



DRC / DDG LEGAL ALERT: Issue 41 June 2019

1. Cabinet Introduces Special Regulation On IDP Temporary Housing

Background: In January 2018, the Cabinet added IDPs to the list of social groups eligible for the temporary housing programme under Cabinet Resolution No. 422 of 2004.¹ The programme was originally designed to provide temporary housing to the refugees and citizens of Ukraine who lost their housing under mortgage agreements.² The 2018 Cabinet initiative was limited in nature as it neither established internally displaced persons (IDPs) as a priority group nor provided separate funding for IDPs.

Recent Development: On 26 June 2019, the Cabinet issued Resolution [No. 582](#), adopting procedures on the provision of temporary housing to IDPs. Under these procedures, the separate temporary housing stocks available exclusively for the purposes of IDP temporary housing are to be formed. The mechanism also introduces a priority scoring system to reach out to the most vulnerable applicants first.

Eligibility criteria:	Housing characteristics:
<ul style="list-style-type: none"> • Neither the IDP nor any of her/his family members have a habitable housing condition apart from: <ul style="list-style-type: none"> ○ housing located within the non-government controlled areas (NGCA) or contact line, zones of JFO or ‘ATO’³ operations, or Crimea; ○ housing damaged or destroyed as a result of the conflict; • IDP’s enrolment to any of the queues for social housing does not disqualify him/her from the IDP temporary housing programme and vice versa. 	<ul style="list-style-type: none"> • Free; • Available for 1 year with an option to reapply for another 1-year period. This option can be used multiply times unless the person no longer fulfils the eligibility criteria; • To be provided within the community where the IDP is registered; • At least 6 square meters of housing area per person; • Not to be privatised, exchanged, rented, or used for providing housing to other individuals.

¹ For additional information please see DRC-DDG [Legal Alert](#) Issue 22 – January 2018, Section 1.

² In the start of 2000s the mortgage practice only started to develop in Ukraine. With limited legislative regulation and understanding of the mortgage in the society, it resulted in significant number of Ukrainian citizens who have lost their housing failing to fulfil the mortgage terms.

³ ‘ATO’ – ‘Anti-Terrorist Operation’ – and JFO – Joint Forces Operation – are two subsequent legal regimes introduced to provide legal background for the governmental military operations on the East of Ukraine. For more information on ‘ATO’ and JFO please see DRC-DDG [Legal Alert](#) Issue 22: January 2018, Section 1, and DRC-DDG [Legal Alert](#) Issue 25: April 2018, Section 2.

Procedure for the forming of housing stock for IDP temporary housing:

- The housing stock is to be formed by the local councils or civil-military administrations (where applicable) who will also be responsible for their maintenance;
- Housing stock for the programme is to be formed through:
 - Construction of new housing;
 - Purchasing of housing (funded on the basis of 50%–50% from the state and local budgets);
 - Reconstruction of the existing housing (including dormitories) and refurbishment of the non-residential premises into housing.

Priority scoring system:

The procedure introduces a ranking system for applicants using the criteria of vulnerability. The ranking system has been developed on the basis of the Georgian model studied through the experience exchange programme between Georgian and Ukrainian governments, which was facilitated by DRC-DDG Ukraine. The ranking is done through the scoring system which operates on two principles:

Paramount criteria:	Supplementary cumulative criteria:
<ul style="list-style-type: none"> • Family with 3 and more underage⁴ children – 27 points • Family with 2 underage children – 26 p. • Family with a underage child – 25 p. • Family with a pregnant woman – 24 p. • Family with a differently-abled person – 23 p. • Family with a pensioner – 22 p. <p>If any of the paramount criteria is present, the supplementary cumulative criteria do not apply <i>unless</i> their sum is bigger than the paramount one.</p> <p>If several of the paramount criteria apply, they do not stack. Instead, the higher one is selected.</p>	<ul style="list-style-type: none"> • Family where one of the parents died fulfilling his/her military duties under JFO/‘ATO’ – 3 p. • Family with a veteran – 2 p. • Family with a child victim of the conflict – 2 p. per child • Big family (with 3 or more children) – 2 p. • Single parent with a child – 2 p. • Family with low income – 3 p. • ... and other criteria <p>Supplementary cumulative criteria apply if there is no relevant paramount criteria OR if the sum of the cumulative points is higher than the relevant paramount criteria.</p>

Note: Applicants who have the same priority score subsequently are ranked based on the time of registration of their application.

Prospect of the programme depends on allocation of state funding from the state budget as well as on local councils’ capacity to fund the remaining half.

⁴ Ukrainian law outlines two groups of children based on their age: minors (under 14 y.o.) and underage (up to 18 y.o.).

2. Cabinet Provides Additional Benefits to Servicemen of State and Communal Bodies in Contact Line Areas

On 5 June 2019, the Cabinet adopted Resolution [No. 468](#) entitling servicemen of state and communal bodies working in the contact line areas with additional benefits.

Scope of the benefits:

- Benefits’ size to be determined by heads of respective state or communal bodies with the maximum benefit not exceeding 50% of the salary;
- Minimum level of benefits is not provided;
- Benefits to be provided until the dissolution of the Joint Forces Operations in the area.

Potential beneficiaries of the Resolution:

- Employees of schools, hospitals;
- Employees of communal bodies providing public services, e.g. public transport services;
- Employees of local councils and civil-military administrations;
- Employees of other bodies funded by state or local budgets.

On the funding perspectives: The Resolution directs heads of civil-military administrations and *recommends* local councils to ensure funding for the additional benefits under the local budgets.

3. Cabinet Amends Procedure On Entering/Exiting Crimea

On 5 June 2019, the Cabinet adopted Resolution [No. 474](#) amending procedure for entering and exiting Crimea. The amendment focuses on movement of individuals travelling to obtain Ukrainian IDs and children under the age of 16.

Salient provisions of the Resolution:

Person of concern	Amendment
Individuals travelling back to Crimea after attending State Migration Service to obtain a Ukrainian ID:	Entering Crimea is allowed based on special certificate issued by Ukrainian Migration Service.
Children under the age of 16 years entering mainland Ukraine without an ID accompanied by one of the parents or the guardian:	Entering mainland Ukraine is allowed based on birth certificate of the child and Ukrainian ID of the parent/guardian. In case when the child is accompanied by a guardian, the guardianship certificate is also required.
Children under the age of 16 years entering mainland Ukraine without a parent or guardian:	The entry is to be allowed regardless of the documentation status; officers of the Border Guard must inform the National Police about the case and transfer the child to local Custody Service. The Custody Service is responsible to provide care and housing to the child.

4. Parliament Introduces Fines for Illegal Wearing of Military Uniform and Criminalises Desecration of ‘ATO’ and Maidan Monuments

On 6 June 2019 the Parliament adopted [Law No. 2747](#) penalizing illegal wearing of military uniform and criminalizing destruction and desecration of certain monuments:

Action	Liability
Illegal wearing of military uniform:	Administrative fine from 2 550 UAH to 3 400 UAH;
	If committed repeatedly – administrative fine from 3 400 UAH to 6 800 UAH or mandatory community services from 30 to 40 hours.
Desecration or destruction of monuments devoted to ‘ATO’ and Maidan events or activists fighting for independence of Ukraine in the 20th century:	Criminal liability; imprisonment from 3 to 5 years;
	If committed repeatedly, by a group, or if combined with use or threat of violence – imprisonment from 4 to 7 years.

5. The Parliament Adopts Law On Legalisation of Foreigners and Stateless Persons Providing Assistance to Ukrainian Army

On 6 June 2019, the Parliament adopted Law [No. 2743](#) concerning legalisation of stay in Ukraine for foreign citizens and stateless persons who provide voluntary service to Ukrainian Armed Forces within the ‘ATO’ or JFO or serve in Ukrainian Armed Forces (**persons of concern**).

Scope of the Law:

- Military ID: Possession of military ID by persons of concern is sufficient for legalised stay in Ukraine;
- Temporary residence: persons of concern are entitled to apply for a temporary residence;
- Prohibition of extradition: persons of concern cannot be extradited to countries which voted against the UN Security Council’s Resolution [No. 68/262](#) ‘Territorial integrity of Ukraine’ on 27 March 2014 (11 countries including Russia, Belarus, Armenia);
- Simplified citizenship application procedure with no requirements with regard to:
 - Proof of income and knowledge of the Ukrainian language;
 - Obtaining immigration permit;
 - 5 years of uninterrupted physical presence in Ukraine.

Some terminology used in this issue of the Alert are taken from the draft laws or current legislation and do not necessarily reflect the position of DRC-DDG.

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This document is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of Danish Refugee Council and do not necessarily reflect the views of the USAID or the United States Government.

This document has been funded by UK aid from the UK government; however, the views expressed do not necessarily reflect the UK government's official policies.