

Ukraine: Law of 1994 On the Right to Freedom of Movement and Choice of Place of Residence in Ukraine

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This Law in accordance with the Constitution of Ukraine, establishes provisions related to freedom of movement and freedom to choose the place of residence in Ukraine, that are guaranteed by the Constitution of Ukraine and consolidated by the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, European Convention on Human Rights and its protocols, other international acts, establishes procedures for the exercise of freedom of movement and freedom to choose the place of residence and imposes restrictions on these freedoms.

Article 1. Scope of the Law

This Law is applicable to the citizens of Ukraine, as well as to foreigners and stateless persons who legally reside in Ukraine, in accordance with the rights and freedoms guaranteed by the Constitution, laws and international treaties of Ukraine.

Article 2. Freedom of movement and freedom to choose the place of residence in Ukraine

Citizens of Ukraine as well as foreigners and stateless persons who legally reside in Ukraine are granted with the freedom of movement and freedom to choose the place of residence in Ukraine, except for restrictions foreseen by the Law.

Registration or failure to register of the place of permanent or temporary residence of individual cannot be the basis for the limitation, or a condition for the fulfilment, of those rights and freedoms that are guaranteed by the Constitution, Law or international treaties of Ukraine.

Article 3. Definitions

For the purposes of this Law, the following definitions shall apply:

Freedom of movement is the right of the citizens of Ukraine, as well as of foreigners and stateless persons, who legally reside in Ukraine, to, freely and without limitations of their will, move across the territory of Ukraine in any direction, by any means, at any time, except for restrictions foreseen by the Law;

Freedom to freely choose the place of temporary or permanent residence is the right of the citizens of Ukraine, as well as of foreigners and stateless persons, who legally reside in Ukraine, to freely chose administrative unit on the territory of which they wish to reside temporarily or permanently;

Place of temporary residence is the administrative unit on the territory of which an individual resides less than six month per year;

Place of permanent residence is the administrative unit on the territory of which an individual resides more than six month per year;

Person is the individual;

Registration is the inclusion of data in 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 organism expressly authorised by the central executive authority in charge of registration issues;

Registration document of the place of temporary or permanent residence is a document delivered by the registration authority certifying the registration of the place of temporary or permanent residence.

Article 4. Legislation on freedom of movement and freedom to choose the place of residence

Legislation concerning the freedom of movement and the freedom to choose the place of residence is composed of the Constitution of Ukraine, this Law, other laws and international treaties of Ukraine.

If international treaties of Ukraine foresee different provisions that those established by this Law, provisions of international treaties apply, compulsory character of which was agreed upon by the Supreme Council of Ukraine.

Article 5. Legal grounds for residing in Ukraine

Legal grounds for residing in Ukraine are:

- For citizens of Ukraine is the belonging to the citizenship of Ukraine.
- For foreigners or stateless persons is the registration of the travel document on the territory of Ukraine or a document authorising their temporary or permanent residence in Ukraine, or documents certifying the conceding of refugee status in Ukraine.

Article 6. Registration of the place of permanent residence

Citizens of Ukraine, as well as foreigners or stateless persons who legally reside in Ukraine, within ten days after their arrival at a new place of residence have to register their new place of residence.

For the purpose of registration an individual must submit:

- *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.

It is forbidden to ask for additional documents for the purpose of registration of the place of residence.

Individual's application for the registration of the place of residence is the unique basis for the registration of his place of residence.

The forms of applications and other documents required for the registration of the place of residence are approved by the Cabinet of Ministers of Ukraine.

Individuals who remain for the period exceeding one month outside the territory of the administrative unit, which have registered their place of residence, and who carry the responsibility for fulfilling obligations imposed by administrative rules or by a Court's decision, or are called up for military service and do not possess deferment of military service, or participate in a trial in whatever capacity, have to register their place of residence.

Registration of the citizens of Ukraine, who live abroad, is carried out according to the Law by consulates or diplomatic missions of Ukraine abroad.

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.

If the change of the place of residence takes place within the same administrative unit, individual who have registered his place of residence or his legal representative must communicate within seven days in written form the change of address to the registration authority.

Article 7. Removal from register of the registration of the place of residence

Removal from register of the registration of the place of residence is carried out within seven days, on the basis of individual's application, inquiry of the authority registering the new place of

residence, court's decision (on deprivation of rights to possess or to use lodging, recognition of individual as missing or dead), and death certificate.

Children between 15 and 18 years old submit separate applications. If an individual, because of a plausible excuse, can not personally apply for the removal from the register, removal can be performed on the basis of a procuration, legalised in a due manner.

Removal from the register of minors, who do not have parents and individuals who are under guardianship or trusteeship is carried out in the agreement with the organisms of guardianship or trusteeship.

Article 8. Registration of the place of temporary residence

Registration of the place of temporary residence is carried out on the basis of individual's application. An individual must submit this application within seven days after his arrival at a new place of residence.

While registering the place of temporary residence, information concerning the individual is transmitted to the authority which has registered the place of permanent residence of this individual.

Article 9. Removal from the register of data concerning the place of temporary residence

Removal from the register of the data concerning the place of temporary residence is carried out on the basis of individual's application. Individual carries all responsibility for the truthfulness of such a declaration.

Registration authority, that receives individual's declaration removes from the register information concerning the place of temporary residence of the individual and notifies the authority that has registered the place of permanent residence of this individual.

Article 10. Re-registration of the place of temporary or permanent residence

If in the course of registration erroneous data concerning the individual were included in the register, the registering authority must within seven days, on the basis of data provided by the individual or his legal representatives, introduce necessary changes in the register.

Article 11. Authority registering the place of temporary or permanent residence

Registration of the place of temporary or permanent residence of the individual is carried out by an authority expressly authorised by the central executive authority in charge of registration issues (henceforth, registration authority), in autonomous Republic of Crimea, oblasts, cities, regions, districts within cities, as well as in cities of Kiev and Sevastopol.

Article 12. Restrictions to the freedom of movement

According to the Law, the freedom of movement can be restricted:

- In boundary regions;
- In military zones;
- In zones that according to the Law belong to the category of restricted access zones;
- In the private land;
- In the areas for which was declared martial Law or state of emergency;
- In territories and populated areas where because of the need to prevent the spreading of infectious diseases and poisoning of people there is special regime for the residence of people and economic activity.
- The freedom of movement is restricted as regards:
 - To individuals who according to judicial legislation are condemned to imprisonment or to partial limitation of freedom;
 - To individuals who on the basis of a court's decision are serving their sentences in the form of imprisonment or partial limitation of freedom;
 - To individuals who according to the legislation are under administrative arrest;
 - To individuals who according to the legislation concerning infectious diseases and psychological assistance are subject to forced hospitalisation and treatment;
 - To asylum seekers and individuals who applied for the status of refugee until the decision (granting to these persons asylum or refugee status) is taken by a competent authority;
 - To foreigners and stateless persons who are not legally residing in Ukraine;
 - To individuals who are called up by the Military Forces of Ukraine or other military formations for military service;
 - To foreigners who are part of foreign military units and who have military status.

Freedom of movement can be confined in other circumstances foreseen by the Law.

Article 13. Restrictions to the freedom to choose the place of residence

Freedom to choose the place of residence is restricted in administrative units located:

- In boundary regions;
- In military zones;
- In zones that according to the Law belong to the category of restricted access zones;
- In territories and populated areas where because of the need to prevent the spreading of infectious diseases and poisoning of people there is special regime for the residence of people and economic activity.
- In the areas for which was declared martial Law or state of emergency;
- The freedom of movement restricted as regards:
 - To individuals under 16 years old
 - To individuals who, according to judicial legislation, are condemned to imprisonment or to partial limitation of freedom;
 - To individuals who on the basis of court's decision are serving their sentences in the form of imprisonment or partial limitation of freedom;
 - To individuals who according to the legislation are under administrative arrest;
 - To individuals who according to the legislation concerning infectious diseases and psychological assistance are subject to forced hospitalisation and treatment;

- Foreigners and stateless persons who are not legally residing in Ukraine;

Article 14. Appeal against decisions related to the freedom of movement, registration of the place of temporary or permanent residence of individuals or inactivity or state authorities and officials

Decisions or inactions of state authorities and officials related to the freedom of movement, freedom to choose the place of residence, registration of the place of temporary or permanent residence of individuals can be challenged according to procedures foreseen by the Law.

Article 15. Responsibility for the violation of this Law

Individuals responsible for the violation of this Law bear responsibility for this violation according to the Law.

Article 16. Miscellaneous provisions

1. This Law shall enter into force on the day of its publication.
2. The place of residence of individuals which was, on the day of the entry into force of this Law, confirmed by registration ("*propiska*") is considered as registered.
3. If an individual applied for the change of his address before the entry into force of this Law, registration of his place of residence is carried out according to the rules that were in force before the entry into force of this Law.
4. The Cabinet of Ministers shall, within three months after the entry into force of this Law:
 - Prepare and submit for consideration of the Supreme Council of Ukraine propositions related to the amendments that have to be introduced in the legislation of Ukraine necessary to comply with this Law;
 - Ensure the compliance with this Law of legal acts of the executive authorities.

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