

Immigration and Refugee Board of Canada

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Responses to Information Requests

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.

3 December 2012

UKR104122.E

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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

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Residence Registration System

Sources indicate that citizens of Ukraine, foreigners and stateless persons who legally reside in Ukraine must register their place of residence within ten days of arrival at a new place of residence (Ukraine 2004, Art. 6; KHPG 2 Oct. 2012). According to the Internet portal of the government of Ukraine, as of 1 August 2012, registration of a place of residence of individuals is carried out by offices of the State Migration Service of Ukraine (Ukraine 14 Aug. 2012). Before August 2012, the registration system was under the jurisdiction of the Ministry of Interior Affairs of Ukraine (KHPG 12 Oct. 2012).

According to Article 6 of the Law on the Rights to Freedom of Movement and Choice of Place of Residence in Ukraine of 2004, the following documents must be submitted in order to register:

[translation]

Application. Children between 15 and 18 years old submit separate application. If an individual, because of a plausible excuse, can not apply in person, registration can be performed on the basis of a procuration, legalised in a due manner;

Passport. For children under 16, the birth certificate or document certifying the citizenship of Ukraine shall be presented. In addition, foreigners and stateless persons must present a document authorising their temporary or permanent residence;

Proof of payment of state fee or a document certifying the exemptions from the obligation to pay state fee;

Two copies of document certifying the removal from register. (Ukraine 2004, Art. 6).

Sources indicate that registration and cancellation of the previous place of residence can be done on the same day (UHHRU 20 June 2012; Ukraine 14 Aug. 2012) at the same State Migration Service office (*ibid.*). Cancellation of residence registration is carried out on the basis of individual's application, death certificate, inquiry of the authority registering the new place of residence or under a court order (*ibid.* 2004, Art. 7). According to the government portal, cancellation of residence registration may also be done at the request of the owner of the residence in cases of an expired lease agreement (Ukraine 14 Aug. 2012).

2. Rights Associated with Registration

According to Article 2 of the law on freedom of movement,

[translation]

Registration of or failure to register the place of permanent or temporary residence of individual cannot be the basis for the limitation, or a condition for the fulfillment, of those rights and freedoms that are guaranteed by the

Constitution, Law or international treaties of Ukraine. (Ukraine 2004)

In correspondence with the Research Directorate, a representative of the Ukrainian Helsinki Human Rights Union (UHHRU), an NGO that promotes the protection of rights of Ukrainian citizens (n.d.), indicated that it is "illegal" to deny employment, refuse to provide medical care, and social support due to lack of residence registration (UHHRU 20 June 2012). However, the representative stated that, in practice, "the authorities require confirmation of the registration for obtaining medical care, sending children to school, getting pension or social benefits" (ibid.). In correspondence with the Research Directorate, a representative of the Vinnytsya Human Rights Group, a Vinnytsya-based NGO, indicated that individuals also had problems accessing medical care when they were away from their registered place of residence (24 June 2012).

3. Registration Data

A representative of the Kharkiv Human Rights Protection Group (KHPG), in correspondence with the Research Directorate, stated that the following information is recorded at the time of registration: full name, date and place of birth, gender, citizenship, place of residence, date of arrival, passport information and, if applicable, information about children (2 Oct. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Article 6 of the law on freedom of movement indicated that "data related to the place of residence of an individual and other personal data is issued only in exceptional circumstances, foreseen by the legislation of Ukraine or in agreement with the individual himself" (Ukraine 2004, Art. 6). The representative of the KHPG corroborated the above-mentioned information and indicated that registered information is "not publicly available" (2 Oct. 2012).

The KHPG representative pointed out that police officers have access to the registration system (KHPG 2 Oct. 2012). They can access the registration system by calling the registry office and using a password (ibid.). The KHPG representative stated that, in his opinion, although police officers should use registration information while on duty, in practice, they can also use it for "private matters" (ibid. 12 Oct. 2012; ibid. 2 Oct. 2012). Corroborating information could not be found among sources consulted by the Research Directorate within the time constraints of this Response.

According to Article 182 of the Criminal Code of Ukraine of 2001,

[translation]

[i]llegal collection, storage, use or dissemination of confidential information about a person without his/her consent ... 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)

Further information on the access to the registration system and information on the implementation of the criminal law could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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.

References

Kharkiv Human Rights Protection Group (KHPG). 12 October 2012. Correspondence sent by a representative to the Research Directorate.

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Ukraine. 14 August 2012. Government Portal. "The Procedure of Registration of Residence and Issuance of Passports of Citizens of Ukraine is Simplified in Ukraine." <http://www.kmu.gov.ua/control/en/publish/printable_article?art_id=245482393> [Accessed 24 Sept. 2012]

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Ukrainian Helsinki Human Rights Union (UHHRU). 20 June 2012. Correspondence sent by a representative to the Research Directorate.

_____. N.d. "Ukrainian Association of Civic Human Rights Organisations 'Ukrainian Helsinki Human Rights Union.'" <<http://Helsinki.org.ua/en/index/php?r=a2b1c1>> [Accessed 24 Oct. 2012]

Vinnytsya Human Rights Group. 24 June 2012. Correspondence sent by a representative to the Research Directorate. Translated by the Translation Bureau, Public Works and Government Services Canada.

Additional Sources Consulted

Oral Sources: Attempts to contact representatives of the following organizations were unsuccessful: Ukraine – consulates general of Ukraine in Toronto and Edinburgh, embassies of Ukraine in Australia and Ottawa, Ministry of Internal Affairs, State Migration Service of Ukraine.

Internet sites, including: Alpina Consult; American Chamber of Commerce in Ukraine; Amnesty International; *Delo*; Eastern Partnership Panel on Migration and Asylum; Europa World Year Book; EU – Council of Europe; *ecoi.net*; Factiva; Freedom House; Human Rights Watch; International Organization for Migration, Ukraine; International Crisis Group; Interpol; Jane's *Intelligence Review*; Kharkiv Human Rights Protection Group; *Kyiv Post*; La Strada Ukraine; Law Net; Liga News; Media Law Institute; Office for Democratic Institutions and Human Rights; *Political Handbook of the World*; Privacy International; Quaker Council for European Affairs; Radio Free Europe/Radio Liberty; Reporters without Borders; Ukraine – consulates general of Ukraine in Chicago and New York, embassies of Ukraine in Ottawa, Moscow, and London, Government Portal, Ministry of Foreign Affairs, Ministry of Interior Affairs, Parliament of Ukraine, President of Ukraine, State Migration Service of Ukraine, Verkhovna Rada of Ukraine; *Ukraine Digest*; Ukrainian Helsinki Human Rights Union; UN – UN High Commission for Refugees, Refworld; US – Department of State Bureau of Diplomatic Security; Vinnytsya Human Rights Group; Yaroslav the Wise Institute of Legal Information.

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