

U.S. Committee for Refugees World Refugee Survey 2000 - Russian Federation

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Russian Federation

At the end of 1999, the Russian Federation hosted about 104,300 refugees and asylum seekers in need of protection. These included 79,906 refugees recognized by Russia's Federal Migration Service (FMS), about 10,000 Georgians not registered with the FMS but considered by the UN High Commissioner for Refugees (UNHCR) to be refugees, 1,119 asylum seekers whose cases were pending, and about 13,300 asylum seekers who were registered with UNHCR but not with the Russian authorities.

The largest number of FMS-registered refugees came from Georgia (27,993 □ 35 percent), followed by Azerbaijan (12,881 □ 16 percent), Tajikistan (12,299 □ 15 percent), Uzbekistan (10,985 □ 14 percent), Kazakhstan (7,668 □ 10 percent), Kyrgyzstan (1,334 □ 5 percent), and Moldova (979 □ 1 percent).

The number of formally recognized refugees dropped considerably in both 1998 and 1999, largely because many refugees from countries of the former Soviet Union de registered after a new law eliminated several of the benefits accorded to refugees, and because the FMS □ the agency responsible for implementing Russia's laws "On Refugees" and "On Forced Migrants" □ recognized far fewer refugees than in previous years. The FMS granted refugee status to 510 refugees in 1998 and 382 refugees in 1999, compared to 5,751 refugees in 1997.

The legal distinction between "refugee" and "forced migrant" is based primarily on citizenship. The law "On Refugees" applies to noncitizens of the Russian Federation. The law "On Forced Migrants" applies to citizens of the Russian Federation or citizens of the former Soviet Union who are expected to assume Russian Federation citizenship.

Historically, the FMS has preferred asylum seekers from inside the former Soviet Union (referred to as the "near abroad") and restricted access to those from outside (the "far abroad"). This largely resulted from the government's inability to finance its generous 1993 refugee law for former Soviet nationals, let alone outsiders. To remedy this, the government enacted a new law "On Refugees" in 1997 (hereafter "refugee law") that restricts access to both near- and far-abroad asylum seekers.

For the first time, however, in 1999, more far-abroad applicants received refugee status than near-abroad applicants. Of the 382 recognized as refugees during the year, 241 were from countries outside the former Soviet Union, most from Afghanistan (232). Of the 141 near-abroad applicants who received refugee status in 1999, the largest number came from Azerbaijan (35), followed by Uzbekistan (28), Kazakhstan (25), Georgia (14), and Tajikistan (14).

At the end of 1999, 880,394 individuals were registered as forced migrants (cumulative registrations from 1993 through 1999), a 10 percent decrease from the 978,254 registered at the end of 1998. The decrease reportedly occurred as larger numbers of forced migrants from outside Russia acquired Russian citizenship and lost their forced migrant status. Of the cumulative number of forced migrants registered at the end of 1999, 84 percent came from Central Asia (56 percent) and the Caucasus (28 percent). By country or region of origin, the largest number of forced migrants came from Kazakhstan (309,155), followed by Chechnya (130,943 □ 16,289 fewer than in 1998), Uzbekistan (122,369), Tajikistan (96,056), Azerbaijan (45,275), Kyrgyzstan (44,443), and Georgia (41,915).

Asylum

The Russian Federation acceded to the UN Refugee Convention and Protocol in 1992. Between 1992 and 1998, the FMS applied the law on refugees almost exclusively to asylum seekers

from former Soviet countries. For several years, the FMS granted former Soviets refugee status on a *prima facie* basis, helping them find work and housing, and waiving individual status determinations. The government began yielding to international pressure to provide asylum to outsiders in 1995. Although FMS policies continued to reflect a preference for former Soviet asylum applicants through 1997, this trend began to shift in 1998 and 1999.

Substantial numbers of ethnic Russians displaced from the successor states of the former Soviet Union applied for refugee status in Russia before 1998, but since then, the FMS has either registered such applicants as forced migrants or immediately accorded them citizenship. During 1998 and 1999, the FMS also began the process of revoking the refugee status of those recognized in the early 1990s who have since acquired Russian citizenship. Only 384 applicants from the near abroad requested refugee status in 1999.

At the same time, the Russian authorities have grown somewhat more willing to consider the claims of far-abroad asylum seekers during the last two years. The regional branches of the FMS registered 1,925 applicants from countries outside the former Soviet Union (1,458 from Afghanistan) during the year. Of the 530 FMS-recognized refugees residing in Russia at year's end, almost half (241) were recognized in 1999. Nevertheless, significant barriers to asylum for many far-abroad asylum seekers remained firmly in place during the year.

The 1997 refugee law divides the first-instance refugee status determination procedure into two steps: registration and status determination. During registration, immigration control officers or a local branch of the FMS determine the applicant's admissibility to the procedure. Asylum seekers arriving from "safe third countries" and undocumented applicants who do not meet a 24-hour filing deadline are inadmissible to the status determination procedure. The 1997 refugee law also disqualifies applicants (or recognized refugees) who commit "any" crime on Russian territory.

For applicants deemed admissible, the local branch of the FMS then enters into a determination of the refugee claim based on the merits. Negative first-instance decisions may be appealed to the FMS's Appeal Board, but appeals do not suspend an asylum seeker's obligation to leave the country.

Under the law, the registration process may take up to five days, during which the asylum seeker is not legally in the country and has virtually no rights. Once the asylum seeker has registered, the FMS has six months to assess the merits of the claim, although the process often takes longer. Approved applicants receive refugee status for three years, after which they may opt for merits-based reassessments annually. Otherwise, their status ends.

Because many far-abroad asylum seekers still encounter substantial difficulties in registering their claims and obtaining protection in Russia, UNHCR continued to register far-abroad asylum seekers during 1999. Although UNHCR has registered more than 37,000 far-abroad asylum seekers in Russia since 1992, more than half are presumed to have left the country. As 1999 drew to a close, UNHCR reported that 14,879 asylum seekers and refugees with "active cases" were of concern to the agency, overwhelmingly from Afghanistan (12,567). These included 530 FMS-recognized refugees as well as 1,074 asylum seekers pending an FMS status determination, in addition to the other asylum seekers registered with UNHCR.

During 1999, UNHCR resettled 47 refugees to third countries, most of whom faced threats to their protection in Russia. An additional 102 UNHCR-recognized refugees awaited third-country resettlement at year's end.

Undocumented Migrants

Because most far-abroad asylum seekers, including those registered with UNHCR, never receive refugee status, Russian authorities consider them to be illegal migrants. Without legal status, they are denied most rights, including the right to work, to social services, to non-emergency medical care, and even to registration of marriages and births. Many schools do not accept children of far-abroad asylum seekers because of their illegal status.

According to the FMS, hundreds of thousands of "illegal immigrants" were living in the Russian Federation in 1999, although the actual number is virtually impossible to determine. Many may be refugees, although that number, too, is elusive. The population is generally

transient, with many third-country nationals traveling through Russia on their way to Western Europe. They are often reluctant to register either with government officials or international organizations such as UNHCR. Russia's vastness and porous borders hinder the tracking of population movements. Despite their illegal status, most far-abroad asylum seekers already living in the Russian Federation appeared to be free of the immediate threat of *refoulement* because the authorities lacked the financial resources to expel them. However, newly arriving asylum seekers were not protected.

Detention and Deportation

Although the government does not generally detain registered asylum seekers, the Russian penal code allows the government to apprehend "illegal migrants," of whom unregistered asylum seekers are an especially vulnerable group. Border guards may detain people at the border when they find "irregularities" in their documentation. Immigration authorities are also authorized to detain foreigners with deportation orders "for the period necessary to carry out the deportation."

Russia's penal code stipulates, however, that detention should not apply if a person enters the Russian Federation illegally to apply for asylum. The vast majority of foreign nationals whom border authorities apprehend are deported before they can gain access to the asylum procedure, however.

Under the Russian law, FMS "Points of Immigration Control" (PIC) offices handle asylum requests at ports of entry and along Russia's border. One of the most active PIC offices is housed at Moscow's Sheremetevo-II Airport, which receives a large portion of African and Asian asylum seekers. According to UNHCR, no effective refugee screening exists at the airport, and undocumented passengers and asylum seekers are often held for long periods pending deportation.

In 1999, observers reported that the Russian authorities routinely deported undocumented passengers to their points of departure, including individuals with well founded fears of persecution in their countries of origin. Although UNHCR has repeatedly recommended that the Russian authorities post signs in the airport's transit zone advising foreigners of the possibility to request asylum at the airport, Russian authorities have not done so.

The authorities have not permitted undocumented passengers to leave the transit zone, and have generally returned them to the airlines that transported them to Moscow. Because the airlines are legally bound to provide food and emergency medical care to undocumented passengers, the airlines generally return them as quickly as possible to the countries they departed to reach Moscow. Although the PIC built an office in the transit zone in April 1998 to process asylum requests, many of those who manage to apply reportedly are deported before the PIC reaches a decision on their cases.

In 1999, UNHCR reportedly continued to experience occasional difficulty in gaining access to the airport transit zone and was denied regular access to a transit hotel where border authorities also sometimes held undocumented asylum seekers. Authorities commonly grant UNHCR permission to visit undocumented asylum seekers in the transit hotel only hours before their deportation, not giving UNHCR or the FMS adequate time to assess their cases.

Internal Migration Restrictions

During 1999, some of Russia's regions and cities continued to restrict migration through the use of internal passports resembling Soviet era *propiskas*. Regional authorities in Stavropol, Krasnodar, Moscow, and St. Petersburg reportedly targeted migrants with strict, discriminatory registration requirements, despite Constitutional Court rulings abolishing most aspects of the *propiska* system.

In February 1998, Russia's Constitutional Court ruled that a city may neither "grant permission" nor limit where persons choose to live nor how long they stay. Soon after the court issued its ruling, however, Moscow mayor Yuri Luzhkov publicly refused to implement it and ordered Moscow police to enforce the existing registration rules created in 1996 (see below). In July 1998, the Supreme Court outlawed temporary and permanent residence permits, removing any question of the legality of the permit-based systems in Moscow and

other regions. Nevertheless, Moscow made clear its intention to oppose both rulings in 1998 and 1999.

Although federal authorities have said that some regions' registration systems contravene federal law, they have done nothing to stop such practices.

Under the unconstitutional 1996 registration rules, adults are issued internal passports, which they must carry and register with the local authorities within three days, or in Moscow within 24 hours, of their arrival for visits of more than three days. Russian citizens and migrants from the former Soviet republics have seven days to register when moving to a new area to live and work.

Although UNHCR reported that about 500 Afghan nationals received temporary registration permits in Krasnodar in 1999, most refugees and asylum seekers continued to face substantial barriers to registration. These included requirements such as proof of ownership of a residence, a written rental contract, or written consent of relatives who agree to house the asylum seeker or refugee. The 1997 refugee law allows asylum seekers to register for residence permits, but it does not clarify the procedures and documentation required for registration. Without a residence permit, it is impossible to find legal employment or gain access to social services (with the exception of emergency medical care).

Moscow's Treatment of the Displaced

Although it hosted large numbers of asylum seekers, refugees, and internally displaced persons in 1999, Moscow remained openly hostile to newcomers during the year. After bombs destroyed several Moscow apartment buildings in August and September (for which Moscow officials blamed terrorists from the northern Caucasus), Mayor Luzhkov began cracking down on Chechens and other "darker skinned" minorities, primarily through the vigorous enforcement of Moscow's registration rules.

On September 13, Luzhkov issued an ordinance requiring all of Moscow's temporary residents who arrived after January 1 to re-register within three days with the authorities. Of the 74,000 temporary residents who attempted to re-register, authorities reportedly denied the applications of an estimated 15,500 persons, many of whom reportedly were rejected ethnic Chechens. Citing security concerns, Moscow city police also rounded up more than 20,000 non-Moscovite minorities and expelled thousands from the city.

Mayor Luzhkov's crackdown on Moscow's unregistered residents was the latest effort in a campaign dating back several years. Throughout the years, Moscow police have fined, often beaten, and sometimes detained unregistered foreigners for indefinite periods. At times, police detained and deported asylum seekers for violating Moscow's registration requirements despite their having filed applications for refugee status with the Moscow Migration Service or having registered with UNHCR.

Moscow authorities justify their draconian approach to asylum seekers, refugees, and the internally displaced by claiming that migrants are overrunning the city, which, they say, must maintain a policy of zero population growth.

Northern Caucasus

In addition to some 600,000 civilians displaced by Russia's military assault on Chechnya in 1999 (see article), Russia's northern Caucasian republics continued to host a variety of other long-standing internally displaced and refugee populations during the year.

According to UNHCR, about 172,000 Chechens continued to be internally displaced from the 1994-96 war, most living in neighboring republics. Some 13,700 Meskhetians who fled ethnic conflict in Uzbekistan between 1988 and 1990 were living in Krasnodar and the republic of Kabardino-Balkaria.

Although the Meskhetians are legally entitled to Russian Federation citizenship, authorities in both republics have refused to recognize their citizenship rights, rendering them stateless. As with asylum seekers, refugees, and many of the internally displaced, Meskhetians in the northern Caucasus also have had considerable difficulties in registering for residence permits.

Another 35,000 ethnic Ingush from North Ossetia remained internally displaced in Ingushetia. North Ossetia, in turn, hosted about 37,000 Georgian refugees, most from South Ossetia, at year's end.

Between 1997 and the end of 1999, UNHCR assisted 1,239 ethnic Ossetian refugees to repatriate from North Ossetia to Georgia's South Ossetia, of whom 138 returned in 1999. During the year, an additional 101 ethnic Ossetian refugees repatriated from Russia to Georgia proper with UNHCR assistance.

Prigorodnyi Region

The October 1997 peace agreement between the Russian Federation republics of Ingushetia and North Ossetia held throughout 1999, although return of the displaced and reconciliation progressed slowly.

Competing territorial claims over the Prigorodnyi region, part of North Ossetia but claimed by Ingushetia, sparked a war between ethnic Ingush and Ossetians in 1992. Almost the entire Ingush population (34,000 to 64,000 people) and about 9,000 ethnic Ossetians fled as a result of the war. Although most Ossetians have returned home, about 35,000 ethnic Ingush remained displaced, most living in neighboring Ingushetia at year's end.

Although the 1997 peace agreement created joint North Ossetian, Ingush, and Russian federal government patrols to provide security in the Prigorodnyi region, occasional clashes between returning Ingush and Ossetians and a general climate of lawlessness continued to impede Ingush returns in 1999. In July, Ingushetia's President Ruslan Aushev protested the slow pace of return, for which he blamed North Ossetian authorities. "We have information that North Ossetian authorities are issuing orders to their internal affairs directorates to intimidate returning refugees," Aushev said in a press interview on July 31.

Aushev's protest yielded modest results. During August, local media reported the return of as many as 80 ethnic Ingush families to the Prigorodnyi region's village of Tarskoye. However, there were few reports of other ethnic Ingush reclaiming their homes in North Ossetia during the rest of the year.

Pre-1999 Displacement from Chechnya

The FMS estimated that more than 600,000 people fled their homes because of the 1994-96 war in Chechnya. Although about 200,000 had returned to their former homes after hostilities ended in August 1996, UNHCR reported that about 172,000 Chechens remained internally displaced prior to the resumption of fighting in Chechnya in 1999.

Pre-1999 displacement in Chechnya fell into two categories: ethnic Chechens who often fled localities only to return when the fighting died down, and ethnic Russians who left the region with no intention of returning, mostly seeking to settle in other areas of Russia. Ethnic Chechens tended to flee either to rural areas of Chechnya or to neighboring Ingushetia and Daghestan, while ethnic Russians were more likely to flee to Stavropol or other parts of the Russian Federation with a majority ethnic Russian population. Ethnic Russians without family connections were often directed to reception centers in other parts of Russia such as the Volga region, the Urals, and Siberia.

Those displaced from Chechnya in the 1994-96 war faced bureaucratic obstacles to integrating elsewhere in the Russian Federation. Many had no proof of owning property in Chechnya and were reportedly denied financial compensation for their losses, which they were entitled to under Russian law. They also had trouble securing residence permits, employment, health care, and pensions in other republics.

USCR Actions

As the humanitarian tragedy in Chechnya unfolded during the second half of 1999, the U.S. Committee for Refugees (USCR) intervened on several occasions with the Russian government to protest its treatment of those displaced by Russia's renewed offensive in Chechnya and recommend alternative courses of action.

Throughout the fall, USCR protested the Russian army's closing of Chechnya's borders and other escape routes that prevented many Chechens from fleeing the war zone. "[We are] deeply concerned for the welfare of those potentially trapped in harm's way as a result of Russia's decision to close most of its borders with Chechnya," USCR wrote to the Russian government on October 1. In that and other letters, USCR appealed to the Russian government to observe its own law "On Forced Migrants," which prohibits the return of displaced persons to the territories they fled and called on Russia to open all its border crossings to fleeing Chechens.

In an October 25 letter to Russia's ambassador to the United States, USCR also responded to the Russian government's failure to register displaced Chechens as forced migrants, as mandated by Russian law. "Without this legal status [which confers the right to choose a place of residence in the Russian Federation], many are trapped in severely overcrowded temporary accommodations [in Ingushetia] and cannot travel to other cities where many have relatives who can care for them," USCR observed, calling on the Russian government to implement the law "On Forced Migrants."

In December, USCR protested Russia's withholding of assistance to Chechens displaced in Ingushetia to coerce them into return to areas of Chechnya held by the Russian army. Pointing out again to the Russian government that Russian law prohibits the forcible return of displaced persons to the territories they fled, USCR said that "depriving [displaced Chechens] of assistance in neighboring regions is, in many cases, tantamount to force." In that letter, USCR urged the Russian government to stop promoting the premature return of Chechen displaced, ensure access to assistance for the displaced in Ingushetia, and once more called on Russia to open its border crossings with Chechnya to allow those still in Chechnya to escape the violence.