukrainian diplomatic passport, service passport and foreign passports and the services to personalize them are placed in the category of goods and services for which</p>

		advance payment can be stipulated in contracts to purchase goods or services with budget money when purchased by managers or recipients of budget funds.
<u>Resolution of the Cabinet of Ministers of Ukraine of 25 November 2015 No.970 “On approval of the Agreement between the Government of Ukraine and the Government of the Argentine Republic on reciprocal recognition of higher education documents”</u>	Entered into force on 3 December 2015	The resolution approves the said Agreement.
<u>Resolution of the Cabinet of Ministers of Ukraine of 25 November 2015 No. 993 “On creating an Interagency Working Group on progress in the fulfillment of the action plan to implement the Strategy of Roma Ethnic Minority Protection and Integration into Ukrainian Society Until 2020”</u>	Entered into force on 8 December 2015	The Resolution approves the composition of and regulation on the Interagency Working Group, which is a temporary advisory body to the Cabinet of Ministers of Ukraine. The main tasks of the Interagency Working Group are defined as follows: - securing the coordination of actions between executive authorities and Roma NGOs to integrate the Roma ethnic minority into Ukrainian society; - monitor the fulfillment of the action plan to implement the Strategy of Roma Ethnic Minority Protection and Integration into Ukrainian Society Until 2020; - draft proposals on increasing the efficiency of the activities of the executive authorities to ensure the integration of the Roma ethnic minority into Ukrainian society.
<u>Decree the Cabinet of Ministers of Ukraine of 9 December 2015 No. 1295-r “On the submission of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on the activities of border commissioners to the Verkhovna Rada of Ukraine for ratification”</u>	Entered into force on 9 December 2015	The said Agreement, which was done on 4 May 2015 at Kyiv, is submitted for ratification.
<u>Decree the Cabinet of Ministers of Ukraine of 2 December 2015 No.1250-r “On dismissing M.Yu.Sokoliuk from the office of First Deputy Head of the State Migration Service of Ukraine”</u>	Entered into force on 2 December 2015	M.Yu.Sokoliuk is dismissed from the office of First Deputy Head of the State Migration Service of Ukraine.
<u>Decree the Cabinet of Ministers of Ukraine of 2 December 2015 No.1253-r “On appointing M.Yu.Sokoliuk Head of the State Migration Service of Ukraine”</u>	Entered into force on 2 December 2015	M.Yu.Sokoliuk is appointed Head of the State Migration Service of Ukraine.
<u>Decree the Cabinet of Ministers of Ukraine of 23 November 2015 No.1393-r “On approval of the action plan to implement the National Human Rights Strategy Until 2020”</u>	Entered into force on 23 November 2015	The goals and expected results of the Strategy’s implementation include the following: respect for the principle of non-expulsion of foreigners and stateless persons to the states where they may face improper treatment; keeping foreigners and stateless persons in custody for the purpose of expulsion only as a last resort justified by the necessity of ensuring forced expulsion; introducing alternative means of ensuring forced expulsion; guaranteeing the legal and social protection of persons recognized in Ukraine as

		refugees or persons in need of complementary protection; regulating problematic issues concerning the stay of foreigners and stateless persons in Ukraine, etc.
Order of the Ministry of Internal Affairs of Ukraine “On approval of the Instruction on border patrol service of the State Border Guard Service of Ukraine” of 19 October 2015 No. 1261, registered in the Ministry of Justice of Ukraine on 6 November 2015 under No. 1391/27836	Entered into force on 4 December 2015	The Instruction defines the main tasks, rights, duties and the procedure of organizing the border patrol service to protect the state border and to fulfill tasks aimed at implementing the functions of the State Border Guard Service of Ukraine.
Order of the Ministry of Internal Affairs of Ukraine and the Security Service of Ukraine “On approval of Amendments to the Instruction on forced return and forced expulsion from Ukraine of foreigners and stateless persons” of 22 October 2015 No. 1274/677, registered in the Ministry of Justice of Ukraine on 10 November 2015 under No. 1409/27854	Entered into force on 4 December 2015	The amendments are adopted to regularize activities to control the actual fulfillment of decisions on forced return by foreigners and stateless persons.
Order of the Ministry of Internal Affairs of Ukraine, the Ministry of Finance of Ukraine and the Ministry of Infrastructure of Ukraine “On recognizing as invalid Order of the Administration of the State Border Guard Service of Ukraine, the Ministry of Finance of Ukraine, and the Ministry of Infrastructure of Ukraine of 19 August 2011 No. 613/1051/320” of 26 October 2015 No. 1287/948/430, registered in the Ministry of Justice of Ukraine on 16 November 2015 under No. 1435/27880	Entered into force on 8 December 2015	The order which is now recognized as invalid regulated the experiment to organize the control and passage through the state border of train No. 2/1 “Kyiv–Moscow–Kyiv”.
Order of the Ministry of Justice of Ukraine “On amending Order of the Ministry of Justice of Ukraine of 9 July 2015 No. 1187/5” of 2 December 2015 No. 2471/5, registered in the Ministry of Justice of Ukraine on 2 December 2015 under No. 1502/27947	Entered into force on 9 December 2015	The Order expands the list of state civil registration offices participating in the pilot project under which state civil 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.
Order of the Ministry of Justice of Ukraine “On amending the Rules of state registration of civil status acts in Ukraine” of 25 November 2015 No. 2375/5, registered in the Ministry of Justice of Ukraine on 26 November 2015 under No. 1473/27918	Entered into force on 15 December 2015	The amendments concern the need to notify the respective territorial unit of the State Migration Service of Ukraine about a change of an individual’s name.