

The Russian Federation

Country report 2009:

Situation for refugees,
asylum seekers and IDPs
in the Russian Federation



Introduction

In 2009 there were no substantial changes in relation to the asylum system or realising the rights of migrants. However, we need to mention one very important event that gives hope for other positive tendencies in this field.

In April 2009 the first meeting of the Civil Society Institutions and Human Rights Council under the President of the Russian Federation took place with President Dmitry Medvedev, who had been elected a year previously. The President supported proposals at the meeting to create a discussion forum on issues relating to the lack of a migration policy and problems caused by this at once. At his initiative a Governmental Commission on Migration Policy was formed. As well as representatives from various ministries and agencies, Ella Pamfilova, Lidia Grafova and Svetlana Gannushkina became members of the Commission too. The work plans of the Commission encompassed a wide range of migration issues, including drawing up a draft migration policy. The first thing on the agenda was the question of legalising former citizens of the USSR living in Russia for a long period of time – an issue that is extremely important for thousands of our former compatriots. The Commission started its work in September 2009. A working group was started at the first meeting that included different academics working in the field of migration and the law, which again increased the opportunities for civil society to influence the situation relating to migration.

Refugees and Asylum seekers

The number of officially recognised refugees in Russia continued to rise slowly in 2009.

Table 1. The number of people recognised as refugees and registered with the FMS at the end of the year from 1997 to 2009.

Year	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of refugees	239359	128360	79727	26065	17902	13790	8725	614	458	405	475	713	795
From: North Ossetia Alania	28086	26210	24124	19650	15150	11534	6688	229	110	101	72	80	87

Table 2. Number of people with temporary asylum and registered with the FMS of Russia at the end of the year, 2004-2009.

Year	2004	2005	2006	2007	2008	2009
Temporary asylum	1202	1056	1020	1180	1613	3338

However, it remains extremely difficult to be recognised as a refugee, as although the increase in refugee numbers is large in relative terms in absolute terms it remains small. Lawyers with Memorial's Migration Rights' Network reported that in some regions in Russia no applications for refugee status were submitted in 2008/2009. Until recently the migration authorities refused to even accept some asylum applications. There are quite obvious reasons for this: people have no hope of being granted status as up until recently they only had verbal rejections of their applications which were impossible to appeal. So they prefer to find other ways of legalising their status.

Country Report 2009

Russian Federation

This is the situation in the Kaliningradskii, Saratovskii, Lipetskii and Smolenskii regions. In the Pskovskii region, only one person was granted status. In the Ulyanovskii region there are often cases of applications not being accepted without any written confirmation of the fact that the applicant applied. Not one person has been awarded refugee status since 1997. In the Krasnodar region only 37 people have been awarded refugee status since 1992.

Access to asylum procedures has once again become more difficult. The Moscow Migration Service does not accept applications from people who do not have accompanying documents from UNHCR, and this practice has to be appealed to the Federal Migration Service (FMS) of Russia. And in the Kaluga region asylum seekers are given a date for an interview that is more than a year from the moment they first tried to apply.

Although obtaining refugee status or temporary asylum changes a person's legal status, it does not grant social rights, such as accommodation, work, or social benefits. Refugees' rights, even the most basic, are often violated.

Former Soviet citizens now can regularise their presence through obtaining a temporary residence permit (TRP). Once they have this, those who managed to submit applications before 1 July 2009 will be granted Russian citizenship.

Consequently, categories of asylum seekers are becoming blurred. The number of people who apply for asylum is significantly smaller than the number of people who really need it. Frequent and unfounded refusals to renew temporary asylum have also contributed to painting a distorted picture of the scope of forced migration in Russia. In general the policy of the migration authorities towards refugees remains severe, and is based on a system of repressive and arbitrary decisions.

Areas of particular concern include:

- People are refused extensions of their refugee status and temporary asylum and advised to return home where they are told the situation has stabilised. These recommendations are often given without any research into the real situation in the country of origin;
- The situation for refugees from totalitarian regimes such as Uzbekistan and North Korea is dangerous. Russian migration authorities and departments of internal affairs take extradition decisions and the special forces of the countries of origin are free to operate within Russia;
- Positive changes in status determination procedures by FMS Russia have led to an increase in persons receiving status in Moscow and Moscow region. Certificates which are valid for three months are now issued confirming asylum applications are being reviewed. However this practice has not yet been adopted by the territorial migration bodies;
- Russian courts rarely overturn the decisions of migration services to refuse status in refugee or temporary asylum cases.
- Some positive changes have taken place following a UNHCR seminar for judges. However, due to the absence of a specialized court dealing with asylum, as is customary in European countries, judges are constantly changing and have no time to learn about Russian migration legislation and relevant international law in-depth.

Deportation and expulsion

Table 3: Numbers of people deported and expelled 2004–2009.

Year	2004	2005	2006	2007	2008	2009
Number of deportations	260	15	11	45	65	60
Number of removals	88 260	75 756	55 800	28 050	18 808	34 016

Russian legislation provides an incompatible interpretation of the terms «deportation» and «administrative removal»¹. Both procedures violate basic rights² of the person who is to be expelled. Sometimes expulsion decisions are taken automatically, without full investigation into the risks of return to country of origin, nor family circumstances in Russia. Deportation procedures are not regulated by normative acts and decisions to deport are taken by the head of the FMS, without the possibility of judicial review.

In addition, procedural irregularities include absence of translation of the deportation protocol and court proceedings. This means that the person is often unaware of the meaning and consequences of deportation.

In Kaluzhkaya oblast the FMS department ran an active campaign to deport illegal migrants until May 2009. Detention facilities were overcrowded, and there was a never ending wave of «self-removals» (where people were asked to finance their travel costs home) because there were insufficient state funds to cover the costs of sending people home. Special detention centres are under the control of the regional procurator.

The rights of those to be removed are violated through their detention in pre-trial detention and deportation centres. The detention centres for people who have committed administrative offences are run by the Ministry of Interior Affairs, whilst those detained there are registered with the FMS. This creates huge problems.

Initially detaining people in deportation centres was intended as an interim measure, but in practice it is an additional punishment for those who have committed administrative offences³.

This practice can have serious consequences, not least because detention terms pending removal range from several months to a year. For example, administrative detainees do not have medical insurance, and are effectively denied access to emergency medical care, as there is no one to organise this in the detention centres. Conditions of detention are particularly problematic for women, because their safety is not assured. Nevertheless, the courts continue to calmly rule that women should be detained pending deportation.

Refugees from Baku

The «Baku refugees» are a group of people who were forced to leave Azerbaijan in 1989 and currently live in Moscow. Almost all members of this group arrived in Russia before 6 February 1992, meaning they are eligible for Russian citizenship⁴, and dozens of people have received Russian passports in this way in the last few years.

Baku refugees have been trying to solve their accommodation problems for nearly 20 years and some 500 people still have not managed to do so. They live in hostels and hotels in Moscow, where they were housed free of charge by order of the Moscow Council in 1991. The confusion over their accommodation relates to the lack of legal provisions regulating State obligations towards forced migrants. Therefore, it is not clear how long they are entitled to be housed for, nor who is ultimately responsible for this – the federal authorities or the Moscow administration.

¹ See materials from the 23rd seminar of the «Migration Rights» of the Memorial human rights centre, Moscow. R Valent, 2007

² Stipulated by the RF Constitution and international law

³ As specified by Article 18.8 and 18.10 of the Administrative Code of Russia.

⁴ In accordance with the letter from Supreme Court Chairman V.M Zhukov which stated that a court ruling on the fact of permanent residence in Russia on 6 February 1992 is sufficient grounds for citizenship

Country Report 2009

Russian Federation

Memorial's Migrants' Rights Network has worked hard to support this group of refugees. Lawyers negotiate consent from hotel owners for a 5 year registration at place of residence; registration with the FMS; free medical care, pensions and other social care for the refugees. But in terms of addressing the root problem, all that has been achieved is a court ruling forbidding hotel owners to evict the refugees. Refugees who have been living in private accommodation since 1990 find themselves in an increasingly difficult situation: they have no means to buy housing and do not receive government assistance. This is especially hard for the elderly and disabled who literally find themselves thrown onto the street.

Recommendation

- An Interagency task force is needed to solve this issue. Representatives from the city administration (taking into account that it is a regional issue), migration officials and the owners of the hotels, where Baku refugees are accommodated, should all take part.

Refugees from Afghanistan

Russian migration services practices mean the majority of appeals against refusal of refugee status come from Afghan refugees, who constitute the largest group of refugees in Russia today.

Refugees from Afghanistan are the largest group of refugees in Russia today. FMS departments are of the opinion that Afghanistan is today a stable state and that its nationals have no reason to seek asylum in Russia. Many applications for refugee status from Afghans are rejected citing this very reason.

This contrasts sharply with Russia's political leadership's assessment of the events in Afghanistan and the role of the West there. The situation in Afghanistan remains tense⁵ despite the Presidential elections of 29 August 2009. Even if we do on information in the Russian media, large scale terrorist acts occur regularly resulting in numerous casualties and there is practically civil war in the Northern Province and provinces of Pakistan.

Memorial Migrants' Rights Network lawyers from the Krasnodar region report that the deterioration of the situation in Afghanistan has led to the arrival of a new wave of refugees. New arrivals report that practically all the Afghani provinces are now controlled by the Taliban who persecute people who worked for government bodies under President Nadjibullah, as well as people who work for international or foreign organisations in Afghanistan. People who have fled Afghanistan include employees of the UN bodies there, security guards of foreign embassies and even the present Presidential guards. Refugees arrive in Russia on student and tourist visas. Nevertheless Krasnodar Migration service refuses to recognise them as refugees and will not consider their applications for status.

Memorial Migrants' Rights Network lawyers from Orel report «a flow of people from Afghanistan» (mainly young persons – due to fears of being kidnapped and forced to serve in the Taliban armed forces).

Many families in Volgograd oblast are in a difficult situation. Due to the economic crisis unemployment is high in the region and people with temporary asylum status have problems finding work. People who used to make a living from working in markets are no longer able to

⁵ UNHCR experts note that «success in economic development, and more importantly, in security, proved ephemeral. The entrenched insurgents (Taliban) have increased attacks on the government forces, in an increasing part of the country. Violence during operations against the rebels and record numbers of terrorist acts by suicide bombers continue to cause internal displacement and prevent the return of refugees. Cultivation of opium poppies and the drug trade, together with the deteriorating security situation undermines efforts to ensure stability and promote legitimate means of earning a living. Control, and in some cases even the presence of the central government is limited in many area of provinces affected by conflict».

do so. Families with young children are in an especially difficult situation. They need money for accommodation, medical care (their children are often ill due to poor living conditions and diet). In many families visited by Migrant's Rights employees the situation was simply catastrophic. Families with single female heads of households urgently require assistance.

Extensions of temporary asylum are usually only given to Afghan families with children. If the mother is Russian and the father an Afghan refugee, the father is refused extension of his temporary asylum status.

Migration Services give a variety of reasons for depriving people of temporary asylum status. For example, Hadija, an Afghan woman with three children was late in extending her temporary asylum status due to one of her children being ill. As a result of not being able to provide medical certification of this, Hadija's temporary asylum status was withdrawn.

As explained above, migration authorities in the regions take decisions on expulsion without taking individual circumstances into account. UNHCR started to work closely this group of people over the preceeding year. This lead to some positive decisions in individual cases but has not yet changed the situation significantly.

Recommendation

- All citizens from Afghanistan living in the Russian Federation for a long period of time, women in first place, should be given legal status as they can not return to life in a tradional society. More care should be taken in decisions on granting asylum, taking into account the worsening of the situation in certain parts of Afghanistan.

Georgian refugees from Abkhazia

The situation of Abkhazian people in Russia is unacceptable. At present, authorities should not even think about returning these ethnic Georgians to Georgia, as they arrived from Abkhazia, which is now acknowledged by Russia to be an independent state. According to the UN 1951 Convention «On the Status of Refugees» these people fall under the definition of refugee, and should be recognised as such. But Russia does not abide by its own legislation and does not recognise Georgians from Abkhazia as refugees. As a result most people in this category have lived in Russia for over 15 years but still do not have any legal status. It is not possible to return them to Georgia, nor to Abkhazia. They are still deprived of all social guarantees and have no legal protection.

It is not uncommon for this group of people to try and regularise their status by obtaining forged documents through illegal channels, which in fact only further complicate their situation.

The only success in recent years has been access to the status determination procedure. When the FMS processes the asylum application of the Georgian national, then for the period it is under review they are given legal status in Russia. This has meant that those Abkhaz Georgians married to Russian citizens have been able to regularise their status through officially registering their marriage and obtaining a temporary residence permit. However, all these people were ultimately denied refugee status.

The naturalisation of children in this group is also a concern. Having arrived with their parents as young children, they grew up and were educated in Russia. They have no identity documents and cannot begin the legalisation procedure. To do so there would need to be a temporary ID document for stateless persons. A draft law on this type of document has been presented to the deputies of the State Duma and the Federal Assembly several times. Everyone agrees that it is needed, but no one has as yet submitted the draft for consideration. Therefore young

Country Report 2009

Russian Federation

Abkhaz Georgians can only wait for the overall political situation to change and for their parents to receive temporary residence registration and subsequently Russian citizenship, before they can become legal citizens.

Recommendation

- Legal status should be granted to all former inhabitants of Abkhazia and South Ossetia who arrived in the Russian Federation before June 2002 that is before the radical changes in the legal situation for foreign citizens in the RF.

Ossetian Refugees from Central Georgia

The 1991-2 Georgian-Ossetian conflict led to the arrival of the first refugees from North Ossetia-Alania, some 120,000 ethnic Ossetians from inner areas of Georgia and South Ossetia. Although the majority of them received Russian citizenship, there are some who have not been able to legalise their status and are still having problems with accommodation today.

The 2008 Georgian-Ossetian conflict lead to a new wave of migrants arriving in the Republic of North Ossetia-Alania (RNO-Alania), which significantly complicated the migration situation in this region.

There are two groups of migrants who arrived in the Republic of North Ossetia Alania in August 2008: the first is those who temporarily left South Ossetia and refugees from inner regions of Georgia. From 3rd August around 20,000 people arrived in the Russian Federation, the majority of whom had returned to South Ossetia by the end of 2008.

The second group are refugees, who left Georgia because of pressure from local people, insults and violence as well as young men trying to escape military service in the Georgian army. These refugees are of Ossetian and Russian ethnicity and primarily live in private accommodation. In accordance with international and federal law⁶ they should be granted refugee status because they are unable to return to their country of origin due to a real fear of persecution on ethnic grounds.

Officially there are some 14 thousand migrants registered in North Ossetia-Alania, who arrived from the inner regions of Georgia in the early 90's, 70 people have refugee status and 1400 have temporary asylum. From expert studies we can assume that there are another 10,000 migrants living there who do not have or have lost the forced migrant or refugee status.

The most serious social problem facing refugees and forced migrants in RNO-Alania is that of housing. Most of the temporary accommodation centres for forced migrants are in a very bad state of repair, posing risks to health and safety. Some buildings are partially or fully without gas supplies and there is no electricity or heating. These poor living conditions cause refugees to develop chronic health problems. The Russian Ministry for Regional Development agreed to allocate 30 housing certificates to the republic in 2006, 792 in 2007 and 1000 in the following years. However, the Ministry did not respect this agreement. At this rate it will take thousands of years to solve the problem.

In order to receive a housing certificate it is necessary to be registered as in need of improved housing and as a resident in the locality. This is possible only through residence registration. Many former refugees are not registered, either at the place of residence or at the place of

6 According to UN 1951 Convention on the Status of Refugees and the RF Law «On Refugees».

arrival. Thus they cannot get on the waiting lists. And if people do not have permanent housing they are often forced to move, and therefore they lose their place in waiting lists.

The location of the temporary accommodation centres is extremely inconvenient for people due to the lack of roads and related infrastructure. Many centres are situated 4-8 km from schools, dispensaries and shops. Some 24% of forced migrants require constant medical treatment and medication, which they cannot obtain free of charge due to lack of residence registration.

Furthermore, they face difficulties with employment. Only 19,03% of citizens who are able to work have a permanent job – mostly in factories and on farms. More than 36% of young people have secondary or higher education but cannot find work in their field. Young people with philological, pedagogical, economic, legal, medical, technical education work in trade in order to get an income.

Solving the housing problem depends on the political decision makers. If the issue goes unresolved there is a risk that the problem will have political repercussions, which could seriously complicate the civil and political situation of the republic, and the region as a whole.

Recommendation

- The government of the RF should find the budgetary resources to provide accommodation to refugees and forced migrants from the Republic of North Ossetia-Alania.

1.1.5 Refugees from Central Asia

A significant number of refugees from Central Asia in need of assistance are people with beliefs which are deemed dangerous by the authorities in their homeland. This is particularly the case with supposedly extremist religious beliefs. Many asylum seekers have been accused of doubtful criminal offences, or acts which are not considered as crimes in Russia. The majority of asylum seekers belong to or are accused of belonging to organisations banned in Russia such as Hizb-ut-Tahrir or the Islamic Movement of Uzbekistan.

Uzbek authorities repeatedly send false information to Russia about the involvement of Uzbek individuals in terrorism and other serious crimes, in order to make a legal case for extradition. Increased persecution of Uzbek immigrants has led to an increase in the number of requests for refugee status, however, these are rejected as unfounded by the migration services.

In a large number of cases CIS citizens have been expelled, despite a well-founded assumption that the extradition request was politically motivated and there was a real danger that person would be subjected to torture and even execution upon return. This applies to extradition requests to countries where the regimes are far from democratic, especially Turkmenistan and Uzbekistan. Friendly political and favorable economic relations between Russia and these countries have proved a stronger incentive for guiding the conduct of Russian authorities than their obligation to respect human rights.

Moreover, the special security services of those countries operate freely in Russia and are involved in the arrest and detention of their citizens. Sometimes the security services that were previous «friends» of Russia kidnap their own citizens on Russian territory or use the paid services of local Russia law enforcement agencies.

Country Report 2009

Russian Federation

Uzbek citizen Ilgar Faizulin, who is married to a Russian woman, was stopped on the street on his way to the FMS in Moscow to collect his residence permit. Faizulin was taken by a convoy of Russian and Uzbek security services to Volokolamsk where he was given a document notifying him of an arrest warrant issued by the Uzbek authorities. Luckily, Faizulin managed to ring his lawyer who contacted the Ministry of Internal Affairs saying she wished to be present at all interviews with her client. Three hours later Faizulin was released and the search warrant that had been written out in his presence was invalidated. It is likely that his arrest warrant had been written out in the same way after he was detained. The security services apparently decided not to mess with someone who had a lawyer, a Russian wife and a residence permit.

Thanks to interventions by the Memorial HRC and the Civic Assistance Committee several cases of extraditions of Central Asian nationals were prevented from taking place. The European Court of Human Rights (ECtHR) consistently upholds the position of non-extradition to countries with unstable and totalitarian regimes. Appeals to the ECtHR often succeed in obtaining a temporary ban on extradition with a final decision taken some 2-3 years later.

However, the General Procurator refuses to adopt the ECtHR position and continues to rule to extradite Central Asian nationals, forcing applicants to go through all stages of appeal with the end result a foregone conclusion. Each application is a wrestling match between the applicant's defence team and the authorities, with possibly fatal consequences at any slight delay.

In addition, regional courts hold different positions on the detention of persons whose extraditions have been decided or who are under appeal.

In St Petersburg, for example, courts take into account the ruling of the RF Constitutional Court «On the appeal of Tadjik citizen Nasrullaev Khabibullah,⁷ on violations of the his constitutional rights through article 466, parts 1 and 2, and Article 466 of the Criminal Procedure Code of Russia», which «does not allow for the use of detention, outside the existing criminal procedures stipulated in legislation, as a preventive measure in relation to people who are subject to extradition and for the purpose of bringing them to criminal justice in those countries.»

In Moscow, however neither this ruling, nor later the appeal of U.S. citizen Menachem Saydenfelda have been applied, resulting in individuals such as Uzbek national Yuldashev, and Tajik national Khodjayev being in detention for more than two years already.⁸

The bilateral agreement between the Russian Federation and the Republic of Uzbekistan⁹ is still causing huge problems. On the basis of this agreement the parties have to respect each other's national legislation when allowing a citizen from the Republic of Uzbekistan or the Russian Federation through international border points. The agreement has an explanatory note attached by the Ministry of Foreign Affairs of the Republic of Uzbekistan stating that those citizens of Uzbekistan who wish to travel to a country that has a visa regime in place with Uzbekistan, must first have a sticker (stamp) in their passport to authorise their travel abroad.

⁷ Number 101-O from 4th April 2006.

⁸ On 23rd April 2010 all five persons, waiting for a decision on their extradition for over 18 months already, were unexpectedly released.

⁹ 'On mutual trips of citizens of Russia and Uzbekistan', signed on 30 November 2000

In this way the Uzbek authorities, supported by Russia, control the movements of their nationals outside the CIS. This violates both the Russian Constitution¹⁰ which reads that: «Everyone is free to travel outside Russia. A citizen of Russia has the right to return freely to Russia», and the Universal Declaration of Human Rights¹¹.

The agreement, in practice, has had a particularly negative impact on citizens of Uzbekistan, who have been recognized as refugees by a third country but who are still on Russian territory. Because of the risk of persecution they can not ask the Uzbek authorities for permission to travel outside the CIS. At the same time the bilateral Agreement means that they are unable to leave Russia and take refuge in the country which has granted them refugee status. The «Ivanovo Uzbeks» were recognised as refugees by Sweden two years ago, but they cannot leave Russia to get there¹². In 2009, Memorial Migrant's Rights Network asked the RF President to denounce the Agreement, but the Foreign Ministry did not consider this necessary.

Recommendation

- The leadership of the Russian Federation should denounce the bilateral agreement with Uzbekistan «On mutual trips of citizens of Russia and Uzbekistan», at least in relation to asylum seekers.

Due to the complicated situation related to the work of secret services of Central Asian countries described above, it was decided not to limit sending applications to UNHCR alone, but to send all refugees without exception to the FMS. This decision runs the risk that refugees could be detained after their refugee claim has been rejected. For this reason all refugees go to the FMS offices accompanied by an NGO lawyer.

Meanwhile, very few people from Central Asia are granted refugee status or temporary asylum. However, while their claims are under review applicants acquire legal status in Russia, which allows them to move about more easily and some manage to legalise their status during this time, although not through the asylum procedure.

At the same time as appeals are being processed against rejections of asylum applications with the support of our lawyers, UNHCR will look for a resettlement country for several families. At present, only five families from Central Asia have been resettled.

As well as appealing refusals for asylum in all court instances UNHCR and Migrants' Rights Network lawyers look for resettlement countries for some families. Currently, only 5 families from Central Asia are in the resettlement procedure.

¹⁰ Part 2 Article 27

¹¹ Part 2 of Article 13 adopted by resolution 217 A (III) of the UN General Assembly on December 10, 1948: «Everyone has the right to leave any country, including his own, and return to their country.» Protocol number 4 of the ECHR also requires the implementation of the principle of freedom of exit from acceding countries (Article 2 — Freedom of movement).

¹² In this way the Russian authorities prevent refugees from benefiting from asylum offered to them, which contradicts the UN 1951 Convention, in particular, Art. 28 («Travel Documents»), which obliges contracting States to «look favorably on the question of the issuance of travel documents within their territories to refugees who are unable to obtain a travel document».

Country Report 2009

Russian Federation

Table 4. Number of Central Asian citizens who were recognised as refugees and registered with FMS in 2004 – 9

Central Asian Countries	2004		2005		2006		2007		2008		2009	
	Fam.	pers.	Fam.	pers.	Fam.	pers.	Fam.	pers.	Fam.	pers.	Fam.	pers.
Kyrgyzstan	0	0	1	1	0	0	0	0	1	1	1	1
Tajikistan	4	12	3	10	3	10	3	4	3	3	3	4
Turkmenistan	0	0	0	0	0	0	1	1	1	1	1	1
Uzbekistan	5	9	4	7	4	7	3	7	8	12	8	11
Total	9	21	8	18	7	17	7	12	13	17	13	17
Georgia for comparison	210	233	109	114	95	100	129	140	162	185	157	200

Table 5. Number of Central Asian citizens who received temporary asylum and were registered with FMS RF in 2004-9

Central Asian Countries	2004		2005		2006		2007		2008		2009	
	Fam.	pers.	Fam.	pers.	Fam.	pers.	Fam.	pers.	Fam.	pers.	Fam.	pers.
Kazakhstan	0	0	0	0	0	0	0	0	0	0	1	1
Kyrgyzstan	0	0	0	0	0	0	0	0	0	0	1	1
Tajikistan	1	3	2	5	1	3	2	5	5	11	6	15
Turkmenistan	0	0	0	0	0	0	1	1	3	3	8	10
Uzbekistan	2	3	1	1	1	1	1	1	11	12	37	49
Total	3	6	3	6	2	4	4	7	19	25	53	76
Georgia (for comparison)	3	5	3	5	9	20	36	65	407	485	1775	2083

From these tables it is clear that the granting of asylum was primarily influenced by the situation in South Ossetia, although there was an increase in the number of persons who received some form of asylum among the citizens of totalitarian regimes — Uzbekistan and Turkmenistan. Many managed to obtain temporary asylum through recourse to the European Court of Human Rights.

Recommendation

- Taking into account the position of the European Court, the Prosecutor's office should examine the demands from the governments of Central Asia to extradite their citizens back home more carefully.

New groups of asylum seekers

There are two groups of asylum seekers whose situation warranted careful attention in 2009.

First of all, this concerns refugees from African countries, overall numbers of whom are not high. However, their situation in Russia is particularly difficult. This is linked to the fact that the majority of them do not only not speak Russian, but they do not speak English either. Their main language of communication is French. Africans do not have any developed diaspora in Russia (as for example former citizens of the USSR and Afghanistan), so there is no one to help them. The migration agencies, judges and NGO representatives are all badly informed on the situation in their countries of origin.

The cold Russian climate is also difficult for Africans. This is even more the case, if you take into account that the one place the migration service sends asylum seekers whilst their claims are being processed, is a temporary accommodation centre (TAC) in the town of Ocher in the Perm Krai. Whilst in the TAC in Ocher African refugees are completely isolated from the rest of the world. They are not given proper food rations and they are unaccustomed to Russian food. They have absolutely no money at all. They are not taught Russian and so they cannot make use of their right to work. This has led to a confrontational atmosphere between the refugees and the administration. Boris Ponosov, the Migration Rights lawyer, helps active refugees defend their rights. However, despite the fact that they have won several cases at court against the administration in the defence of the refugees' interests, the situation has not changed. The only current solution to the problem is resettlement to a third country. UNHCR helps refugees with this but this solution to the problem can hardly be called satisfactory. Today 3 refugees from African countries have been granted status and several people have been granted temporary asylum.

The second group of asylum seekers that is new for the migration services is citizens of the DPRK. Their main problem is that of legalisation. As a rule, those North Koreans applying for asylum are not recent arrivals in Russia. They came as labour migrants, organised and brought by the Korean authorities to work on tree-felling (Russian forests are sold for chopping) or in building. Their working conditions are monstrous and for this reason many of them will take the slightest opportunity to flee from the supervision of their overseers.

It is only over the last few years that the Koreans have started to slowly come out of the shadows and with the support of UNHCR and Russian NGOs start to trust the migration services. This is happening in the Far East, far away from Moscow. Nevertheless, lawyers have been found to successfully defend the rights of these Koreans. This work was started by Liubov Mikhailovna Tatarets, a barrister from Blagoveshensk in the Amur region. In 2009 7 Koreans were granted refugee status and several were still waiting for a decision on their application.

One of the main problems for this group is the issue of their safety, because the special services of the DPRK and the employers who bring in the Koreans are doing everything they can, by fair means or foul, to return them to their homeland, where harsh punishment awaits them. The Russian security services help their colleagues, often outside of the framework of Russian legislation.

Recommendation

- The migration services, the security services and staff from NGOs should pay significant attention to the plight of this group of people, analyse their situation and elaborate the best mechanisms to protect them.

2. Situation of CIS citizens and stateless persons living in Russia

In Russia most residents who are stateless are immigrants from the former Soviet republics. They cannot use the mechanisms offered by the current legislation to legalise their status in Russia, as they do not in fact apply to them: they entered Russia before the current legislation came into force, but after the break-up of the USSR, so they never became Russian citizens. Neither can they legalise their status through the «Law on the Legal Status of Foreign Citizens» as they need to be on the migration register. You need a migration card to this, but they do not have them as they crossed the border long before the law was introduced and the cards came into use.

Country Report 2009

Russian Federation

A letter from the Deputy Director of the FMS of Russia, Mr Ledenev, allowed those who could prove residence since 2002 in court, to apply for a temporary residence permit (TRP) without any migration card or document confirming the lack of any convictions in the person's country of origin: only, however, within the limits of the quota established yearly by each region. There are two issues here: firstly not all migration authorities accept this letter as guidance for implementation. Secondly, it does not make sense to allocate temporary residence permits from the annual quota to people who have already been living in Russia for many years. Despite the fact that the FMS encourages the authorities to take stateless persons into account when drawing up these quotas, it is often the case that neither stateless persons, nor migrants with regulated visa status are taken into consideration. This means that any legalization of stateless persons is further postponed.

In St Petersburg and the Leningrad region former Soviet citizens with USSR passports from 1974 who do not hold citizenship of their country of origin are not able to legalise their status. Applications are not accepted from stateless persons without identity documents (the 1974 USSR passport is not considered as such), even after a court has ruled that a person has been living in Russia since 2002. This problem can only be solved with cooperation of FMS Russia and even after their intervention the local migration services require a court ruling on residence as well.

In the Republic of Dagestan many stateless persons possess no documents at all. They are registered in the mountainous Tsytinsky region which is hard to access as there is a check point because it is a border zone with Georgia. Men are made to get out of their cars and searched. The FMS also requires stateless persons applying for Russian citizenship to provide proof of having renounced Georgian citizenship, which is difficult to get officially as there are no Georgian Embassies in Dagestan. Previously the FMS accepted proof of postage of a renouncement of Georgian citizenship as sufficient but this is no longer the case. Despite the fact that these stateless people never had Georgian citizenship, and have lived in the region since the 1990s they are required to show proof of renouncing Georgian citizenship. Many relatives of stateless persons come to see us, who are currently in Georgia with USSR passports from 1974. Some of them even have inserts in their passports indicating that the bearer of the document is a Russian citizen. These stateless persons have been registered in the Kizlyarsky region since the 1990s and lived in Dagestan, before going across the mountains to Georgia where they had relatives, children, parents who did not manage to leave on time.

The problem of courts not re-issuing lost documents is getting worse. Those stateless persons who send an official request to CIS countries for a copy of a lost document can still be waiting 3-4 years later.

Most stateless persons do not have their own accommodation and move frequently, meaning they are at risk of losing their USSR passports. When this happens their situation becomes completely hopeless as they cannot even start any procedure to legalise their status. Temporary identity cards urgently need to be introduced to give stateless persons the opportunity to participate in society and to exercise their basic rights.

It is true that the validity of the USSR passports was extended for this group of people. However, it was only extended to 1 July 2009¹³, and the extension does not help people who were under the age of 16 in Soviet times and thus never had these passports. These gaps in the legislation have led to a situation whereby these people's children now have a *hereditary illegal status* with no prospect of legalization. Russian legislation does not recognize their existence.

13 From this date on, part 4 of Art. 14 RF Law «On Citizenship» becomes invalid.

There are two other groups of foreign nationals and stateless persons with legal difficulties. Firstly, people who are terminally ill (HIV and tuberculosis), and also those who have outstanding convictions for committing serious crimes. These people find it very difficult to regulate their legal status because of bureaucratic red tape.

2.1 Temporary residence permit (TRP)

Obtaining a temporary residence permit is the first step towards legalising your status in Russia. This can be done in two ways. Firstly – in strict accordance with the Federal Law «On the Legal Status of Foreign Citizens in Russia», those with a migration card within the necessary time period, can apply for a temporary residence permit. This is impossible for stateless people and all those who came to Russia to live permanently before the changes in the migration legislation came into force, but who were unable to legalise their status for one reason or another.

However, lawyers of the Migration and Law Network have developed practical ways of supporting people to overcome these obstacles. Once the court has established the legally significant fact that they were resident in Russia before November 1st 2002, the person is entitled to apply for TRP without having to leave Russia and without immigration cards¹⁴ – provided they fall within the existing quota. How well this mechanism works in each case depends on the region and the migration authorities in the region.

There is no public information on the process of filling regional quotas for TRPs. So, a Ukrainian woman who has been living in Moscow for 7 years already is told at the beginning of every month that she cannot apply for temporary residence permit as the quota for that month has already been filled – her written applications are not answered at all. This situation gives a wide scope for corruption.

In some regions, not all those who need legalisation do not want to apply to the courts, because there is a danger of deportation or removal after they have applied. Therefore, people prefer to live illegally and make a living «on the side».

Amendments to legislation aimed at simplifying the procedure for receiving TRP have been introduced – such as exemptions from needing to provide proof of no criminal record and proof of income, reducing the time to process the application to 2 months — have generally had a positive impact on the situation. However, not all FMS branches provide temporary residence permits to citizens where the court has ruled that they live permanently in Russia.

In addition obtaining a temporary residence permit is often more complicated due to purely practical problems such as difficulties in getting an appointment with the migration service due to large queues, caused by red tape.

Stateless persons often face the following difficulties with documentation:

- Regional FMS agencies continue to require proof of income of not less than 20 thousand roubles per person, or a personal account opened containing this amount for a few months or for up to a year, depending on the region;
- Problems when applying for a certificate of citizenship from the former country of residence of the stateless person. This document is issued only by Embassies or Consulates in Moscow or the RF Embassy in the country of origin and the clearance

¹⁴ In accordance with the explanatory letter to the FMS of Russia A Ledeneva of 6th June 2006.

Country Report 2009

Russian Federation

process takes from 2 to 6 months. A stateless person often does not have the financial means to travel to the Embassy, or to pay for identity documents to be issued, and you often have to go again. The FMS branch at a person's place of residence issues a certificate allowing the person to travel to their embassy. If a migrant has no relatives living in the area it is almost impossible to obtain the temporary residence permit as the consent of the homeowner is required. You also need enough money for the various medical certificates required and so on.

- All the necessary documents and information required by the FMS are put into electronic format by small firms at FMS branch offices for a high price. For example, one of the migrants paid 800 roubles for his temporary residence permit application to be typed up electronically because the hand written version was not accepted.

One of the problems faced by foreign nationals and stateless persons arriving with visas in applying for permission for temporary residence in the Penza region is that submission of an application for temporary registration does not constitute grounds for visa extension. Generally foreign nationals and stateless persons have a visa which is valid for 90 days, while a decision on the application for temporary residence permit can take up to six months. This means they have to leave Russia and enter again to get the permit, which is costly. This issue is particularly relevant for stateless persons from Turkmenistan and Georgia, because these Russia has a visa regime in place with these countries to cross the border. There are also difficulties for citizens of Uzbekistan as they are often not able to return to their homeland.

Finally, not all consulates are willing to provide such help, even for money. The Embassy of Uzbekistan, for example, no longer does, as the law of the country stipulates that a citizen who has lived outside Uzbekistan for 5 years and not contacted the consulate within this time loses Uzbek citizenship and cannot return to apply for a passport. Another dead end.

Recommendations

- Simplify the procedure for handing documents for a temporary residence permit.
- Ensure the transparency of the process for filling quotas.
- Extend permission for temporary sojourn, and if there is a visa regime in place governing crossing the Russian border, extend the visa for the period of the application process for a TRP once the documents have been handed in.

2.2 Residence permit (Vid na zhitelstvo)

On a more positive note, in many regions of Russia (Kazan, Vologda, Volgograd, Ryazan, Kaliningrad, Penza, Smolensk, Voronezh, Novorossiysk) people with temporary residence permits have not had particular difficulties in applying for a residence permit. However, in other regions, FMS staff unduly complicate the procedure by delaying issuing the permit, in gross violation of Russia's current legislation. Applicants can sometimes wait for a year or more for their document.

There have been cases where registration procedures have been completed but due to one missing document the FMS has refused to consider the application. Instead of informing the applicant that an additional document is required, the FMS has waited until the applicant has arrived on the designated date to collect the registration permit, only to find that the application has not been processed. There are cases of documents for residence permit applications being

lost while under consideration by the migration authorities. In these cases the applicant has had to resubmit new documents, which requires a lot of effort. These complications mean that people spend a long time in legal limbo.

In Krasnodar there have been cases when applications to extend the validity of residence permits have been refused based on a decision by the competent authority «On the undesirability of stay (residence) of this foreign citizen in the Russian Federation».

The first issue that the newly formed Government Commission on Migration Policy tried to solve was the problem of legalizing citizens of the former USSR, who had been living for many years in the Russian Federation. Several sources estimate their number as being around 300,000 people, the majority of whom do not have citizenship. Children who grew up in Russia and reached majority age here to not have any identity documents or legal status. The FMS RF has drawn up draft changes in the law «On Citizenship» and the law «On the Legal Situation of Foreign Citizens» together with NGOs. It was sent to the State Duma, the Council of the Federation and the Commission on Citizenship Issues¹⁵.

The proposed changes offer an opportunity for people to go through procedures to get an identity document and start the legalisation process. Any minor children will be granted citizenship straight away at the time of their parents' application. The FMS has already started the process of establishing the identity of stateless people for ID purposes. If this law comes into force it will correct the mistake of 2002, when the new laws «On Citizenship» and «On the Legal Situation of Foreign Citizens in the Russian Federation» turned hundreds of thousands of people in Russia into illegal immigrants overnight, including veterans of World War II, who had not applied for citizenship as they just did not know that they had to.

Recommendation

- The procedure for getting a residence permit should be simplified for former citizens of the USSR, who have been living in Russia for a long time.

Citizenship

The complexity of existing citizenship legislation in Russia is the main problem for those trying to get Russian citizenship. Since Article 18 (d) of the Law on Citizenship 1991 ceased to be applicable, consular services abroad no longer accept citizenship applications. Only a very small number of people have managed to obtain Russian citizenship in the past few years under the main part (Article 13) of the Law «On citizenship of the Russian Federation» from 1st July 2002. Currently citizenship is mainly given under Art. 14, which was completely rewritten after a meeting of human rights defenders with Vladimir Putin the President of the RF in 2002, and it came into force at the end of 2003.

According to official information (see Table 6) between 70% and 77% of all those who were granted citizenship from 2004-2009, were granted it through the simplified procedure, 22-23% through bilateral agreements. The number who were granted citizenship through Article 13 is a fraction of a percent.

¹⁵ At present the bill has been tabled in the State Duma of the Russian Federation.

Country Report 2009

Russian Federation

In 2009 only 394,184 people were granted citizenship. Out of this number 308,866 (76.3%) were granted it through the simplified procedure (that is through Article 14) and 85,184 through international agreements (21.6%)¹⁶.

It should be pointed out that most former citizens of the USSR have been granted citizenship through Article 14.4, which allowed them to apply for citizenship straight after receiving a temporary residence permit. In 2009 266,815 people (67.7%) received Russian citizenship in this way. Unfortunately, from 1st July 2009 Article 14.4 ceased to be valid, as according to the law this article needed to be extended, and it was extended for only 6 months. This left hundreds of thousands of people with no other homeland apart from Russia cast adrift from Russian citizenship.

This was obviously linked to the Government's desire to make the Programme of Voluntary Resettlement to the Russian Federation more attractive for migrants. Participants in this programme were given the right to apply for citizenship straight after receiving their temporary residence permit and registration at their place of residence in law at the end of 2008. However, the programme was still not saved. From 2007 onwards only 17,000 people resettled in the Russian Federation as opposed to the expected 300,000. This was because the state's desire to strictly regulate the flow of migrants led to an over-bureaucratisation of the the programme and the demand for registration at place of residence makes the longed-for Russian citizenship unattainable.

According to official information, 77% of all those who obtained citizenship in 2005 and 2006 got it through the simplified procedure; and 23% in accordance with bilateral agreements. In 2007 the ratio changed slightly: 70% of applicants went through the simplified procedure, and 29% under the agreements. In 2008, only 362,509 people got citizenship, including 280,539 through the simplified procedure; and 98,097 people through international agreements¹⁷.

It is obvious from the above that the main body of the Law on Citizenship still does not work effectively. Moreover, it is clear that the majority of applications were under Part 4 Article 14, which ceased to apply from the 1st July 2009 and which has left hundreds of thousands of people not eligible for Russian citizenship yet with no other country to turn to except Russia.

In the Voronezh region complications because the simplified procedures have ended have already begun. A typical example is the case of 23 year old Sergei Ivanov. He arrived in Russia with his parents aged 6 in 1992. He went to school in Borisoglebsk and applied for a Russian passport. The FMS in Borisoglebsk told him to go to Kazakhstan, despite having no family links there any more. Without documents he could not go to the Kazakh Embassy in Moscow. For a few years he was sent from bureaucrat to bureaucrat. His parents and sister got Russian citizenship before 2000 (when Ivanov was still a minor). It is now even more difficult than before to help him legalise his status.

A pervasive problem is that the procedure for confirming citizenship is too lengthy if the person is not registered in the citizenship database of their country of origin. Their passport is confiscated and they have to go through the procedure of applying for citizenship again.

16 Information taken from the official site of the FMS in Russia, www.fms.gov.ru

17 Information taken from the official site of the FMS in Russia, www.fms.gov.ru

Table 6. The number of persons granted Russian citizenship in 2005–2009

	2005	2006	2007	2008	2009
Total of successful applications	484 152	371 782	361 952	362 509	394 184
Through shorter procedure	369 916 (76.4%)	287 155 (77.2%)	254 547 (70.3%)	280 539 (77.3%)	308 866 (76.3%) 266 815 (Art. 14.4 — 67.7%)
Based on international agreement	113 611 (23.5%)	84 627 (22.8%)	107 248 (29.6%)	81 830 (22.6%)	85 184 (21.6%)
Under main legal provisions	625	101	157	140	134

A meeting of civil society representatives with the Russian President in April 2009 led to the positive development of the revival of the Government Commission on Migration Policy. As well as representatives of various ministries and departments the Commission includes Ella Pamfilova, Lydia Grafova and Svetlana Gannushkina. Civil society representatives' suggestion to revive the forum for discussion of the lack of migration policies and related problems was at once supported by Dmitry Medvedev.

The Commission was set up again in December 2009 and began addressing problems of legalization of former Soviet citizens, long-term residents in Russia. It is estimated that there are some 300,000 people in this group in Russia, most of whom do not have citizenship. Children who grew up in Russia, and came of age have neither identity documents nor legal status. The FMS Russia has developed a draft bill on amendments to the Law on Citizenship and Law the Legal Status of Foreigners in cooperation with NGOs. This has been sent to the Duma, the Federation Council and the Commission on Citizenship.

The proposed amendments suggest that adults will be able to undergo the procedure of identity determination and begin the process of legalization, while their minor children will be immediately granted Russian citizenship at their parents' request. The FMS has already begun the process of identifying and determining the identity of persons without citizenship. If the law does come into force it will finally redress the error of 2002: when in one day the new Law on Citizenship of Russia and the Law On Legal Status of Foreign Nationals turned hundreds of thousands of people in Russia into illegal migrants, including World War II veterans who did not previously ask for Russian citizenship simply because they had no idea that they should.

Recommendation

- Reintroduce Article 14.4 of the Law «On Citizenship» and ensure there is no time limit

2.4 Passport documentation

Many foreign nationals and stateless persons moved to Russia during the period of visa-free entry for holders of USSR passports issued in 1974, which were recognized as valid for former Russian citizens provided they were still valid, and that the photos were present as required. Exchanging passports for a residence permit is extremely difficult, as it involves going through a three-stage system: legal temporary sojourn – temporary residence – permanent residence in the Russian Federation, and only then – acquiring Russian citizenship.

Country Report 2009

Russian Federation

It is often the case that upon application for a replacement passport (e.g. because of reaching majority age, loss or damage) the FMS requires proof of registration in Russia as of 06.02.1991. This information is required even for those persons who were born in Russia and have never been outside of the country, particularly from Chechens.

Those who moved to Russia and already considered themselves to be Russian citizens were hit particularly hard when their passports were confiscated because they were not issued through the correct procedure. There are many such cases. According to the FMS, of the 160 million passports currently in the electronic database, 42 thousand passports have been issued illegally, and 22 thousand of them have already been withdrawn. A person whose passport has been confiscated is not given any documents apart from the corresponding legal act, and he loses his status as a member of the civil society in the broadest sense. Moreover, official negligence or mistakes are usually the cause of passports being issued incorrectly — and yet the passport holder is held to account for this.

The passport verification procedure is carefully regulated, but it is based on electronic registration forms for passports issued – a date base in the Ministry of Foreign Affairs, transferred to the Ministry of Foreign Affairs and «AIS citizenship». If the information about the passport cannot be found in computer databases, a request is sent to the Consular Department. Often information cannot be found there, and the right to citizenship becomes invalid due to lack of information on the servers of the immigration authorities and in consular documents, which are often very badly managed. Mistakes are often made.

In all these cases, through no fault of the citizen, the passport is confiscated and they are obliged to apply for Russian citizenship for a second time. It is the officials who are responsible for their incompetence, but this does not help the plight of frustrated Russian citizens.

Recommendations

- Passports should only be withdrawn following a court order, and after it has been proved that they were illegally acquired in the first place. Individuals should be presumed innocent unless their passports are obviously forged. If they are, the manufacturer and user should be prosecuted, provided the holder of the document is using the document issued to him by a state representative in good faith.
- If the passport was issued under an Article for which the former Soviet citizen was not eligible (Art. 13, Part 1), but there was another Article (usually — 18 (g), under which he was entitled to apply for citizenship, then there is no legitimate reason to confiscate his passport. Officials should be able to amend any formal records which were not done in time and to finalise the necessary protocol.

Finally, the problems of the legalization of children whose parents are stateless persons with USSR passports issued in 1974 are particularly acute. These children have birth certificates, but they have not been given passports because they are not considered to be Russian citizens, meaning they also become «illegal».

These children, who arrived in Russia with their parents, but who for various reasons did not acquire Russian citizenship with them, are simply not able to have obtained passports as citizens of other foreign states, because they actually left before they were of the legal age to obtain a passport.

It is equally difficult for children who have grown up in Russia and who then chose to obtain the nationality of the country of origin of their parents to legalise their status, in order, for example, to enter a university. Then they become foreign nationals on Russian territory. It is not easy for them to get exit visas to travel to the country of which they are formally citizens. But it is even more difficult for them to get an entry visa into the Russian Federation, if they are citizens of a country which has a visa regime for entry and exit. For this reason it is extremely problematic for them to receive temporary residence registration. This group of people can not apply for Russian citizenship.

Recommendation

- A normative act needs to be adopted to legalise former citizens of the USSR who arrived in Russia as minors before 2002.

3. Internally Displaced Persons

Internally displaced persons (IDPs) who were forced to flee their homes due to fighting in Chechnya, continue to constitute one of the most vulnerable and unsettled groups of the Russian population. The right to State protection and assistance, and social support, is provided by Russian law to a forced migrant only if they have forced migrant status¹⁸. Of 580 thousand people who fled Chechnya during the second armed conflict, forced migrant status was granted only 12.5 thousand people. According to official figures, there were almost no ethnic Chechens among them. In other words 98% of IDPs have been denied economic, social and legal guarantees of protection of their rights and legitimate interests. The more time passes since their displacement, the less public authorities are inclined to remember that it is their constitutional duty to protect this group of its citizens.

3.1 Housing

It is virtually impossible for ethnic Chechens or Russians from Chechnya to settle independently in Russia. The Russian Supreme Court has recognised that it is impossible to purchase accommodation with the small amount of compensation they receive¹⁹. After its ruling²⁰, the provision stipulating that citizens who have received compensation for lost housing in Chechnya lose their right to any other form of public housing assistance was removed from Russian government decree № 510. However although the State has preserved citizens' right to assistance, it has not actually undertaken any additional measures to help them. Moreover, the authorities do everything they can to force those IDPs who have received compensation to return to Chechnya.

In the Rostov region many IDPs remain without housing, social support or employment. It is difficult for IDPs who have been refused earlier because they had received compensation for lost housing to get onto the register for accommodation again. There are also problems for those IDPs who lost their documents during the military actions in Chechnya when they reach pension age. They have to restore their entire work history, prove the amount of salary they earned and establish the fact that they worked in a certain profession or other. The Pension Fund not only does not help them, but often does the opposite, sending their objections to court. All of this complicates defending the pension rights of people and often denies them the right to a suitable pension.

¹⁸ Forced migrant status is a particular legal status in Russia that can be granted both to IDPs and returnees from other countries (see Article 1 (1) of the RF Law «On Forced Migrants») and provides for certain economic, social and legal guarantees. See <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,RUS,,3ae6b4fe8,0.html>

¹⁹ Maximum of 120 thousand roubles per family

²⁰ Of October 31, 2002

Country Report 2009

Russian Federation

All temporary accommodation centers in central Russia are now closed, since the last Chechen IDPs were evicted by force in July 2008. At the same time, many people are forced to leave Russia, despite the fact that return home could be dangerous for them.

The following groups could be at particular risk upon return:

- Young men who are suspected of involvement in armed groups;
- Women at risk of being humiliated by the exorbitant demands of compliance distorted by Kadyrov's «traditional Islam», to be forced into marriage or forced to temporary marriage with people from Kadyrov's entourage;
- Applicants to the European Court of Human Rights, who are forced to withdraw their applications to the ECtHR or to share compensation they have received;
- Returnees from abroad who are suspected of having a lot of money, and of participating in or sympathizing with armed groups

Risking unemployment and poverty, IDPs from Chechnya are fighting to stay in Russia and solve their housing problems without any help from the state.

The authorities advise everyone, even ethnic Russians to return to the Chechen Republic. The policy of the migration services is to ensure that as many internally displaced persons return to their homes regardless of their personal circumstances, the situation in the region, and the consequences of such attitudes on the problem of internal displacement.

Recommendation

- To solve the problem of housing for IDPs, the sum of compensation for lost housing in Chechnya should be indexed to inflation, not only for those who still have not received compensation, but even for those who have already received it but who could not get any accommodation because the sum received did not correspond to the reality of the cost of housing.

3.2 Consequences of the closure of the Temporary Accommodation Centres (TACs) in Chechnya

Since December 2007 the authorities of the Chechen Republic have actively started closing the hostels that used to serve as temporary accommodation centers (TACs), sending their inhabitants — internally displaced persons (IDPs) back to their areas of former residence.

There have been cases where people are forcibly evicted from their rooms in hostels with physical abuse and their possessions thrown out. Many people, especially women, were forced to sign the statements prepared by management in order to avoid incidents between men of their families during their eviction by armed men. Local authorities and police gave people an absurdly short time to evacuate their rooms. Methods used ranged from promises and persuasion to blackmail and threats.

The housing that has been restored and allocated in Chechnya is not sufficient for all the homeless people there. Despite the rapid restoration of residential areas, in practice thousands of people remain in Chechnya without shelter or the hope of it in the foreseeable future. This problem will not be solved unless the Federal government takes steps to provide housing to the inhabitants of the Chechen Republic.

Recommendation

- The Federal government should take steps to provide housing to inhabitants of the Chechen Republic.

3.3 Discrimination by government officials

In the Chechen Republic, the authorities, not providing IDPs with housing, are carrying out a campaign against them, accusing them of laziness and dependence. At the same time the housing that is being built there on government money is being sold at commercial prices.

Many IDPs return to the Chechen Republic not only because of the rapid process of recovery there or due to housing difficulties, but also because of discrimination and harassment they face in other regions of Russia.

Sometimes the situation is completely absurd. *For example, in Saratov oblast when Russian citizens from Chechnya wish to change their passport, they are required to provide proof of Russian citizenship in the form of a court decision confirming residency on the territory of the Russian Federation as of 6 February 1992. It is as if some officials of the regional bodies of FMS are not sure that the Chechen republic is part of the Russian Federation.*

Law enforcement officials continue to view everyone who comes from Chechnya as a potential criminal – a terrorist or member of an illegal armed group. Verifications of documents of Chechen nationals which are not foreseen in legislation have become everyday practice, meaning that they are asked to fill out additional forms, to provide certificates not specified in law in order to register their place of residence, extra controls of people from the North Caucasus on national holidays etc.

In addition, Chechen nationals are often threatened with unlawful arrest on fabricated charges for which they receive very real sentences indeed. The campaign of fabricated criminal cases against Chechens continues, it has had some bursts of activity but has not fully died out since the beginning of the war.

Chechen nationals in Russia can not feel safe: they are permanently in the «at risk» group, under the threat of having to answer for crimes that they never committed. When this does happen the situation in the penitentiary system for Chechens and other inhabitants of the Caucasus is extremely difficult. They are constantly persecuted by the staff from the administration, many of whom have gone through the two «Chechen wars».

In Dagestan officials from interior affairs regularly carry out «special operations to destroy the Wahhabis» under the aegis of fighting religious-political extremism. These operations include abductions, illegal searches, detentions and torture. Both IDPs and the local population suffer because of this policy and it causes a sharp retaliation in the North Caucasus, expressed in the form of acts of terrorism directed against officials from the law enforcement agencies.

Recommendation

- A campaign should be organised in the press to change attitudes to migrants in society, to fight migrant-phobia and to end discrimination against inhabitants of the Chechen Republic.

4. Forced migrants²¹

4.1. Obtaining status

The situation regarding the provision and extension of status for forced migrants did not change much in 2009. In almost all regions of Russia the number of people who lost their status far exceeds the number granted status. Migrants' Rights Network lawyers report cases of unjustified denials of status, of bureaucratic red tape which prevents people from legalising their status in Russia and from integrating into society. Forced migrants who have had their status withdrawn find themselves in a difficult situation without access to minimum social guarantees.

²¹ Forced migrant status is a particular legal status in Russia that can be granted both to IDPs and returnees from other countries (see Article 1 (1) of the RF Law «On forced migrants») and provides for certain economic, social and legal guarantees. See <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,RUS,,3ae6b4fe8,0.html>

Country Report 2009

Russian Federation

In the **Astrakhan region** hardly anyone is currently being given status, although forced migrants often have their status withdrawn. In some cases this is due to their own negligence regarding the deadlines for extension. However, even if the deadline for extension is not met for justifiable reasons the person is still forced to go to court. Many rejections of applications to extend forced migrants' status are due to a demand to privatise hostels moving from a departmental to a municipal fund. Forced migrants living in this kind of accommodation always have their status revoked, regardless of living conditions or regulations on the size of the accommodation that should be provided. At the same time they are being removed from lists to allocate housing. The decisions to refuse the renewal of forced migrant status state under «reasons for rejection» that the person «has the possibility of settlement at a new place of residence», although in reality this is not the case.

In Penza, Chelyabinsk, Ryazan, Kaliningrad and Rostov regions, in the Republic of Bashkortostan forced migrant status is hardly given to anyone. In 2009 in the **Tambov** region, no one was given forced migrant status. Various reasons are given for the refusal to renew IDP status.

The policy of the Federal Migration Service of the **Stavropol Region** towards forced migrants and refugees continues to be aimed at reducing the number of citizens with forced migrant status, resulting in the denial of the status and its extension. The main reason for depriving the status to people in this region is that they have received compensation for lost housing and property in Chechnya. Previously, it was possible to resolve issues of prolonging forced migrant status in court. Now however, court practice in the Stavropol region has established refusals to extend status on the grounds that compensation for lost housing has been received, despite the fact that people do not yet have their own housing. In the second and third quarters of 2009 the Stavropol Kray FMS did not grant forced migrant status to a single person.

The payment of compensation for lost housing and property has virtually ceased, and state assistance can only be received through being issued a certificate. However, the funds allocated for this are small and obtaining the certificate is slow.

The **Tver region** migration services seem to have completely switched to work with labour migration. The presence of forced migrants slows down the FMS staff work, and so they now rarely extend status in order to shorten waiting lists for housing. However, there are few forced migrants ready to file a complaint in court on their right to state assistance, something the officials are counting on.

In the **Voronezh region** the picture is slightly different in a sense that forced migrant status can be obtained. However, there are problems because of a refusal to officially recognize the temporary settlement of the forced migrant organization «KhOKO» in Borisoglebsk as a Temporary Accommodation Centre. Many forced migrants are notified that their status has been lost, because they fail to apply for an extension. More than 450 migrants are registered at their place of residence with the KhOKO forced migrants' organization, mainly forced migrants with status who are on the waiting list for a housing certificate. Each year they are forced to submit documents in anticipation of the loss of status or failure to obtain an extension from the FMS. Forced migrants with status are often refused status extension at the end of the year for various ridiculous reasons. *An example is a case of a 75 year old claimant who lived in a hostel. Her claim for status extension was refused by the FMS on the grounds that the elderly person could privatize a room in a student dormitory.*

Some forced migrants were due to be issued with housing certificates, but the FMS announced that their status had been withdrawn. This meant people had to go to court to get their status extended.

The activities of the Migration Service in the **Bryansk region** have changed dramatically since 1990-2000. Migrant's Rights lawyers believe that Bryansk migration services have set a goal to reduce the number of registered forced migrants as much as they can. In the past 6 years no one has received forced migrant status in Bryansk region, not to mention refugee status, which has never been given to anyone. The authorities justify this by saying that there can be no refugees or forced migrants from CIS and Baltic countries as the issues of the Russian-speaking population have been settled at state level in these countries, which is, of course, untrue.

In general, we can summarise the above by saying that the work of the migration service is to reduce the number of people who get status and the rights to benefits and compensation that it allows

4.2 Accommodation

Housing remains one of the main problems for forced migrants. The procedure for acquiring accommodation for different groups, including forced migrants, is regulated by a Resolution of the RF Government from 21.03.2006²². Migrants have to get on the register at branches of their local authorities at their place of residence before they can realize their right to participate in the Housing Programme. Support is given in the form of a state housing certificate (SHC).

Waiting lists to get state housing certificates are very long. Not only that but certificates are so difficult to obtain that they do not only not guarantee accommodation but often they do not even provide substantial assistance when purchasing housing. The value of 1m² on the certificate is worth only half of the real cost. Thus, the financial resources provided by the RF Government through housing certificates permit only a small number of forced migrants who have personal savings or a high income to obtain housing.

Distribution of housing certificates for forced migrants is still taking place without public scrutiny. Lawyers from the Migrants' Rights Network in the Volgograd region have not been able to negotiate members of civil society being part of the committee on the distribution of housing certificates, as used to be the case. In 2009 107 housing certificates were issued, even less than the 140 issued in 2008. Also the region did not receive an extra 15 million rubles earmarked for this that had been included in the budget. The financial situation of forced migrants has deteriorated and wages have dropped due to the global financial crisis, delays in payments have increased as has unemployment amongst forced migrants and there is growing hidden unemployment – including leave without pay and resignation at the initiative of the management.

In the city of **Pyatigorsk**, in Stavropol region, the new procedure for acquisition of housing for different vulnerable groups of the population, including forced migrants, is controlled by RF Government Decree of 21.03. 2006²³. It is only after registering with the local government at their place of residence that migrants are able to exercise their right to participate in the housing programme. The Pyatigorsk administration registration process for forced migrants to get on the list for housing assistance includes illegal demands for documentation (plans of the building, extract from the technical passport²⁴, etc.). Officials refer to Resolution of the Government of Stavropol Territory from 05.09.2006. № 126-p, which specifies a list of documents needed to obtain social housing from the state²⁵ and for those recognized as living

22 Постановление № 153 «О некоторых вопросах реализации подпрограммы «Выполнение государственных обязательств по обеспечению жильем категорий граждан, установленных федеральным законодательством» Федеральной целевой программы «Жилище» на 2002-2010 годы»

23 Decree № 153 «On some implementation issues of the subprogramme «Implementation of State obligations on provision of housing for groups of citizens as established by the Federal «Housing» programme from 2002-2010.»

24 Informational document on the state of a building, flat or house needed to buy, sell, exchange or submit planning applications.

25 Done through a «social rent agreement» – dogovor sotsial'nogo naima

Country Report 2009

Russian Federation

in poverty. Consequently, those forced migrants who do not have homes who are registered at others' houses are not able to provide the required documents. In addition, it is expensive to have plans drawn up. We were able to solve this issue by writing to the Ministry of housing and communal management, building and architecture, Stavropol Krai and the regional migration service. Other issues related to getting back on the housing list and receipt of housing certificates require resolution through the courts.

In the **Tambov region** Government Resolution № 153 from 21.03.2006 has caused the following difficulties for forced migrants trying to solve housing related issues:

- a) As happens elsewhere, there are insufficient State housing certificates allocated for the region;
- b) The local authorities refuse to include forced migrants in a unified local list of people who need assistance in improving their living conditions, from the list of forced migrants.
- c) The local authorities refuse to include forced migrants in the housing programme waiting list on the date of their inclusion in Migration Service housing lists. This situation continues despite the fact that individual cases have been won in courts against the local authorities (under Government Resolution No. 153) on this issue. You would think that the local authorities, aware of the 87 positive court decisions to overrule the refusal to include IDPS in the «Housing» programme on the date of registration with the immigration authorities, would not still refuse them. Nevertheless the refusals continue.

A whole row of positions in RF Government Resolution № 153 of 21.03.2006 need amending. The resolution has not resolved issues for those groups of forced migrants who were on the following lists:

- a) for interest-free repayable loans;
- b) for housing from the fund for temporary accommodation,
- c) for grants to purchase/ construct housing.

State support for forced migrant housing has evolved over recent years: funding for all types of support used to be covered by the Federal budget. Now all forms of support have changed and the brunt of the changes has been transferred mainly to local budgets. Forced migrants have become hostages of this change in policy. For example, before if a forced migrant did not want to depend on the Russian State he could take out a personal housing loan and sorted out the situation for himself. Now this type of support does not exist.

Forced migrants are also dissatisfied because they are required to provide two piles of documents proving their lack of housing and land: one for the FMS, and one for the local authority. If a person's forced migrant status is about to expire in a week's time, the latter may refuse to issue a certificate, saying that the forced migrant must first extend their status. However, status cannot be extended without this certificate. Another vicious circle which is often only broken by the personal intervention of a lawyer with the officials.

Government Resolution № 153-2006 stipulates that State housing certificates are issued to recognized forced migrants. But there are cases where family members arrived in Russia at different times, family members have stayed behind for various reasons at their previous place of residence and they have reunited later. Members of the family who arrived later than their relatives have not been granted forced migrant status. This means that the whole family is not included in the waiting list for improvements in living conditions, only those members who have forced migrant status.

People from the Chechen Republic, irrespective of whether they have received compensation for housing left behind there or not, are not provided with housing. The maximum compensation for a family of 120,000 Roubles per family was approximately \$20,000 USD in 1997. Very few people managed to receive compensation before the default of 1998. Now this sum has gone down to \$4,000 USD and it is impossible to get any housing with it.

Recommendation

- The budget allocation for housing for forced migrants should be increased.
- There should be a new register drawn up of inhabitants of Chechnya who have left its territory, with the aim of indexing any compensation that has been received or is to be received by them, starting from 1998. Those who have not applied for compensation should have their property on the territory of the Chechen Republic returned to them.

5. Labour migration

External labour migration is currently the most popular and dynamic migration flow in Russia. Preservation of stable interethnic relations in the regions, prevention of possible conflicts and creating conditions for migrant labor by respecting Russian legislation are key to economic development and overcoming the effects of the global economic crisis in most regions.

However, despite the economic crisis, residents of large Russian cities do not want to compete for jobs with migrants from the CIS countries. Today, there are many occupations with difficult working conditions, which Russians consider to be unprestigious and low-paid. The majority of Russian citizens refuse this type of work, despite the fact that many have been laid off and are looking for work. In general, the following jobs are taken by migrants who arrive to Russia from visa-free countries – odd job men (46%²⁶), drivers (5.8%), porters (3.2%), cooks (2.4%) and bricklayers (2.4%).

The authorities in the different regions of Russia are trying to fight this process.

Many employers are interested in employing foreign citizens who are illegally present in Russia: it is a lot more profitable, simpler and cheaper, to hire them than to hire people whose right to work is laid down by law. With illegal workers it is easy to get rid of them and not pay them for the work they had done. Instead the employer pays for the «services» of an official, who closes his or her eyes to the violation of the law, and the official from the agencies of interior affairs who keep the migrant in a state of fear. At the first whisper of discontent they can get rid of the illegal migrant, getting him or her removed from the RF for not having a work permit.

The main problems faced by migrants who come to work in the RF are:

- Late payment of wages and not being paid in full.
- The employer cancels the employment contract suddenly and for no reason.
- Unacceptable living conditions for foreign workers and working conditions that do not comply with safety standards (which leads to industrial accidents).
- Violation of employment law in relation to foreign citizens.
- Social tension and conflicts with the local population on ethnic grounds.

Staff from the HRC Memorial Migration Rights Network from different regions agree that the fact that employers use illegal labour itself provokes the existence of quotas for employment permits. The presence of open borders and limited opportunities to find legal employment have led to a growth in the number of illegal workers.

The quota mechanism is needed so that officials can control and plan. However, the number of problems caused by the fact that the quota is not sufficient is enormous. Lawyers and human rights activists often come across situations when the quota goes directly against what is written in employment law. Clashes like this happen for example, when a migrant's work permit expires after a year, but the quota for the next period has already been filled. The employer is then left with a choice, to either cancel the employment contract with the foreign citizen, thus harming his or her business interests and violating the rights of the worker, or to be charged

26 % calculated from the total number of persons granted a work permit

Country Report 2009

Russian Federation

with an administrative offence for using illegal labour. One of the reasons for the huge number of foreign citizens working in the grey economy is the fact that migrants just do not have the information they need on Russian legislation to know which documents they need to fill in for what, so that they can work legally, and how and when they need to do what.

The Government of the **Ulyanovsk region** is trying to redress the situation whereby the indigenous population prefers to remain temporarily unemployed and wait for more favorable terms of employment, while migrants fill work places. The Government appealed to employers to reduce the number of applications for the use of foreign labour in 2009²⁷ in order to improve the labor market and create additional employment opportunities for local people.

According to the Deputy Director of the State Employment Service of the Ulyanovsk region, Mr. Anatoly Poluektov, in recent years there has been a significant increase in the number of foreign workers in the region. The year before employers estimated the need for more than 3000 foreign workers, this year businesses planned to attract more than 10,000 foreigners. However, in a situation where many companies are experiencing difficulties with production and looking to either reduce the number of staff, to switch to part-time or to enforce administrative leave it is inappropriate to rely on foreign labour for the regional economy. Therefore, employers who were planning to employ foreigners in 2010, have been urged to revise their bids and to explore the possibilities of employing the local population. As a result, the number of work permits plummeted and the FMS of Ulanovsk region tightened its position on the illegal use of foreign labour.

Employees of the Department of Immigration Control of **Chelyabinsk region** uncovered 3159 violations of immigration law during 2009. They checked 47,296 places, including over 18 thousand places of residence of foreign nationals. 314 people were expelled, which is 40% more than in 2008. It is not difficult to predict this type of development in other regions of Russia. «Migration Rights» Network lawyers from different regions agree that the increase in the use of illegal labour is triggered by the regime of work permit quotas itself: open borders and limited opportunities for legal employment are causing growth in number of people working in an irregular situation.

The situation with labour migration is extremely tense in **Kaluga region**. This is due to the increased levels of unemployment (more than 8% on June 1, 2009). There are two competing trends: aspirations of the federal government to artificially limit work permits for foreign nationals; and employers' desire to get cheap labor from foreign rather than local people. Four large investment projects — Volkswagen, Volvo, Citroen-Peugeot and Nestle – require particularly careful work by the FMS with highly qualified migrant workers. FMS tendencies sometimes go against the wider interests of the region.

Many business owners are more inclined to use irregular foreign labour because illegal migrants are easier to hire and are cheaper than those who have the right to work.

In the **Krasnodar region** every procedure — be it obtaining a temporary residence permit; prosecuting illegal migrants for administrative offences; or prosecuting employers for hiring foreign nationals without work permits – involves bribes. Those who have to go to trial or are deported are the ones who are not able to bribe FMS officials in the early stages of the case.

Temporary migration is shaped completely by labour migration. The least-protected foreign nationals are construction workers who are hired in teams for large building projects, and who, at the end of the season are rounded up in teams, and delivered to prison to be expelled from Russia. As a way of avoiding paying the workers their wages, employers «order» FMS inspections, and the inspectors in turn organize mass expulsion for violations of the rules of residence in Russia or for

27 News Agency REGNUM-VolgaInform

carrying out work without a work permit²⁸. In the economic crisis, it has become more frequent for business competitors to report the hiring of foreign workers by other businesses to the FMS.

The FMS in Krasnodar Territory with the police, the Azov-Black Sea territorial department of Internal Affairs for Krasnodar and the Azov-Black Sea Department of internal affairs for transport, regularly organise preventive actions such as: «Illegal Immigrants», «Spa», «Undercover», «Trawler net», «Residential sector» and others.

In compliance with the Federal Migration Service order of 30.09.2009 aiming to control the recruitment and use of foreign manpower in trade in Krasnodar Territory, the Department of Internal Affairs in Krasnodar Region ordered additional inspections of markets. From 5th to 19th October 2009 59 such inspections were carried out, 3 cases of violation of migration legislation were found by employers who had not respected the limitations on types of work foreign citizens and stateless persons are allowed to do.

The main problems faced by migrants who come to Russia to work are:

- Delays in receiving wages in full;
- Sudden and unjustified termination of contracts by employers;
- Poor living and working conditions which violate safety requirements (leading to occupational injuries);
- Violation of labour laws on foreign nationals;
- Social tension and conflicts with the local population on ethnic grounds.

*14 migrant workers from Kyrgyzstan appealed to the «Migrants Rights Network» for help in **the Kyrov region** in February 2009. They had come to the region in the hope of concluding a contract for a construction plant. However, the contract of employment had not been drafted, the migrants were placed on the registration records, but were deceived by the person who had promised them work. It was difficult to assist them with the legalization process because they came to the territory on their own without a written agreement. Some migrants applied for RF citizenship and some went back to Kyrgyzstan.*

Quota mechanisms are necessary for officials to control and plan. But multiple problems arise from insufficient quotas. Lawyers and human rights defenders often face situations in which quota allocations are in conflict with labour laws – for example when one's work permit expires, and the quota for coming period has already been decided. The employer has a choice: either to end the contract with the employee, thus damaging his business interests and violating the rights of the employee; or to face the responsibility for employing an illegal migrant. One reason for the huge number of foreigners working in the informal sector is that migrants lack information about documents necessary for obtaining work permits set out by Russian legislation.

In the **Leningrad region** the situation remains complex when attracting foreign labor force: there is an acute shortage of manpower, while official quotas for the year were about 60% full before the end of the year. However, employers either do not recruit or cheat people by not paying wages, not providing housing or social protection.

Even official documents (registration and work permit) do not protect workers from problems. *As of August 2009 there were several dozen companies in old buildings at the «Red Triangle» factory, some of which employed migrants. There were no formal violations of immigration legislation: 170 Uzbek citizens were registered with the legal entity — DOO «Petroshina», have work permits and live and work at the place of registration. The problem is that the working and living conditions are absolutely inhumane, but people are still willing to work.*

28 Articles 18.10 and 18.8 of the Administrative Code of RF

Country Report 2009

Russian Federation

On the territory of **Samara**, where migrant workers are attracted to stable socio-economic situation of the region – there are similar problems. The region has established an independent trade union of Samara regional organizations that use migrant labor – called «Support». The chairman noted that often workers from other countries are powerless — their working day is not within the norms, salaries are extremely low, they have to pay various fines, then there are often cases when they do not receive their salaries etc.

In the **Bryansk region** there are 4000 registered migrants, but some 20000 undocumented migrant workers²⁹. In 2009 there were more than 25,000 cases of illegal labour where penalties were paid. Migrant workers and illegal immigrants — mainly citizens of Ukraine, working for the most part on agricultural and industrial enterprises in border areas of the Bryansk region, are exposed to radioactive contamination as a result of the Chernobyl disaster. Here there is a great shortage of manpower, because a significant number of indigenous people moved to «clean» radiation-free, areas. The flow of migrant workers and illegal immigrants (Ukrainians, Belarusians, Azerbaijanis, Armenians, Moldovans and others) is not clearly tracked by the Migration Service. For example, in the morning Ukrainians and Belarusians go to work illegally in the border areas of the Bryansk region, and in the evening return to their home countries.

Most migrant workers suffer harassment and attacks by extremist groups. Sometimes this persecution comes from their own countries of origin, making them *sur place* refugees.

One striking example of this transition from labour migrant to asylum seeker is the story of Kyrgyz national, Abdurasul Mekanilovich Mamarahimov.

Abdurasul Mamarahimov was born in 1961 in Kyrgyzstan. An ethnic Uzbek, he arrived in Novosibirsk to work in February 2008 with his son Abdulgafar. In 2004 he was sentenced to 2 years in prison for membership of Hizb-ut-Tahrir. After serving the sentence he was careful not to get involved in further incidents, such as the Nookat events. He was very cautious, had no foreign relations, and did nothing but work and take care of his home.

In Novosibirsk he was registered with the Migration Service and had a work permit. He was planning to move from Novosibirsk, where his work had finished, and move to Ekaterinburg where he had been offered a job as a welder. On 7th October 2008 he was detained at the station (or airport) by police because of suspicions he was involved in an extremist group. The reason for the detention was completely down to his appearance: Mamarahimov has a beard. All his documents were in order, but after an inquiry to Kyrgyzstan it was revealed that he was on the wanted list. The reasons why were unclear.

In fact after Mamarahimov left Kyrgyzstan the situation in the country changed significantly. A repressive religious law was adopted as a consequence of which 32 citizens were convicted in a closed court after only five days and were convicted for 15-20 years in prison on trumped-up charges of a political nature. Many of them were tortured. Similar sentences have been imposed in other cases of people accused of «extremism». Memorial invited a lawyer called Vlasov to defend Mamarahimov who helped him apply to the FMS for refugee status, which halted the extradition order. In September 2009 he was denied refugee status. The refusal was appealed with the court hearing due to take place on 16 October 2009 in Novosibirsk. Suddenly Abdurasul Mamarahimov was transferred to Omsk. His lawyer was told that the transfer was not associated with expulsion.

However, on October 11 Mamarahimov was expelled from Russia to Kazakhstan for further transmission to Kyrgyzstan. Memorial Migrants' Rights Network immediately sent a fax and letter with a request to the General Prosecutor of Russia and UNHCR to take immediate steps to return the asylum seeker to the territory of the Russian Federation. Fortunately, thanks to UNHCR's efforts,

²⁹ According to information received from the Chief of the RF Federal Migration Service of the Bryansk region VA Savin

Mamarahimov's extradition to Kyrgyzstan was stopped. The Kazakh authorities allowed the UNHCR staff to consult with Mamarahimov and take him through the refugee status determination procedure, and then they gave permission for his departure to a third country where he now has asylum. We only received an answer from the General Procurator on 24 December 2009 by which time Mamarahimov's situation had been successfully resolved. The answer explained that the appeal against the rejection to grant refugee status had been heard on only 14th December by the Zeltsovsky District Court and that the court had dismissed it. The Representative of the General Procurator's Office who informed us, did not give any evaluation at all of the lawlessness that had taken place. However, there is reason to believe that the answer was delayed so unprecedentedly because the prosecutor sought to ensure the visibility of compliance with the legal procedure.

This example shows how the corporative approach of the entire Russian legal system is becoming more widespread, which is having a fatal impact on the work of civil society and any possibilities we have to influence the situation.

Recommendation

- The system of quotas should be eliminated for citizens of those countries with which the Russian Federation has established a visa-free regime for exit and entry.
- The local authorities should not only demand that migrants observe Russian laws, but they should provide them with an opportunity to do this, as well as protect them when their rights are violated.

Full List of Recommendations

Refugees from Baku

- An Interagency task force is needed to solve the issue of their housing with representatives from the city administration (taking into account that it is a regional issue), migration officials and the owners of the hotels, where Baku refugees are accommodated all taking part.

Refugees from Afghanistan

- All citizens from Afghanistan living in the Russian Federation for a long period of time, women in first place, should be given legal status as they can not return to life in a traditional society. More care should be taken in decisions on granting asylum, taking into account the worsening of the situation in certain parts of Afghanistan.

Georgian refugees from Abkhazia

- Legal status should be granted to all former inhabitants of Abkhazia and South Ossetia who arrived in the Russian Federation before June 2002 that is before the radical changes in the legal situation for foreign citizens in the RF.

Ossetian refugees from central Georgia

- The government of the RF should find the budgetary resources to provide accommodation to refugees and forced migrants from the Republic of North Ossetia-Alania.

Refugees from Central Asia

- The Government of the Russian Federation should take measures to denounce the bilateral agreement with Uzbekistan «On mutual trips of citizens of Russia and Uzbekistan», at least in relation to asylum seekers.
- Taking into account the position of the European Court, the Prosecutor's office should examine the demands from the governments of Central Asia to extradite their citizens back home more carefully.

New categories of asylum seekers

- The migration services, law enforcement agencies and staff from NGOs need to pay very careful attention to the situation of refugees from African countries and from DPRK, to conduct an analysis of their situation and to work out mechanisms to protect them.

Temporary residence permits

- The procedure for handing documents for a temporary residence permit should be simplified.
- The transparency of the process for filling quotas should be ensured.
- Permission for temporary sojourn should be extended, and if there is a visa regime in place governing crossing the Russian border, the visa should be extended for the period of the application process for the temporary residence permit, once the documents have been handed in.

Residence Permits (vid na zhitel'stvo)

- The procedure for getting a residence permit should be simplified for former citizens of the USSR, who have been living in Russia for a long time.

Citizenship

- Reintroduce Article 14.4 of the Law «On Citizenship» and ensure there is no time limit

Passports

- Passports should only be withdrawn following a court order, and after it has been proved that they were illegally acquired in the first place. Individuals should be presumed innocent unless their passports are obviously forged. If they are, the manufacturer and user should be prosecuted, provided the holder of the document is using the document issued to him by a state representative in good faith.
- If the passport was issued under an Article for which the former Soviet citizen was not eligible (Art. 13, Part 1), but there was another Article (usually — 18 (g), under which he was entitled to apply for citizenship, then there is no legitimate reason to confiscate his passport. Officials should be able to amend any formal records which were not done in time and to finalise the necessary protocol.
- A normative act needs to be adopted to legalise former citizens of the USSR who arrived in Russia as minors before 2002.

IDPs

- To solve the problem of housing for IDPs, the sum of compensation for lost housing in Chechnya should be indexed to inflation, not only for those who still have not received compensation, but even for those who have already received it but who could not get any accommodation because the sum received did not correspond to the reality of the cost of housing.
- The Federal government should take steps to provide housing to inhabitants of the Chechen Republic

Discrimination by government officials

- A campaign should be organised in the press to change attitudes to migrants in society, to fight migrant-phobia and to end discrimination against inhabitants of the Chechen Republic.

Forced Migrants

- The budget allocation for housing for forced migrants should be increased.
- There should be a new register drawn up of inhabitants of Chechnya who have left its territory, with the aim of indexing any compensation that has been received or is to be received by them, starting from 1998. Those who have not applied for compensation should have their property on the territory of the Chechen Republic returned to them.

Labour migration

- The system of quotas should be eliminated for citizens of those countries with which the Russian Federation has established a visa-free regime for exit and entry.
- The local authorities should not only demand that migrants observe Russian laws, but they should provide them with an opportunity to do this, as well as protect them when their rights are violated.

ECRE would like to thank the Memorial Human Rights Centre, Migration Rights Network who wrote this report.



This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of the Memorial Human Rights Centre, Migration Rights Network and the European Council on Refugees and Exiles (ECRE) and can under no circumstances be regarded as reflecting the position of the European Union.



Photography: Saeed Magomedov