



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Russian Federation

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN – RUSSIAN FEDERATION

OVERVIEW

1. Protection and socio-economic operational environment

Over the past years, the Russian Federation (RF) has been a destination and a transit country for asylum-seekers and refugees; hosted a number of potentially stateless persons; and has been a place of significant population displacement. The enlarging European Union brings Russia closer to the external borders of the EU. While this should bring increased attention from EU countries to the capacities of the RF to offer asylum to refugees, it will also mean greater pressure to tighten border control in Ukraine, Moldova and Belarus. This could lead to an accumulation of greater numbers of asylum seekers in Russia (and primarily in Moscow and Moscow Region) unable to transit further west. Despite the complexity of the asylum situation and relatively high numbers of applicants, the focus of the authorities is still on labour and illegal migration.

The Russian Federation ratified the 1951 Convention on Refugees and its Optional Protocol in 1993. The RF Law on Refugees was adopted in 1993 and amended in 1997. This law is currently being revised. Although the law largely meets international standards, the quality of its implementation is very low. The main problems encountered by asylum seekers remain 1) access to the refugee status determination procedure and lack of proper documentation during the “pre-registration” phase and throughout the appeal procedure and 2) the high rejection rate on both formal grounds and on the merits. The recognition rate has decreased, and only 42 persons were granted refugee status in 2004 as compared to 58 in 2003. Although more persons are being granted temporary asylum, with 252 receiving such status in 2004 as compared to only 88 in 2003, this status does not give sufficient protection. During the pre-registration period, asylum-seekers remain without any official document attesting their status. Consequently, they may be subject to action by law enforcement agencies, including fines, administrative detention, threats of eviction from apartments and risk of deportation. While all asylum-seeker children now have access to local schools, without residence registration asylum-seekers are unable to use local medical facilities and cannot work legally (although the Law on Refugees stipulates access to medical, social and shelter assistance for recognized refugees and asylum-seekers accepted into the national RSD procedure). There are three government-run accommodation centres for asylum-seekers and refugees in the regions with a capacity for 320 persons, but they are under-used due to their distance from main cities and lack of integration opportunities. No such facility exists in Moscow and its region nor St. Petersburg where the majority of asylum-seekers and recognized refugees reside.

Asylum seekers continue to a large extent to depend on the individual assistance programme, given the difficult legal environment for self-reliance. No progress could be made with the authorities for provision of medical assistance through local clinics and UNHCR has to continue providing basic health care through NGO partners. The problem of xenophobia and the overall criminal situation in Russia are very serious, with a tendency of becoming worse. Decisions on the rights of asylum seekers and refugees have to be sought through courts with the assistance of private and implementing partners' lawyers. At the international airport “Sheremetyevo-2” in Moscow, arriving asylum seekers have no access to the procedure and UNHCR has to monitor the situation as well as to submit mandate cases stranded there for resettlement. All of the above are significant obstacles for the integration of asylum seekers and refugees. While repatriation and resettlement continue, the numbers are relatively small and local integration remains the primary durable solution. This, however, applies mainly to asylum-seekers from Afghanistan, who are by far the largest group. For the much smaller numbers from African countries, who face protection problems and difficulties to integrate locally, resettlement or voluntary repatriation are the most feasible durable solutions.

The situation is further complicated by constant changes in the structure of the migration authorities and rotation of their staff. In the most recent example, at the end of 2004, it became apparent that the management of the Points of Immigration Control would be handed over from the Federal Migration Service to the Border Guards Service (reporting to the Federal Security Service). This may lead to an even more limited access of asylum seekers to the territory of the Russian Federation and more restricted access of UNHCR staff to asylum seekers in the airport. In addition, it is yet unclear how asylum seekers will be interviewed, as under the current law the responsibility for this remains with the FMS.

In September 2003, the migration authorities started a re-registration exercise in the Republic of North Ossetia - Alania. As a result, the number of officially recognized refugees decreased from 6,172 persons at the beginning

of 2004 to some 229 at the end of December. The change in figures reflects the intensiveness of the naturalization process. However, acquisition of citizenship does not automatically lead to integration. Major problems of these former refugees remain access to residence registration, poor living conditions, and access to social benefits. Therefore, UNHCR continues to facilitate integration of these people, even though most of the beneficiaries of previous years now hold forced migrant status. As of December 2004, there were 18,454 forced migrants from Georgia residing in North Ossetia. In addition, there are some 410 de-facto refugees from Georgia who have no legal status in North Ossetia. UNHCR and its legal partner are also assisting these persons to regularize their status. Of all the above, UNHCR is particularly concerned with 3,601 persons who were living in precarious conditions in 53 collective centres as of December 2004. While UNHCR keeps open the option of organized return, these groups express little interest in voluntary repatriation.

The Government of North Ossetia has always demonstrated goodwill in integrating Osset refugees from Georgia, and has assisted the process with significant financial contributions, especially for those residing in collective centres. However, its own resources are insufficient and assistance has been slow, with thousands of families remaining on waiting lists. When Government funds are available, the Department of Migration Issues purchases second-hand apartments for forced migrant families. Since 1995, a total of 376 families have been accommodated, including 63 in 2004. Another Government programme launched in October 2002 has subsidized accommodation for 275 forced migrant families, including 191 in 2004. Another 745 families received financial assistance to secure their own accommodation, including 311 in 2003. In 2004, however, few applications were filed, due to the small amount of assistance available in comparison to increasing market prices for housing.

Also, UNHCR has successfully constructed 240 houses in partnership with the Government of North Ossetia - Alania through a cost-sharing modality including the infrastructure for roads, water and gas supplies. It has also included a protection component whereby the Government ensures residence registration for the jointly selected beneficiaries. Through its partnership with DRC, UNHCR is also providing construction materials for refugee families who have acquired a land plot to build a house. This ownership and the self-help basis of the construction help to ensure the sustainability of their integration.

A most important development for the long-term integration of refugees, forced migrants and IDPs in the North Caucasus was the establishment in November 2004 of a UNDP office for the North Caucasus in Vladikavkaz. Together with the Danish Refugee Council (DRC) and Swiss Development Cooperation (SDC), UNHCR and UNDP have launched a joint integration initiative for (former) refugees in North Ossetia and IDPs in Ingushetia, including pilot activities focused on the transition from relief to recovery. As part of this initiative, UNHCR and UNDP have jointly submitted a proposal to the Trust Fund for Human Security for a three-year programme of sustainable integration and recovery activities in North Ossetia. A similar programme for IDPs opting to integrate permanently in Ingushetia is being developed as part of the inter-agency transition workplan.

In the North Caucasus, given the complexity of the humanitarian situation and the level of violence and lawlessness in the region, protection activities remain essential to ensure the rights of IDPs are respected. In Ingushetia, 2004 brought some positive developments, such as availability of alternative shelter and Government cooperation in ensuring the voluntary nature of return to Chechnya. The closure of the last three tented camps in Ingushetia was a major government priority and proved a test-case for the Guiding Principles. The process of camp closure evolved from an at times heavy-handed approach to one where the financial incentive of compensation for lost property was the determining factor for many IDPs. Eventually, the Government offered IDPs the option of voluntary return to Chechnya or relocation from the camps to alternative shelter in Ingushetia. While most chose to return, some 23% of the IDPs opted to relocate within Ingushetia.

Protection activities in Chechnya have been constrained by lack of access, primarily due to concerns about staff safety. Since Chechnya is still classified as Security Phase 5, the UN can operate there only by "commuting" from Ingushetia and North Ossetia and through NGO partners. ICRC and International NGOs also rely primarily on local staff or local NGO partners. Following a multi-agency security assessment in December 2004, it is expected that at least some areas of Chechnya will be reclassified to Security Phase 4. Access may remain difficult in other areas, however, and is likely to be interrupted occasionally by security incidents. While staff safety concerns have also limited access to Dagestan, UNHCR has gradually managed more frequent missions there and has expanded the activities of its implementing partners.

The Russian legal system does not include the category of “internally displaced person”. The two terms used are “refugee”, which is applicable to foreign citizens or stateless persons, and “forced migrant”, which applies to Russian citizens displaced either within the Russian Federation, or arriving to Russia from another country, usually one of the former USSR Republics. In practice, however, IDPs from Chechnya have difficulties in obtaining “forced migrant” status, which would grant them access to a range of entitlements and allowances, and facilitate economic and social integration at their new place of residence.

Timely issuance of temporary registration (also referred to as sojourn registration) remains a concern for Chechen IDPs in Ingushetia, and a source of occasional incidents with the authorities. In most instances, however, the IDPs themselves are not interested in seeking sojourn registration, as this involves additional expenses and interaction with the authorities. UNHCR is in contact with all Passport and Visa Service (PVS) branches in Ingushetia, who reiterate their commitment to unhindered access by the IDPs to sojourn registration, although this is not necessarily always adhered to. Regarding the other type of official registration, i.e., by the Migration Department on Form No.7, which entitles IDPs to government assistance such as food and shelter, instances of arbitrary de-registration by the authorities have persisted in 2004. Such cases are pursued through the courts by UNHCR-funded NGO legal counselling centres, often resulting in positive decisions and subsequent re-registration by the migration authorities. With regard to undocumented IDPs (i.e., those without a proper identity document), the Chechen PVS branch operating in Ingushetia was closed in 2004, the vast majority of IDPs having been provided new national passports.

With the return of large numbers of IDPs to Chechnya, UNHCR continued to monitor the situation of returnees, both in Temporary Accommodation Centres and in private accommodation. Their main concerns were access to civil and social rights, particularly the long-promised compensation for lost housing and property and proper registration documents, the absence of which could have serious security-related consequences.

Russia is not a state party to the 1954 and 1961 Conventions on Statelessness, and UNHCR continues to encourage accession to these instruments. In 2005, UNHCR’s activities target two groups of potentially stateless persons: ethnic Armenians from Azerbaijan (so-called “Baku Armenians”) and Meskhetians in Krasnodar Krai. Under a US resettlement programme, some 686 Baku Armenians (421 cases) departed from Russia from mid-2002 through end-2004. Many of those remaining have acquired Russian citizenship, often with the assistance of UNHCR. While continuing to assist with the acquisition of citizenship, UNHCR is gradually disengaging from other legal assistance to those who are now Russian citizens.

Another US resettlement programme has been established for Meskhetians in Krasnodar Krai. Managed by the International Organization for Migration, this programme was set up in February 2004 and started resettlement processing on 21 June 2004. By the end of 2004, some 3,029 cases (totaling 8,874 persons) were opened and 896 cases (2,553 persons) were assessed and determined eligible for resettlement¹. Some 77 cases (245 persons) departed². UNHCR currently estimates that some 2,000 Meskhetians will remain in Krasnodar Krai at the end of this resettlement programme. If they continue to face discrimination from the local authorities, UNHCR will continue to provide them legal assistance.

Apart from protection constraints, persons of concern to UNHCR in the Russian Federation are seriously affected by the poor socio-economic conditions in the country. A number of Russia’s socio-economic indicators are those of developing countries. Life expectancy, especially for men, is far below the average for developed countries. Health statistics reflect deteriorating services, and the HIV/AIDS epidemic is expanding rapidly. Lack of employment prospects in many regions will make local integration of refugees quite difficult. In such a context, UNHCR will face many challenges in protecting and assisting asylum-seekers, refugees, internally displaced persons, and the potentially stateless.

2. Operational goals and potential for durable solutions

In 2006, UNHCR will continue to pursue the following operational goals:

- Support the development of an asylum system that meets international standards;

¹ As of 16 September 2005, some 3,162 cases (9,530 persons) had been granted US refugee status.

² As of 16 September 2005, some 1,356 cases (4,116 persons) had departed.

- Promote accession to the Conventions on statelessness and acquisition of citizenship by stateless persons; assist in their integration;
- Identify appropriate durable solutions for refugees and facilitate their integration whenever possible;
- Help meet the assistance and protection needs of internally displaced persons in the North Caucasus.

The potential for durable solutions is dependent on multi-year strategies described below:

The situation for asylum seekers has not significantly improved and UNHCR continues to advocate for reducing the long waiting period for RSD and to ensure asylum seekers are legally documented when they first approach the migration authorities and throughout the RSD procedure. In this regard, to ensure a common understanding by all stakeholders of the shortcomings, UNHCR has developed a flow-chart of the asylum system identifying the problematic areas. This has been shared with Government counterparts, including the Ministry of Foreign Affairs and the Commissioner for Human Rights as well as the Federal Migration Service, to develop a consensus on the priority actions required. All agree that the Law on Refugees needs to be refined but, unfortunately, this is unlikely to be included in the legislative agenda until 2006. In the meantime, since asylum seekers cannot legally work nor access public services, UNHCR has to continue a substantial multi-sectoral assistance programme, including cash assistance for the most vulnerable in need of protection. While this programme focuses on local integration, voluntary repatriation and resettlement solutions will continue to be pursued when appropriate.

UNHCR plays an essential role in promoting a fair and efficient asylum regime in the Russian Federation and ensuring observation of minimum standards in protection and assistance of asylum-seekers and recognized refugees. While some progress has been made, the restructuring of the relevant ministries and re-distribution of tasks, continued gaps in legislation and its implementation, and a widespread lack of tolerance towards migrants and refugees mean that this role will be needed in the foreseeable future. Gradual phase down of UNHCR's involvement can only be foreseen once the Russian Government fully observes its international commitments regarding fair and accessible asylum procedures and refugee protection and assistance. Currently, most of the protection and community services staff time is devoted to individual cases. Once the Ministry of Interior appropriately documents asylum seekers from the time they submit their claim, UNHCR staff could balance short term protection interventions with strengthened focus on capacity-building and advocacy, including outreach to institutions involved in human rights education and particularly targeting the younger generation. Ultimately, the UNHCR Refugee Reception Centre in Moscow and Refugee Counselling Centre in St. Petersburg should become legal clinics, where asylum-seekers are informed of the national RSD procedures and referred to the competent national authorities (instead of the current thorough screening, systematic registration and relevant provision of assistance by UNHCR throughout the RSD process). Once asylum seekers are permitted to work and have access to reasonable accommodation and public health facilities, individual assistance could be further reduced in favour of self-reliance and integration activities.

The joint integration initiative for refugees/forced migrants in North Ossetia foresees the gradual disengagement of UNHCR from assistance activities so that it can focus on strengthening the asylum system in the North Caucasus. The proposal jointly submitted with UNDP to the Trust Fund for Human Security (TFHS) foresees UNHCR's continued support of shelter activities, which are key for durable solutions, but the gradual phasing down of quick impact projects. Since the TFHS contribution is expected to be extra-budgetary, the Annual Programme budget for 2006 already excludes shelter and quick impact projects. During this three-year transition programme, UNHCR hopes to "hand-over" its implementing partner staff to the recovery agencies, retaining only the legal counseling centre as part of its protection network.

The consolidation of implementing arrangements for legal assistance to the potentially stateless is already underway. The sub-project with one of the legal partners specializing in Baku Armenian cases was phased out at the end of 2004, and it is planned to phase out the second such sub-project by the end of 2005. By 2006, it is expected that the remaining naturalization cases can be handled by the main legal counseling network. Similarly, the separate sub-project to assist the Meskhetians in Krasnodar Krai was absorbed into the Memorial network in 2005. While it is expected that the Meskhetians who are not resettled will continue to require legal assistance, this will be provided through the Krasnodar counseling centre affiliated with Memorial. At the institutional level, UNHCR will continue to lobby together with the Council of Europe for Russia to accede to the Conventions on Statelessness.

In line with the “two-pronged approach” and the principle that “aid follows the people”, UNHCR will continue to re-focus its protection activities for IDPs from Ingushetia, and to a lesser extent Dagestan, to Chechnya. At the same time, as part of its joint integration initiative, shelter activities will be expanded for IDPs opting to permanently integrate in Ingushetia. The extent of UNHCR’s direct involvement in Chechnya will depend on staff safety concerns, particularly whether the UN Security Phase is downgraded from 5 to 4. Since UNHCR already limits its assistance to the protection and (temporary) shelter sectors in Chechnya, the transition from relief to recovery will not significantly affect its activities in the medium term. Within the constraints of its resource envelope, UNHCR will expand from its focus on returnees to capacity building for the protection of civilians, particularly those displaced within Chechnya.