

**UNHCR**United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

UNHCR Moscow

Background Note on Ethnic Armenian refugees from Azerbaijan (Extract of the 2003 Annual Protection Report for the Russian Federation – edited for the purpose of sharing with external audience)

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Ethnic Armenians from Azerbaijan (so-called “Baku Armenians”) were one of the first groups of internally displaced persons in the former USSR. As a result of inter-ethnic conflict in Sumgait and Baku in 1989 and 1990, most ethnic Armenians left Azerbaijan either spontaneously or were evacuated by the Soviet authorities. Some of them moved to various regions of Russia. Among them there was a group of ethnic Armenians evacuated in January 1990 by air from Baku to Moscow where they were accommodated into various hostels and dormitories by the Moscow City Government.

Permanent accommodation was identified for the Baku Armenians outside Moscow City, by the Federal Migration Service (after its creation in 1992), in consultation with some of the regions of the Federation. Those Baku Armenians who left to these locations eventually obtained residence registration and integrated locally. However, some Baku Armenians have opted to remain in temporary accommodation hostels in Moscow City. The Baku Armenians who remain in Moscow City and who have not managed to move to privately-rented flats, remain in a precarious situation, since they are only in possession of a sojourn registration. The reason for staying in Moscow City is because some of them, after several years, have established a new life in this town or are too old to move (after having been displaced once). Also, pension allowances are reportedly higher in Moscow City and medical care of higher quality than in the regions.

In 1991, in the absence of refugee legislation, the Moscow Committee of Labour and Employment conducted the first registration of these IDPs and provided them with a certificate indicating that they were forcibly displaced from Azerbaijan. Most of them still hold such a registration card where it is clearly stated that it is a refugee ID card. However, this certificate was not an identity document and was to be used jointly with the internal Soviet passport. These refugee credentials require annual renewal.

In October 2000, an instruction was issued by the Moscow Territorial Organ of the Ministry for Federal Affairs, Nationality and Migration Policies (since then dissolved), informing that the refugee documents previously issued by the USSR Ministry of Labour would be considered valid until 31 December 2001, after which date, refugee status would be extended only upon undergoing an individual refugee status determination procedure according to the applicable Law on Refugees of the Russian Federation. Only few Baku Armenians did formally apply for refugee status (and were eventually rejected). In their majority, they have refused to do so, considering themselves as Russian

citizens as per Article 13 of the 1991 citizenship law (automatic recognition as RF citizens in case of lawful residence in Russia as at 6 February 1992 – the date of entry into force of the 1991 law). This position is shared by UNHCR.

On 30 December 2002 the Moscow City Mayor adopted an Order on the situation of Baku Armenians accommodated in the Moscow hotels and dormitories. The Order allows for the interior organs to extend sojourn registration to this category in their “refugee cards” (issued by the Committee of Labour and later by the Moscow Migration Service) until 31 December 2003.

The position of UNHCR Moscow has been to encourage the concerned persons to look for a durable solution locally and apply for citizenship. In 2001, UNHCR initiated a project together with a Russian NGO to legally challenge decisions not to grant Baku Armenians Russian citizenship by way of recognition (Article 13 of the citizenship law). After mixed results in 2001 (four positive court decisions, which local bodies of interior refused to enforce by denying to the claimants issuance of RF passports), the project was pursued more successfully in 2002 and 2003. Over the last two years, a total of 146 Baku Armenians were issued RF passports after positive court decisions were passed by local courts in Moscow, out of which 113 decisions were reached during the reporting period.

This UNHCR’s project has been boosted by an important RF Supreme Court decision of 2002, during which, this jurisdiction confirmed its earlier position (see Akhmadov case under 7.6.3.3 below) in a decision concerning an ethnic Armenian refugee from Baku, Azerbaijan (case *Bagirova v. UVIR GUVD Moscow* of 31 October 2002). Ms. Bagiyeva fled Azerbaijan SSR in 1989 to Russia and since then resided in the Russian Federation. Ms. Bagiyeva applied to the competent Moscow department of interior for registration (UVIR) for the issuance of a document confirming her Russian citizenship (sticker to the passport). Her request was rejected (by letter of 20 February 2001) on the ground that, not being in possession of residence registration in Moscow as of 6 February 1992, she did not qualify under the citizenship recognition procedure of the 1991 citizenship law. The reply from the UVIR further recommended that the applicant establish through the court of law the fact of her residence in Russia on 6 February 1992. This negative decision was confirmed by the Moscow Tverskoy inter-municipal court on 21 September 2001 and by the Moscow City Court on 26 December 2001.

The Supreme Court reminded its position, that Article 13 of the (former) citizenship law “*does not link the recognition of former USSR citizens as RF citizens to the availability of residence registration on the territory of the Russian Federation*”. In this respect, the Supreme Court retained the facts that the applicant was registered by the USSR Ministry of Labour as a person who was forced to leave Azerbaijan and the mention of her name in the list of persons staying in the ‘Yuzhnaya’ hostel as ‘evidence of the applicant’s permanent residence in Russia since January 1989’. Importantly, the Supreme Court stated that “*recognition of the Russian citizenship does not require any action from citizens or a decision on this by any State organ*”. The implication of this statement is that it is not required to establish through special judicial proceedings the fact of permanent residence. The availability and presentation of documents confirming residence in Russia is sufficient. The negative decision of the Moscow interior organs,

which did not take into consideration such documents, was found illegal. The Supreme Court requested the competent Moscow interior organs to issue the applicant a document confirming her Russian Federation citizenship.

While citizenship of the Russian Federation is a way towards local integration for this group, the mere fact of acquisition of the Russian Federation passport does not, as such, entail local integration, unless the concerned persons further obtain residence registration, which is hardly possible since they are living in temporary accommodation places.

In parallel to UNHCR's efforts to pursue local integration of these persons through recognition of their RF citizenship, the US Government has initiated, in 2002, a resettlement programme for this group. UNHCR was consulted by the USG in the early stage of the planning process and contributed in the elaboration of selection criteria. As at 31 December 2003, some 356 had been resettled to the US and 541 had been accepted for resettlement, pending departure.