

RUSSIAN FEDERATION

THE MIGRATION SITUATION IN THE RUSSIAN FEDERATION

According to information from the State Statistics Committee in 2003, a catastrophic demographic situation has arisen in Russia. There has been an overall natural decline in the population of 0.6%, although in some *oblasts* (regions) this figure has reached 1.3% and higher. According to estimates from the State Statistics Committee, by 2013 the population of Russia will have decreased from 144 million people to 137 million people (a 5.5% drop). According to experts, from 2006 onwards there will be a significant decrease in the number of the population able to work of up to one million persons a year. A United Nations study 'Replacement Migration: Could this be the Answer to a Declining and Ageing Population?' reports that the demand for immigrants to replace the population for Russia is estimated at 498,000 people per year. This figure corresponds to estimates from Russian experts from the Centre of Human Demographics and Ecology. The number of immigrants necessary to stave off the decrease in the number of the population of working age is estimated by the authors of the report to be 715,000 people per year in Russia. According to figures from the State Statistics Committee the growth in immigration for 2003 was only 93,081 people, which compensated for a natural decrease in the population of 0.05%. During this time a war on illegal migration was officially announced as the main migration policy in Russia, a war in which the migration service played an active role. This tough and ill-conceived migration policy, undertaken by the authorities at a time of growing demographic crisis, undermines the basis of social and economic development of the country.

Negative factors, which had featured previously continued to have an effect on migration in 2003 and new negative factors appeared:

- as a result of the Federal Migration Service (FMS) being moved to the Ministry of Interior Affairs (MIA), a repressive tendency came to dominate its work to the detriment of the other functions that should be carried out by the service, namely the giving of government aid to forced migrants;
- the coming into force of the new Federal Laws 'On Citizenship of the RF' and 'On the Legal Situation of Foreign Citizens in the RF' meant that the legislative procedure for foreign citizens and stateless persons became much more complex, only partly eased at the end of the year by changes made to the law 'On Citizenship of the RF';
- work with refugees and asylum seekers practically ground to a halt, the number of those who received refugee status was extremely low and the number who received temporary status not much higher, access to asylum procedures was severely limited and deportation and expulsion procedures were instigated against migrants with no explanation.
- there was a tendency to cut down on programmes working with forced migrants as the granting of this status has more or less stopped. The number of forced migrants has dramatically decreased due to refusal to prolong the status and the funding to build housing for forced migrants has also significantly reduced;
- there have been gross violations of people's human rights in Chechnya and there have been no serious measures taken to reinstate the economic and housing fund of Chechnya. Discrimination against Chechens living outside Chechnya has continued and active measures have been taken to return these people to their homeland without providing the basic conditions necessary for return, safety, as well as the most basic conditions for people to be able to live there.

In 2003 new negative factors affected migration. Political repression in Turkmenistan against dissidents, the illegal renunciation of the dual citizenship agreement by the presidents of Russia and Turkmenistan and the oppression of Russian citizens and people with dual citizenship in Turkmenistan, all led to an increase in the stream of forced migrants from this country.

Neither the Memorial Human Rights Centre members S.A. Kovaliov and V.V. Igrunov, who had been elected as deputies three times previously, nor any other democratically-minded politicians, were elected into the ranks of the new State Duma of the Russian Federation at the elections in December 2003. This has considerably reduced any possibility defending the interests of migrants in parliament. The only (and extremely limited) channel available to conduct a dialogue with the state regarding migration, is

through inclusion of the head of the Migrants' Rights Network, Svetlana Gannushkina, in the Presidential Committee on Human Rights.

The little state support that is available is only given to those foreign citizens who have been granted official refugee status in accordance with the Law of the Russian Federation 'On Refugees', and those who have been granted temporary asylum, as defined in Article 12 of the aforementioned Law and the corresponding resolution of the Government of the Russian Federation. In addition to this, the government provides some care for forced migrants (citizens of Russia in a similar situation to refugees, who have been granted this status in accordance with the Law of the RF "On Forced Migrants"). To legalise status and to have the right to work, to education and to medical and social services, all depends on whether or not the individual is granted refugee status. These government functions are being performed less and less, as the government is currently basing its migration policy on one single issue: the fight against illegal migration.

Migration Departments have tried to minimise the work they do with migrants by cutting them off at the application stage; refusing to register applications, not giving out any of the forms or papers needed to apply; and not giving people access to information. A small number of statuses were granted: according to figures from the FMS in 2003 58 people were granted refugee status and 358 temporary asylum. At the end of the year there were 8,725 refugees with the corresponding status, the majority of whom (6,596) were from South Ossetia and had been granted refugee status in North Ossetia-Alania. The number of refugees from 'far abroad' (that is from outside the CIS) fell from 411 to 362 people (see Tables 1 and 2 below).

The problem of access to refugee determination procedures continued to be as pertinent in 2003 as it had been in previous years. In its statistical figures the FMS indicates that last year only slightly over 700 people requested refugee status. However, this figure does not reflect the number of people attempting to register, who are thwarted by the system. Having become a part of the Ministry of Interior Affairs, in many regions the migration department buildings are now guarded, which makes it much more difficult for migrants to get access to them. In Moscow at the entrance to the migration department, a "Migration Policy Post" was set up to check documents and people were not let into the building unless they had the documents to prove that they were legally present in the Russian Federation. There were even cases where migrants who had come for help were taken to court straight from the doors of the migration department, where a deportation order was issued without any checks on the right of the individual to claim asylum.

In many regions even when the migration authorities accepted an application for refugee status from a foreign citizen, they did not give him or her any proof that their application was being examined, which is contrary to the law. This led to people being in the refugee determination procedure without any documentation to prove it. As a result they could not register in their place of residence for the time it took for their applications to be examined by the interior affairs authorities, who then treated them as foreign citizens illegally present on the territory of the Russian Federation.

The current practise of not handing the applicant a reasoned decision for refusal to grant refugee status or temporary asylum is also contrary to Russian law. According to Article 10.2 of the Federal Law of the Russian Federation 'On Refugees' the decision to refuse to recognise a person as a refugee can either be appealed to a higher instance agency or a court. Without a written decision the applicant cannot carry out his or her legal right of appeal.

When examining applications for refugee status staff from the migration authorities almost always decide that the level of persecution or a real risk of persecution does not exist. The standard of proof in these cases has been raised unjustifiably high and any corroboration of persecution has had doubt cast upon it.

Staff from migration departments have refused to examine applications for refugee status or temporary asylum from anyone married to a citizen of the Russian Federation, as in theory they can obtain permission for permanent residency through their spouse. The grounds for refusing to examine these applications is enshrined in Article 5.1.9 of the Law of the Russian Federation 'On Refugees', according

to which no person 'married to a Russian Citizen or who has the possibility to obtain a permit for permanent residency in the Russian Federation in accordance with the legislation of the Russian Federation' can be granted refugee status. However, as a rule staff from the migration department have not let people in this category either into the refugee status determination procedure or into the procedure to receive a permit for temporary residence. According to those working for interior affairs, they were seen as illegally present on the territory of the Russian Federation as they had no registration or current visa. This means that they have no real possibility of getting a permit for permanent residency in the Russian Federation at all.

The forced removal of citizens from Afghanistan on the grounds that the situation in Afghanistan has stabilised increased. Around 150,000 Afghans who fled their country after the fall of the Nadjibullah regime, live in the Russian Federation. Out of this number only 346 people have refugee status and 1,507 have been granted temporary asylum. The rest have no legal status at all and are at risk of deportation. The interagency working group (IWG) of the Parliamentary Committee on Migration Policy prepared a report 'On Regularising Problems Caused by the Arrival of Immigrants from Afghanistan into the Russian Federation', which states that there is no danger of an individual being at risk of persecution in Afghanistan as '*Contemporary Afghan society is notable for its high level of political tolerance*'.

A round table discussion was held on the issue of Afghan refugees at the beginning of 2004 with participation from experts and representatives of UNHCR, as the main international expert agency in the field of refugee rights. All who participated in the discussion expressed their disagreement with the position expressed in the report by the Interagency Working Group and said that the deportation of Afghans from Russia to Afghanistan should not be happening.

The situation for Meskhetian Turks in Krasnodar Krai (territory) also remained very difficult. Around 10,000 Meskhetian Turks live in the region. Between them they own around 1,000 homes where families are living. Ever since they arrived they have been subject to oppression, threats and extortion from the authorities and local Cossacks. With the arrival of the new governor, Aleksandr Tkachev, in 2002 a new wave of oppression began. The legislative assembly of Krasnodar Krai brought in a whole series of resolutions, concerning the legal status and property rights of Meskhetian Turks, which were all completely anti-constitutional and discriminatory. The Federal Authorities did not take any measures to reign in the Krasnodar authorities. Attempts to expell the Turks were accompanied by a widespread campaign in the press and on local television. Kazaks gathered to demand that transactions to buy and sell houses to Turks be declared illegal and that these houses be transferred to municipal property. Positive changes in the approach to the definition of citizenship of the Russian Federation, which have had an effect on the situation of many migrants from as far back as Soviet times, have not found acceptance in Krasnodar Krai. In October 2003 an international observation group went to Krasnodar Krai to analyse the situation of the Meskhetian Turks, particularly in the Crimea and Abinskii regions where many Turks live without registration or a Russian passport. Representatives of the United States Embassy looked into the possibility of establishing a resettlement programme for Meskhetian Turks to the United States of America.

The situation for Armenians in the Moscow region has worsened. The legal situation for Armenians from Azerbaijan, who arrived in Russia after the pogroms of 1988-1992, hardly differs from that of the Meskhetian Turks. Both groups arrived in Russia before the break-up of the Soviet Union. It follows, therefore, that they did not arrive in a different country but resettled within the country of their citizenship. However, up until recently citizenship still had not been granted to them. In 2003 in the majority of regions Armenians from Azerbaijan succeeded in attaining Russian citizenship through the courts. The exception was the Moscow region, where permanent registration (the basis for a person's right to consider him or herself a citizen of the Russian Federation) was made more complicated. At the end of 2003 after the Deputy Chair of the Supreme Court of the Russian Federation, V.M. Zhuikov, sent all courts an instructional letter regarding the necessity of establishing whether a permanent residency in Russia could be established or not on 6 February 1992; the same date that the Russian Federation Law 'On Citizenship of the Russian Federation' came into force. Many migrants were able to establish their citizenship of the Russian Federation and consequently received Russian passports.

Courts also examined cases of expulsion of Baku Armenians from Moscow hotels for whom no other accommodation was provided. This issue was raised more than once at the Parliamentary Committee on Migration Policy, but no solution was found. The FMS was only prepared to resettle those who had attained Forced Migrant Status, but even they were not offered anything acceptable and there were no timescales set for resettlement. The resettlement programme of Azerbaijani Armenians to the United States of America that had been running in 2002 was stopped. However, out of 2,500 people who needed to be resettled only 919 people received a positive decision and 509 people (311 families) actually left through this programme. Those who received a positive decision on being resettled to the United States but did not leave, often did not do so because elderly parents and children who had reached adulthood were refused permission to go with them.

A number of programmes to help resettle forced migrants were hurriedly shut down. Only 4,668 people had received forced migrant status by the end of 2003. In 2002 the number of those who had received status was 20,453. This means that in the 2003 the number of those being granted forced migrant status was nearly five times lower than the previous year. According to data from the FMS on 1 January 2004 there were 352,071 registered forced migrants in the Russian Federation (see Table 3) whilst on 1 January 2003 there were 491,898.

Many forced migrants have missed the deadline to hand in their documents for extension. Others have lost their status because they registered in their relatives' flats. On this basis they were considered to have been housed, had their status removed and were taken out of the queue for housing, with no investigation made into whether or not these people had any real right to use the given accommodation. The amount of funds allocated by the FMS for buying and building accommodation for forced migrants has been steadily reduced year on year. As the programme to re-house forced migrants should finish in 2007 and the FMS has been making every effort to finish before this date, this goes some way to explaining the swift reduction in the number of forced migrants. From the end of 2003 forced migrants were no longer given non-emergency loans to obtain accommodation. This action was based on Article 7.3.2 of the law 'On Forced Migrants', according to this new law, loans were only to be given to corporations and were to be called credit. From the end of 2003, also, the tax authorities started to ask for payment of tax on the loan from those who had already received it. Those who had received loans and who did not send in their tax return on time were subject to prosecution for non-payment of tax. This action was appealed on a case by case basis in court. In the majority of cases, courts are still a waiting instruction from the Supreme Court on this issue.

CHECHEN REPUBLIC

The situation in the Chechen Republic was characterized by acute violations of the human rights of peaceful citizens. According to the Chechen Republic migration department of the Russian Federation, at the end of 2003 there were 235,000 internally displaced people on the territory of the Chechen Republic registered on form number 7. On 1 December 2003, 28,575 of these lived in 28 temporary accommodation points in three places of compact residence. There were also 100,058 people living according to standard rental contracts taken out with the migration department of the Ministry of Interior Affairs of the Russian Federation in accordance with Government Resolution number 797. The total population of the Chechen Republic according to the Danish Refugee Council (DRC) is 790,000 people. It is very difficult to distinguish between the internally displaced population and the local inhabitants of Chechnya.

In the offices of the Memorial Human Rights Network in Chechnya, most enquiries were from people looking for those who had disappeared as a result of kidnappings and illegal detention by soldiers from the federal forces. Their enquiries to the law enforcement agencies or the prosecutor's office had not yielded any results apart from formal replies from those who worked in these offices. The courts did not examine applications for material and moral compensation caused by military actions or the illegal acts of soldiers.

Applications were sent to the European Court concerning murders and cases of illegal detention. From the many that were sent, six have been accepted.

In Spring 2003 a referendum was held in the Chechen Republic at which the Chechen Constitution was adopted as were the laws 'On the Election of the President of the Chechen Republic' and 'On the Parliamentary Elections of the Chechen Republic'. Preparation activities for the referendum included an extravagant announcement of the impending payment of compensation for lost housing and property. It was announced that the former inhabitants of temporary settlement points would be the first to receive compensation. This promise had a serious effect on people's decisions to return. This has led to promises of compensation or other social benefits being offered in subsequent election campaigns, in order to encourage people to return.

Finally on 4th July 2003 Parliamentary Decree No. 404 was passed 'On the system of delivering compensation payments for lost housing and property to those who have suffered as a result of the settlement of the crisis in the Chechen Republic and who are permanent residents on its territory'. The government resolved to create a Commission to examine compensation claims. This was to be set up before 15 August 2003 and would register and confirm the lists of citizens whose home was included in a list of those destroyed on the territory of the Chechen Republic and, which would not be restored. From 15 August applications for compensation from residents of the Chechen Republic were accepted. Despite the fact that no inventory of the destroyed housing was ever drawn up, a decision was taken, to the effect that 39,000 families would receive compensation as 14 billion roubles had been allocated for this out of the federal budget. Naturally many more applications than this were made. According to the agency that carried out the compensation payments there were around 50,000 of them at the beginning of 2004. As a result many people did not find their destroyed homes in the list of property 'not for renovation'.

The time limits for paying out compensation were broken almost straight away. At the beginning of May 2004 only around 1,600 families had received any compensation. The system of paying out compensation broke down and bribery flourished. People started to complain about the extortion of bribes to get a property included on the list (from 5-6,000 roubles) and that they had to give officials 30-50% of any compensation received. One of the main reasons for this according to the government was that the register of destroyed housing was not compiled in time. The Commission, which was set up to fix the size of the Republic fund for destroyed housing, made up of staff from the Ministry of Interior Affairs and the State Building Department, only started work at the beginning of February 2004. Government decree No. 510 of 30 April 1997, which defined the system of compensation payments to these people, has still not been fully implemented however. In addition, the rights of applicants to receive information was violated, there were no centres set up to answer people's questions, the system of how the payment order was decided was unclear and written enquiries for an explanation of misunderstandings remain unanswered.

Government special commissions discovered false applications for compensation claims on review; up to 45% of all claims in some regions. Signatures to confirm receipt of applications and documentation were often not accompanied by a stamp or number, which made it difficult to check applications. Meanwhile, the documents for many real applications were simply lost by officials.

Payment of compensation was promised, first to all the internally displaced people who had returned from the camps in Ingushetia and those who had lived in the temporary settlement points in the Chechen Republic. However, the homes of 70-80% of those who lived in the camps were not included in the register, and so consequently they had no right to compensation for them. Nevertheless the government did not intend to stop their plan to return all internally displaced people living in other regions back to the Chechen Republic, especially those in the camps in Ingushetia, and in this way put an end to this. In January 2003 human rights organisations supported by the Presidential Human Rights Committee of the Russian Federation managed to halt the resettlement of those living in the camps to temporary accommodation points that were completely unprepared. From the summer of 2003, in spite of the constant and intent attention of international and Russian non-governmental organisations and UNHCR directed at the situation of the IDPs from Chechnya in Ingushetia, the authorities were able to carry out their plans and the 'Bella', 'Alina', 'Bart' and 'Sputnik' camps were all disbanded. When the tent camps were liquidated many IDPs were taken off the list of the migration department database for the Republic of Ingushetia, but for various reasons were excluded from lists for food aid from the Emergency Ministry. As a result not only were they deprived of food, but they also had difficulty moving to and

registering at a new place of residence, as they were not listed as being former inhabitants of the camps. As a consequence they were suspected of being fighters who had come down from the mountains. On the basis of appeals from those accused, enquiries were made to the migration department of the Republic of Ingushetia, but these were never answered. There was some success after complaints raised concerning people being removed from the list. Lawyers from 'Vesta' and 'Memorial' helped IDPs to get themselves re-included on the lists. Unfortunately, a greater number remained excluded from government help.

If we look at the most serious problem, that of safety, then the main issue is the organisation of return. This could have been solved by resettling inhabitants in stages, which may have taken a long time, but would have happened naturally as the housing fund was reinstated. The points of temporary accommodation that are ready can house no more than 35,000 people. It would have been logical to fill these with returnees, pay them compensation and help them to restore their homes or allocate funds from the housing restoration fund for this. Those who decided not to return should have alternative places to live prepared in other regions. This is not happening. Returns have been rushed. Families who learnt about the right to compensation, were banished from the temporary accommodation points by order of the head of the FMS, as the number of those registered there is 1.5 times higher than can realistically be located there. The others have taken shelter in the ruins of destroyed houses, fruitlessly waiting for a room to become free in the temporary accommodation point, where they are considered to be residents. The only alternative to resettling in Chechnya is settling in Ingushetia, but there are not enough places for those wishing to live here, and all of them are housed in unsuitable temporary buildings that they will have to leave sooner or later.

This situation is most difficult for those inhabitants of Chechnya, including IDPs, whose housing has been classed as suitable 'for renovation'. They have to wait for their homes to be renovated, but this process is going so slowly that according to the Chairman of the Government Auditing Commission, S.V. Stepashin, if there is no change to the situation, then this renovation will take another 20 years.

According to figures from the FMS at the end of 2003 there were still 48,500 IDPs from Chechnya living in compact settlements on the territory of Ingushetia. According to NGOs working in the region there were 1.5 to 2 times more than this. In 2003 all the terrors of Chechen life gradually spread throughout Ingushetia: kidnappings, 'mop-up' operations in the tent camps and populated points and illegal detentions. Artificial political opposition was created between the Republic of Ingushetia and the Chechen Republic, nourished by disrespectful pronouncements on their neighbours issued by the Chechen authorities. Having created an atmosphere of danger and continual tension, the authorities used this as another reason to return IDPs to Chechnya. This put the Ingush authorities in a very difficult situation, as they had to decide whether to fulfil their role as a federal power, satisfy the demands of their neighbours and give back the IDPs to Chechnya, or whether to oppose these attempts and continue to support the 'brother' nation of Chechnya at the risk of bringing trouble on themselves. 2003 did not bring a final answer to this dilemma. The president of the Republic of Ingushetia, M.M. Zyazikov continually stated that no-one would be forcibly returned to Chechnya, but at the same time representatives of the migration service from the republic, obeying the FMS, put noticeable pressure on IDPs to return.

There are also forced migrants from Northern Ossetia who lived and are still living in Ingushetia; they have not been able to return to their homes for 11 years having fled them in 1992 during the Ossetian-Ingush conflict. According to figures from the FMS, on 1 January 2004 there were 12,202 forced migrants from Northern-Ossetia there.

The situation for IDPs from the Chechen Republic in the rest of the Russian Federation remained difficult, both for those living in temporary accommodation centres and for those in private accommodation. IDPs from Chechnya are practically never given forced migrant status. Out of the 580,000 citizens who have left the Chechen Republic during the second wave of military action, only 12,500 people have received status. In replies given by the migration service a direct explanation for this was given: those who received status were not from the 'indigenous population', i.e. they were not Chechen.

In a Tambov temporary accommodation centre and a temporary accommodation point in the Tverskaya *oblast*, a lot of pressure was put on IDPs to return to Chechnya by the administration and there was even an eviction by court order. Xenophobia, nationalism, discrimination in employing Chechens and children being victimised at school, all led to many families having to leave Kabardino-Balkaria, Tambov, Bransk and Voronezh *oblasts*. The level of intolerance that IDPs from Chechnya are facing in these *oblasts* is indicated by their departure even in the face of a complete lack of guarantees of safety in their homeland.

The Federal Law 'On the Legal Situation of Foreign Citizens in the Russian Federation' turned no less than 50,000 former citizens of the USSR who came to Russia 10-12 years ago into illegal migrants (other estimates put this figure at 2 million). These are people who came to Russia legally when a visa was not required, who live permanently in the Russian Federation, who have fully integrated into society; who have independently fended for themselves, who have work, a home (their own or rented) stable social ties and in some cases who have even served in the Russian army. In accordance with Article 37 of the law 'On the Legal Situation of Foreign Citizens in the Russian Federation', all these people fall into the category of those "temporarily residing" in Russia and therefore, have to leave Russia no less than three months after receiving a migration card. Theoretically they have the right to receive a permanent residency permit but the time limit set by law in which to examine these applications, is twice as long as the time they are allowed to stay in the Russian Federation.

When stateless persons (citizens of the former USSR) who are legally married to Russian citizens apply for a temporary residency permit, the staff of the Passport-Visa service will not accept their documents after the registration period of three months has run out and demand that they leave the country and then re-entered with a new migration card. No attention is paid to the fact that they have no country to leave to, the state of their health or that fact that they have young children.

Those who apply for a permanent residency permit have had difficulty collecting all the necessary documents to do so. The fact that they need to supply the results of AIDS tests and go for tests at venereal, psychiatric and drug and alcohol abuse clinics, has caused problems for the elderly, the disabled, the ill and their relatives. The biggest problem has been linked to providing documents to show that they have no convictions. These documents are only valid for three months and are not given out in the consuls in the country of origin. Lawyers from the Migrants' Rights Network have helped migrants to get documents on convictions, and have sent them to their country of origin via the Ministry of Justice of the Russian Federation.

Changes made to the Federal Law 'On the Legal Situation of Foreign Citizens in the Russian Federation' on 13 December 2003 cleared the air a little after all the tension that had gathered around the issue of citizenship. Lawyers from the Network took part in the elaboration of the necessary changes, but unfortunately their suggestions were only partially taken into consideration. According to the changes made to the law, citizens from the former USSR who arrived in Russia from the former USSR and who had registration at their place of residence on 1 July 2002 or permission for temporary residence, can apply for Russian citizenship through a simplified procedure until 1 January 2006, without the need to have lived in Russia for a certain length of time, without presenting any documents proving their existence or their knowledge of Russian language and without any permanent residency permit (*vid na zhitel'stvo*). This situation makes registration at a place of residence the grounds for the source of a person's right to acquire citizenship, which contradicts the Law of the Russian Federation 'On Freedom of Movement'. Meanwhile in a letter dated 2 October 2003 No. 16/4544, the deputy head of the Passport and Visa department, Ministry of Interior Affairs, L.E. Gerbanovskii, gave the following explanation regarding a similar situation concerning a decree by the Ministry of Interior Affairs No. 250 of 14th April 2002, which gave people with registration at their place of residence the opportunity to obtain a permanent residence permit (*vid na zhitel'stvo*), bypassing the permit for temporary residence:

'According to Article 13.2 of the Civil Procedural Code of the Russian Federation, judicial decisions which have come into force are binding for all state authorities and officials without exception and must be strictly carried out across the whole of the territory of the Russian Federation.'

In connection with this copies of judicial decisions, confirming the permanent residence of a foreign citizen on the territory of the Russian Federation of not less than one year as of 22 May 2002 should be considered by the interior affairs authorities as a document, confirming the registration of the foreign citizen at a place of residence’.

On the strength of this statement then, it is possible, for an applicant who has had the fact of permanent residency on the territory of the Russian Federation confirmed by a court, to substitute their registration at a place of residence for a copy of the court decision and to demand to be granted citizenship according to this procedure.

Those who were not registered at their place of registration on 1 July 2002 need to get a place in a regional quota, which is set by federal subjects (*oblasts*, etc.), in order to receive a permit for temporary residence. The leadership of many federal subjects sets low quotas in order not to reduce the amount of time processing migrant applications and by doing this block the way for many of these people to receive Russian citizenship.

There are often problems with the citizenship of children when they come of age or when they leave the Russian Federation. In the passport and visa services of Moscow and the Moscow region, staff have not been granting citizenship to minors when their parents are granted citizenship. This is in direct violation of Article 24.1 of the Federal Law ‘On Citizenship’. A member of staff from the care department of a municipality of one of the regions of Moscow confirmed that this is widely practiced in the passport and visa services of the town and *oblast*. Lawyers from the network have come across similar problems with the citizenship of children in Saint Petersburg and Taganrog. When children who have not been granted citizenship along with their parents come of age, therefore, they have no documents to confirm their identity, although the law gives them the right to receive Russian citizenship. For some years now it has been obvious that there is a need for some sort of temporary identification document for stateless persons, but nothing has been done yet on this score.

On 1 January 2004, passports of the 1974 type became invalid, despite a decision by the Supreme Court of 4 October 2003, according to which any demand from a citizen of the USSR to replace a passport ‘addressed to the Ministry of Interior Affairs of the Russian Federation, does not affect the validity of their existing passport and does not put them under any obligation’. On 4 December 2003 a decision was taken by the Chairman of Parliament to extend the validity of passports, but only for those foreign citizens and stateless persons who had registration at their place of residence before the Law ‘On Citizenship of the Russian Federation’ came into force.

The procedure for giving in and replacing passports became easier for Russian citizens after additions to MIA Order No. 347 of 25.05.2003 ‘On Handing in Documents to Replace a Passport in Federal Subjects, when Individuals have Permanent Registration in a Different Federal Subject’. In accordance with these additions, any citizen who does not have registration at their ‘place of residence’ or registration at their ‘place of stay’ can apply to receive or exchange a passport according to their ‘actual’ place of residence. However, in practice this has not worked in the two capital cities, Moscow and St Petersburg and in other large towns. In Saint Petersburg, staff at the passport and visa service, did not only not exchange passports for people who did not have registration at their place of residence, but they did not execute court decisions. A decision by a district court, obliging the leadership of the local department of the passport and visa service to give out passports to applicants was not carried out for six months. All appeals to the bailiff at the visa and passport service of Saint Petersburg and to the district prosecutor and the town prosecutor, did not produce any results. In fact following appeals to the prosecutor, to open a criminal case against those who had intentionally not carried out court decisions, the applicants suffered persecution and victimisation from the law enforcement agencies. The court decision was still not executed.

Citizens from the Chechen Republic were universally refused the right to exchange their passports at their place of actual residence and it was proposed that they change them at their registered place of residence in Chechnya. In order to exchange their passports many IDPs were forced to leave work (with threats that they would lose their job), to spend money on travel and bribes to passport officials (without

which passports are not issued in Chechnya), but most importantly put themselves in serious danger, as no-one can be guaranteed safety in Chechnya.

There were also problems in exchanging passports for a certain number of people who had come to Russia with 'Soviet' passports and who had an insert verifying citizenship of the Russian Federation. In many cases staff from the visa department took out the inserts illegally, issuing a document saying that they had been given out illegally and damaging the inserts and passports by putting observations in them that have not been set out by any current legislation.

The number of citizens without documents and without rights, who have grounds to legalise their status in Russia but cannot do so due to illegal rejections by officials and contradictions in the current legislation and who are forced because of this to live in Russia illegally, has significantly increased. This situation has led to a network of intermediary firms appearing in Moscow, Saint Petersburg and Ekaterinburg, who, according to their staff, 'legally' process all the necessary documents at the passport offices of the visa department. They do give out authentic documents, but it can cost thousands of dollars.

ACTIVITIES OF THE MIGRANTS' RIGHTS NETWORK

The work of the Network makes it possible to continually monitor the situation for refugees, forced migrants and IDPs in Russia, to evaluate migration on the ground, to react quickly to emergency situations and to do everything possible in cases of gross violations of the rights of refugees and IDPs, drawing in other NGOs, the Presidential Human Rights Committee of the RF and government structures in their defence. Offering help to migrants in 50 regions the Network can represent a broad picture of migration in Russia, support links between lawyers in different areas and suggest general approaches to strengthening the mechanisms for defending migrants.

Staff from the Network have participated in lobbying on a whole range of legislative and normative acts as well as undertaking practical activities in the field of migration. We can include the following in our achievements:

- In winter 2003 the eviction of IDPs from camps in Ingushetia to a potentially life-threatening situation in Chechnya was averted. Observation of the situation in the refugee camps in Ingushetia and in the temporary accommodation point in Grozny meant that the process of returns to Chechnya was carried out in a more civilized manner than in the autumn of 2002, when there was an attempt made to completely resettle everyone by the winter.
- Resolution No. 404 'On the System of Paying Compensation for Destroyed Housing and Property to those who have Suffered as a Result of the Solution of the Crisis in the Chechen Republic and who Live Permanently on its Territory' of 4 July 2003 was passed by the government.
- Order No. 347 from the Ministry of Interior Affairs of the RF was issued on handing in documents to replace passports for those living in one Federal Subject who had permanent registration in another Federal Subject.
- Consultations were run in the Commission on Citizenship with lawyers from the Network and amendments were prepared for the Federal Law 'On the Legal Situation of Foreign Citizens' and 'On Citizenship of the Russian Federation', which were taken into account in the version proposed to the President of the Russian Federation and have now been accepted.
- Amendments suggested by lawyers from the Network to the conditions for receiving a permit for permanent residency (*vid na zhitel'stvo*) and for handing in applications to acquire Russian citizenship have partly been taken into account in orders by the Ministry of Interior Affairs, 19.02.03, No. 117 and 14.04.03 No. 250.
- A campaign to establish the facts confirming citizenship by court procedure was overturned.

In 2003 lawyers from the Network gave legal aid in the form of consultations to more than 21,300 refugees, forced migrants and IDPs;

- around 2,400 applications and enquiries were sent to the Ministry of Interior Affairs, branches of the visa department and prosecutors at various levels to solve problems linked to people's registration, citizenship, migration and the legalisation of individual status;

- more than 4,000 applications were sent to administrative and other authorities concerning the social problems of migrants;
- 57 applications were lodged by lawyers of the Network with the European Court of Human Rights;
- 600 visits were made to temporary accommodation centres and compact accommodation points to give consultations to migrants;
- around 2,500 court actions, complaints and appeals were lodged;
- and in the more important and distinctive cases, refugees and forced migrants were supported in court (this support was given in 1350 cases last year).

Cases pursued in 2003 were mainly those which contended the decisions and actions of state authorities and their officials, cases to process claims and more recently cases linked with the new laws 'On Citizenship' and 'On the Legal Situation of Foreign Citizens'. The number of cases to do with establishing facts of a legal nature (for example, the fact of permanent residence on the territory of the Russian Federation at a certain date) has risen.

In cases of national significance lawyers went to the Supreme Court and the Constitutional Court of the Russian Federation. Lawyers from Moscow assisted with the presentation of cases from the regions, in the Constitutional and Supreme Courts with the aim of setting meaningful precedents to solve the problems of migrants in the whole country (including the problem of administrative expulsion).

Analytical materials, reports and articles prepared by the network can be found on the website at <http://refugee.memo.ru>

TABLES

Table 1.1: Number of refugees, registered in Russia at the end of the reporting period 1997 to 2003 according to country of origin

Source: the Federal Migration Service (FMS), Ministry of Internal Affairs (MIA)

CIS and the Baltics	1997	1998	1999	2000	2001	2002	2003
Azerbaijan	34,250	18,319	12,881	780	456	302	262
Armenia	2,497	1,055	498	117	104	100	87
Belarus	104	26	179	-	-	-	-
Georgia	46,544	34,314	27,993	19,560	14,832	11,361	6,596
Kazakstan	40,849	19,616	7,668	747	472	365	328
Kyrgyzstan	16,489	7,363	3,749	321	84	70	64
Latvia	1,603	754	514	39	23	20	20
Lithuania	323	154	110	41	12	9	8
Moldova	4,652	2,163	979	151	69	69	62
Tajikistan	52,022	22,952	12,299	2,061	759	694	590
Turkmenistan	3,167	1,450	901	128	109	69	56
Uzbekistan	33,419	18,102	10,985	1,519	453	305	279
Ukraine	2,381	1,394	389	20	5	2	1
Estonia	818	372	231	41	13	13	10
Total	239,118	128,034	79,376	25,525	17,391	13,379	8,363

Countries outside the CIS	1997	1998	1999	2000	2001	2002	2003
Algeria	-	-	-	-	1	1	1
Afghanistan	234	341	513	521	491	399	346
Vietnam	-	-	-	-	3	3	3
Israel	-	-	-	-	-	-	5
Iraq	-	-	-	1	4	2	2

ECRE COUNTRY REPORT 2003: RUSSIAN FEDERATION

Iran	-	-	1	1	1	1	1
China	-	-	5	5	5	-	-
Macedonia	2	2	2	2	2	0	0
Rwanda	-	5	6	6	1	2	1
Somalia	1	1	-	-	-	-	-
Sudan	-	-	1	1	-	1	1
Turkey	1	-	-	-	-	-	-
Uganda	-	-	1	1	1	1	1
Ethiopia	1	2	-	-	1	1	1
Former Yugoslavia	2	1	1	1	1	-	-
Total	241	352	530	540	511	411	362
TOTAL	239,359	128,386	79,906	26,065	17,902	13,790	8,725

Table 1.2: Number of refugees registered in the Russia at the end of the accounting period 1997 to 2003 according to the place where their status was granted

Source: FMS MIA

Federal district of the Russian Federation	1997	1998	1999	2000	2001	2002	2003
North-Western district	4,743	1,603	941	176	151	135	87
Arkhangelskaya oblast	71	-	-	1	-	1	1
Vologodskaya oblast	1,295	15	15	-	-	-	-
Kaliningradskaya oblast	996	381	2	-	-	-	-
Leningradskaya oblast	-	5	5	1-	11	17	13
Pskovskaya oblast	136	155	32	18	-	-	-
Saint Petersburg	1549	403	257	147	139	117	73
The Republic of Karelia	5	3	-	-	-	-	-
The Komi Republic	691	641	630	-	1	-	-
Central district	33,130	28,570	19,775	3,013	2,105	1,988	1,859
Belgorodskaya oblast	4	4	4	6	6	6	6
Bryanskaya oblast	478	120	-	-	-	-	-
Vladimirskaya oblast	2,559	2,450	2,328	1	-	-	-
Voronezhskaya oblast	2,512	2,426	2,332	656	-	-	-
Kostromskaya oblast	704	207	-	-	-	-	-
Kaluzhskaya oblast	328	300	192	135	82	-	2
Lipetskaya oblast	5,309	5,094	-	-	1	1	1
Moscow	11,249	10,728	10,173	131	154	157	166
Moskovskaya oblast	2,198	2,119	1,987	1,918	1,835	1,799	1,662
Orlovskaya oblast	-	-	-	2	23	25	22
Ryazanskaya oblast	464	452	160	160	-	-	-
Smolenskaya oblast	1,484	1,218	1,158	-	-	-	-
Tverskaya oblast	61	28	28	4	4	-	-
Tul'skaya oblast	5,385	3,312	1,408	-	-	-	-
Yaroslavskaya oblast	395	112	5	-	-	-	-
Privolzhskii district	126,017	51,745	32,234	2,375	52	12	10
Kirovskaya oblast	2,255	1,844	1,667	-	-	-	-
Nizhegorodskaya oblast	13,420	5,027	12	-	-	-	-
Orenburg oblast	19,558	10,074	2,016	9	4	1	-
Penzenskaya oblast	5,643	76	-	-	-	-	-
Permskaya oblast	55	57	51	52	30	-	-
Samarskaya oblast	24,484	9,943	7,792	2,304	15	7	7
Saratovskaya oblast	31,667	9,777	6,408	4	-	1	1
Ul'yanovskaya oblast	689	672	465	-	-	-	-
Republic of Bashkortostan	520	156	12	6	3	3	2
Republic of Mariy El	80	26	20	-	-	-	-

ECRE COUNTRY REPORT 2003: RUSSIAN FEDERATION

Republic of Mordovia	1,845	-	-	-	-	-	-
Republic of Tatarstan	25,418	14,065	13,791	-	-	-	-
Republic of Chuvashia	383	28	-	-	-	-	-
Ural'skii district	15,920	8,555	500	-	-	-	-
Kurganskaya oblast	1,016	806	500	-	-	-	-
Sverdlovskaya oblast	6,070	77	0	0	0	0	0
Tyumen'skaya oblast	565	-	-	-	-	-	-
Cheliabinskaya oblast	7,988	7,672	-	-	-	-	-
Yamalo- Nenetskii AO	281	-	-	-	-	-	-
Southern district	37,179	27,004	24,590	20,141	15,489	11,598	6,726
Astrakhanskaya oblast	321	99	-	-	-	-	-
Volgogradskaya oblast	7,548	289	48	42	12	9	5
Krasnodarskii Krai	6	16	37	37	27	8	6
Rostovskaya oblast	42	40	52	49	32	17	6
Stavropol'skii Krai	1	1	13	9	9	5	7
Republic of Adygeya	-	-	-	-	-	5	5
Republic of Dagestan	714	249	287	354	358	20	9
Republic of Kabardino- Balkaria	119	-	-	-	-	-	-
Republic of Kalmykia	342	100	29	-	-	-	-
Republic of North Ossetia	28,086	26,210	24,124	19,650	15,051	11,534	6,688
Sibirskii district	19,558	8,738	594	45	43	34	25
Altaiskii Krai	13	31	37	43	38	29	25
Keremovskaya oblast	6,240	-	-	-	-	-	-
Krasnodarskii Krai	2,222	1,676	87	-	-	-	-
Novosibirskaya oblast	8,978	5,808	5	-	5	5	-
Tomskaya oblast	710	-	-	-	-	-	-
Chitinskaya oblast	233	173	2	2	-	-	-
Republic of Buryatia	1,131	1,050	463	-	-	-	-
Ust'-Ordynskii Buryatskii AO	31	-	-	-	-	-	-
Dal'nevostochnyi district	2,812	2,171	1,272	315	62	29	18
Amurskaya oblast	22	-	-	-	-	-	-
Evreiskaya AO	11	-	-	-	-	-	-
Kamchatskaya oblast	167	115	92	33	12	-	-
Koryaskii AO	1	-	-	-	-	-	-
Magadanskaya oblast	33	27	9	6	-	-	-
Primorskii Krai	1,722	1,642	1,017	205	-	-	-
Sakhalniskaya oblast	351	254	70	10	6	5	16
Khabarovskii Krai	499	127	78	55	44	24	2
Chukotskii AO	6	6	6	6	-	-	-
TOTAL	239,359	128,386	79,906	26,065	17,902	13,796	8,725

Table 1.3: Recognised refugees from 1997 to 2003 according to country
Source: FMS MIA

CIS and the Baltics	1997	1998	1999	2000	2001	2002	2003	1997-2003
Azerbaijan	250	42	27	27	2	-	2	350
Armenia	41	-	-	-	-	-	-	41
Belarus	1	-	-	-	-	-	-	1
Georgia	210	40	9	12	-	4	6	281
Kazakstan	4,215	145	21	28	1	1	2	4,413
Kyrgyzstan	218	17	6	10	2	-	-	253
Latvia	34	2	1	1	-	-	-	38
Lithuania	7	1	-	-	-	-	-	8
Moldova	64	2	3	2	-	-	-	71
Tajikistan	672	141	9	8	5	-	7	842

ECRE COUNTRY REPORT 2003: RUSSIAN FEDERATION

Turkmenistan	396	8	-	-	-	-	-	404
Uzbekistan	550	26	23	21	-	-	7	627
Ukraine	337	-	1	2	-	-	-	340
Estonia	2	-	-	-	-	-	-	2
Total	6,997	424	100	111	10	5	24	7,671
Countries outside the CIS								
Algeria	-	-	-	1	-	-	-	1
Afghanistan	117	125	195	167	118	38	21	781
Vietnam	-	-	-	-	3	-	-	3
Israel	-	-	-	1	3	-	-	4
Iraq	-	-	1	-	-	-	-	1
Iran	-	-	5	-	-	-	-	5
Rwanda	-	5	1	-	2	1	5	14
Somalia	1	-	-	-	-	-	-	1
Sudan	-	-	1	-	-	1	-	2
Turkey	1	-	-	-	-	-	-	1
Uganda	-	-	1	-	-	-	-	1
Ethiopia	-	-	-	-	1	-	-	1
Former Yugoslavia	-	-	-	-	-	-	-	-
Total	119	130	204	169	127	40	26	815
TOTAL	7,116	554	304	280	137	45	50	8,486

Table 1.4: Recognised refugees from 1997 to 2003 according to Subjects of the Federation

Source: FMS MIA

Republic, krai, oblast	1997	1998	1999	2000	2001	2002	2003	1997-2003
Altaiskii krai	13	18	13	9	6	-	-	59
Arkhangel'skaya oblast	-	-	-	1	-	-	-	1
Belgorodskaya oblast	1	-	-	6	-	-	-	7
Vladimirskaia oblast	1	-	-	-	-	-	-	1
Volgogradskaya oblast	15	8	8	-	-	-	-	31
Evreiskaya AO	16	-	-	-	-	-	-	16
Kaliningradskaya oblast	262	10	-	-	-	-	-	272
Kaluzhskaya oblast	12	3	2	5	-	-	2	24
Kamchatskaya oblast	4	9	9	20	3	-	-	45
Krasnodarskii krai	6	10	22	6	-	-	-	44
Leningradskii oblast	-	2	-	5	2	-	-	9
Lipetskaya oblast	-	-	-	-	1	-	-	1
Magadanskaya oblast	7	29	11	1	4	-	-	52
Moscow	45	40	36	49	44	27	27	268
Moskovskaya oblast	34	32	9	8	12	15	5	115
Nizhegorodskaya oblast	76	-	-	-	-	-	-	76
Novosibirskaya oblast	568	35	-	-	-	-	-	603
Orenburgskaya oblast	2,426	-	-	-	-	-	-	2,426
Orlovskaya oblast	-	-	-	2	21	1	-	24
Permskaya oblast	22	1	15	24	5	-	-	67
Primorskii krai	13	6	2	3	-	-	-	24
Pskovskaya oblast	-	5	-	-	2	-	-	7
Republic of Bashkortostan	4	3	7	1	-	-	-	15
Republic of Buryatia	196	18	-	-	-	-	-	214

ECRE COUNTRY REPORT 2003: RUSSIAN FEDERATION

Republic of Dagestan	76	46	38	67	4	-	-	231
Republic of Kalmykia	7	14	-	-	-	-	-	21
Republic of Karelia	1	-	-	-	-	-	-	1
Republic of Komi	43	12	-	-	1	-	-	56
Republic of Mordovia	523	39	-	-	-	-	-	562
Republic of North Ossetia	211	105	-	-	-	-	-	316
Rostovskaya oblast	42	18	29	17	1	1	-	108
Samarskaya oblast	1,652	-	-	-	-	-	-	1,652
Saint Petersburg	128	41	58	38	31	-	1	297
Saratovskaya oblast	622	3	1	1	-	1	-	628
Sakhalinskaya oblast	78	20	2	-	-	-	13	113
Stavropol'skii krai	1	-	10	5	-	-	2	18
Khabarovskii krai	11	27	27	12	-	-	-	77
Chitinskaya oblast	-	-	5	-	-	-	-	5
TOTAL	7,116	554	304	280	137	45	50	8,486

Table 2: Number of those granted temporary asylum from 2001 to 2003 according to country of origin

Source: FMS MIA

CIS and the Baltics	2001	2002	2003	2001-2003
Azerbaijan	-	-	1	1
Georgia	4	3	3	10
Kazakstan	2	-	-	2
Tajikistan	1	3	-	4
Uzbekistan	-	4	2	6
Total	7	10	6	23
Countries outside the CIS	2001	2002	2003	2001-2003
Algeria	2	-	-	2
Afghanistan	359	811	337	1,507
Democratic Republic of Congo	-	1	-	1
Israel	-	1	-	1
Iraq	5	2	7	14
Congo	1	3	3	7
Korea	1	-	-	1
Lebanon	-	5	1	6
Pakistan	-	1	1	2
Palestine	-	4	-	4
Rwanda	-	10	-	10
Gaza Strip	3	-	2	5
Syria	1	1	-	2
Somalia	-	-	1	1
Sudan	1	-	-	1
Sierra Leone	3	-	-	3
Sri Lanka	2	-	-	2
Ethiopia	3	1	-	4
Former Yugoslavia	1	-	-	1
Total	382	840	352	1,574
TOTAL	389	850	358	1,597

Table 3: Number of forced migrants

Source: FMS MIA

Country	2002	2003	1 July 1992 1 January 2004
Belarus	-	-	28
Kazakstan	9,692	826	150,423
Moldova	236	12	3,950
Russia including:	1,199	414	61,382
Chechen Republic	768	163	48,153
Republic of Ingushetia	47	1	593
Republic of North Ossetia	378	246	12,202
Other Regions of Russia	6	4	434
Ukraine	146	8	2,228
Central Asian states including:	6,055	766	94,213
Kyrgyzstan	832	85	10,999
Tajikistan	940	249	31,563
Turkmenistan	109	29	3,332
Uzbekistan	4,174	403	48,319
The Caucasus including:	3,035	2611	34,961
Azerbaijan	221	80	9,161
Armenia	17	-	601
Georgia	2,797	2,531	25,199
Baltic states including:	86	31	4,783
Latvia	30	10	2,305
Lithuania	26	6	485
Estonia	30	15	1,993
TOTAL	20,453	4,668	352,071