



# **COUNTRY OPERATIONS PLAN**

**Country: Russian Federation**

**Planning Year: 2004**

## RUSSIA

### Part I: Executive Committee Summary

#### (a) *Context and Beneficiary Populations*

##### The Context

The Russian Federation (RF) is a destination country as well as a transit country for refugees. It is also a refugee producing country. The conflict that erupted in Chechnya in September 1999 produced hundreds of thousands of internally displaced persons as well as tens of thousands of refugees.

Russia's transparent southern border with Kazakhstan (approximately 6,000 km) is exposing the country to an uncontrolled flow of migrants and asylum seekers. To the east, Russia is confronted with a – semi-controlled – labour migration of, i.a., Chinese traders and farmers, who tend to settle on land gradually abandoned by Russians who themselves are in search of better economic opportunities in Western and Central Russia. The Russian Federation is seriously concerned about illegal / irregular migration. Within this context of population movements, refugee policy is not, as such, a first priority for the Government, but is being envisaged in the overall migration management context.

Comparatively to Western and Central Europe, the Russian asylum system is still strained with serious shortcomings, thus inducing asylum seekers and refugees to try to move – often in an irregular manner – further west. The difficulties in doing so may increase with the expansion further east of the EU and the tightening of border control in Ukraine, Moldova and Belarus. This may result in increasing numbers of asylum seekers in Russia. While there is no re-admission agreement between Russia and European countries (with the exception of the May 2003 Russia-Lithuania re-admission agreement), UNHCR would strongly recommend against returning to Russia asylum-seekers who transited that country, to the extent that the country's asylum system cannot, yet, be considered fair and/or effective.

The Ministry of Interior (MOI) took over responsibility for asylum issues in late 2001 and was preoccupied with restructuring and developing policy in 2002.

#### **Asylum Seekers and Refugees**

CIS asylum seekers were granted *prima facie* refugee status in the early 1990s, while the procedure for non-CIS asylum seekers started to be applied only in 1997. The Russian Federation ratified the 1951 Convention on Refugees and its Optional Protocol in 1993. The RF Law on Refugees was adopted in 1993 and amended in 1997. Since the Law on Forced Migrants came into force in 1995, asylum seekers from the CIS countries have been gradually directed toward the procedure for acquisition of Russian citizenship.

As of 31 December 2002, there were 13,790 recognised refugees in the Russian Federation, out of whom 13,379 from CIS and Baltic countries (the majority, 11,022, are Georgian refugees in North Ossetia-Alania ) and 411 from non-CIS countries (essentially Afghans). During the course of 2002, a total of 51 persons were recognised as refugees. Of the 89 subjects of the Russian Federation, 23 regions host recognised refugees. More than a thousand persons (mainly Afghans) have been granted temporary asylum since this started to be implemented in 2001.

The main problems encountered by asylum seekers, and non-CIS asylum seekers in particular, are 1) access to the refugee status determination procedure and lack of proper documentation during the “pre-registration” phase (mainly in Moscow city and in Moscow region), 2) restrictive practice in issuing asylum-seeker certificates (mainly in Moscow City and in Moscow region) and subsequent lack of sojourn registration (i.e. residence permit) during the RSD procedure, and 3) high rejection rate on both formal grounds as well as on the merits. These problems were not eased in 2003 although UNHCR’s involvement in court work brought some success, particularly with regard to accessing the RSD procedure.

During the pre-registration period, asylum-seekers remain without any official document attesting their status. Consequently, they may be subject to police harassment by law enforcement agencies, including fines, administrative detention, threats of eviction from apartments and risk of deportation. Without residence registration they cannot easily access local schools, and they are not able to use local medical facilities. They also cannot work legally. The introduction of a new law on foreigners in 2003 has only exacerbated the exposure of asylum seekers to police harassment, high fines etc.

Although recently the situation of refugees has been raised in a more positive manner by the local media, most press statements concerning far abroad refugees and asylum seekers do not promote tolerance. Public information activities and in particular, dissemination of refugee law and tolerance education, remain vital for UNHCR to achieve a better protection for these persons.

### **Stateless Persons**

The Russian Federation is not a State Party to the 1954 and 1961 Conventions on statelessness and official statistics on the number of statelessness persons do not exist. UNHCR is concerned with two categories of *de facto* stateless persons: Meskhetians residing in the Krasnodar Krai (estimated to be 11,000 persons) and “Baku Armenians” (i.e. ethnic Armenian refugees from Azerbaijan) in Moscow (estimated to be between 1,500 and 3,000 persons in the Moscow region alone, about 500 of whom are identified as in need of UNHCR’s assistance).

In May 2002, the new RF Law on Citizenship was passed and in November 2002 the implementing regulations to the law were adopted by presidential decree. UNHCR, together with the Council of Europe, was consulted during the drafting process of the new citizenship law, and UNHCR was given the opportunity to comment on the draft implementing regulations. The new legislative corpus includes provisions aimed at preventing situations of statelessness and it also contains preferential provisions for recognised refugees. It further clarifies legal concepts and requirements (such as

“lawful residence”), which were, under the previous 1991 law, only vaguely defined and subject to various interpretations. However, pre-conditions for acquisition of Russian citizenship are stricter than previously. As a consequence, persons already present in the Russian Federation and who are in a de facto stateless situation may encounter increased difficulties to acquire Russian citizenship.

Between May 2002 and September 2003, UNHCR assisted 111 “Baku Armenians” in having their Russian citizenship recognised through the courts of law. The same initiative failed for Meskhetians, as the courts in Krasnodar Krai simply refuse to register applications. In September 2003, a joint letter by UNHCR, HCNM-OSCE, the Council of Europe and IOM, was addressed to the President of the Russian Federation, calling his attention to denial of their rights faced by the Meskhetian population in Krasnodar Krai.

### **Internally displaced persons (IDPs)**

The hostilities that broke out in the autumn of 1999 in the Republic of Chechnya devastated the lives of hundreds of thousands of people. People were forced to flee from Chechnya, mostly to the Republic of Ingushetia. Much of the resident population in Chechnya lived in towns and cities badly damaged by several months of heavy bombardment. The humanitarian consequences of the hostilities affected the lives of some 330,000 internally displaced persons (IDPs) and up to 690,000 residents in Chechnya and Ingushetia. The assistance needs of people were extreme. At end 2002 the number of displaced registered by the DRC in Ingushetia was 102,833, and in Chechnya 141,000. The Government, which registers IDPs by different criteria, reports 30,000 fewer IDPs (who may be primarily accommodated in host families).

Return to Chechnya increased significantly in 2002 (7,400 organised returns and an estimated 11,000 who returned spontaneously from Ingushetia; a further 2,000 from Dagestan). This was partly due to Government incentives inside Chechnya and quite intense psychological pressure to leave Ingushetia. More shelter was available inside Chechnya; temporary accommodation centres were opened, initially in poor condition (water and sanitation in particular) but improved towards the end of the year following UN monitoring missions and concerted advocacy. Pensions, child benefits and some unemployment benefits were paid more systematically in Chechnya, many people travelling in and out to collect them. The security situation inside Chechnya did not improve, however, and a large number of families preferred to shuttle to and fro between Ingushetia and Chechnya.

### **UNHCR’s role**

In view of the scope of challenges in the fields of quality asylum, internal displacement and prevention of statelessness, and in order to maintain a visible impact, UNHCR’s strategy will be on two levels. First, activities related to migration management, capacity building (sectoral training, workshops, limited technical assistance with direct impact on the situation of persons of concern, etc.), and development of legislative and administrative structures will be implemented in coordination with the federal structures. These activities will cover, to the extent

possible, the whole of the Russian Federation. Second, programmes directed towards the actual material assistance to groups of concern will target groups of persons and/or specific areas of Russia which are of special interest to UNHCR. The existing gaps in the asylum and protection regimes, broadly defined, continue to require regular short-term protection interventions by UNHCR on individual cases.

The situation for urban asylum seekers (currently defined as those living in Moscow, Moscow Region and St Petersburg) is particularly precarious, especially in Moscow where asylum seekers have a long waiting period before accessing procedures, during which they have no documents. Their situation is aggravated by the increase of racist attacks noticed against asylum-seekers from the far-abroad, especially dark-skinned people. UNHCR will continue to advocate and make constructive proposals to reduce this waiting period and to ensure asylum seekers are legalised and documented when they first approach the migration authorities and throughout the RSD procedure. The Office will provide individual protection assistance and legal counselling, challenge illegal practices related to access to the RSD procedure before the courts and assist asylum seekers with appeals, following some success in 2002 and 2001.

With these underlying protection conditions, where asylum seekers cannot legally become self-reliant, UNHCR must continue a substantial multi-sectoral assistance programme, including the provision of financial assistance for the most vulnerable. Efforts will continue to strengthen community services despite a difficult urban environment, as a key protection tool and as a basis for quality programme management. Education opportunities and the necessary support is increasingly provided by local authorities, with limited assistance from UNHCR. Parallel structures remain necessary only for adolescents who have missed large portions of schooling. Efforts to increase job placement opportunities, although so far achieving little success, will continue.

Resettlement continues to be an essential protection tool and the appropriate durable solution for several hundred particularly vulnerable asylum seekers.

In North Ossetia-Alania, 2004 will be the penultimate year of UNHCR's efforts to assist the local authorities in the integration of those Georgian refugees who remain vulnerable, lacking status and /or lacking adequate accommodation. The focus will continue to be on shelter and protection, with some small scale community support activities to compliment these efforts. UNHCR will continue to try to get other donors and agencies involved in longer term development assistance in this region.

In the northern Caucasus UNHCR will maintain an operational focus on protection and shelter in the year 2004, playing the coordinating role only in these sectors. UNHCR will have withdrawn from other sectors such as water and sanitation and non-food item distribution. As long as the need for a safe haven in Ingushetia continues, it will be supported by UNHCR, and continued involvement in the shelter sector will remain a basic requirement. The main challenge for UNHCR in the North Caucasus will be to insist on this point and on continued adherence to the principle of voluntariness of return to Chechnya.

For the year 2004, UNHCR's activities in the Russian Federation can be broadly summarised as follows:

- Lobbying and advocacy efforts intended to promote the adoption and/or respect of international standards, targeting government officials from ministries and institutions involved with migration management and refugee affairs;
- Provision of technical support, legal advice and training to governmental and NGO bodies for the elaboration and/or implementation of legislation respecting international standards and principles;
- Promotion of accession to the conventions on statelessness, and provision of expertise in implementing citizenship legislation;
- Support to the Government in the provision of basic material, social and legal/protection assistance to asylum-seekers and refugees, especially in urban areas of Moscow and St Petersburg;
- Supporting the Government in promoting the local integration of persons or groups of persons of concern to UNHCR (refugees, IDPs and stateless persons) through time-limited plans developed with the government, legal and social counselling, access to the local education system, medical services, skills training, and job placement
- Increasing co-operation with education institutions to promote the inclusion of asylum and human rights issues in the curricula of training institutes, schools and universities;
- Advocacy and support to ensure that Ingushetia can remain a safe haven for those who wish not to return to Chechnya and to ensure voluntariness of return to Chechnya;
- Advocacy and support to ensure those returning voluntarily to Chechnya have access to assistance and that their rights are protected;
- Capacity-building support to institutions in Chechnya responsible for the protection of citizens' rights;
- Subject to genuine availability of shelter in Ingushetia and elsewhere, for those IDPs who do not wish to return to Chechnya, and subject to improvement of the security situation in that republic, the UN team will increase its initiatives and involvement in Chechnya aiming at facilitating the re-integration of returnee communities.
- Promotion of other durable solutions such as resettlement for the most vulnerable refugees and voluntary repatriation as appropriate;
- Dissemination of information and public awareness-raising activities in the field of refugee and human rights in general, including an information brochure for IDPs from Chechnya on their rights and entitlements in case of return as well as in case of prolonged sojourn in their place of current displacement;

### **Implementing activities for groups with special needs**

UNHCR has maintained a focus on women, children, unaccompanied/separated minors, and adolescents both through specific assistance programmes, and through activities covering the whole community. The approach was strengthened, particularly in 2002, through training of IP staff including their sensitisation on these issues, and through efforts to engage refugees and IDPs themselves in the implementation of activities.

In the North Caucasus, the use of monitoring agencies which employ a large proportion of local female monitors and deploys them in camps, spontaneous settlements and host families will continue to be utilised to ensure the best possible understanding and alleviation of protection and shelter problems specific to women and children. Special attention will be given to the identification of situations where women and children may be open to abuse as a result of their being residents of these locations.

### **Working with Others**

UNHCR works closely with other UN agencies and relevant inter-governmental organisations in the Russian Federation. Close liaison is maintained with OCHA, UNSECOORD, ICRC and other agencies engaged in the humanitarian operation in the North Caucasus. UNHCR actively participates together with governmental, non-governmental and UN agencies in the preparation of the Consolidated Inter-Agency Appeal for Chechnya and Neighboring Republics. The main non-UN inter-governmental partner organisations for UNHCR in Russia are the Organisation for Co-operation and Security in Europe (OSCE)'s Office Democratic Institutions and Human Rights (ODIHR), the Council of Europe (CoE) and the International Organisation for Migration (IOM). OSCE/ODIHR and CoE collaboration with UNHCR is crucial and mutually beneficial in promoting observance of international human rights and refugee standards, in drafting the citizenship law and finding durable solutions to the displacement issues in North Caucasus, Krasnodar Krai and elsewhere. Other important partners in the Russian Federation are bilateral development agencies, especially USAID and a number of private foundations concerned with political and economic stability as well as the development of civil society.

### **UNHCR's role in the future**

In Russia, the respective mandates of OSCE, the Council of Europe and UNHCR are complimentary. The availability of quality asylum in Russia will prove essential for the future management of migration and refugee flows throughout Europe. Lack of access to the refugee status determination procedures, inadequate reception conditions and lack of integration prospects for certain categories remain huge problems in Russia. UNHCR's continued assistance and advice on asylum issues will be vital in supporting the Russian Federation's efforts to develop effective asylum policies and procedures as well as increasing real possibilities for integration.

UNHCR's involvement with the IDPs needs to be seen within the broader refugee and migration context. Since the resolution of displacement problems in the Northern Caucasus is a priority for the Russian Government, UNHCR's assistance has been highly valued (by both the Government and the beneficiaries). Through the provision of assistance, UNHCR has been helping the Government in managing the crisis and has been able to ensure that the rights of IDPs (particularly with regard to voluntary return) have been, to a large extent, and in most cases, respected. The notable exception to this was the closure of the camp at Aki Yurt in Ingushetia in December 2002. In the absence of a long-term solution providing peace and stability in Chechnya, such protection and assistance activities continue to be essential. Assistance in selected sectors will be important for cementing more durable solutions

for the displaced including more permanent integration in republics of refuge, and potential return and re-integration in Chechnya when peace and stability is achieved. The realisation of these objectives will continue to be closely co-ordinated with the authorities and with other agencies. UNHCR intends to continue and strengthen a capacity-building role in protection in the region.

**(b) Selected Programme Goals and Objectives**

<b>Theme:</b> Strengthening asylum	
<b>Main Goal(s):</b> (a) persons in need of international protection have access to the territories of European states; (b) asylum seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international standards; (c) the rights of refugees are respected and effective durable solutions are found for them; (d) public opinion is receptive and supportive of the protection and solution needs of refugees	
<b>Principal Objectives</b>	<b>Related Outputs/Results</b>
<ul style="list-style-type: none"> <li>• The overall implementation of refugee legislation improves, and offers enhanced safeguards to asylum-seekers and refugees. Potential protection gaps in the current refugee law are addressed through legislative amendments.</li> <li>• Asylum seekers have timely access to RSD procedures in which their claims are heard fairly and promptly.</li> <li>• Asylum seekers are effectively protected during the national RSD, including prevention of refoulement and/or detention, and provided with documentation in accordance with the law, ensuring subsequent access to civil and social rights.</li> </ul>	<ol style="list-style-type: none"> <li>1. The government regularly consults UNHCR regarding amendments to current legislation as well as adoption of new regulations; UNHCR provides sound legal advice.</li> <li>1. Advocacy for the federal and/or Moscow migration authorities to issue provisional documents to persons who have not yet undergone the admissibility review of their claim. Advocacy/ assistance for the migration authorities to recruit and train additional eligibility officers so as to reduce the waiting period to access the RSD.</li> <li>2. Challenging the legality of the pre-registration practice before the courts.</li> <li>3. Beneficiary card from UNHCR offers some protection</li> <li>1. Advocacy for the <u>issuance</u> by the migration services of a/s certificates valid for a period sufficient for the concerned persons to undertake sojourn registration procedure. Similar advocacy for the <u>extension</u> of a/s certificates during the appeal process.</li> <li>2. Independent refugee lawyers pursue before the courts of law the illegal practice of non-extension of a/s certificates during the appeal procedure.</li> <li>3. Emergency resettlement of unduly rejected asylum-seekers (at the airport).</li> <li>4. Provision of legal counselling to undocumented asylum-seekers</li> </ol>



<ul style="list-style-type: none"> <li>• Asylum-seekers in urban areas unable to be self-reliant receive basic material assistance</li> <li>• Asylum-seekers have access to medical and education services while undergoing the RSD.</li> <li>• Community services in urban areas are strengthened to increase self-reliance among communities and strengthen potential for integration</li> <li>• The particular vulnerabilities of women and children in the urban caseloads are responded to</li> <li>• Persons in need of international protection are effectively granted refugee status or temporary asylum.</li> <li>• Recognised refugees enjoy civil and social rights provided for under the law;.</li> <li>• Voluntary repatriation is facilitated whenever possible</li> <li>• Refugees without prospect of local integration are resettled</li> </ul>	<p>detained on the territory of the RF.</p> <ol style="list-style-type: none"> <li>1. The individual assistance programme meets the needs of the most vulnerable, and encourages all possible efforts for self-reliance and potential integration</li> <li>1. Strengthening of projects with Moscow Committee on Education providing special support for children accessing local schools</li> <li>2. Medical project implemented by Magee covers basic medical needs pending access to local facilities</li> <li>1. Community activities are run with the active involvement of asylum-seekers / refugees (eg through Refugee Association 'Opora' )</li> <li>2. The community services unit in RO Moscow is strengthened by the addition of a local post (50%) .</li> <li>1. The work completed in 2002-3 to sensitise IPs and refugee representatives on domestic violence and abuse issues is strengthened to ensure effective detection, referral and response mechanisms</li> <li>1. Advanced RSD training for migration services staff and familiarisation workshops for other bodies involved with a/s and refugees (law enforcement officials, border guards, etc.).</li> <li>2. Provision of legal counselling to asylum seekers and legal representation before the appeal courts for unduly rejected cases.</li> <li>1. Integration programme for Georgian refugees is further implemented, jointly with the Government of North Ossetia-Alania; including shelter, legal assistance to obtain citizenship, an information campaign and some community services activities especially to support children and adolescents in education / training opportunities.</li> <li>1. Voluntary repatriation of (South Osset) Georgian refugees as well as of Afghan refugees is facilitated,</li> </ol>
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<ul style="list-style-type: none"> <li>The public at large understands the distinction between asylum seekers/refugees and economic migrants, and the relevance of refugee protection is understood.</li> </ul>	<ol style="list-style-type: none"> <li>1. Non-CIS asylum-seekers and refugees with immediate unmet protection/medical needs or without prospects for local integration are resettled to third countries.</li> <li>1. Public awareness activities continued; including film festival, competition for journalists, poster campaign in Moscow, website, World Refugee Day.</li> <li>2. Individual instances of xenophobic attacks against asylum-seekers and refugees are systematically reported through the media.</li> <li>3. Media reports more favourably more often on refugee and migration issues</li> </ol>
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<b>Theme:</b> Preparedness and Solutions (Sub-theme: Statelessness)	
<b>Main Goal(s):</b> (a) Statelessness will decrease in the RF; (b) Stateless people will enjoy, at a minimum, a status consonant with the 1954 Convention standards.	
<b>Principal Objectives</b>	Related Outputs/Results
<ul style="list-style-type: none"> <li>The RF accedes to the relevant instruments relating to the prevention and reduction of statelessness;</li> <li>Persons in a de facto stateless situation in Russia do access the naturalisation procedure and are processed in accordance with the law</li> </ul>	<ol style="list-style-type: none"> <li>1. Long-term lobbying campaign conducted among the legislative and executive branches of the State to promote the accession to the statelessness convention</li> <li>1. Meskhetians, and “Baku Armenians” are provided with legal counselling including legal representation in administrative and judicial proceedings.</li> <li>2. alternative durable solutions are available e.g. through resettlement of Baku Armenians under a US P-2 referral project.</li> </ol>

<b>Theme:</b> Preparedness and solutions (Sub-theme: Chechnya situation)	
<b>Main Goal(s):</b> (a) the protection and assistance needs of the displaced are met; (b) durable solutions for the displaced are included and developed in the peace-building process; (c) sustainable solutions are ensured for the longer term and further displacement is prevented; (d) preparedness measures for a timely and effective emergency response to the protection and assistance needs of displaced populations are maintained	
<b>Principal Objectives</b>	Related Outputs/Results
	<ol style="list-style-type: none"> <li>1. UNHCR will continue to actively encourage</li> </ol>

<ul style="list-style-type: none"> <li>The continuing availability of a safe haven for IDPs from Chechnya is assured and the principle of voluntary return in safety and dignity is safeguarded.</li> </ul>	<p>other agencies to participate fully in the meeting of basic international standards for the accommodation of IDPs, including in private accommodation; UNHCR will provide some shelter support in selected cases .</p> <ol style="list-style-type: none"> <li>IDPs evicted from host families or settlements have access to shelter as a genuine alternative to return to Chechnya; if tented camps are closed, IDPs have a choice to remain in Ingushetia or elsewhere in the RF in alternative accommodation</li> <li>Advocacy with federal and regional authorities to allow registration and access of newly arriving IDPs to shelter; and to ensure integrity in the migration service's de-registration process;</li> <li>Assistance provided by the federal government is timely and not reduced as an incentive for return</li> <li>The voluntary characteristic of return is determined through systematic interviewing of returnees</li> </ol>
<ul style="list-style-type: none"> <li>Required legal documentation is available for IDPs to travel and temporarily reside within the RF</li> </ul>	<ol style="list-style-type: none"> <li>Consensus developed with the authorities and assistance provided for the issuance of standard local IDs enabling beneficiaries to reside elsewhere in the RF; undocumented IDPs have access to documentation in Ingushetia</li> <li><b>Through local NGOs, IDPs in Ingushetia and in other republics of the northern Caucasus, are provided with legal and social counselling.</b></li> </ol>
<ul style="list-style-type: none"> <li><b>IDPs who are unwilling/unable to return to Chechnya do have the possibility to integrate elsewhere in the RF.</b></li> </ul>	<ol style="list-style-type: none"> <li><b>Advocacy for the establishment, awareness and monitoring of compensation schemes outside Chechnya for lost property.</b></li> <li>Well articulated integration project developed jointly with government of Ingushetia and other agencies is implemented.</li> </ol>
<ul style="list-style-type: none"> <li><b>The capacity of institutions in Chechnya that protect the rights of citizens is strengthened, to the benefit of IDPs, returnees and local residents.</b></li> </ul>	<ol style="list-style-type: none"> <li>Co-ordination is enhanced with the OSCE/ODIHR and the CoE, for the provision of technical and material assistance to federal and local institutions responsible ; IDPs and returnees have access to documentation and social benefits in Chechnya</li> <li>The capacity of local legal and human rights' NGOs is enhanced; cases of violation of human rights of IDPs and returnees are effectively addressed by law enforcement authorities and further by the judiciary; IDPs and returnees are informed of their rights.</li> </ol>

<ul style="list-style-type: none"><li>• <b>IDPs and refugees who return/repatriate voluntarily to Chechnya have access to basic material assistance.</b></li></ul>	<ol style="list-style-type: none"><li>1. IDPs return to reasonable shelter conditions.</li><li>2. Sectorial co-ordination among UN, other relief agencies and local Government continues under the auspices of OCHA.</li></ol>
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