

UNHCR RO Moscow

*Extract of a UNHCR background document prepared
in the context of a USG Resettlement Project
for Ethnic Armenians from Azerbaijan*

7/2-03

Background¹

Ethnic Armenians from Azerbaijan were one of the first groups of internally displaced persons in the former USSR. As a result of inter-ethnic conflicts in Sumgait and Baku in 1989 and 1990, several thousands of ethnic Armenians left Azerbaijan either spontaneously or were evacuated by the Soviet authorities. While some of them moved to the various regions of Russia, most of them settled in Moscow. Among them was a group of ethnic Armenians from Baku (the number is not exactly known) evacuated by air from the capital of Azerbaijan to Moscow in January 1990.

Resolutions then adopted by the Soviet authorities were mainly directed towards the provision of humanitarian assistance and the identification of temporary accommodation. Some rest homes were identified in the Moscow area for their temporary placement. In an attempt to regulate the situation, the USSR Council of Ministers Resolution No. 329, of April 1990, provided a basis for granting a permanent "propiska" (residence registration) to the displaced ethnic Armenians from Azerbaijan at their new places of residence. However, those who were staying in Moscow City or the Moscow Region were expressly excluded from such benefit. The ethnic Armenians were to be offered jobs and housing (permanent or temporary) in other regions of Russia, in order to free the occupied rest homes. However, such a measure brought only a partial success.

In June 1990, under the pressure of human right NGOs, the Moscow City Council allowed for the temporary accommodation of the most vulnerable IDPs in some 19 hostels/hotels in Moscow (plus one rehabilitation centre "Vatutinki" and the "Vostryakovo" temporary settlement apartment building, maintained by the Moscow migration authorities) and for granting them a temporary "propiska"/registration. Unfortunately, the accommodation provided has remained of temporary character.

Statistics

The overall number of ethnic Armenians from Azerbaijan currently staying in Moscow is not known exactly. It is assessed that there are between 4,000 and 5,000. Out of them, it is further estimated that approximately 2,500 stay in temporary accommodation hostels (including approx. 1,500 persons in the Vostryakovo temporary settlement building) and 2,000 to 3,000 in privately rented flats.

Refugee status

¹ More detailed information on the background, legal status and current situation of ethnic Armenian refugees from Azerbaijan is available in the document "Background Information on Ethnic Armenians from Azerbaijan", UNHCR RO Moscow, April-May 2001.

28

While, during the last ten years, the federal and/or local authorities have made various attempts to solve the legal status of the ethnic Armenians from Azerbaijan, most of them have not been able to legalise permanently their stay in the Russian Federation. Most of them still possess the "refugee" documents issued by the former USSR Ministry of Labour and Employment. While the validity of such documents has been extended on a yearly basis by the Moscow Migration Service and now (since the dissolution of the Federal Migration Service and the transfer of competence to the Federal Ministry for Federal Affairs, National and Migration Policy – MinFed) by the Territorial Organ for Moscow of the MinFed, the latter in 2000 decided to re-register all CIS "refugees" in possession of refugee documents issued by the former USSR Ministry for Labour and Employment. The justification given is that such documents were then issued on a prima facie basis, and the persons do need to now undergo individual refugee status determination under the existing RF Law on Refugees. Meanwhile, under Ruling of 9 December 2000, the Moscow Mayor decided that the "old" refugee documents will, for the purpose of residence registration, be considered valid only until 30 November 2001.

Firstly, it can be argued that there is a denial of liability by the current Russian authorities, as being a successor to the former USSR authorities, by not recognising the status granted to such persons (then IDPs, now refugees) by the former State authorities. Secondly, given the limited staffing capacity of the Moscow Territorial Organ, the re-registration and individual RSD exercise is likely to be prolonged much beyond November 2001: the concerned persons may be caught in a legal limbo after the expiry of the current document and before their refugee status is being determined under the current law. Thirdly, there is no indication as to whether the concerned ethnic Armenian refugees will indeed be found to qualify as refugees.

Acquisition of Russian citizenship

While the majority of ethnic Armenians from Azerbaijan are in a refugee-like situation, some of them obtained Russian citizenship. No official statistics are available. According to information provided earlier by the Moscow Migration Service, some 10% among the 1,500 the residents of the Vostryakovo temporary settlement building were in possession of Russian citizenship (acquired under the simplified procedure of Article 18(d) of the 1992 RF Law on Citizenship – such simplified procedure is not available since 31 December 2000). Applied to the entire Moscow community, this could mean that some 500 persons have acquired Russian citizenship (?). UNHCR consistently advised ethnic Armenian refugees in Moscow to apply for Russian citizenship, as a mean to facilitate their local integration. However, many refugees are reluctant to apply for citizenship, preferring to keep the resettlement option open (with the hope that the USG resettlement project implemented in the early 90's would resume...).

In the beginning of 2001, under a partnership agreement with a local legal NGO (Moscow Helsinki Group), a project was initiated by UNHCR to explore on a case by case basis the acquisition of Russian citizenship by way of recognition (Article 13 of the 1992 Law on Citizenship). Some three positive court decisions (collective decisions concerning 20 persons) were achieved in Moscow City. However, the Visa and Passport Service of the Moscow City body of interior (OVIR) objected to the enforcement of such court decisions². Furthermore, since May 2001, the courts themselves refused to register new applications.

Residence registration

² Cf. Letter of the Head of the Moscow UVIR, dated 3 August 2001.

Be they refugees or Russian citizens, the overwhelming majority of ethnic Armenians from Azerbaijan were denied permanent registration by the Moscow OVIR. Those living in hostels and/or temporary accommodation centres can only obtain, by law, for temporary residence registration. As to those renting private apartments, they are facing Moscow's restrictive administrative practice in issuing permanent residence registration, and could also only obtain temporary registration.

While temporary registration does allow access to social services and allowances, including medical care and education, it hampers the access to stable, legal employment. UNHCR is aware of one case of a Baku Armenian who was allegedly sacked from his position as senior engineer in a company, as the labour inspectors were arguing that such a position could only be held by a "Muscovite" (i.e. holder of permanent registration). The precarious nature of the temporary registration (from three months to one year) is further aggravating the psychological stress of the concerned refugees, who *de facto*, if not *de jure*, have been residing in Moscow for more than ten years (not to mention frequently alleged payments of bribes to the police administration, for the extension of registration).

The USG resettlement project: opportunities, dilemmas and constraints

For the sake of this paper, it is worth summarising the "pros" and "cons", from the perspective of UNHCR, concerning the planned USG resettlement programme, and draw a tentative conclusion as to the possible complementarity with UNHCR's protection work in the Russian Federation.

Dilemmas and constraints:

- In the opinion of UNHCR and as confirmed by the courts of law (notwithstanding the possible interference of the executive power), ethnic Armenians from Azerbaijan do fall under Article 13 of the 1992 RF Law on Citizenship, which states that former USSR citizens residing on the territory of the RF prior to the adoption of the law (6 February 1992) should, upon their request, be recognised as Russian citizens.
- Very few ethnic Armenian refugees have indeed attempted to acquire Russian citizenship (under Article 13 or Article 18(d) of the Law on Citizenship). The majority made the private choice to remain as refugees.
- Those ethnic Armenian refugees who left Moscow to the regions have generally encountered more favourable conditions for local integration, i.e. residence registration and housing.
- As being CIS refugees, the problems encountered in Moscow by ethnic Armenians from Azerbaijan are very similar to the ones encountered by other CIS refugee groups, in Moscow or in the regions of the Federation (e.g. Meskhetians, Tadjiks, etc.). The implementation of such resettlement project, limited to ethnic Armenians, constitutes a "positive discrimination", which may be justified, but should be acknowledged.
- If it were restricted on the basis of ethnicity/origin, such resettlement project could nevertheless be expected to raise the expectations of ethnic Armenians from Azerbaijan currently staying in other regions of the Federation³.

³ It is estimated that several tens of thousand of ethnic Armenians from Azerbaijan are currently staying in the northern Caucasus republics and in southern Russia. Most of them came in the years that followed the dissolution of USSR. Many of them came via Armenia, where they obtained refugee status and where they were entitled to Armenian citizenship. The local territorial organs of MinFed are denying such persons refugee status on grounds that they had obtained international protection in a third country – Armenia – prior to coming to Russia.

Resettlement as a viable alternative to lack of local integration:

- The recent plan of the Moscow Territorial Organ of the MinFed to re-register all CIS refugees in possession of USSR "refugee" documents is likely to leave many ethnic Armenian refugees in a legal limbo: either during the re-registration phase (after expiry of the current documents in November 2001) or in case of rejection of the refugee application.
- While the acquisition of Russian citizenship constitutes a legal option for local integration, in the practice it is being currently hampered by the reluctance of the Moscow's executive organs to enforce judicial decisions. Legal remedies against such illegal practice remain a possible, but distant and uncertain, solution.
- The lack (denial) of permanent registration remains the main obstacle to local integration. Here also, legal remedies are available in theory, but are uncertain, time-consuming and can only be explored on a case-by-case basis.

UNHCR RO Moscow
11 September 2001