



LEGISLATIVE MONITORING IN THE AREA OF MIGRATION AND BORDER MANAGEMENT for February 2016

Legislative act or draft	Status (date of approval/further consideration)	Short overview
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” of 26 January 2016 No. 938-VIII	Entered into force on 17 February 2016	The Law authorizes the central executive authority implementing state policy on securing Ukraine’s informational sovereignty (the Ministry for Information Policy) to make submissions for temporary residence permits to be issued to foreigners and stateless persons representing the mass media (instead of the government authority responsible for the implementation of state policy on information and publishing – the State Committee for Television and Broadcasting).
Law of Ukraine “On Amending article 9 of the Law of Ukraine “On the Citizenship of Ukraine” regarding a simplified naturalization procedure for foreigners and stateless persons performing military service in the Armed Forces of Ukraine” of 28 January 2016 No. 957-VIII	Entered into force on 19 February 2016	For foreigners and stateless persons who are performing military service under contract in the Armed Forces of Ukraine in accordance with the procedure established by the Ukrainian legislation, the Law sets the term of uninterrupted legal stay in the territory of Ukraine at three, rather than five, years from the time their contract for military service in the Armed Forces of Ukraine becomes valid. Another provision is that the naturalization requirements regarding the need to obtain an immigration permit and be proficient in the state language do not apply to foreigners and stateless persons who are performing military service in the Armed Forces of Ukraine in accordance with the procedure established by the Ukrainian legislation and have been awarded state decorations.
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” of 3 February 2016 No. 979-VIII	Entered into force on 11 March 2016	The Law ratified the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on the Activities of Border Commissioners concluded on 4 May 2015 in Kyiv. The Agreement establishes the legal framework for the activities of border commissioners who are officials from among the officers of state border guard agencies appointed in accordance with the legislation of the Parties in order to resolve issues with securing the state border regime and solve border incidents. The Agreement determines the terms and the

		<p>procedure of creating the apparatus of border commissioners, the list of their functions and authority, the procedure of joint investigations of border incidents and working meetings, the procedure of their financing and a number of other issues.</p>
<p>Law of Ukraine “On Amending the Civil Procedure Code of Ukraine regarding the establishment of the fact of birth or death of a person in the temporarily occupied territory of Ukraine” of 4 February 2016 No. 990-VIII</p>	<p>Entered into force on 24 February 2016</p>	<p>The Law makes amendments that determine certain aspects of the proceedings in cases about the establishment of the fact of birth or death of an individual in the temporarily occupied territory of Ukraine. The main aspects of proceedings in such cases are set in article 257¹, which is added to the Civil Procedure Code, and are as follows:</p> <ol style="list-style-type: none"> 1) the right to apply for the establishment of such facts to any court outside the temporarily occupied territory regardless of the applicant’s place of residence; 2) consideration of such cases is carried out immediately after the receipt of the respective application by the court; 3) decisions on the establishment of the fact of birth or death in the temporarily occupied territory are enforced immediately.
<p>Law of Ukraine “On Amending the Administrative Justice Code of Ukraine Regarding Court Examination of Actions about Forced Expulsion of or Detention for the Purpose of Identification and Securing Forced Expulsion of Foreigners and Stateless Persons or Securing the Transfer of Foreigners and Stateless Persons in Accordance with Ukraine’s International Agreements on Readmission” of 4 February 2016 No. 991-VIII</p>	<p>Entered into force on 2 March 2016</p>	<p>The amendments were adopted pursuant to paragraph 34 of the National Action Plan to implement the second phase of the EU Visa Liberalization Action Plan for Ukraine approved by Regulation No. 805-r of the Cabinet of Ministers of Ukraine of 20 August 2014 in order to improve the legal framework for efficient migration management and counteraction of illegal migration. To this end, the legislative amendments stipulate that local general courts immediately hear, as administrative courts, administrative cases regarding forced expulsion of or detention for the purpose of identification and securing forced expulsion of foreigners and stateless persons.</p>
<p>Law of Ukraine “On Amending the Law of Ukraine “On Refugees and Persons in Need of Subsidiary or Temporary Protection” of 4 February 2016 No. 992-VIII</p>	<p>Entered into force on 3 March 2016</p>	<p>The Law authorizes the State Migration Service of Ukraine to make corrections in documents involved in the procedure of recognizing a person as a refugee or a person in need of subsidiary protection if incorrect data on such persons are discovered. Moreover, the terms of processing the refugee certificate or the certificate of a person in need of subsidiary protection are now harmonized 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>Law of Ukraine “On Amending the Criminal and Criminal Procedure Codes of Ukraine regarding the Implementation of Recommendations Contained in the Sixth Report of the European Commission on</p>	<p>Entered into force on 28 February 2016</p>	<p>The Law was adopted in order to ensure proper implementation of the EU’s recommendations, which is important for accelerating visa liberalization and ensuring the application of the institutions of</p>

<p>Ukraine's Progress in implementing the EU Visa Liberalization Action Plan for Ukraine with regard to improving the procedure of property seizure and the institution of special confiscation" of 18 February 2016 No. 1019-VIII</p>		<p>"special confiscation" and "property seizure" in strict accordance with the European standards.</p>
<p>Resolution of the Verkhovna Rada of Ukraine "On the Rejection of the Report of the Cabinet of Ministers of Ukraine and Recognition of the Performance of the Cabinet of Ministers of Ukraine As Unsatisfactory" of 16 February 2016 No. 1007-VIII</p>	<p>Entered into force on 16 February 2016</p>	<p>The Resolution was drafted because of the unsatisfactory performance of the Cabinet of Ministers of Ukraine. One of the reasons for recognizing the performance of the Cabinet of Ministers of Ukraine as unsatisfactory was the latter's failure to implement the requirement, contained in the Coalition Agreement, to reform the law enforcement sector. The explanatory note attached to the draft Resolution says that, pursuant to the provisions of the Coalition Agreement (paragraphs 2.1 and 2.3-2.7 of Chapter V), the Cabinet of Ministers of Ukraine was supposed to abandon the post-Soviet ways of organizing the system of Interior Ministry bodies and form a new system. However, the State Border Guard Service, the State Migration Service and the State Service for Emergency Situations essentially remain part of the Interior Ministry system, and no changes have been made.</p>
<p>Draft Law of Ukraine "On amending certain legislative acts of Ukraine" (regarding harmonization of the legislation on preventing and counteracting discrimination with the EU legislation) (No. 3501 of 20 November 2015, MP I.V. Herashchenko, MP I.O. Klympush-Tsyntsadze, MP M.M. Ionova and others)</p>	<p>Passed in the first reading on 16 February 2016</p>	<p>The Draft Law is designed to amend the Law of Ukraine "On the Foundations of Preventing and Counteracting Discrimination in Ukraine", the Administrative Code of Ukraine, and the Criminal Code of Ukraine; to clarify the terminology; to expand the authority of the Ombudsman of the Verkhovna Rada of Ukraine regarding discrimination prevention and counteraction; remove gaps in the legislation regarding liability for violating legislation on preventing and counteracting discrimination in Ukraine.</p>
<p>Draft Law of Ukraine "On amending the Law of Ukraine "On Guaranteeing the Rights and Freedoms of Internally Displaced Persons" (with regard to exercising their right to abode) (No. 4021 of 4 February 2016, MP N.V. Veselova)</p>	<p>Sent to MPs for review on 9 February 2016</p>	<p>The Draft Law is designed to amend the Law of Ukraine "On Guaranteeing the Rights and Freedoms of Internally Displaced Persons" by, among other things, regulating the issue of utilities payments made by internally displaced persons for temporarily provided housing; regulating the issue of compensations for internally displaced persons for damaged or abandoned homes; instructing the Cabinet of Ministers of Ukraine to develop, within three months, mechanisms enabling internally displaced persons to exercise their right to abode.</p>
<p>Draft Law of Ukraine "On amending article 2-1 of the Labor Code of Ukraine regarding the harmonization of legislation on preventing and counteracting discrimination with the EU legislation" (No. 4070 of 16 February 2016, MP O.V. Liashko, MP V.Z. Rabinovych)</p>	<p>Sent to MPs for review on 17 February 2016</p>	<p>The Draft Law is designed to amend article 2-1 of the Labor Code of Ukraine by adding the words "criminal conviction of a person or persons close to them". The Draft Law is aimed at prohibiting any labor discrimination, in particular violations of the principle of equal rights and opportunities; direct or indirect restriction of the rights of employees</p>

		depending on the person's criminal conviction or that of persons close to them which is not connected with the nature of the person's work or conditions for its performance".
<u>Draft Law of Ukraine "On amending article 19 of the Law of Ukraine "On the Citizenship of Ukraine" (regarding the loss of the citizenship of Ukraine over crimes committed against the foundations of the national security of Ukraine) (No. 4115 of 19 February 2016, MP A.V. Nemyrovsky, MP Yu.M. Bereza, MP A.A. Teteruk and others)</u>	Sent to MPs for review on 24 February 2016	The Draft Law is designed to revoke the Ukrainian citizenship of persons whom the court has found guilty of crimes against the foundations of the national security of Ukraine and whose guilty verdict has entered into force. Such crimes include, among others: actions aimed at encroaching on the territorial integrity and inviolability of Ukraine; sabotage; espionage; crimes against peace, security, humanity and international legal order.
<u>Draft Law of Ukraine "On amending certain legislative acts of Ukraine regarding proceedings in cases of administrative border offences" (No. 4114 of 19 February 2016, MP H.V. Lohvynsky, MP O.S. Sotnyk, MP B.Yu. Bereza and others)</u>	Sent to MPs for review on 24 February 2016	The purpose of the Draft Law is to improve activities taken by the State Border Guard Service to counteract illegal migration on the state border and other border violations. The Draft Law is designed to amend certain articles of the Administrative Code of Ukraine in order to increase fines for border offenses; expand the list of agents who, on behalf of the State Border Guard Service bodies, are authorized to consider cases of administrative offenses and impose administrative punishment.
<u>Draft Law of Ukraine "On restrictions regarding persons who have the citizenship of an aggressor state" (No. 4113 of 19 February 2016, MP A.V. Herasymov, MP S.O. Aleksieiev, MP H.V. Lohvynsky)</u>	Sent to MPs for review on 24 February 2016	The Draft Law is designed to ban persons who, in addition to Ukrainian citizenship, have the citizenship of an aggressor state from holding certain offices; to establish the duty of Ukrainian citizens who have acquired the citizenship of an aggressor state to file a statement about this fact and submit copies of documents confirming their acquisition of the citizenship of an aggressor state to the State Migration Service of Ukraine.
<u>Draft Resolution of the Verkhovna Rada of Ukraine "On the application to the Cabinet of Ministers of Ukraine regarding the termination of the Agreement between the Government of Ukraine and the Government of the Russian Federation on visa-free travel of the citizens of Ukraine and the Russian Federation" (No. 4030 of 5 February 2016, MP A.V. Parubii, MP I.O. Lapin, MP M.R. Velychkovych and others)</u>	Sent to MPs for review on 9 February 2016	The purpose of the Draft Resolution is defined as ensuring national security and intensifying measures to protect Ukraine's national interests, independence, sovereignty and territorial integrity by terminating the Agreement between the Government of Ukraine and the Government of the Russian Federation on visa-free travel of the citizens of Ukraine and the Russian Federation. The sponsors of the Draft Resolution indicate that this Agreement poses a direct threat to Ukraine's national security and hence it must be terminated. Resolution No. 23 of the Cabinet of Ministers of Ukraine of 30 January 2015 "On terminating certain provisions of the Agreement between the Government of Ukraine and the Government of the Russian Federation on visa-free travel of the citizens of Ukraine and the Russian Federation" deprived citizens of the Russian Federation of the ability to enter, stay in and move across the territory of Ukraine based on an internal passport of a Russian

		<p>citizen or a birth certificate for children under 14. However, the Government has not undertaken any further actions aimed at introducing a full-fledged visa regime between Ukraine and Russia despite the demands of national security.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 3 February 2016 No.52 “On amending the Regulation on the Border Regime”</p>	<p>Entered into force on 17 February 2016</p>	<p>The Resolution was adopted in order to regulate certain border regime issues and create conditions for ensuring more effective monitoring of the surface situation in Ukraine’s territorial waters and internal waters. This document is the first one to offer a legislative definition of the term “lines of engineering border facilities”.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 11 February 2016 No.82-r “On signing the Agreement between the Cabinet of Ministers of Ukraine and the Government of Romania on joint patrolling of the Ukraine-Romania state border”</p>	<p>Entered into force on 11 February 2016</p>	<p>The Regulations approves the draft Agreement between the Cabinet of Ministers of Ukraine and the Government of Romania on joint patrolling of the Ukraine-Romania state border and authorizes V.O.Nazarenko, Head of the State Border Guard Service, to sign the Agreement.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 11 February 2016 No.91-r “On providing access to the integrated interdepartmental information-telecommunications system for controlling persons, vehicles and cargos crossing the state border to the Ministry of Finance”</p>	<p>Entered into force on 11 February 2016</p>	<p>The Administration of the State Border Guard Service was entrusted with developing technical documentation necessary for the implementation of the working project of connecting the Ministry of Finance to the Arkan system, an integrated interdepartmental information-telecommunications system for controlling persons, vehicles and cargos crossing the state border, as well and ensuring the drafting, with a month, of normative legal acts on providing access to the abovementioned system to the Ministry of Finance and implementing the respective organizational and technical measures.</p>
<p>Decree of the President of Ukraine of 12 February 2016 No.45/2016 “On approval of the 2016 Ukraine-NATO Cooperation Program”</p>	<p>Entered into force on 17 February 2016</p>	<p>The Program envisages a number of objectives and measures connected with the development of the State Border Guard Service of Ukraine, the reconstruction of the state border and border security management.</p>