





DRC's Legal Alert: Issue 116 | 1 – 31 March 2025

1. RD4U Opens Claims Category for Missing Immediate Family Members

Background: RD4U¹ is the first² component of the future international compensation mechanism, serving as a record of claims and evidence related to damage, loss, or injury caused by the full-scale invasion. It will not be used to evaluate the claims, determine their value, or make any payments. There are 45 categories of claims, depending on the type of damage, loss, or injury. As of March 11, 2025, claim categories A3.1 (dedicated to damage or destruction of residential immovable property) and A2.1 (covers the death of an immediate family member) are open for submission.

Recent developments: On March 12, 2025, a new claim category, A2.2 (missing immediate family member), <u>was opened</u> for submission, allowing people whose immediate family members went missing due to the full-scale invasion to submit a claim for compensation.

There are general eligibility criteria that apply to each category of claims. Claims must relate to damage, loss, or injury caused:

- On or after 24 February 2022;
- within the territory of Ukraine and its internationally recognised borders, including its territorial waters:
- by the Russian Federation's internationally illegal actions in or against Ukraine.

In addition to these criteria, there are specific rules applicable to the category A2.2:

What type of damage is covered under category A2.2?	Mental pain and anguish caused by the disappearance of an immediate family member.
What if the disappearance of an immediate family member also caused financial losses?	Claims for financial losses due to the disappearance of an immediate family member can be submitted under the category A3.7 (other economic losses).
Who is a «missing person»?	 The person, whose whereabouts are or had been unknown;

¹ Register of Damage Caused by the Aggression of the Russian Federation against Ukraine

² The future Compensation Mechanism is yet to be determined but may include a claims commission and a compensation fund to review claims and provide payments

	 who has been reported as missing³.
How many claims can be submitted regarding the same missing person?	Each immediate family member may submit a separate claim for the same missing person.
Who may be considered an immediate family member?	 The missing person's parent⁴; the missing person's spouse⁵; the missing person's children⁶.
Are individuals other than immediate family members entitled to submit claims?	Non-immediate family members can submit a claim if they prove financial or other dependence on the missing person ⁷ .
What evidence should be provided?	 Claimants must provide information about: their identity; the missing person's identity; their relationship; the circumstances of the disappearance⁸. Claimants do not need to provide evidence related to the amount of compensation for this category of claims.
How should claimants submit a claim?	Currently, claims can only be submitted digitally through <u>Diia</u> 9.
What if a missing person is found or declared deceased?	Claimants should provide this information by updating their claims.

³ An individual registered in Ukraine's Unified Register of Persons Missing Under Special Circumstances is considered a missing person.

⁴ Biological, legally recognised adoptive parent or stepparents.

⁵ By way of legal marriage or a civil partnership.

⁶ A biological child, legally recognized adopted child, or stepchild (the child of a spouse or civil partner).

⁷ Such claimants should provide evidence proving: 1) their family relationship with the missing person; 2) their particularly close ties with the missing person; and 3) elements of dependence on the missing person.

⁸ Approximate date of disappearance, last known whereabouts, type of event surrounding the disappearance, description of the disappearance, entry in the Register of Missing Persons, information about the relevant law enforcement investigation (if applicable).

⁹ In the future, claimants will be able to submit claims through Centers for Provision of Administrative Services (in paper format) or appoint a representative via Diia for claim submission (Digital Authority).

According to the information on the official <u>website</u> of the RD4U, claims can currently only be submitted for individuals officially registered as missing in Ukraine's Unified Register of Persons Missing Under Special Circumstances.

Important Details:

- If a person went missing outside Ukraine, immediate family members may submit a claim if there is a direct connection between the disappearance and the full-scale invasion.
- If the missing person was in the military or law enforcement, immediate family members are still entitled to submit a claim.

What is next: After a claim is submitted, the Secretariat of the RD4U will review the claim against the eligibility criteria and prepare recommendations regarding its recording in the Register. The Board of the RD4U will decide whether to approve the claim for recording in the Register, reject the claim, or return it for further processing by the Secretariat. All communication with claimants happens exclusively through Diia.

2. The Parliament Abolishes Administrative Fee for Issuing Passports for Those Released from Captivity

Background: Due to the war, many Ukrainians have been illegally deprived of their liberty. Among them are prisoners of war and civilians protected by the Geneva Conventions. One of the most urgent needs of such Ukrainian citizens is the rapid issuance of a passport, because without an identity document, it is impossible to realize their rights as stipulated by the legislation.

Persons illegally deprived of their personal liberty – citizens of Ukraine taken hostage as a result of international armed conflict, deprived of their liberty, as well as captured by the opponent state as prisoners of war.

This category also includes foreigners and stateless persons who, at the time of their deprivation of liberty (capture), were serving in the Armed Forces of Ukraine or other military formations established in accordance with the laws of Ukraine.

Recent developments: On 25 February 2025, the Parliament adopted <u>Law Nº 4257-IX</u>, according to which, a person who was held in detention as a result of war in Ukraine will not have to pay an administrative fee when obtaining a Ukrainian passport. However, the condition is that the person must apply for a passport within one year of being released from detention.

A passport will be issued to such people no later than three 3 working days from the date of submission of the application form.

The total cost of the administrative fee for issuing a passport of a citizen of Ukraine in the form of an ID-card within 20 working days is UAH 558 (cost of administrative service - UAH 126 and the cost of the form - UAH 432).

According to the official information of the Coordination Staff for the Treatment of Prisoners of War, from February 24, 2022, to February 2025, 61 POW repatriations were carried out and 4131 people were released:

- 3879 men (3749 military and 130 civilians);
- 252 women (209 military and 43 civilians)¹⁰.

3. «Prykhystok» Program: From 1 March, 2025, Compensation Appointment and Payments Are Managed by the Pension Fund

Background: <u>«Prykhystok» Program</u> is still active in Ukraine, offering financial compensation to housing owners¹¹ who provide free housing for internally displaced people (IDPs).

Since the start of the full-scale invasion, nearly 1.2 million IDPs have benefited from the «Prykhystok» Program. Currently, around 65,000 households are participating in the program, hosting over 160,000 IDPs¹².

Recent developments: According to the Cabinet of Ministers <u>Resolution № 1544</u>, since 1 March, 2025, the procedure for providing and paying compensation for utilities and temporary housing for IDPs has been managed by the Pension Fund.

Housing owners can submit documents online through the Pension Fund's e-services portal or via the Pension Fund mobile app. The online submission process significantly simplifies the compensation procedure and speeds up payments.

How to receive compensation: For housing owners already participating in the program, payments will continue automatically, and no additional actions are required.

Those who wish to apply for the first time or have hosted IDPs after 1 January, 2025, should contact the Pension Fund starting from 1 March, 2025. The application can be submitted through the Pension Fund's e-services portal or in person at a Pension Fund service centre¹³.

Compensation provisions: Compensation is paid to the housing owner for 6 months, with the possibility of automatic extension for another 6 months after verification ¹⁴.

The amount of compensation is 450 UAH per month per hosted IDP.

¹⁰ Coordination Headquarters for the Treatment of Prisoners of War.

¹¹ "The term "housing owner" refers to individuals who are citizens of Ukraine or their representatives. The housing owner is the one who can apply for this compensation - in other words, the housing owner is the applicant under this program.

¹² https://dnipr.kyivcity.gov.ua/news/finansuvannia-prohramy-prykhystok-prodovzheno-do-kintsia-roku

¹³ The list of Pension Fund service centers across Ukraine: https://www.pfu.gov.ua/2152993-servisni-tsentry-gu-pfu/

¹⁴ The verification refers to the check carried out by the Pension Fund to determine the eligibility of IDPs to receive compensation for expenses for the second six-month period.

Cases when compensation is not granted:

- The housing owner and the IDP are immediate family members (parents, spouse, children, including adopted children).
- The IDP has not lived at the address where compensation is provided 15 for more than a month or has been abroad for more than 30 consecutive days at the time of the verification.
- Within 3 months before the application, the IDP has purchased, received as a gift, or obtained any housing on preferential terms.
- The hosted person (the IDP) receiving other housing and utilities subsidies or privileges.

4. The next 6-month extension of the IDPs allowances

Background information:

- (1st period September 2023 February 2024) On 31 July 2023, the Cabinet adopted <u>Decree</u>
 Nº 789, introducing a six-month means-tested allowance for IDPs.
- (2nd period March 2024 August 2024) On 26 January 2024, the Cabinet adopted <u>Decree №94</u>, which amended the procedure for granting IDPs allowances, establishing additional wealth criteria, priority categories of population and mechanisms to extend the allowance¹⁶.
- (3rd period September 2024 February 2025) On 30 August 2024, the Cabinet adopted <u>Decree</u>

 No 989, extending the payment of IDPs allowances for another six months for certain categories of citizens. IDPs for whom the second six-month period started on 1 March 2024 and who still met the eligibility criteria continued to receive assistance for another six months automatically, without the need for additional applications. The Ministry of Social Policy is responsible for verifying eligibility 17.

Relevant criteria outline for IDP allowance (average monthly total income per household member does not exceed UAH 9,444 - four subsistence minimums for persons who have lost their labour capacity):

Automatic extension is possible for:

Pensioners;

 people with disabilities of group I or II, children with disabilities under the age of 18, children with rare diseases;

¹⁵ This information is provided by the National Social Service of Ukraine.

¹⁷ More details in DRC Legal Alert: Issue 106.

	•	persons with severe forms of the disease who have not been	
		diagnosed with a disability;	
	•	orphans and children deprived of parental care;	
	•	foster parents and adoptive parents;	
	•	children temporarily placed in the family of relatives;	
	•	family-type children's home.	
	•	Persons who reached the age of 55;	
	•	students under the age of 23 (upon individual application);	
	•	families with one or more of the following:	
		• children under 18 and/or under 23 (for the full-time (or dual)	
		enrolled students), as well as large families;	
Extension with		household member registered as unemployed;	
		 household member caring for a person with a group I disability, 	
application is possible		a child with a disability under the age of 18, a child with a rare	
for:		disease, etc;	
		 household member caring for a child under three years of age 	
		or a child in need of care under six years of age;	
		 household member providing social services on a non- 	
		professional basis;	
		 household member with disabilities of the III group. 	
Assistance may be	•	Unaccompanied minors;	
granted upon application	•	pregnant women (starting from the 30th week of pregnancy);	
and personal review for:	•	persons who are not entitled to a pension.	
	•	Purchased a vehicle that has been in operation for less than five	
		years;	
Allowances are not	•	purchased real estate, securities, or other financial instruments or	
granted for the whole		made transactions for the purchase of foreign currency for an	
family if an		amount exceeding UAH 100,000;	
IDP/household member:	•	has funds in the deposit bank account exceeding UAH 100,000;	
	•	has housing of more than 13.65 m² per household member in	
		government-controlled area (GCA);	

- purchased an apartment (house) with the funds allocated for the payment of compensation for destroyed property;
- left for permanent residence abroad or stays outside Ukraine for more than 30 consecutive days or more than 60 days in total during the six-month period of receiving assistance.
- allowance is separately not granted to household members serving a prison sentence or those who are/were on a full state monetary support (not impacting payments for other members).

Recent developments:

(4th period March 2025 - August 2025) On 29 January 2025, the Cabinet adopted <u>Decree №1507</u>
on the automatic extension of the IDPs' allowance and clarification of certain provisions on the
rental subsidy came into force, once again extending payments.

	Additionally, amendments have been made to determine the total household income:						
	Included	Excluded					
•	One-time payments and severance pay from	Sale of a single vehicle;					
	the workplace (divided by 12 in the	• sale of a single dwelling in the territories of					
	calculations).	active hostilities or temporary occupation.					

NB: IDPs cannot receive the allowance and a subsidy for rent¹⁸ at the same time, even if they meet the criteria for these programmes.

This Legal Alert is produced thanks to the financial support of the Ukraine Humanitarian Fund and the European Union.

Some of the terminology used in this issue of the Legal Alert was taken from draft laws or current legislation. The contents of this analysis are the sole responsibility of the author/authors. The views expressed herein should not be taken, in any way, to reflect the official opinion of the Ukraine Humanitarian Fund, European Union or the Danish Refugee Council (DRC). The European Commission, Fund, and DRC are not responsible for any use that may be made of the information it contains.

¹⁸ More details in DRC Legal Alert Special on Subsidy for Rent: <u>Issue 110</u>.