

# Legislative Update

UNHCR update on displacement-related legislation | July 2021

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## Adopted Legislation

### Exemptions from fines for entering/exiting GCA through unauthorized Entry-Exit Checkpoints (EECPs)

On 22 July 2021, the President signed [Law #1583-IX](#)<sup>1</sup> on preventive and reactive measures to address the COVID-19 outbreak in Ukraine amending Law 530-IX<sup>2</sup>. Details on its content can be found in UNHCR's May and June Legislative Updates<sup>3</sup> (see "draft law #5478). The law exempts citizens of Ukraine residing in non-government-controlled areas (NGCA) of Donetsk and Luhansk oblasts from paying administrative fines for entering the government-controlled area (GCA) through border crossing points with the Russian Federation. This exemption applies to individuals travelling for humanitarian reasons for the period of quarantine or during limited functionality of EECPs along the line of contact (LoC) in the east. The list of humanitarian grounds mirrors humanitarian exceptions for crossing the LoC in the east<sup>4</sup> and includes serious illness or death of a family member, the need to access medications/health care treatment in GCA for serious/chronic illnesses, leaving NGCA with confirmed permanent residence in another country (except the Russian Federation), the need to apply for personal documents (including for minors who apply for IDs for the first time with one accompanying adult), inheritance related issues, attending educational institutions with one accompanying adult where relevant, family reunification, return to a permanent place of residence (this last one would be applicable one time only until the restrictions are lifted). The signed Law is expected to facilitate movement of people between GCA and NGCA while quarantine restrictions are in place. UNHCR welcomes this positive

<sup>1</sup> The full text available online (in Ukrainian): [Про внесення зміни до розділ... | від 29.06.2021 № 1583-IX \(rada.gov.ua\)](#)

<sup>2</sup> Please see more details in UNHCR May and June Legislative Updates available online: <https://www.unhcr.org/ua/en/resources>

<sup>3</sup> The full text available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/06/2021-05-Legislative-Update-ENG.pdf>

<sup>4</sup> Please see more details in UNHCR 2020 November Legislative Update available online: [https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/12/2020-11-Legislative-Update\\_ENG.pdf](https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/12/2020-11-Legislative-Update_ENG.pdf)

development and jointly with its partners will monitor its implementation, as well as raise awareness among travellers.

### Legal response to the COVID-19 outbreak in Ukraine

In July, the Government of Ukraine tightened COVID-related restrictions to address the Delta strain. On 28 July, the Government adopted [Resolution #787](#)<sup>5</sup> amending Resolution #1236<sup>6</sup> of 9 December 2020 on quarantine and other restrictive measures<sup>7</sup> preventing the further spread of COVID-19 in Ukraine. These amendments will enter into force on 5 August. The Government reintroduced the requirement for foreigners and stateless persons crossing the Ukrainian state border to install and activate the Vdoma app and undergo self-isolation<sup>8</sup>. If the person cannot install the app, the State Border Guard Service (SBGS) will not allow him/her to enter. People under 18 and some specific categories of foreign nationals<sup>9</sup> are exempt from the requirement.

At the same time, citizens of Ukraine crossing the Ukrainian state border are also required to self-isolate for ten days, through installation and activation of the Vdoma app when returning from abroad. This is not applicable to people under 18, those who went abroad before 4 August 2021, members of Ukrainian official delegations returning to Ukraine from international events and students and their accompanying adults.

Citizens of Ukraine travelling to GCA from NGCA of Donetsk and Luhansk oblasts/Crimea are also obliged to self-isolate and install and activate the Vdoma app when crossing the LoC in the east or the administrative boundary with Crimea. This is not applicable to people under 18, staff of international and humanitarian missions accredited in Ukraine, school graduates wishing to be enrolled to educational facilities in GCA, students studying in GCA, and one accompanying adult of two latter categories, as well as to Ukrainian citizens from NGCA/Crimea who want to be vaccinated against COVID-19 in GCA. This should be confirmed by an invitation for vaccination from an accredited institution.

All vaccinated persons regardless of their citizenship are exempt from self-isolation when entering Ukraine, crossing the LoC in the east or the administrative boundary with Crimea. Foreigners must provide proof of full vaccination by WHO-recognized vaccines against COVID-19 issued in or translated into English; and Ukrainian citizens may provide confirmation of one shot of vaccination issued in accordance with the Ministry of Health's regulations.

## Draft legislation

### Amendments to the Law on citizenship of Ukraine

On 23 July 2021, MPs registered [draft law #5822](#)<sup>10</sup> in Parliament proposing amendments to the Law on citizenship of Ukraine<sup>11</sup>. The authors suggest introducing automatic loss of Ukrainian citizenship for those who

<sup>5</sup> The full text available online (in Ukrainian): [Про внесення змін до постанови Кабінету Міністрів України від 9 грудня 2020 р. № 1236 | Кабінет Міністрів України \(kmu.gov.ua\)](#)

<sup>6</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1236-2020-%D0%BF#Text>

<sup>7</sup> Please see more details in UNHCR 2020 December Legislative Update; 2021 January, February, March, April and June Legislative Updates available online: <https://www.unhcr.org/ua/en/resources>

<sup>8</sup> The period of self-isolation is ten days; this applies to those who crossed the Ukrainian state boundary, the LoC in the east and the administrative boundary with Crimea. It starts after expiration of 72 hours since the moment of crossing. Self-isolation can be terminated by a negative result of PCR or express test on COVID-19 antibodies taken after crossing. This is not applicable to persons who arrived from the Russian Federation and India after staying there for more than seven days during last 14 days: they should stay in self-isolation for 14 days, and this cannot be terminated.

<sup>9</sup> They include members of official delegations of foreign states, staff of international organizations, staff of international and humanitarian missions accredited in Ukraine and their family members, diplomatic and consular personnel and their family members, military instructors from NATO Member States and Partnership for Peace, participants of sport and cultural events, experts working for European border and coast guard agency Frontex, drivers and crew members of vehicles, aircraft, ships and trains engaged in regular transportation

<sup>10</sup> The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](#)

<sup>11</sup> The full text available online (in Ukrainian): [Про втраченість громадянства України | від 18.01.2001 № 2235-III \(rada.gov.ua\)](#)

voluntarily acquire citizenship of the Russian Federation. This means that the regular procedure of relinquishing Ukrainian citizenship through Presidential orders will not apply to these persons. Automatic loss will take place immediately after a person receives citizenship of the Russian Federation. It is hard to fully assess the protection impact of this draft initiative. However, it may widen the gap between Ukraine and residents of NGCA thus damaging efforts aimed at ensuring social cohesion in Ukraine.

### [Amendments to the Law on social services](#)

On 23 July 2021, MPs registered [draft law #5821](#)<sup>12</sup> in Parliament proposing amendments to the Law on social services<sup>13</sup> to lower the minimum income threshold for recipients of social services<sup>14</sup> for persons with low income. If adopted, this may facilitate access to free of charge social services for IDP families with low income.

## Other developments

### [Implementation of the agreement on financial cooperation to find housing solutions for IDPs](#)

In July 2021, the Ministry of Reintegration and the State Youth Fund, with the support of the German bank *Kreditanstalt für Wiederaufbau (KfW)*, started to provide IDPs with preferential mortgage loans<sup>15</sup>. The first selection of 150 beneficiaries of the total of 18,042 applicants was broadcast live on 21 July. Selection was conducted through an anonymized random selection machine. Names of beneficiaries were later published on the official web pages of relevant authorities. The Ministry of Reintegration and the State Youth Fund will announce the next selection rounds later this year.

### [Subventions to local budgets](#)

On 7 July 2021, the Government adopted [Regulation #737-p](#)<sup>16</sup> distributing subventions from the State budget among the local budgets of conflict-affected territories and those hosting IDPs. This is the second subvention<sup>17</sup> to conflict-affected territories in 2021 that covers settlements in Cherkasy oblast (Uman territorial community), Chernihiv (Gorodnya city territorial community) oblast, Donetsk oblast (Illinivka, Siversky, Bakhmut, Avdiivka and Toretsk territorial communities), Kherson oblast (Kherson territorial community), Kyiv oblast (Bucha territorial community), Luhansk oblast (Hirska territorial community), Odesa oblast (Tairovsky and Odesa territorial communities), Rivne oblast (Kostopil territorial community), Vinnytsia oblast (Tulchyn and Dashivka territorial communities), Zaporizhzhia oblast (Zaporizhzhia territorial community) and Zhytomyr oblast (Andrushivka territorial community). The total allocated sum is UAH 18,078.80. 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.

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<sup>12</sup> The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](#)

<sup>13</sup> The full text available online (in Ukrainian): [Про соціальні послуги | від 17.01.2019 № 2671-VIII \(rada.gov.ua\)](#)

<sup>14</sup> In July, the minimum subsistence allowance amounts to 2294 UAH (approximately 85 USD), which increases quarterly. Thus under this draft the applicants for social services should have less than 2294UAH\*4 in order to be considered for the provision of assistance.

<sup>15</sup> Please see more details in UNHCR April Legislative Update available online: [https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/05/2021-04-Legislative-Update\\_ENG.pdf](https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/05/2021-04-Legislative-Update_ENG.pdf)

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

<sup>17</sup> Please see more details in UNHCR May Legislative Update available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/06/2021-05-Legislative-Update-ENG.pdf>

### Reintegration measures to be supported by the Government of Denmark

On 7 July 2021, the Government adopted [Resolution #705](#)<sup>18</sup> introducing the procedure for selection of projects for the reintegration of the temporarily occupied territories<sup>19</sup> of Ukraine under the funding of the government of Denmark. This initiative is supported by Danida Business Finance program (Denmark)<sup>20</sup> in Ukraine. The projects to be submitted by enterprises should be aimed at developing infrastructure in GCA of Donetsk and Luhansk, Mykolaiv, Kharkiv and Kherson oblasts and may be linked to renewable energy, energy efficiency, district heating, water supply and water treatment. The selection process consists of two stages: pre-selection on a local level and final selection on a central level. Interested enterprises should apply to their respective oblast administrations with their project proposals and specific commissions<sup>21</sup> will approve or reject them. Oblast administrations will post pre-selection results on their websites. Then approved project proposals will be sent for final clearance to the Selection Commission.<sup>22</sup> When the proposals are cleared, the Ministry for Reintegration approves the final list of projects by its Order and shares with Danida Business Finance program for its decision on implementation and funding.

This initiative may contribute to the infrastructure development of the mentioned oblasts, thus improving the quality of living conditions and access to utility services for host and displaced populations.

### Budget reallocation within the Ministry of Social Policy

On 14 July 2021, the Government adopted [Regulation #779-p](#)<sup>23</sup> that transfers money between budgetary funds, increasing expenses of the Pension Fund of Ukraine by approximately UAH 5.3M. The transferred amount aims to cover the payment of regular and increased pensions and allowances. Since this is a general program, it will equally cover displaced and non-displaced pensioners.

### Concept note for State program on combatting human trafficking through 2025

On 14 July 2021, by [Regulation #800-p](#)<sup>24</sup>, the Government adopted the concept note for the State program on combatting human trafficking through 2025. The concept note describes the current situation of human trafficking in Ukraine and suggests possible solutions. Those include the improvement of the legal framework, strengthening the cooperation of actors involved in combatting human trafficking, and providing assistance and services to survivors. The effectiveness of these measures should be monitored. Estimated funding from the State Budget amounts to UAH 2.8 mln. The concept note mentions IDPs and conflict-affected persons; those residing in the 0 to 20 kilometres zone on both sides of the LoC in the east (especially women with children and orphans) and in NGCA are considered the most vulnerable to human trafficking due to ongoing hostilities.

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<sup>18</sup> The full text available online (in Ukrainian): [Про затвердження Порядку відбору проектів, пов'язаних з реінтеграцією тимчасово окупованих територій України та розвитком інфраструктури прилеглих до них територій, які підлягають фінансуванню згідно з Рамковою угодою між Урядом України та Урядом Королівства Данія щодо загальних умов та процедур, організаційних заходів та фінансових умов реалізації програми Danida Business Finance в Україні](#) ([kmu.gov.ua](http://kmu.gov.ua))

<sup>19</sup> The terminology is quoted from the official legal act and does not reflect UNHCR position

<sup>20</sup> This program is implemented in accordance with frame agreement between the Government of Ukraine and the Government of Kingdom of Denmark

<sup>21</sup> These commissions are established by state administrations

<sup>22</sup> This Commission is established by the Ministry for Reintegration

<sup>23</sup> The full text available online (in Ukrainian): [Про перерозподіл деяких видатків державного бюджету, передбачених Міністерству соціальної політики на 2021 рік](#) | Кабінет Міністрів України ([kmu.gov.ua](http://kmu.gov.ua))

<sup>24</sup> The full text available online (in Ukrainian): [Про схвалення Концепції Державної цільової соціальної програми протидії торгівлі людьми на період до 2025 року](#) | Кабінет Міністрів України ([kmu.gov.ua](http://kmu.gov.ua))

### National Roma Strategy through 2030

On 28 July 2021, the Government adopted [Regulation #886-p](#)<sup>25</sup> introducing the Roma Strategy through 2030. The Strategy is a framework document aimed at facilitating access to rights and opportunities for the Roma minority in Ukraine. This should be done through data verification of the Roma people; legal and social protection; combating discrimination of Roma people; support with access to documentation, education, employment and health care; improving the quality of living conditions; and support to Roma culture, history, art and language. Issues faced by displaced Roma in their host communities are not specifically mentioned.

The adoption of this Strategy is a positive development. Each strategic direction has an identified goal with associated actions and expected results, as well as criteria to measure the progress. This will allow for assessment of the Strategy's implementation and its impact on individuals in need of protection of their human rights. The Strategy's implementation will be monitored in 2025 and 2030. The State Service on ethno-politics and freedom of conscience will elaborate a national Action Plan for the Strategy every three years. State and local administrations should also elaborate and implement regional action plans.

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<sup>25</sup> The full text available online (in Ukrainian): *Про схвалення Стратегії сприяння реалізації прав і можливостей осіб, які належать до ромської національної меншини, в українському суспільстві на період до 2030 року* | Кабінет Міністрів України ([kmu.gov.ua](http://kmu.gov.ua))