

DECISION
in the name of the Russian Federation

On December 26, 2000 at an open court session, the Krasnooktyabrsky court in the City of Volgograd,

Composed of:

Chairperson B.D.Zabrovsky,

Assisting: Secretary O.V. Kapinos

considered a civil case concerning the appeal filed by Ms Jamily Abdulrahman Shansab against the decision of the Volgograd regional OVIR denying him the issuance of a residence permit and

ESTABLISHED THE FOLLOWING

Ms Jamily Abdulrahman Shansab filed an appeal in court against the decision of the Volgograd regional OVIR denying him the issuance of a residence permit. She referred to the fact that she had been residing in Russia since September 1987 and on September 14, 1999, she was granted refugee status. However, when applying with the Volgograd regional OVIR for a residence permit, she was unfoundedly denied its issuance. Therefore, she refused to recognise the legitimacy of this decision and requested the Court should oblige the Volgograd regional OVIR to issue her a residence permit.

The representative of the Volgograd regional OVIR failed to raise any objections to the appeal.

Having listened to the appellant's statement and the account of a representative of the Volgograd migrant NGO "Committee of Hope" and after examining the materials on the case, the Court has found the case subject to just satisfaction. The Court has established that Ms Jamily Abdulrahman Shansab, an Afghan national born in 1962, came to the USSR in 1987 for college training. She has lived in Volgograd since October 1991. Since she finds it impossible to go back to Afghanistan, she applied with the Volgograd regional MS and on September 14, 1999, she was awarded refugee status, and her Refugee Card serves as evidence of the above.

She applied with the Volgograd regional OVIR for a residence permit and was denied its issuance as per a notification issued on November 24, 2000 for lack of proper implementation mechanisms under the RF Law "On Refugees".

Nevertheless, this consideration does not give occasion to the realisation of lawful rights and guarantees, which runs counter both to the RF Constitution and international legal norms. Pursuant to the USSR Law "On Legal Status of Foreign Nationals in the USSR", currently in force in Russia, foreign nationals may reside permanently in the USSR, providing they are issued relevant authorisation and a residence permit by the bodies of interior.

Considering that Ms Jamily Abdulrahman Shansab was awarded refugee status under the RF Law "On Refugees", she has the right to reside on the RF territory. Therefore, the Court can not agree to the decision of the Volgograd regional OVIR denying the appellant the issuance of a residence permit and recognises such a

decision as being unlawful. The Court shall oblige the Volgograd regional OVIR to issue the appellant a residence permit.

For these reasons and being guided by Articles 239-1, 239-2, 239-7 and 191-194 of the Civil Procedural Code, the Court

HAS RULED

The appeal filed by Ms Jamily Abdulrahman Shansab against the decision of the Volgograd regional OVIR denying him the issuance of a residence permit shall be found subject to just satisfaction and the Head of the Volgograd regional OVIR shall be obliged to issue the appellant a permit for residence in the Russian Federation.

An appeal against this ruling can be filed with the regional court within the next ten days.

B.D. Zabrovsky
Presiding Judge

THE DECISION WAS ENFORCED ON JANUARY 9, 2001