



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country: Russian Federation

Planning Year: 2005

Part I: Executive Committee Summary

Context and Beneficiary Populations

The Context

The Russian Federation (RF) remains a destination and a transit country for refugees, as well as a country from where large number of asylum seekers originated. Compared 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 expansion further east of the European Union (EU) and the tightening of border control in Ukraine, Moldova and Belarus may lead to an increase in numbers of asylum seekers in Russia.

The combined necessity to prevent terrorism, combat illegal migration and narcotic trade (including transit of Afghanistan-produced heroin) and protect the local labour market is having negative consequences for asylum-seekers' access to the refugee status determination procedures as well as for their refugee status recognition.

Asylum Seekers and Refugees

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. As of 31 December 2003, there were 8,725 recognised refugees in the Russian Federation. In 2003, only 58 persons were granted refugee status. Of the 89 subjects of the Russian Federation, 22 regions host recognised refugees. Some 1,232 persons (mainly Afghans) have been granted temporary asylum since 2001 when the authorities officially endorsed it.

The main problems encountered by asylum seekers, and non-CIS asylum seekers in particular, remain 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) and 2) high rejection rate on both formal grounds as well as on the merits. Some 241 positive court decisions on refugee cases were passed in 2003, including 232 in Moscow on cases supported by UNHCR (directly or through UNHCR-sponsored lawyers) and nine in the regions of the Federation, through UNHCR's legal implementing partners. Despite this positive trend with the courts of law, problems of access to the national RSD procedure and low recognition rate by the migration services persist.

During the pre-registration period, asylum-seekers remain without any official document attesting their status. Consequently, they may be subject to coercive measures applied by law enforcement agencies, including fines, administrative detention, threats of eviction from apartments and risk of deportation. Although now all asylum-seeker children have access to local schools, without residence registration asylum-seekers are unable to use local medical facilities and cannot work legally. Introduction of a new law on foreigners in 2003 has exacerbated the exposure of asylum seekers to police checks, high fines etc.

As of 31 December 2003, according to the official record, a total of 6,280 recognized refugees from Georgia/South Ossetia remained in North Ossetia. There are still 54 collective centres where 5,364 refugees and forced migrants (former refugees who have been granted Russian citizenship and forced migrant status, which entitles them to some social benefits) are living under sub-standard conditions. In North Ossetia, the Government continued to support integration of refugees from South Ossetia. Voluntary repatriation to South Ossetia/Georgia is accepted by a very limited number of refugees.

An independent survey on the coverage of refugee-related issues in the Russian information space revealed that they do not have great significance for Russian public opinion and mass

media (although the coverage of UNHCR in Russia has a positive trend). Most press statements concerning "far abroad" (i.e., non-CIS and Baltic States) refugees and asylum seekers do not promote tolerance and a negative attitude towards refugees often predominates. Thus, public information activities and in particular, dissemination of refugee law and tolerance education, remain vital for UNHCR to achieve a better protection for its beneficiaries.

Internally displaced persons (IDPs)

UNHCR provides protection and assistance to internally displaced persons (IDPs) in the North Caucasus within the UN Consolidated Inter-Agency Appeal Process. As of 31 December 2003, 66,996 IDPs remained registered in Ingushetia. Some 19,666 IDPs returned to Chechnya in the course of the year.

Throughout 2003, the authorities continue to actively promote return from Ingushetia, offering the IDPs remaining in the tented camps priority registration for compensation for destroyed property. However, many IDPs are still reluctant to return to Chechnya for lack of security and shelter in the republic. Through a July 2003 Federal Government decree, a programme was launched for compensating IDPs for their lost housing and property in Chechnya. While implementation of compensation has been slow, it is increasingly a motivation for IDP returns.

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 stateless persons do not exist. UNHCR is concerned with two categories of *de facto* stateless persons: Meskhetians (estimated to be 11,000 persons) residing in the Krasnodar Krai 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 a presidential decree. UNHCR, together with the Council of Europe, was consulted during the drafting process of the new citizenship law. UNHCR was given an opportunity to comment on the draft implementing regulations. Under the initial 1991 RF Law on Citizenship, Russia was attempting to determine its initial corpus of citizens (in a post-USSR context). The 2002 citizenship law is further aiming at adjusting naturalisation procedures, with the objective to facilitate acquisition of RF citizenship by former USSR citizens residing in Russia. The amendments made to the 2002 law in November 2003 are in the same spirit.

The new legislation also includes provisions aimed at preventing situations of statelessness and 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 now 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.

Activities for groups with special needs

UNHCR maintains a focus on women, children, unaccompanied/separated minors, and adolescents both through specific assistance programmes, and through activities covering the whole community. In the urban centres, the office will continue to strengthen its response to domestic violence and abuse. Women and children separated from the rest of their families will receive assistance in tracing their families and reuniting with them. UNHCR will continue to support women's participation in leadership roles in the refugee association Opora and provide women with opportunities for education and psychological care. In addition, sanitary supplies will continue to be provided. Unaccompanied/separated children will receive legal counselling to assist them in gaining access to the RSD procedure; appropriate foster families or group living arrangements will be identified based on their best interests. Children will continue to receive assistance enabling them to attend local schools.

The North Caucasus was selected as a pilot location for the Gender Mainstreaming Pilot Project in 2004. UNHCR will continue to support employment of a large proportion of local female monitors and their work in the camps, temporary settlements and private accommodation to ensure the best possible understanding and alleviation of protection and shelter problems specific to women and children. Special attention will be given to identification of situations where women and children may be open to abuse as a result of their being residents of these locations.

IP staff will continue to be trained to get a better understanding of issues related to gender and groups with special needs.

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. The main non-UN inter-governmental partner organisations for UNHCR in Russia are the Organisation for Co-operation and Security in Europe (OSCE)'s High Commissioner for National Minorities (HCNM), the Council of Europe (CoE) and the International Organisation for Migration (IOM). UNHCR will continue to work closely with bilateral development agencies and will strengthen its cooperation with various private sector donors to ensure suitable partnerships. Very close contacts are maintained with the primary donors including the EU (both ECHO and TACIS), Germany, Japan, the Netherlands, Switzerland, the UK (especially DFID) and the USA. UNHCR is an active participant in the UN Country Team. UNHCR also closely works with the donor community in Russia to find additional funding for its partners.

UNHCR's role and strategy

UNHCR's strategy will remain at two levels. Firstly, investment will continue in developing the asylum system in the RF and ensuring proper implementation of the refugee legislation. Secondly, the programme will provide direct assistance to beneficiary groups in selected regions of the country.

In Russia, the respective mandates of OSCE, the Council of Europe and UNHCR are complementary. Availability of quality asylum in the country is 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 major 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.

The situation for urban asylum seekers (primarily those living in Moscow, Moscow Region and St. Petersburg) has not improved significantly as compared to previous years and, therefore, UNHCR's role is to advocate for reducing the long waiting period for RSD and to ensure asylum seekers are legalised and documented when they first approach the migration authorities and throughout the RSD procedure. With these underlying protection conditions, where asylum seekers cannot legally become self-reliant, UNHCR has to continue a substantial multi-sectoral assistance programme, including provision of financial assistance for the most vulnerable. While the major focus of the programme is on local integration, resettlement and voluntary repatriation opportunities will continue to be available to refugees and asylum-seekers.

In North Ossetia - Alania, UNHCR will implement an exit strategy for its involvement in the integration of refugees from Georgia/South Ossetia. The Government, bilateral donors, NGOs, UNDP and other development actors will be further encouraged to increase their participation in the programme. Voluntary repatriation will continue to be offered. Activities for this group of beneficiaries will be coordinated with the UNHCR office in Georgia.

UNHCR's involvement with the IDPs needs to be seen within the broader refugee and migration context. In Chechnya, humanitarian activities continue to be essential. Both

protection and assistance will be important for cementing more durable solutions for the displaced, including voluntary return and re-integration in Chechnya or permanent integration in other republics. The realisation of these objectives will continue to be closely co-ordinated with the authorities and with other agencies. In the North Caucasus UNHCR will maintain a coordination function in the protection and shelter sectors. Activities will be implemented in Ingushetia as well as in Chechnya in the framework of the expanded two-pronged approach.

The *de facto* stateless will continue to have access to legal counselling enabling them to receive citizenship, acquire refugee/forced migrant status and be protected against eviction. While there are clear integration prospects for the Baku Armenians in Moscow, the situation of Mesketians in Krasnodar Krai is unlikely to change for the better. Complementary to UNHCR's assistance, the US Government will implement resettlement programmes for qualifying individuals from these groups.

Selected Programme Goals and Objectives

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| Theme: Strengthening asylum | |
| Main Goal(s): (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 protection standards; (c) Refugees are afforded high standards of protection, and effective durable solutions are found for them; (d) Public opinion is receptive and supportive of the protection and solution needs of refugees | |
| Principal Objectives | Related Outputs/Results |
| <ul style="list-style-type: none"> The overall implementation of the 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 (cf. Agenda for Protection, Goal 1, Objective 2). | <ul style="list-style-type: none"> The government regularly consults UNHCR regarding amendments to the current legislation as well as adoption of new regulations. UNHCR provides sound legal advice. |
| <ul style="list-style-type: none"> Asylum-seekers are effectively protected during the national RSD, including prevention from refoulement and/or detention, and provided with documentation in accordance with the law, ensuring subsequent access to civil and social rights (cf. Agenda for Protection, Goal 1, Objectives 2 and 11). | <ul style="list-style-type: none"> Promotion of standards, provision of expertise and technical assistance in view of the possible establishment of a retention centre at the Moscow Sheremetyevo-2 international airport. Availability of emergency resettlement of unduly rejected asylum-seekers (at the airport). Provision of legal counselling to asylum seekers (directly by UNHCR through the Moscow RRC, St. Petersburg RCC or through NGOs in the regions), and legal representation before the appeal courts for unduly rejected cases. |
| <ul style="list-style-type: none"> Asylum-seekers in Moscow, Moscow Region and nearby regions unable to be self-reliant receive basic material assistance. | <ul style="list-style-type: none"> Implementation of the individual assistance programme, meeting the needs of the most vulnerable and supporting the pursuit of appropriate durable solutions. |
| <ul style="list-style-type: none"> Asylum-seekers have access to health and education services while undergoing the RSD. | <ul style="list-style-type: none"> Adolescents have access to education, including the opportunity to attend vocational training and/or complete secondary school through activities with the Moscow City Education |

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| | <p>Department.</p> <ul style="list-style-type: none"> • The health activities implemented in Moscow and St. Petersburg covers basic medical needs pending access to local facilities. • Lobbying with the competent authorities for undocumented asylum-seekers to access national health/medical facilities. |
| <ul style="list-style-type: none"> • Resettlement and volrep opportunities are available to asylum-seekers and refugees (cf. Agenda for Protection, Goal 5, Objectives 2 and 6). | <ul style="list-style-type: none"> • Asylum-seekers and refugees with immediate protection/medical needs (unmet) or without prospects for local integration are resettled to third countries. • Provided conditions permit, asylum-seekers and refugees voluntarily return home. |
| <ul style="list-style-type: none"> • Target groups and general public understand the distinction between asylum seekers/refugees and economic migrants, and the relevance of refugee protection is understood (cf. Agenda for Protection, Goal 1, Objective 8). | <ul style="list-style-type: none"> • The public awareness campaign further enhanced to raise awareness among target groups, media and the Russian public. • Media reports more favourably and more often cover refugee and migration issues. |

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| Theme: | Emergency preparedness and solutions (Sub-theme: Addressing displacement in Eastern and South-eastern Europe: Chechnya situation) |
| Main Goal(s): (a) The protection and assistance needs of refugees and IDPs 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 | |
| Principal Objectives | Related Outputs/Results |
| <ul style="list-style-type: none"> • IDPs have the option of remaining in Ingushetia, or other republic of the North Caucasus, if desired. | <ul style="list-style-type: none"> • IDPs from Chechnya enjoy the option, in the absence of any form of undue coercion, to voluntarily return to Chechnya or temporarily remain in Ingushetia or other republics in the North Caucasus in suitable accommodation. |
| <ul style="list-style-type: none"> • Protection and assistance meet international standards | <ul style="list-style-type: none"> • The Government and agencies are actively encouraged to ensure that international protection and assistance standards for the accommodation of IDPs are maintained. |
| <ul style="list-style-type: none"> • Newly arrived genuine IDPs are officially registered. | <ul style="list-style-type: none"> • IDPs in Chechnya enjoy all rights entitled to citizens of the Russian Federation and that all legal actions directed toward IDPs are done in conformity with the law. |

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| <ul style="list-style-type: none"> Necessary documentation is available to IDPs in Ingushetia and returnees to Chechnya. | <ul style="list-style-type: none"> Advocacy for federal and regional authorities to provide all documentation necessary for the right of residence and other forms of voluntary movement, including return. |
| <ul style="list-style-type: none"> A viable and inclusive integration plan is developed led by the Ingushetia Government. | <ul style="list-style-type: none"> The Government of Ingushetia is encouraged to develop a comprehensive integration plan for those IDPs choosing to permanently settle in Ingushetia. |

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| Theme: | Emergency preparedness and solutions (Sub-theme: Addressing displacement in Eastern and South-eastern Europe: refugees from Georgia/South Ossetia) |
| Main Goal(s): (a) The protection and assistance needs of refugees and IDPs are met. | |
| Principal Objectives | Related Outputs/Results |
| <ul style="list-style-type: none"> The joint integration programme for Georgian refugees and forced migrants developed with the Government of North Ossetia-Alania is efficiently implemented. | <ul style="list-style-type: none"> The shelter project of UNHCR is implemented in a timely manner, emphasizing vulnerability and gender. UNHCR integration assistance is targeted towards vulnerable refugees and forced migrants living in collective centres. The Government actively contributes to the integration programme. |
| <ul style="list-style-type: none"> Substantial progress continues to be made in obtaining citizenship for refugees and those without legal status. | <ul style="list-style-type: none"> Legal assistance is provided to obtain citizenship, registration etc. |
| <ul style="list-style-type: none"> Voluntary repatriation is facilitated whenever possible. | <ul style="list-style-type: none"> Voluntary repatriation of (ethnic Osset) Georgian refugees is facilitated, in consultation with the NO-A Government. |

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| Theme: | Preparedness and Solutions (Sub-theme: Reducing statelessness) |
| Main Goal: (a) Statelessness will decrease in the region, particularly with reference to the principles in the 1961 Convention on the Reduction of Statelessness; (b) Stateless people will enjoy, at a minimum, a status consonant with standards outlined in the 1954 Convention relating to the Status of Stateless Persons. | |
| Principal Objectives | Related Outputs/Results |
| <ul style="list-style-type: none"> The RF accedes to the relevant | <ul style="list-style-type: none"> A long-term lobbying campaign was |

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| instruments relating to the prevention of statelessness | conducted among the legislative and executive branches of the State to promote accession to the statelessness conventions. |
| <ul style="list-style-type: none">• Persons in a de facto stateless situation in Russia do access the naturalization procedure and are processed in accordance with the law. | <ul style="list-style-type: none">• Mesketians in Krasnodar Krai and ethnic Armenian refugees from Azerbaijan in Moscow (“Bake Armenians”) are provided with legal assistance including legal representation in administrative and judicial proceedings. |