

Legislative Update

UNHCR update on displacement-related legislation | November 2021

Adopted Legislation

- Legal response to the COVID-19 outbreak in Ukraine
- Simplified procedure for obtaining a passport of citizen of Ukraine in form of ID card
- E-opportunity to apply for IDP targeted assistance
- Procedure for paying pension arrears
- E-services for residence registration and declaration of place of residence in Ukraine

Other developments

- Establishment of the National Mine Action Authority (NMAA)
- Experimental project on digitalization of state services
- Subventions to local budgets

Adopted Legislation

[Legal response to the COVID-19 outbreak in Ukraine](#)

On 24 November, the Government adopted its [Resolution #1240](#)¹, introducing amendments to Resolution #1236² of 9 December 2020 on quarantine and other restrictive measures preventing the further spread of COVID-19 in Ukraine. The adopted Resolution specifies the terms of validity of COVID-19 certificates. “Yellow”³ certificates are valid for 30 days after a person received the first shot of two-shot vaccine. This is applicable to all two-shot vaccines available in Ukraine. “Green”⁴ certificates are valid for 365 days after a person received the only shot of one-shot vaccine or second shot of two-shot vaccine.

[Simplified procedure for obtaining a passport of citizen of Ukraine in form of ID card](#)

On 2 November, the Government adopted its [Resolution #1109](#)⁵, simplifying the procedure for obtaining a passport of citizen of Ukraine in form of ID card. Henceforth, applicants can refer to any State Migration Service (SMS) department of their choice regardless of their residence registration. Applicants aged from 14 to 18 can obtain an ID tax code simultaneously with their first ID card, without having to approach the tax authority. Citizens of Ukraine, who do not have birth certificates and apply for ID card for the first time after they reached the age of 18, can submit an extract from the Database on Civil Status of Citizens, confirming the birth registration. In case applicants do not have any documents with photo issued by a state organ, they can confirm

¹ The full text available online (in Ukrainian): [Про внесення змін до постанов Кабінету Міністрів України від 9 грудня 2020 р. № 1236 і від 29 червня 2021 р. № 677 | Кабінет Міністрів України \(kmu.gov.ua\)](#)

² The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1236-2020-%D0%BF#Text>

³ It confirms that person received one of two-shot vaccine against COVID-19, recognised by WHO

⁴ It confirms that person is fully vaccinated against COVID-19 (two shots of two-shot vaccine, one shot of one-shot vaccine)

⁵ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1109-2021-%D0%BF#Text>

their identity with the help of witnesses: from now on, this can be done alternatively by one family member (including a former spouse), one relative, or two neighbors aged 14 years or above, who possess identity documents. In case the applicant failed to collect his/her ID card, the SMS will retain it for a maximum three years –up from one year formerly, due to the COVID 19.

[E-opportunity to apply for IDP targeted assistance](#)

On 3 November, the Government adopted its [Resolution #1134⁶](#) amending the procedure for applying for IDP targeted assistance and introducing remote opportunity to do this. According to current requirements, IDPs need to confirm their eligibility for the assistance every six months. This is done through an application by IDPs to social protection departments to confirm their eligibility and the lack of changes in his/her life affecting this eligibility, with supporting documents (IDP certificates of family members, as the IDP targeted assistance is granted per household. The amendments allow IDPs to confirm the lack of changes of circumstances through Diya portal, without providing supporting documents. Social protection departments will verify the application by consulting digitally previously submitted data.

[Procedure for paying pension arrears](#)

On 10 November, the Government adopted its [Resolution #1165⁷](#), introducing the procedure for paying pension arrears to persons registered as IDPs (including residents of non-government controlled areas (NGCA) of Donetsk and Luhansk oblasts), heirs of deceased IDP pensioners, and persons who relinquished their IDP certificates. The Resolution will be implemented from January 2022. Pension arrears, including those confirmed by court decisions, will be paid from the state budget. Territorial divisions of the Pension Fund shall record the amount of pension arrears of IDPs registered in their locations. To calculate this, the divisions refer to their decisions on restoring pension payments and data on pensions not received due to the pensioner's death. This data will also be used for preparing lists of recipients of pension arrears. Persons on this list will receive pension arrears through monthly payments, budgeted specifically by the Pension Fund. The amount of the monthly payment corresponds to the minimum wage granted to persons who lost their working ability. In 2022, this minimum wage amounts to 1934 UAH. In case of lack of funds in the state budget, the remaining sum of arrears will be "distributed proportionally for upcoming months". The explanatory note to the Resolution stipulates that its implementation will require an additional 6,1 billion UAH from the state budget⁸, while the Pension Fund reports a total of 76,7 billion UAH of pension arrears to "IDPs not registered in GCA" (meaning NGCA residents) as of April 2021. In case NGCA residents apply for the payment of arrears to the Pension Fund, this will require inclusion of these expenses to next budgets of the Pension Fund⁹. The Resolution contributes to unlock a problem which had remained unresolved since 2018, and will require significant budget resources to ensure its implementation.

[E-services for residence registration and declaration of place of residence in Ukraine](#)

⁶ The full text available online (in Ukrainian): [Про внесення змін до Порядку надання щомісячної адресної допомоги внутрішньо переміщеним особам для покриття витрат на проживання, в тому числі на оплату житлово-комунальних послуг | Кабінет Міністрів України \(kmu.gov.ua\)](#)

⁷ The full text available online (in Ukrainian): [Про затвердження Порядку виплати пенсій \(щомісячного довічного грошового утримання\), не виплачених за період до місяця відновлення їх виплати, внутрішньо переміщеним особам та особам, які відмовилися відповідно до пункту 1 частини першої статті 12 Закону України "Про забезпечення прав і свобод внутрішньо переміщених осіб" від довідки про взяття на облік внутрішньо переміщеної особи і зареєстрували місце проживання та постійно проживають на контрольованій Україною території | Кабінет Міністрів України \(kmu.gov.ua\)](#)

⁸ The time period is not clarified

⁹ The full text available online (in Ukrainian): [Poyasnyvalna_zapiska.pdf \(kmu.gov.ua\)](#)

On 26 November, the President signed [Law #1871-IX](#)¹⁰ introducing e-services for residence registration and declaration of place of residence in Ukraine. The Law will allow persons who reside in a place different from their residence registration¹¹ (this is the case of IDPs) to declare their factual place of residence remotely through Diya portal. This will require an ID document, the ID tax code, and document(s) confirming property right to housing of person's residence registration. Persons who reside in a housing they don't own, must also provide an agreement of the housing's owner certifying the person's factual staying in his/her housing. In practice, the procedure remains similar but is now digitalized. While the list of required documents is unchanged, people have now the possibility to provide a certification by their landlord in their new location. However, for many IDPs, this facility will not make a difference when they rent housing unofficially, as the landlords refuse to conclude formal tenure agreements to avoid additional taxation. Regarding the confirmation of registration, which is often considered as confirming housing property right, obtaining it will remain equally difficult.

Other developments

Establishment of the National Mine Action Authority (NMAA)

On 10 November, the Government adopted its [Resolution #1207](#)¹² establishing National Mine Action Authority (NMAA) in accordance with Law on mine action in Ukraine.¹³ Headed by the Minister of Defense, NMAA will act as inter-agency advisory body, coordinating mine action activities of central and local authorities, enterprises and organizations. This is in line with international mine action standards (IMAS) and Ukrainian legal framework. Other NMAA's functions¹⁴ include elaboration and implementation of state policy on mine action, relevant legal framework and national mine action standards (NMAS); recommendations on involvement of mine action operators; work on mine risk education and assistance to persons affected by unexploded ordnances. NMAA is also responsible for distributing donor support among mine action operators, which are not supported from state funds.

Experimental project on digitalization of state services

On 10 November, the Government adopted its [Resolution #1239](#)¹⁵ introducing an experimental project on digitalization of state services. The Ministry for Digital Transformation coordinates this initiative. The certificates on permanent and temporary residence will be available on through the Diya app for foreigners and stateless persons. Digital documents, displayed on in the Diya app, are equivalent to the physical ones and can be checked by technical means.

Subventions to local budgets

On 21 November 2021, the Government adopted its [Regulation #1446-p](#)¹⁶ distributing subventions from the State budget among the local budgets of conflict-affected territories and those hosting IDPs. This subvention covers settlements in Chernihiv (Chernihiv territorial community), Donetsk (Andriyivska and Dobropilska territorial communities), Ivano-Frankivsk (Ivano-Frankivsk territorial community), Mykolaiv (Mykolaiv territorial

¹⁰ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1871-IX#Text>

¹¹ This is confirmed by formal residence registration stamp in a book-shaped passport or paper annex to ID card

¹² The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1207-2021-%D0%BF#Text>

¹³ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/2642-19#Text>

¹⁴ Please see more details in UNHCR 2018 December Legislative Update available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2018-12-Legislative-Update.pdf>

¹⁵ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1239-2021-%D0%BF#Text>

¹⁶ The full text available online (in Ukrainian): [Про розподіл у 2021 році субвенції з державного бюджету місцевим бюджетам на здійснення заходів щодо підтримки територій, що зазнали негативного впливу внаслідок збройного конфлікту на сході України | Кабінет Міністрів України \(kmu.gov.ua\)](#)

community) Odesa (Vylkivska territorial community), Zhytomyr (Ovrutska territorial community) oblasts. The total allocated sum is 13.02297 mln UAH. The subventions may be used for the overall development of the mentioned localities, thus improving the quality of life and access to different services for host and displaced populations. Many localities use subventions to improve housing conditions and procure apartments for temporary or social housing.

CONTACTS

E-MAIL: UKRKI@UNHCR.ORG, TEL: +38 044 288-9710

LINKS

UNHCR Ukraine:www.unhcr.org.ua/en - Twitter:www.twitter.com/UNHCRUkraine

Facebook:www.facebook.com/UNHCRKyiv - Instagram:www.instagram.com/unhcr_ukraine