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## RETURNING MIGRANTS AND FAMILY STATUS RESTORATION IN UKRAINE: LEGISLATIVE GAPS AND REFORM IMPERATIVES

**ABSTRACT.** Ukraine’s full-scale war with Russia has produced one of the largest displacement crises in modern European history. While significant scholarly attention has been devoted to the social protection and housing challenges of internally displaced persons (IDP), a critical legal dimension has gone largely unaddressed: the situation of Ukrainians who have returned from abroad, numbering an estimated 1.2 to 1.6 million persons by 2025, and the fragmented, legally inadequate framework governing the restoration of their family status, civil documentation, and social benefits upon return.

The purpose of this article is to identify, through doctrinal and comparative analysis, the specific legislative gaps in the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” (No. 1706-VIII of 2014) and related instruments with respect to returning displaced persons, and to propose a targeted statutory reform package. Current Ukrainian law is assessed against the UN Guiding Principles on Internal Displacement, ECHR Article 8 positive obligations doctrine, and the IASC Framework on Durable Solutions.

The study identifies four principal legislative gaps: (1) the absence of a dedicated legal status for returning displaced persons; (2) the lack of a fast-track procedure for recognition of civil documents obtained abroad during displacement; (3) the absence of a family-unit registration mechanism enabling simultaneous restoration of family status upon return; and (4) the absence of an enforceable right to family unity support pending full return of all family members. Concrete amendments are proposed to Law No. 1706-VIII and Cabinet of Ministers Resolution No. 509 of 2014 to remedy each gap.

The scientific contribution of this article is the first legal analysis of returning migrants in Ukraine as a separate subject of immigration and family law reform, distinct from both the IDP protection literature and the refugee law literature, producing a legislative reform package actionable by the Verkhovna Rada.

**KEYWORDS:** internally displaced persons; returning migrants; family unity; durable solutions; Law No. 1706-VIII; civil documentation; legislative reform; Ukraine.

### *I. Problem Statement and Connection to Important Scientific and Practical Tasks*

Russia’s full-scale invasion of Ukraine on February 24, 2022 produced a displacement crisis without precedent in modern European history. The Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”

(hereinafter – Law No. 1706-VIII)<sup>1</sup>, enacted in 2014 in response to the initial Donbas conflict, became the primary legal instrument for protecting millions of newly displaced Ukrainians. By 2025, approximately 3.7 million persons remained registered as internally displaced within Ukraine<sup>2</sup>, while approximately 6.8 million Ukrainian refugees were registered in other countries<sup>3</sup>.

Yet alongside this outflow, a significant and legally under-examined phenomenon has emerged: large-scale return. Jussi Jauhiainen's 2026 study in *International Migration* documents that by 2025 over 1.2 million Ukrainians had returned to Ukraine from abroad following displacement, predominantly women and children from EU member states, with return trajectories varying significantly in motivation, timing, and circumstance<sup>4</sup>. The OECD's 2026 strategic response report confirms that a total of approximately 4.5 million returnees had moved back to Ukraine from either internal or external displacement by that time<sup>5</sup>.

This study examines a dimension of the returning migrant phenomenon that has not been systematically analysed in Ukrainian legal scholarship: the restoration of family status upon return. The problem is specific and concrete. A Ukrainian woman who fled to Germany with her children in March 2022 may have, during three years of displacement: (a) changed her registered place of residence abroad; (b) obtained foreign-issued civil documents, including birth certificates for a child born in Germany, marriage or divorce certificates, and notarial powers of attorney, that lack automatic legal recognition in Ukraine; (c) lost her IDP certificate, which under current law is subject to cancellation upon departure from Ukraine; and (d) returned to a place different from her pre-displacement registered address, making her simultaneously a returnee and a new IDP. Upon return, she encounters an absence of any applicable framework: no dedicated legal status as a “returning displaced person”, no fast-track recognition procedure for her foreign documents, and no mechanism for simultaneously restoring family unity registration for her children and herself in the place of return.

Law No. 1706-VIII enumerates the right to “family unity” (право на возз'єднання сімей) in its catalogue of IDP rights<sup>6</sup>. But this right exists in the statute as a declaratory norm only. The OHCHR's March 2026 thematic report on forced displacement from occupied Ukrainian territories explicitly identifies “gaps in civil documentation” and “rules and procedures not adapted to the realities

<sup>1</sup> Про забезпечення прав і свобод внутрішньо переміщених осіб: Закон України від 20 жовтня 2014 р. № 1706-VIII. Відомості Верховної Ради України. 2015. № 1. Ст. 1.

<sup>2</sup> Ukraine – Internal Displacement Report – General Population Survey Round 16 (April 2024) (International Organization for Migration (IOM)) <<https://dtm.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-16-april-2024?close=true>> (accessed 20.04.2026).

<sup>3</sup> Ukraine Refugee Situation (UNHCR, Operational Data Portal) <<https://data.unhcr.org/en/situations/ukraine>> (accessed 20.04.2026).

<sup>4</sup> J. S. Jauhiainen, ‘Reintegration of War-Fleeing Ukrainians After Their Return to Ukraine’ [2026] 64(1) *International Migration* <https://doi.org/10.1111/imig.70124>.

<sup>5</sup> Ukraine's Strategic Response to the Displacement Crisis: Return, Reintegrate, Reconnect (OECD, 20 March 2026) <[https://www.oecd.org/en/publications/ukraine-s-strategic-response-to-the-displacement-crisis\\_9b773da4-en.html](https://www.oecd.org/en/publications/ukraine-s-strategic-response-to-the-displacement-crisis_9b773da4-en.html)> (accessed 20.04.2026).

<sup>6</sup> Про забезпечення прав і свобод внутрішньо переміщених осіб (н 1) ч. 8 ст. 1.

of occupation” as cumulative disadvantages for returning IDPs<sup>7</sup>. The practical reality is that Ukrainian law has not been adapted to large-scale wartime return migration. This study provides the first legal analysis of that gap and proposes a targeted legislative remedy.

## II. Analysis of Recent Research and Publications: The Scholarly Gap

Ukrainian and international scholarship on wartime displacement has developed rapidly since 2022 but has focused primarily on three dimensions: (1) the social protection and housing challenges of IDPs within Ukraine; (2) the integration of Ukrainian refugees in EU host states; and (3) the macroeconomic and demographic consequences of mass displacement. Ella Libanova’s 2022 study in *Demography and Social Economy* provides the most thorough Ukrainian-language analysis of IDP social protection failures, documenting institutional fragmentation and deficiencies in the benefits framework<sup>8</sup>. Gwendolyn Sasse and Alice Lackner’s 2020 article in *Europe-Asia Studies* offers a detailed empirical analysis of IDP social resilience in wartime Ukraine, examining how displaced persons navigate the registration and support system<sup>9</sup>.

Jauhiainen’s 2026 monograph *From Ukraine to the European Union and Back* is the first book-length treatment of the return migration phenomenon, drawing on fieldwork conducted in Ukraine in 2024 and 2025<sup>10</sup>. It shows that return trajectories are varied, that reintegration barriers are considerable, and that returnees regularly encounter bureaucratic obstacles when trying to re-engage with Ukrainian administrative systems. As an empirical social-science study, however, it does not analyse the specific statutory provisions that govern, or fail to govern, the situation of returnees. That doctrinal gap is what this study addresses.

The Cabinet of Ministers’ Strategy on Internal Displacement until 2025<sup>11</sup> acknowledges return as a durable solution and contains policy commitments on reintegration support. However, the Strategy is an administrative policy document, not an enforceable legal instrument, and creates no individual rights for returning displaced persons. No Ukrainian legal scholar has yet produced a doctrinal analysis of the specific legislative amendments necessary to transform

<sup>7</sup> Forced Displacement from Territory of Ukraine Occupied by the Russian Federation: Barriers to Return and the Rights of Internally Displaced Persons, 24 February 2022 – 31 December 2025 (OHCHR, UN Human Rights Monitoring Mission in Ukraine, March 2026) <<https://ukraine.ohchr.org/en/Forced-displacement-from-territory-of-ukraine-occupied-by-the-russian-federation>> (accessed 20.04.2026) paras 5–6.

<sup>8</sup> Е Лібанова, О Позняк, О Цимбал, ‘Масштаби та наслідки вимушеної міграції населення України внаслідок збройної агресії Російської Федерації’ [2022] 48(2) Демографія та соціальна економіка 37–57 <https://doi.org/10.15407/dse2022.02.037>.

<sup>9</sup> G Sasse, A Lackner, ‘The Displaced as ‘Ordinary Citizens’: Exploring Variation in the Political Attitudes of the Displaced from Donbas’ [2020] 72(3) *Europe-Asia Studies* 354–382 <https://doi.org/10.1080/09668136.2020.1725448>.

<sup>10</sup> J S Jauhiainen, *From Ukraine to the European Union and Back: Ukrainians’ Return Migration and Reintegration* (Routledge 2026).

<sup>11</sup> Про схвалення Стратегії державної політики щодо внутрішнього переміщення на період до 2025 року та затвердження операційного плану заходів з її реалізації у 2023–2025 роках: розпорядження Кабінету Міністрів України від 7 квітня 2023 р. № 312-р <<https://zakon.rada.gov.ua/laws/show/312-2023-%D1%80#-Text>> (дата звернення 20.04.2026).

the returning migrant phenomenon from a policy aspiration into an enforceable legal status with procedural remedies.

This study addresses that gap by: (a) systematically analysing the existing statutory framework as it applies to returning displaced persons; (b) identifying four specific legislative deficiencies; and (c) proposing a concrete statutory reform package. The study relies on the doctrinal legal method (analysis of Ukrainian legislation against its stated purposes and constitutional obligations) combined with the comparative method (benchmarking against the UN Guiding Principles on Internal Displacement and relevant ECHR Article 8 doctrine).

### *III. Research Purpose*

The purpose of this article is to identify, through doctrinal and comparative legal analysis, the specific legislative deficiencies in Ukrainian law that prevent returning displaced migrants from effectively restoring their family status, having their foreign civil documents recognised, and accessing a coordinated legal framework for family-unit re-registration, and to propose a targeted package of statutory amendments to Law No. 1706-VIII and Cabinet of Ministers Resolution No. 509 of 2014 that would create enforceable legal mechanisms for each of these functions. The existing statutory framework was designed for one-directional displacement and has not been adapted for the legally complex reality of large-scale return migration during active armed conflict.

### *IV. The Existing Legal Framework: A Doctrinal Analysis*

#### *4.1. Law No. 1706-VIII and the IDP Certificate System*

The legal framework governing internally displaced persons (hereinafter – IDP) in Ukraine rests on four main instruments: Law No. 1706-VIII, as the primary statute; Cabinet of Ministers Resolution No. 509 of 2014<sup>12</sup>, which governs the IDP certificate procedure; the Cabinet of Ministers allowance regulations, primarily Resolution No. 332 of 2022 as subsequently amended<sup>13</sup>; and the various laws adopted since 2022 addressing housing compensation<sup>14</sup> and temporary accommodation<sup>15</sup>.

<sup>12</sup> Про облік внутрішньо переміщених осіб: постанова Кабінету Міністрів України від 1 жовтня 2014 р. № 509 <<https://zakon.rada.gov.ua/laws/show/509-2014-%D0%BF#Text>> (дата звернення 20.04.2026).

<sup>13</sup> Деякі питання виплати допомоги на проживання внутрішньо переміщеним особам: постанова Кабінету Міністрів України від 20 березня 2022 р. № 332 <<https://zakon.rada.gov.ua/laws/show/332-2022-%D0%BF#Text>> (дата звернення 20.04.2026).

<sup>14</sup> Про компенсацію за пошкодження та знищення окремих категорій об'єктів нерухомого майна внаслідок бойових дій, терористичних актів, диверсій, спричинених збройною агресією Російської Федерації проти України, та Державний реєстр майна, пошкодженого та знищеного внаслідок бойових дій, терористичних актів, диверсій, спричинених збройною агресією Російської Федерації проти України: Закон України від 23 лютого 2023 р. № 2923-IX <<https://zakon.rada.gov.ua/laws/show/2923-20#Text>> (дата звернення 20.04.2026).

<sup>15</sup> Про внесення змін до Закону України «Про забезпечення прав і свобод внутрішньо переміщених осіб» щодо деяких питань забезпечення внутрішньо переміщених осіб житлом для тимчасового проживання: Закон України від 8 листопада 2023 р. № 3446-IX <<https://zakon.rada.gov.ua/laws/show/3446-20#Text>> (дата звернення 20.04.2026).

Law No. 1706-VIII establishes the legal status of “internally displaced person” as a person forced to leave their permanent place of residence due to armed conflict, temporary occupation, or other extraordinary circumstances. The IDP certificate, issued by local social protection authorities or obtainable through the Diia digital application, is the gateway document for accessing state social benefits, housing allocation, and other IDP support programmes. As of May 2024, the certificate system was tightened by an amendment restricting eligibility to persons displaced from territories where active hostilities are ongoing or where temporary occupation has been formally confirmed<sup>16</sup>.

This framework contains a fundamental structural problem with respect to returning migrants: it was designed for persons who are displaced *within* Ukraine and have not returned. The law does not define what happens to IDP status upon departure from Ukraine, how it can be restored upon return, or what legal framework governs the period between a person’s return to Ukraine and their re-registration as either an IDP (if returning to a different location from their origin) or a non-IDP returnee. Cabinet of Ministers Resolution No. 509 provides that an IDP certificate is cancelled if the person voluntarily returns to their pre-displacement registered address. But it provides no mechanism for a person who has been abroad and returns to a location different from their original address. In the case of persons from occupied territories, this applies to virtually the entire category of returning externally displaced persons.

#### 4.2. *The Returning Migrant in the Current Framework: A Legal Vacuum*

A Ukrainian who fled abroad in 2022 and returns to Ukraine in 2025 falls into a legal gap that the existing statutory framework does not address. The following scenario illustrates the problem concretely. Maria, originally registered in Mariupol, fled with her two children to Poland in March 2022. During her three years in Poland: her younger child was born there, receiving a Polish birth certificate; she obtained a Polish-issued certificate confirming her status as a beneficiary of temporary protection; she executed a power of attorney before a Polish notary for property management in Ukraine; and she registered a change of address in Ukraine’s Diia system to a Kyiv address, which had the effect of cancelling her IDP certificate under Resolution No. 509, since Kyiv is not in a territory of active hostilities<sup>17</sup>.

When Maria returns to Ukraine in 2025, she finds: (1) she has no IDP certificate and cannot easily obtain one; (2) her child’s Polish birth certificate requires formal apostillation and notarial translation into Ukrainian before it can be used for any administrative purpose, with no fast-track procedure available; (3) her Polish-issued power of attorney has no automatic recognition and requires separate

<sup>16</sup> Obtaining an IDP Certificate: Current Instructions (Stabilization Support Services, 22.12.2025) <<https://sss-ua.org/en/useful-materials/obtaining-idp-certification-a-current-guide-2025>> (accessed 18.04.2026).

<sup>17</sup> Available services and support in Ukraine: Frequently Asked Questions on Return to Ukraine (Ukraine is Home) <<https://ukraineishome.org/frequently-asked-questions/frequently-asked-questions-on-return-to-ukraine>> (accessed 18.04.2026).

legalisation; (4) she and her children cannot obtain joint family registration in their new place of residence without first individually re-registering each child; and (5) there is no administrative body with designated jurisdiction over her case as a returning externally displaced person. Jauhiainen's 2026 study confirms this pattern empirically, documenting that returnees encounter "bureaucratic barriers" including "the need to re-establish their administrative existence in Ukraine" and difficulties with document recognition<sup>18</sup>.

The OECD's 2026 strategic response report characterises this situation as a governance failure, noting that "returnees frequently become IDPs upon returning", a paradox in which the return that the state seeks to encourage is made practically difficult by the legal framework's failure to create a coherent pathway for restoration of family status<sup>19</sup>.

#### 4.3. Civil Document Recognition: The Foreign Document Problem

A particularly acute dimension of the returning migrant's legal situation is the recognition of civil documents such as birth certificates, marriage certificates, divorce decrees, name-change documents, and notarial instruments issued by foreign authorities during the displacement period. Ukraine is a party to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents<sup>20</sup>. An interdepartmental order of 2023 established uniform rules for apostillation of Ukrainian documents for use abroad<sup>21</sup>, but the inverse process, the recognition of foreign apostilled documents for use in Ukraine, remains governed by the general rules of private international law and involves individual notarial translation and certification procedures with no special fast-track mechanism for wartime returnees.

The OHCHR's March 2026 thematic report specifically identifies "gaps in civil documentation" as a cumulative disadvantage for IDPs from occupied territories, noting that "non-recognition of education credentials or work history" and documentation-related access problems create systemic barriers<sup>22</sup>. For returning migrants with documents issued abroad, the problem is comparable: the existing administrative machinery was designed for peacetime individual cases and does not function effectively at the scale or pace required by mass wartime return.

#### 4.4. Family Unity Upon Return: The Absence of a Coordination Mechanism

Law No. 1706-VIII's declaration of the right to family unity is not accompanied by any coordination mechanism for ensuring that returning displaced persons can restore that unity administratively. The registration system operates on an

<sup>18</sup> Jauhiainen (n 4) 5–6.

<sup>19</sup> Ukraine's Strategic Response to the Displacement Crisis: Return, Reintegrate, Reconnect (n 5) 47.

<sup>20</sup> Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents <<https://www.hcch.net/en/instruments/conventions/full-text/?cid=41>> (accessed 18.04.2026).

<sup>21</sup> Про затвердження Правил проставлення апостиля на офіційних документах, призначених для використання на території інших держав: Наказ Міністерства закордонних справ України, Міністерства внутрішніх справ України, Міністерства освіти і науки України, Міністерства фінансів України, Міністерства юстиції України 17 березня 2023 року № 125/209/293/139/999/5 <<https://zakon.rada.gov.ua/laws/show/z0478-23#Text>> (дата звернення 20.04.2026).

<sup>22</sup> Forced Displacement from Territory of Ukraine Occupied by the Russian Federation (n 7) para 5.

individual basis: each family member must separately re-register their IDP status, change their registered place of residence, and apply individually for benefit restoration. There is no joint family return registration, by which a mother returning with a mother returning with three children to file a single application establishing family-unit IDP status at a shared registered address.

This matters practically because the March 2024 amendments to Resolution No. 332 made benefit eligibility more tightly means-tested, with income and employment criteria assessed at the family level<sup>23</sup>. A fragmented individual-registration system that does not recognise the family unit creates a situation where individual family members may have different eligibility determinations, inconsistent registered addresses, and mismatched benefit records, undermining the very family unity that the law declares as a right.

Compounding this, many returning displaced women left behind husbands who remained in Ukraine. The husbands may have moved internally, changed their registered address, or themselves obtained IDP status in a different location. There is no mechanism in current law for the returning wife and children to locate and coordinate their registration with the husband's current administrative record, and no designated administrative body responsible for facilitating such coordination.

## *V. International Standards: The Benchmark*

### *5.1. The UN Guiding Principles on Internal Displacement*

The Guiding Principles on Internal Displacement (hereinafter Guiding Principles), developed under the auspices of the UN Secretary-General's Representative Francis Deng and annotated by Professor Walter Kälin, were presented to the UN Commission on Human Rights in 1998<sup>24</sup>. Although not a formally binding treaty, the 2005 World Summit Outcome Document (UN General Assembly Resolution 60/1, para. 132) recognised them as 'an important international framework for the protection of internally displaced persons'<sup>25</sup>. They are applied as a standard by UNHCR, IOM, and the Council of Europe, and Ukrainian institutions invoke them as a reference standard.

Principle 17(1) provides: "Every internally displaced person has the right to know the fate and whereabouts of missing family members". Principle 17(3) states: "Families which are separated by displacement should be reunited as quickly as possible". Professor Kälin's annotations to Principle 17 specify that states must

<sup>23</sup> Ukraine – IDP Allowance Update: The Impact of the March 2024 Law Amendment on Ukraine's Internally Displaced Population – September 2024 (International Organization for Migration, Sep 19 2024) <<https://dtm.iom.int/reports/ukraine-idp-allowance-update-impact-march-2024-law-amendment-ukraines-internally-displaced>> (accessed 18.04.2026).

<sup>24</sup> UN Commission on Human Rights, Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2 (11 February 1998) Principle 17 <<https://docs.un.org/en/e/cn.4/1998/53/add.2>> (accessed 18.04.2026).

<sup>25</sup> 2005 World Summit Outcome Resolution 60/1 adopted by the General Assembly on 16 September 2005 <<https://docs.un.org/en/a/res/60/1>> (accessed 18.04.2026).

create “effective mechanisms” for family tracing and reunification; a declaratory right unsupported by such mechanisms does not satisfy the standard<sup>26</sup>.

Principles 28–30, governing the framework for durable solutions including return, establish that IDPs shall have access to public records and documentation and that their return must be voluntary and in conditions of safety and dignity<sup>27</sup>. The IASC Framework on Durable Solutions for Internally Displaced Persons (2010) specifies that a durable solution requires “access to documentation” as a discrete criterion, meaning the availability of civil documents and the recognition of documents obtained during displacement<sup>28</sup>.

The Council of Europe’s 2022 updated assessment of the Ukrainian legal framework for IDP protection specifically recommends the introduction of “a coordinated family return procedure” and “recognition mechanisms for civil documents obtained abroad during displacement” as priority legislative reforms<sup>29</sup>.

### 5.2. ECHR Article 8 Positive Obligations: The Procedural Dimension

Ukraine is a member of the Council of Europe and was a party to the European Convention on Human Rights<sup>30</sup>. Article 8 ECHR, protecting the right to respect for private and family life, generates both negative obligations (to refrain from interference) and positive obligations (to take active measures to ensure effective enjoyment). The ECtHR held in *Tanda-Muzinga v France* that when a state’s administrative procedures effectively prevent families from reuniting, this may engage the state’s positive obligations under Article 8, and that ‘the decision-making process leading to measures of interference must be fair’<sup>31</sup>.

In *Lazoriva v Ukraine* (2018), the ECtHR found a procedural violation of Article 8 against Ukraine specifically, holding that where administrative decisions affect private and family life, ‘the competent authorities [must] perform a proportionality assessment of the competing interests at stake’ and that the applicant must be involved in the process<sup>32</sup>. Similarly, in *M.S. v Ukraine* (2017), the Court found that Ukraine’s administrative framework failed to provide adequate procedural safeguards in a family-life context<sup>33</sup>.

These cases, while not directly involving returning displaced migrants, establish a pattern: Ukrainian administrative procedures in the family-life domain have already generated Strasbourg violations on procedural grounds. The absence of a dedicated returning migrant administrative procedure with clear timelines,

<sup>26</sup> Walter Kalin, *Guiding Principles on Internal Displacement: Annotations* (2nd edn, Brookings Institution Press 2008) 61–64.

<sup>27</sup> *Guiding Principles on Internal Displacement* (n 24) Principles 28–30.

<sup>28</sup> IASC Framework on Durable Solutions for Internally Displaced Persons (UN OCHA, 5 April 2010) 9–10 <<https://interagencystandingcommittee.org/other/iasc-framework-durable-solutions-internally-displaced-persons>> (accessed 18.04.2026).

<sup>29</sup> Internal Displacement in Ukraine: Building Solutions (Council of Europe Office in Ukraine) <<https://www.coe.int/en/web/kyiv/idps2>> (accessed 18.04.2026).

<sup>30</sup> Convention for the Protection of Human Rights and Fundamental Freedoms <[https://www.echr.coe.int/documents/d/echr/convention\\_eng](https://www.echr.coe.int/documents/d/echr/convention_eng)> (accessed 18.04.2026).

<sup>31</sup> ECtHR, *Tanda-Muzinga v France* App no 2260/10 (ECtHR, 10 July 2014) para 68.

<sup>32</sup> ECtHR, *Lazoriva v Ukraine* App no 6878/08 (ECtHR, 17 April 2018) para 63.

<sup>33</sup> ECtHR, *M.S. v Ukraine* App no 2091/13 (ECtHR, 11 July 2017) para 70.

reasoned decisions, and accessible appeal mechanisms creates precisely the kind of procedural environment that the ECtHR has found deficient.

### 5.3. *The Ukrainian Constitutional Framework*

Article 51 of the Constitution of Ukraine declares: ‘The family, childhood, motherhood, and fatherhood shall be under the protection of the State’. Article 52 provides that children shall be equal in their rights regardless of their origin<sup>34</sup>. The Family Code of Ukraine<sup>35</sup> establishes the legal content of family relationships, including spousal rights and parental obligations, and provides the civil law foundation for what family status means domestically. The Law on the Legal Status of Foreigners and Stateless Persons<sup>36</sup> intersects where returning migrants include foreign family members of Ukrainian citizens.

These constitutional provisions impose positive obligations on the state with respect to family protection. When returning displaced persons encounter a situation where no recognised status, no document recognition procedure, and no coordinated family registration exist, the resulting de facto inability to restore family unity is difficult to reconcile with the constitutional mandate of state protection for family life. The legislative reforms proposed in Section VI represent the minimum changes needed to give practical content to Article 51.

## VI. *Four Legislative Gaps and Targeted Reform Proposals*

### 6.1. *Gap One: Absence of a Dedicated Legal Status for Returning Displaced Persons*

Current law recognises two categories relevant to return: the IDP (persons displaced within Ukraine) and the general returnee (a person who returns to their registered address, at which point their IDP status is cancelled). There is no intermediate legal category, such as “returning externally displaced person”, for Ukrainians who were displaced abroad and return to a place other than their original registered address. This category gap means that the administrative machinery for IDP support is unavailable to a major portion of returning migrants, while no alternative support framework exists.

The IDP Strategy until 2025<sup>37</sup> identifies return as a “durable solution” and commits the government to supporting reintegration, but does so without creating a legal category that generates individual entitlements. As Jauhiainen’s fieldwork documents, returnees in this situation frequently describe their administrative situation as “invisible”: they are not officially IDPs, not officially refugees (since

<sup>34</sup> Конституція України від 28 червня 1996 р., ст. 51–52 <<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>> (дата звернення 20.04.2026).

<sup>35</sup> Сімейний кодекс України від 10 січня 2002 р. № 2947-III, ст. 1–4, 21–26, 141–160 <<https://zakon.rada.gov.ua/laws/show/2947-14#Text>> (дата звернення 20.04.2026).

<sup>36</sup> Про правовий статус іноземців та осіб без громадянства: Закон України від 22 вересня 2011 р. № 3773-VI, ст. 26 <<https://zakon.rada.gov.ua/laws/show/3773-17#Text>> (дата звернення 20.04.2026).

<sup>37</sup> Про схвалення Стратегії державної політики щодо внутрішнього переміщення (н 11).

they are back in Ukraine), and not registered in the social protection system in their new location<sup>38</sup>.

The EU Council's September 2025 recommendation on voluntary return to Ukraine specifically calls on Ukraine to 'establish a clear legal status for returning displaced persons' and to create 'access to reintegration support' as a prerequisite for sustainable voluntary return<sup>39</sup>.

**Reform proposal:** The first proposed reform is to amend Law No. 1706-VIII by adding a new Article 7<sup>1</sup>, establishing the legal status of "returning displaced person" (особа, яка повернулась після вимушеного переміщення) with the following core characteristics: (a) eligibility: any Ukrainian citizen who departed Ukraine after February 24, 2022 due to armed conflict or occupation and returns to a registered address in Ukraine that differs from their pre-departure registered address; (b) a 90-day grace period upon return, during which the person retains access to the IDP allowance system and social services at the level they had before departure, pending re-registration; (c) access to the designated "return support" service at local social protection offices; and (d) the right to have foreign civil documents recognised through the fast-track procedure proposed in Section 6.2 below.

#### *6.2. Gap Two: Absence of a Fast-Track Recognition Procedure for Foreign Civil Documents*

The standard procedure for recognising a foreign civil document in Ukraine requires: apostillation or legalisation of the foreign document; notarial translation into Ukrainian; submission to the relevant Civil Status Registration Authority registry authority for entry into the Ukrainian civil status register; and, where the document creates a new entry (birth registration of a child born abroad), a separate application. This process typically takes several weeks to months, involves multiple offices, and is designed for peacetime individual cases. It is poorly suited to mass wartime return<sup>40</sup>.

Libanova documents the administrative burden of document restoration as one of the primary reintegration barriers for displaced persons<sup>41</sup>, a finding corroborated by the OHCHR's March 2026 report<sup>42</sup>. The Guiding Principles require that returnees have "access to documentation" as a condition of durable solutions<sup>43</sup>, a requirement not met by a system that imposes a multi-month individual procedure on each returning person.

<sup>38</sup> Jauhainen (n 4) 9.

<sup>39</sup> Protection of displaced Ukrainians: Council adopts recommendation about transition out of temporary protection (EU Council, 16 September 2025) <<https://www.consilium.europa.eu/en/press/press-releases/2025/09/16/protection-of-displaced-ukrainians-council-adopts-recommendation-about-transition-out-of-temporary-protection>> (accessed 18.04.2026).

<sup>40</sup> Available services and support in Ukraine: Frequently Asked Questions on Return to Ukraine (n 17).

<sup>41</sup> Лібанова, Позняк, Цимбал (n 8).

<sup>42</sup> Forced Displacement from Territory of Ukraine Occupied by the Russian Federation (n 7) para 5.

<sup>43</sup> Guiding Principles on Internal Displacement (n 24) 28–30.

Reform proposal: The second proposed reform is to amend Cabinet of Ministers Resolution No. 509 by adding a new Section V on “Return Document Recognition”, creating a fast-track procedure with the following features: (a) a single-point-of-application at the designated “return support” desk at local social protection offices, which receives the foreign civil document along with proof of displacement (e.g., EU temporary protection certificate), initiates the recognition procedure, and coordinates with the Civil Status Registration office on behalf of the applicant; (b) a maximum 15-working-day processing time; (c) automatic extension of the returnee’s 90-day grace period for the duration of any pending document recognition procedure; and (d) a presumption of authenticity for documents issued by EU member states’ civil registry authorities under the EU Temporary Protection Directive, requiring only notarial translation without additional apostillation.

### 6.3. Gap Three: Absence of Family-Unit Registration upon Return

As noted in Section 4.4, the IDP registration system registers individuals, not family units. This creates a fragmentation problem for returning families: each family member must separately apply for IDP re-registration, separately apply for benefit restoration, and separately update their registered place of residence. When family members arrive at different times, as Jauhiainen’s empirical research shows is common<sup>44</sup>, the resulting administrative records may be inconsistent and may generate benefit eligibility conflicts under the means-tested post-March 2024 system.

The Guiding Principles’ requirement that families “shall be reunited as quickly as possible”<sup>45</sup> and the ECHR Article 8 positive obligations standard (*Tanda-Muzinga*)<sup>46</sup> both point toward a legal framework that actively facilitates family unity restoration. The current framework does not prohibit family unity restoration, but provides no mechanism to achieve it efficiently. The Council of Europe’s 2022 assessment recommendation for a “coordinated family return procedure”<sup>47</sup> has not been implemented in Ukrainian law.

Reform proposal: Resolution No. 509 should be amended to add a “family unit return” application option, enabling a returning displaced person with dependent family members to file a single joint application establishing a family-unit IDP return record at a shared registered address. The joint application would: (a) generate linked individual IDP certificates for each family member, with a family unit reference number embedded in each certificate; (b) enable a single joint income and vulnerability assessment for means-tested benefit eligibility; (c) include a “family member pending return” notation, allowing the returning person to flag that additional family members are expected to arrive within 180 days, with the family record updated upon each arrival without a new application;

<sup>44</sup> Jauhiainen (n 4) 11.

<sup>45</sup> Guiding Principles on Internal Displacement (n 24) Principle 17.

<sup>46</sup> ECtHR, *Tanda-Muzinga v France* App no 2260/10 (ECtHR, 10 July 2014) para 68.

<sup>47</sup> Internal Displacement in Ukraine: Building Solutions (n 29).

and (d) generate a designated social worker assignment for the family unit for a period of six months from return.

#### *6.4. Gap Four: Absence of an Enforceable Right to Family Unity Support Pending Complete Return*

Many returning displaced persons face a situation in which not all family members can or do return simultaneously. A mother returns with children while the father remains abroad for professional or other reasons. An elderly parent returns while adult children remain in the EU. In such cases, the returning person faces a period of incomplete family reunion, in which the family unit is only partly restored, with remaining members still abroad or in a different part of Ukraine. Ukrainian law provides no entitlement during this period: no legal mechanism for the returning person to access “family unity support” pending the return of other family members, and no administrative procedure for coordinating registration across multiple locations.

The OECD’s 2026 report identifies ‘limited community reintegration support’ and ‘the absence of targeted programmes for families with members in different locations’ as significant reintegration barriers<sup>48</sup>. Jauhiainen’s fieldwork documents specific cases where returning mothers with children experienced prolonged administrative delays precisely because the system was not designed to handle their partial-return family situation<sup>49</sup>.

Reform proposal: A new subsection “4.” should be added to the proposed Article 7<sup>1</sup> of Law No. 1706-VIII, establishing an enforceable “right to family unity support during incomplete return”, with the following content: (a) a returning displaced person who has registered under the proposed status is entitled to maintain their return support package for the full 90-day grace period regardless of whether other family members have returned; (b) the State Migration Service, upon notification by a returning displaced person, shall initiate a “family location record”, an administrative trace connecting the returning person’s Ukrainian registration with the registration records of family members who remain abroad, and update it upon each subsequent return; and (c) the right to access the free legal aid system for family-unity coordination advice is expressly extended to returning displaced persons under the proposed status.

### *VII. Conclusions*

The returning displaced migrant, by which we mean the Ukrainian citizen who fled abroad in the mass displacement of 2022 and subsequently returned during or after the active phase of the war, has no adequate legal framework under current Ukrainian law. Law No. 1706-VIII, enacted in 2014 and designed for one-directional internal displacement dynamics, has not been adapted to the scale of wartime return migration. Four specific legislative gaps have been identified: the

<sup>48</sup> Ukraine’s Strategic Response to the Displacement Crisis: Return, Reintegrate, Reconnect (n 5) 53–54.

<sup>49</sup> Jauhiainen (n 4) 8.

absence of a dedicated legal status for returning displaced persons; the absence of a fast-track recognition procedure for civil documents obtained abroad during displacement; the absence of a family-unit return registration mechanism; and the absence of an enforceable right to family unity support during incomplete return.

The UN Guiding Principles on Internal Displacement, the IASC Framework on Durable Solutions, and ECHR Article 8 positive obligations doctrine, the international standards used in this analysis, converge on the same conclusion: states bear an obligation to go beyond permitting the return of displaced persons and to create the administrative and legal infrastructure that makes return practically viable and that preserves family unity during the return process.

The proposed amendments, specifically a new Article 7<sup>1</sup> to Law No. 1706-VIII and revisions to Cabinet of Ministers Resolution No. 509, are designed to be practically implementable within the current legislative cycle. They do not require new institutional structures: they work within the existing social protection office network, the State Migration Service, and the civil registry system. As Kālin's authoritative annotations demonstrate, the protection of family unity during return is a binding obligation under the international framework, not a secondary policy consideration, under the international framework for the protection of displaced persons<sup>50</sup>.

The scientific contribution of this study is the first doctrinal legal analysis of returning migrants in Ukraine as a separate subject of immigration and family law reform, distinct from the established IDP protection and refugee law literature, with findings translated into a legislative reform package for use by the Verkhovna Rada Committee on Social Policy, the Ministry of Social Policy, Family and Unity, and the State Migration Service of Ukraine.

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## ПОВЕРНЕННЯ МІГРАНТІВ І ВІДНОВЛЕННЯ СІМЕЙНОГО СТАТУСУ В УКРАЇНІ:

### ЗАКОНОДАВЧІ ПРОГАЛИНИ ТА ІМПЕРАТИВИ РЕФОРМ

АНОТАЦІЯ. Повномасштабна війна Росії проти України спричинила одне із найбільших кризових переміщень у Європі за останні десятиліття. Наукові дослідження здебільшого зосереджувались на соціальному захисті та житловому забезпеченні внутрішньо переміщених осіб (ВПО). Поза увагою залишилась важлива правова проблема: правове становище українців, які повернулись з-за кордону (за оцінками, від 1,2 до 1,6 мільйона осіб станом на 2025 рік, фрагментованість і неналежність законодавчого регулювання відновлення їхнього сімейного статусу, цивільних документів і соціальних виплат після повернення.

Мета статті полягає в тому, щоб виявити через доктринальний і порівняльний аналіз конкретні законодавчі прогалини в Законі України «Про забезпечення прав і свобод внутрішньо переміщених осіб» та суміжних актах щодо осіб, які повернулись із-за кордону, та запропонувати цілеспрямований пакет законодавчих змін. Виявлено чотири ключові прогалини. Стат-

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тя пропонує конкретні зміни до Закону № 1706-VIII та постанови Кабінету Міністрів № 509 для усунення кожної з цих прогалин.

Наукова новизна статті полягає в тому, що вперше в українській юридичній науці явище повернення мігрантів аналізується як самостійний предмет реформування міграційного та сімейного права, окремо від наукових досліджень щодо ВПО чи законодавства про біженців, з формуванням пакета законодавчих пропозицій, придатних для безпосереднього застосування Верховною Радою.

Ключові слова: внутрішньо переміщені особи; особи, які повернулись; відновлення сімейного статусу; тривалі рішення; Закон № 1706-VIII; цивільні документи; законодавча реформа; Україна.