



LEGISLATIVE MONITORING IN THE AREA OF MIGRATION AND BORDER MANAGEMENT for February 2018

Legislative act or draft	Status (date of approval/further consideration)	Short overview
<p>Agreement between the Government of Ukraine and the Government of the Union of the Comoros on cooperation in the field of education and science of 2 November 2017</p>	<p>Entered into force on 2 November 2017</p>	<p>According to the Agreement, the Parties encourage cooperation, in particular, by enhancing participation of research workers in international scientific seminars, conferences, symposiums and so on, organized by each of the Parties.</p> <p>Under this Agreement Ukraine grants citizens of the Union of the Comoros the opportunity to obtain education on a contract basis in higher institutions in numbers and occupations needed for the Union of the Comoros.</p> <p>The Parties encourage exchanges of the scientific-pedagogical staff for short- and long-term pedagogical engagement on a contract basis.</p> <p>During the term of this Agreement, the Parties will consider the possibility of concluding an intergovernmental Agreement on mutual recognition of educational documents, degrees and academic titles.</p>
<p>Agreement on Cooperation between the State Migration Service of Ukraine and Migration Department of the Ministry of the Interior of the Republic of Lithuania of 8 December 2017</p>	<p>Entered into force on 8 December 2017</p>	<p>The Parties intend to support each other and cooperate in the area of migration and asylum within the following work-streams: increasing number of reference visits in order to upgrade qualification of the Parties' representatives; sharing information on the national legislation on migration and asylum and its practical application/compliance; sharing requested statistic data from national information systems of migration registration and information on migration trends; regular sharing of statistic data and information on trends in the migration and asylum policies; sharing samples of travel documents and documents required for issuing stay and residence permits.</p>

<p><u>Law of Ukraine “On the peculiarities of the state policy on ensuring the state sovereignty of Ukraine over the temporary occupied territories of Donetsk and Luhansk regions” of 18 January 2018 No. 2268-VIII</u></p>	<p>Entered into force on 24 February 2018</p>	<p>The Law stipulates the legal regime of certain districts of Donetsk and Luhansk regions, which are beyond control of Ukraine’s authorities as temporarily occupied territories; peculiarities of protection of the rights and freedoms of Ukrainian citizens residing there; peculiarities of entry and exit to/from the temporarily occupied territories of Donetsk and Luhansk regions. The Law allows to enhance the effectiveness of implementation of measures for ensuring national security and defense on the territory of Donetsk and Luhansk regions. It also provides necessary preconditions for ensuring national sovereignty of Ukraine over the territories of Donetsk and Luhansk regions within the internationally recognized borders of Ukraine.</p> <p>Additionally, paragraph 3 of article 2 of the Law provides that activities of the Russian Federation’s armed formations and its occupation government in Donetsk and Luhansk regions conducted contrary to international law, are illegal and any act issued as a result of these activities is null and void, and has no legal effect, except for certificates of person’s birth or death on the temporarily occupied territories of Donetsk and Luhansk regions, which are enclosed to the application for state registration of birth or death accordingly.</p>
<p><u>Draft Law of Ukraine “On ratification of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on joint control of persons, transport, goods and items at joint Ukrainian-Moldova state border crossing points (No.0175 of 8 February 2018, Cabinet of Ministers of Ukraine)</u></p>	<p>Provided for familiarization on 12 February 2018</p>	<p>The Draft Law was developed by the Administration of the State Border Guard Service of Ukraine in order to complete the internal procedures required for entry into force of the above Agreement executed on 6 October 2017 in Chisinau. The Agreement will allow organize joint control along the whole section of the Ukraine-Moldova state border.</p> <p>Implementation of this Law will promote cross-border cooperation, good neighborly relations, counteraction to irregular migration and illegal activities, ensuring of the Ukraine-Moldova border regime compliance and improvement of conditions for border crossing.</p>
<p><u>Draft Law of Ukraine “On ratification of the Agreement between Ukraine and the Republic of Portugal on performing paid activities by family members on allowance of diplomatic, administrative and technical staff of diplomatic missions and consular offices” (No.0176 9 February 2018, President of Ukraine)</u></p>	<p>Provided for familiarization on 13 February 2018</p>	<p>Implementation of the Agreement will allow family members of the Ukrainian and Portuguese diplomatic staff to obtain the right of performing paid activities on the territories of the Republic of Portugal and Ukraine respectively on terms and conditions provided for nationals of the host state, after confirming their status in compliance with the procedure provided by this Agreement. It will promote exercising the rights of the diplomatic staff’s family members to work, to maintain their qualifications and realize opportunities for</p>

		<p>professional development.</p> <p>Therefore, the Agreement is to complement the guarantees provided by article 37 of the Law of Ukraine “On diplomatic service” for the diplomatic staff and members of their families.</p>
<p>Draft Law of Ukraine “On amending some Laws of Ukraine on certain issues of organization of the activities of the State Border Guard Service of Ukraine” (No. 7527-1 of 6 February 2018, I. Vinnyk)</p>	<p>Provided for familiarization on 9 February 2018</p>	<p>The Draft Law aims at harmonizing the legislative acts with respect to intelligence, counter-intelligence and domestic intelligence operations carried out by authorities within the system of the State Border Guard Service of Ukraine, and stipulating the procedure for the use of technical and other means during border checks and crossing.</p> <p>Adoption of the Draft Law will allow to introduce amendments to certain legislation acts aimed at ensuring effectiveness of the operational units of the State Border Guard Service of Ukraine in combating offences at the state border of Ukraine.</p> <p>The Draft Law is an alternative to the Draft No. 7527 of 24 January 2018.</p>
<p>Draft Law of Ukraine “On amendments to the Law of Ukraine “On employment of population” regarding employment of foreigners and stateless persons in Ukraine (No. 7529-1 of 8 February 2018, S. Kiral, V. Pynzenyk, H. Kryvosheia and others)</p>	<p>Provided for familiarization on 12 February 2018</p>	<p>The Draft Law aims at developing unified approaches to the practical use of the provisions of the Law of Ukraine “On amendments to certain legislative acts on eliminating barriers to attracting foreign investments”, as well as improving the current mechanism of issuing, extending and canceling work permits for foreigners and stateless persons; defining the procedure and limitation period for filing complaints against decisions of the territorial employment centers; applying the Law to setting rates of remuneration of foreign workers in case of contract prolongation, the list of documents to be submitted for obtaining work permit for seconded foreign workers and so on. Moreover, the Draft Law provides legal framework for the category of hired foreign workers, introduces additional requirements for founders and/or shareholders, and/or beneficiaries (controllers) of a legal entity, provides peculiarities of calculating the rates of remunerations for part-time workers, a detailed list of requirements to the rates of remuneration and its appliance to the extended work permits issued before stipulating of this requirement, clear determination of fees for issuing work permits based on their duration.</p>
<p>Draft Law of Ukraine “On introduction of amendments to the Law of Ukraine “On the State Budget of Ukraine for 2018” (in a part of ensuring implementation of national housing programs for young families and internally displaced persons:</p>	<p>Provided for familiarization on 19 February 2018</p>	<p>The Draft Law aims at ensuring implementation of national housing program for young families and internally displaced persons: state support to be provided within the program of affordable housing and low-interest state loans, since no funding is</p>

<p>state support provided within the program of affordable housing and low-interest long-term state loans for house construction (reconstruction) and house acquisition (No. 8041 of 14 February 2018, O. Vilkul, D. Koliesnikov, K. Pavlov and others)</p>		<p>provided from the State Budget of Ukraine in 2018 for execution of new contracts based on the above mechanism. The Draft Law provides for an increase of expenditures by UAH 1,757,121 thousand from the State Budget of Ukraine for 2018.</p>
<p>Draft Law of Ukraine “On introduction of amendments to the Law of Ukraine “On the State Budget of Ukraine for 2018” (in a part of ensuring implementation of national housing programs for young families and internally displaced persons: state support rendered within the program of affordable housing and the program of low-interest long-term state loans for house construction (reconstruction) and house acquisition (No. 8041-1 of 27 February 2018, N. Veselova)</p>	<p>Provided for familiarization on 1 March 2018</p>	<p>The Draft Law aims at ensuring implementation of national housing programs for young families and internally displaced persons, in particular, by provision of the state support within the program of affordable housing and low-interest loans, since no funding is provided by the State Budget of Ukraine in 2018 for execution of new contracts based on the above mechanism.</p> <p>The Draft Law provides for an increase of expenditures by UAH 1,865,814.9 thousand from the State Budget of Ukraine for 2018 in order to implement the national housing program for young families and internally displaced persons.</p>
<p>Draft Law of Ukraine “On introduction of amendments to Annex No. 3 and Annex No. 4 of the Law of Ukraine “On the State Budget of Ukraine for 2018” (in a part of protection of the constitutional rights of citizens to housing, resuming funding of the national housing programs in order to provide housing for citizens, in particular, the youth, ATO participants and internally displaced persons (No. 8041-2 of 27 February 2018, O. Nedava)</p>	<p>Provided for familiarization on 1 March 2018</p>	<p>The Draft Law aims at providing housing for citizens, in particular, the youth, ATO participants and internally displaced persons by resuming financing of the national housing programs with general funds from the State Budget.</p> <p>The Draft Law provides higher expenditures from the State Budget detailed in Annex No. 3 to the Law of Ukraine “On the State Budget for 2018” by stipulating expenditures for financing the budget program "Granting state support for construction (acquisition) of affordable housing" in the amount of UAH 1 billion, as well as amending Annex No. 4 “Repayment of loans to the State Budget of Ukraine and distribution of loans from the State Budget Ukraine in 2018” in a part of stipulation of expenditures for financing the budget program “Granting of preferential long-term state loan to young families and single young citizens for construction (reconstruction) and acquisition of housing” in the amount of UAH 857,121,000.</p>
<p>Draft Law of Ukraine “On the fundamentals of the administrative-territorial system of Ukraine (No. 8051 of 22 February 2018, Cabinet of Ministers of Ukraine)</p>	<p>Provided for familiarization on 27 February 2018</p>	<p>The Draft Law aims at provision of the legal framework for the fundamentals of administrative-territorial system of Ukraine, procedures for setting up, abolishing, delimitation and modification of the borders of administrative-territorial units.</p> <p>The Draft Law defines authorities responsible for considering and solving issues with respect to the administrative-territorial system, establishes procedures for setting up and abolishing administrative-territorial units, delimitation and modification of their borders, assigning settlements</p>

		<p>to villages, towns and cities, naming and renaming of settlements and administrative-territorial units.</p> <p>Also, the Draft Law settles the issue regarding the National register of the administrative-territorial units, villages, towns and cities, which are the part of those units. The absence of such register, in particular, used to cause mistakes in names of local councils, which were also reflected in citizens' documents – passports, birth certificates and so on.</p>
<p>Draft Law of Ukraine “On the National Security of Ukraine” (No. 8068 of 28 February 2018, President of Ukraine)</p>	<p>Provided for familiarization on 1 March 2018</p>	<p>The Draft Law defines and delimits responsibility of the state authorities in the area of national security and defense, ensures democratic and civil control over the authorities and units of security and defense sector. Thus, for instance, the Cabinet of Ministers of Ukraine will ensure, in particular, civil control over the activities of the State Border Guard Service of Ukraine and the State Migration Service of Ukraine that are part of the security and defense sector of Ukraine.</p> <p>It is also stated that the Ministry of Internal Affairs of Ukraine is a central executive authority responsible, among other things, for developing and implementing the state policy in following areas: defense of the state border of Ukraine and protection of Ukraine's sovereign rights in its exclusive (maritime) trade area, as well as migration (immigration and emigration), in particular, counteracting illegal (unlawful) migration, citizenship, registration of persons, in particular, refugees and other categories of migrants defined by the legislation.</p> <p>The activities of the State Border Guard Service of Ukraine and the State Migration Service of Ukraine are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine.</p>
<p>Resolution of the Verkhovna Rada of Ukraine “On the statement of the Verkhovna Rada of Ukraine following Sejm and Senate of the Republic of Poland approval of amendments to the Law on the Institute of the National Remembrance – Commission of investigation of crimes against Polish people and other legislative acts” of 6 February 2018 No. 2274-VIII</p>	<p>Entered into force on 6 February 2018</p>	<p>The Statement expresses concern that escalating of anti-Ukraine sentiment and creating an atmosphere of pressure and intimidation may have negative effect on observing rights of almost a million of Ukrainians, who currently are migrant workers in Poland, and contribute to its economic growth. The Statement points out that this issue is of high importance and draws close attention of the Verkhovna Rada of Ukraine. It also expresses concern about cases of attacks on participants of religious ceremonies, members of the Ukrainian community in Poland.</p>
<p>Resolution of the Verkhovna Rada of Ukraine “On referral of the Draft Law of Ukraine “On introduction</p>	<p>Entered into force on 8 February 2018</p>	<p>The Draft Law (No. 3833 of 28 January 2016) on registration of place of stay/residence of homeless</p>

<p>of amendments to the Law of Ukraine “On freedom of movement and free choice of residence in Ukraine” for second reading” of 8 February 2018 No. 2280-VIII</p>		<p>persons is returned to the Committee of the Verkhovna Rada of Ukraine on Human Rights, National Minorities and Interethnic Relations for finalizing and submitting for repeated second reading.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 1 December 2017 No.1055 “On introduction of amendments to the Resolution of the Cabinet of Ministers of Ukraine of 12 November 2014 No. 622”</p>	<p>Entered into force on 17 February 2018</p>	<p>The Resolution provides that processing and issuing of crew member ID are carried out through the use of means of the Unified State Demographic Register rather than the State information system of registration of individuals and their documenting. In addition, the crew member ID blank form and its technical description have been updated.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 14 February 2018 No.76 “On introduction of amendments to certain Resolutions of the Cabinet of Ministers of Ukraine”</p>	<p>Entered into force on 21 February 2018</p>	<p>The Government has brought a series of its regulations in compliance with the Law of Ukraine “On introduction of amendments to certain legislative acts of Ukraine with regard to enhancing protection of children’s rights to proper child-care allowance through improved procedure of compulsory withholding of alimony arrears”.</p> <p>The amendments were introduced, in particular, into the Rules for crossing the state border by Ukrainian citizens and to the Procedure for processing, issuing, replacing, sending, seizure, returning to the state, invalidating and destroying passport of citizen of Ukraine for travelling abroad. The Resolution stipulates that processing (including replacement of lost or stolen), exchange and issuing of passport for traveling abroad and also exiting Ukraine by citizens under 16 do not require consent of the second parent in case of submission of a certificate issued by a state executive authority on child-support arrears, which aggregate amount is six times higher than the respective monthly payment.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 14 February 2018 No. 83 “On setting administrative service fees for processing (including replacement of lost or stolen) and replacement of seamen identity documents”</p>	<p>Enters into force on 1 January 2020</p>	<p>The Resolution regulates the issue on provision of administrative services by executive authorities, in a part of setting fees for issuing documents confirming Ukrainian citizenship and seamen’s identity.</p> <p>In particular, it provides the fees for the administrative service of processing (including replacement of lost or stolen) and replacing seamen identity documents with implanted electronic chip.</p>
<p>Resolution of the Cabinet of Ministers of Ukraine of 20 December 2017 No.1100 “On introduction of amendments to the Regulation on data arrays to be made public in the form of open-access data”</p>	<p>Entered into force on 9 February 2018</p>	<p>The Resolution provides that the Ministry of Internal Affairs should publish information in the form of open-access data, in particular, with respect to lost/stolen passports of a citizen of Ukraine.</p>

<p><u>Resolution of the Cabinet of Ministers of Ukraine of 14 February 2018 No.78 “On introduction of amendments to paragraph 1 of the Procedure for distributing by state unitary enterprises and their associations of part of the net profit (income) to the state budget”</u></p>	<p>Entered into force on 16 February 2018</p>	<p>The Regulation specifies the part of the net profit (income) to be distributed by the administrator of the Unified State Demographic Register, whose disposer is the State Migration Service, to the state budget for the respective period in the amount of 30 percent, upon condition of deducting 45 percent of the net profit from its activity for improvement and maintenance of the software of the above-mentioned Register and ensuring conditions for its technical and technological functioning. Application of 45 percent of net profit is subject to monthly state financial auditing.</p> <p>The Resolution will be valid until 31 December 2018.</p>
<p><u>Resolution of the Cabinet of Ministers of Ukraine of 31 January 2018 No.33 “On approving criteria for feasibility assessment of state support to enterprises in employing certain categories of labor force and ensuring new workplaces”</u></p>	<p>Entered into force on 3 February 2018</p>	<p>The Resolution provides that state support in employment is acceptable as far as it is provided in order to ensure the employment and new workplaces, in particular, for internally displaced persons.</p>
<p><u>Regulation of the Cabinet of Ministers of Ukraine of 7 February 2018 No.68-p “On establishing of the Representation of the Ministry of Foreign Affairs in the city of Uzhhorod”</u></p>	<p>Entered into force on 7 February 2018</p>	<p>The MFA Representation in Uzhhorod will cover Zakarpattia, Ivano-Frankivsk and Chernivtsi regions. Its activities include, among other things, provision of support to local executive authorities in maintaining international relationships. Moreover, the abovementioned Representation will also assist foreign consular offices, in particular, those located in Uzhhorod – Consulate General of the Slovak Republic and Hungary, Honorary Consulates of the Republic of Lithuania and the Czech Republic; in Ivano-Frankivsk – Honorary Consulates of the Republic of Lithuania and Hungary; in Chernivtsi – Consulate General of Romania, Honorary Consulates of Austria and the Federal Republic of Germany. In Zakarpattia region there are Consulate of Hungary located in town of Berehove, Consulate of Romania – in urban settlement of Solotvyno and Honorary Consulate of the Slovak Republic – in urban settlement of Velykyi Bereznyi.</p>
<p><u>Regulation of the Cabinet of Ministers of Ukraine of 7 February 2018 No.70-p “On submitting for ratification by the Verkhovna Rada of Ukraine the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on joint control of persons, transport, goods and items at common Ukrainian-Moldova state border crossing points”</u></p>	<p>Entered into force on 7 February 2018</p>	<p>Ratification of the Agreement executed on 6 October 2017 in the city of Chisinau will promote further development of good neighborly relations between the two states, as well as development of the socio-economic situation in the region, ensure the Ukraine-Moldova border regime compliance and improvement of the conditions for crossing the border.</p>
<p><u>Regulation of the Cabinet of Ministers of Ukraine of 7 February 2018 No.79-p “On introduction of amendments to Annexes 1 and 2 to the Regulation of</u></p>	<p>Entered into force on 7 February 2018</p>	<p>Amendments are brought to the List of settlements, where the state authorities temporarily do not exercise their powers, and the List of settlements</p>

<p>the Cabinet of Ministers of Ukraine of 7 November 2014 No. 1085”</p>		<p>situated at the confrontation line. The Regulation, in particular, refines this list, including due to renaming of certain settlements and districts. These lists are referred to in the Procedure for provision of monthly targeted aid to internally displaced persons.</p>
<p>Regulation of the Cabinet of Ministers of Ukraine of 17 January 2018 No. 67-p “On approval of the Concept of the development of digital economy and society of Ukraine for the period of 2018-2020 and approval of the action plan for its implementation”</p>	<p>Entered into force on 17 January 2018</p>	<p>The Regulation aims at removal of barriers to digital transformation of Ukraine in the most advantageous spheres. It points out, among other things, that digitalization in rural areas will lead to agriculture development, provision of new workplaces and reducing of population migration from village to city.</p>
<p>Order of the Ministry of Foreign Affairs of Ukraine of 18 December 2017 No. 558 “On approval of Requirements for issuing visas in electronic form”, registered with the Ministry of Justice of Ukraine on 17 January 2018 under No. 71/31523</p>	<p>Entered into force on 9 February 2018</p>	<p>The regulation sets up the procedure for visa application, its review and issuing electronic visa (e-Visa), the form of e-Visa, form of visa application form, list of states, whose citizens are issued e-Visa and the form of the decision on denial of issuing e-Visa, as well as the amount of the consular fees.</p>
<p>Order of the Ministry of Foreign Affairs of Ukraine of 19 December 2017 No. 560 “On approving the Rules for admittance to the administrative building of the Ministry of Foreign Affairs of Ukraine”, registered with the Ministry of Justice of Ukraine on 12 January 2018 under No. 44/31496</p>	<p>Entered into force on 16 February 2018</p>	<p>The approved Rules stipulate requirements regarding procedure for admittance to the MFA’s administrative building and its adjacent area. It also provides requirements for admittance of foreigners and stateless persons, including those, who enjoy diplomatic immunity.</p>
<p>Order of the Ministry of Justice of Ukraine and Ministry of Internal Affairs of Ukraine of 30 January 2018 No. 256/5/65 “On the approval of Procedure for the interaction of authorities and persons, which perform compulsory enforcement of court and other authorities’ decisions and decisions of the bodies of the State Border Guard Service of Ukraine within performance of enforcement proceedings”, registered with the Ministry of Justice of Ukraine on 2 February 2018 under No. 133/31585”</p>	<p>Entered into force on 6 February 2018</p>	<p>The Procedure is developed in order to coordinate actions of authorities and persons who according to the laws are responsible for performing enforcement of court decisions and decisions of other bodies, as well as the bodies of the State Border Guard Service in case of temporary restriction of person’s right to exit or enter Ukraine, with the use of the respective data base of the State Border Guard Service.</p> <p>Information interaction will be performed in electronic form by means of telecommunication.</p> <p>The document stipulates the mechanisms of obtaining information on debtor crossing the state border of Ukraine, processing applications by state and private enforcement officers and so on.</p>
<p>Order of the Ministry of Internal Affairs of Ukraine of 11 December 2017 No. 1007 “On approval of the Instruction for conducting risk analysis at the State Border Guard Service of Ukraine”, registered with the Ministry of Justice of Ukraine on 22 January 2018 under No. 91/31543</p>	<p>Entered into force on 16 February 2018</p>	<p>The Instruction defines the procedure for conducting risk analysis at the State Border Guard Service of Ukraine in the sphere of state border security based on the EU Common Integrated Risk Analysis Model and national practice.</p> <p>The document specifies that the results of threat assessment will identify external and internal factors which have negative effect on state border security. Identification of relevant risk factors is based on four-</p>

		<p>tier system of control over entry and stay of foreigners and stateless persons in Ukraine: - in states of origin of illegal migrants; - in states bordering with Ukraine; -at border crossing points and beyond them (during border control and border protection beyond border crossing points); - in Ukraine (observing the period of temporary stay of foreigners and stateless persons in Ukraine).</p>
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