



RESPONSES TO INFORMATION REQUESTS (RIRs)

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UKR42598.E

Ukraine: Procedure for obtaining a propiska; how and where residency information is stored; whether computer databases with personal residence information are available to police (2001 - Present)

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This Response adds information to that found in UKR22713.E of 2 January 1996 on the renewal of propiskas (residence permits) as well as in UKR39130.E of 28 May 2002 and UKR40554.E of 24 March 2003 on the enforcement of the propiska rule.

The Procedure

On 27 January 2004, the Law On the Right to Freedom of Movement and Choice of Place of Residence in Ukraine came into effect (Interfax 2 Feb. 2004; Legislationline 13 Jan. 2004). This law requires citizens of Ukraine, as well as foreigners or stateless persons who legally reside in Ukraine, to register their new place of residence by submitting a written statement, a passport, tax documentation and a certificate showing that the previous residence registration has been cancelled (ibid.; ibid. 12 Jan. 2004; ibid. 15 Dec. 2003; ITAR-TASS 4 Jan. 2004; *The Ukrainian Weekly* 21 Dec. 2003; Legislationline 13 Jan. 2004 Art.1, 6;). This law effectively replaces the propiska system, which had required official permission to register one's residence, with a residence registration system that entails, simply, notification of the local authorities of a residence change (Interfax 2 Feb. 2004; ibid. 12 Jan. 2004; ibid. 15 Dec. 2003; ITAR-TASS 4 Jan. 2004; *The Ukrainian Weekly* 21 Dec. 2003; UNHCR Mar. 2004). The law defines registration as follows:

Registration [consists of] the inclusion of data in [the] passport register at the place of temporary or permanent residence as regards to the address of the place of residence and inclusion of these data in the register of the organism expressly authorized by the central executive authority in charge of registration issues (Legislationline 13 Jan. 2004 Art. 3).

The law states that the central executive authority in charge of registration issues decides which state authority in Ukraine carries out registration of individuals, but does not specify which authority (ibid. Art. 11). Information on the implementation of this law could not be found among the sources consulted by the Research Directorate.

Government Storage of Residency Information

The Law On the Right to Freedom of Movement and Choice of Place of Residence in Ukraine mentions a "register" of residency information in terms of re-registration in and removal from the register (ibid. Art. 7, 9, 10). However, the details of whether this register is a paper or an electronic file or whether it is stored locally or centrally are not provided in the legislation (ibid.). According to the Danish Immigration Service's 2000 report on its fact-finding mission to Ukraine, the Passport and Visa Registration Office in Ukraine was responsible for recording personal data and that registration took place in the municipalities on a decentralized basis (1 Mar. 2000). Information on the storage of residency information by the government of Ukraine as of April 2004, or on the status of the draft bill On the State Register of Individuals (see UKR39130.E), was not found among the sources consulted by the Research Directorate.

Personal Data Available to Police

Information on which personal data of individuals in Ukraine is available to the police in Ukraine could not be found among the sources consulted by the Research Directorate. However, the following information regarding the dissemination of personal data in Ukraine may be of interest.

Although a draft Law On Personal Data Protection passed a first hearing on 15 May 2003, as of June 2003, according to Privacy International, there was no data protection law in effect in Ukraine (7 Sep. 2003). However, the Law On the Right to Freedom of Movement and Choice of Place of Residence in Ukraine states that

[d]ata 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 (Legislationline 13 Jan. 2004 Art. 6).

In addition, the Constitution of Ukraine maintains that the

[C]ollection, storage, use and dissemination of confidential information about a person without his or her consent shall not be permitted, except in cases determined by law, and only in the interests of national security, economic welfare and human rights (Ukraine 28 June 1996 Art. 32).

In describing a Ukrainian presidential decree of April 2000 enacted to protect information in data-transmission networks, Privacy International, a human rights group that closely monitors governments and corporations, comments that although the presidential decree is in effect, it is not observed (Privacy International 7Sep. 2003). They continue that

[t]he situation with this [decree] is typical in Ukraine when a law although enacted is not implemented and does, as a result, not influence the social and political life of the country (ibid.).

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 additional sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Unsuccessful attempt to contact the International Organization of Migration in Ukraine

Internet sites, including: Amnesty International, Archives of Ukraine, BBC, Brama, Central Interpol Office of Ukraine, CNN, Danish Immigration Service, Dialog, European Country of Origin Info Network, Forum, Human Rights Without Frontiers, Inforesource, Institute of Legal Information, Interfax Ukraine,

International Crisis Group, Kyiv Post, MIA Central Bureau for Information, Migration News, Ministry of Foreign Affairs of Ukraine, Ministry of Internal Affairs of Ukraine, Ministry of Justice of Ukraine, Passport and Visa Registration Office of Ukraine, Radio Free Europe/Radio Liberty, Refugees International, Relief Web, Security Service of Ukraine, State Committees of Ukraine, State Department of Citizenship, Immigration and Registration of Ukraine, The Day, The Ukrainian Weekly, UK Home Office Country Information, Ukraine Info, Ukrainian Centre for Economic and Political Studies, UNIAN, Voice of Ukraine, World Immigration and Deportation, World News Connection, Zerkalo Nedeli.

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