

Legislative Update

UNHCR update on IDP Registration in Ukraine | March 2022

Background

In October 2014, the law on rights and freedoms of Internally Displaced Persons (IDPs) was adopted. It introduced the status of an internally displaced person into Ukrainian law, fully in line with the definition used in the UN Guiding Principles on Internal Displacement¹. In November 2014, the Cabinet of Ministers adopted Resolution 509 on IDP registration according to which IDP status is confirmed through an IDP certificate. The certificate is issued by social protection departments in hosting communities. Another Cabinet of Ministers Resolution # 505 introduced a financial entitlement for IDPs, called “targeted assistance to IDPs to cover certain housing expenses including utilities”. The assistance was not time bound and could be prolonged every six months. At a later stage, the government adopted Regulation 1085-r with the list of settlements in Donetsk and Luhansk oblast which were considered to be outside of Government control. Allocation of the assistance is possible only to people who fled one of settlements mentioned in this Regulation. To prevent duplications and ensure that collection of information on IDPs is centralized, the Unified IDP Registry was established and is maintained by the Ministry of Social Policy. So, in February 2022, Ukraine is a country with the well-developed and functioning IDP registration system where authorities have knowledge and skills on how to use it.

Registration of IDPs after 24 February 2022

Shocked by the Russian offensive, the Government has concentrated its efforts on defense. There were no instructions to the local social protection departments on the course of actions with regard to IDPs. Moreover, the overwhelming number of displaced individuals has resulted in a situation where local authorities are concentrating on assisting people arriving from eastern, northern and southern oblasts. In order to be able to respond to rapidly emerging needs, local authorities have started their own registration with only pen and paper. In parallel, the Ministry of Social Policy began considering the introduction of a new “status” of a “temporary relocated person”. Thanks to advocacy within the government (Ministry of Reintegration, Ministry of Digitalization) and following UNHCR intervention, through a letter to the Ministry of Social Policy and multiple authorities, including Office of the Ombudsperson, on 13 March the Cabinet of Ministers adopted a resolution concerning IDP registration after the launch of the ongoing military offensive.

¹ “Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”.

Content

On 13 March, the Government adopted its Resolution #269 introducing amendments to Resolution #509 on IDP registration².

These amendments are aimed at ensuring that IDP registration is available to anyone who was forced to flee their homes due to the large-scale hostilities. The amendments include the following:

- Application for IDP certificate can be done remotely through Diya portal or Diya app (still to be operationalized)
- IDP registration is the primary responsibility of local social protection departments which have access to the Unified IDP Registry. Since they do not have enough capacity to register all IDPs quickly, the government extended functions of IDP registration to other authorities.
- Under martial law a person can be registered as an IDP by the executive bodies of local councils (city/rayon at the city/village level) or at a centre for the provision of administrative services (known as TsNAP). These institutions serve as front offices: they issue IDP certificates to applicants and prepare e-submissions for the inclusion of people to the IDP centralized database maintained by the Ministry for Social Policy. *Therefore, there may be delays in the issuance of an IDP certificate after inclusion in the database. This has no implications for IDPs and affects only information management.*
- The government has still limited the possibility to register as an IDP to people fleeing certain geographic areas³: Kyiv city and Kyiv Oblast and Volyn, Donetsk, Zhytomyr, Zaporizhzhia, Luhansk, Mykolaiv, Odesa, Sumy, Kharkiv, Kherson and Chernihiv Oblasts.
- The Government may allocate compensation to cover expenses for temporary shelter for IDPs, who do not receive IDP-targeted assistance. According to the current legal framework, only IDPs from Crimea, Donetsk and Luhansk oblasts (as provided for in Regulation 1085-r) are entitled to the targeted assistance. The regulation on how to access compensation to cover expenses for temporary shelter is pending elaboration by the government.

² . The full text is available online (in Ukrainian): [Про внесення змін до Порядку оформлення і видачі довідки про взяття на облік внутрішньо переміщеної особи | Кабінет Міністрів України \(kmi.gov.ua\)](#)

³ The list is provided in Regulation #204-p and text is available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/204-2022-%D1%80#Text>