



Ad-Hoc Query on Municipal Register

Requested by ES EMN NCP on 11st of February 2010

Compilation produced on 8th of April 2010

Responses from Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom (20 in Total)

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1. Background Information

Spanish law concerning local authorities obligates all persons (national and foreign, irrespective of their administrative situation) who have their habitual residence in Spain to be registered in the **Municipal Register** (the administrative registry which lists the residents of a municipality, as well as to notify of possible changes in residence, if applicable).

The official population figures for each municipality in Spain are based on this registry.



Recently, a social debate has started in Spain on domestic legislation related with the inscription - "**empadronamiento**"- of foreigners. Therefore it is considered of interest to these effects to know the criteria set forth in internal legislations of other countries of the European Union which have an administrative registry analogous in nature.

Empadronamiento: Inscription in the Municipal Register


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We kindly ask you to provide your answers by the **5th of March**.



2. Responses

		Wider Dissemination?	<ol style="list-style-type: none"> 1. Does an administrative registry exist in your country which includes all those persons who reside in any of your municipalities? (If Yes, answer questions 2 and 3) , (If No, answer questions 4 and 5) 2. What legal status must the foreigner hold in order to be entitled to inclusion in this registry? 3. What rights are foreigners entitled to upon inscription in this registry? 4. Does there exist in your country any type of registry which is the basis for knowing how many persons (including foreigners) reside in your country? Is inscription in this registry mandatory? In what situation must foreigners be in order to register in said registry? 5. What rights and legal consequences result of inclusion in the aforementioned registry?
	Austria	NO	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further
	Belgium	Yes	<ol style="list-style-type: none"> 1. No. Only those who have (or have had) some kind of legal status are registered in registers. 4. In Belgium, there are three different registers which are the basis for the National Register: <ol style="list-style-type: none"> a) the Waiting Register (wachtregister/registre d'attente) b) the Foreigners Register (Vreemdelingenregister/Registre des Etrangers) c) The Population register (Bevolkingsregister/ Registre de la population) <p>a) The Waiting Register contains information about candidate refugees. Within eight working days following the submission of the asylum application, the applicant must go to the municipality of his/her principal residence. The municipality will issue a "certificate of immatriculation" (A.I.) type A, valid for three months from the date of issue. This certificate will be renewed (the first three renewals will be for three months, thereafter it will have to be renewed) as long the examination of the asylum procedure is pending. When the applicant is recognised as a refugee, a right of residence for an indefinite period of time on the Belgian territory is granted. The foreigner is registered in the Foreigner's Register.</p> <p>b) The Foreigners Register contains data about foreigners with a temporary residence permit. All foreigners legally residing in Belgium need a valid residence permit. There are different kinds of resident permits depending on the different resident statuses. All foreigners who have received the authorization to reside on the Belgian territory are registered in the Foreigners Register and receive a certificate thereof (BIVR/CIRE: Bewijs Inschrijving Vreemdelingenregister/Certificat d'inscription au Registre des Etrangersr). These permits are delivered by the Immigration Department.</p> <p>c) The Population register: contains data about Belgians, foreigners who have a permanent residence permit</p>


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			<p>5. Asylum Seekers (Waiting Register) have the following rights:</p> <ul style="list-style-type: none"> • right to medical assistance and care but this is limited to what is necessary in order to allow a dignified level of living • right to material aid. • Access to primary and further education – the right to education does not depend on legal residence status • Limited right to family reunification with following members: husband or wife, registered partner, children younger than 18 years • Until recently: no access to labour market, since 12/01/2010: some categories of asylum seekers have the right to work (6 months in the procedure without a decision from the Commissariat-general for Refugees and Stateless Persons) <p>Foreigners registered in the Foreigners Register:</p> <ul style="list-style-type: none"> • Access to medical care, including the right to a medical insurance by registering with a health insurance provider, • Access to primary and further education • Right to family reunification with following family members: <ul style="list-style-type: none"> - husband or wife - partner - children younger than 18 years - +extra conditions for third country family members of third country nationals: sufficient housing, health insurance in respect of all risks normally covered for Belgian nationals • Access to labour market • Entitled to social aid and state benefits, such as family benefits <p>Foreigners registered in the Population Register:</p> <ul style="list-style-type: none"> • Access to medical care, including the right to a medical insurance by registering with a health insurance provider. • Access to primary and further education • Right to family reunification with following family members: <ul style="list-style-type: none"> - husband or wife - partner - children younger than 18 years - +extra conditions for third country family members of third country nationals: sufficient housing, health insurance in respect of all risks normally covered for Belgian nationals • Access to labour market • Entitled to social aid and state benefits, such as family benefits
	Bulgaria	Yes	<p>According the Bulgarian Law on civil registration in the population register shall be entered all Bulgarian citizens and foreigners, residing in the territory of the Republic of Bulgaria, as follows:</p>


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			<p>- Foreigners with permanent residence permit in the Republic of Bulgaria; - Foreigners without citizenship, permanently and mainly residing in the Republic of Bulgaria; - Foreigners with a refugee status or humanitarian status, or foreigners having received asylum status in the Republic of Bulgaria. The registration in the population register has to be done in the municipality, where the person has his residence address. The registered foreigners in the population register shall have the right on work, medical care, education and social self insurance, stipulated by the law. According the Bulgarian Law for the asylum and refugees the refugee shall acquire the rights and obligations of Bulgarian citizens with exception of: - the right to participate in elections for state and local bodies, in national and local referendums, as well to participate in the founding of political parties and be their member; - to occupy a position for which a law requires a Bulgarian citizenship; - to be a military serviceman; - other restrictions explicitly stipulated by a law.</p>
	Czech Republic	Yes	<ol style="list-style-type: none"> 1. NO. 2. - 3. - 4. The Ministry of Interior operates an Information System for the Registration of Inhabitants (ISEO). Czech Identification Cards contain an address of permanent residence, which is an element needed in most elementary life situations of citizens, such as receiving registered mail or applying for welfare in the area of residence. This is why Czech citizens file an application for permanent residence with their municipality, which issues their ID and submits this information to the Ministry. Data on foreign nationals are automatically extracted on a daily basis from the Foreign National Information System (CIS, administered by the Foreign Police Service) into the ISEO. The CIS is a database of foreign nationals who are registered there automatically by the relevant authorities when applying for a residence permit. 5. Data from the ISEO are processed by the Czech Statistical Office. Data released by the Czech Statistical Office represent the official population statistics. These official statistics are then for example used by the Ministry of Finance when distributing the share on tax-revenues to municipalities. <p>Being registered in the ISEO doesn't constitute any right or entitlement of a foreign national or a Czech citizen.</p>
	Estonia	Yes	<ol style="list-style-type: none"> 1. Yes, in Estonia the Population Register is the uniform database of the personal data of Estonian citizens and foreigners with Estonian residence permits, which is administered and developed by the Ministry of the Interior. 2. All foreigners - Third country citizens (or persons with undefined citizenship) with Estonian residence permits and European Union Citizens who hold the right to stay in Estonia. 3. The Population Register itself does not give to foreigners' any benefits. An alien is required to register his residence in Estonia in the Population Register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.


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			<p>Residence permit in Estonia gives all social benefits in the same conditions as Estonians.</p> <p>The Population Register data provide the state with information that enables the state to better perform its obligations. Based on the data in the Register, it is possible for the state to more precisely plan the use of monetary resources and manage the development process. It also guarantees the existence of exact information that allows administrative agencies to conduct business with the residents more smoothly.</p> <p>In cases specified by law, the data in the Population Register has legal effect. As of 1 January 2006, the vital records compiled using the Register's software have legal effect, which means that the information is considered to be correct based exclusively on the data in the Register, and there is no need to prove this information with a paper copy.</p> <p>The residence data entered in the Population Register has legal effect in three cases:</p> <ol style="list-style-type: none"> 1. Voter cards are sent to the address in the Population Register. 2. Personal income tax is received by local governments based on residence data. 3. If an address is needed for the performance of functions specified by law, the address data in the Register will be used. <p>The remaining data is primarily of an informative and statistical nature.</p>
	Finland	Yes	<p>1. Yes. The Finnish Population Information System is a computerised national register that contains basic information about Finnish citizens and foreign citizens residing permanently in Finland. Also recorded is information about buildings, construction projects, residences and real estate. The Population Information System is the most-used basic register in Finland. Finland's registration of population data is viewed internationally as being of a high standard.</p> <p>The Population Information System is maintained by the Population Register Centre and local register offices. Registration of information is based on statutory notifications made by private individuals and public authorities. The information in the system is used throughout Finnish society's information services and management, including in public administration, elections, taxation, judicial administration, research and statistics. Businesses and other private organisations can also gain access to the information.</p> <p>The Population Information System contains basic information about Finnish citizens and foreign citizens residing permanently in Finland. Under the Population Information Act (507/1993), the personal data in the Population Information System is maintained for the purpose of identification of persons as well as for clarification of their status regarding personal and family law and their legal capacity. Basic personal data recorded in the system includes name, personal identity code, address, municipality of residence, citizenship, family relations and date of birth and death. Other details registered concern guardianship, restrictions of legal competence and continuing power of attorney as well as native language, communication language, occupation and restrictions on the disclosure of data provided by the person.</p> <p>Also recorded is information on custody, information required for elections and referenda, membership in a religious community, the relevant local register authority, and the electronic client identifier needed for secure electronic transactions.</p> <p>On the basis of the statutory duty to provide information, information is received from citizens (for example notifications of move) and from various public authorities. These include local parishes, the Finnish Immigration Service, Finnish embassies and missions abroad,</p>




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			<p>courts of law, municipal social service authorities, hospitals and health care centres as well as marriage authorities. For example, information about a birth is obtained directly from the hospital, after which the local register office provides the child with a personal identity code. The child's parents inform either the baptising member of the clergy or the local register office of the names given to the child for registration in the Population Information System.</p> <p>Population registers have a long history in Finland, with population information having been registered since the 1530s.</p> <p>2. The municipality of residence of foreign citizens who have moved to Finland and live in Finland can be entered in the Population Information System if they intend to reside permanently in Finland and have been issued either a permanent or continuous residence permit or a temporary residence permit for at least one year. Citizens of EU Member States and the Nordic countries do not need a residence permit. Details of permanent residents in Finland recorded in the Population Information System include name, date of birth, citizenship, family relations and address. Foreign citizens are issued a personal identity code on the basis of their registration.</p> <p>3. Personal identity code is needed to be able to apply for pensions and other benefits. It is also needed for the payment of wages, salaries and fees. The code is also essential in bank transactions, and your bank will require it when you are opening an account.</p>
	France	Yes	<p>1. There is no municipal register in France.</p> <p>4. However, there is a system of annual census of the 'legal population', that is to say the official number of people. The information collection is organized and controlled by the INSEE (National Institute of Statistics and Economic Studies) and the management of census surveys in the field is prepared and conducted under the responsibility of municipalities.</p> <p>Since 2004, the INSEE has implemented a new census of the population. Instead of a general census (a count conducted every 7 to 9 years), it is annual and concerns successively all municipal areas over a period of 5 years. Thus, the socio-demographic information is updated more frequently than it was with the previous method.</p> <p>Each year, these figures are published with an oldness of three years:</p> <ul style="list-style-type: none"> - The number of the population of each municipality - Detailed statistical results for all geographical areas, including for large municipalities for infra-municipal zonings. <p>The census is done in the privacy of individual data.</p> <p>It is an important source of statistical data and its updating allows deepening issues relating to housing or employment based on local</p>



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			<p>issues. The census should also facilitate the implementation of public policies.</p> <p>The collection method is as follows:</p> <p>Municipalities of less than 10 000 people are surveyed every 5 year, while municipalities of 10 000 people and more are surveyed every year according to a poll running (4 housings on 10) on 1/5th of their territory. Thus, in 5 years, all municipalities are counted: the first cycle of 5 years (2004-2008) provided the figures of the legal population of each municipality, dated 1st January 2006. 2009 census surveys redefined a new cycle (2005-2009) and provided results on 1st January 2007. Thanks to this method, it is possible to produce annually the legal population of each municipality (and each administrative area of superior level: departmental, regional, national) in investigating each year only 14% of the population residing in France.</p> <p>The census is provided in all municipalities by the classical method of questionnaires. Census takers come to peoples' houses and drop off census questionnaires (individual forms for each member of the family and housing forms) and come back to collect them after having helped the people to fill them.</p> <p>The census is mandatory. The 1951 modified Act on the official statistics imposes the obligation to respond to census questionnaires and the secrecy on all responses.</p> <p>Foreigners are counted on the same level as the French people. They should not be in a particular situation to be counted; no case is made of their status (regular or irregular situation). They should only be able to justify living in a housing to be counted. The individual information collected is used for statistical purposes only and may in no circumstances give rise to administrative and fiscal controls. All files from census surveys are anonymized before being used by statisticians.</p> <p>5. No rights or legal consequences for individuals derive from the census.</p>
	<p>Germany</p>	<p>Yes</p>	<p>1. Yes. The competent registration authorities of the federal <i>laender</i> are in charge of registering persons (residents) living in the respective area in order to be able to establish and give proof of their identity and their accommodation. The tasks of the registration offices comprise the issuance of information from the register of residents, co-operation with regard to other authorities' tasks and data transfer. In order to accomplish their tasks, the registration authorities maintain and update a corresponding register (§ 1 of the Federal Framework Registration Act - <i>Melderechtsrahmengesetz des Bundes MRRG</i>). Presently, these registers are being kept on the local level. It is planned to introduce a register at the federal level instead.</p> <p>2. The general obligation of registration applies irrespective of an individual's nationality and is connected to moving into accommodation and leaving accommodation (if no new accommodation is taken). Exceptions to this obligation may be made by the federal <i>laender</i>, e.g. if the sojourn of a person who normally lives abroad does not exceed two months. Diplomats and their family members who are not German nationals are exempt from this obligation if reciprocity exists with Germany and the respective country of origin (see §§ 11-15 MRRG).</p> <p>3. All persons for whom the Law on Registration is applicable enjoy the following rights (§ 7 MRRG):</p> <ul style="list-style-type: none"> - to be informed on the registered personal data and on the use of these data;





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			<ul style="list-style-type: none"> - to have incorrect or incomplete data corrected and completed; - to have the data deleted if their storage is no longer required or inadmissible; - to be informed if authorised third parties have received an extended (comprehensive) extract of the register entry concerning their data; - to have stored any transmission barrier for their data in certain cases. <p>The statutory purpose of this registration is to establish and give proof of the residents' identity and accommodation (§ 1 MRRG); this registration does not create any further immediate rights.</p>  <p>Adobe Acrobat Document</p>
	Greece	Yes	<ol style="list-style-type: none"> 1. No. A necessary precondition for the inscription of a person in the Municipal Register of the Municipality of his/her residence is the acquisition of the Greek citizenship. 4. A record of third country nationals is kept in the Ministry of Interior, Decentralization and e- Government, in which the personal data of TCNs who contact with the Municipality of their residence or the Ministry in order to issue or renew their residence permit are recorded. 5. The rights and the legal consequences of TCNs derive from their residence permit as described by the provisions of the migratory law and they vary depending on the type of the permit they hold.
	Hungary	Yes	<p>1. In Hungary no such municipal administrative registries exist.</p> <p>4. However, there is a central registry (at national level) that contains certain personal data and the address of citizens. Third-country nationals staying on a long-term basis in Hungary, namely third-country nationals having permanent resident status; EEA nationals and their third-country national family members residing in Hungary for more than 3 months and recognized refugees and beneficiaries of subsidiary protection also have to be registered in this registry.</p> <p>The immigration and refugee authorities are in contact with the central body operating the registry and the purpose of registration is mainly the issuance of certain types of documents (ID cards or the card containing the personal identification number and the official address) and not statistical reasons.</p> <p>In case of EEA nationals and their third-country national family members residing for more than three months in Hungary, it is the competent immigration authority that discloses the personal identification data and address of EEA nationals and their family members they have on record, as well as the information contained on their registration certificate or residence card for the purpose of issuing the document containing the personal identification number and the official address.</p> <p>The refugee authority notifies the central body operating the registry when granting refugee status or subsidiary protection, and discloses the natural identification data of the persons concerned for the purpose of registration and for providing the persons concerned with personal identification documents and with a card containing the personal identification number and the official address.</p>





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			<p>This registry does not serve the objective to collect statistics on foreigners. Statistical data are collected by the Office of Immigration and Nationality and also by the Central Statistical Office.</p> <p>At local level in the territory of self-governments town clerks also maintain a registry but only for the purpose of granting certain social allowances. This registry contains data – inter alia – with regard to the citizenship of the persons entitled to receive certain allowances, the resident and refugee status and the habitual residence.</p> <p>5. According to several sectoral acts, rights are linked to the permanent resident status. With regard to EEA nationals and their third-country national family-members, rights are also linked to the inclusion in the central registry or specifically to having habitual residence in Hungary registered in the central registry. This is the case for instance with certain social allowances, family benefits and benefits provided for persons with disability.^o</p>
	Latvia	Yes	<p>1. No.</p> <p>4. In Latvia exists the unified system of population registration - the Population Register (thereinafter - the Register). The main task of the Register shall be to ensure the records of Latvian citizens, Latvian non-citizens, as well as of aliens, stateless persons and refugees who have received residence permits in Latvia. Within the scope of their competence, the Office of Citizenship and Migration Affairs of the Ministry of Interior and foreign diplomatic and consular representations of Latvia shall be responsible for the inclusion of information in the Register. The inscription in the Register is mandatory to those persons to whom an individual personal identity number is given. The alien must be registered in cases when he/she has received residence permit.</p> <p>5. The persons (the aliens, too) has a duty to provide the Office with information regarding the person for inclusion in the Register. Being registered becomes the basis to realise the rights of aliens entitled in laws</p>
	Lithuania	Yes	<p>1. The Republic of Lithuania has the Residents' register. It includes data on all the <u>legal residents</u> of the Republic of Lithuania (both nationals and foreigners, residing legally in Lithuania). Illegal foreigners are not included into the Residents' register. Local municipalities do not have a separate municipal register.</p> <p>2. The alien must have a residence permit of the Republic of Lithuania. Registration in this register is not only a right, but also a duty.</p> <p>3. Inscription in this registry <i>per se</i> does not provide any rights. It only shows that a person is a legal resident in the Republic of Lithuania. The purpose of the register is to collect and store information on the place of residence of inhabitants of Lithuania.</p> <p>4. Yes. See answers to questions 1 to 3. The inscription in this register (the so-called declaration of the place of residence) is mandatory. When aliens obtain a residence permit for the first time, they must address the local municipality (the eldership) and to provide information on their place of residence as well as other data (personal code, names, surnames, former family name, citizenship, identity document, data on the owner of the residential premises, address of former place of residence, date of arrival to the residential premises). The residents of Lithuania are also obliged to inform the municipalities if they change their place of residence in Lithuania and if they leave Lithuania for more than 6 months. Changes of civil status (birth, marriage, death) must also be reported.</p> <p>5. Inclusion into the Residents' register means that the alien has a legal status in the Republic of Lithuania. State authorities (eg hospitals, courts) can check the status and the residence place of ever person included into the register. In some cases they do not require additional documents for the provision of certain services, because they can get the necessary data from the Residents' Register</p>

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	Malta	Yes	<ol style="list-style-type: none"> 1. No. 4. In Malta all residents (Maltese AND foreign) must possess a valid identity card. Therefore, we have an ID Card Data Base. Since the holding of an ID card is a legal obligation it is automatically a mandatory inscription. Foreigners must have a legal status in Malta such as a Residence Permit, a Working Permit, refugee status etc to be able to register and be issued with an ID Card. All residents must apply for an ID card within 6 months from their arrival. 5. EU citizens automatically obtain the right, upon registration and issue of an ID card, to be listed as voters for the local council where they reside. An electoral register is revised and printed every six months. Once registered in the data base, their basic particulars are available on a Common Data Base which is accessible in most Government departments thus enabling holders of valid ID cards to apply through the proper institution to exercise rights of education, health care, work etc Only EU citizens have the right to vote for their local council.
	Netherlands	Yes	<ol style="list-style-type: none"> 1. Yes 2. The Dutch law requires that foreigners must have a residence permit which is issued by the Dutch Immigration Authority (IND). This permit will be issued for a set period or an indefinite period. 3. Foreigners have the same rights as Dutch people, when they are registered in the municipal registry of their place of residence. They are also entitled to healthcare on the same conditions as the Dutch. Likewise, being registered is a necessary condition for exercising other rights to which all foreigners are entitled by law, such as the right to education and the right to basic social allowances. Foreigners who possess a residence permit, also have the right to vote at local elections, the municipal elections.
	Poland	Yes	<ol style="list-style-type: none"> 1. Yes 2. According to the Act of 10 April 1974 on Registration of Population and Identity Cards all persons including foreigners who stay in a territory of Poland are obligated to register for permanent residence or temporary stay for at least 3 months in an appropriate registration office according to the place of residence. A mandatory requirement for the registration of foreigners (for both categories: EU citizens and third country nationals) is their presentation of the following documents: 1. filled registration form, 2. document confirming right for a locum and 3. passport or (in case of EU citizens) identity card. Moreover third-country national are obligated to present a document confirming their right for a stay on a territory of Poland as: visa, residence card, permit for residence, permit for temporary residence, residence permit for a long term European Community Resident or document on granting refugee status or permit for tolerated stay. 3. According to the Act of 13 June 2003 on Foreigners they have the same rights and duties as Polish nationals, unless other acts provides otherwise. Registration is a necessary requirement for exercising these rights to which all foreigners are entitled by law.
	Portugal	Yes	<ol style="list-style-type: none"> 1. No. Portugal doesn't have any type of registry. 4. Nevertheless, we do have a national register of foreigners residents. For calculating the total population (by estimation), National Statistics Institute uses this register for foreigners, as well as the estimations of the last Census (currently 2001) for the national population.

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	Slovak Republic	Yes	<ol style="list-style-type: none"> 1. No 4. Slovak law obligates all Slovak citizens and foreigners to be registered in the register of the Ministry of Interior. The inscription in the register is mandatory. Slovak citizens register via their respective municipality/city district. Foreigners register via their respective local Alien Police office. The foreigner must inscribe into the register at the local Alien Police office while applying for a residence permit. 5. To be registered via the Alien Police office is a necessary condition or requirement for the foreigner in order to apply for a residence permit and exercising rights to which he or she might be entitled by law, such as the right to health care, social allowances and other.
	Spain	Yes	<ol style="list-style-type: none"> 1. Yes. 2. Spanish law concerning local authorities links the obligation of inscription in this Municipal Register with residence in a determined Spanish municipality. This is, all persons, including all foreigners, irrespective of their administrative situation in Spain, are obligated to proceed with their inscription in the municipality of their habitual residence. A mandatory requirement for proceeding with the relevant inscription of foreigners in the Municipal Registry is their presentation of the number corresponding with their residence card, identity card or passport in effect. 3. In addition to the rights within the scope of the municipality or which are “municipal in nature”, Spanish law concerning local authorities acknowledges and applies to all persons registered in a given municipality Organic Law 4/2000 of 11 January on the rights and freedoms of foreign nationals in Spain and their social integration, which sets forth that all foreigners registered in the municipal registry of their place of residence are entitled to healthcare in the same conditions as Spaniards. Likewise, being registered becomes a necessary condition or requirement for exercising other rights to which all foreigners are entitled by law, such as the right to education and the right to basic social allowances.
	Sweden	Yes	<ol style="list-style-type: none"> 1. Yes. All Swedish citizens and all foreigners (non-EU citizens) with a residence permit for one year or more are registered at the “population register”, which is administrated/managed by Swedish Tax Agency (“Skatteverket” www.skatteverket.se). 2. A residence permit for one year or more. Asylum seekers are registered at a database administrated by the Swedish Migration Board instead of the Swedish Tax Agency. Foreigners with a residence permit for a shorter period than one year are also registered at the Migration Board’s database. 3. Basically the same rights as Swedish citizens – except for the right to vote in Governmental elections, and the right to obtain an employment position, which requires citizenship. In this context, it may be noted that EU-citizens living in Sweden may vote at the township elections as well as the County Council election, whereas third-country nationals may only vote in these elections when registered at the population register for three years.
	United Kingdom	Yes	Q1 - No

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			<p>Q4 - As non-EEA nationals have to apply for an immigration status there is a record of their residence in the UK, but this is not the case for non British EEA nationals.</p> <p>Q5 - Not applicable as there isn't one</p>
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