



## DRC Ukraine Legal Alert: Issue 81 | 1 May – 31 May 2022

### 1. New Law Provides Simplified Access to Unemployment Benefits for IDPs and Conflict-Affected Persons During Martial Law

On 6 May 2022, the President signed [Law No2220-IX](#) introducing flexible rules on a variety of unemployment assistance issues during Martial Law. Following are some of the major changes that will ease procedural burdens of IDPs and conflict-affected persons entitled to unemployment assistance:

- Status of an unemployed person will be granted from the first day of registration of a person in the local office of the State Employment Service
- No mandatory requirement for physical presence at local office if the persons is located in occupied territory or conflict area<sup>1</sup>. Status can be granted based on communication made through alternative means including digital means
- Similar to unemployment status, unemployment assistance will be assigned from the first day of registration
- If a person does not possess the necessary labor documents, the status and benefits will be assigned on the basis of information from State Registers or tax declaration
- IDPs/ persons in conflict area may terminate the employment contract by submitting [an application](#) to the any local office of the State Employment Service

The new law also prescribes that the maximum amount of unemployment assistance shall not exceed 150% of minimum salary. Unemployment assistance will not be paid if a person spent more than 30 days abroad.

### 2. Cabinet Eases Access to Compensation for IDPs Caretaking Certain Categories of Disable and Vulnerable Relatives

**Background:** Under an existing government program, a person providing caregiving services to relatives with certain category of disability and vulnerability is entitled to compensation from the State. The person provided with the care must be a person of 1<sup>st</sup> group of disability, or a child with disability/a child with serious disease (i.e., perinatal damages

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<sup>1</sup> The terminology used herein is quoted from the [Law No2220-IX](#).

of the nervous system, cancer, diabetes etc.), or an old person with cognitive impairment, or a person with terminal illness who cannot take care of himself/herself.

On 7 May 2022, the Cabinet adopted [Decree №591](#) amending the rules for compensation during Martial Law/State of Emergency. From now on if the provider and the recipient of social services become IDP, the compensation will be granted and paid by authorities at the place of their current residence/location.

### **3. Cabinet Establishes Rules on Reunification with Adoptive Parents for Children Displaced Abroad During Martial Law/State of Emergency**

On 24 May 2022, the Cabinet introduced [Decree №618](#) refining rules on reunification with adopted partners for children displaced or evacuated abroad during Martial Law or State of Emergency. Adoptive parents who want to take their children back to Ukraine have to appear in person at a consular office of Ukraine. They must bring the following documents to the consular office:

- Copies of their identification documents
- Copy of a court`s decision on adoption
- Written approval from National Social Service/oblast` or Kyiv city military administration

If the adoptive parents and the child are planning to stay abroad until the suspension of Martial Law/state of emergency in Ukraine, they have to provide a notarized commitment to register the child with a consular office of Ukraine in the country of their stay (the copy of the commitment should be sent to the National Social Service).

Ukrainians living abroad and foreigners will be additionally obliged to provide a notarized written commitment to keep the Ukrainian citizenship of the child till 18 years; to give access for consular representatives to talk to the child; to inform on change of residence of the child; and to report to consular office on health and living conditions of the child. When all formalities are done, the consular officer will issue a document proving the fact of the hand-off. This document will be made in three copies (one – for consular office, second – for National Social Service, third – for adoptive parents).

### **4. Cabinet Further Elaborates Mechanism for Compensation Application for Damaged and Destroyed Property Through Diia App**

On 26 May 2022 [Decree №505](#) comes in force, which elaborates and modifies compensation application process initially prescribed by two earlier Decrees of March 2022. The new Decree brings in the following changes:

	<b>Before</b>	<b>After</b>
<b>Register</b>	–	Register on Damaged and Destroyed Property is established

<b>Register Holder</b>	–	Ministry of Infrastructure
<b>Register Administrator</b>	–	State Enterprise ‘Diia’ under the supervision of the Ministry of Digitalization
<b>Eligibility</b>	Only Ukrainian citizens whose apartments, living premises, private houses, garden and country houses were damaged or destroyed	<p>No link to citizenship</p> <p><b><u>Individuals:</u></b></p> <p>a) Property owner/Customer of objects under construction</p> <p>b) Members of construction and residential cooperatives who have bought apartments/living premises but have not registered the ownership</p> <p>c) Persons investing in construction of objects if permission for such construction has been issued</p> <p><b><u>Legal Persons:</u></b></p> <p>a) Owners of property/customers for constructions of property/Legal persons having the right of economic or operative management over property</p> <p>b) Legal persons investing in construction of objects if permission for such construction has been issued</p> <p>c) Condominium associations/Construction and residential cooperatives/companies managing condominiums</p>

<p><b>Categories of Property</b></p>	<p>Apartments, living premises, private houses, garden and country houses</p>	<ul style="list-style-type: none"> <li>• Buildings (including condominiums) and infrastructure systems</li> <li>• Parts of buildings that are separate immovable objects (garages, parking lots etc.)</li> <li>• Objects under construction with permission for such construction and parts of them that will be considered as separate immovable objects (garages, parking lots etc.)</li> <li>• Infrastructure lines (including those of energy infrastructure)</li> </ul>
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**5. Parliament Revises Laws on Legal Regime in the Occupied Territories<sup>2</sup>**

On 7 May 2022, the President signed [Law №2217-IX](#) amending the Laws on Legal Regime in the Occupied Territories. The amendment defines start day of occupation; regulates legal regime for administrative border, humanitarian corridor, contact line, temporarily occupied and reoccupied territories; accords protection to property ownership rights; and defines jurisdiction of Ukrainian court over occupied territories. Following are two changes that will have significant bearings on the rights of the conflict-affected people:

	Before	After
<p><b>Recognition of Documents</b></p>	<p>Any act (decision, document) issued by the illegal bodies and/or persons in the occupied territories shall be invalid and shall not have legal effect</p>	<p>Any act (decision, document) issued by the illegal bodies and/or persons in the occupied territories shall be invalid and shall not have legal effect <b>EXCEPT documents proving the fact of birth, death, registration</b></p>

<sup>2</sup> The terminology used herein is quoted from the [Law №2217-IX](#).

		<p><b>of marriage/divorce</b> of a person in the occupied territory. The NGCA death, birth and marriage/divorce certificate can be converted to valid Ukrainian document through application to the State Registration of Civil Act.</p>
<p><b>Departure to and from the Occupied Territories</b></p>	<p>Access/Departure is possible only through official check points</p>	<ul style="list-style-type: none"><li>• Across administrative border – through official check points</li><li>• Across contact line – through official State humanitarian corridors or by any other possible means</li><li>• Access to the occupied territories where the hostilities are going on can be limited</li></ul>

## **6. Cabinet Introduces Additional Features of the Diia App to Facilitate Certain Services for IDPs and Conflict-affected Persons**

On May 17, 2022, the Cabinet adopted [Decree №602](#), introducing the following additional features of the Diia App:

- Receive a paper Certificate of IDP registration for those enrolled via the Diia App
- Fix errors in IDP`s personal data (such as bank account number or recipient information) in Diia
- Obtain subsistence aid for IDPs whose property has been damaged/destroyed and who have applied for compensation before May 20, 2022, or who can prove the fact of destruction / damage to property at any time using documents provided by local authorities.

## **7. Cabinet Establishes Council on Psychological Support for Conflict-Affected Persons**

On 7 May 2022, the Cabinet introduced [Decree №539](#) commencing the activities of the Council on Psychological Support. The aim of the Council is to coordinate the activities of central executive bodies in the sphere of psychological support for conflict-affected persons; to develop proposals and amendments to legal acts; and to monitor the implementation of such activities by the State bodies. It is co-headed by the Minister for Reintegration and the Minister of Health.

## **8. Parliament Grants Right to Free Secondary Legal Aid to Persons Without Identification Documents and Victims of Gender-Based Violence**

On 3 May 2022, the Parliament passed [Law №2238-IX](#) granting the right to free secondary legal aid to new categories of vulnerable persons. The persons listed below will have the right to free legal services for drafting complaints and representing their cases in courts, State bodies and local self-government bodies:

- Persons who do not have identification documents to prove their Ukrainian citizenship– only on issues that are related to court`s recognition of legal facts necessary for execution and issuance of such documents
- Victims of gender-based violence, torture or cruel treatment during military actions or armed conflict – only in criminal cases initiated as a result of these crimes.

## **9. Cabinet Presents New Rules for Prolongation of Certificate of Large Family**

On 3 May 2022, the Cabinet adopted [Decree №558](#) amending the Procedure for extending Certificate of Large Family during Martial Law. Such Certificate is needed for accessing additional social benefits, and it permits a man of 18-60 years old to leave Ukraine during Marital Law. Under the new rule, one of the parents has to submit an application to the local organ/TSNAP in the place of their actual residence along with the following documents:

- Identification documents
- Birth certificate or certificate from educational institution of child/children
- Original copies of large family certificates and certificates of a child from large family
- 30x40 mm photos of parents and children older than 6 y.o.

## **10. Cabinet Introduces Radical Measures to Simplify Provision of Social Services During Martial Law and State of Emergency**

On 7 May 2022, the Cabinet adopted [Decree №560](#) outlining simplified procedures for obtaining certain State social services during Martial Law or state of Emergency. Accordingly:

- Urgent social services may be provided on the basis of a simplified procedure which include oral application, an approval shall be granted instantly and the implementation of an approval shall be done within a day instead of the normal ten-day process
- Where the person seeking social services do not possess the required documents, social services may be provided only on the basis of application
- Application for social services may be made through Diia Web Portal and Diia Mobile App

- Locations where social services are provided must be equipped for safe existence (food, water, place to stay during shelling)
- There is no requirement of monitoring of quality of social services during Martial Law/State of Emergency and three months after suspension
- When an IDP applies for an IDP Certificate, the body authorized for provision of social services must inform the IDP about social services he/she may be entitled to; and where necessary, coordinate the assessment of the needs of such person
- Military administrations and local executive bodies must analyze the number of IDPs under their respective jurisdictions in order to assess the overall needs of social services
- A person may apply for social services in the location of his/her declared or registered place of residence
- Social workers and volunteers may be engaged in social service without documents proving their professional level.

### **11. Cabinet Authorizes the Unified Civil Defense System to Define Territories in Need of Mine Action and Restoration**

On 7 May 2022, the Cabinet adopted [Decree № 545](#) assigning new roles to the Unified Civil Defense System, which, in addition to its regular functions, will be responsible for:

- Elimination of consequences of war and emergencies in affected areas
- Taking measures for the restoration of critical infrastructure
- Identification of inhabited locations and regions in need of mine action.

### **12. Cabinet Launches Experimental Project on Issuance of National and International Passport Through a Single Application Process**

On 7 May 2022, the Cabinet adopted [Decree №541](#) launching an experimental project on issuance of national and international passport through a single application process. Application has to be submitted to the local office of the State Migration Service/TSNAP or the State Enterprises functioning under the supervision of the State Migration Service along with the required documents. The issuance of passport should not take more than 20 days under normal procedure, or 7 days under urgent procedure.

### **Other Developments**

- 1. Cabinet Designs Check Points Ustylug, Hrushiv and Maly Bereznyi as those where Citizens May Transport Vehicles Bought Abroad** ([Decree №354-p](#) of 3 May 2022)
- 2. Customs Service Will Not Exercise Control over Non-Food Products During Martial Law** ([Decree №550](#) of 3 May 2022)
- 3. Parliament Approves Prolongation of Martial Law and Mobilization for 90 Days from 25 May 2022** ([Law №2263-IX](#) of 22 May 2022 and [Law №2264-IX](#) of 22 May 2022)
- 4. Cabinet Terminates Agreement on Medical Insurance for Ukrainians Who Temporarily Stay in Russian Federation and Russians Who Temporarily Stay in Ukraine** ([Decree №611](#) of 20 May 2022)
- 5. Cabinet Allocates 200 million UAH to Kyiv Military Administration for Restoration and Repair of Damaged Residential Properties and Civilian Infrastructure** ([Decree №433-p](#) of 31 May 2022)
- 6. Cabinet Assigns “Ukrainian Peacebuilding Center” Managed by the Ministry of Reintegration to Act as National Information Bureau in Accordance with the Provisions of 1949 Geneva Convention Relative to the Protection of Civilian Persons** ([Decree №434-p](#) of 31 May 2022)

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