

# Legislative Update

Update on Displacement-related Legislation | March 2025



## Adopted Legislation

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- Return of the institutions



## Other developments

- RD4U

## Adopted Legislation

### Compensation framework

On 14 March 2025, the Government adopted [Resolution #296](#), which amends the compensation framework. The changes affect several key areas:

#### Compensation for damaged property when the owner is missing or deprived of liberty

When the owner of a damaged property is missing or deemed missing<sup>1</sup> compensation may be received by the guardian of the property. This must be explicitly recorded in the compensation registry as being in the interest of the owner. A similar provision applies if a co-owner's consent is required but the co-owner is also missing; in such cases, the guardian may act on their behalf under the same conditions.

If the owner has been deprived of personal liberty<sup>2</sup> due to war-related circumstances, a family member may apply for and receive compensation provided the application is also submitted in the owner's interest and includes their personal information in the registry.

#### Compensation for individuals without a tax identification number (TIN)

The resolution allows individuals who do not have a TIN due to religious beliefs, officially documented in their passport, to apply for compensation. Applications in such cases must be submitted in paper form.

#### Procedure in the event of the applicant's death

If the original compensation applicant passes away before the procedure completed, the compensation may be received either by a co-owner, provided they had previously agreed to the application, or by an heir. In both cases, a new application must be submitted. The compensation payment funds allocated to the initial applicant and left in the bank account are subject to verification<sup>3</sup>.

Once the verification process is complete, the initial compensation case is closed in the registry, the recipient's special bank account is closed, and any unused compensation payment funds are returned to the bank. In cases

<sup>1</sup> The official status of "missing" and "missing under special circumstances" are distinct in legal statuses, but for clarity, both are treated uniformly in this summary.

<sup>2</sup> This legal status is granted to individuals persecuted by Russian authorities or occupying powers due to their political views, civic, professional, human rights, or other activities in support of Ukraine's sovereignty, territorial integrity, constitutional order, or national interests, where such activities posed a real or potential risk of unlawful persecution.

<sup>3</sup> Verification is a standard component of the compensation process, aimed at ensuring that funds are used solely for the repair of housing or the purchase of related materials and services. There are two types of verification: interim (during repairs) and post-repair (upon completion). These checks follow a pre-approved checklist and form the basis for closing the compensation case in the registry.

involving co-owners or heirs, a new checklist<sup>4</sup> must accompany the application. Heirs must submit a certificate of inheritance either before or after submission of the compensation application.

At the same time, the resolution clarifies that the consent of co-owners who are foreign nationals or stateless persons is not required when applying for compensation. Under the Law on Compensation, these individuals are not eligible for the compensation mechanism.

#### Repeated damage

If a property is damaged again after compensation has already been granted, the application and review process follow the same procedure and timelines as for a first-time application, but only after the initial compensation case has been formally closed in the Registry of Damaged and Destroyed Property.

Verification must take place in order to close the case. Whether verification has already occurred depends on the stage at which the repeated damage happened – for example, whether it took place after verification had been completed, or after the compensation was received and repairs had started, but before verification.

If the verification had not yet been completed at the time of the repeated damage, the applicant must first close the special compensation bank account launched for the initial compensation. Any unused funds remaining in the account must be returned by the bank to the account from which the original compensation was paid, based on a payment instruction. The applicant must also submit a request for verification of the targeted use of compensation, specifically for the purchase of construction materials related to each type of repair work listed in the checklist (see footnote 4 above). This verification is required to close the previous compensation case in the registry.

The commission calculates the new compensation based on the extent of the new damage, the scope of completed repair works, and the verification results, including any construction materials already purchased for specific types of repairs.

#### Compensation when repair costs exceed the maximum amount

The amended procedure addresses cases in which the cost of repair exceeds the maximum compensation limit – UAH 500,000 for separate houses and UAH 350,000 for apartments in multi-apartment buildings. In such cases, compensation will be granted only if the applicant demonstrates that they have secured the additional funding required to cover the full cost of repairs from other sources, such as humanitarian aid, local or government programmes, etc. Otherwise, no compensation is provided at all, even within the legal maximum.

While the intent may be to ensure that state funds contribute to repairs that can realistically be completed, the provision raises concerns. It shifts the burden to individuals to proactively secure additional funding as a precondition for exercising their right to compensation. Even if full reconstruction is not feasible, partial compensation could enable basic repairs to restore habitability. By making external funding a requirement, the current approach risks excluding those unable to obtain it.

Moreover, the procedure does not clearly specify how individuals are expected to prove that such funding has been secured, adding further uncertainty and potential for arbitrary implementation.

#### Compensation for housing in areas of active hostilities or temporary occupation

The resolution introduces rules for cases in which damaged housing is located in a territory that, after the submission of an application and receipt of compensation funds, has been classified as an area of hostilities (as per the [MinDevelopment List](#) of hostilities that covers areas of active fighting and temporarily occupied territories and is updated regularly).

In such cases, if the compensation—or any unused portion of it—remains in the special bank account, the recipient may return the funds. The legislation also permits the person to reapply for compensation once the territory is officially assigned an end date for hostilities or occupation.

However, the provision on the return of funds is framed as a possibility rather than a requirement, linking the act of returning funds to the factual inability to carry out repairs, rather than establishing it as a legal obligation. There

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<sup>4</sup> Checklist compilation is an integral part of the compensation procedure. During the on-site visit, the assessment commission records all damages to the affected housing in a checklist, which then serves as the basis for calculating the compensation amount. If the original applicant has passed away and the compensation payment is returned following verification, a new application submitted by the heir(s) will initiate a separate procedure, requiring a new on-site visit and a newly completed checklist."

are no specified consequences for failing to return unused funds or for compensation case closure. This may be a source of legal ambiguity or need for future advocacy on ensuring clear obligations both from the side of claimants and the side of responsible authorities.

### **Basic social assistance pilot**

On 25 March 2025, the Government adopted [Resolution #371](#) launching a two-year pilot project on Basic Social Assistance (BSA) aimed at streamlining and consolidating existing types of aid focused on low income families, children of single mothers, children in large families, and children whose parents are evading alimony, are unable to support them, or are missing. Over time, additional groups may become eligible.

The pilot program runs from 1 July 2025 to 1 July 2027 and introduces a unified form of social support that consolidates several previously separate benefits. Participation in the new program is voluntary – households can choose whether to apply for the Basic Social Assistance (BSA) or continue receiving the existing forms of aid.

However, if a household does apply for and is granted the BSA, they will no longer receive the overlapping types of assistance. In other words, the new benefit replaces the old ones, but only for those who actively choose to transition to the new program.

The assistance will be paid for a household. A household includes: the applicant; their spouse; children under 18; and children up to 23 years of age who continue studying and do not have their own families, regardless of their place of residence or registration. It also includes children over 18 with disabilities from childhood or those with a first-group disability, provided they live with their parents; parents who are unable to work; individuals who live with and provide care for a single person with a first-group disability; and unmarried partners living together as a family, if they have children together. Not included in the household are individuals fully supported by state institutions (such as those in residential care with all expenses covered), prisoners of war, persons deprived of liberty due to the war (with supporting documentation), and individuals who are missing due to war, special circumstances, or who are abroad.

### Eligibility Criteria

To be eligible, all adult household members must:

- Fall under one of the vulnerable categories; and
- be involved in one of the following: be employed, self-employed, professionally active or serve in the military, study full-time, or be registered as unemployed for at least three months for which the average household income is calculated. If these criteria are not met, the household may still qualify if this adult falls into an exception category, such as: not being employed but paying social insurance contributions, caring for young children or individuals with disabilities, providing social services, working for an employer not paying social contributions, or being of retirement age but not receiving a pension due to insufficient work experience.

Special eligibility conditions also apply to internally displaced persons and returnees from abroad. Individuals in these groups may qualify for assistance if they have not contributed to social insurance<sup>5</sup> during the relevant income assessment period and meet other conditions, including being registered as unemployed or actively seeking employment at the time of application.

### Exclusion Criteria

- Any member of the household has conducted financial transactions exceeding 100,000 UAH within the past 12 months, including purchases of land, housing, vehicles, financial assets, or foreign currency or having a deposit of more than 100,000 UAH.
- The household owns a second residential property, unless it is in an area affected by hostilities, officially damaged or destroyed, granted to an orphan, or provides less than 13.65 m<sup>2</sup> per person.

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<sup>5</sup> In Ukraine, social insurance payments are typically linked to formal employment, and voluntary contributions during periods of unemployment are uncommon. This provision acknowledges that many IDPs and returnees—particularly the latter—may not have been formally employed during the relevant period and thus did not contribute. It enables access to the Basic Social Assistance (BSA) for those actively seeking work, but applies only to particularly vulnerable individuals, as defined in the resolution.

- The household owns more than one vehicle under 15 years old, with certain exceptions outlined in the official guidelines.

### Structure and Amount of Assistance

The amount of basic social assistance is determined as the difference between the total base amount (4,500 UAH per person<sup>6</sup>) for each family member and the average monthly total household income.

Average monthly total household income<sup>7</sup> is calculated based on the three months prior to the month of application (or the previous quarter) and is verified using state systems including the Diia portal and the Pension Fund databases.

### Application Process

The process involves two stages: first, a declaration of intent, followed by a formal application. Through the declaration of intent, applicants are shown an estimated amount of assistance they may be eligible for. Since opting into the pilot involves the automatic termination of other forms of social assistance, such as support for low-income families, single mothers, or children in large families, this stage allows households to carefully assess whether they wish to proceed. If they choose to apply, the designated family representative submits a formal application – online through Diia or in person. All adult family members must sign this application to confirm agreement with the proposed amount and their consent to terminate other relevant types of state aid.

### Coordination and Monitoring

The Ministry of Social Policy transfers recipients' data to the Ministry of Finance on a monthly basis for verification. Follow up recommendations are provided and automatically uploaded to relevant government systems. This allows for the continuous confirmation of eligibility and helps prevent fraud or duplication.

### **Return of the institutions**

On 25 March 2025, the Government adopted [Resolution #335](#), introducing amendments to two closely connected bylaws that together form the framework for the evacuation, return, and reintegration of individuals in institutions<sup>8</sup>. The changes place particular emphasis on children, as well as on return and post-return procedures. The amendments establish new processes and clarify the roles of the relevant authorities, aiming to strengthen their mandates and improve coordinated and timely support both during and after return.

#### ➤ Amendments to the Resolution on Custody and Guardianship Authorities

The resolution introduces a new provision into the existing framework governing custody and guardianship authorities. While these authorities already have a broad mandate that goes beyond the return of children from institutions, the new provision establishes a specific process for assessing the well-being and needs of children currently placed in institutions. This covers all children in institutions irrespective of evacuation status.

A key addition is the *Assessment of the Fulfilment of a Child's Needs*, a standardised tool designed to evaluate whether basic needs of a child in institutional care are fulfilled, their safety is ensured, and they have access to essential services—education, healthcare, rehabilitation, and social support. It also helps assess their preparedness for reintegration into a family or other long-term care arrangement.

While applicable to all institutionalised children, the assessment is particularly important in the evacuation and return contexts. It helps informing return decisions and is used to develop individualised reintegration or social protection plans. The procedure and reporting format are defined in Annex 16 of the Resolution.

### When the Assessment Must Be Conducted

- Within one month after a child's temporary relocation (evacuation) within Ukraine or return from abroad.

<sup>6</sup> For the first (representative) family member, the full 100% of this base amount is counted; each additional adult is counted at 70%. However, for each child under 18 or an adult with a Group I or II disability, the full 100% applies. For people of retirement age without the right to a pension, the percentage used depends on their length of social insurance coverage: less than 10 years — 53%, 10–20 years — 62%, 20–30 years — 70%, and over 30 years — 88%. For families made up entirely of pension-age individuals or people with disabilities, the 70% rule for additional members doesn't apply — each member is counted individually at their eligible rate.

<sup>7</sup> The average household income includes earnings such as wages and scholarships, net of taxes. However, it typically excludes most types of state-provided social assistance, as well as support from NGOs (civic organisations and charitable foundations). Whether such support is counted as income or subject to taxation often depends on the legal status of both the provider and the recipient.

<sup>8</sup> More on the framework in UNHCR Legislative Update for June 2023 and [UNHCR Thematic Legislative Update](#)

- One month before the scheduled review<sup>9</sup> of a decision on placement in a residential institution (e.g., healthcare or education facilities), especially for orphans or children deprived of parental care.
- During the monitoring of the situation of children staying in institutions evacuated abroad.

#### Responsible Authorities (Context-Based)

- State Service for Children – for post-evacuation or return from abroad.
- Local child protection services – for institutional placement reviews.
- Ministry of Social Policy – for monitoring of children staying abroad.

Assessments are carried out by a designated monitoring group.

#### Use of Assessment Results

- For children in difficult circumstances or without parental care, results are submitted to the child protection service at their place of record and used to create or revise an individual social protection plan, including family reintegration proposals.
- For children returning from evacuation abroad, the findings are submitted to an interagency reintegration team tasked with developing a tailored reintegration plan (*below*).

#### ➤ Amendments to the Procedure of the Evacuation and Return of the Institutions

A new section in the procedure focuses on social protection and the reintegration of children returning to Ukraine. What was once a single article has now evolved into a thorough unit, with more detailed provisions and clearly outlined responsibilities regarding children's rights and support.

#### After receiving information about the return of a group of children:

The Oblast Administration in the return area:

- Ensures that basic needs are met before the children's arrival, including clean water, food, medicine and health services, hygiene items, clothing, and mobility aids for children with limited mobility.
- Prepares sleeping arrangements that are gender disaggregated, age- and needs-appropriate, including for children with disabilities.
- Provides access to education that matches each child's age and development, addresses learning gaps, and meets special educational needs, with support from Inclusive Resource Centres<sup>10</sup> where necessary.
- Offers medical check-ups, rehabilitation, psychological and other support based on individual reintegration plans.
- Ensures appropriate staffing, including at least one psychologist, with a maximum ratio of 1 staff per 15 children, or 1 per 4 children with disabilities.
- Supports legal representatives and accompanying adults in representing the children's interests before state and local authorities.
- Engages civil society, charitable organisations, and I/NGOs to support the fulfilment of these responsibilities.

Child Protection Service of the oblast administration in the return location, together with corresponding services and departments (social protection, healthcare, education and science) from the oblast where the institution was permanently located before evacuation:

- Analyse the return request and accompanying documents to identify children's needs for care, education, and medical support.
- Contact the guardianship authority at the parents' or legal representatives' place of residence to assess the possibility of family reunification and the need for social services.
- Inform custody and guardianship authorities at the child's place of origin or family residence to organise return to parents or placement in family-based care (adoption, guardianship, foster care, family-type homes)

<sup>9</sup> The decision to place a child in an institution is made for a fixed term—typically six months to one year depending on the type of institution—and is subject to regular reviews to assess the child's situation and promote transition to family-based care where possible.

<sup>10</sup> Inclusive Resource Centres are institutions established to ensure the right of persons with special educational needs to access preschool and general secondary education (for children aged 2-18), including vocational, professional, pre-higher, and other educational institutions. They conduct comprehensive psychological and educational assessments and provide ongoing qualified support. The centres are organised by local self-government bodies. MinEducation is the main coordination body.

according to the law. Legal representatives residing in areas with ongoing hostilities are prohibited from taking in the child, as now clearly stated in the resolution.

State Service for Children:

- Ensures assessment of how children's needs are being met (*based on Res. 335/Annex 16*), taking into account monitoring data on conditions of children temporarily relocated abroad,
- Establishes and coordinates an interagency reintegration team for each group of returned children to plan and manage reintegration, prepare for reunification with parents or legal representatives, family-based care (guardianship, foster care, family-type homes, adoption), or independent living.

The interagency reintegration team<sup>11</sup>:

- Analyses information on each returned child and their family (if available), including assessments of their needs and the family's need for social services;
- Develops, approves, and implements an individual social reintegration plan for each child.

A child's individual social reintegration plan is developed for three months and must be approved within 15 working days of the child's return. This plan includes:

- Information on the child's needs, the measures to address them, responsible actors, timelines, and the status of implementation;
- Measures to support the child's family (if available) to facilitate reunification with parents or legal guardians, and steps to assist with placing the child in family-based care (guardianship, foster care, family-type home, adoption);
- Activities aimed at the child's reintegration into society;
- Procedures for review and adjustment of planned measures.

Entities involved in the reintegration team are required to submit a monthly report (or as needed) to the team leader regarding the status of implementation in their respective areas of responsibility.

The plan can be revised if needed. After the reintegration plan is carried out, consequently a separate child protection plan is created or updated for orphans, children without parental care, or those in difficult life situations, as required by law (mainly under the responsibility of guardianship authorities).

Once children return to Ukraine, attention must shift from immediate support to long-term care planning, ensuring stable and protective environments. This includes establishing conditions for the timely implementation of individual social reintegration plans, maintaining contact with legal guardians or family, taking steps to reunite with family in areas beyond active hostilities zones, and identifying and preparing prospective families ready to take on roles as caregivers and guardians for returning children.

Other changes:

- Oblast administrations must inspect the living, care, and upbringing conditions of evacuated children and their guardians quarterly. Any rights violations or improper relocations must be reported immediately to the National Social Service and the National Police.
- Individual returns are now allowed for custody, guardianship, adoption, or family-type care. Returns remain exceptional, but the list of eligible care settings was expanded.
- Responsibility for designating alternative placement when a child cannot stay in an oblast now lies with the State Service for Children, not the National Social Service. The latter still approves return orders.

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<sup>11</sup> The State Service on Children approves the terms of reference for the reintegration team, based on its assigned responsibilities. The **interagency reintegration team** includes: a representative of the State Service on Children (team lead); representatives from the oblast child protection services, both from the area of return and the institution's original location; guardianship authorities from the child's place of origin, from where the child's family resides (if the child is not classified as an orphan or deprived of parental care), and from the return location (child protection services and departments for social protection, health, and education at district or local council level); authorized representatives of the National Police at the return location; professionals from local education, health, and social protection institutions, including psychologists, teachers, social workers, pediatricians, and other medical staff, depending on needs (with consent); caregivers responsible for the child's care and upbringing after return; representatives from the Ombudsman's Office (with consent); representatives from the Coordination Centre for the Development of Family-based Child Care (with consent); representatives from the National Social Service or its territorial bodies; representatives from civil society, charities, and international organizations, including relevant specialists (psychologists, social workers, educators, doctors), engaged via a memorandum of cooperation that defines how information, including children's personal data, is to be handled confidentially (with consent).

- The National Social Service now notifies the State Service for Children of initiated but unapproved returns, previously reported to the Coordination Centre, whose role has diminished due to recent government restructuring.

## Other developments

### RD4U

In March, the International Register of Damage (RD4U)<sup>12</sup> expanded its scope by adding six new claim categories: involuntary internal displacement (A1.1), serious personal injury (A2.3), sexual violence (A2.4), torture or inhuman or degrading treatment (A2.5), deprivation of liberty (A2.6), and forced labour or service (A2.7). These build on the initial three categories already in place: death of an immediate family member (A2.1), missing immediate family member (A2.2), and damage or destruction of residential immovable property (A3.1).

The Register is a secure international mechanism documenting eligible claims for damage, loss, and injury caused by Russia's war against Ukraine. It accepts claims through a fully digital process via the Diia portal and records only those that meet clear criteria regarding time, location, and attribution of harm.

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<sup>12</sup> More on the Register is available on the [website](#)