



# Russian Federation: The Nature of the *Propiska* System

January 2001

LL File No. 2001-10210  
LRA-D-PUB-001531

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## RUSSIAN FEDERATION: THE NATURE OF THE *PROPISKA* SYSTEM

The main idea of Russian citizenship legislation is to protect ethnic Russians whether they reside in the Russian Federation or not, and to make acquisition of Russian citizenship for them more easily. Because after the break up of the Soviet Union, Russia declared itself a legal successor of the USSR, the Law (article 18) provides for the special procedure of automatic registration as Russian citizens of those persons who were former USSR citizens residing in other republics of the former Soviet Union but desiring to acquire Russian citizenship or entered the territory of the Russian Federation for the purpose of residing there. Before December 31, 2000, these persons could obtain Russian citizenship under simplified procedure.

Obtaining of Russian citizenship made them eligible to be registered at the place of abode and to receive Russian internal passport. In order to receive the internal passport an individual has to register his place of abode with local police department and to submit required documents to the same police department. The issuance of a passport to the person holding this document is an act of recognition of Russian citizenship of this person by the authorities. Passports of such individuals contain information about the naturalization of the passport holder. In 1997, Russian authorities started to issue new internal passports for Russian citizens, however, due to technical and financial difficulties this process was temporarily stopped, and Russian citizens continue to use old forms which were used for the Soviet passports with an added notice that the holder of the passport is a citizen of the Russian Federation and the stamp with the information on the person's residence registration..

When a citizen of the Russian Federation is going to travel abroad, he shall apply for external travel passport at the local police department at his place of permanent residence. According to the Law on Entry to and Exit from the Russian Federation,<sup>1</sup> might be issued to any individual permanently residing on Russian territory for the purpose of travel to a foreign country upon his/her application. Under this Law, travel passports are valid within five years after the issuance and can be used for travel in any country. There is no legal requirement to inform Russian authorities about the travel destination.

According to new Russian legislation, the registration of the place of abode substitutes the former *propiska* system which was introduced by the Soviet authorities in 1927, in order to prevent uncontrolled migration of Soviet citizens within the USSR. The system was effected by means of passport entries made by the Ministry of Internal Affairs (police). On taking up residence in a locality or leaving the place of residence, special residence and departure stamps should be obtained. In addition to residence

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<sup>1</sup> ROSSIISKAIA GAZETA [official newspaper of the Russian Government], Aug.22, 1996.

permits, on quitting the accommodation for over six weeks, a departure stamp was required; without it the residence stamp would not be entered in one's passport at the new place of abode.

In 1993, Russia adopted a law guaranteeing freedom of movement.<sup>2</sup> However, regulations were issued under this Law establishing a residence registration system to replace the former residence permit rules under another name. Though the *propiska* system was officially repealed, the residence registration system which exists currently in Russia did not change the essence of the institution. As earlier, the individual's possibility to get an employment, to rent an apartment, and to receive social benefits depends on the proper registration at the place of abode. Despite the fact that the law required to introduce the voluntary registration system just for information purposes, the Rules Governing the Registration of Citizens of the Russian Federation on the Register of Place of Abode and Place of Residence Within the Russian Federation<sup>3</sup> which were adopted by the Russian Government in July 1995, kept the authorization function of this procedure.

Even though on November 10, 1998, the Prosecutor general issued the Order on Urgent measures Aimed to Prevent Violation of Legislation Related to Freedom of Movement,<sup>4</sup> the registration remains mandatory for all Russian citizens who relocate from their places of residence, and for those who receive guests. Since March 1997, the application of the Rules Governing the Registration of Russian Citizens are extended to citizens of former USSR arriving from states belonging to the Commonwealth of Independent States and the Baltic States.<sup>5</sup> Regional administrations and governments of the constituent components of the Russian Federation have the right to impose special fees related to the registration procedure as well as to determine their amount. The Russian Federation Constitutional Court ruled illegal any consequences attached to refusal of a residence permit or refusal of residence registration; but trying not to confront directly all regional administrations which strongly supported these restrictive measures, the Court did not say anything against the residence registration itself.<sup>6</sup>

In order to obtain the residence registration, an individual shall submit an application to the local police department. The application shall be supported by a number of identification documents and materials confirming the right of an individual to live in a particular residence (deed, lease, etc.). If an individual wants to be registered at the residence of his friends or relatives, he/she shall submit a written consent of all residents registered at this address. If according to sanitary regulations

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<sup>2</sup> Law on Rights of Russian Citizens to Freedom of Movement and Choice of the Place of Residence Within Russian Federation, ROSSIISKAIA GAZETA, No. 152, August 10, 1993.

<sup>3</sup> 1995 SOBRANIE ZAKONODATELSTVA ROSSIISKOI FEDERATSII (SZ RF) [Russian official gazette] No. 30, Item 2939.

<sup>4</sup> 1999 BIULLETEN NORMATIVNIH AKTOV [Bulletin of Legal Acts], No. 2, Item 76.

<sup>5</sup> 1997 SZ RF No. 11, Item 1328.

<sup>6</sup> 1997 SZ RF No. 27, Item 3304.

the size of the residence permits more people to live there, the application shall be granted. If an applicant is under 65 years of age, he/she cannot get a residence registration without having accommodation and employment. The existing *propiska* regime has more restrictions in certain localities, for instance, in cities of Moscow and St. Petersburg, and some other regional administrative centers.

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January 2001