



VIENNA INTERNATIONAL CENTRE
Wagramer Straße 5, A-1400 Vienna, Austria

FACSIMILE MESSAGE

To: ACCORD, Attn. Mr. Martin Stübinger	Destination Fax No: 01- 58900 589
From: Birgit Einzenberger, Legal Unit	Return Fax No: +43- 1- 263 41 15 Tel: +43- 1- 26060- 4054 Email: einzenbe@unhcr.ch
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Russian Federation – Asylum Procedure

Dear Mr. Stübinger,

Referring to your request as of 2 May 2002 please find attached the self-explanatory Note “Background information on the situation in the Russian Federation in the context of the return of asylum seekers” which was prepared by our Headquarters in Geneva in October 2000.

According to our office in Moscow the overall recommendation concerning the returnability of asylum seekers as laid out in this paper still remains valid.

Additionally we would like to advise you about two major developments in the Russian context which took place since October 2000:

Firstly, regarding the documentation of asylum seeker during eligibility procedures: Starting from October 2000, asylum seekers whose claims were preliminary reviewed and found to be admissible are issued a certificate that entitles them to stay legally in the Russian Federation during the time necessary to process their claim.

However, in order to be valid, the certificate needs to be registered with the locally competent police office. Therefore, the asylum seeker needs to present supporting documents proving that he resides at the given place (i.e. lease agreement or letter by the owner of the flat allowing the asylum seeker to stay at his address). To our knowledge many asylum seekers are not in a position to present such documents, as the landlords usually avoid concluding formal written lease agreements in order to

avoid taxes. As a result, in spite of holding a certificate, asylum seekers may nevertheless not be in a position to legalise their stay.

An additional documentation problem remains with regard to the time necessary to decide on the admissibility of the claim. Although the Russian refugee law provides for a short time limit to decide on the admissibility, in some areas of the Russian Federation, and particularly in Moscow and the Moscow Region where most asylum seekers stay, the authorities do not have the capacity to facilitate this procedure within the time limit prescribed. As a result, at the end of the year 2001 out of 5,921 non-CIS/Baltic asylum seekers registered with UNHCR Moscow, 70 % were still awaiting an admissibility decision and hence lacking documentation enabling them to legal stay.

Furthermore, in the Moscow area, asylum seeker's certificates are issued for the duration of one month only and need to be regularly renewed. Since July 2001 in case of a negative first instance refugee status determination decision, the certificate is withdrawn and – in contradiction with the refugee law provisions - no right to legal stay is granted during the appeals procedure. With this practice rejected asylum seekers have become increasingly at risk of police harassment.

Secondly, regarding the implementation of the temporary asylum scheme:

This scheme provided for under the 1997 Law on Refugees establishing a complementary protection regime for persons who do not qualify for refugee status but cannot return to their country of origin for humanitarian reasons, finally became available after its modalities of implementation were established under an April 2001 Government Resolution. Since then, several hundreds of persons (mainly Afghans) were granted temporary asylum.

We hope, that the information provided is of use to you. In case you need any further information or clarification please do not hesitate to contact us at any time.

Best regards,



Birgit Einzenberger
Legal Unit
UNHCR Vienna