

KYRGYZ REPUBLIC: POWERFUL NEIGHBORS IMPERIL PROTECTION AND CREATE STATELESSNESS

Statelessness in Kyrgyzstan, as in other Central Asian countries, is a neglected problem. Its exact extent is unclear, with estimated numbers ranging from 10,000 to 100,000, but as part of the 2009 census, the State Committee on Migration in coordination with the United Nations Refugee Agency, which has a mandate for stateless persons, is undertaking a survey on statelessness. This is a welcome move within a refugee protection regime and naturalization system which, marred by political pressure, corruption, discrimination, neglect and bureaucratic excess, engenders statelessness.

As newly independent nations arose after the dissolution of the Soviet Union, borders sliced through formerly coherent communities of Kazakhs, Uzbeks, Kyrgyz and Tajiks and isolated populations deported by Stalin from their historical homelands. This caused mass migrations of ethnic minorities with Soviet passports destined to become obsolete in an unfriendly legislative landscape. On return they were accepted as persons without citizenship, and their problems persist today.

1. *Citizenship as a Privilege, Not a Right*

Kyrgyzstan's problems with statelessness began with implementation of its citizenship law in 1994, which provided automatic citizenship for all those living on the territory at the time. For everyone else who had no "propiska," or registration of residence, citizenship would have to be gained. Additionally, until the law on citizenship was updated in 2007, only children of fathers with citizenship could become citizens at birth. The others, despite being born on Kyrgyz soil or to Kyrgyz mothers, had to apply for citizenship.

The application process is so complicated, however, that many individuals avoid it. Those who brave it speak of innumerable forms, a lengthy and inconsistent list of requirements, improbable delays, runarounds and a parasitic system of bribes that compounds otherwise reasonable fees.

One woman, an ethnic Kyrgyz from Uzbekistan whose husband is a Kyrgyz citizen, said she has been applying for citizenship for five years without success. On her last attempt, she printed the latest instructions from the Internet to avoid refusal on technical grounds. She took the instructions with her to the passport desk. The agent asked whether he could keep the instructions for the office, which didn't have them. Still unsuccessful, she finally decided just to pay the bribe,

Policy Recommendations

1. Kyrgyzstan streamline the citizenship application process, including full and timely provision of instructions, and take steps to reduce corruption and ensure transparency in the application process.
2. Kyrgyzstan identify the number of stateless persons in the country and take measures to reduce this figure, while creating conditions where rights and interests of stateless persons are recognized, respected and protected, including equal access to education, medical treatment and other public benefits.
3. Kyrgyzstan conduct information campaigns aimed at raising understanding of the legalization and naturalization of stateless persons.
4. Kyrgyzstan honor its commitments as a signatory of the 1951 Refugee Convention, including refraining from any refoulement and extradition that could lead to torture; and become party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
5. UNHCR act on the results of the upcoming stateless survey and expedite the process of third country resettlement for refugees.

but was priced out of that \$1,000 option, twice the rate from the previous year. “It is big business for passport people,” she said.

Another problem lies in the requirement, only recently amended, that all applicants first renounce their current citizenship. During the period of application an individual lacks nationality and freedom of movement. And if they live without a residence permit, as many do along the porous borders in the south, then they also cannot vote or access medical, educational, and retirement benefits. But a residence permit—especially on an extended basis—is no replacement for citizenship, because it also limits the holder’s ability to travel, purchase real estate and land, apply for credit and open a bank account.

2. Scope of the Problem

It is reported that as many as 10 to 30 percent of the people in border regions have no papers. Ferghana Valley Lawyers without Borders confirms that stateless persons compose a high percentage of the population in border villages. In a village near Osh, one woman said that at least ten of her acquaintances find themselves in this situation.

The largest of these groups of people is from Uzbekistan, a neighbor that presents Kyrgyzstan with, as one official put it, a “difficult, but necessary, relationship.” Refugees hide in fear of abduction by Uzbek secret service agents working on Kyrgyz soil and in cooperation with Kyrgyz law enforcement agencies. Uzbeks living in Kyrgyzstan have little hope of being welcome again in Uzbekistan if their attempts at gaining citizenship ultimately fail.

There are many Uzbeks, for example, who’ve married Kyrgyz citizens in a region that for decades was unified until artificially severed by post-Soviet borders. During the prolonged application process, an Uzbek’s passport may threaten to expire. However, an Uzbek citizen cannot renew a passport while officially residing in Kyrgyzstan and is faced with the choice of returning to Uzbekistan and registering there as a resident or remaining in Kyrgyzstan with expired documents.

This choice is complicated by the fact that people have built their lives in Kyrgyzstan with a valid though unrecognized claim for legal status. And while they remain technically citizens of Uzbekistan, at least until their passports expire, “We call them stateless,” said one human rights worker, “because they can’t access social benefits, and can’t vote or travel.” Some of them have been in Kyrgyzstan for fifteen years. Most have children.

During an interview with several residents in a village where an estimated 500 persons are at risk of statelessness, several individuals showed Refugees International their expired passports—two Soviet relics and a green Uzbek one—which they carry like talismans of hope, though bribes are necessary when they are discovered and detained by the police. As a consequence they rarely leave their village and they complain about being denied land. Until 1996 all residents of Kyrgyzstan including holders of USSR passports were given property. Now, only citizens can own land and receive plots from the government.

One human rights worker estimated 50,000 such Uzbeks in Kyrgyzstan and cited the International Organization of Migration 2005 survey, which found that there are as many as 100,000 ethnic Kyrgyz who are without effective nationality. On the other hand, UNHCR makes a preliminary estimate of 10,000 stateless persons.

3. A State of Progress

Kyrgyzstan, like its Central Asian neighbors, finds itself in proximity to influential countries, including China, Russia and Uzbekistan. As a result of its neighbors’ influence, Kyrgyzstan does not recognize Chechens as refugees because it fears fouling relations with Russia. Some Uighur refugees—an ethnic group persecuted in China—also remain unrecognized. The state also generally refuses to recognize Uzbek asylum seekers as refugees, and these individuals remain at risk and in need of international protection.

In certain instances, however, Kyrgyzstan has shown a willingness to resist such pressures. For example, it allowed UNHCR to resettle 400 Uzbek refugees who fled their homeland after the events in Andijon of May 2005 and has cooperated in continuing efforts to reunify family members of those who fled. In addition, the High Commissioner for Refugees, António Guterres, during a recent visit to Central Asia, commended the government for naturalizing 9,000 ethnic Kyrgyz who fled Tajikistan during its civil war.

With the 2007 law on citizenship, the second in Kyrgyzstan since independence, policy makers are taking steps to alleviate some of the problems caused by the 1994 law. The new law contains the possibility of dual citizenship with agreed countries, a provision to qualify for citizenship all those carrying the Soviet passport upon five years residency, the reduction of the minimum period of residency from five years to one year for ethnic Kyrgyz, an amendment to the requirement of renunciation so that it takes place at the time that citizenship is granted and, most recently, an invitation to expatriate Kyrgyz to repatriate under government sponsorship. Dual citizenship, however, is not allowed with any country that borders Kyrgyzstan and, until corruption is eradicated and instructions attending the new citizenship law arrive at the passport desk, the system will continue to produce and perpetuate statelessness.

Senior Advocate for Statelessness Initiatives Maureen Lynch, accompanied by consultant Nathan R. Cox, recently assessed the situation for stateless people in Central Asia.