Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR’s Refworld website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

UKR105819.E

Ukraine: Residence registration system including procedures and requirements to register; rights associated with registration; information recorded and who has access to registered information; penalties for unauthorized use of residence registration information (2015-July 2017)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Residence Registration System

Sources indicate that the law On Freedom of Movement and Residence in Ukraine provides the procedure for residence registration in Ukraine (NRC 1 Nov. 2016; CEDOS 1 Mar. 2017, 1). A note published in Migration, a monthly newspaper whose publication is "promoted" by the State Migration Service of Ukraine, a central executive body that "realizes...state policy in the field of migration" and is "coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine" (Migration n.d.), indicates that a 2 March 2016 resolution of the Cabinet of Ministers of Ukraine approved the Rules of Registration of Residence and the Procedure for Transfer by the Registration Information in the Unified State Register of Demographic (Migration 28 Mar. 2016).

Paragraph 18 of the 2016 resolution On Approval of the Rules of Registration of Place of Residence and of the Procedure of Information Registration in the Unified National Demographic Register provides the following [translation]:

18. In order to have the place of residence registered, the person or his/her representative shall submit:

1. a request according to the forms provided in Annexes 6, 7, or 8; [1]
2. a document where the data concerning the place of residence are to be entered. For a child under the age of 16 years, a birth certificate shall be submitted. The residential registration of children who are foreigners or stateless persons takes place at the condition that the children are included in their parents’ permanent or temporary resident certificate and that a copy of the child’s birth certificate is provided. The documents issued by foreign competent authorities are subject to legalization, unless provided for otherwise by international treaties;
3. a receipt of the payment of the administrative charge (if the residential registration takes place simultaneously with the deregistration of a previous place of residence, the administrative charge for one service only shall be collected);
4. documents to confirm: the right to reside in the dwelling: a housing assignment /order, a rental lease (sublease), an effective court decision instating the individual in the right to occupy the dwelling place, the recognition of the individual’s right to use the dwelling premises or the property title for the same, the right to register the place of residence, or another document. In the absence of such
documents, the registration of the place of residence shall take place by way of consent from the owner/co-owners of the unit, the tenant, and his/her family (the above-mentioned documents or the consent shall not be required for the residential registration of minor children at the address of residential registration of their parent(s) or legal representative(s)); the right to stay at or to be registered with a specialized social institution, or a social services and social protection establishment: a certificate of admission to a specialized social institution or a social services and social protection establishment in the form provided in Annex 9, a copy of the certificate of registration as a homeless person, whose form shall be approved by the Ministry of Social Policy (for individuals who are registered with those institutions and establishments); the performance of service in a military unit, whose address shall be indicated at the time of registration: a certificate of serving with a military unit issued by the commander of the military unit on the form provided in Annex 10 (for military personnel other than the conscripted military personnel);

5. a military booklet or a certification of conscription attachment (for citizens subject to military registration or registered with the military registry);

6. a deregistration request by the individual on the form provided in Annex 11 (if the residential registration is done simultaneously with deregistration from the previous place of residence).

If the request is filed by a representative of the requestor, apart from the documents listed above, additional documents shall be supplied:

- a document confirming the identity of the representative;
- a document confirming the powers of attorney, except in the cases when the request is filed by legal representatives of a minor child, who are this child’s parents/adoptive parents.

When the request for residential registration of an individual is filed by a legal representative, the consent of the other legal representatives is required.

If parents are registered at different addresses, and if their child is under the age of 14 years, the child shall be registered with one of the parents with the written consent of the other parent given in the presence of the official receiving the request, or with a duly certified written consent of the other parent (except when the place of residence of the child was determined by a court ruling or by a decision of a tutorship / curatorship authority).

It is forbidden to demand other documents for the purposes of residential registration. (Ukraine 2016)

In correspondence with the Research Directorate, a representative from CEDOS ,formerly the Centre for Society Research, a think-tank that seeks to create progressive institutions and improve the participation of citizens in decision-making through analyses of public policy and social processes in education, migration, and urban development (CEDOS n.d.), stated that the application form that must be submitted requires applicants to enter the following information:

- Surname, first name, and patronymic;
- Date and place of birth;
- Citizenship;
- Address of the place of residence that needs to be registered;
- Number in the National Population Register (if a person is registered in it);
- Serial number, authority and date of issuance of the document to which the information about registration will be recorded (passport, ID card, residence permit);
- Evidence (certificate of title, lease agreement or owner’s confirmation) that will [serve as] a warranty for obtaining the right of habitation (document’s serial number and date of issuance).

(CEDOS 6 July 2017)

In correspondence with the Research Directorate, a representative of the Embassy of Ukraine in Canada in Ottawa, similarly explained that applicants enter their names, date of birth, their previous residential address and the new one in a "small application [form]" (Ukraine 13 July 2017). The CEDOS representative explained that the formal procedure of registration is the same for Ukrainian and non-Ukrainian nationals who live in Ukraine (CEDOS 6 July 2017). The embassy representative added that non-Ukrainians must first obtain a residency permit before registering their residence (Ukraine 13 July 2017). Sources indicate that the residence registration is valid indefinitely (CEDOS 6 Jul. 2017; Ukraine 13 July 2017).

According to the CEDOS representative, a registration for rented accommodations remains valid "only" for the duration of the lease, a registration for non-Ukrainians is valid for the duration of their residence permit and residence registrations are otherwise valid indefinitely (CEDOS 6 July 2017). The embassy representative
indicated that "[s]ometimes [the residence registration] can be limited" and gave, as an example, the registration of a student on a campus (Ukraine 13 July 2017). According to the same source, "usually" the registration of residence is made the same day the application is received (Ukraine 13 July 2017).

A handbook entitled For the Fundamental Rights and Freedoms of Internally Displaced Persons and published in November 2016 by the Norwegian Refugee Council (NRC), an independent and non-governmental humanitarian organisation (IDMC n.d.), indicates that individuals registering their residence apply to the executive authority of the village, urban village or city council, or, should there be no executive authority in a locality, to the head of the village (NRC 1 Nov. 2016, 30). The same source adds that the administrative fees incurred by the registration of a place of residence are in the amount of 0.85 percent of the minimum wages if the application is made within thirty days upon deregistration of the previous place of residence, otherwise it is in the amount of 2.55 percent of the minimum wages (NRC 1 Nov. 2016, 32). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that the Unified State Demographic Register, a central registry database, is "being created" (Austria and France May 2017, 58) or "was established" in 2012 (Council of Europe 2016, 43). A report published in 2016 by the Council of Europe on internally displaced persons (IDPs) explains that the Unified State Demographic Register is regulated by the Law on the Unified State Demographic Register and Documents that Prove Citizenship of Ukraine, Identity Persons or Their Special Status and that it is a centralized electronic database used for storing, processing, operating and transferring personal information and the documents created with the register (Council of Europe 2016, 43). The CEDOS policy brief indicates that, although the Unified State Demographic Register is "being filled in," it "progresses slowly" (CEDOS 1 Mar. 2017, 2). On the basis of a 14 June 2016 interview with representatives from the State Migration Service of Ukraine in Kyiv, a May 2017 report by the French Office for the Protection of Refugees and Stateless Persons (Office français de protection des réfugiés et apatrides) and the Austrian Federal Office for Immigration and Asylum on their joint fact-finding mission in Ukraine states that the Unified State Demographic Register "will not be operative any time soon" (Austria and France May 2017, 58).

1.1 Information Kept on Record

Paragraph 31 of the 2016 resolution On Approval of the Rules of Registration of Place of Residence and of the Procedure of Information Registration in the Unified National Demographic Register provides the following [translation]:

31. The following personal data are to be entered into the territorial community register:
surname, given name (all given names), patronymic;
date and place of birth;
place of residence/stay;
citizenship data;
unique Register record number (if this information appears on the Ukraine citizen’s passport);
date of registration of place of residence (residential registration);
surname, given name and patronymic of the representative, if acting on behalf of the person concerned, and data about the document certifying the powers of the representative;
information about the previous place of residence;
date of residential deregistration (after the person’s departure from that address).

Also entered in territorial community’s registers are the name of the registration authority, the surname, the given name, the patronymic, and the function of the person who added the records in the register. (Ukraine 2016)

The embassy representative indicated that the date when a person registered, the date of birth, the passport number, the residential address and the "new passport applications" is the information that is kept on records (Ukraine 13 July 2017).

The November 2016 NRC handbook states that data concerning the place of residence is contained in the following documents:

passport of a citizen of Ukraine;
temporary identity card of a citizen of Ukraine;

permanent residence permit;
temporary residence permit;
refugee identity card;
identity card of a person in need of complementary protection;
identity card of the person who has been granted temporary protection. (NRC 1 Nov. 2016, 29-30).

The same source adds that data on registration and deregistration of the place of residence is entered into citizens' passports, through stamping in a "passport book (standard form effective since 1993)" or "in the form of a card (standard form since 2015)" by entering the information into the contactless chip implemented in the passport (NRC 1 Nov. 2016, 30). The CEDOS representative similarly explained that applicants receive a "stamp of registration" in their passport or residence permit that includes information on the address of residence and the date of registration, and that people who have ID cards obtain an "extract from the National Population Register" that "certifies" the residence address and the date of registration (CEDOS 6 July 2017).

1.2 Rights Associated with Registration

The law On Freedom of Movement and Free Choice of Place of Residence in Ukraine provides the following [translation]:

Article 2. Freedom of movement and free choice of place of residence in Ukraine

Freedom of movement and free choice of place of residence in its territory, with the exclusion of limitations established by the law, are guaranteed to citizens of Ukraine, as well as to foreigners and stateless persons who stay legitimately in Ukraine.

The registration of place of residence (residential registration) or of place of stay, or the absence of such a registration, cannot be a precondition for the realization of rights and freedoms provided for by the Constitution (254/96-ǪǸ), by Ukraine's laws and international treaties, nor can they be a ground for a restriction of such rights and freedoms. (Ukraine 2004)

The embassy representative stated that an individual may have "difficulties" obtaining free medical treatment and "most [legal] documents" without "residency registration," but that the situation might be different depending on the type of documents requested (Ukraine 13 July 2017). A European Commission report on Ukraine published in November 2013 indicates that, "in practice," confirmation of registration is "usually" a requirement for having access to medical services, enrolling children at school and "obtaining pensions or social benefits" and that "individuals may face problems with access to these fundamental social rights when they are away from their registered place of residence" (EU 15 Nov. 2013, 23). The CEDOS policy brief similarly indicates that individuals who do not reside at their place of registered residence "have to spend more time and resources to obtain services in the settlement where they are registered" (CEDOS 1 Mar. 2017, 2).

According to the Council of Europe report, individuals who do not reside at their registered place of residence cannot participate in local elections (Council of Europe 2016, 75). Referring to the Council of Europe report as well as an interview with a hospital representative that occurred on 17 June 2016, the report of the fact-finding mission by France and Austria similarly states that medical services are "accessible only at the place of residence" (Austria and France May 2017, 60). The CEDOS policy brief further indicates that "access" to state outpatient clinics outside of one's place of registered residence "could be complicated by bureaucratic obstacles" (CEDOS 1 Mar. 2017, 2).

According to the CEDOS policy brief, individuals who do not reside at their registered place of residence cannot participate in local elections (CEDOS 1 Mar. 2017, 2). Similarly, the report from the Council of Europe states that IDPs are "deprived" of the right to vote in local election because they are not permanent resident of the constituency where they live (European Council 2016, 93). The representative from CEDOS explained that the address at which an individual is registered is also their voting address, and that Ukrainian nationals "who are not registered cannot vote" (CEDOS 6 July 2017). The same source added that, since it is common practice not to register the address of a rented accommodation and because citizens cannot participate in local elections in a locality other than the one of their registered residence, "many people cannot take part in local elections" where they live (CEDOS 6 July 2017).
Without providing further detail, the CEDOS policy brief states that a "complicated" procedure creates "obstacles [for the residence registration of] those people who live in households not owned by them or their family members" (CEDOS 1 Mar. 2017, 1).

1.3 Access to Registered Information

The resolution On Approval of the Rules of Registration of Place of Residence and of the Procedure of Information Registration in the Unified National Demographic Register provides the following [translation]:

32. Any access to the information contained in the territorial communities’ registers shall take place in compliance with the requirements of Ukraine’s Acts “On Freedom of Movement and Free Choice of Place of Residence in Ukraine”, “On Information”, “On Protection of Personal Data” [sic.] “On the National Register of Electors”.

It is forbidden [sic.] the officials and officers of the authorities in charge of registers and of other government bodies dealing with the processing of personal data contained in registers to disclose personal data that become known to them in the course of performing their office duties.

Every individual had the right to access their personal data contained in registers, as well as other rights regarding their own personal data as provided by Ukraine’s Act ‘On Personal Data Protection’.

Any access to the registers shall take place by authorization only; the information on the official / officer who requested to access the data and on the time of the request shall be recorded.

It is forbidden for the registration authority to share data from a territorial community register with third parties for purposes that are not listed in Ukraine’s Act ‘On Freedom of Movement and Free Choice of Place of Residence in Ukraine.’

Any sharing of information between the registration authorities and other government authorities and local self-government bodies shall take place with the written consent of the person concerned with the purpose of providing administrative services to that person.

Any sharing of personal data contained in the territorial communities’ registers with government authorities or with local self-government bodies without the consent of the person concerned can only take place in cases defined by the law.

If erroneous data about a person are found in a territorial community register, the registry authority shall inform the person about this fact within thirty days of the day when such data were discovered; the registry authority shall also requests correct information from the person concerned in order to make changes to the register in question and/or to documents where information about residence/stay is to be recorded, and shall forward the information obtained to the Register.

The data from territorial communities' registers can be used for statistic and scientific purposes, provided that such data are depersonalized. (Ukraine 2016)

The embassy representative indicated that the State Migration Service of Ukraine has access to the records kept by the residence registration officials, and explained that the written consent of the concerned person or a tribunal decision is required to access the information (Ukraine 13 July 2017).

1.4. Penalties for Unauthorized Use of Residence Registration Data

The Criminal Code of Ukraine provides the following:

Article 182. Violation of personal privacy

Illegal collection, storage, use or dissemination of confidential information about a person without his/her consent, or dissemination of such information in a public speech, publicly demonstrated work, or mass media, shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years. (Ukraine 2001)

The CEDOS representative explained that citizens who make unauthorized use of residence registration data face a "fine" for the amount from 100 to 500 times the "tax-free" minimum income and that officials or entrepreneurs are fined for the amount ranging from 300 to 1,000 times the "tax-free" minimum income of a citizen (CEDOS 6 July 2017). The embassy representative indicated that, according to the Criminal Code of Ukraine, disseminating personal information "can result" in fees ranging from US$375 to US$650, in an arrest for three to six months or in up to two years of "correctional labour" (Ukraine 13 July 2017).
2. Registration of Internally Displaced Persons (IDPs)

According to sources, as of November 2016, over 1.6 million individuals were registered as IDPs (IDMC 19 Dec. 2016) or close to 1.8 million by the summer of 2016 (Carnegie Europe 13 Feb. 2017). The CEDOS representative stated the following:

Established practice of IDPs' registration does not [require] applying to the register under the Ukrainian residence registration system. The document that certifies the status of IDP contains the actual address of the IDP's residence. However, the stamp of [residence] registration in the passport (residence permit, ID card) does not change after obtaining the IDP status.

Due to the lack of access to the local registers that remained on the territories beyond state control, there could be problems [pertaining to] applying for legal documents for people who are registered in Crimea or on uncontrolled territories in Luhansk or Donetsk oblasts. In practice, it is also complicated due to the lack of defined and approved procedures for issuing documents for IDPs. (CEDOS 6 July 2017)

A briefing paper published by the Internal Displacement Monitoring Centre (IDMC), "the leading source of information and analysis on internal displacement worldwide" and a part of the NRC (IDMC n.d.), explains that registration process for IDPs is "directly linked to Ukraine's residence registration system," and that IDPs "originally" had to show that their permanent residence was in a recognised "conflict zone" to register as IDPs (IDMC 19 Dec. 2016). The same source states that IDPs unable to show valid identification documents "were not eligible" to register as IDPs (IDMC 19 Dec. 2016). According to the same source, resolutions 352 and 365, both adopted on 8 June 2016, relaxed the proof of residence requirements, including by dropping the requirement that a State migration service stamp confirms the place of residence (IDMC 19 Dec. 2016).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] Documents to be found in annexes 6, 7 or 8, as specified by the first paragraph of the law, are attached to this Response.

References


CEDOS. 6 July 2017. Correspondence from a representative to the Research Directorate.


Migration. 28 March 2016. "Released CMU Resolution 'On Approval of Rules of Registration of Residence and Procedure for Transfer by the Registration Information in the Unified State Register of Demographic." [Accessed 26 June 2017]


Additional Sources Consulted

**Oral sources:** Kharkiv Human Rights Group; Ukraine – Embassy in Ottawa, State Migration Service; Ukrainian Legal Foundation; Vinnytsia Human Rights Group.

**Internet sites, including:** Amnesty International; ecoli.net; Factiva; Freedom House; Human Rights Watch; International Organization for Migration; Kharkiv Human Rights Group; Organization for Security and Co-operation in Europe; Reliefweb; United Nations – Refworld; Ukraine Crisis Media Center; Ukraine – Ministry of Foreign Affairs, Embassies in the United Kingdom and in Ottawa; Ukrainian Helsinki Human Rights Union; US – Department of State, Library of Congress.

Attachments


Tips on how to use this search engine.