



A PLACE TO CALL HOME

The Situation of Stateless Persons in the Kyrgyz Republic:
Findings of Surveys Commissioned by the UNHCR

Bishkek 2009

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Dear Reader,

Everyone has the right to a nationality proclaims article 15 of the Universal Declaration of Human Rights. At the same time the enjoyment of many other - even basic - human rights all too often depends on the possession of citizenship.

State succession, transfer of territories, border delineations, internal and external migration and other factors produced big numbers of stateless persons in all successor states of the USSR. In most cases these were a mix of *de jure* and *de facto* stateless persons, as well as individuals whose nationality was not established or whose affiliation with any nationality was not properly documented.

Since independence, Kyrgyzstan has taken many progressive, positive steps to reduce and prevent statelessness. The Government has signed bilateral agreements and established responsible institutions such as the Presidents' Citizenship Commission, while Parliament adopted and improved national legislation, most notably the *new Law on citizenship of the Kyrgyz Republic* of May 2007.

History shows that the existence of disenfranchised populations endangers the economic development and stability of societies and states. Its efforts to integrate stateless persons and grant them citizenship demonstrate a profound understanding by the Government and authorities of the Kyrgyz Republic not only of the importance of protecting individual human rights but also of its benefits to the security and wealth of the whole nation.

Discharging the global mandate entrusted to the United Nations High Commissioner for Refugees (UNHCR) to prevent and reduce statelessness and to protect stateless persons, the Representation of the UNHCR is proud of its many years of assistance to the Kyrgyz Republic, both through advice for relevant legislation and practices as well as through operational support.

As it yet lacks national mechanisms to proactively identify stateless persons, the Government of the Kyrgyz Republic requested UNHCR to survey the situation. We commissioned expert non-governmental organizations to conduct three very detailed field studies in 2007 and 2008. It is our pleasure to herewith share with you the results of these surveys.

Altogether these studies identified close to 13,000 stateless persons in 18 districts of Batken, Chui, Jalalabad and Osh provinces. As covering the whole country was beyond their means, the surveys focused on those rural areas where the experts expected and found a high incidence of citizenship problems. They collected invaluable information on the numbers and concentrations of stateless persons, their family and socio-economic situation, the reasons of their unsatisfactory legal status, as well as on the particular problems deriving thereof.



These data confirmed that almost all stateless persons have habitually resided in the Kyrgyz Republic for many years, have close family links to Kyrgyz citizens and are culturally and socially well-integrated in their resident communities. But they also face a variety of problems created by lacking citizenship documentation.

All surveys detected strong gender and age dimensions of the problem. A majority of stateless persons are women, whose lack of proper legal status may increase their vulnerability in their families and communities. Also worrying is the fact that all surveys identified big numbers of stateless children. This underlines the fact that statelessness will not disappear by itself with progressing years of independence, but that decisive, sustainable action is needed to solve the plight of stateless persons and thus assist peace and development in Kyrgyzstan.

To advance such solutions we requested the biggest and last of these three surveys, which was conducted in the Batken, Jalalabad and Osh during the autumn of 2008, to analyze in more depth also the causes of statelessness, including possible legal or administrative factors.

First drafts of the surveys and their recommendations were already shared and discussed with responsible government agencies, experts and stakeholders at a roundtable on statelessness, which we had the pleasure to host on 4 June 2009 in Bishkek. An informal inter-ministerial and – agency Working Group of experts has since reviewed and elaborated these recommendations and will soon present them to decision makers.

The Representation of the UNHCR in the Kyrgyz Republic would like to sincerely thank the non-governmental organizations Centre for International Protection, Ferghana Valley Lawyers Without Borders, Counterpart Sheriktesh, Sairon, Chi Murgab, Adab, Help Refugees, and the Civil Society Support Centre of Karabalta who undertook or supported these surveys, reported and analyzed their findings. We are also most grateful for the strong support and information provided to them by all National, Province and District Departments for Passport and Visa Control of the Ministry of Interior and many other officials and experts.

We hope that this report will advance the development and implementation of concrete actions and projects to prevent and reduce statelessness and all the difficulties it creates for individuals, families, communities and the Kyrgyz nation as a whole.

Hans Friedrich Schodder
*Representative of the UNHCR
in the Kyrgyz Republic*

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Statelessness in the South of the Kyrgyz Republic

*Findings of a survey commissioned by the UNHCR Representation
in the Kyrgyz Republic and carried out between September 2008
and January 2009 by the Centre for International Protection and by
the Fergana Valley Lawyers without Borders*

BACKGROUND

The collapse of the Soviet Union led to unregulated migration throughout Central Asia. Armed conflicts in the 1990s, economic crisis and ethnic conflicts made thousands of persons leave their homes in search of better or safer lives in neighbouring states. Some moved to attain permanent residence and change of citizenship. Others sought temporary employment. But the majority of these persons lacked a clearly defined status among the local population thus is at risk of becoming stateless. Border delimitation processes, incompatibility of national citizenship legislation with international standards for the prevention of statelessness and many other factors contributed to a growth in the number of stateless persons.

Newly independent states on post-Soviet territory tried to manage migration flows and to solve emerging citizenship problems. The Kyrgyz Republic, for instance, concluded multilateral and bilateral agreements on simplified procedures for citizenship acquisition. Especially commendable are the bilateral agreements between the Kyrgyz Republic and the Republic of Tajikistan *On granting the right for renunciation of citizenship in simplified procedures for citizens of the Republic of Tajikistan and granting them the right to acquisition of citizenship of the Kyrgyz Republic in simplified procedures (2002)* and *On simplified procedures for acquisition of citizenship (2004)*. These agreements allowed many Tajik citizens, most of them refugees, to obtain Kyrgyz citizenship.

Natives of Uzbekistan residing on the territory of the Kyrgyz Republic in practice often do not have the possibility to attain Kyrgyz citizenship. They lack the support of similar bilateral agreements and their problems continue despite the adoption of the new law *On the citizenship of the Kyrgyz Republic* in May 2007, which should have solved them. A majority of those affected are women.

Stateless persons face serious problems: Their freedom of movement is limited, and it is difficult, sometimes almost impossible, for them to register marriage or the birth of a child. They have no access to legal employment and social welfare. They report various forms of discrimination, and violations of their rights and interests by authorities. At the same time, crimes and other illegal actions that victimise them often remain undocumented and unreported.

This uncertainty can give rise to conflict and tension. Article 39 of the *Administrative Code of the Kyrgyz Republic* stipulates that foreign citizens and stateless persons can be deported if they violate the terms of their stay in the Kyrgyz Republic. Measures to combat extremism and protect national security have aggravated the situation. According to the Internal Affairs Department of Osh Province, 218 violations of the passport regime were reported in the province in 2008 alone: 70 aliens were consequently fined a total of 123 thousand KGS and seven aliens were deported, including three persons from the People's Republic of China and four from Uzbekistan.* Scaling up of such measures, although lawful, could generate serious conflicts by tearing apart families and depriving them of their property. Since many aliens have nowhere to go, they would resist deportation from the Kyrgyz Republic.

* AkiPress Fergana, <http://fergana.akipress.org/index.php?id=32505>

INTRODUCTION

Between September 2008 and January 2009, with financial support from UNHCR, the Ferghana Valley Lawyers without Borders and the Center for International Protection conducted a survey on statelessness in southern Kyrgyzstan.

The **key objective** of the survey was to identify appropriate ways to legalize and naturalize stateless persons. To achieve this objective, the following goals were set:

- to determine the number of stateless persons in the South of the Kyrgyz Republic;
- to identify and map locations where most stateless persons reside;
- to define the social and legal status of stateless persons;
- to assess the needs of stateless persons;
- to determine the degree of awareness of stateless persons of the legal framework to regularize their status in the Kyrgyz Republic;
- to analyse applicable national legislation and its implementation;
- to develop recommendations to improve legislation and observation of the law by the authorities.

The survey should allow State and other interested parties in the Kyrgyz Republic

- to have more accurate information on the scope and causes of statelessness;
- to develop an effective plan of action to reduce and prevent statelessness;
- to predict more precisely the effects of changes in citizenship, migration processes and related policies to avoid negative consequences.

The survey's **target population** was stateless persons or persons at risk of becoming stateless who possess no official status and reside on the territory of the three provinces that form the South of Kyrgyzstan, as well as employees of State bodies and local governments whose work is affected by statelessness. The survey did not cover stateless persons who have been granted residence permits and have travel documents for stateless persons. However, the number of such *de jure* stateless persons is very low due to the difficulty in obtaining residence permits.

An administrative team and five mobile teams conducted polls and in-depth interviews to identify stateless persons and their legal and social problems. The survey also completed a map of residence areas, and drafted recommendations. Under the same project the Centre for International Protection and the Ferghana Lawyers without Borders also analysed applicable legislation and its implementation.

For the purpose of the survey, the territory of the three Southern Kyrgyz provinces was divided into two clusters:

- 1) Districts with high levels of transborder movement (Aravan, Karasu, Nookat and Uzgen districts of Osh province; Kadamjay, Batken and Leilek districts of Batken province; and Suzak, Nooken, Bazarkorgon, Aksy and Alabuka districts of Jalalabad province)
- 2) Districts with low levels of transborder movement (Alay, Karakulja, Chongalay districts of Osh province, and Chatkal, Togustoro and Toktogul districts of Jalalabad province).

The project completed the following **activities**, in the order outlined below:

- 1) Polling stateless persons in the districts of the first cluster;
- 2) Collecting and processing information received from field teams;
- 3) Collecting official information from State bodies on stateless persons;
- 4) Collecting information on stateless persons in the second cluster;
- 5) Interviewing heads of local communities and local administration employees;
- 6) Mapping stateless persons' places of residence in the first cluster;
- 7) Holding focus group meetings with relevant State institutions;
- 8) Analyzing national legislation and authorities' practices; and
- 9) Developing recommendations.

ANALYSIS OF LEGISLATION OF THE KYRGYZ REPUBLIC ON MIGRATION AND THE NATURALIZATION OF ALIENS AND STATELESS PERSONS

The legal basis for entry, exit and residence of aliens and stateless persons in the Kyrgyz Republic

Entry to the Kyrgyz Republic

In the Kyrgyz Republic external migration is regulated by the Constitution, by the law *On External Migration* of 17 July 2000, by the law *On the Legal Status of Aliens in the Kyrgyz Republic* of 14 December 1993 and by other legal provisions and international agreements.

Article 16, Paragraph 8 of the Constitution of the Kyrgyz Republic enshrines the right of everyone to freedom of movement and choice of residence within the territory of the Kyrgyz Republic as well as the right of citizens to freely leave and return to the Kyrgyz Republic.

The legal status of aliens is defined by the law *On the Legal Status of Aliens in the Kyrgyz Republic* of 14 December 1993. Article 24 of this law also covers stateless persons. According to Article 5, aliens can permanently reside in the Kyrgyz Republic if they hold a residence permit issued by law-enforcement agencies. Aliens who stay in the Kyrgyz Republic on different grounds are considered to be staying temporarily. They are obliged to register their passports or equivalent papers in accordance with established procedures and to leave the country on expiration of the permitted term of stay.

The law *On External Migration* (17 July 2000) declares the following documents to be mandatory for aliens and stateless persons to legally enter, stay or depart from Kyrgyzstan:

- A valid international passport or substitute document issued by the competent agencies of the country of citizenship or permanent residence, proving their identity;
- A valid visa of the Kyrgyz Republic.

Agreements between the Kyrgyz Republic and other states can ease these restrictions. For example the *Agreement between the Government of the Kyrgyz Republic and Government of the Republic of Uzbekistan on Mutual Trips of Citizens* of 3 October 2006 allows for visa-free entry. In addition, a Decree of 7 February 2009 approved a list of 45 foreign states, whose citizens enjoy a simplified visa regime.

Aliens and stateless persons not covered these regulations should obtain visas for entry and stay in the territory of the Kyrgyz Republic according to general procedures.

Registration of aliens and stateless persons

Aliens and stateless persons should register at their place of residence within five working days with the Ministry for Foreign Affairs and its local representations, the Ministry of Internal Affairs (MIA) and its local agencies or their hotel as described in the law *On External Migration*.

Residence permits

A temporary or permanent residence permit, to be applied for at the Department of Passport and Visa Control (DPVC) of the MIA, grants an alien or stateless person the right to temporarily or permanently reside in the Kyrgyz Republic.

Temporary residence permits are issued to foreign nationals or stateless persons who want to stay in the Kyrgyz Republic for more than six months within a one-year period for work or study purposes. Temporary residence permits can also be issued to accompanying family members.

Permanent residence permits are issued to aliens and stateless persons that have the status of immigrant (see below)*. Permanent residence permits are issued for a period of five years, provided that this does not exceed the period of validity of the passport. After 45 years the residence permit becomes permanent.**

A temporary residence permit should be granted within one month and a permanent residence permit within one year of filing the application.

Immigrant status

In order to obtain the status of immigrant, aliens and stateless persons residing temporarily in the Kyrgyz Republic should submit a petition to the MIA, which will forward it to the State Committee on Migration and Employment for consideration within one year.

In order to obtain the status of immigrant applicants should be at least 18 years old and have a permanent source of income to satisfy their, and their family members', basic needs, the monetary equivalent of which is determined by the Government of the Kyrgyz Republic. In the absence of sufficient financial means the petitioner and family members should provide a guarantee of employment or other proven sources of income to ensure minimum living standards as established in the legislation of the Kyrgyz Republic.

In accordance with Article 33 of the law *On External Migration* ethnic Kyrgyz applicants are granted priority in obtaining immigrant status.

Document for stateless person

According to paragraph 24 of the *Regulation on the Procedure of Registration and Issuance of Temporary and Permanent Residence Permits to Aliens and Stateless Persons in the Territory of the Kyrgyz Republic*, a stateless person with a permanent residence permit in the Kyrgyz Republic can apply to the DPVC to obtain a document for a stateless person if he or she has to travel abroad. This document proves the identity of its owner abroad. The applicant has to provide a written application in any form, his/her residence permit, and two black-and-white 33x43 mm photos.

* Art. 15, 31, 35 of the Law of the Kyrgyz Republic On External Migration of 17 July 2000

** See the Regulation on Procedure for Registration and Issuance of Temporary and Permanent Residence Permits to Foreign Citizens and Stateless Persons in the Territory of the Kyrgyz Republic (#626) approved by the Government of the Kyrgyz Republic on 13 November 2008



The community of formerly stateless refugees from Tajikistan commemorates a funeral in a prayer hall in Ivanovka village, Chui Province.

© UNHCR / Alexandr Plotnikov

The legal basis for the acquisition of Kyrgyz citizenship

Key provisions of citizenship are enshrined in the Constitution of the Kyrgyz Republic and elaborated by the law *On Citizenship* of the Kyrgyz Republic (21 May 2007), which came into force on 1 June 2007, and by Presidential Decree #473, *Regulation on the Procedure for Consideration of Citizenship Issues*, of 25 October 2007.

Citizens of the Kyrgyz Republic are:

- 1) persons possessing citizenship of the Kyrgyz Republic at the date when this law entered into force;
- 2) former citizens of the USSR who have been residing permanently in the Kyrgyz Republic for five years before applying for a Kyrgyz passport and who have not applied for citizenship of any other state;
- 3) persons who obtained Kyrgyz citizenship in accordance with the present law.

Citizenship of the Kyrgyz Republic is obtained (Article 11):

- 1) by birth if one or both parents are Kyrgyz citizens (see below);
- 2) through the acquisition of citizenship of the Kyrgyz Republic;
- 3) through the restoration of citizenship;
- 4) on the grounds foreseen by international treaties legally in force.

Acquisition of Kyrgyz citizenship by birth (Article 12).

A child born to two citizens of the Kyrgyz Republic is also a Kyrgyz citizen, irrespective of his or her place of birth. If only one parent has Kyrgyz citizenship, the citizenship of the child shall be defined with the written consent of the parents. A child born to a Kyrgyz citizen and a stateless or unknown person becomes a citizen of the Kyrgyz Republic. A child born to stateless parents permanently residing on the territory of the Kyrgyz Republic also becomes a Kyrgyz citizen. A child found on the territory of the Kyrgyz Republic also acquires Kyrgyz citizenship if both parents are unknown.

Other ways to acquire Kyrgyz citizenship

According to Article 13 and 14 of the law *On Citizenship* of the Kyrgyz Republic, there is a simplified procedure to acquire Kyrgyz citizenship within three months as an alternative to the general procedure, which should take no longer than six months.

Thanks to bilateral agreements, citizens of the Russian Federation, Belarus, Kazakhstan, Ukraine, and Tajikistan can apply under simplified procedures. The same procedure also pertains to applicants of Kyrgyz ethnicity (Article 14, paragraph 2).

The application fee for acquisition or renunciation of Kyrgyz citizenship is 2000 KGS, but according to *Resolution of the Government of the Kyrgyz Republic #412* of 17 September, 2007 this is reduced to 100 KGS for ethnic Kyrgyz, refugees and forced migrants.

Changes in citizenship become effective from the moment the President of the Kyrgyz Republic issues the relevant decree (Article 37).

All types of national passports and birth certificates issued by the Kyrgyz Republic for Kyrgyz citizens, as well as other documents proving identity as a Kyrgyz citizen (Article 9) are considered to be documents certifying Kyrgyz citizenship.

The procedure to determine and register Kyrgyz citizenship for citizens of the former USSR permanently residing on the territory of the Kyrgyz Republic*

Citizens of the former USSR residing permanently on the Kyrgyz territory who wish to determine their citizenship in the Kyrgyz Republic should apply to Kyrgyz law-enforcement agencies for a decision by the passport division. In practice, the decision is usually made by a Conflict Commission on Citizenship Issues.

Conflict Commissions on Citizenship Issues have been established in the DPVC of the Kyrgyz Republic, the DPVC of the Bishkek Municipal Department of Internal Affairs, and in the Departments of Internal Affairs of provinces and of Osh city.

Conflict Commissions have the right to re-examine applications of permanent residents of the Kyrgyz Republic for the status as Kyrgyz citizens, namely those of:

- *former USSR citizens in possession of a 1974 USSR passport, who have been living on the territory of the Kyrgyz Republic continuously for five years before applying and who have not applied for citizenship of any other state*
- *persons in possession of a 1974 USSR passport, containing a stamp of residence of the territory of the Kyrgyz Republic without their own accommodation who have temporarily been registered in the accommodation of their relatives or acquaintances, if they have been permanently residing on Kyrgyz territory for five years before applying and do not have any other citizenship*
- *persons with a permanent or temporary resident permit and who in fact have been residing in the Kyrgyz Republic permanently, but have lost their former USSR passports*
- *permanent residents of the Kyrgyz Republic who were unable to obtain their Kyrgyz passports in due time, because they did not fall under the law On Citizenship of the Kyrgyz Republic or did not have parents and were brought up by relatives and friends*

An applicant wishing to determine his or her citizenship is charged a fee of 100 KGS.

The development of citizenship legislation in the Kyrgyz Republic

After the collapse of the Soviet Union and the declaration of State sovereignty, the Kyrgyz Republic established its own legislation on citizenship. Key provisions for citizenship of the independent State were established in the 1993 *Constitution of the Kyrgyz Republic*.

An initial regulatory framework was provided by the law *On Citizenship of the Kyrgyz Republic* of 18 December 1993. It recognized as Kyrgyz citizens all citizens of the former USSR who resided permanently in the republic on 15 December 1990, i.e. the day when the declaration *On State Sovereignty of the Kyrgyz Republic* was adopted, and who had not applied for citizenship of any other state.

* The deadlines for exchanging the old USSR passport for a Kyrgyz passport has been extended several times: A Government Resolution of 24 December 1997 provided that the exchange of passports shall be completed by 2002. Resolution of the Government of the Kyrgyz Republic #557 *On Approving the Regulation, Description and Template of the 2004 Type Passport of the Kyrgyz Republic Citizen of 27 July 2004 prolonged the validity of 1974 passports on the territory of the Kyrgyz Republic until 31 December 2005

Also recognized as Kyrgyz citizens by that law were persons who had been citizens of the Kyrgyz Republic on 18 February 1994, the day when the law entered into force.

According to the law On External Migration, persons arriving in the territory of the Kyrgyz Republic after 18 February 1994 have to register at their place of residence and obtain a residence permit. If they wish to obtain Kyrgyz citizenship, they have to renounce their current citizenship and submit an application as described, above.

The new law *On Citizenship of the Kyrgyz Republic* adopted on 21 May 2007 has been considered to be major progress, as it has the potential to solve many issues related to statelessness. One of the main innovations of this law is its recognition of former USSR citizens as citizens of the Kyrgyz Republic, if they have been permanently residing on the territory of the Kyrgyz Republic for five years and have not applied for citizenship of any other state. This provision allows a considerable number of persons with Soviet passports who arrived after 18 February 1994 to define their civil affiliation to the Kyrgyz Republic. Also, unlike its predecessor, the new citizenship law does not establish a deadline within which the old passport has to be exchanged for a new one.

The authorities' current procedures and practices, however, do not yet fully reflect the new law and do not yet fully abide by its specific norms. Presidential Decree #473 *Regulation on Procedures to Consider Issues of Kyrgyz Republic Citizenship* of 25 October 2007 authorizes Conflict Commissions in provincial DPVCs to consider granting citizenship to a specified category of persons (see above). According to Article 5 of the Law *On Citizenship*, however, the same category of persons has already been recognized as Kyrgyz citizens. Establishing procedures to provide them with national passports, and not to "consider granting them citizenship", would thus be the logical next step. In addition, the survey has shown that, although the local passport units are authorized to determine whether or not an applicant is Kyrgyz citizen, some of them seem unwilling to incur such responsibility and restrict themselves to collecting applications and documents and forwarding them to regional Conflict Commissions for consideration.

Another remarkable improvement in the 2007 Citizenship Law is the cancellation of all requirements for aliens to renounce their current citizenship before acquiring Kyrgyz citizenship.

Renouncing one's citizenship is especially difficult for applicants from Uzbekistan. They have to wait for several years, and pay a fee of US\$ 112 to submit an application for cancellation of Uzbek citizenship and another US\$ 5 to receive a confirmation that the procedure has been completed after publication of the relevant decree by the President of the Republic of Uzbekistan. Hence, in order to renounce their Uzbek citizenship, a family of four persons has to pay a consular fee of US\$ 468. This amount is beyond the means of most Uzbek migrants.

On the other hand, Uzbek citizens who left Uzbekistan to reside permanently in another country and who for five years did not register with Uzbek consular offices lose their citizenship (Article 21 of the Law On Citizenship of the Republic of Uzbekistan dated July 28th, 1992). If they approach a Consulate or passport unit only after five years, the latter shall initiate procedures to terminate their citizenship. These circumstances combine to put many of them at risk of statelessness.

A number of laws of the Kyrgyz Republic provide certain privileges and guarantees for ethnic Kyrgyz. They are, for example, entitled to acquire residence permits through simplified procedures, receive special kairylman* status and obtain Kyrgyz citizenship. However, according to State agencies, these provisions are rarely implemented, and the status of kairylman is not granted.

As the next chapter will show, there are other unresolved problems in the area of citizenship. Lack of an effective migration policy and adequate legal framework has left a considerable number of permanent Kyrgyz residents stateless or at risk of statelessness and therefore without official status or any documents of stateless persons. Categories of stateless persons identified during the survey are described in the following section.

Despite new improved legislation, stateless persons have no access to procedures to acquire citizenship, mainly because the authorities accept applications for acquisition of citizenship only from persons possessing valid passports, in spite of the fact that such a requirement is not mentioned in the Law *On Citizenship* or in the Presidential Decree elaborating the procedures. Furthermore, no effective mechanism has been developed so far to legalize stateless persons and grant them Kyrgyz citizenship.

* Kairylman is a foreign citizen or a person without citizenship of ethnic Kyrgyz origin who returns to the Kyrgyz Republic.

FINDINGS OF THE SURVEY

Categories of stateless persons and persons in danger of becoming stateless

The survey individually interviewed 4,290 stateless persons. During these interviews, another 1,278 stateless adults and 6,087 stateless children were identified among the families of interviewees. The survey thus identified 11,655 stateless persons or persons in danger of becoming stateless, who can be divided into the following five categories:

CATEGORY 1:

Persons who used to be citizens of another state, but have become stateless or are in danger of becoming stateless because of shortcomings in citizenship legislation and the practices of the authorities in countries of origin and the Kyrgyz Republic (1,871 individuals).

Most individuals in this category are (former) Uzbek citizens, who settled permanently in the Kyrgyz Republic but did not register with the Consulate of the Uzbek Embassy in Bishkek. According to Uzbek law, as mentioned above, they lose their Uzbek citizenship after five years. Consequently, such persons only possess expired passports which are invalid and which the Uzbek authorities do not exchange or extend in the absence of consular registration.

*Thus, despite being fully integrated into local communities in the Kyrgyz Republic these persons might not have applied for Kyrgyz citizenship because of the difficulties and costs associated with renouncing their previous Uzbek citizenship (see previous page). The new Kyrgyz citizenship law eliminated these obstacles, but these persons still cannot obtain Kyrgyz citizenship, because the authorities still demand that applicants provide valid passports. The authorities do this despite the fact, as mentioned before, that neither the current citizenship Law nor the **Regulation on Procedures to Consider Issues of Kyrgyz Republic Citizenship** of 25 October 2007 requires a valid passport.*

CATEGORY 2:

Former USSR citizens who arrived in the Kyrgyz Republic after the Law On Citizenship of the Kyrgyz Republic of 12 December 1993 came into force and have not applied for any other citizenship (1,827 individuals).

This category describes persons who used to be USSR citizens but were not covered by Article 1 of the old citizenship law. Some of them might have been living on Kyrgyz territory for a long time, but temporarily resided in another former USSR country when the law came into force. The current law eliminates the requirement of having resided in the territory of the Kyrgyz Republic at the moment when the first citizenship law came in force, i.e. on 18 February 1994, while retaining the requirement of having resided in the Kyrgyz Republic for at least five years. Thus, applications by persons who permanently resided in the Kyrgyz Republic for five years before applying to authorities should now be considered by Conflict Commissions in the DPVC and its local departments.

CATEGORY 3:

Former USSR citizens who resided permanently in the Kyrgyz Republic on 18 February 1994, who do not have any other citizenship and who did not yet apply for Kyrgyz passports (1,870 individuals).

This category comprises persons, who were already recognized as citizens of the Kyrgyz Republic under the old citizenship law, but have not yet exchanged their old USSR passports or birth certificates for a Kyrgyz passport. Even though, the current law also recognizes them as citizens of the Kyrgyz Republic, they can no longer obtain Kyrgyz passports under simplified procedures. Instead their applications are also considered by Conflict Commissions.

Our survey revealed that most of those who have not yet exchanged their passports failed to do so because they did not consider it necessary. Elderly residents who deem pension certificates sufficient for their purposes make up the majority in this category. However, some inhabitants of remote areas (e.g. Bazarkorgon district in Jalalabad province) claimed that they had been asked to pay more than the official fee to exchange their documents. Residents with a stable source of income usually comply with these demands, but socially vulnerable groups cannot afford to do so. We notified regional passport and visa authorities about the problem.

It should be noted that this category was added to the survey only one month after interviews had commenced. Moreover, the survey focused on border districts with a high level of trans-border movements, while the majority of persons in this category probably reside in areas further away from borders. The surveyed number of 1,870 persons likely underrepresents the real number of such persons in the South of Kyrgyzstan.

*Representatives of the **Luli** community, which comprised 2,584 persons as of August 2004, mainly live in Nariman village, in Karasu district of Osh Province. Most Luli do not hold official documents and would therefore face problems if applying for passports or requesting determination of their citizenship. Bearing in mind however that the researchers were able to interview only 130 representatives of this community we recommend that a separate study be conducted which - respecting the historical, cultural and social specificities of this community - should derive its findings and recommendations jointly with the community.*

CATEGORY 4:

Children born to parents of whom one or both are stateless (6,087 individuals).

*According to the citizenship law, such children should be citizens if they were born in the Kyrgyz Republic. Trying to obtain their passports at the age of 16, however, they may face a number of problems connected to the status of one or both of the parents. According to instruction # 146 **On the procedure for registration and issuance of passports of the Kyrgyz Republic** issued by the MIA on 13 March 2006, applicants need to provide parents' passports for the passport departments to determine their citizenship. Current procedures thus prevent children of stateless persons from obtaining Kyrgyz passports.*



A formerly stateless refugee man from Tajikistan in Ivanovka village, Chui Province.

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CATEGORY 5:
Children of labour migrants.

Our survey discovered another, new category of persons in danger of becoming stateless, whose number could grow substantially in the future. These are the children of labour migrants who renounced their Kyrgyz citizenship - mainly in exchange for Russian citizenship. Labour migration to the Russian Federation and other CIS countries is quite common among young men and women, who often leave their children in the care of grandparents or other relatives. As local citizenship gives those labor migrants considerable advantages, they often opt to obtain it as soon as possible.

In Russia, the most common destination for Kyrgyz labour migrants, the migrants can receive citizenship quite easily. In line with a bilateral agreement between the Kyrgyz Republic and the Russian Federation on simplified citizenship acquisition (#33), which was ratified on 24 May 1997, Kyrgyz citizens arriving in the Russian Federation for permanent residence can apply for and obtain Russian citizenship through simplified procedures within three months.

In order to obtain Russian citizenship in the framework of this agreement, labour migrants de-register themselves from residence in the Kyrgyz Republic. But as they frequently do not really intend to reside permanently in the Russian Federation, they do not include their underage children in their application for citizenship acquisition. This legal collision could cause children to become stateless. If both parents opt for Russian citizenship without including their children, the Russian Federation will not automatically recognize them as its citizens later on. But if the children remain in the Kyrgyz Republic they will be unable to obtain Kyrgyz passports upon coming of age because current administrative practices determine childrens' citizenship according to the citizenship of their parents. The authorities require applicants to provide copies of valid Kyrgyz passports of their parents or legal representatives, a copy of one parent's passport if the second is absent, a certificate of affiliation with the citizenship of the Kyrgyz Republic from the national DPVC, the provincial DPVC or their Passport and Visa Work Groups, or those of Osh City can be provided. Thus, in practice the citizenship of a child is not determined on the basis of his or her parents' citizenship at the time of birth of the child, but at the time when the passport application is submitted.

According to the law, however, such children should not face any obstacles obtaining their passport, as they are clearly Kyrgyz citizens as mentioned in 3.2.1. Even if one or both parents renounce their Kyrgyz citizenship, Article 19 of the new citizenship law allows any child under the guardianship or trusteeship of a Kyrgyz citizen to retain his or her Kyrgyz citizenship.

Nonetheless, even though the existing legal framework protects such children against statelessness, the current practices of the authorities make it difficult for the children of migrants to obtain Kyrgyz passports even if they did not leave the country and did not renounce their citizenship or acquire another citizenship.

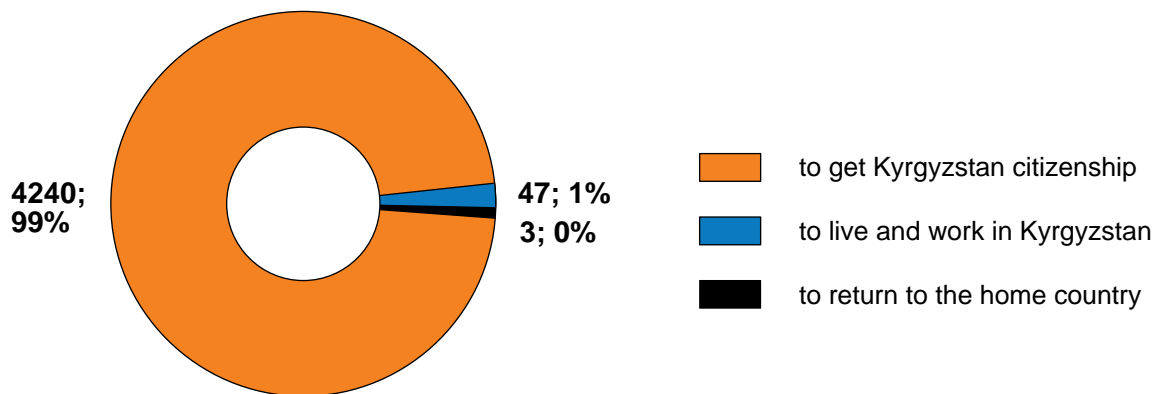
According to the staff of passport offices, such cases will become more common, since the number of persons taking Russian citizenship is increasing as well. Unfortunately, no reliable statistics on the latter are available.

The level of integration of stateless persons

Our survey underlined the fact that most stateless persons have very close ties with Kyrgyzstan and are adequately integrated into local communities. Most respondents from neighbouring states came to the Kyrgyz Republic to marry a Kyrgyz citizen (2,018 persons or 70 per cent). According to respondents, however, transborder marriages are decreasing in frequency because it is very difficult to legalize the new family member. The second largest group (745 persons or 26 per cent) of respondents who came from neighbouring states are ethnic Kyrgyz and / or natives of the Kyrgyz Soviet Socialist Republic who returned to their historic homeland. The remainder (4 per cent) responded that they came to Kyrgyzstan to visit relatives, seek employment or for other purposes.

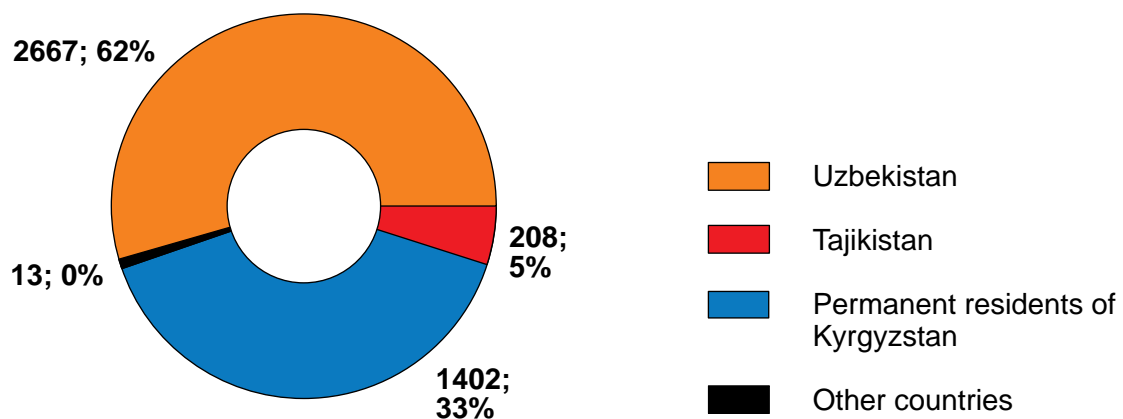
An overwhelming majority of respondents would like to legalize their status and to stay in the Kyrgyz Republic on lawful grounds, as chart 1 shows.

Chart 1: Plans of the surveyed stateless persons in the Kyrgyz Republic



67 per cent (2,888) of the persons interviewed for this survey came from neighboring states, while 33 per cent (1,402) were born on the territory of Kyrgyzstan. The latter include both persons who possess only 1974 USSR passports and those who do not hold any identity or citizenship documents because they did not declare their affiliation to the Kyrgyz Republic in due time.

Chart 2: Countries of origin of surveyed stateless persons





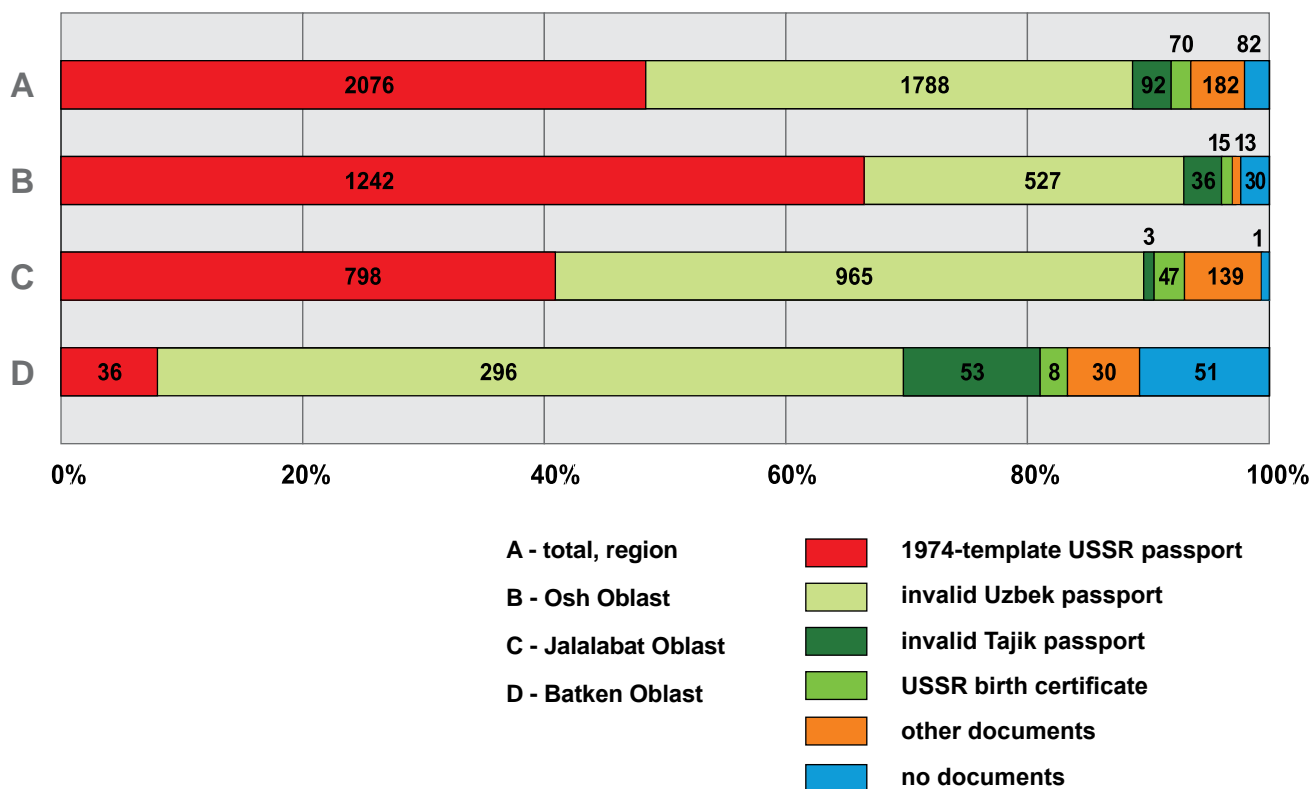
A formerly stateless refugee woman displays the traditional “Tandyr”-oven she and her community has built near her new home in Ivanovka village, Chui Province.

© UNHCR / Alexandr Plotnikov

Documents of stateless persons

The survey showed that many stateless persons do not possess valid identity documents, and thus have no possibility to legalize their status. They therefore belong to a vulnerable population group which cannot register or undertake any legal actions. The chart below illustrates the documents which respondents possess.

Chart 3: Identity documents of interviewed stateless persons

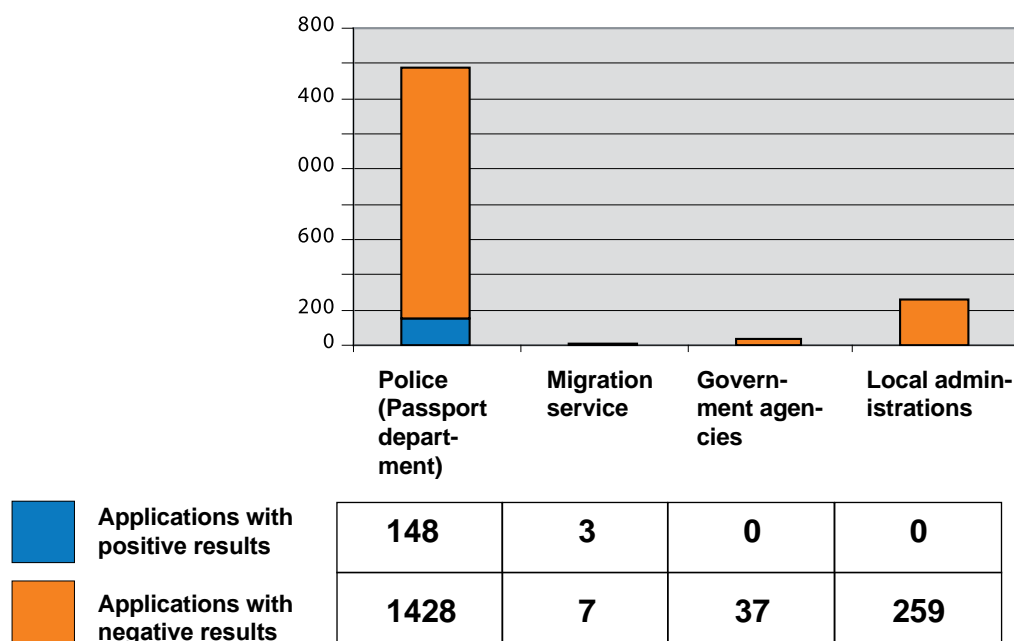


Only the most recent and most important document was marked in the questionnaire. Order of importance: expired passports from Uzbekistan or Tajikistan, 1974-template USSR passport, USSR birth certificate, other documents, and no documents.

A very small percentage of respondents managed to obtain legal documents for their stay in the Kyrgyz Republic (residence permits, registration etc). Many stateless persons (1,643 persons – 38 per cent of those interviewed) had applied for legalization to authorities, but almost all were rejected. Only 151 or 9 per cent of applicants were legalized.

Of all respondents not originally living on the territory of the Kyrgyz Republic only two had applied for and received an entry visa. 2,666 respondents arrived without visas and 220 came from countries whose citizens do not need an entry visa.

Chart 4: Which agency was approached for legalization?



Families of stateless persons

All interviewed permanent residents of the Kyrgyz Republic (possessing a USSR passport) and the vast majority of stateless persons in general (4,165 of 4,290 respondents) live in the Kyrgyz Republic with their families. Only 3 per cent of interviewed persons did not have any relatives in the country.

The problem of statelessness therefore also affects, directly or indirectly, their family members – 14,471 individuals. Information on the legal status of 12,929 of them was also collected during the survey.*

Table 1. The legal status (civil affiliation) of family members of stateless persons

Number of the interviewed SPs	Family members and their status					Total
	Citizens of the Kyrgyz Republic	Aliens	stateless persons	Children of stateless persons	unknown	
4290	5267	297	1278	6087	1542	18761

As indicated in this table, a significant number of respondents' close relatives (5,267 individuals) possess Kyrgyz Republic passports. However, the issue of statelessness also affects them be-

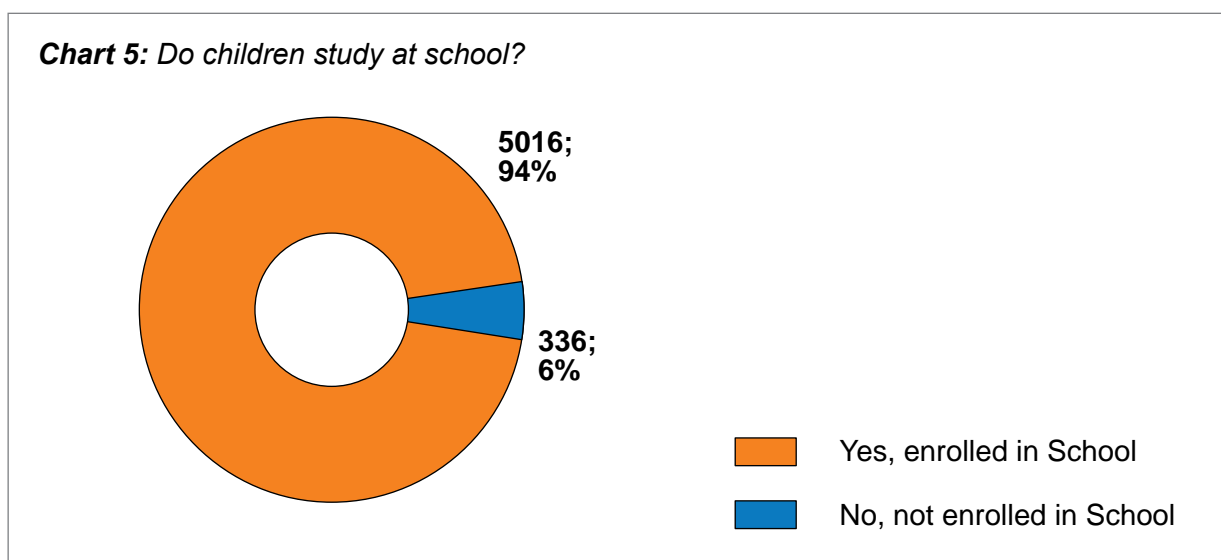
* Since the problem of dependants was only identified during the course of the survey, at first respondents were not asked about the legal status of their family members. The legal status of 1,542 family members thus remains unknown.

cause registration of various documents and taking civil or legal actions - to give just two examples - require the consent of the (stateless) spouse or family member. The survey also revealed another 1,278 stateless persons in the families of the stateless persons that were interviewed.

Of the 4,042 married respondents, 3,564 persons (88 per cent) had their marriage registered in the Kyrgyz Republic; the marriages of the remaining 478 individuals were not registered. One reason given for non-registration was refusal by civil status registrar offices because of the illegal status of the stateless person (possession of invalid or expired passports, absence of documents, etc).

Most stateless persons have children born in the Kyrgyz Republic (6,749, 94 per cent of the children born to stateless persons covered by the survey). 97 per cent of these children received Kyrgyz Republic birth certificates because according to current legislation, birth registration authorities should issue birth certificates if one parent is a Kyrgyz citizen.

Altogether, interviewed stateless persons had 5,352 children of school age. 94 per cent (5,016 children) attended school, while 336 (6 per cent) did not. According to respondents, children did not attend school because of economic difficulties of the family. The children of stateless persons do not appear to encounter any obstacles regarding access to the education system.



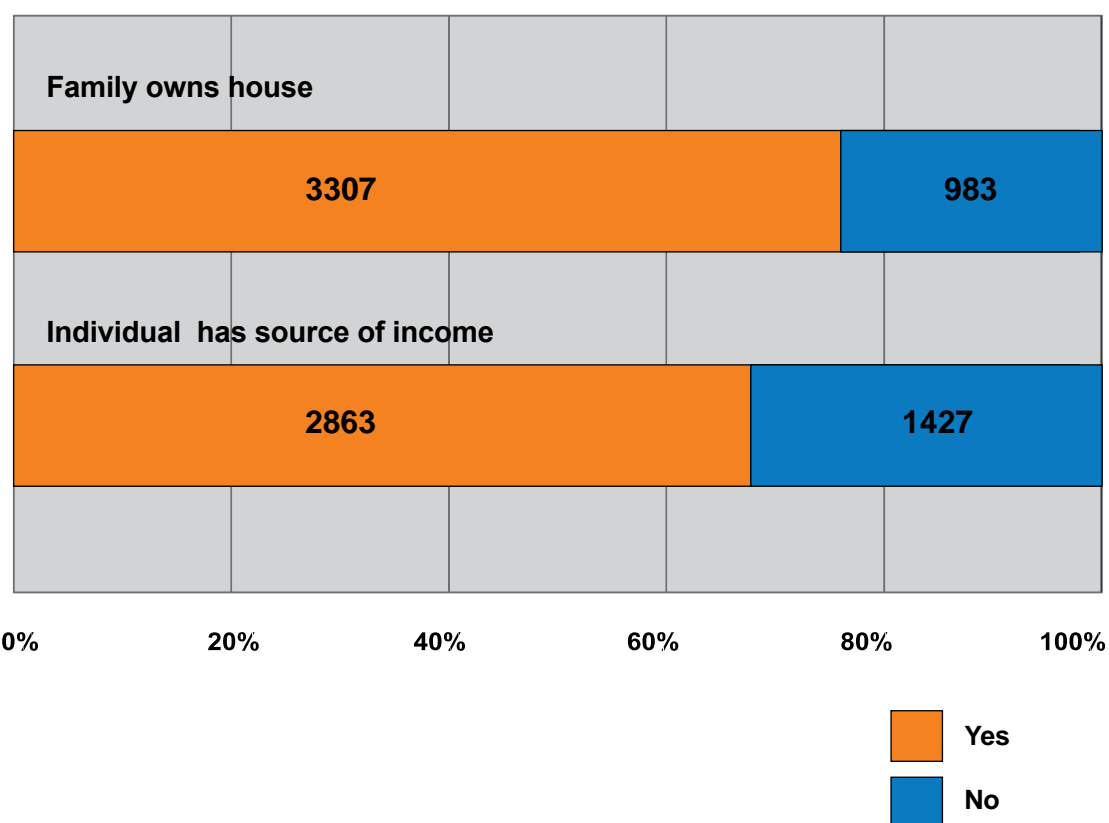
The economic situation of stateless persons

Most stateless persons are married to Kyrgyz nationals, and have a source of permanent income, either through their spouses' official or unofficial income or government benefits. As the survey mainly covered border villages, the majority of persons interviewed were engaged in agriculture.

77 per cent of the polled stateless persons possess housing in Kyrgyzstan. These houses, however, belong to their Kyrgyz family members, as the lack of a lawful status seriously limits their right to possess, use and dispose of real estate.

This problem is especially acute in Leilek district of Batken Province, where a considerable number of former Tajik citizens have bought real estate in different periods without registering contracts. As many of them were granted citizenship under the *Regulation on simplified procedures of acquiring Kyrgyz citizenship by Tajik citizens* they had an opportunity to legalize their rights for previously purchased real estate.

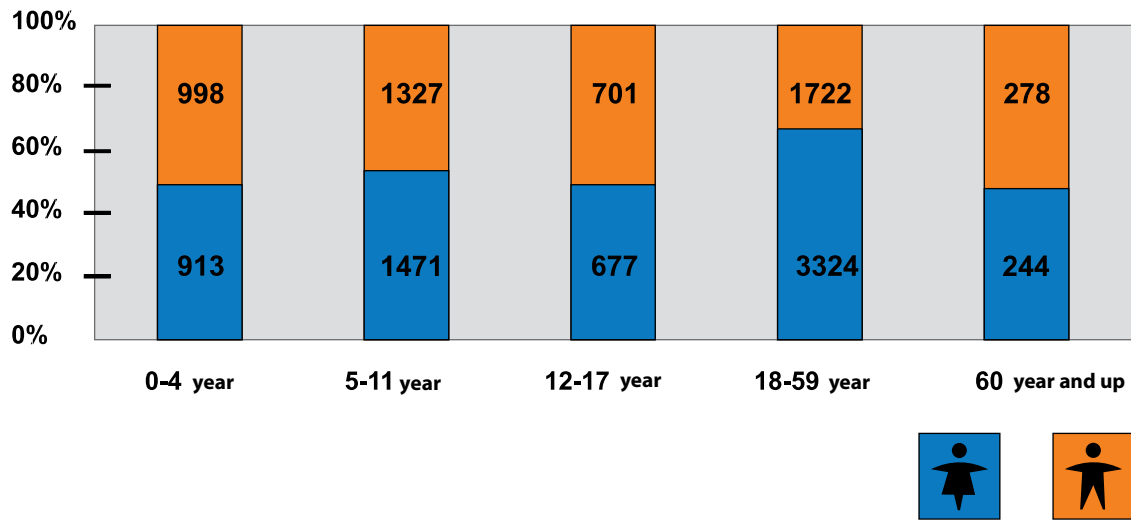
Chart 6: *The economic situation of adult stateless persons*



Age, gender and ethnicity of stateless persons

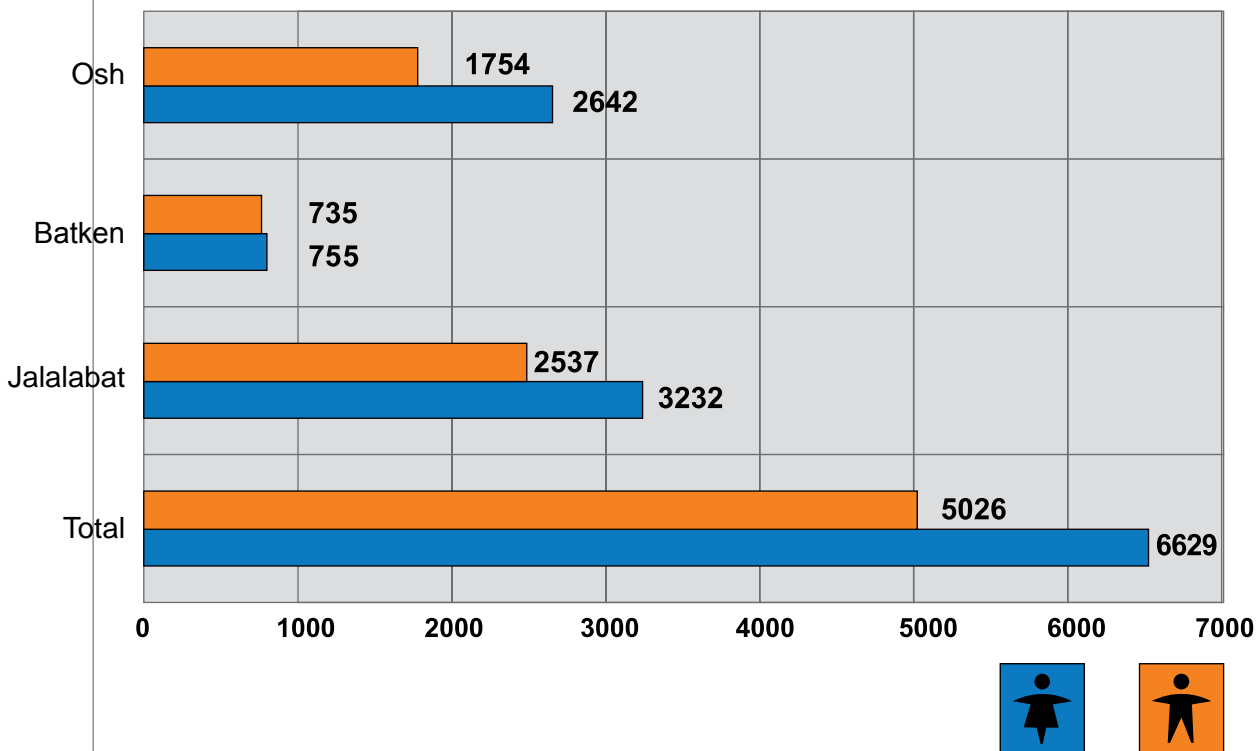
90.6 per cent of adult stateless persons identified during the survey (5,046 persons) were between 18 and 59 years old, while the remainder were 60 years of age or older. Almost all these elderly stateless persons (477 individuals or 91.3 per cent of those over 59 years old) originated in Kyrgyzstan but for various reasons had not yet exchanged their 1974 USSR passports for Kyrgyz passports (category of stateless persons No. 3).

Chart 7: Gender and age breakdown of stateless persons and their children

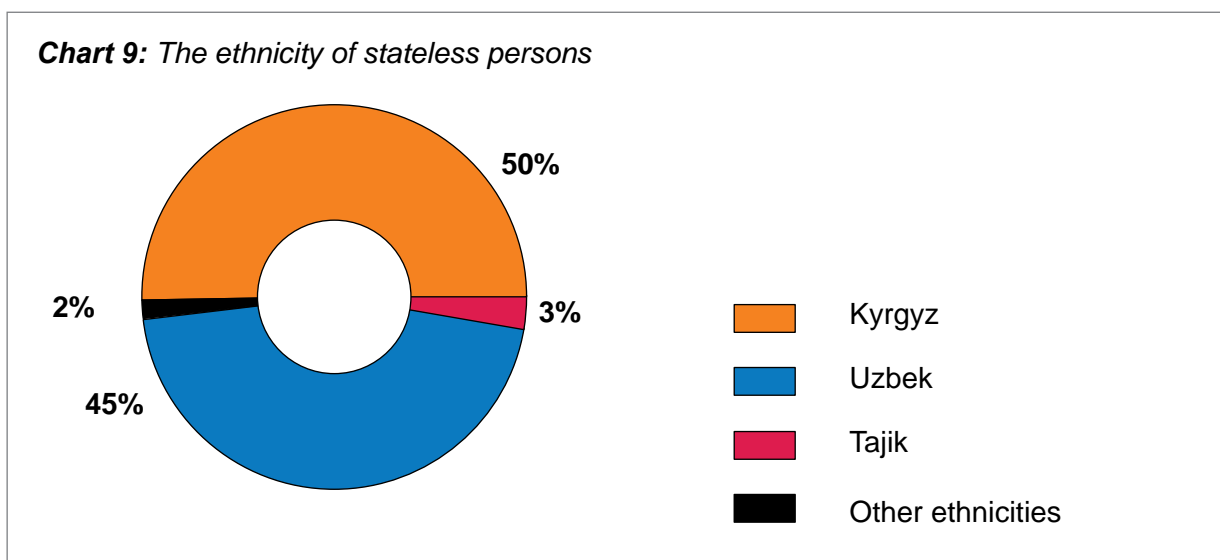


80 per cent of stateless persons who arrived from Uzbekistan **are women** (2,281 out of 2,828) who married Kyrgyz citizens. They do not hold Kyrgyz citizenship or official registration as aliens but their Uzbek passports have expired (category of stateless persons No. 1).

Chart 8: Gender breakdown of stateless persons and their children



50 per cent of respondents were ethnic Kyrgyz (2,149 persons) and 45 per cent ethnic Uzbek (1,933). However, the ethnic composition of stateless persons varies locally: in Batken Province, for example, 90 per cent of stateless persons are ethnic Kyrgyz.



The rights of stateless persons

The survey found that stateless persons are restricted in their freedom of movement, that some find it difficult or impossible to register marriages and births, and that they do not enjoy access to legal employment and welfare. In addition, stateless persons who fall victim to human rights violations do not dare to approach the law-enforcement agencies for protection because of their illegal status. As a result, crimes and other violations of their rights are not documented or investigated.

To the question “Have you ever experienced violation of your rights by law-enforcement officers or other persons acting in their official capacity?”, 326 out of 4,290 respondents (8 per cent) claimed that the authorities had violated their rights, with 288 (88 per cent) of the respondents linking the incident to their status as stateless persons.

The most vulnerable are those stateless persons who possess only an expired or invalid Uzbek passport. During the survey, they reported illegal and arbitrary arrest and detention, and said that their freedom of movement is significantly restricted. They claimed that they cannot find legal sources of income due to the complexity of acquiring work permits for foreigners* and that their marriages are not always registered.

* cf. Regulation on Employment of Foreigners and Stateless Persons in Kyrgyzstan, approved by resolution #639

OFFICIAL DATA

The research also collected official information from State bodies working with stateless persons, including in the districts of its second cluster. Written requests to provide information on the number of stateless persons officially registered in each district were sent to the provincial departments for passport and visa control (DPVC). Replies, however, only contained data about individuals who had submitted applications to Conflict Commissions.

In Osh province, as of 25 December 2008 the Conflict Commission had held 21 sessions and considered and approved 515 applications for recognition of Kyrgyz citizenship. During the same period, 151 and 563 cases were submitted and approved in Jalalabat and Batken provinces respectively.

During meetings DPVCs confirmed that there were no legal obstacles to exchanging 1974 USSR passports. According to them, the only factor which delays the prompt provision of Kyrgyz passports to such individuals was a lack of human resources for collecting and processing documents.

The problem appears aggravated by insufficient awareness among stateless persons about the procedures to legalize their stay and to acquire citizenship, and by their difficulties in fulfilling requirements (collecting documents, financial difficulties, visits to authorities in district/province capitals, etc).

According to the Jalalabat DPVC, in 2008 only three stateless persons applied for residence permits: two obtained them through the Ministry of Internal Affairs Department while the third application is currently being considered by the Commission. In view of the actual number of stateless persons, this number seems very low.

During interviews DPVC staff stressed the fact that obtaining residence permits is much easier in Uzbekistan, which allows its authorities to control stateless persons. The currently less favourable administrative situation in the Kyrgyz Republic, however, compels stateless persons to reside illegally and thus prevents the authorities from understanding or managing the problem.

The national DPVC shared the following information, valid as of 1 January 2008, with the Representation of the UNHCR in the Kyrgyz Republic:

- 1. 278 stateless persons hold residence permits in the province of Osh, nine in the province of Jalalabat, and ten in the province of Batken.*
- 2. 5,334 persons in Osh, 4,385 in Jalalabat, and 2,549 in Batken possess only old USSR passports.*
- 3. 3,971 persons in Osh, 2,739 in Jalalabat, and 572 in Batken were issued with birth certificates, but did not obtain passports in due time.*

Unlike the survey, this data covers all districts and settlements in these three provinces, resulting in a difference between official and survey data.

MAPPING STATELESS PERSONS' PLACES OF RESIDENCE

The survey mapped stateless persons' places of residence to:

- identify local concentrations of stateless persons;
- highlight the most significant areas for the survey;
- identify characteristics of stateless populations by categories for each location;
- identify social characteristics of stateless populations;
- collect information on settlements with the highest concentration of stateless persons.

Table 2: The locations of stateless persons and their children in the South of the Kyrgyz Republic

			Adult stateless persons				Children of stateless persons			
Dis- trict	Rural authorities	Categories			Gender		Total	Gender		
		Cat 1	Cat 2	Cat 3	male	female		male	female	
Province of Osh	Aravan	Chekabad	25	31	0	5	51	0	0	0
		Tepe Kurgan	65	36	11	10	102	0	0	0
		Kerme-Tou	1	6	0	3	4	0	0	0
		Akkya Anarov	9	7	1	2	15	0	0	0
		Nurabad	12	11	5	1	27	76	41	35
		Toumoun	15	18	0	6	27	0	0	0
	Karasuu	Aktash	33	9	5	8	39	87	44	43
		Karkarky-shtak	9	10	47	22	44	94	51	43
		Nariman	39	50	47	56	80	231	108	123
		Mady	23	12	83	49	69	103	45	58
		Toloikon	30	2	67	37	62	113	50	63
		Shark	47	2	55	32	72	168	82	86
		Savai	36	7	69	32	80	143	62	81
		Sarai	44	6	55	30	75	139	65	74
		Kattaldyk	11	8	28	13	34	46	22	24
		Joush	29	11	29	14	55	87	41	46
		Otzadyr	13	53	0	23	43	96	55	41
		Sarkolot	19	1	28	19	29	60	31	29
		Kyzylkyshtak	29	18	16	15	48	108	52	56
		Papan	5	4	27	25	11	23	8	15
Janyaryk	16	0	31	24	23	48	23	25		
Nookat	Kok Jar	0	10	0	4	6	16	7	9	
	Toulos	3	4	0	2	5	13	5	8	
	Gulistan	0	17	6	15	8	35	10	25	
	Mirmahmudova	0	45	2	24	23	52	25	27	

Province of Jalalabat		Isanova	0	53	6	28	31	75	27	48
		Kyrgyz Ata	0	40	3	22	21	69	20	49
		Kenesh	0	45	16	29	32	92	27	65
		Zulpuev	0	53	8	28	33	87	31	56
		Bel	0	9	0	2	7	10	3	7
		Kulatov	0	7	2	5	4	12	4	8
		Onekibel	0	28	1	15	14	39	11	28
		Jany Noukat	0	48	9	24	33	79	38	41
		Naiman	0	20	3	10	13	44	16	28
	Yntymak	0	22	5	9	18	50	21	29	
	Uzgen	Don bulak	25	0	19	10	34	49	20	29
		Kurshab	11	10	34	27	28	72	29	43
	Aksy	Kerben	58	11	83	60	92	115	63	52
		Kashkasuu	45	21	13	17	62	93	44	49
		Jergetal	23	7	16	11	35	108	57	51
		Avletim	60	10	18	17	71	39	19	20
		Kyzyltuu	24	3	27	19	35	69	37	32
		Karasuu	16	2	39	25	32	93	53	40
		Janyjol	61	7	26	25	69	117	51	66
Karajygach		41	5	92	59	79	314	120	194	
Uchkorgon		150	27	40	71	146	93	36	57	
Kosh-Dobo	36	19	230	133	152	339	224	115		
Alabuka	Alabuka	27	3	2	18	14	7	2	5	
	Pervomai	32	27	2	15	46	15	7	8	
	Kokserek	175	64	41	102	178	64	35	29	
	Oruktu	39	0	0	22	17	4	3	1	
Bazarkorgon	Bazarkorgon	0	4	11	7	8	5	2	3	
	Kenesh	0	1	5	2	4	14	13	1	
	Akman	7	3	16	9	17	17	13	4	
	Seidikum	12	49	32	21	72	126	76	50	
	Arstanbap	0	88	21	62	47	104	66	38	
	Kyzylunkur	0	21	18	17	22	32	13	19	
	Taldybulak	0	31	19	24	26	58	24	34	
	Mogul	1	91	36	58	70	89	45	44	
Beshikjon	0	8	2	6	4	3	1	2		
Nooken	Dostuk	28	35	2	18	47	174	96	78	
	Burgondu	55	24	25	16	88	39	22	17	
	Mombekov	5	26	2	5	28	3	1	2	
	Masy	0	43	27	26	44	124	80	44	
	Aral	4	13	15	11	21	3	1	2	
	Sakaldy	17	98	61	45	131	252	133	119	

	Suzak	Dostuk	68	0	25	33	60	6	2	4
		Lenin	9	14	13	16	20	36	14	22
		Tashbulak	0	6	0	1	5	13	4	9
		Atabekov	5	22	7	17	17	11	3	8
		Barpy	1	17	2	6	14	3	2	1
		Yrys	2	8	2	3	9	2	1	1
		Kyzyltuu	0	4	6	4	6	2	1	1
		Suzak	4	14	8	11	15	29	11	18
		Bagysh	11	28	25	35	29	55	20	35
		Karadarya	4	7	7	7	11	16	6	10
		Kokart	0	7	3	6	4	1	1	0
		Kurmanbek	0	9	3	7	5	6	4	2
		Kyzkol	0	45	9	20	34	75	32	43
		Kokjangak	0	13	12	11	14	3	1	2
Province of Batken	Batken	Tortgul	5	10	9	9	15	51	26	25
		Dara	0	2	3	3	2	5	4	1
		Karabak	1	9	7	6	11	27	12	15
		Karabulak	0	1	1	1	1	2	1	1
		Suubashi	3	3	1	2	5	18	8	10
		Kyshtut	1	3	0	0	4	12	4	8
		Samar-kandek	0	7	0	2	6	10	5	5
		Aktatyr	1	2	2	2	3	13	8	5
		Aksai	1	8	1	3	7	20	11	9
	Kadamjai	Akturpak	41	2	6	15	34	57	32	25
		Kyrgyz kyshtak	32	6	11	19	30	55	34	21
		Birlik	25	2	2	10	19	34	17	17
		Aidarken	5	0	3	3	5	10	7	3
		Orozbekov	5	0	3	2	6	6	4	2
		Kotormo	6	1	5	4	8	11	6	5
		Uchkorgon	17	2	8	16	11	34	24	10
		Markaz	15	3	9	13	14	45	22	23
		Masaliev	6	2	3	5	6	10	8	2
		Halmion	83	26	8	39	78	225	135	90
		Maidan	15	7	3	7	18	42	26	16
		Chauvai	3	7	2	3	9	15	11	4
		Alga	12	1	6	9	10	39	21	18
Kan	8	1	1	3	7	17	8	9		

Leilek	Leilek	0	11	2	8	4	17	8	9
	Aksu	2	2	3	3	4	5	4	1
	Sumbula	9	15	7	12	19	49	28	21
	Janyjer	3	17	2	9	13	30	18	12
	Kulundu	3	29	1	14	19	41	21	20
Total:		1871	1827	1870	2000	3568	6087	3026	3061

Chart 10: Number of stateless persons and their children by categories in different provinces

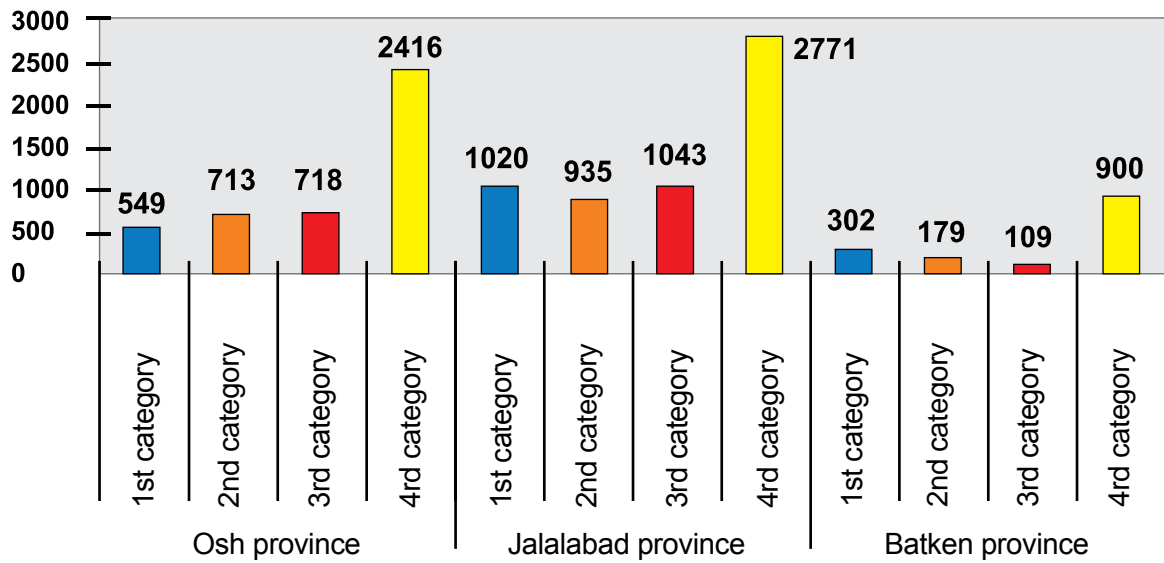


Table 3: Stateless persons and their children by gender, age and country of origin in different provinces



Province	Country of origin	Women					Total
		0 - 4	5 - 11	12 - 17	18 - 59	60 and above	
Batken	Uzbekistan	8	15	5	275	0	303
Batken	Tajikistan	0	0	1	58	2	61
Batken	Kyrgyzstan	138	182	38	33	0	391
Batken	other countries	0	0	0	0	0	0
Osh	Uzbekistan	11	9	15	722	0	757
Osh	Tajikistan	0	1	3	37	1	42
Osh	Kyrgyzstan	275	648	380	456	82	1841
Osh	other countries	0	0	0	2	0	2
Jalalabat	Uzbekistan	12	12	9	1165	23	1221
Jalalabat	Tadjikistan	0	0	0	3	0	3
Jalalabat	Kyrgyzstan	469	604	226	573	136	2008
Jalalabat	other countries	0	0	0	0	0	0
Total, by age		913	1471	677	3324	244	6629

CONCLUSIONS AND RECOMMENDATIONS

The survey identified 11,655 stateless persons and interviewed 4,290 of them.

- 1,871 individuals came to the Kyrgyz Republic for various reasons - mainly for marriage - and became stateless as a result of shortcomings in legislation and its implementation, both in the country of origin and in the Kyrgyz Republic (Category 1).
- 1,827 individuals arrived in the Kyrgyz Republic after the first law on Kyrgyz citizenship came into force on 18 February 1994. They have resided in the Kyrgyz Republic for more than 5 years, possess a 1974 USSR passport and have not applied for any (other) citizenship (Category 2).
- 1,870 individuals resided in the Kyrgyz Republic on 18 February 1994, but have not yet exchanged their USSR passports for a Kyrgyz one (Category 3).
- 6,087 individuals are children of stateless persons (Category 4).

The survey also revealed a separate category of persons who are in danger of becoming stateless because of the current practice for determination of eligibility for passports: the children of labour migrants. However, the parameters of this survey did not allow for determining their number.

The legal problems that stateless persons encounter are manifold and depend on their country of origin and the documents in their possession. However none of the interviewed persons felt that their or their children's right to education was being violated because of their legal status: children of school age are accepted by local schools without any restrictions.



Province	Country of origin	Men						Total	Total by countries of origin
		0 - 4	5 - 11	12 - 17	18 - 59	60 and above			
Batken	Uzbekistan	15	16	9	67	2	109	412	
Batken	Tajikistan	2	6	0	41	0	49	110	
Batken	Kyrgyzstan	193	203	69	109	3	577	968	
Batken	other countries	0	0	0	0	0	0	0	
Osh	Uzbekistan	6	4	7	62	4	83	840	
Osh	Tajikistan	0	1	1	43	1	46	88	
Osh	Kyrgyzstan	219	545	291	433	132	1620	3461	
Osh	other countries	0	0	0	5	0	5	7	
Jalalabat	Uzbekistan	17	11	3	312	12	355	1576	
Jalalabat	Tadjikistan	0	0	0	6	0	6	9	
Jalalabat	Kyrgyzstan	546	541	321	644	124	2176	4184	
Jalalabat	other countries	0	0	0	0	0	0	0	
Total, by age		998	1327	701	1722	278	5026	11655	

The following two categories of stateless persons or persons in danger of becoming stateless receive the least protection through current laws and therefore among the most vulnerable:

- i. A considerable number of persons of foreign origin have been living on the territory of the Kyrgyz Republic for more than ten years without acquiring a legal basis for their stay. They failed to do so because of problems in the legislation and its implementation in the Kyrgyz Republic or in other countries, and because they do not know the legal framework and procedures. Most respondents in this category were (former) Uzbek citizens with expired passports, who cannot acquire Kyrgyz citizenship because procedures for acquiring passports require valid identity documents.
- ii. Long-term residents of the Kyrgyz Republic who have not yet exchanged their 1974 USSR passports for Kyrgyz passports also face legal problems. They cannot, for instance, initiate any civil proceedings which have to be certified by a notary or registered by the state, obtain loans, or travel beyond the borders of the Kyrgyz Republic. Nevertheless, usually they can dispose of real estate that they have purchased earlier, have stable sources of income, and can freely move within the country.

Stateless persons belonging to Categories 2 and 3 do not face any legal barriers to obtaining Kyrgyz passports, but nevertheless encounter practical difficulties, such as red tape, the need to resort to bribery, and great difficulties to prove permanent residence if they lose their USSR passports. In addition, though the current citizenship law recognizes all of them as citizens of the Kyrgyz Republic, all applications are in practice considered by the Conflict Commissions of the provincial departments for passport and visa control, which complicates the procedures for replacing old USSR passports with Kyrgyz passports.

Based on the results of the survey the following **projections** can be made:

- 1) Even taking into consideration that the survey has focused on areas with high levels of transborder movements, the actual number of stateless persons residing in the South of the Kyrgyz Republic is likely to be 30-35 per cent higher than 11,655.
- 2) The number of stateless ethnic Kyrgyz in the Kyrgyz Republic will grow as they continue to immigrate from neighbouring countries.
- 3) The number of stateless children will increase as more and more labour migrants adopt Russian citizenship.

Many stateless persons have a strong and enduring **connection with the Kyrgyz Republic**:

- 92 per cent of respondents have Kyrgyz citizens as close relatives.
- 99 per cent of stateless individuals arriving from outside the borders of the Kyrgyz Republic have done so to return to their native motherland or to marry a Kyrgyz citizen, and therefore have a strong motivation to stay permanently.
- Most stateless persons have already resided in the Kyrgyz Republic for over five years and have integrated into their respective communities.
- Almost all respondents connect their future with the Kyrgyz Republic and wish to acquire Kyrgyz citizenship.

These findings should buttress the interest of local communities and the State in legalizing and naturalizing stateless persons.

On 5 December 2008, a round table for relevant State agencies was conducted in Osh city to present the preliminary results of the survey, meet the project field teams and try to come up with joint solutions for the problem of statelessness. Senior officials and staff of the DPVC in Osh City and the provinces of Osh, Batken and Jalalabat as well as from the Osh city committee on migration and employment participated.

The **round table recommended** the following:

- To adopt a resolution similar to, but of longer validity than, resolution #30 that the MIA issued on 13 February 2008. Based on this resolution, the documents of 628 stateless persons (ethnic Kyrgyz from the Republic of Uzbekistan residing in Alabuka and Aksy districts) were examined and recognized as Kyrgyz citizens in simplified procedures. This resolution was in force for only two months, and all procedures took place from 15-19 February 2008.
- To consider introducing a practice similar to that of the Russian Federation, where the Regional Federal Agency defines citizenship and takes decisions independently.
- To let provincial DPVCs grant Kyrgyz citizenship without involving the Commission on Citizenship of the Kyrgyz President.
- To arrange regular sessions of the Presidential Commission on Citizenship Issues in the southern provinces or establish a permanent regional commission on citizenship issues.
- To remove the requirement to provide **a valid** (that is, not expired) identity document when applying for Kyrgyz citizenship.

Based on the results of the survey and an analysis of legislation and practices, the Center for International Protection and the Fergana Valley Lawyers without Borders recommend the following **additional measures**:

- To change the current procedure to allow stateless persons in categories 2 and 3 to receive Kyrgyz passports at the local passport departments without undergoing

the procedure of determining their citizenship by the Conflict Commission, as the new citizenship law already recognizes them as Kyrgyz citizens.

- To clarify and provide relevant instruction on the Regulation on the Consideration Procedure of Issues of Citizenship of the Kyrgyz Republic (approved by presidential decree #473 of 25 October 2007,) with the goal of allowing holders of foreign passports which have expired to apply for Kyrgyz citizenship.
- To abolish the procedure for obtaining immigrant status as it duplicates the procedure for obtaining a permanent residence permit, and to reduce the latter's period of consideration to three months, given that simplified procedures for obtaining citizenship should not take more than three months.
- To consider amendments that would allow the staff of passport departments to accept other means of establishing the parents' citizenship if children are unable to provide copies of their passports when applying for their own passports.
- To transfer the power to register aliens and stateless persons and issue residence permits to the provincial DPVCs.
- To recognize birth certificates issued by the Kyrgyz civil registry as the basis for issuing a Kyrgyz passport for the first time to children that have reached the age of 16. This is in accordance with the current citizenship law, which states that Kyrgyz citizenship is obtained at birth. It is thus necessary to provide a substitute for the required passports* of the parents if one or both of the child's parents are absent.

The survey has shown that the problems of statelessness in the Kyrgyz Republic cannot be solved by effective legislation on citizenship and migration alone. **Recommended measures to improve the implementation of legislation include:**

- To improve the system of selection, arrangement, and professional skills development of relevant authorities;
- To develop and implement codes of conduct for officials;
- To strengthen State and public control over the implementation of relevant legislation;
- To ensure that violations of relevant legislation by officials are consistently sanctioned.

In order to develop the institution of citizenship, effectively regulate external migration and prevent statelessness, the government should consider the following steps:

- Eliminate inconsistencies and gaps in legislation that lead to statelessness;
- Develop and introduce by-laws (regulations, instructions, provisions) that would provide access for stateless persons to procedures for simplified legalization and adoption of Kyrgyz citizenship;
- Strengthen the legal framework and practices of officials dealing with citizenship issues by modifying their job descriptions and providing them with clear and detailed principles and procedures for working with stateless persons;
- Publish an official interpretation of the new citizenship law and send a copy to all relevant agencies;
- Train the staff of local passport divisions on new mechanisms to legalize stateless persons and on how to handle applications for citizenship;
- Carry out information campaigns to raise public awareness about the legal framework of legalization and naturalization in the Kyrgyz Republic;

* cf. Instruction on the Procedure of Registrations and Issuance of passports to Citizens of the Kyrgyz Republic, # 146 of 13 March 2006

- Develop and introduce new standards to ensure transparency in the work and decision making of State agencies and to guarantee access to information;
- Harmonize the main principles of Kyrgyz migration and citizenship legislation with those of countries to which and from which most migration occurs or may occur – including the states of Central Asia and the Russian Federation. This could include consistent implementation of generally accepted principles and norms of international law in national legislation, as well as clarification of issues that require uniformity. Bilateral agreements on simplified procedures to obtain citizenship are also recommended; and
- To include in legislation clear implementation mechanisms for the direct application of relevant international treaties.

Statelessness in the North of the Kyrgyz Republic *Part I*

Findings of a survey commissioned by the Representation of the UNHCR in the Kyrgyz Republic and conducted in August and September 2007 by Counterpart-Sheriktesh in cooperation with CSSC Karabalta, Sairon and Help Refugees

INTRODUCTION

In order to identify de facto and de jure stateless persons and major problems related to statelessness, the Representation of the UNHCR in the Kyrgyz Republic commissioned Counterpart-Sheriktesh to conduct a survey among migrants in Issykata, Moskovskiy and Jaiyl districts of Chuy province.

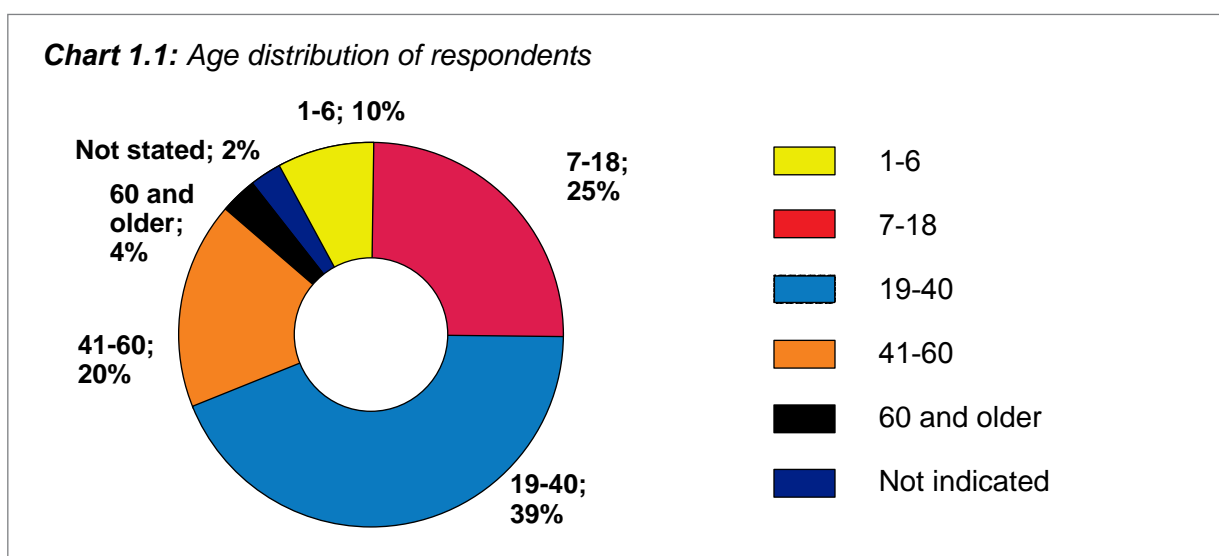
The survey was conducted with the help of other local NGOs between 1 August 2007 and 5 October 2007 in these three districts which all have significant numbers of migrants from Tajikistan and Uzbekistan. From 1 - 28 August, the non-governmental organization (NGO) Sairon assisted in the polling in Issykata district. The Civic Society Support Centre in Karabalta helped to interview migrant residents of Jaiyl district between 3 September and 5 October, and the NGO Help Refugees conducted interviews in Moskovskiy district between 3 and 27 September.

A total of 854 families were surveyed: 384 from Issykata district, 304 from Jaiyl district, and 166 from Moskovskiy district. The total number of persons interviewed, including all family members, was 2,844. In order to know more about their living conditions, respondents were questioned about their socio-economic situation and if they possessed certain identity documents, and asked what kind of problems they regularly face.

The first part of this report analyses general data and the socio-economic situation of interviewed heads of household and their families. The second part reports on the availability of basic identity documents, while the final part relates the needs that interviewed migrants expressed. This report was prepared by Counterpart-Sheriktesh's consultant Aman Nusupov and coordinator Asel Kekebaeva on the basis of the above-mentioned interviews.

GENERAL DATA ON HOUSEHOLDS AND THEIR HEADS

Gender and age characteristics: There are an almost equal number of men and women among the respondents of this survey: 1,418 men and 1,408 women were interviewed. The dominant age groups are 7-18 years (25 percent) and 19-40 years (39 percent) .



Family size: The majority of interviewed families (more than 88 percent) have one to five members. Families with six to eight members (10 percent) are also fairly common. Families with ten and more members make up less than 0.5 per cent. Chart 1.2 displays more detailed information:

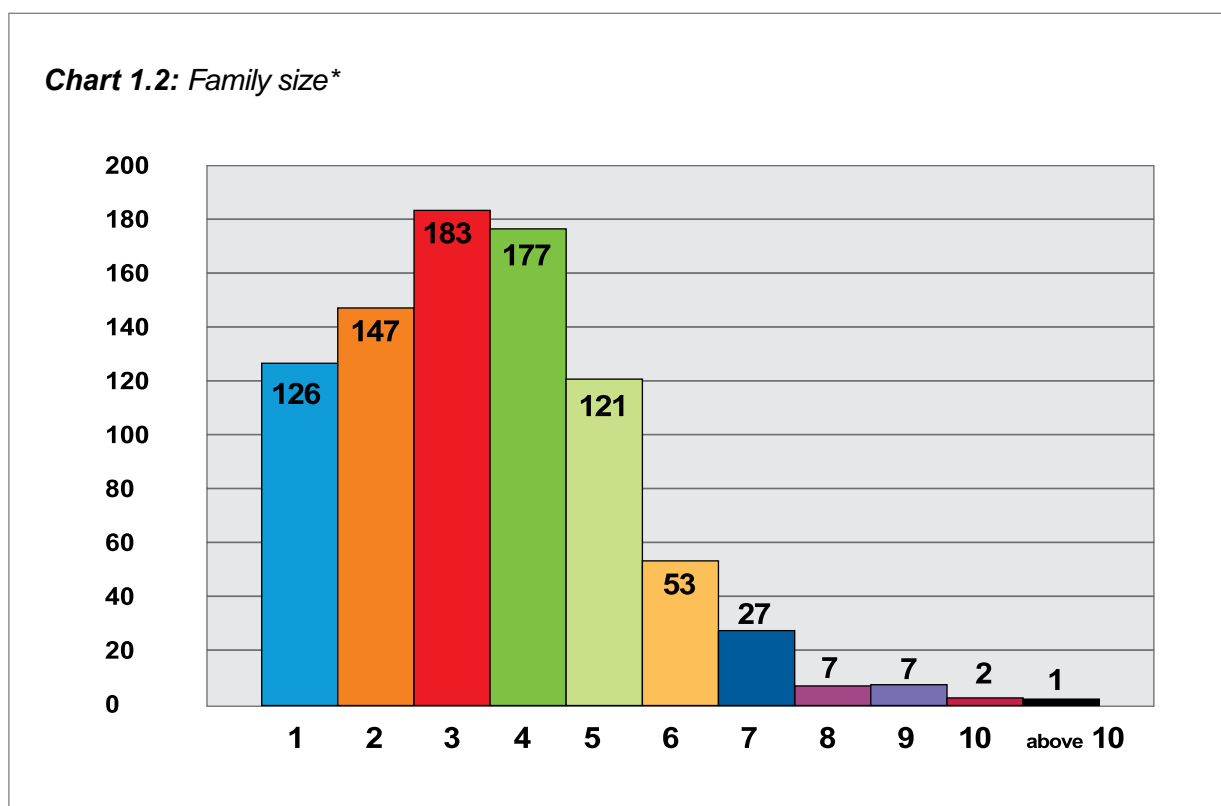


Table 1: Marital status of household heads

Marital status	Number	% of household heads
1- single	120	14.05%
2- registered (civil) marriage	441	51.64%
3- common-law marriage	79	9.25%
4- religious marriage	69	8.08%
5- divorced	59	6.91%
6- widowed	86	10.07%
TOTAL	854	100.00%

More than two thirds of the interviewees have secondary education (593 individuals). Approximately one tenth (100 individuals) have diplomas from technical education institutions. 3 per cent have completed higher education, while 12.5 per cent have only completed elementary education.

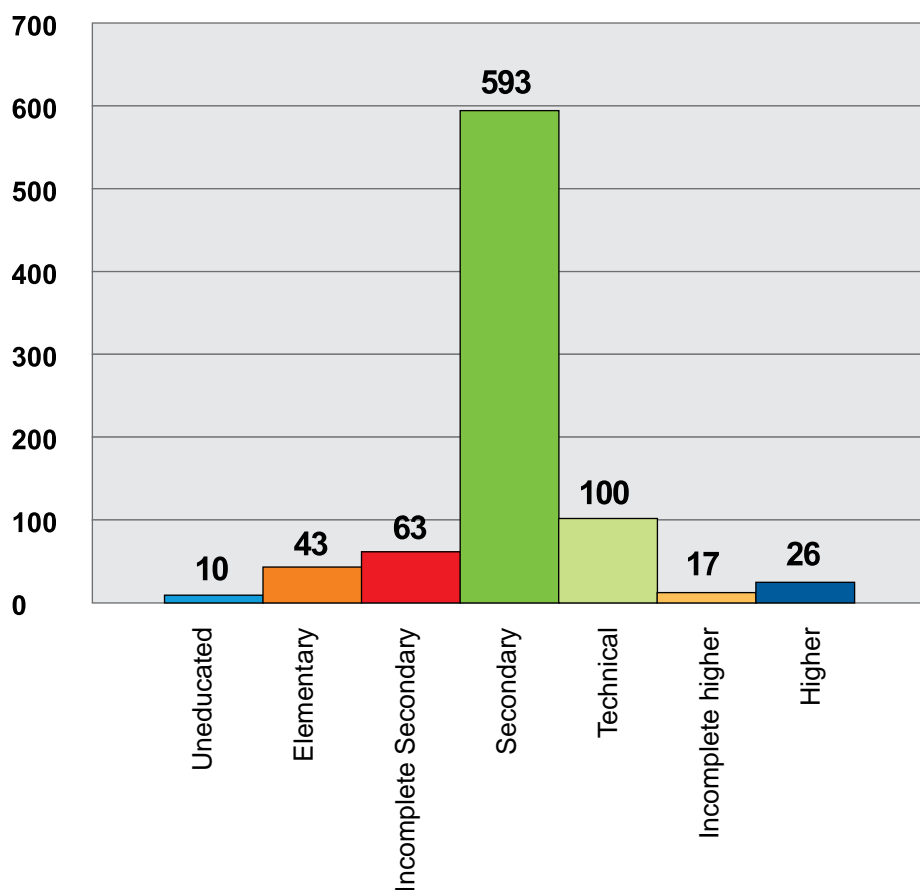
* The chart does not include 9 families whose heads did not indicated the size of the family

Table 2: Education level of household heads

Education	Number	% of household heads
1. No education	10	1.17%
2. Elementary education	43	5.04%
3. Incomplete secondary education	63	7.38%
4. Secondary education	593	69.44%
5. Technical education	100	11.71%
6. Incomplete higher education	17	1.99%
7. Higher education	26	3.04%
8. Other	0	0.00%
9. No indication	2	0.23%

As Table 2 shows, the most common **ethnicity** among the respondents is Kyrgyz (62 percent), followed by Russian (9.5 percent) and Tajik (9 percent).

Chart 1.3: Household heads by educational level





A formerly stateless refugee from Tajikistan and her child in Ivanovka village, Chui Province. Stateless individuals sometimes encounter difficulties when trying to register the birth of their children.

© UNHCR / Alexandr Plotnikov

Table 3: Ethnicity of the respondents

Ethnicity	Number of families	% of families
Avar	1	0.12%
Azeri	25	2.93%
Belarusian	2	0.23%
Dungan	19	2.22%
Iranian	1	0.12%
Kazakh	4	0.47%
Chinese	1	0.12%
Kurdish	4	0.47%
Kyrgyz	530	62.06%
German	3	0.35%
Russian	82	9.60%
Tajik	79	9.25%
Tatar	4	0.47%
Turkish	33	3.86%
Turkmen	1	0.12%
Uzbek	34	3.98%
Uighur	2	0.23%
Ukrainian	6	0.70%
Roma	2	0.23%
Chechen	4	0.47%
No indication	17	1.99%
TOTAL	854	100.00%

Duration of residence in their settlements exceeds five years for 66 per cent of respondents. 34 per cent have been living in their current settlements for less than five years.

Only 766 out of 854 interviewed families responded to **the question on citizenship**. Their answers are summarized in table 4. Notably, 239 respondents indicated that they have no citizenship.

Table 4: Respondents' citizenship

Country of Citizenship	Number of respondents	% of respondents
Azerbaijan	7	0.91%
Belarus	1	0.13%
Georgia	1	0.13%
Iran	1	0.13%
Kazakhstan	54	7.05%
People's Republic of China	1	0.13%
Kyrgyz Republic	23	3.00%
Russian Federation	71	9.27%
Tajikistan	293	38.25%
Uzbekistan	70	9.14%
Turkmenistan	1	0.13%
Ukraine	4	0.52%
Stateless	239	31.20%
TOTAL	766	100.00%

POSSESSION OR LACK OF BASIC IDENTITY DOCUMENTS

Table 5 summarizes respondents' answers about whether they possess basic identity documents. Multiple answers were possible if the respondent possessed several different identity documents.

Table 5: Basic identity documents

Document	Kyrgyz inter-national passport	Kyrgyz international passport	USSR passport	Foreign passport	Kyrgyz birth certificate	Foreign birth certificate	Military ID	Marriage certificate
In possession	265	118	501	731	518	968	450	2108
Never issued	324	125	3	59	61	49	65	26
Lost	0	0	50	21	46	16	15	103
Not applicable	2147	2509	2211	1935	2105	1611	2249	602
Not indicated/ unknown	108	92	79	98	114	200	65	5

- 501 respondents have 1974 USSR passports
- 731 have foreign passports (see chart 2.1)
- 2,108 children have birth certificates issued by a foreign country (see table 6)

Chart 2.1 Foreign passports

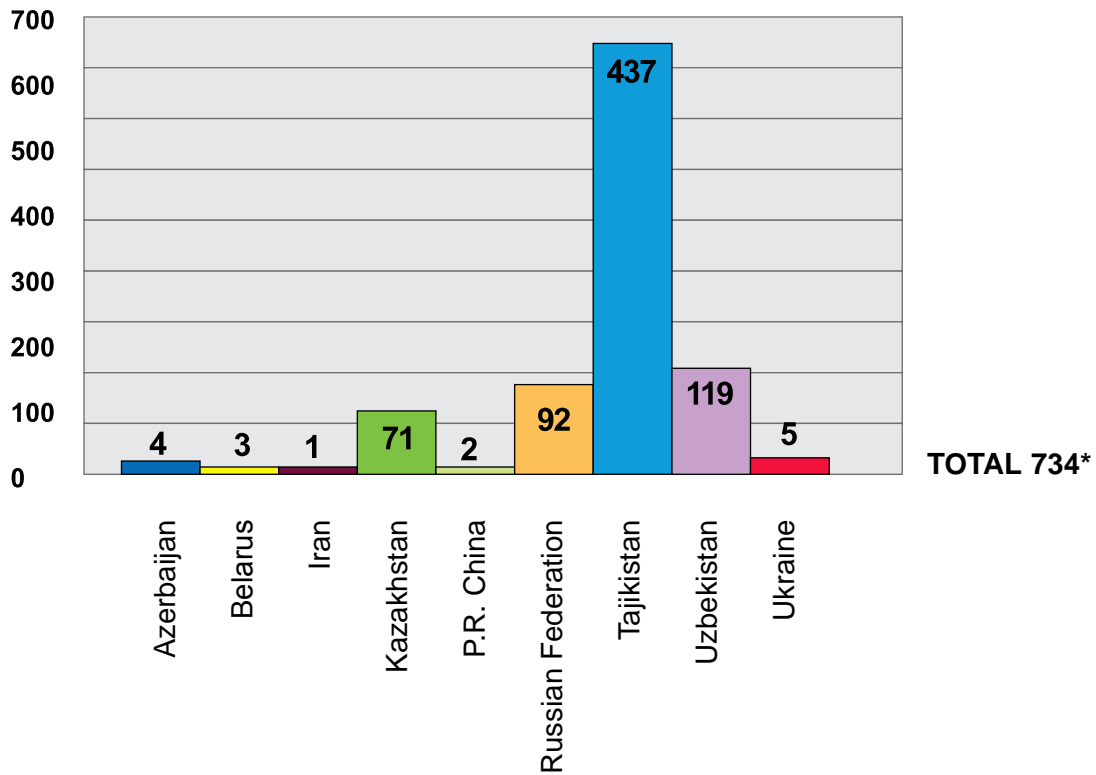


Table 6, illustrating the distribution of foreign birth certificates, shows that the vast majority of children with foreign birth certificates are migrants from Tajikistan (75 percent):

Table 6: Foreign birth certificates

State issuing the birth certificate	Number of children	% of children
Azerbaijan	24	1.14%
Belarus	3	0.14%
Georgia	11	0.52%
Iran	1	0.05%
Kazakhstan	116	5.50%
People's Republic of China	1	0.05%
Russian Federation	102	4.84%
Tajikistan	1583	75.09%
Uzbekistan	261	12.38%
Turkmenistan	1	0.05%
Ukraine	5	0.24%
TOTAL	2108	100.00%

* Several respondents held passports of more than one foreign country

Respondents were asked to indicate which **identity documents** they currently possessed, and which they had lost or never obtained. They were also asked why they had not applied to the relevant bodies to acquire or renew the documents (tables 7 and 8).

For the 59 foreign citizens who said they had never had a foreign passport, the main problem appears to be the requirement of personal presence in another country. With regard to other documents, most of the respondents simply say they have never applied to the relevant bodies to restore or renew missing documents. This might be due either to the fact that migrants just do not know where to apply for renewal of those documents or that they are not important to them.

Table 7: Documents not obtained by migrants

	Kyrgyz internal passport	Kyrgyz international passport	USSR passport	Foreign passport	Military ID	Marriage registration certificate	Kyrgyz birth certificate	Foreign birth certificate
Did not obtain this document	324	125	3	59	61	49	65	26
Reasons given:								
A- did not apply	114	89	0	9	13	9	2	7
B- given only to citizens of Kyrgyz Republic	80	9	0	1	6	29	49	2
C- reference from another country's embassy required	0	0	0	0	0	0	0	0
D- confirmation by another country's authority required	1	0	0	0	0	0	0	0
E- lack of documents needed to receive a new one	10	0	0	2	0	0	4	2
F- personal presence in another country required	13	0	0	33	33	0	0	8
G- no money to pay fees	5	5	0	0	0	0	0	3
H- other reasons	101	22	3	14	9	11	10	4

Table 8: Lost documents

	USSR passport	Foreign passport	Military ID	Marriage registration certificate	Kyrgyz birth certificate	Foreign birth certificate
Number of lost documents	50	21	46	16	15	103
Reasons given for non-restoration or non-renewal:						
A- did not apply	36	3	24	7	13	67
B- given only to citizens of Kyrgyz Republic	0	0	1	0	0	0
C- reference from another country's embassy required	0	0	0	0	0	0
D- confirmation by another country's authorities required	2	0	1	0	0	7
E- lack of documents needed to receive a new one	2	1	2	0	0	1
F- personal presence in another country required	3	9	7	2	0	13
G- no money to pay fees	0	0	0	0	0	0
H- other reasons	7	8	11	7	2	15

THE NEEDS OF INTERVIEWED MIGRANTS

The most common **sources of income** are day labour (43.5 percent), crop production (14 percent), and cattle breeding (12 percent). Table 9 details the income sources of heads of household and their spouses (several answers were possible).

Table 9: *Income sources of heads of household and their spouses*

Source of income	Number of respondents	% of respondents
Crop production	179	14.21%
Cattle breeding	152	12.06%
Small retail trade	66	5.24%
Craftsmanship	3	0.24%
Processing agricultural products	8	0.63%
Services for population	69	5.48%
Day labour	548	43.49%
Work for state bodies	51	4.05%
Does not work	41	3.25%
Pensions/allowances	96	7.62%
Other	47	3.73%
TOTAL	1260	100.00%

A short analysis of the income sources of adult members of migrants' families revealed that 565 people (41 per cent) did not indicate any sources of income. This figure is high; however one should bear in mind that the majority of these respondents were wives of heads of household, who are traditionally occupied with housekeeping responsibilities. Nevertheless, 120 married couples stated that they did not have any regular source of income.

It is interesting to note that migrants try their best to diversify their sources of income – 90 families indicated three or more sources of income and one family even had nine different sources!

Table 10: *Number of different income sources of adult respondents*

Number of income sources	Number of respondents	% of respondents
No source of income	565	41.42%
1 source of income	513	37.61%
2 sources of income	196	14.37%
3 sources of income	83	6.09%
4 sources of income	5	0.37%
5 sources of income	1	0.07%
6 or more sources of income	1	0.07%
TOTAL	1364	100.00%

596 children of school age lived with interviewed heads of household. 547 of them attended school (92 percent), while 49 (8 percent) did not. The following answers were given regarding why children did not attend school:

- No desire to study
- No money to buy appropriate clothes and other school-related expenses
- Lack of birth certificates

Support in acquiring birth certificates should therefore help children to attend school.

Possession of immobile property: 41 percent of interviewed families (346 families) have their own houses, while 59 percent (505 families) do not – three families did not answer this question. The majority of respondents did not experience any difficulties registering their property (81 percent of all respondents), or renting land (95 percent). A quarter of the interviewed persons, however, faced problems when trying to access medical services.

Table 11: Problems encountered by respondents

Problems indicated	Yes		No		Not applicable		No indication
	Count	Percentage	Count	Percentage	Count	Percentage	
Problems registering houses	162	46.82%	184	53.18%	505	59.13%	3
Problems renting land	39	4.57%	794	92.97%	0	0	11
Problems accessing medical services	212	24.82%	636	74.47%	0	0	6
Legal problems	350	40.98%	499	58.43%	0	0	5

Respondents mentioned encountering the following problems while trying to **register their house**:

- lack of required documents;
- difficulties registering in their place of residence;
- houses could not be registered due to lack of Kyrgyz citizenship;
- houses were registered under somebody else's name due to the absence of Kyrgyz citizenship;
- houses could not be privatized because they are municipal buildings;
- lack of money to pay registration fees;
- land to build a house cannot be bought due to lack of Kyrgyz citizenship;
- owner has only temporary registration in the place of residence;
- no house register available;
- lack of sales contract for house registration;
- owner is not registered in the local passport department;
- owner has difficulties getting a resident permit;
- the owner is still registered in Russia;
- wife could not register house in her own name after husband's death;
- lack of knowledge about Kyrgyz legislation.

Concerning **renting land**, the following problems were indicated:

- land rent is too expensive;
- too many documents and bribes are required;
- corruption;
- foreign citizens cannot rent land;
- no permission had been given to rent land;
- only low-quality land is available;
- lack of documents.

Responses regarding **access to medical services** are displayed in table 12. The majority of respondents use private medical services (68 percent). It is possible that they have no access to benefits enjoyed by Kyrgyz citizens because of their legal status.

Table 12: Access to medical services

Medical services	Yes		No		No indication
Receive all medical services for free, medicine at reduced prices	22	2.60%	824	97.40%	8
Receive all medical services for free, but medicine has to be paid for in full	184	21.72%	663	78.28%	7
Only receive private medical services	575	67.65%	275	32.35%	4
Do not receive any medical services	36	4.26%	809	95.74%	4

The following reasons were given for not receiving medical services:

- Did not apply;
- No need;
- Lack of residence permit or citizenship;
- Poor knowledge of language;
- Lack of money or documents;
- Absence of identification documents;

Respondents specified that they require **legal consultation** and that they are most interested in consultation on acquisition of citizenship (more than 86 percent), employment (24 percent), land issues (14 percent), rights and obligations of foreigners (13 percent), and obtaining birth and marriage certificates (13 percent). Detailed information is provided in table 13.

Table 13: Legal consultation needs

Topics on which legal consultation needed	Yes		No		No indication
(Acquisition of) citizenship	735	86.27%	117	13.73%	2
Acquisition of country of origin passport	38	4.46%	814	95.54%	2
Obtaining of birth and marriage certificates	109	12.79%	743	87.21%	2
The rights and obligations of foreigners	113	13.28%	738	86.72%	3
Land issues	122	14.32%	730	85.68%	2
Property rights	84	9.86%	768	90.14%	2
Tax payment	22	2.58%	830	97.42%	2
Employment	200	23.89%	637	76.11%	17
Criminal Code	25	2.94%	826	97.06%	3
Other legal consultation	43	5.05%	808	94.95%	3
Other legal consultation	43	5.05%	808	94.95%	3

Other topics for legal consultation requested but not included in table 12 are:

- Restoration of lost documents, e.g. birth certificate, foreign passports;
- Obtaining or extension of passport and citizenship of other countries;
- Exchange of USSR passports;
- Registration of disability;
- Registration of pension in the Kyrgyz Republic;
- Restoration of Kyrgyz citizenship;
- Consultation on how to receive land;
- Housing legislation;
- Acquisition of residence permit;
- Acquisition of Kyrgyz citizenship without losing citizenship of country of origin;
- Consultation on how to receive credit.

41 percent of the respondents stated that they had legal problems (See table 10). During interviews the following issues were raised (verbatim):

- Problems with a residence permit;
- We could not register our marriage and receive birth certificates for our children;
- Restoration of lost documents;
- How to get birth certificates for children and adults;
- I was stopped at customs while I was going to a funeral;
- A Republic of Uzbekistan passport has expired;
- We could not register a marriage;
- I could not receive a birth certificate for a child, I cannot find a good job;
- Absence of identity documents;
- Letter of attorney for the house has expired, and the owner has left to Russia for permanent residence;
- Acquisition of Kyrgyz citizenship;
- We were refused Kyrgyz citizenship;
- Guardianship of a grandson;
- Police often check passports and fine us;
- We are stopped by the police and do not know our rights;
- There are problem with registration for a pension;
- Do not know the laws of the Kyrgyz Republic;
- Earlier I was convicted under article 234 part 2 of the Criminal Code of the Kyrgyz Republic;
- Registration for the right to property;
- Registration of marriage and granting of residence permit;
- Residence permit and employment;
- Absence of any documents;
- In the absence of Kyrgyz citizenship, it was not possible to receive land;
- I have no residence registration, and my Russian passport has expired;
- Often occur, but now I do not remember;
- How to get credit;
- How to get a Kyrgyz passport if I lose my USSR passport;
- Acquisition of Kyrgyz citizenship and birth certificate for a child;
- Legal problems while registering passports;
- Absence of documents of a Kyrgyz citizen.

Statelessness in the North of the Kyrgyz Republic *Part II*

Findings of a survey commissioned by the Representation of the UN-HCR in the Kyrgyz Republic and conducted in April and May 2008 by Counterpart-Sheriktesh in cooperation with CSSC Karabalta, Sairon, Adab, and Chi Murgab

INTRODUCTION

In order to identify de facto and de jure stateless persons and major problems related to statelessness, the Representation of the UNHCR in the Kyrgyz Republic commissioned Counterpart-Sheriktesh to conduct a survey in Chui, Panfilov, and Sokuluk Districts of Chui Province, all of which have significant number of migrants from Tajikistan and Uzbekistan.

Counterpart-Sheriktesh conducted the survey in collaboration with the CSSC (Civil Society Support Centre) of Karabalta town and the non-governmental organizations Chui Murgab, Adab, and Sairon. Migrants in Chui and Panfilov districts were interviewed from 1 to 30 April 2008, while respondents in Sokuluk were questioned from 10 April until 10 May 2008.

During the survey, 1,059 families from Chui province – 272 families from Chui district, 337 families from Sokuluk district, and 450 families from Panfilov district – were interviewed. Altogether, information on 2,744 persons – heads of household and their family members – was collected.

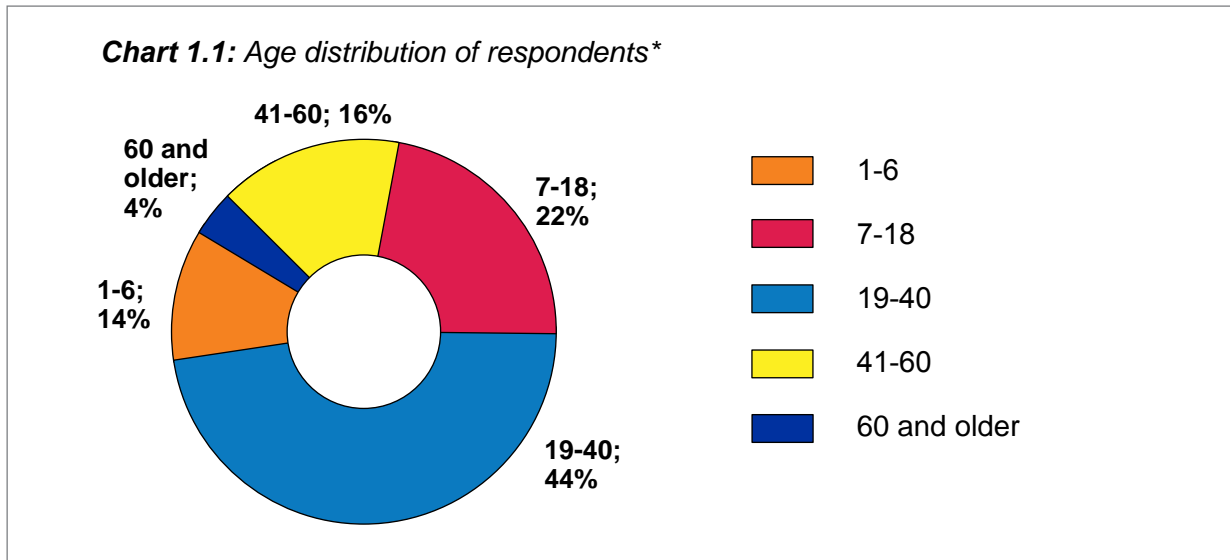
In order to know more about their living conditions, respondents were questioned about their socio-economic situation, whether they possessed certain identity documents and what kind of problems they regularly face.

The first part of this report analyses the general data and socio-economic situation of interviewed heads of household and their families. The second part reports on possession of basic identity documents, while the final part relates the needs that were expressed by interviewed migrants.

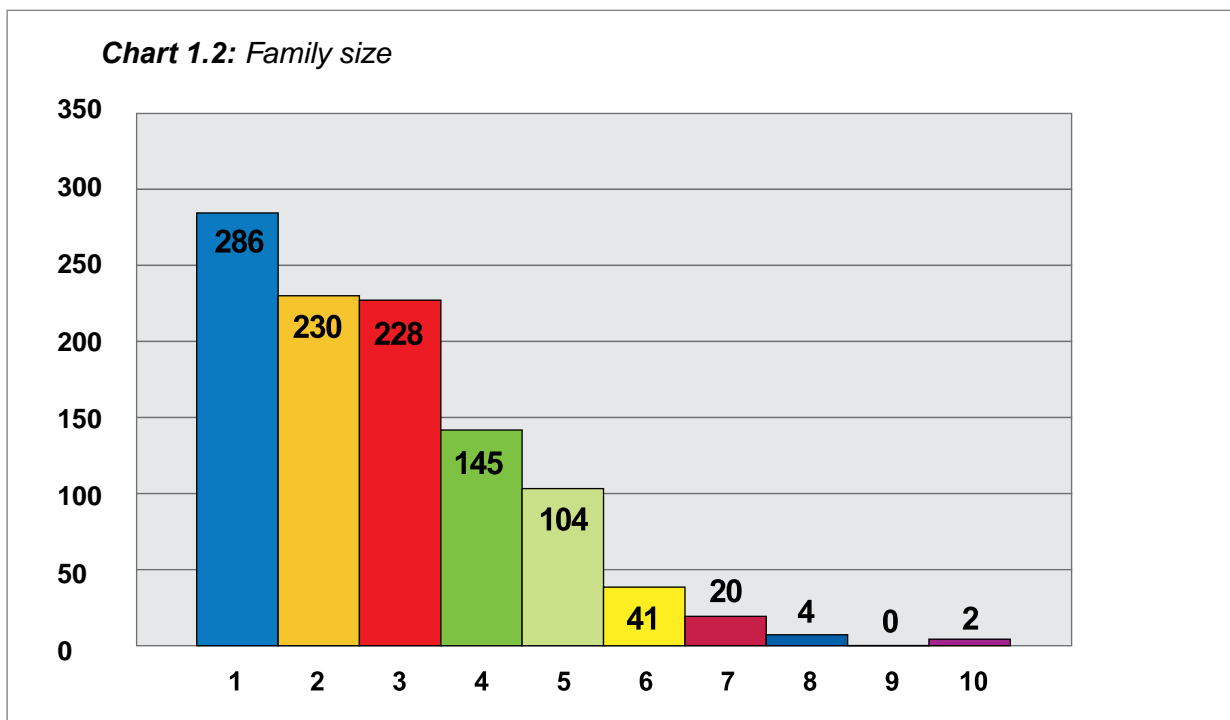
This report was prepared by Counterpart-Sheriktesh's consultant Aman Nusupov and coordinator Asel Kekebaeva based on interviews conducted by the CSSC of Karabalta town, Chi Murgab, Adab and Sairon.

GENERAL DATA ON HOUSEHOLDS AND THEIR HEADS

Gender and age characteristics: There is an almost equal number of men and women among the respondents: 1,366 (49.8 percent) are male and 1,378 (50.2 percent) female. Dominant age groups are 7-18 years (22 percent) and 19-40 years (44 percent).



Family size: Most interviewed families had one to five members (over 93 percent) – respondents without family members made up 23 percent. Chart 1.2 illustrates respondents’ family sizes in more detail.



* 3 respondents did not indicate their ages.

Table 1 shows the **marital status** of respondents:

Table 1: Marital status

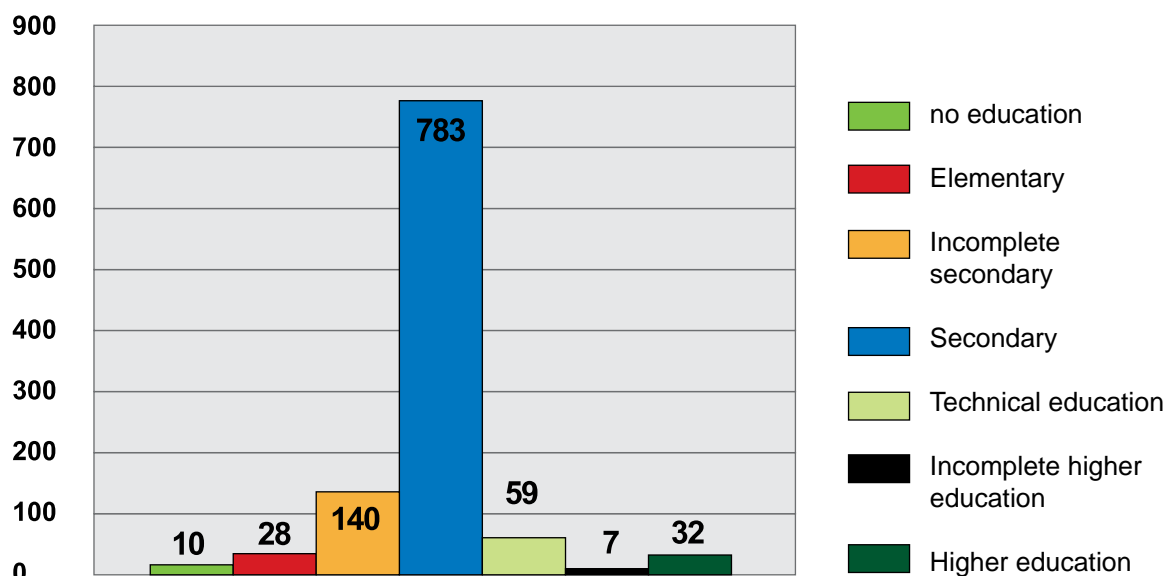
Marital status	Number	%	Chui	Sokuluk	Panfilov
1- single	217	20.49%	38	84	95
2- registered (civil) marriage	452	42.68%	135	163	154
3- common law marriage	93	8.78%	49	6	38
4- religious marriage	113	10.67%	21	68	24
5- divorced	95	8.97%	20	11	64
6- widowed	89	8.40%	9	5	75
TOTAL	1059	100.00%	272	337	450

Over two thirds of respondents had completed secondary **education** (74 percent). Approximately 5.5 percent held diplomas from technical colleges. Persons with completed higher education accounted for 3 percent of respondents (see chart 1.3).

Table 2: Educational level of household heads

Education	Number	%	Chui	Sokuluk	Panfilov
1. no education	10	0.94%	4	4	2
2. Elementary	28	2.64%	6	13	9
3. Incomplete secondary	140	13.22%	23	58	59
4. Secondary	783	73.94%	199	219	365
5. Technical education	59	5.57%	15	33	11
6. Incomplete higher education	7	0.66%	3	2	2
7. Higher education	32	3.02%	22	8	2
TOTAL	1059	100.00%	272	337	450

Chart 1.3: Distribution of heads of household by education level



Most respondents identified themselves as ethnically Kyrgyz (79 percent). The next most common ethnicities were Tajik (8 percent) and Uzbek (7 percent):

Table 3: Ethnicity of respondents

Nationality	Number of families	%	Chui	Sokuluk	Panfilov
Avar	1	0.10%	0	1	0
Azeri	7	0.67%	4	0	3
Afghan	1	0.10%	0	0	1
Belarusian	1	0.10%	0	0	1
Dungan	8	0.77%	8	0	0
Kazakh	16	1.53%	10	6	0
Kyrgyz	821	78.72%	198	294	329
German	2	0.19%	0	0	2
Russian	15	1.44%	4	4	7
Tajik	88	8.44%	12	13	63
Tatar	2	0.19%	0	2	0
Turkish	6	0.58%	0	0	6
Uzbek	69	6.62%	29	6	34
Ukrainian	4	0.38%	0	0	4
Ethiopian	2	0.19%	2	0	0
No indication	16	1.53%	5	11	0
TOTAL	1059	100.00%	272	337	450

The **duration of residence** within their settlement exceeded five years for 60 percent of respondents, and was below five years for 40 percent. The largest percentage of long-term residents was found in Sokuluk rayon (80 percent), where only 20 percent of respondents had arrived during the last five years.

Table 4 illustrates the **citizenship** of respondents. 719 (26 percent) indicated that they have no citizenship. The citizenship of another 903 persons (32 percent) is unknown, because as spouses or adult children of heads of household no separate recording of their citizenship was made during the survey.

Table 4: Respondent's citizenship

Country of Citizenship	Number	Number, %	Chui	Sokuluk	Panfilov
Georgia	1	0.04%	0	1	0
Kazakhstan	19	0.69%	10	7	2
Kyrgyzstan	87	3.17%	9	50	28
Russian Federation	23	0.84%	0	23	0
Tajikistan	869	31.67%	266	249	354
Uzbekistan	123	4.48%	75	11	37
Stateless	719	26.20%	146	231	342
No indication or unknown	903	32.91%	203	464	236
TOTAL	2744	100.00%	706	1035	999

POSSESSION OR LACK OF BASIC IDENTITY DOCUMENTS

Table 5 summarizes the answers of respondents about possession of basic identity documents or lack thereof.

Table 5: Basic identity documents

Document	Kyrgyz internal passport	Kyrgyz international passport	USSR Passport	Foreign passport	Kyrgyz birth certificate	Foreign birth certificate	Military ID	Marriage certificate
In possession	90	39	262	1007	403	869	180	1867
Never issued	854	131	1	25	95	104	302	330
Document lost	1	1	88	16	50	18	14	162
Not applicable	1789	2562	2388	1679	2180	1744	2239	384
No indication	10	11	5	17	16	9	9	1



Formerly stateless refugees are tending to their garden in Ivanovka village, Chui Province. Stateless people often work in farming or day labor because employers are unwilling to hire workers without identity documents.

© UNHCR / Alexandr Plotnikov

The most notable findings were:

- 262 respondents have USSR passports:
- 1,007 persons have foreign passports (see chart 2.1);
- 2,337 children have foreign birth certificates (see table 6).

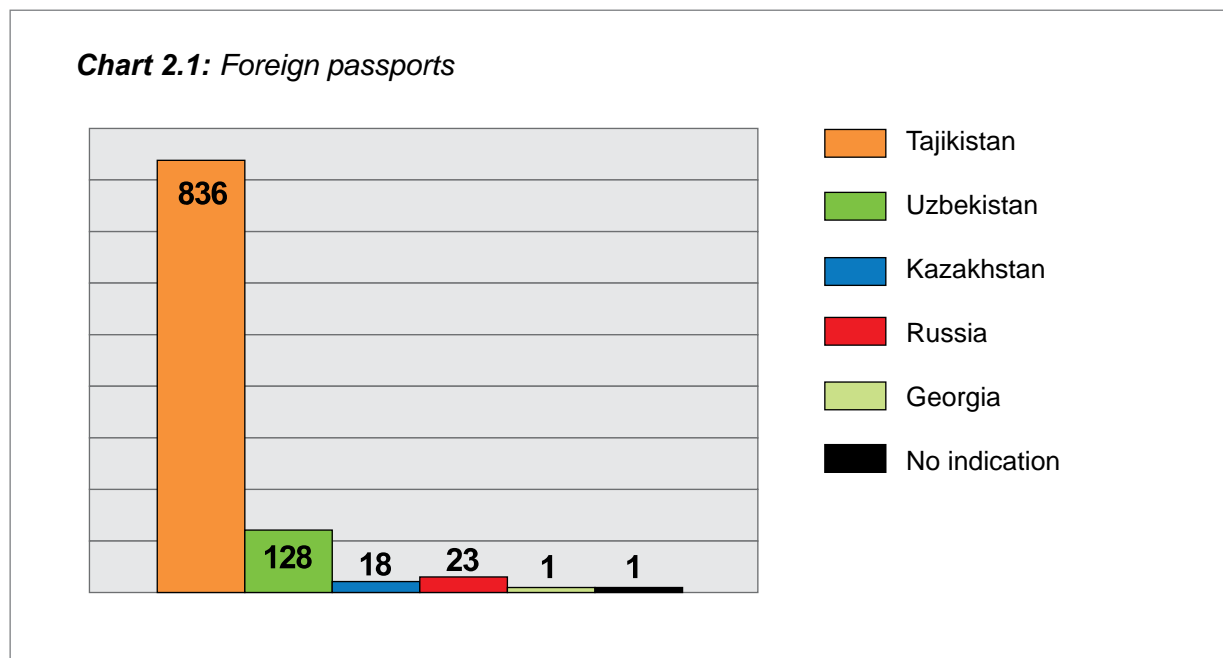


Table 6 indicates the country of issue of foreign birth certificates. Most children with foreign birth certificates are from Tajikistan (88 percent):

Table 6: Foreign birth certificates

State issuing birth certificate	Number of children	%
Tajikistan	2,059	88.10%
Uzbekistan	207	8.86%
Kazakhstan	38	1.63%
Ukraine	3	0.13%
Russian Federation	28	1.20%
Azerbaijan	2	0.09%
TOTAL	2337	100.00%

Respondents were asked to indicate which **identity documents** they possess, have never received, or have lost and, in the latter cases, why they did not try to restore or acquire the document. Tables 11 and 12 summarize the answers received.

88 persons had lost their 1974 USSR passports. Asked why they did not try to acquire a substitute, most respondents said that they did not approach the authorities or could not fulfill the requirement of being present in the relevant country. As far as other documents were concerned, most respondents did not apply to the authorities for restoration of documents. This might be because the migrants do not know whom to approach for help in document restora-

tion, or that they do not know how to restore documents and therefore do not apply to the appropriate institutions.

Most respondents with USSR passports are ethnic Kyrgyz (over 54 percent).

Table 7: Ethnicity of individuals with USSR passports

Nationality	Number of people	Number, %
Avar	1	0.38%
Azeri	4	1.53%
Afghan	1	0.38%
Dungan	6	2.29%
Kazakh	5	1.91%
Kyrgyz	142	54.20%
Russian	7	2.67%
Tajik	8	3.05%
Turkish	2	0.76%
Uzbek	10	3.82%
Ukrainian	3	1.15%
Chechen	1	0.38%
No indication	72	27.48%
TOTAL	262	100%

Individuals with USSR passports by birth country:

Table 8: Country of birth of respondents with USSR passports

Country of birth	Number of people	Number, %
Kyrgyzstan	19	7.25%
Tajikistan	203	77.48%
Uzbekistan	15	5.73%
Kazakhstan	14	5.34%
Ukraine	4	1.53%
Russia	4	1.53%
Azerbaijan	2	0.76%
No indication	1	0.38%
TOTAL	262	100.00%

Table 8 shows that most individuals with USSR passports were migrants from Tajikistan with Kyrgyz ethnicity.

Most individuals who declared themselves to be stateless, are ethnic Kyrgyz (52 percent).

Table 9: Ethnicity of stateless individuals

Ethnicity	Number of people	%
Avar	1	0.14%
Azeri	6	0.83%
Afghan	1	0.14%
Belarussian	1	0.14%
Dungan	7	0.97%
Kazakh	5	0.70%
Kyrgyz	372	51.74%
Russian	9	1.25%
Tajik	32	4.45%
Turkish	4	0.56%
Uzbek	24	3.34%
Ukrainian	4	0.56%
Chechen	1	0.14%
No indication	252	35.05%
TOTAL	719	100%

Table 10: Country of birth of stateless persons

Country of birth	Number of people	%
Kyrgyzstan	53	7.37%
Tajikistan	586	81.50%
Uzbekistan	39	5.42%
Kazakhstan	18	2.50%
Ukraine	5	0.70%
Russia	5	0.70%
Azerbaijan	2	0.28%
No indication	11	1.53%
TOTAL	719	100%

Table 10 shows that most stateless respondents were migrants from Tajikistan of Kyrgyz ethnicity. 260 (29 percent) of the 719 stateless respondents hold USSR passports.

Table 11: Documents not issued to respondents

	Kyrgyz internal passport	Kyrgyz inter-national passport	USSR passport	Foreign passport	Military ID	Marriage certificate	Kyrgyz birth certificate	Foreign birth certificate
Document not acquired	854	131	1	25	95	104	302	330
Reasons:								
A- did not apply	492	28	1	11	34	62	12	33
B- issued to citizens of the Kyrgyz Republic only	176	41	0	0	20	31	179	0
C- reference from another country's embassy required	26	24	0	0	0	0	0	0
D- confirmation from another country's authorities required	7	6	0	1	6	0	0	0
E- lack of necessary documents to apply	139	27	0	2	10	4	106	2
F- personal presence in the issuing country required	3	0	0	9	17	2	0	218
G- lack of money for fees	10	5	0	0	0	0	0	77
I- other reasons	1	0	0	2	8	5	5	0

Table 12: Lost documents

	USSR passport	Foreign passport	Military ID	Marriage certificate	Kyrgyz birth certificate	Foreign birth certificate
Number of documents lost	88	16	50	18	14	162
Reasons for non-restoration:						
A- did not apply	43	4	14	8	7	57
B- issued for citizens of the Kyrgyz Republic only	0	0	3	4	0	3
C- reference from another country's embassy required	0	1	0	0	0	0
D- confirmation from another country's authorities required	4	1	0	0	0	0
E- lack of necessary documents to apply	6	2	3	0	6	3
F- personal presence in the issuing country required	33	8	30	6	1	99
G- lack of money for fees	1	0	0	0	0	0
I- other reasons	1	0	0	0	0	0

THE NEEDS OF INTERVIEWED MIGRANTS

The most commonly mentioned sources of income are day labour (42 percent), crop production (15 percent), and cattle breeding (8.5 percent). 168 persons (12 percent) indicated that they did not have any sources of income. Table 13 lists all sources of income of heads of household and their spouses (several answers were possible).

Table 13: *Income sources of household heads and their spouses*

Income sources	Number	%	Chui	Sokuluk	Panfilov
Crop production	213	15.06%	25	100	88
Cattle breeding	119	8.42%	10	35	74
Small retail trade	55	3.89%	29	6	20
Craftsmanship	8	0.57%	6	0	2
Processing agricultural products	4	0.28%	3	0	1
Services	90	6.36%	71	7	12
Day labour	590	41.73%	134	147	309
Work for state bodies	13	0.92%	7	4	2
Does not work	168	11.88%	19	126	23
Pension/allowances	94	6.65%	14	20	60
Other	60	4.24%	26	0	34
TOTAL	1414	100.00%	344	445	625

94 persons received government benefits. The share of adult respondents without any source of income is very high (65 percent). However, one should take into account that most of these respondents are spouses of household heads, who traditionally do the housekeeping. Nevertheless 94 families indicated that they had no regular source of income. Table 14 presents a brief analysis of the number of income sources of households.

Table 14: *Number of income sources of households*

Number of income sources	Number	%	Chui	Sokuluk	Panfilov
No source of income	690	65.16%	171	223	296
1 source of income	319	30.12%	80	100	139
2 sources of income	40	3.78%	19	12	9
3 sources of income	7	0.66%	2	0	5
4 sources of income	0	0.00%	0	0	0
5 sources of income	1	0.09%	0	0	1
6 sources of income	0	0.00%	0	0	0
No indication	2	0.19%	0	2	0
TOTAL	1059	100.00%	272	337	450

Of 495 children of school age among the family members of respondents, 447 attended school (90 percent). Reasons given for truancy, in order of frequency, were:

- Lack of money to pay for education;
- Disinterest of the child in education;
- Lack of a birth certificate;
- Child's assistance is necessary in the fields;
- School is too far away;
- Child assists his or her mother;
- Child has fallen behind the school curriculum;
- Lack of documents.

Hence the most effective way to enhance school attendance would be social aid. Assistance to receive new birth certificates and restore lost documents would also help to reduce truancy. Some cases also require support to catch up with the curriculum. 39 percent of interviewed families own their own **house**, while 61 percent (642 families) do not.

63 percent of families with houses did not encounter problems in legalizing their property. In Panfilov district, however, only 29 percent of respondents own houses (as opposed to Chui and Sokuluk districts with 48 and 46 percent respectively), and 60 percent of them complain about registration difficulties. Table 15 presents this information in more detail.

The following **problems in housing registration** were mentioned by respondents (ranked according to frequency):

- Housing is not registered as property;
- Problems in registering residency;
- Lack of Kyrgyz citizenship;
- No house register;
- House registered by a relative because owner did not have Kyrgyz citizenship;
- Lack of required documents;
- Letter of attorney for registration was lost, problems with real estate registration;
- Registration was delayed;
- No legal basis for real estate document registration;
- Lack of money to pay fees.

Many respondents found it difficult to describe their registration problems. Unfamiliarity with procedures or lack of documents proving Kyrgyz citizenship were the most common problems mentioned.

Table 15: Problems encountered by respondents

PROBLEMS	TOTAL				Chui		Sokuluk		Panfilov	
	yes		no		yes	no	yes	no	yes	no
Problems registering houses	154	14.54%	905	85.46%	55	217	20	317	79	371
Problems registering houses among those possessing a house	154	36.93%	263	63.07%	55	76	20	134	79	53
Problems renting land	54	5.10%	1005	94.90%	2	270	42	295	10	440
Problems accessing medical services	315	29.75%	744	70.25%	7	265	1	336	307	143
Legal problems	148	13.98%	911	86.02%	15	257	15	322	118	332

The following **problems concerning renting of land** were mentioned (again ranked according to frequency):

- Lack of Kyrgyz citizenship;
- Problems receiving land from the Land Redistribution Fund (LRF);
- Problems receiving a land plot;
- Lack of available land in the LRF;
- Administrative barriers;
- Not enough money to rent land / land rent is too high;
- Lack of Kyrgyz citizenship prohibits LRF from granting land.

Many respondents were insufficiently informed about the procedures for renting land. Lack of documents proving Kyrgyz citizenship was another common problem, and so were high rents. In general the situation with regard to plots has become critical - fraud at local level has become frequent because of a dramatic increase in land prices.

Approximately 30 percent of respondents have indicated **difficulties in accessing health services**. This indicator varies greatly between districts. While only 7 and 1 respondents complained in Chui and Sokuluk districts respectively, Panfilov rayon had 307 respondents with problems accessing medical services, or 68 percent of all respondents surveyed in this district.

Most respondents only use private health services, presumably because their legal status does not grant them access to the same benefits as Kyrgyz citizens.

Table 16: Access to health services

Medical services	yes		no	
Receive all medical services free of charge, medicines at reduced prices	3	0.28%	1056	99.72%
Receive all medical services free of charge, but medicines have to be paid for in full	26	2.46%	1033	97.54%
Only receive private medical services	945	89.24%	114	10.76%
Do not receive any health services	43	4.06%	1016	95.94%

Asked why they do not receive health services, the respondents gave the following answers (in order of frequency):

- Not enough money;
- Do not know why not;
- Lack of Kyrgyz citizenship;
- Lack of documents;
- Lack of money and time.

The main obstacles to health services therefore appear to be lack of money and absence of Kyrgyz citizenship which would entitle respondents to services at reduced prices. 14 percent of the respondents mentioned that they had legal problems (see table 15). In par-

particular, they lacked information on:

- How to register a house;
- How to obtain (permanent) residency;
- How to acquire identity documents (passports, residence permits, military, birth, and marriage certificates, etc.);
- How to become a citizen of the Kyrgyz Republic and how to receive a Kyrgyz passport;
- Why Kyrgyz citizenship was not granted (reasons were never given to the applicant, and documents provided were rejected);
- Information on registration of real estate;
- Amending personal documents and documents of children;
- How to register to receive a pension;
- The rights of migrants;
- How to gather the documents required to apply for a Kyrgyz passport;
- How to replace an expired USSR passport.

Almost all respondents in need of legal advice were interested in consultations on naturalization (over 96 percent). Other topics of interest were employment (18 percent), obtaining birth and marriage certificates (17 percent), registration of real estate (13 percent), and the rights and responsibilities of foreigners (11 percent) (see table 17).

Table 17: Requested topics for legal advice

Topic for legal advice	TOTAL				Chui		Sokuluk		Panfilov	
	yes		no		yes	no	yes	no	yes	no
Naturalization	1018	96.13%	41	3.87%	253	19	318	19	447	3
Acquiring a passport	54	5.10%	1005	94.90%	35	237	0	337	19	431
Acquiring birth and marriage certificates	181	17.09%	878	82.91%	49	223	93	244	39	411
Foreigners' rights and responsibilities	112	10.58%	947	89.42%	25	247	39	298	48	402
Land	97	9.16%	962	90.84%	15	257	60	277	22	428
Registration of real estate	133	12.56%	926	87.44%	7	265	98	239	28	422
Tax payment	12	1.13%	1047	98.87%	1	271	3	334	8	442
Employment	193	18.22%	866	81.78%	7	265	73	264	113	337
Criminal law	4	0.38%	1055	99.62%	1	271	1	336	2	448
Other	53	5.00%	1006	95.00%	47	225	3	334	3	447

In addition to the topics mentioned in this table, respondents also asked for advice on the following topics:

- How to restore a military certificate;
- How to extend an expired Uzbek passport;
- How to replace a damaged Tajik passport;
- How to prove long-term residency in the Kyrgyz Republic if it is not or has only recently been recorded in the USSR passport;
- What to do if the USSR passport is lost;

- How to receive a pension on a USSR passport;
- How to receive either a Kyrgyz passport or a military certificate (as either one of them will only be given if the other is already present;)
- How to register residence in the passport without a house or relatives in the Kyrgyz Republic;
- How to restore a Kyrgyz passport;
- How to receive a Kyrgyz passport and other documents without any documents except a school certificate;
- How to receive a pension with a Tajik passport;
- How to receive a Kyrgyz passport if one has not served in the army and thus lacks a military certificate;
- How to receive a passport if one's parents' passports are not available;
- How to find employment in Russia;
- How to increase one's pension.

LIST OF ACRONYMS

DPVC	Department for Passport and Visa Control, a division of the Ministry of Internal Affairs
KSSR	Kyrgyz Soviet Socialist Republic
MIA	Ministry of Internal Affairs of the Kyrgyz Republic
UNHCR	United Nations High Commissioner for Refugees
USSR	Union of Soviet Socialist Republics



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