

Legislative Update

on displacement-related legislation | December 2023

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Adopted Legislation

[Passport services abroad](#)

On 5 December 2023, the Government adopted [Resolution #1271](#), amending the procedure for obtaining a first passport for citizens of Ukraine residing abroad (including refugees from Ukraine) who have reached the age of 18, incorporating the rules of the identity setting procedure. This Resolution makes the procedure available online.

When an individual over the age of 18 lacks any identification documents with a photograph, he or she applies to undergo the identity setting procedure to responsible authorities¹ abroad. Alongside the application, the applicant must submit a list of relatives, family members (including ex-spouses), and individuals close to the applicant who can act as witnesses.

While the concept of video conferencing for identity verification is not novel, its application to passport services abroad is now officially sanctioned under this Resolution.

The passport itself is not issued abroad, individuals can receive a certificate for return, enabling them to cross the border into Ukraine and obtain their passport from the State Migration Service offices in Ukraine.

[Identification for pension recipients](#)

On 27 December 2023, the Government enacted [Resolution #1384](#), resuming the identification² requirement for IDP pensioners, who registered as IDPs before 24 February 2022 and who receive pensions in bank accounts. Failure to undergo identification by 31 March 2024, will result in the

¹ Refers to the SE (State Enterprise) "Document," which is an authorized entity operating under the Ministry of Justice and has access to the State Demographic Registry.

² Previously, individuals visited the Oschad Bank or the Pension Fund department in person once every six months to renew their bank card, presenting their identification documents. This requirement was temporarily suspended due to COVID-19 restrictions and later with the introduction of martial law. The government has now reinstated this requirement to verify the status of individuals receiving pensions. This measure aims to address concerns raised by the Ministry of Finance in its monitoring, which indicated that many bank accounts associated with pensions are no longer in active use, raising the potential of misuse of state funds.

suspension of all payments to the affected accounts. The identification³ process will become a routine procedure conducted every six months.

On 20 November 2023, the Pension Fund of Ukraine issued [Order #49-2](#), reinstating the procedure for video identification. Recipients of assistance without access to the Oschadbank or Pension Fund offices can apply for video identification via the Web Portal of the Pension Fund or its contact phone. This process can occur remotely between the Pension Fund employee and the beneficiary through video communication. Both parties must adhere to technical requirements, ensuring a robust internet connection, clear visibility, and audio quality. Moreover, the employee of the Pension Fund is obligated to maintain the confidentiality of the identification process.

During the identification call, individuals are required to provide necessary identification documents and respond to a series of questions⁴ aimed at confirming their identity. The procedure should happen within 30 days after applying, but not in the first ten days after submission.

[Verification of children in foster families residing in occupied territories](#)

On 15 December 2023, the Government of Ukraine adopted [Resolution#1310](#) which mandates that during martial law, the Child Protection Service must conduct monthly contact with family-type orphanages and foster families that are residing in occupied territories.

The Child Protection Service employees use various means to establish contact with adoptive/foster parents. If contact cannot be made within seven calendar days, or the caregivers refuse to provide information about the children, the Child Protection Service will formally record these instances either as a failure to contact or a refusal to inform. This will ultimately lead to the revocation of the caregivers' legal status (these decisions should be made by the State Oblast Administrations) and, consequently, the termination of financial support to these families.

Other developments

[Temporary Commission on Protection of Rights of IDPs and War-Affected Population](#)

On 21 December 2023, the Parliament of Ukraine adopted [Resolution #3535-iX](#), establishing a Temporary Parliamentary Commission on the protection of property and non-property rights of IDPs and the war-affected population.

The Commission is tasked with analyzing the practical application and implementation of legislative acts on the protection of property and non-property rights of IDPs and other war-affected populations, including with regard to compensation for damaged and destroyed housing.

The Commission will also actively engage in the preparation, preliminary consideration, and refinement of draft laws and other legislative acts proposed to the Parliament relating to suitable housing solutions, improving mechanisms for preferential credit and mortgages for land acquisition, housing purchase, and construction, and implementing other financial and credit mechanisms to compensate for damages.

³ Other ways to undergo identification include applying through the portal of digital service with the electronic *Dia*Signature; authorisation in Pension Fund Digital Account; or identification through a Ukrainian diplomatic/consular mission abroad, confirming the fact that the person is alive. More details are available in [Monthly Legislative Update for August](#).

⁴ The list of questions is provided in the Annex to the Resolution.

The Commission will operate for one year from its formation, with its report on completed work required to be presented at a parliamentary plenary session within six months of its establishment.

[Action Plan for the Roma Strategy](#)

On 22 December 2023, the Government adopted [Regulation #1197-p](#), which sets forth an Action Plan for the Roma Strategy.⁵ Goal 2 of the Roma Strategy prioritizes legal assistance and non-discrimination for the Roma community. Several activities are outlined, including facilitating access to identification documents and other civil status documents. This includes ensuring proper birth registration and facilitating the receipt of birth certificates, all aimed at mitigating the risks of statelessness among Roma communities.

Goal 2 of the Strategy includes training programs for government officials on human rights and antidiscrimination strategies and monitoring visits to communities with significant Roma populations to address prejudice. Professional development will be offered to law enforcement authorities to address discrimination, especially in cases of intolerance-driven crimes.

Activity 5 of the plan focuses on enhancing access to free legal aid for Roma individuals, while Activity 7 aims to raise awareness among the Roma community about the functioning of public institutions, rights guaranteed by law, and obligations established by law.

Other goals within the Action Plan encompass areas such as healthcare, education, social protection, and various other issues. Each of these goals entails specific activities and interventions tailored to address the unique needs and priorities of the Roma community, with the overarching goal of enhancing their overall well-being and integration within society.

[Administrative procedure](#)

The [Law on Administrative Procedure](#), enacted on 15 December 2023, aims to standardize administrative procedures⁶ in Ukraine, providing a unified framework for handling administrative cases. It emphasizes the protection of individuals' rights and interests, ensuring their active participation in proceedings and establishing a presumption of the legal correctness of their actions.

For example, the law enables individuals to engage in administrative proceedings directly or through a representative, ensuring transparency and fairness. Moreover, it promotes equity by favoring the individual in case of doubt, thus enhancing justice in administrative processes. Furthermore, by facilitating interdepartmental data sharing, the law simplifies access to information stored in state registers, minimizing bureaucratic obstacles. This measure significantly streamlines administrative procedures, enhancing governance efficiency and effectiveness.

[Compensation for employment of IDPs](#)

On 30 December 2023, the Government adopted [Resolution #1390](#), amending the procedure for providing compensation to employers who hire IDPs. This procedure was initially established by Resolution #331 on March 20, 2022.

⁵ [Strategy for Supporting the Rights of the Roma Community in Ukrainian Society until 2030](#) adopted with Regulation #866-p on 28.07.2021

⁶ An "administrative case" involves matters concerning public-law relationships aimed at protecting an individual's rights, freedoms, or lawful interests. These cases are reviewed by an administrative authority, which can be an executive body, state authority, a local self-government body, their official, or any other entity authorized by law to perform public administration functions.

To be eligible for compensation, employers (excluding budgetary facilities, except for social service providers) must:

- make social insurance payments;
- ensure employees receive a salary not less than the minimum wage; and
- submit regular quarterly/annual tax reports along with their compensation application.

The compensation will be paid for three months, and for six months if the employed IDP has a disability and the employer submits the certificate on disability with the application. The amendments bring about a change in the compensation amount calculation. Previously, it was a fixed sum of 6700 UAH, but now it will be linked to the minimum salary, which is flexible (7100 UAH as of the beginning of 2024, 8000 UAH starting from 1 April 2024) and is adjusted annually with the Law on Budget. Additionally, the amendments specify the criteria for denying compensation to an employer.

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