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The Integration of Refugees, Asylum Seekers, and IDPs in the Russian Federation

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1. Refugees

The granting of refugee status in Russia is regulated by the RF Law “On Refugees”, adopted on February 19, 1993 and in force with provisions from June 28, 1997, N. 95-FL.¹ The definition of a refugee in Russian legislation is almost entirely the same definition as in the UN Convention of 1951 “On Refugee Status”.² In Russian legislation a refugee is recognized as a “person, who is not a citizen of the Russian Federation and who, due to a well-founded fear of being persecuted for reasons of race, religion, citizenship, nationality, membership in a particular social group or political opinion, is outside the country of his citizenship and cannot avail himself of protection from that country owing to these fears; or, not having a certain citizenship and finding himself outside of the country of his former normal place of residence as result of similar events, cannot or does not wants to return owing to these fears.” (Article 1, Section 1, Item 1, from the law “On Refugees”). The total number of refugees to date who have been received since the law “On Refugees” was adopted is more than half a million from 75 countries, primarily from the CIS and the Baltic states.

Refugee status is granted in accordance with the law for a period of up to three years. However, it is possible to subsequently extend the status on yearly basis if the grounds for the application remain the same.

Table 1. Number of Refugees in the Russian Federation, 2007-2012

	2007	2008	2009	2010	2011	2012
Quantity of foreign nationals and persons without citizenship who applied for refugee status	2173	3967	2709	2181	1265	272*
Quantity of foreign nationals and persons without citizenship who received refugee status	140	350	195	124	114	38*
Quantity of refugees registered with the FMS, including those:	475	713	779	801	800	826
- from Afghanistan	266	445	514	537	583	609

*Data on April 01, 2012

Source: FMS Russia data, <http://www.fms.gov.ru/about/statistics/data/>

The number of persons who are recognized as refugees and are registered with FMS Russia has been rapidly decreasing: from 239,359 in 1997 to 79,727 in 1999 and from 17,902 in 2001 to 8,725 in 2003. This is due in particular to the fact that in Russia, the official granting of status has become more complicated: migrants come primarily for economic reasons and do not have grounds to be recognized as refugees.³

¹ With the changes and additions included in subsequent years, with the most recent change from July 02, 2013.

² The Russian Federation is a party to the UN Convention from 1951 and its Protocol from 1967 on the status of refugees, November 13, 1992 without any reservations or limitations.

³ From FMS Russia Procedures from June 19, 2002 N. 20/1372Zh “During the review of petitions one needs to take into account that in recent years in the CIS states there has been a noticeable stabilization of the political and economic situation, which has considerably changed the nature of the arriving circumstances of nationals from other states. Under the constitution and other normative legal acts of these states, it is prohibited to persecute citizens for reasons of race or nationality, religious belief, language, membership in a particular social group, or political opinions. The circumstances behind nationals coming to Russia from these other states is primarily related to economic or other reasons.”

For those who are recognized as refugees, the following rights are provided: the receipt of information about their rights and obligations and translation services; the receipt of assistance with document processing, the provision of assistance with travel and baggage transport to their place of residence; a one-time payment of financial aid;⁴ shelter in a reception center prior to departure to their new place of residence; the use of provided housing from a special fund for temporary accommodation; the receipt of employment, access to professional training, medical aid and social protection on par with that received by citizens of the Russian Federation; participation in social activities; and voluntary return to the country of their citizenship.

The receipt of refugee status and the provision of the above-mentioned rights create the conditions for the integration of migrants. However, persons who have submitted an application to be recognized as refugees have to live without documents that state their personal grounds for staying in Russia while the application is being reviewed (and this amount of time can last for several months). These persons, like those who have been arbitrarily removed from the registry of refugees, are detained on the streets and not infrequently end up being victims of extortion and harsh treatment from law enforcement. Often an unreasonable judicial decision is taken to deport them, and to place them in detention until the court's judgment is executed. The same applies to persons seeking temporary asylum.

In 1990's the financing of government support for refugees and IDPs (reception, resettlement, employment, medical assistance, and social security) was undertaken with the establishment of the Federal Migration Program (FMP), which is linked to other Federal special programs (primarily to the social-economic development program of the Russian Federation). Beginning in 2001, the development of the FMP stopped; the financing of migration policy activities becomes part of the Federal budget, which negatively affected social security for refugees.⁵

Non-governmental organizations are actively involved in the integration of refugees and IDPs. They provide forced migrants with legal, financial, and medical care, counseling etc. The most active NGOs in this field in Russia are: "The Migration and Law Network," "The Forum of Resettlement Organizations," "Civic Aid," "Ural House" and others.

2. Temporary Asylum

The law "On Refugees" provides for the granting of temporary asylum to persons who can be recognized as refugees or "do not have grounds to be recognized as refugees but for humanitarian reasons cannot be expelled (deported) outside the territory of the Russian Federation." (Article 12, Section 2, Item 2). The procedure for granting temporary asylum is regulated by the RF bylaw "On the Granting of Temporary Asylum in the Territory of the Russian Federation" from April 09, 2001, N. 274. In reality "humanitarian reasons, requiring a person's temporary stay in RF territory" are limited in the legislation to the sickness of the asylum seeker, and largely ignore external circumstances, such as a state of civil war, post-war devastation, or a brutal regime, linked with torture and summary executions, on the territory of the state from which the applicant has arrived.

Temporary asylum is granted for a period of up to one year, but can be subsequently extended on a yearly basis if the circumstances that serve as grounds for temporary asylum continue to take place.

⁴ According to the Law of 1993, it is established that the amount of the one-time financial assistance is established by the government of the Russian Federation; it cannot be less than 100 rubles for a refugee and for each of the family members who have arrived with him.

⁵ The rejection of FMP development practices led to a lack of support for the linking of assistance to refugees and forced migrants with the general system of social supports for the population. Aid was not indexed to inflation and the construction of temporary accommodation centers was halted. The growth of budgetary savings allocated for the implementation of migration policy has been allocated primarily to organizational goals, the expansion of personnel, and technical equipment of the FMC.

For persons who have received temporary asylum, members of their family also have the rights and obligations established for refugees, except the one-time payment of financial aid.

Table 2. Number of Persons Receiving Temporary Asylum in the Russian Federation, 2007-2012

	2007	2008	2009	2010	2011	2012
Quantity of foreign nationals or persons without citizenship who applied for temporary asylum	1434	1829	2992	1708	1027	1087
Quantity of foreign nationals or persons without citizenship who received temporary asylum	402	797	2270	1040	648	571
Quantity of foreign nationals or persons without citizenship who have temporary asylum in the RF and are registered with FMS Russia, including those:	1180	1613	3425	3726	3036	2993
- from Afghanistan	1049	1027	1088	1186	1039	1022
- from Georgia	65	485	2149	2326	1787	1729
Quantity of foreign nationals and persons without citizenship who have applied for political asylum	0	0	8	2	2	2

Source: FMS Russia Data <http://www.fms.gov.ru/about/statistics/data/>

The vast majority of refugees and persons who have received asylum have arrived from Afghanistan. But not all of them have managed to receive legal status in Russia. According to UNHCR there are no fewer than 100 thousand Afghans, who have been living in Russian territory for many years and have still not been granted asylum. The majority of Afghans live in Russia illegally, while the authorities make attempts to expel them.

From the point of view of human rights defenders, the official number of registered petitions for asylum does not correspond to the actual number of asylum seekers in Russia. This is because access to the procedure to receive asylum is limited.⁶ (2)

The issue of political asylum is addressed in a particular way. The RF Presidential Decree from June 21, 1997 “On the Approval of Regulations on the Procedure for the Russian Federation’s Granting of Political Asylum” regulates procedures for the granting of political asylum to those who are experiencing persecution that is directed personally against them in the country of their own citizenship. In accordance with the Decree, political asylum cannot be granted to persons who have arrived in the country “with developed and well-established democratic institutions in the field of human rights protection” (Part 1, Section 5, Paragraph 5). The RF President decides each political asylum petition on the basis of recommendations from the RF President’s Commission on Citizenship. Over the course of the last 20 years, no more than fifteen people have received political asylum.

⁶ Rejection or unreasonable deferment of petitions received from asylum seekers, especially in Moscow, where the largest number of people apply; the failure to provide a lawyer to the applicant, and the requirement to provide strict proof of personal persecution (see: 2)

3. Internally Displaced Persons (Forced Migrants)

According to the established international classification, internally displaced persons (IDP) are defined as “persons or groups of persons who have been forced or obliged to leave or flee their homes or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized State border.” (2)

In Russia the term “forced migrants” is used in accordance with the law (“On Forced Migrants” (from February 19, 1993 N. 4530-1) and is defined as “citizens of the RF who have fled their place of residence as a result of violence or other forms of persecution toward them or members of their family or as a result of a real danger of being subjected to persecution for reasons of race, nationality, religious belief, language, membership in a social group, or political opinions that have become grounds for conducting hostile campaigns towards specific persons or groups of persons, and mass public disturbances”. Thus, for the definition of “forced migrant” adopted in Russia, the fact that there has been no crossing of an international state border is irrelevant. The numerous streams of Russian migrants who returned to Russia from other republics of the former Soviet Union, who ended up in a situation similar to that of a refugee due to their ethnic background, have led to a definition of “forced migrant” that also includes citizens of the former USSR, who processed their RF citizenship in the places of their permanent residence in other republics of the CIS, relocating to the Russian Federation on an emergency basis. Persons who have arrived in the RF from a republic of the former Soviet Union and recognized refugees, who lost their refugee status when they obtained RF citizenship, are also recognized as forced migrants. Thus, in actuality not only internal but also international migrants (see Table 3) fall into the category of “forced migrants”. In particular, at the turn of the 2000’s, tens of thousands of people classified as “forced migrants” arrived in Russia from Kazakhstan.

The most numerous category of IDPs in Russia over the whole post-Soviet period was comprised of people from the Republic of Northern Ossetia – Alania (the result of the ethnic Ingush-Ossetian conflict, which began in 1992) and from the Chechen Republic. As a result of two military campaigns in the Chechen Republic (1994-1996 and 1999), hundreds of thousands of people were torn from their homelands and forced to flee their places of residence. In 2001, the total number of people who temporarily fled their places of permanent residence in the Chechen Republic and were in temporary accommodations in Russian territory was 422 thousand people. The main portion of them – 225 thousand people – were in Chechen territory and the majority of the rest – in the nearby republics of the Northern Caucasus and in the neighboring Southern regions of Russia (5). In accordance with the report of the Council of Europe in March 2004, 110 thousand IDPs from the Chechen Republic were in Ingush territory, 140 thousand were in Chechnya itself, and 20 thousand in Dagestan (4). The settlement of the armed conflict ushered in the return of IDPs to their places of permanent residence. After 1994, more than 25 thousand IDPs returned to the Republic of Northern Ossetia – Alania. In the Chechen Republic, according to the testimony of European Council experts, over the course of the 2000’s, more than 323 thousand IDPs returned (6), including 45114 people from Ingushetia.

“Forced migrant” status is granted for five years. With this, the person with this status must annually undergo a reinstatement with the FMC agencies as a forced migrant. As of January, 01, 2013, 38370 forced migrants registered with FMC Russia included 9937 people who relocated within Russia. At the same time, according to the estimates of international experts, based on the data of Russian NGOs, the number of IDPs in the Northern Caucasus region alone is not less than 29 thousand people (8).

Table 3. Number of Persons with Forced Migrant Status in the Russian Federation, 2000-2012

	Total number of Forced Migrants	Including those within Russia	Including those who lived previously in:	
			the Republic of Northern Ossetia - Alania	the Chechen Republic
2000	58919	9712	1656	7437
2001	41824	4440	1378	2522
2002	20453	1199	378	768
2003	4668	414	246	163
2004	4249	1522	1399	104
2005	8889	8380	8329	48
2006	7135	6876	6231	648
2007	6653	6491	5371	1118
2008	4017	3833	3528	291
2009	3869	3695	2979	716
2010	2007	1860	901	953
2011	1910	1729	870	851
2012	2430	2217		

Source: Rosstat data. Annual Statistical bulletin: "Population and Migration in the RF". Accessed from the site: http://www.gks.ru/bgd/regl/b13_107/Main.htm

"Forced migrant" status is intended to facilitate the integration process in newly settled places by granting certain benefits and social security to people who have fled their places of habitual residence. During the review of their petition, forced migrants have the right to: a one-time financial aid payment⁷; shelter in temporary accommodation center for forced migrants; assistance with travel and baggage transport to their place of temporary accommodation; the provision of food and the use of public services, free medical aid. Those who have received "forced migrant" status have the right to independently choose their place of residence in RF territory; to receive a subsidy for housing; in the absence of an independent choice of a new place of residence – shelter in a temporary accommodation center for forced migrants; compensation for travel expenses and baggage transport to their new living situation. As of January 01, 2011, 53,609 forced migrants were on the FMC territorial agencies' lists of persons having the right to the receipt of government assistance with resettlement in permanent housing.

Difficulty with the integration of "forced migrants" in Russia is above all related to the fact that they face difficulties during document processing (registering of a place of residence, extending their passport, receiving a passport to replace a lost one), that deprive them of the possible realization of the civic and employment rights of a Russian citizen, as well as the government support with housing that is available to them.

⁷ The Law from 1993 established that the amount of the one-time financial assistance is set by the government of the Russian Federation; it cannot be less than 100 rubles for a forced migrant and for each of the family members who have arrived with him.

Sources

- Council of Europe (2004) The Situation of Refugees and IDPs in the Russian Federation and Several Other CIS Countries. Doc. 1011825, March 2004
- ECRE (2011) ECRE Guidelines on the Treatment of Chechen IDPs, refugees, and asylum seekers in Europe. European Council on Refugees and Exiles.
- IDMC (2013) Russia: IDPs are Increasingly Left Unnoticed, Despite their Growing Needs, Internal Displacement Monitoring Center, March 14, 2013. [http://www.internal-displacement.org/80s25708F004BE3B1/\(httpInfoFiles\)/EB02DEE9FD7D3FBBC1257B2E00518C42/\\$file/russia-overview-mar2013-ru.pdf](http://www.internal-displacement.org/80s25708F004BE3B1/(httpInfoFiles)/EB02DEE9FD7D3FBBC1257B2E00518C42/$file/russia-overview-mar2013-ru.pdf)
- PACE spokesperson notes with satisfaction “clear progress” in the situation of temporarily displaced persons in the Northern Caucasus. (PACE Press release from September 26, 2011.) http://www.coe.mid.ru/events1_ru.html
- Public Verdict Foundation (2006), Torture in Russia. The Position of Authorities, Human Rights Defenders, and the UN Committee Against Torture. Moscow: http://publicverdict.ru/library_zip/pytki.pdf c. 84
- UN (1998) Guiding Principles on Internal Displacement. E/CN.4/1998/53/Ex.2.
- Volokh V.A. (2009) The Formation and Implementation of Government Migration Policy in the Russian Federation in the Area of Forced Migrants and Granting Asylum. Moscow: Sputnik, p. 88 (in Russian)
- Voronina, N.A. (2010) Migration Law in Russia: Status, Issues, and Perspectives., Moscow: Sputnik, p. 64 (in Russian)