

# Legislative Update

on displacement-related legislation | January-February 2024

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## Adopted Legislation

### [Temporary housing for IDPs](#)

On 9 January 2024, the Government adopted [Resolution #7](#), amending the regulation of the temporary housing stock for IDPs. The Resolution introduced a provision that IDPs or their families are ineligible for temporary housing if they possess habitable property with an area exceeding 13.65 square meters per person unless it is located in areas of active hostilities or occupied territories. The Resolution also provides that the absence of temporary housing stock can not be used as the sole reason for the rejection to register an applicant for the temporary housing queue. These provisions aim to highlight the scale of needs for IDP temporary housing.

Furthermore, the new procedure ensures that relocated councils or military administrations can establish temporary housing stock and allocate it to IDPs even beyond their territorial jurisdiction (if such housing has been created with funds raised by relocated councils). Simultaneously, IDPs originating from the community where the council/administration relocated from could be granted priority in receiving temporary housing.

### [Compensation framework updates](#)

On 16 January 2024, the Government introduced [Resolution #39](#), which amends the compensation framework, in particular the procedure for providing compensation for destroyed housing. The Resolution now stipulates the maximum compensable area: 150 square meters for apartments and 200 square meters for standalone housing. Any area beyond these size limits will be documented in the Register of Damaged and Destroyed Property, although it will not be eligible for immediate compensation. These records could be used in a scenario when new reparation or other compensatory mechanisms become available.

For destroyed standalone housing, the monetary compensation for constructing a new house is provided in two tranches: 50% is paid upon the compensation decision being approved, while the remaining 50% is paid after the homeowner applies to the commission stating completion of interim construction works and their verification. The Resolution also outlines specifics of the verification process and amends technical aspects of calculating compensation.

The Resolution streamlines the termination of ownership rights for destroyed housing due to its destruction. Now, owners can terminate their property rights based on an extract from the State Register of Damaged or Destroyed Property, which can be obtained from the local council or a notary. Additionally, the amended procedure enhances the implementation of the housing certificates compensatory mechanism. Once funds are reserved for such certificates, applicants have a 30-day window to terminate ownership rights to the destroyed property and complete the purchase agreement.

With [Law #3588-IX](#), adopted by Parliament on 22 February 2024, the use of housing certificates to fund mortgages, including preferential mortgages under the eOselia programme, has been established.

### [Resilience Centers](#)

On 23 January 2024, the Government adopted [Resolution #83](#) concerning the operation of resilience centers. These centers were established as complex social services, bringing together providers of various social services and serving as an entry point for those seeking assistance. They streamline access to resources and save time for both residents and specialists. Importantly, this also entails organizing space where specialists can provide their services seamlessly. These centers were initially established as a pilot project by the Ministry of Social Policy in October 2023.<sup>1</sup>

The current Resolution places a stronger emphasis on technical requirements, particularly the determination of an overseeing body, which must be either a local council or, if unavailable, a military administration. This governing body is tasked with managing the centres, informing local residents about its activities, and ensuring compliance with technical standards. These standards include compliance with fire safety and sanitary norms, accessibility and inclusivity for individuals with disabilities or mobility impairments. Additionally, the Resolution requires that there should be sufficient rooms and spaces for specialists and visitors to effectively accommodate the needs of both staff and individuals seeking assistance.

At the same time, the Ministry of Social Policy and the National Social Services Agency were assigned to provide local councils with methodological support and guidance on the operation of resilience centers.

### [IDP subsistence allowance and other social benefits](#)

On 26 January 2024, the Government enacted [Resolution #94](#), amending the framework on social benefits, notably the IDP subsistence allowance payment.<sup>2</sup> On 1 March 2024, amendments came into effect that (i) resulted in certain groups of IDPs being excluded from continuing to receive the IDP subsistence allowance payment and (ii) divided eligible IDPs into two groups: those granted an automatic extension of payments for the next six months and those required to reapply for the continuation of assistance.

Despite the decrease in the number of IDPs eligible for subsistence allowance, the Government introduced changes to Resolution #250 dd. 24.02.2003 “On Low-Income Families Assistance“, ensuring that IDP households meeting the resolution criteria will receive assistance for low-income households.

Also, Resolution #94 introduces a change to Resolution #250 dd. 13.03.2019 “On Assistance to Families with Many Children“, by including families of refugees and individuals who have received

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<sup>1</sup> Please read more in [Monthly Legislative Update for October](#).

<sup>2</sup> Please read more in [TLU on amendments to the subsistence allowance payments \(Jan2024\)](#).

complementary protection in Ukraine and who have three or more children into the list of people eligible for such assistance.

### [Government Priority Action Plan for 2024](#)

On 16 February 2024, the Government adopted [Regulation #137-p](#), introducing the Government Priority Action Plan for 2024. The document outlines a list of prioritized areas, detailing activities to be undertaken, responsible authorities, timelines for completion, and indicators for evaluating success and the expected outcomes.

Notable among these priorities is the European Integration agenda, which includes a list of initiatives aimed at effectively integrating and implementing EU standards within the Ukrainian legal framework, as well as efforts on common borders, coordination, and cooperation. The overarching objective is to advance Ukraine's alignment with the European Union.

The "Ukrainian Shield" priority area is primarily focused on defence and the military, with a sub-area dedicated to humanitarian demining. This sub-area covers assessment of heavily mined areas, establishing a register of mined areas, prioritizing demining efforts, developing relevant legislative frameworks, producing and certifying demining equipment, and capacity building of the State Emergency Service.

Another significant area is the Rebuilding of Destroyed Infrastructure. This involves assessing the scope of destroyed and damaged property, including through the third Rapid Damage and Needs Assessment (RDNA3) conducted jointly with the World Bank, UN, and European Commission. This priority extends to enhancing the legal framework on compensation procedures, expanding the Register of Damaged and Destroyed Property, and amending legislative acts related to housing policy and infrastructure projects. The Ministry of Infrastructure of Ukraine is designated as the main responsible state agency for most activities within this area.

The Social Transition priority area includes various initiatives aimed at implementing new protection strategies for the most vulnerable groups, including orphaned children, children deprived of parental care, people with disabilities and limited mobility, and older people in geriatric facilities. Key activities include supporting evacuations from conflict areas, providing assistance to evacuees and those in recently liberated areas, promoting employment for IDPs and returnees and ensuring the realization of their housing rights, including ongoing support for the Prykhystok program and civil war prisoners.

Other important priority areas include the economy, digitalization, rule of law, sanctions, energy sector, decentralization, science and technology, medicine and healthcare, consolidation of Ukrainian society, and environmental protection.

### [Temporary identity document of a citizen of Ukraine](#)

On 23 February 2024, the Government passed [Resolution #194](#), initiating a pilot project for issuing temporary identity documents to citizens of Ukraine residing in conflict-affected or occupied areas.

Given the challenges individuals living in such areas may face to apply in person to the State Migration Service, the application process was amended to allow submissions by legal representatives,<sup>3</sup> relatives, or the Ministry of Reintegration.

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<sup>3</sup> The list of relatives eligible for submitting the application is listed in the Resolution.

Temporary identity documents may be granted to citizens of Ukraine residing in occupied territories or conflict zones (i) who have lost their passports but are registered in the State Migration Service database or (ii) to children under the age of 18.

To obtain a temporary identity document, applicants must provide:

- A detailed application containing an individual's full name, unique demographic register number, lost passport number, etc.
- For children: a document, confirming birth registration, which could be a birth certificate or its notarized copy, a birth certificate received abroad, a digital certificate of civil status, and an extract from the State Register of Civil Status Acts. A 10x15 cm photo is also required for children to be included in the database.
- Documentation confirming the applicant's right to apply on behalf of the individual, such as documents verifying family relations or legal representation. If such documents are unavailable, the State Migration Service representatives can verify this information through their databases.
- When the Ministry of Reintegration applies on behalf of the individual, they submit the application containing an individual's full name, unique demographic register number, and lost passport number.

Temporary identity documents cannot be used to apply abroad for a Ukrainian passport; individuals must still come to Ukraine to obtain a passport. Temporary identity documents are valid for 3 months and should be issued within 15 days of the submission of the application.

### Pension Indexation

On 23 February 2024, the Government adopted [Resolution #185](#) on the indexation<sup>4</sup> of pension payments<sup>5</sup> to enhance the protection of the most vulnerable groups. The increase in pension resulting from these recalculations cannot be less than 100 UAH or more than 1500 UAH to their monthly payments. Pensions unaffected by indexation, as per Resolution, receive a monthly supplement of 100 UAH.

Additionally, the Resolution establishes minimal pension payment for some categories of pensioners depending on their age and working experience<sup>6</sup> when they were paying taxes to the Pension Fund. The minimum amount guaranteed is 2,725 UAH for pensioners for pensioners with less years of contributions to the Pension Fund.

## Draft Legislation

### Draft Law on Citizenship

On 22 January 2024, the Parliament registered [Draft Law #10425](#), which proposes amendments to the Law on Citizenship and changes to the migration policy. While this draft law is a step towards streamlining policies, certain provisions raise concerns as it expands the list of grounds for losing Ukrainian citizenship and narrows the list of people eligible for citizenship.

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<sup>4</sup> Indexation is a legislatively defined mechanism for increasing the monetary incomes of the population, which enables partial or complete compensation for the rise in the prices of consumer goods and services. The indexation coefficient is 1.0796.

<sup>5</sup> Indexation applies to pensions granted up to 31 December 2023, inclusive.

<sup>6</sup> In many cases, women are eligible for pensions with 5 years less work experience compared to men of the same age

Specifically, the draft law states that a person loses their Ukrainian citizenship in case of voluntary acquisition of the citizenship of the Russian Federation. It defines the 'voluntary acquisition' of citizenship as any acquisition of citizenship whereby the person submits a request or petition to acquire the citizenship of another state. It also makes a reservation that the forced automatic acquisition of Russian citizenship by Ukrainians living in occupied territory is not recognised and does not constitute a ground for the loss of Ukrainian citizenship. While the draft law exempts those who automatically received Russian citizenship, the only factual circumstances in which citizenship was extended automatically to residents of occupied territories (i.e. where they did not need to apply) was in 2014 after the occupation of Crimea. As documented by OHCHR,<sup>7</sup> many people in occupied territory acquired Russian citizenship as a result of a general climate of fear, coercion from occupation authorities or their employers, and financial pressure. The current draft law does not take into account the wider conditions in which residents of occupied territories acquired a Russian passport and places the burden to prove the forced or compelled character of imposition of citizenship on the individual and therefore may result in people being unfairly stripped of their Ukrainian citizenship.

Another aspect of the Draft Law that raises concerns is the denial of citizenship to individuals deemed national threats, yet neither this draft nor existing Ukrainian legislation offers clear definitions or criteria for identification. This lack of clarity in the current legal framework risks unchecked discretion, undermining legal certainty.

Articles on acquiring citizenship exclude<sup>8</sup> children born to asylum seekers in Ukraine, even if they have lawful presence through asylum seeker certificates. The same exclusion applies to children born to holders of complementary protection. Both certificates confirm legal stay but do not grant permanent residence permits. Meanwhile, the right to citizenship is linked to parents' possession of residence permits rather than their legal stay status. This contradicts not only the Constitution of Ukraine<sup>9</sup> but may also not be in keeping with Ukraine's international obligations to eradicate statelessness.<sup>10</sup>

## **MONTHLY LEGISLATIVE UPDATES | THEMATIC LEGISLATIVE UPDATES**

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<sup>7</sup> <https://www.ohchr.org/en/documents/country-reports/human-rights-situation-during-russian-occupation-territory-ukraine-and>

<sup>8</sup> Previously, a child's right to citizenship was tied to the legal status of their parents' stay. However, the current draft proposes granting citizenship to children born to foreigners with permanent residence permits. The Ukrainian legal framework does not equate legal stay with temporary or permanent residence permits, and the proposed language in the draft Citizenship Law therefore removes a right which previously existed under the law.

<sup>9</sup> Article 22 of the Constitution of Ukraine states that when adopting new laws or amending existing ones, narrowing the scope or content of existing rights and freedoms is prohibited.

<sup>10</sup> Article 1 of the Convention on the Reduction of Statelessness of 1961 obligates signatory states to grant citizenship to a person born on its territory who would otherwise be stateless.