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# ***Readmission, Return and Reintegration: the Russian Federation***

**Vladimir Mukomel**

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## Foreign Policy and Domestic Policy Framework

Readmission issues were not relevant in Russia until the end of the 1990s. For the first time, the issue of readmission emerged in the framework of negotiations concerning transit to Kaliningrad, initiated by Russia in 1999, when the imminent accession of Lithuania and the other Eastern European countries to the European Union and the Schengen Area became apparent. Initially, Russia claimed transit corridors with Lithuania, Poland and Latvia. The negotiation process regarding the transit took place between the EU and Russia and the EU and Lithuania. Final agreements were signed in 2002.

In the 1999 Framework Agreement with Lithuania on long-term collaboration between the Kaliningrad Oblast and regions of the Lithuanian Republic, it was stated that it was necessary to sign a special agreement on readmission (Agreement 1999). Taking into consideration the importance of communication with the Kaliningrad Oblast and the fact that a readmission agreement was a prerequisite for ensuring “Kaliningrad transit”, Russia agreed to sign a bilateral agreement which became the first readmission agreement signed by the Russian Federation (Agreement 2003).

Readmission issues were also accelerated by another dimension of the negotiations concerning support for the Kaliningrad enclave: in the course of these negotiations the President of Russia, V.V. Putin, suggested to consider the issue of the possible future adoption of a visa-free regime for trips between Russia and the EU (2002). The issue of visa-free travel was associated by the EU with signing a readmission agreement between the EU and Russia. The complex negotiations were viewed by the leaders of Russia as a foreign policy success (Executive Order 2005), and although negotiations on visa-free travel did not bring about the desired result, the readmission agreement between Russia and EU was signed in 2006 (Agreement 2006).

Readmission issues have always occupied a marginal space in public discussions, unlike, for example, questions of visa-free travel, which are important for millions of Russian citizens, or the voluntary return of Russian citizens residing abroad. They caused rare splashes of public interest in the foreign policy context, when the Russian Ministry of Foreign Affairs initiated readmission negotiations with the CIS countries, using them as a means of exercising pressure on their partners in other foreign policy issues. In the long term Russia is certainly interested in having such agreements with newly independent states, given the scale of migrant flows, especially with the countries of Central Asia, Transcaucasia, as well as South-East Asian states.

## Readmission Agreements

The task of signing readmission agreements was stated for the first time in the document entitled “Concept of Regulation of Migration Processes in the Russian Federation” (Concept 2003). The signing of the readmission agreement with the EU<sup>1</sup> intensified the working process on signing similar agreements with the non-European Community countries. Currently international readmission agreements have been also signed with Armenia, Uzbekistan, Ukraine, Vietnam, Norway, Denmark, Iceland, and Switzerland. Agreements signed with Kazakhstan, Kyrgyzstan, Turkey, and Ukraine have not entered into force as of the end of 2012. (The Agreement with Ukraine (2012) is intended to replace the Agreement on readmission, effective as of 2008).

The preparation of readmission agreements to be signed with the Republic of Moldova, Azerbaijan, and Tajikistan is currently in progress. Negotiations with China, India, the Democratic People's Republic of Korea, Pakistan, Lebanon, Sri-Lanka, and Philippines are currently taking place.

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<sup>1</sup> However, executive protocols on the order of implementation of the Agreement have not been signed with all the member countries of the Agreement.

As a rule, these agreements apply to the citizens of the Member States, third country nationals and stateless persons. There are exceptions, but they are rare. For example, the agreement with Vietnam virtually does not apply to the third country nationals. At that, as a rule, a three-year moratorium is usually agreed upon, to restrict the application of the agreement to third country nationals and stateless persons, a point which was recorded for the first time in the Agreement with the EU.

Formally, work on the implementation of the first Readmission Agreement with Lithuania began in 2004 when “Temporary placement center for persons subject to readmission” was created in Pskov. However, work on subordinate normative acts without which readmission procedures could not be implemented, started later, in 2008-2009, before EU-Russia Agreement started to apply to third country nationals and stateless persons (from June 1, 2010).

In fact, the implementation of international readmission agreements for the acceptance of Russian citizens staying illegally on the territory of foreign states began on October 1, 2007, and for the readmission of foreign citizens - in 2009, when, for the first time, funds were allocated in the Russian budget for the implementation of readmission agreements (FMS 2011: 30, 46; FZ 2008).

## **Return and Readmission to Russia**

**Voluntary Return.** There is no policy for voluntary return and assistance for integration (reintegration) of Russian citizens, stateless persons who lost their Russian citizenship, or who had previously permanently resided in the Russian Federation. Formally, Russian citizens may benefit from the “National program on assistance for voluntary relocation of fellow countrymen residing abroad to the Russian Federation” (National program 2006). Return to Russia in the framework of this Program partially facilitates the resolution of many social and economic problems. However, this program is targeted mostly at persons who do not possess Russian citizenship - only 4% of the 80,000 persons who returned under this Program in 2007-2012 have had Russian citizenship<sup>2</sup>. The number of those who had unregulated legal status is unknown.

The vast majority of Russian citizens residing abroad return voluntarily, count exclusively upon themselves and do not apply for state support, or to local self-administration and non-governmental organizations. Judging by the scale of migration to Russia every year, there are tens, if not hundreds of thousands such Russians (in 2011, 141,500 Russian citizens arrived for permanent residence (Rosstat 2012: 121).

Mostly, it is international organizations that assist Russians in voluntary return and integration. Russia is the first among nations in terms of the number of people who benefited from assisted return from European countries: according to IOM data in 2010, such assistance was provided to 2,400 persons<sup>3</sup>.

Russia takes part in the IRRICO II program, under which potential repatriates receive information on return and integration in their countries of origin.

**Involuntary return.** Two institutional targeted programs are implemented in the framework of readmission agreements, aimed at the readmission of Russian citizens and third country nationals. According to the program “Implementation of international agreements of the Russian Federation on readmission of the citizens of the Russian Federation”, during the years 2008-2014, it was planned that the scale of readmission in 2012 would be significantly less than it turned out to be, and that it would decrease in the near future - see Table 1.

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<sup>2</sup> The program is underperforming: initially it was supposed that in 2007 50,000 persons would arrive to Russia under this program, and then around 100,000 every year. Currently the Program is being modified, however, it does not imply resolving the most complex problem which most applicants face - housing.

<sup>3</sup> The EU countries, Norway and Switzerland (IOM 2010: 31).

**Table 1. Basic indicators of the program “Implementation of international agreements of the Russian Federation on readmission of the citizens of the Russian Federation”**

Indicators	Units of measurement	Planned period		
		2012	2013	2014
Received applications at FMS of Russia for readmission of citizens of the Russian Federation	persons	1 250	1 000	1 000
Approved applications at FMS of Russia for readmission of citizens of the Russian Federation	persons	550	500	500
Costs of program implementation - total	thousand rubles	18 879,2	18 880,7	18 880,7

Source: FMS 2011: 130

However, in fact in January-November 2012 alone 1,910 applications for readmission of Russian citizens were received, 1,204 applications were approved, and 366 citizens of the Russian Federation released by the foreign states were accepted on the border in compliance with readmission agreements. (In January-November 2011, there were 2,038 applications, 1,158 approved applications, and 402 Russian citizens – (FMS 2012)).

The acceptance of readmitted third-country nationals (as well as the readmission of the citizens of agreement counterparties) takes place in the framework of the program “Implementation of international agreements signed by the Russian Federation on the readmission of third-country nationals and stateless persons, as well as persons who are no longer compliant with entry, stay, or residence conditions on the territory of the Russian Federation”. According to this program, adopted for the period 2008-2014, it was supposed that the number of applications for readmission submitted by third country nationals and stateless persons in 2012-2014 would be around 30 (FMS 2011: 145). In fact, in January-November 2012 there were 22 applications, 4 of which were approved. (In January-November 2011, there were 35 applications, 18 of which were approved (FMS 2012)).

## Return and Readmission from Russia

**Voluntary return.** Some of the foreign citizens return to their home countries from Russia voluntarily. Thus, in 2011 6,900 foreign citizens permanently moved away from Russia (Rosstat 2012: 121). The government does not offer any assistance for the voluntary return of foreign citizens, although recently there are public discussions about measures for the facilitation of the voluntary return of foreign citizens and stateless persons who do not hold temporary or permanent residence permits.

**Forced return.** According to the Readmission Agreement with the European Community, in 2009 one application was sent to Spain and one to Germany, while 17 applications for readmission were sent under Readmission Agreement with the Socialist Republic of Vietnam (FMS 2011: 46). In January-November 2012, Russia submitted 231 readmission applications to foreign states, and 192 persons were released to foreign states under readmission agreements. (In January-November 2011, there were, respectively, 138 persons and 63 persons (FMS 2012). This is significantly more than initially planned (on average around 100 applications in 2012-2014).

Along with the institution of readmission, which is a category in international law, and international agreements undertaken by the Russian Federation, national legislation also regulates other forms of forced return, such as administrative expulsion and deportation.<sup>4</sup>

Unlike administrative expulsion, deportation is not a penalizing sanction, and is applied in case a foreign citizen (stateless person) did not comply with the requirement to leave the Russian territory. It is also important that foreign citizens accepted by the Russian Federation from a foreign state under international agreement of the Russian Federation on readmission, who do not have any legal basis for their stay (residence) in the Russian Federation, are subject to deportation, if there is no readmission agreements signed between the Russian Federation and the country of citizenship, or if there is no permit of stay on the part of the foreign citizen (FZ 2002). The deportation decision is adopted under an extrajudicial procedure, and, unlike administrative expulsion, it cannot be appealed.

There are two possible forms of administrative expulsion: forced and controlled moving of the person outside of Russia; and controlled independent departure from Russia.

A foreign citizen or stateless person who has been given an administrative sanction in the form of administrative expulsion from the Russian Federation, must depart from the Russian Federation within five days from the effective date of the judge's decision on the given administrative charge. Evasion from the execution of the administrative charge in the form of controlled independent departure from the Russian Federation shall result in an administrative fine of three to five thousand rubles and forced expulsion from the Russian Federation (FZ 2011).

Several tens of thousands court decisions are adopted every year on administrative expulsion of foreigners and stateless persons: in January-November 2012, there were 34,200 such decisions, and for the same period of the previous year - 30,030 decisions. Statistical data on the number of forced and voluntary departures of foreign citizens is not available.

There are significantly fewer decisions on deportation: in January-November 2012, the FMS of the Russian Federation adopted 1,065 such decisions, and 599 such decisions for the same period of the previous year.

Both readmission and deportation and administrative expulsion procedures provide for the possibility of the placement of the persons subject to forced return in a special temporary placement facility. Temporary placement of a foreign citizen in a special facility subject to readmission is regulated by the Code of Civil Procedure (Code 2002).

For the purposes of administrative sanctions in the form of forced expulsion from the Russian Federation, the judge has the right to order placement of such persons in a special institution. At the same time, until January 1, 2014 this sanction can be applied only to the extent that special facilities are created in the constituent entities of the Russian Federation for placement of foreign citizens and stateless persons subject to administrative expulsion from the Russian Federation, or deportation (FZ 2011)<sup>5</sup>.

## **Financing of Readmission, Deportation, and Administrative Expulsion**

The primary expenses of the federal budget in the framework of the implementation of readmission agreements are allocated not so much for the acceptance of Russian citizens and third country nationals, but rather for the readmission of foreign citizens (FMS 2011: 130, 145).

Budgetary expenses for the acceptance and accommodation of people under international readmission agreements undertaken by the Russian Federation are constantly growing: in 2013, there were 27.4 million rubles allocated, in 2014 - 29.1 million rubles, and in 2015 - 29.6 million rubles (FZ 2012).

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<sup>4</sup> For more information see: (FMS of Russia– IOM 2009).

<sup>5</sup> Currently such centers exist in three constituent entities of the Russian Federation (Rossiyskaya gazeta 2012).

However, these expenses are much smaller than the expenses covered by the state for administrative expulsion and deportation actions. According to the budget for 2013, the means allocated for the financing of administrative expulsion and deportation actions amount to 73.3 million rubles, including 10.1 million rubles for the financing of the Russian FMS. (FZ 2012).

## **Conclusion**

The acceptance of Russian citizens residing abroad and returning to Russia voluntarily or by force is not so relevant for the Russian Federation (although, obviously the problems of their integration are underestimated and ignored), as are the issues of the return of foreign citizens and stateless persons, especially those who violated national legislation, or under readmission agreements.

The problem is aggravated by the fact that, readmission agreements have not been signed with most of the donor states from which migrants arrive to Russia on a massive scale. In fact, most of the migrants arrive from the countries that have visa-free regimes with the Russian Federation. The latter circumstance, allied to the inefficient organization of expulsion of undesired foreigners from the country, provokes the growth of xenophobic spirit and the popularity of suggestions to introduce visa regimes with donor states; above all, with Central Asian and Transcaucasian states.

It is probably fair to say that governmental institutions as well as non-governmental organizations in Russia should pay more attention to the issues of voluntary return of foreign citizens to their countries of citizenship or permanent stay.

## References

- National program (2006). "National program to assist voluntary relocation of fellow countrymen residing abroad to the Russian Federation", approved by the Order of the President of the Russian Federation of 22 June 2006 No. 637.
- Code (2002). Code of Civil Procedure of the Russian Federation, of 14 November 2002, No. 138-FZ, Title 26.1.
- Concept (2003). Concept of Regulation of Migration Processes in the Russian Federation, approved by the Decree of the Government of the Russian Federation of 1 March 2003 No. 256-p.
- Executive order (2004). Executive order of the Government of the Russian Federation of 6 December 2004 No. 1568-p.
- Executive order (2005). Executive order of the President of the Russian Federation on awarding Ivanov V.P. of 29 October 2005 No. 502-пп.
- Rossiyskaya gazeta (2012). В Пскове открыли центр для подлежащих депортации иностранцев [Center for temporary placement of foreigners subject to deportation was opened in Pskov]. 28 December 2012.
- Rosstat (2012). Population of the Russian Federation and migration in 2011. – M.: Federal State Statistics Service
- Agreement (1999). Agreement between the Government of the Russian Federation and Government of the Republic of Lithuania on long-term collaboration between Kalinigrad Oblast of the Russian Federation and regions of the Republic of Lithuania of 29 June 1999, accessed online at: <http://www.mid.ru/bdomp/sbor.nsf/fe3845c0f6d9b35443256c8a004e8835/8754b3f7a67bd35043256c8a0047bc65!OpenDocument>, 29 January 2013
- Agreement (2006). Readmission Agreement between the Russian Federation and European Community, accessed online at: <http://eu-law.ru/2011/05/coglashenie-o-readmissii/>, 29 January 2013
- FZ (2002). Federal Law on legal status of foreign citizens of 25 July 2002 No. 115-FZ
- FZ (2008). Federal Law on federal budget for 2009 and estimated plan for 2010 and 2011 of 24 November 2008 No. 204-FZ
- FZ (2010). Federal Law on amendments to certain legislative acts of the Russian Federation due to implementation of international readmission agreements of the Russian Federation of 23 July 2010 No. 180-FZ
- FZ (2011). Federal Law on amendments to the Federal Law on court enforcement officers and certain legislative acts of the Russian Federation of 6 December 2011 No. 410-FZ
- FZ (2012). Federal Law on Federal budget for 2013 and estimated plan for 2014 and 2015 of 3 December 2012 No. 216-FZ
- FMS (2011). Draft report on results and main activities of the Federal Migration Service for 2012 and estimated plan for 2013 and 2014. –M.: FMS of Russia, 2011
- FMS (2012). Official statistical data. Statistical data by the form 1-RD, [FMS of Russia], accessed online at: <http://www.fms.gov.ru/about/statistics/data/details/53595/>, 29 January 2013
- FMS – IOM, (2009). Readmission agreements and their implementation in the Russian Federation. Electronic tutorials. FMS of Russia – IOM
- IOM (2010). Assisted Voluntary Return and Reintegration. Annual Report of Activities, IOM, Geneva