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RUSSIA - PROFILE OF ASYLUM CLAIMS AND COUNTRY CONDITIONS

Table of Contents

	Page
I. Introduction	2
II. Overview and Recent Developments	2
III. The Most Common Asylum Claims	4
A. Frequency and Types of Claims	4
B. Claims Based on Political Opinion	4
C. Claims Based on Religion	5
1. The Russian Orthodox Church	6
2. Other Orthodox Sects	7
3. Evangelical Christians	7
4. Other Religious Minorities	8
D. Claims Based on Ethnic Affiliation ("Nationality")	9
1. Jews	10
2. Non-Russians in Russia	12
3. Russians in Traditionally Non-Russian Areas	15
E. Particular Social Groups	15
F. Factors Common to Many Claims	16
1. Fear of Criminal Elements	16
2. Failure of Police to Provide Protection	17
3. Fear of the Secret Police	17
Under the Communist Regime	17
Changes Since August 1991	18
Localized Repression	19
Cooperation or Refusal to Cooperate	19
Revealing State Secrets	20
4. Military Service	20
The Draft	20
Hazing in the Russian Military	21
5. Mistreatment on Non-statutory or Mixed Grounds	21
Foreign Connections	21
Competition for Scarce Resources	21
Mistreatment by Criminal Elements	22
Hostility Toward Entrepreneurs	22
IV. Other Considerations for Adjudicators	22
A. Refugees in Russia	22
B. Other Factors Influencing Emigration	23
C. Internal Flight Alternative	23
D. Russian Documentation	25
E. Citizenship and Ability to Return to Russia	26
F. Fear of Reprisals for Remaining in the US	27
CHRONOLOGY	29
MAPS	30

I. INTRODUCTION

Country conditions profiles are produced by the Department of State's Office of Asylum Affairs for use by the Executive Office of Immigration Review and the Immigration and Naturalization Service in assessing asylum claims.¹ They are written by State Department officers with expertise in the relevant area and are circulated for comment within the Department, including to overseas missions, and to other agencies if appropriate. In addition to this profile, adjudicators should refer to the annual Country Reports on Human Rights Practices and other publicly available information on country conditions.

II. OVERVIEW AND RECENT DEVELOPMENTS

Russia continued its profound political, economic, and social transformation. Democratic institutions and practices are evolving but are not fully developed. The Constitution approved by voters in 1993 provides for a democratic government comprised of three branches with checks and balances. The executive branch consists of an elected president as its leader and a government headed by a prime minister. There is a bicameral legislature (Federal Assembly), consisting of the State Duma and the Federation Council, and a judicial branch. For the first time in Russia's history as an independent state, its head of state was chosen in a competitive election in 1996. It was judged largely free and fair. The judiciary showed signs of limited independence.

Despite the transformation described above progress in human rights has been slower. COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996 concludes that the Government's human rights record showed little progress in 1996. Serious abuses were committed in the course of the war in Chechnya, which finally ended in the fall of 1996. Implementation of constitutional provisions for due process, fair and timely trials, and humane punishment made little progress. Perhaps the most notable developments since the publication of the 1996 COUNTRY REPORT have been the holding of elections in the breakaway region of Chechnya, resulting in the formation of a new government committed to Chechen independence, and the signing of a Peace Agreement with Russia. The two sides

¹ By regulation, the Department of State may provide information on country conditions to help adjudicators assess the accuracy of asylum applicants' assertions about country conditions and their own experiences; likely treatment were the applicants to return; whether persons similarly situated are known to be persecuted; whether grounds for denial are known to exist; and other information relevant to determining the status of a refugee under the grounds specified in section 101(a)(42) of the Immigration and Nationality Act.

have agreed to resolve the issue of Chechnya's final status within 5 years.

For the past 5 years, Russia has been in the process of transition from a centrally planned to a market economy. Real gross domestic product had fallen 34 percent from the 1991 level by the end of 1995. Industrial output has shrunk from being over 75% of the country's economic activity to less than 40 percent in 1996. Per capita income is \$3,400, but income disparities have increased dramatically since the downfall of communism, and about 23 percent of the population live below the poverty line. The Government has made progress in reducing inflation - the 1996 rate was 21.8%, down from 131% in 1985. There were widespread delays in the payment of wages, which led to strikes and demonstrations in early 1997.

RUSSIAN TRANSITION AND ASYLUM CLAIMS: The dramatic changes in Russian life in the past ten years make assessing the country conditions aspect of asylum claims particularly difficult. Human rights abuses were not eliminated in Russia by the collapse of the Soviet Union, but the nature of such abuses has changed significantly. Individual claims of systematic mistreatment by organs of the state on account of beliefs and actions which do not conform to Communist ideology, which were often persuasive under the Soviet regime, do not generally comport with post-1991 developments. However, the process of change was a gradual one. Beginning in the mid-1980's, the grip of the Soviet regime on all aspects of life in Russia began to weaken. The turning point of these changes may have been August 1991 when the efforts of hard-liners to restore the Soviet-style dictatorship by a coup d'etat failed. Since then, there has been considerable devolution of power from the center to the regions, resulting in significant regional differences and some limitations on the power of central organs of state control. Extensive privatization of the economy has given citizens a further buffer against intrusion of state authorities into their daily lives.

The past three years, however, have witnessed an increase in the intrusiveness of Russian security organs, in part a response to the power of organized crime. Officials sometimes act arbitrarily, under corrupt influences, and with the authoritarian mindset of the past. The level of physical security has declined for much of the population and the social safety net furnished by the Soviet system, inadequate though it was, has largely broken down. Despite large scale privatization, Government continues to play a larger role in regulating economic activity than it does in the United States. Decentralization of authority, while making a return to the totalitarian past less likely, also offers scope for abusive behavior by local authorities and groups.

III. THE MOST COMMON ASYLUM CLAIMS

A. Frequency and Types of Claims

Preliminary INS statistics for Fiscal Year 1996 (October 1995 - September 1996) indicate that residents of Russia filed 759 claims, down from 857 in FY 1995. Russia ranked 17th in number of new asylum claims.

A sampling of the asylum claims forwarded to our office from the INS intake centers in late 1996 and early 1997 indicate that slightly over half of Russian claims are advanced by individuals claiming Jewish nationality and basing their claims on a combination of ethnic and religious discrimination. The second largest group of applicants are from ethnic non-Russians, primarily Armenians, living in predominantly Russian areas of the Russian Federation. There were a number of claims based on religion, primarily from Evangelical Christians. Fear of the security services or criminal groupings formed the basis for a number of claims and figured in many others. A few applicants also related their claims to mistreatment for political activities hostile to local or national power structures. While identifying trends is risky in a small sample, the decline in political claims relative to claims based on ethnic considerations noted in the previous edition of this *Profile* continues.

B. Claims Based on Political Opinion

A number of applicants, particularly those entering the United States before 1992, cite fear of future persecution because of their hostility to Communism or Communists as the basis for their asylum claims. These claims are frequently accompanied by assertions that "despite appearances, nothing has changed" and "the same people are still in power". More recent asylum applicants basing their claims on political opinion are less likely to cite mistreatment because of party affiliation or ideology than confrontations with corrupt local authorities or criminal groups, or a combination of the two. Often political claims include assertions that the claimant is in the files of, or under surveillance by, the security services.

The decline in claims based on party affiliation and political viewpoint appears to reflect the increased freedom of political activity which now prevails. Russians generally enjoy freedom of assembly and association. All public organizations, including political parties, must register their bylaws and the names of their leaders with the Ministry of Justice. Political parties must also present 5,000 signatures and pay a fee to participate in elections. However, there are no known instances of

authorities refusing to register an organization because of its gender, ethnic or political orientation. With some exceptions, notably certain environmental activists, citizens freely and actively protest government decisions and actions of which they disapproved. Presidential elections in July 1996 were generally free and fair and Russian voters were presented with a wide variety of political viewpoints and parties. Unequal access to the media, however, resulted in a flawed campaign process.

Russia has been engaged in largest transfer of assets from public to private ownership in history, and one of the most dramatic changes of political systems. In these circumstances, it is perhaps not surprising that Russian politics includes elements of intimidation by all sides, particularly at the local level, that would not generally be found in the West. For example, Russian media reported in 1996 that 135 journalists had been killed in the countries of the former Soviet Union in the previous five years. However, with the exceptions described above, we see no indication that political parties, or the Russian government itself, are subjecting political groupings of any stripe to pervasive mistreatment because of political differences.

Applicants asserting a political basis for their claims and citing events of the last two or three years have tended to describe confrontations with dictatorial or corrupt authorities, often connected with criminal groupings and relying on security services to enforce their authority. For a discussion of such cases see Section F, Factors Common to Many Claims. Adjudication of these claims involves not only an evaluation of the factual assertions presented, but also whether the mistreatment actually arises from the "political opinion" of the applicant, or possibly from his membership in a "particular social group" or, indeed, whether the claim relates to grounds covered under US asylum law.

C. Claims Based on Religion

(For Jewish cases, see section D, "Claims based on Ethnic Affiliation".)

Religious organizations are generally free to assemble, advertise, seek converts, and raise money. All religious groups of ten or more are still required under the provisions of a 1990 law to register with the authorities in order to establish official places of worship and obtain other privileges. Religious groups have not reported problems obtaining registration, although some Evangelical and other religious groups have not applied. Religious publishing is flourishing, and religious books from abroad are widely available. However some religious groups, particularly some Evangelical Christians, object to registration on grounds of religious principle.

Unregistered organizations, which do not have the character of "Juridical person," do not have the same access to the media, the right to operate schools, own property, and engage in social work, as organizations which are registered. However in most areas unregistered worshippers are able to conduct services in private homes without interference from the authorities.

This picture has been clouded recently by regional governments, some of which have passed restrictive laws and decrees that violate the provisions of the national law by restricting the activities of religious groups or requiring registration. Enforcement is uneven, but there are reports of local governments preventing religious groups from using venues, such as cinemas, suitable for large gatherings.

The Russian Orthodox leadership complains that foreign missionaries with large coffers of hard currency are taking advantage of the present instability in Russia to proselytize among Russian Orthodox believers. In response to these complaints, and to official and widespread non-official distaste for Hare Krishnas and other groups which are relatively new in Russia, the Russian parliament has been considering legislation which would require all foreign religious groups to obtain accreditation from the government before they engage in religious activity in Russia. In April 1995, a Moscow Judge ordered the Japanese-origin sect Aum Shinri Kyo to cease operations in Russia and forbade radio and television stations to broadcast the sect's programs.

1. The Russian Orthodox Church

The demise of the Soviet regime was accompanied by a dramatic resurgence of the Russian Orthodox Church (ROC). Its believers have been estimated to number 60 million and thousands of new church buildings have been opened in the last few years. We have no indication that the ROC or its adherents are mistreated by the authorities or by any other organization. On the contrary, it is receiving increasing support from the state.

At the same time, factionalism has developed within the Church in recent years, and this has been accompanied by a few acts of violence, most notably the murder, in 1990, of Father Alexander Men', an Orthodox Priest who advocated liberalization and greater independence for the church. Several other mysterious murders of individuals associated with Father Men' occurred at the same time. In June 1996 a court acquitted a suspect in the case, ruling that the defendant was under duress and had given a false confession. A few asylum claims have been based on association with the same faction as that of Father Men'. These factional differences remain and conservative opponents of reform and Western influence are becoming more assertive within Church

councils. Gleb Yakunin, an outspoken supporter of human rights and opponent of the government was defrocked by the Patriarch in 1993 for disobeying an injunction to priests to refrain from running for parliament. But we have no reports of repetitions of violent acts against liberal churchmen since 1991.

2. Other Orthodox Sects

OLD BELIEVERS: Over the centuries a number of religious believers split from, or were expelled by, the Russian Orthodox Church. The best known are the "Old Believers", spiritual descendants of Russian Orthodox Christians who rejected liturgical changes in the church in the seventeenth century. They were persecuted by the Tsarist government and the Russian Orthodox Church up until the beginning of this century. At present, however, they are active in many parts of Russia and other former Soviet states. They maintain active ties with their co-religionists abroad. We have no indication that they have been mistreated since the restoration of religious freedom at the end of the 1980's.

RUSSIAN ORTHODOX FREE CHURCH: A product of the divisions in the Orthodox church resulting from the 1917 Bolshevik revolution, the Russian Orthodox Free Church (ROFC) is the name, in Russia, of parishes subordinate to the Russian Orthodox Church abroad, with headquarters in New York. Beginning with parishes in Suzdal in 1990, the ROFC expanded rapidly to many parts of Russia. Strongly critical of the Russian Orthodox Church and the Moscow hierarchy which it accuses of having been corrupted by collaboration with the Communist regime, the ROFC has in turn been met with hostility on Russian soil by many Russian Orthodox leaders. Under the influence of the latter, ROFC parishes have encountered difficulty in obtaining registration and the use of Church buildings. These problems are usually local in origin and there have been no reports of systematic mistreatment of adherents of this organization by governmental or other entities.

3. Evangelical Christians

BACKGROUND: Evangelical denominations (Pentecostals, Seventh Day Adventists, Evangelical Christians, most Baptist denominations) were established in Russia beginning in the nineteenth century. They were largely a result of German immigration and European missionary activity. Under the Tsars, they were regarded by the state-established Russian Orthodox Church as a threat to the ROC's dominant position, and were subjected to official and unofficial harassment. During the Soviet period Evangelical Christians were repressed in the same way as were believers of other faiths. If they were open about their religion, they were usually denied higher education and professional opportunities.

In addition, the beliefs of many of the Evangelical groups includes a prohibition against bearing arms. In some cases, this is interpreted as forbidding military service entirely. This often led in the past to imprisonment, or to alternative service in unhealthy places and occupations. Other groups accept military service, but refuse to carry weapons. This stance has usually led to assignment to a military construction brigade. Such an assignment is regarded as particularly difficult and is frequently characterized by applicants as a form of punishment, since criminals and other individuals the government does not trust with arms are also assigned to these units.

EDUCATION AND PROFESSIONAL LIFE: Evangelical groups, more than most other religious faiths, actively resisted Communism as an ideology in their everyday lives. For example, parents often refused to allow their children to join the Communist organizations for small children, and more frequently refused to join the Young Communist League (Komsomol) for adolescents and young adults. Refusal to participate in these organizations was generally regarded by the authorities as an act of hostility to the regime and such individuals were often denied educational opportunities above the secondary level and prevented from assuming positions of leadership at work or in any sphere of society. It should also be noted, however, that many Evangelical Christians came from peasant families with little education, which, together with their intense focus on their faith, tended to diminish their interest in professional or leadership positions. Evangelicals were not usually denied work in unskilled or semi-skilled occupations.

CURRENT STATUS: With the overthrow of the previous regime, the religious activity of evangelicals is generally not restricted. There have, however, been a number of cases of interference from local authorities. There were reports that Jehovah's Witnesses were harassed in Tyumen. In St. Petersburg in March 1996 police raided a private apartment where a meeting of the Unification Church was taking place. Pentecostal claims of mistreatment often involve the North Caucasus region. In Krasnodar, the son of a Pentecostal minister was murdered in 1994. The local authorities, claiming that a church member killed him, shut the church down. This area is one which has been roiled by ethnic tensions as well. (See section on "Other Ethnic Groups".) Criminal proceedings were recently undertaken against a right-wing group, the Werewolf Legion, which was hostile to democrats, Jews, Communists and others. According to investigators of the Russian Counter-intelligence Service, the group had planned the massacre of a community of Evangelical Christian Baptists. There have also been cases in which Pentecostal and other Evangelical groups were prevented by individual Orthodox believers from meeting. Nonetheless, in a population of Evangelicals that numbers in

the millions, such events are isolated and localized. They can often be resolved by relocation, especially since Pentecostals frequently live in smaller towns or rural settings, and movement between such areas is less difficult than in the case of major metropolitan areas (see section on internal flight).

4. Other Religious Minorities

Muslims are the second largest body of religious believers in Russia. They have participated in the religious revival that followed the overthrow of the Soviet system. Although Muslims continue to encounter societal prejudices, they have not been inhibited by the government in the free practice of their religion.

There is widespread suspicion of more exotic groups such as Hare Krishnas, Reverend Moon's Reunification Church, the Church of Scientology, and other religions hitherto unknown in Russia. In April 1995 a Moscow Judge ordered the Japanese-origin sect Aum Shinri Kyo to cease operations in Russia and forbade radio and television stations to broadcast the sect's programs. According to a press account, in 1996 the Governor of the Far East province of Primorskii Krai threatened to banish members of the Unification Church, which is active in the region. The Russian parliament has periodically considered legislation, strongly favored by the Orthodox Church, which would require all foreign religious groups to obtain accreditation from the government before they engage in religious activity in Russia.

D. Claims Based on Ethnic Affiliation ("Nationality")

The internal passport issued to each citizen designates his or her "nationality", which does not signify citizenship or attachment to any particular geographical or political entity but is more closely akin to what would be characterized as ethnicity in American usage. For example, an individual of German ancestry would be characterized as "German" by nationality, even though his family had lived in Russia for many generations and no longer spoke German. An individual with parents of differing nationalities generally took the nationality of his father at age 16, although it was also possible for the mother's nationality to be taken instead. The use of bribery to select a more favored nationality was well established during the Soviet period. The official nationality designation was used by officials to achieve the (undeclared) ethnic policies of the Communist party regarding residence, education and other matters. This document no longer appears to be used to manipulate ethnic quotas, although it serves to keep issues of "nationality" alive in a situation where individuals may harbor prejudices on this score. (New identity documents scheduled to be issued later this year, will not specify

"nationality".)

1. Jews

Note: Most Jewish residents of the former Soviet Union base their claims on a combination of religious and ethnic discrimination. These two grounds are considered together here.

Jews continue to constitute the largest single group seeking political asylum from the Russian Federation. Typical claims include references to discrimination encountered in education and employment under the Communists, and encounters, often violent, with anti-semitic groups in the post-Communist era.

UNDER THE COMMUNISTS

Initially the Communists abolished the widespread anti-Semitic policies and restrictions of the Tsars. Subsequently, particularly during the post-war period, discrimination was reintroduced. In post-Stalin communist Russia discrimination against Jews persisted in education, employment and the exercise of religious and cultural rights, but became more subtle and selective. For most of the post-war period, access to higher education was limited by a quota system, which effectively made entry in to higher educational institutions more difficult for Jews. Some of the more prestigious universities did not admit Jews at all. Although these limitations were widely felt, Jews nevertheless managed to gain higher education in comparatively large numbers.

Employment opportunities for Jews under the Soviet regime presented a complex picture. They gained admission more frequently in the arts, education, engineering, the natural sciences and medicine. In political leadership positions, in the higher ranks of the military, and in defense related industries they encountered much greater barriers.

Although a few synagogues remained open, Communist hostility to organized religion of any sort either prevented Jews from practicing their religion or required them to sacrifice any hopes of professional or educational advancement if they did so.

While they were willing to manipulate ethnic sentiments themselves, the Soviet leaders were suspicious of spontaneous expressions of popular feeling of any kind. Accordingly, Jews did not experience pogroms or other overt manifestations of popular antisemitism under the Communists.

SINCE THE FALL OF THE SOVIET UNION

Earlier restrictions on freedom of worship and cultural expression have ended. Many synagogues confiscated by the Soviets have reopened. Jewish cultural and educational organizations are flourishing as never before, and ties with

Israel have proliferated. Government officials, including President Yeltsin, condemn anti-Semitism. Jewish schools have opened in several of the larger cities. The Lubavitcher movement in Moscow has been notably dynamic. It operates two synagogues, a Yeshiva, a women's seminary, a Sunday school and a cultural center. Jewish universities have been created in Moscow, St. Petersburg and other cities. Jews have assumed prominent positions in the political and economic life of the country. Jews, like many other groups, have benefited from the loosening of government control over the economy, cultural and religious life. A recent survey of Jewish attitudes suggested a widespread feeling within the Jewish community that the current situation represents an improvement over the Communist past. The Russian Jewish Congress, led by financier and media mogul Vladimir Gusinskiy, was founded to develop a secular Jewish identity in the new Russia.

Nonetheless, the same survey suggested that Russian Jews do not feel secure. Part of the anxiety springs from hard historical lessons; part from the visible manifestations of a society which still contains anti-Semitic elements and a recurrence of anti-Semitic themes in some political dialogue. The same policy which allows Jewish self-expression allows anti-Semitic and fascist elements to express themselves openly. Today a number of anti-Semitic publications, including books, pamphlets and newspapers are widely and publicly available. Laws which prohibit the fueling of racial, national or religious strife are not rigorously enforced, although in 1996 and 1997 there were two convictions for inciting ethnic hatred. The perceived prominence of Jews in financial spheres has heightened concerns in the Jewish community that Jews might become a scapegoat for Russia's ills.

These concerns were reinforced by a number of specific incidents in 1996 and early 1997, including vandalism of several Jewish institutions, including synagogues and cemeteries, and the disruption of a meeting in Orel by representatives of the paramilitary group Russian National Unity. In all but one of the incidents, no suspects have been identified. Moreover anti-Semitic themes continued to figure prominently in hundreds of extremist publications, and some Russian politicians--including some who ran for president--made anti-Semitic remarks. Members of Russian National Unity, an anti-Semitic organization that uses a modified swastika as its symbol, patrolled two Moscow parks, reportedly at the request of local officials.

Often the most compelling assertions in Jewish asylum claims concern repeated instances of physical mistreatment from anti-Semitic organizations and individuals. Individual instances of violence against Jews cannot be discounted. However, a claim of repeated physical abuse by anti-Semites should be examined carefully. Country conditions do not suggest that such a pattern prevails. Despite the presence of numerous journalists and diplomats free to travel and conduct interviews, we do not see a pattern of press or diplomatic reportage suggesting widespread physical mistreatment of Jews from anti-Semitic motives, nor do

leaders of the Jewish communities concerned state that this is the case. Where such mistreatment is asserted by applicants, the possibility of other motivations needs to be examined (see the section on mistreatment on non-statutory grounds).

NOTE ON VERIFYING JEWISH NATIONALITY

(See also section on Documentation issues.) The adjudicator may occasionally have reason to question an applicant's claim to be Jewish. Applicants should usually be expected to produce some evidence of their Jewish nationality, either in the form of the required identity document (internal passport), which lists nationality, or of birth certificates, where the nationality of their parents is listed. In cases where serious doubt arises and no documents are available in the US, applicants may be able to ask relatives in Russia to obtain copies from the appropriate officials for forwarding.

Applicants not listed as Jewish on their birth certificates may still have valid claims to being Jewish. In the past, offspring of mixed marriages had the choice of listing the nationality of either parent on their own internal passports, and, faced with the possibility of discrimination, often chose to list the non-Jewish nationality. After two generations, therefore, both parents would be listed in the applicant's birth certificates as having nationalities other than Jewish. If the adjudicator determines nonetheless that the applicant should be considered Jewish, he or she might conclude that the need to hide one's nationality itself is a factor favoring a positive asylum decision. On the other hand, an individual who successfully hid his nationality would also be less likely to have experienced discrimination on the basis of it.

2. Non-Russians in Russia

Asylum claims by other ethnic groups are fewer. Claims from Armenians are the most common, but there are also occasional cases involving other individuals, particularly from the Caucasus region or Central Asia. Occasional claims are also received from Russians living in areas of Russia where other ethnic groups predominate.

Russia is itself a multinational state. In many regions where they were the indigenous inhabitants, non-Russian ethnic groups have achieved autonomous status within the Russian Federation and control their own affairs to an extent not previously known. Issues of ethnic mistreatment arise most frequently in the larger cities and in the Northern Caucasus (see below).

THE MAJOR CITIES: There have traditionally been large numbers of Armenians, Azerbaijanis, Georgians, Chechens and other non-Slavic groups from the Caucasus region in the large Russian cities. Often they were a part of an unofficial retail distribution system by which the produce

of southern regions found its way to the markets of Moscow and St. Petersburg. In recent years their numbers have grown, partly in response to commercial opportunities resulting from privatization, partly because of ethnic turmoil in their regions of origin. Many of the newcomers are not legally registered (see discussion on registration in section on "internal flight alternative".) Active in commercial activities only recently legalized by the government and still poorly understood by the populace at large, they are widely believed by other residents to be a factor contributing to the dramatic growth in criminal activity Russia has witnessed in recent years. Beginning in 1993, Moscow police have devoted special attention to rounding up and expelling individuals from the Caucasus region not properly registered. This activity includes frequent document checks focusing on people whose physical appearance suggests origin in the Caucasus or Central Asia. Such checks, which have at times been accompanied by physical abuse from the police, clearly constitute harassment of ethnic minorities, but such severe measures as expulsion from the city are taken only against those found to be residing in Moscow illegally.

THE NORTHERN CAUCASUS: Ethnic animosities have long smoldered in this portion of southern Russia, which includes the Krasnodar and Stavropol border provinces, and six ethnically based political subdivisions, including Chechnya, North Ossetia, Dagestan, and Ingushetia (see the map in non-electronic versions of this paper). Densely populated by more than three dozen nationality groups, the North Caucasus is one of the most ethnically diverse regions of the world. The largest groups are the Russians, Chechens and Ossetians. Most are Sunni Moslems, but the Ossetians and Russians are Christian. The region was gradually incorporated into Russia in the course of a series of brutal campaigns in the eighteenth and nineteenth centuries. Stalin exiled several of these ethnic groups in their entirety to Central Asia. Over the past decade their efforts to return and to repossess homes and other property, has increased friction. In the early 1990's tensions were worsened by a large influx of individuals fleeing ethnic turmoil in newly independent countries of Armenia, Azerbaijan and Georgia to the south. The ethnic Russians in the region include well armed groups of Cossacks, quasi-military communities whose putative forebears maintained order in the region and who retain a spirit of strong nationalism and devotion to the Russian Orthodox faith.

Russian unwillingness to accept Chechnya's assertion of independence led, beginning in late 1994, to a particularly brutal conflict between the Russian army and a secessionist movement. There were serious violations of human rights by both sides, but on a much larger scale by Russian forces. The struggle appears at base political, but the fact that

the supporters of independence are predominantly ethnic Chechens resisting Russian rule gives ethnic factors a major role as well. Before the war, the Chechens made up close to 60% of population, but there were fourteen other ethnic groups, including 290,000 Russians. Tens of thousands of civilians were killed and over 500,000 persons displaced. Most of the Russian inhabitants have fled. The August 1996 cease-fire led to a peace agreement in May 1997. Elections held in Chechnya in January 1997 were judged generally fair by observers. Ethnic Chechens seeking to return to Chechnya after the cessation of hostilities would not face mistreatment on ethnic grounds. This is less true for ethnic Russians, who may continue to face hostility.

Elsewhere in this region there has been considerable political and ethnic turmoil in the independent republics of Armenia, Azerbaijan and Georgia, as well as among such ethnic groups within the Russian federation as the Lezgins in Dagestan to the east of Chechnya and the Ingush and Ossetians to the west. Substantial northward population movements resulting from these conflicts have prompted a backlash among the Russian inhabitants of the Krasnodar and Stavropol regions. Many newcomers are denied registration. So far, moves to expel "unregistered" families have focused primarily on individuals of Armenian nationality. Some families have been forcibly evicted. While local government authorities have sometimes acquiesced in these actions, they have been initiated primarily by Cossack paramilitary groups.

ARMENIAN REFUGEES: Armenian communities, which existed in Russia for generations, were significantly enlarged by a large inflow of non-refugee Armenians from the Republic of Armenia seeking economic security or advancement. There has also been an influx of refugees who fled anti-Armenian riots in 1988 and 1990 in the Azerbaijan cities of Sumgait and Baku. The Russian government often does not recognize them as refugees but rather as "internally displaced". Several thousand of the latter were accommodated by the authorities in boarding houses, hostels, and hotels in Moscow and other cities. Since the events which prompted the flight from Azerbaijan took place several years ago, some of the refugees may meet the definition of "firmly resettled" despite the resistance of the Russian authorities. The degree of integration - i.e., whether they acquired housing, employment, schooling for their children, and legal permission to reside in a particular location - varies from case to case and from locality to locality. Individuals with immediate relatives (spouses, parents) in Russia are usually able to reside there legally. The Russian government in October 1993 decided to transfer many of the Armenians (and refugees of other nationalities) to other areas. We received reports in mid-1997 that some of the Armenian refugees who still live in hotels and hostels have actually been evicted. Press accounts indicated that a

number of these rejected earlier offers of relocation to other regions of Russia, although the validity of these offers remains in dispute.

In addition to the large cities, the Stavropol and Krasnodar districts of southern Russia have also experienced a significant influx of Armenians (see discussion under "The Northern Caucasus", above).

3. Russians in Traditionally Non-Russian Areas

There are more than one hundred distinct ethnic groups in Russia. Many are associated with specific geographical regions, often on the southern borders and in Siberia, where they occupy "autonomous" administrative units associated with their groups. Under the Communists, this autonomy was nominal, and the control of these groups over their own affairs largely illusory. The loosening of centralized control in recent years has led to a resurgence in national feeling among many of these groups, who have moved to assert their culture and their political influence in their own geographical regions. In the Republic of Tatarstan, for example, political groupings representing the ethnic Tatar people, who are traditionally Muslim, have come to power. Asserting the need to reverse centuries of efforts at assimilation by Russians, these groupings are emphasizing the Tatar language in education and political life in the past two or three years. These developments are regarded negatively by many Russian speakers, who comprise over 40% of the population. Some may have justified complaints of unfair treatment in employment. One press account indicates that Tatars now occupy 70% to 80% of leading positions in government and administration. However, with the exception of Chechnya the leaders of these regions support continued political union with Russia and condemn ethnic hostility. It should also be noted that as privatization proceeds, the role of the authorities in fostering politically motivated employment practices diminishes.

E. Particular Social Groups

HOMOSEXUALS: A few asylum claims have been advanced by homosexuals on the basis that they are systematically mistreated in Russia. Until recently, an article of the criminal code (Article 121) made homosexual acts illegal. This article was removed from the code in 1993. Even before the repeal, however, there were indications that official actions against individuals had greatly diminished. In large cities such as Moscow, homosexual groups now organize openly and homosexual gathering places appear to operate with a minimum of harassment from the authorities. However, as in many countries, the majority of Russians continue to regard homosexuality as socially unacceptable behavior, and homosexuals are vulnerable to violence and discrimination by individuals. There have been reports of widespread

mistreatment of homosexuals in prisons.

F. Factors Common to Many Claims

There are a number of common themes which appear in a wide variety of claims. These include activities of criminal elements, the ineffectiveness of the local police in providing protection, mistreatment by the security services, and objection to, or mistreatment in, the military services.

1. Fear of Criminal Elements

CRIMINAL GROUPS IN RUSSIA: The rise of criminal groups in Russia has been a conspicuous and painful consequence of the erosion of state control over everyday life, combined with social and economic instability. According to a 1994 press account based on Ministry of Interior data, there were about 150 major criminal fraternities in Russia, and they controlled the activity of several thousand numerically smaller and less organized groupings. The scope of some criminal organizations reaches far beyond Russia's borders, including alliances with criminal elements in other countries. Many mafia groups have a common ethnic base, relying on solidarity among minority co-ethnics for protection - the so-called Chechen mafias in Moscow, consisting of individuals originating in the Chechen area of the northern Caucasus, are an example. Others are based on common professional standing, shared access to goods to be stolen, or geographical proximity. Government activities to combat criminal groupings have increased. Parliament and the Yeltsin administration have given the police additional powers and resources to deal with these problems.

RELATIONSHIP WITH LEGAL BASES FOR ASYLUM: One difficulty in reviewing asylum claims by individuals asserting mistreatment by criminal groupings is establishing whether there is a relationship between the mistreatment and the individual's ethnic, political, religious or other affiliation described in asylum legislation. It is unlikely that criminal groups would target individuals in order to punish them for their religious or political beliefs. For the most part, criminal groups target individuals believed to have, or have control over, financial assets. Targets include businessmen, small and large, individuals who travel abroad frequently or who have relatives abroad - all suggesting access to foreign currency. People planning to emigrate, and therefore believed to have cash from the sale of their privatized housing, are frequently targets of extortion or robbery attempts. Foreign residents are also common targets. Of course, individuals who encounter criminal activity in their places of work and seek to expose it are at risk.

2. Failure of Police to Provide Protection

This is a claim which is often cited by the applicant to demonstrate that his particular category of individual, whether ethnic, religious or political, is denied protection. Under the Soviet regime, when ethnic and political strife was swept under the rug for political and ideological reasons, the police (usually referred to as the "militia") were generally disinclined to pursue actively complaints of mistreatment on these grounds. At present, police inaction is less likely to be based on such grounds as on inadequate staffing and, in some notorious cases, corruption, of the police.

The Russian police, faced with a vast increase in criminal activity, a shortage of technical equipment and a demoralized and underpaid force, are clearly incapable of coping with the situation. A survey in 1995 found that interaction between citizens and the militia was scant - 70% of respondents said they would not ask a Moscow militiaman for help, and 69% did not believe that such help would be rendered if requested. Police corruption is widespread. In an early 1994 report published in the Russian press, the Ministry of Internal Affairs, which includes the police, indicated that about one half of all reported crimes remained unsolved. These included 6,400 murders, 21,200 cases of grievous bodily harm, 18,900 robberies with violence and 114,900 burglaries. In most cases, if the complainant does not present the police with concrete evidence that would facilitate apprehension of the culprit, the police are unlikely to take action.

3. Fear of the Secret Police

CLAIMS OF MISTREATMENT UNDER THE COMMUNIST REGIME: Many Russian asylum claims involve previous or feared persecution by security services (often referred to as the KGB, the Russian initials for the Committee for State Security, the principal security agency in the late Soviet era). Under the Soviet system the security services were an instrument for control of the state by the Communist Party. These services, which were organized differently at different times, were well disciplined and their actions could generally be taken as the execution of State policy. Thus a citizen engaged in practices or espousing views at odds with state policy often found himself dealing with KGB agents. Sometimes KGB intervention was direct and explicit, such as interrogations and warnings against behavior at odds with official ideology. At other times, the KGB was assumed to be behind sanctions taken against individuals in their employment, education, or housing, and for physical reprisals such as beatings, of individuals whose religious or political activities were to be discouraged. During the later part of the Soviet period, the Ministry of the Interior, responsible for most functions that in the United States would be undertaken by the police, operated separately from the KGB, but also, of course, under the

guidance of the Communist Party.

CHANGES SINCE AUGUST 1991: Beginning in October 1991, law enforcement has undergone several reorganizations. At present the domestic security and law enforcement functions are carried out primarily by the Soviet-era KGB's successor, the Federal Security Service (FSB according to its Russian appellation), which corresponds roughly to our FBI, and the Ministry of Internal Affairs, which oversees the ordinary police. Under the Constitution, the FSB is responsible to the President directly, rather than through the Ministerial structure.

The FSB has been barred by law from monitoring domestic political activity unless it includes planning or engaging in terrorist acts. However in recent year years police powers have been progressively strengthened, a trend the government declares necessary for countering criminal groups. A presidential decree of June 1994 gave the police the right to detain suspects for up to 30 days without making formal charges and the right to search commercial and private premises. Changes promulgated in April 1995 expanded the FSB's powers. Some recent incidents suggest a trend toward greater intrusion into the private lives of individuals, particularly a few high profile critics of the Security Services themselves, or of the military.

One high visibility case was that of Viktor Orekhov, a former KGB officer who assisted dissidents under the Soviet regime, was released after serving 8 months of his reduced sentence of 1 year. Orekhov was arrested for illegally possessing a firearm shortly after he made unflattering remarks in an article about his former boss, now the FSB chief of intelligence for the Moscow region. Another recent case is that of Aleksandr Nikitin--a former navy captain who was researching the environmental dangers of nuclear waste from the Russian Northern Fleet--was detained by the FSB for 6 months without charge on suspicion of espionage and revealing state secrets. He was subsequently charged formally and later released pending trial. Many Russians believe electronic monitoring of residences and telephone conversations continues, even if at reduced levels in comparison to the Soviet era.

In both cases, the authorities appear to have been moved by highly public criticisms of their activities. While these are isolated incidents, they are a source of concern and we are monitoring this closely. However with the exception of such critics of the security or military services, individuals are not mistreated on account of their religious beliefs, or for participation in those political groups that are active players within the rules of the current parliamentary system. Nor would the security services be concerned about individuals who had engaged in political or religious activities which were illegal in the 1980's or

early 1990's, a fear sometimes asserted by asylum applicants who have been out of the country for several years.

LOCALIZED REPRESSION: The devolution of power from Moscow to the provinces has had an effect on security as well as other governmental functions. It has resulted in a decline in discipline from the center, making rogue operations more possible. Abuses of power may occur in these circumstances as a result of personnel conflicts or localized political or ethnic rivalries. In the current environment, it is also possible that security personnel might be in league with criminal elements in some localities. A citizen resisting such operations or seeking to expose them could experience efforts at retaliation. In some cases, internal relocation might be an option. (See the section on Internal Flight Alternative.)

PREVIOUS COOPERATION OR REFUSAL TO COOPERATE: During the Soviet period, citizens whose occupations, foreign connections, linguistic skills or other attributes brought them into contact with alleged subversive groups or with foreigners, were often approached by the KGB or other security organizations for recruitment as informers. In most cases this appears to have involved preparing reports on the activities of foreigners and other Soviet citizens dealing with foreigners. All but the most naive applicants for admission to foreign language institutes, individuals seeking to participate in an international conference, or those seeking employment in the industry catering to foreign tourists, would have known in advance that cooperation could be required. Expressions of surprise at such advances should be considered in this light. Generally, a refusal to cooperate resulted in denial of the employment, educational opportunity, or travel permission being requested. From the mid-1980's, at least, there was usually no further punishment. Threats of more serious punitive actions appear to have been a part of the KGB modus operandi, however, and against the background of massive violations of human rights under Stalin and his immediate successors, were probably quite believable. Nonetheless, many people who refused to cooperate and endured these threats, found that they were not, in fact, carried out. Many Russians probably found such duties distasteful, but the authorities invoked national security concerns and appealed to Russian patriotism. We have no indications that they were turned down on any large scale.

Faced with such claims, it may be important for the asylum adjudicator to ascertain the reasons for the applicant's refusal to cooperate in order to determine whether they were related to the bases for asylum.

FEAR OF PROSECUTION FOR VIOLATION OF STATE SECRETS: Some claims include a fear that an applicant who previously had access to state secrets would be thought to have betrayed.

them to the United States during his or her stay in the United States. For lower and middle ranking individuals who worked, for example, in the defense industry, where even the most routine activities were officially "classified", the mere act of traveling abroad and applying for asylum would not likely bring official sanction. If the information in the possession of the individual was highly sensitive, the authorities would probably have denied permission to travel or required that the applicant relinquish the sensitive position before traveling.

If the individual involved is a senior official or scientist, or if he publishes material in the West that might appear to have been classified, the prospects for prosecution would be stronger (see the Nikitin case, above). Overzealous application of security regulations by Russian officials remains a cause for concern.

4. Military Service

THE DRAFT

Military service in Russia is compulsory for males 18 to 27 years of age. Refusal to serve is a crime. Although the Constitution provides for alternative service, there is no law implementing this provision. Individuals whose religion forbids them to bear arms are often assigned to military construction battalions, whose members are unarmed. This assignment is regarded as particularly difficult and is frequently characterized by applicants as a form of punishment, since criminals and other individuals the government does not trust with arms predominate in these units. However the intent does not appear to be punitive. President Yeltsin signed an edict in May 1996 providing that conscripts would be sent on missions involving armed conflict only on a voluntary basis.

If current efforts to tighten up military recruitment are successful, the changes could have an effect on asylum applications. Up to now, the universal military service requirement, like so much else in present day Russia, has been more theoretical than real, with a very small number of convictions for evasion. The conflict in Chechnya apparently underscored manpower shortages and there have been efforts to tighten up, particularly among more affluent families who have used educational deferments and other strategies to avoid service. However a 1996 press account sourced to military authorities indicated that the rate of non compliance remained high - about 26,000 reportedly evaded the Spring 1996 call-up. The usual punishment is a small fine. Desertion rates rose following the 1994-96 campaign in Chechnya, and some criminal proceedings have been initiated against deserters.

HAZING IN THE RUSSIAN MILITARY

The practice of "hazing" new recruits, already established in the Soviet period, continues unabated in the Russian military. It has resulted in numerous deaths and contributes to a high desertion rate. Several interest groups in Russia have appealed to the Russian government to put an end to the hazing. A vocal organization of mothers of sons who were mistreated in this way has helped to focus public attention on the problem. At the same time, material conditions in the Russian army, always primitive by Western standards, have worsened since the demise of the Soviet Union. A substantial number of troops, officers and their families also lack suitable housing.

5. Mistreatment on Non-Statutory Grounds or from Mixed Motives

For a variety of reasons, personal interaction in Russia seems to involve a higher incidence of threats and acts of violence than would generally be encountered in the West. The following are some examples of situations which appear to generate disproportionate hostility, either because of popular sentiment, animosities stemming from the legacy of Soviet rule, or cultural biases.

HOSTILITY TOWARD PEOPLE WHO HAVE FOREIGN FAMILY CONNECTIONS OR WHO SEEK TO EMIGRATE: Perhaps reflecting the many invasions of the country, suspicion of foreigners has been a prominent feature of Russian life for centuries. Under the Soviet regime, nationalities with suspected foreign allegiances, such as Germans, Greeks and Jews, were regarded as security problems. The desire to emigrate was regarded as tantamount to treason. These attitudes no longer play any role in state policy, but the sentiments persist in many quarters. In more recent times they are compounded by envy of those who can "bail out" of a chaotic and economically unsettled situation. Finally, people with family ties abroad are frequently regarded as privileged in a society where privilege is still regarded as immoral.

COMPETITION FOR SCARCE RESOURCES, ESPECIALLY HOUSING:

Russians often live in cramped quarters, some sharing kitchen and bathroom facilities in multifamily, "communal" apartments. The scarcities, and the bureaucratic methods by which housing space was traditionally apportioned, lead to considerable rancor. The possibility that a particular family could be induced to vacate an apartment or part of a communal apartment was enough to increase the pressure on them to do so. This often affects Jews, Baptists and other groups whose members are known to be emigrating in large numbers, but may not be motivated primarily by national or religious bias.

MISTREATMENT BY CRIMINAL ELEMENTS: (See the section on

"Mafias", above). Gangsters not only target people with money or other assets, but criminal groups have apparently found ways through connections with airline or other officials to target people who are planning to travel abroad, knowing that they are likely to have hard currency.

HOSTILITY TOWARD ENTREPRENEURS: Asylum claims frequently include accounts of mistreatment in business, sourced to the nationality, religious views or political views of the individuals concerned. There has been considerable harassment of businessmen by Soviet-style bureaucrats who regard private enterprise with hostility. The problems of honest businessmen have been compounded by the considerable activity of gangsters. Shakedowns are frequent and the payment of protection money has become commonplace in some areas. There does not appear to be a pattern according to which individuals are singled out for such treatment because of their nationality, religion or political views.

IV. OTHER CONSIDERATIONS FOR ADJUDICATORS

A. Refugees in Russia

The emergence of newly independent states in the former Soviet Union has led to a large exodus of Russians from those areas, where the security, and to varying degrees the privileged positions, of Russians are no longer assured. There appears to be a consensus among Russian officials and the population at large that Russia has a special responsibility for the twenty million ethnic Russians (and, to a lesser extent, other Russian speakers) in the former Soviet Republics, despite the fact that the citizenship law of the Russian Federation passed in November 1991 makes no mention of Russians as an ethnic group.

The Russian Government has established a Federal Migration Service (FMS), whose responsibilities include the resettlement of returning Russians among its responsibilities. Russians who wish to emigrate to Russia are usually designated "internally relocated persons". However, resources and organizational shortcomings have limited material assistance and most of the returning Russians have made their own way individually back to Russia. According to the FMS, 640,000 people moved to the Russian Federation from the other former territories of the Soviet Union in 1996. Since it was established in 1992, the FMS has officially registered well over a million returnees.

The conflict in Chechnya has contributed further to population movements. In February 1997 the FMS indicated it had assisted 450,000 people displaced by the fighting in Chechnya. Most of these were apparently ethnic Russians.

According to the Federal Migration Service, a significant portion of registered refugees and involuntary resettlers

are in the North Caucasus, where a further influx could provoke serious conflicts. About 17%, mostly from Transcaucasia, are in Moscow. (Moscow is also deluged with migrants from Ukraine and Belarus, who come because of economic opportunities.) However, over 20% are in the Volga region and over 12% in the Central Black Earth Region, both regions that can absorb large numbers in agriculture and construction. Federal Migration Service representatives have indicated that their most serious problems involve housing for the newcomers. Jobs are less difficult to arrange.

B. Other Factors Influencing Emigration

ELIMINATION OF EARLIER RESTRICTIONS: Considerable pent up demand to emigrate had built up during the last decades of Communist rule. This was particularly true of ethnic minorities, Jews, Germans, Greeks, Armenians and others who had been denied freedom to travel. In most such cases, large communities of coethnics in other countries constituted an attraction and a support network. With a few exceptions, the 1991 law on entry/exit implemented in 1993 allows for unrestricted freedom of travel.

ECONOMIC DISLOCATION AND PERSONAL INSECURITY: Severe economic changes, including high inflation, rising, if still somewhat hidden, unemployment, and increasing crime rates have been described elsewhere in this paper. All have provided an incentive to seek better opportunities abroad. Life has become particularly difficult for older people, whose pensions have lost much of their value and who are not in a position to take advantage of the new possibilities inherent in the dismantling of the socialist economy. Difficulties faced by older people have been compounded by the virtual collapse of the medical delivery system.

BETTER OPPORTUNITIES ABROAD: While entrepreneurs have often prospered under the post-Communist circumstances, the status and material rewards of many professionals have declined dramatically. The decline has affected doctors, teachers, researchers and many types of engineers. Artists, performers, athletes have faced a similar change in circumstances and, having greater than average possibilities of overcoming language barriers, are emigrating in large numbers.

C. Internal Flight Alternative

As the centralized Communist system is replaced by one providing considerable local autonomy, local conditions play an ever greater role in asylum claims. Whether the case is one in which religious believers face officials unwilling to return church property, or members of an ethnic group which finds itself a minority in a region it once dominated, the possibility of movement to other parts of Russia where the

adverse conditions do not prevail becomes relevant.

The issue of internal movement, however, is complex. Under the Soviet system, individuals were required to be registered in the locality where they lived. To obtain permission to move to another locality, individuals usually had to show evidence of employment in the new location, or of a change in marital status or other factor justifying relocation. Registration permits ("propiskas" in Russian) were particularly difficult to obtain for the major cities, such as Moscow and Leningrad. Nonetheless, as the biographies of many Russian asylum applicants will confirm, there was considerable mobility even under the old system. Even under the Communist regime, desirable locations such as Moscow had hundreds of thousands, or more, of unregistered residents.

The present Constitution provides citizens with the right to choose their place of residence freely. However, in many localities, especially the largest cities and such areas as the Northern Caucasus, Governments continue to restrict this right through residential registration rules that closely resemble the "propiskas". Citizens must register to live and work in a specific area within 7 days of moving there. Russian citizens changing residence in Russia or who decide to move to Russia often face enormous difficulties or are simply not permitted to register in some cities, such as Krasnodar. In April 1996 the Constitutional Court struck down a Moscow city law that gives local officials the right to collect high fees for registration, but the Court did not outlaw charging fees or specify how much could legally be charged. In Moscow the fee was several thousand dollars. Those who are not registered cannot work legally, are not eligible for social or health services, may not send their children to school, and may not vote. In August 1996 Moscow mayor Luzhkov signed a resolution ordering the deportation of all unregistered people living in Moscow back to the place where they were last registered to live. Several hundred were later reported deported under armed guard, and a larger number "voluntarily" departed.

Despite these measures, those who reside in Moscow who are unregistered (or "registered" by means of bribery) can probably be numbered in the hundreds of thousands. Recent regulations in Moscow permit the purchase of a registration permit, although the price is high - for Russian citizens it is equivalent to 500 times the monthly minimum wage. Enforcement of registration requirements is selective and often targeted against those who are not Russian, primarily persons from the Caucasus and Central Asia. Although many are citizens of Russia, individuals living without registration in Moscow and a few other localities may be vulnerable to abuse. But the vast majority do not appear to be deprived of the material necessities of life. Private control of most businesses and much residential property has further eroded bureaucratic control over the activities of

individuals. Many large Russian cities continue to attract a large influx of Russian and foreign residents despite these efforts to discourage it.

Restrictions in the registration process may mean that individuals may frequently be unable to move to the location of their choice. Nonetheless some localities, including many areas of northwest and south central European Russia, and large parts of Siberia, are not overcrowded - some are losing population - and are less restrictive than large cities. The Russian government's own plans for resettlement of migrants from other former Soviet republics include such provinces as Tver, Novgorod, Yaroslavl and Omsk. The Federal Migration Service has indicated that resettlement in the North Caucasus and Moscow, which already have large numbers of refugees, could create social problems, but that the Volga area and the Central Black Earth Region are both areas that can absorb large numbers in agriculture and construction. An official from the Novosibirsk provincial government indicated in early 1994 that over 40,000 refugees arrived and were resettled in his region in 1993. He indicated there were 5,500 job vacancies in the province, mostly for skilled workers and construction workers. For Russian urban dwellers unwilling to risk violating the regulations, or unable to pay for registration, moving to a small city or rural area, with its reduction in amenities, may not be a optimum choice, but it is nonetheless a real one. Those who have apartments to exchange in such cities as Moscow or St. Petersburg will find the move even easier. And rural dwellers continue to move to the cities. Press reports based on official figures reported that 2.92 million Russian citizens moved from the countryside to the city in 1994.

D. Russian Documentation

The bureaucratic governments of Russia have long placed a premium on possession of proper documentation by their citizens. Citizens possess personal identity documents (a so-called "internal passport"), showing their place of residence and "nationality"; birth and marriage certificates; and, for men, military service records. Under the Communist system such documents had to be presented in connection with any official actions, such as application to educational institutions, registration of births or marriages, and application for permission to travel abroad, although with privatization their importance has diminished. Most individuals who departed Russia with some idea that they might seek to remain in the United States can reasonably be expected to have brought copies of such documents, and they are often presented by applicants as evidence of one or another "nationality" classification. In the event such documents are not in the possession of the applicant, they can usually be obtained by relatives or acquaintances. Records of criminal convictions are also

obtainable by applicants from local jurisdictions and could be requested in cases in which there is evidence that such convictions might be relevant to an asylum application.

Forged Russian documents are encountered infrequently in comparison with some other countries. In Russian circumstances an individual seeking a false document would be more likely to resort to bribery of issuing officials. Particular attention should be given to documents described as "duplicates" or "replacements".

Russian "Certificates". Applicants frequently present documents under the letterhead of hospitals, police units, or other official institutions, describing adverse incidents which appear to document their asylum claims. These documents bear the ubiquitous Russian designation, "spravka", a term sometimes translated as "reference", "information" or "certificate". They are frequently a form of affidavit, in which the institution concerned is merely recording, but not attesting to the truth of, an assertion by the individual. A careful reading, perhaps with the help of the applicant's interpreter, is usually sufficient to ascertain the actual nature of the document.

E. Citizenship and Ability to Return to Russia

The Russian Gazette on February 6, 1992 published a law "On RSFSR Citizenship", which became effective on that day. The law is complex and its ultimate interpretation in many cases is yet to be established. Some of its provisions are summarized below. In late 1994, President Yeltsin issued a decree supplementing this law, according to which all individuals residing in the republics of the former Soviet Union, "who consider themselves Russian", may apply for Russian citizenship, whether or not they are citizens of one of the other former Soviet republics.

1. Citizenship by Recognition - no Action Required

BY RESIDENCE: Persons residing on the territory of the RSFSR at the time of enactment of the law are recognized to be citizens of the Russian Federation, if they do not declare their unwillingness to possess such citizenship within 1 year of this day.

FROM PARENTS: Individuals whose parents are citizens of the RSFSR at the moment of their birth. When the parents have different citizenship, if one parent is a citizen the moment of the birth of a child, the question is determined by written agreement.

BY PLACE OF BIRTH: When the parents are not citizens of the RSFSR, a child born on the territory of the Russian Federation is a citizen of the Russian Federation if its parents are citizens of other republics within the USSR as

of 1 September 1991 or of foreign states, and if these republics or states do not grant citizenship to the child. (A ruling by the Constitutional Court in 1996 provided that all persons born in the Russian Federation and all former Soviet citizens who did not acquire citizenship in another country were among those entitled to claim Russian citizenship by birth.)

2. Citizenship Acquired by Registration

The following categories of individuals may register to become Russian citizens:

Persons whose spouse or blood relative is a citizen of Russia.

Citizens of the former USSR permanently residing on the territory of other republics directly within the former USSR as of 1 September 1991, if they are not citizens of these republics and if they declare their desire to acquire RSFSR citizenship within 3 years after enactment of this Law.

3. Acceptance to Citizenship (by Petition)

Any competent person who has attained an age of 18 years may petition for acceptance irrespective of origin, social position, race, nationality, sex, education, language, religious preference and political and other convictions. Several time frames are provided for different categories of individuals.

4. Restoration of Citizenship

People deprived of citizenship involuntarily on the basis of law 818 or other laws of the USSR Supreme Soviet are considered to be restored to RSFSR citizenship if they do not declare their rejection of RSFSR citizenship.

The Right to Return to Russia does not necessarily depend upon possession of citizenship. States have some obligations under international law to accept the return of their nationals or former nationals under certain circumstances whether or not they are citizens. How these obligations are interpreted by the Russian Federation will presumably be determined in the course of actual deportation efforts.

F. Fear of Reprisals for Remaining in the U.S.

We are aware of no case in which punitive measures were taken against an individual by the authorities merely for having remained in the United States longer than planned or for having applied for asylum. This is not to say there will not be consequences for going abroad and remaining for

months or years. Individuals sent abroad for specific purposes by their employers (seamen, performers on tour, participants in exchanges, government employees on official business), and who do not carry out the conditions of their travel, including return to their place of employment, may be subject to dismissal and may find difficulties gaining similar employment in the future. In a time of increasing layoffs, individuals who communicate back their intention to remain in the United States face the prospect of dismissal from their place of employment. In light of the housing shortage, individuals living in public housing who do not return for a protracted period of time risk having their housing assigned to someone else. However, these consequences do not appear related to the grounds of the asylum law.

A claim that the applicant faces persecution merely for having sought asylum needs to be viewed carefully. The United States operates a program in Moscow for granting refugee status to citizens of Russia and other former Soviet republics in which similar claims of persecution are advanced by the applicants. This program operates openly without hindrance from the authorities.

CHRONOLOGY

February 1990: The Communist Party of the Soviet Union formally relinquishes its constitutionally guaranteed monopoly on power.

October 1990: the USSR Supreme Soviet passes legislation providing a legal basis for a multiparty political system.

June 1991: Boris Yeltsin popularly elected as President of the Russian Federation.

August 1991: Attempted coup d'etat by Communist hard liners fails.

December 1991: A series of measures signals the end of the Soviet Union.

January 1992: The Russian government initiates economic reforms designed to lead toward a free market.

January 1993: Law on exit and entry takes effect, providing freedom of movement of most residents into and out of the country.

September 1993: Following a prolonged standoff between the legislative and executive branches, President Yeltsin disbands the congress of People's Deputies. Government troops subsequently storm the Russian White House.

December 1993: Voters elect a new Parliament and approve a new Constitution providing for a strong executive branch of government.

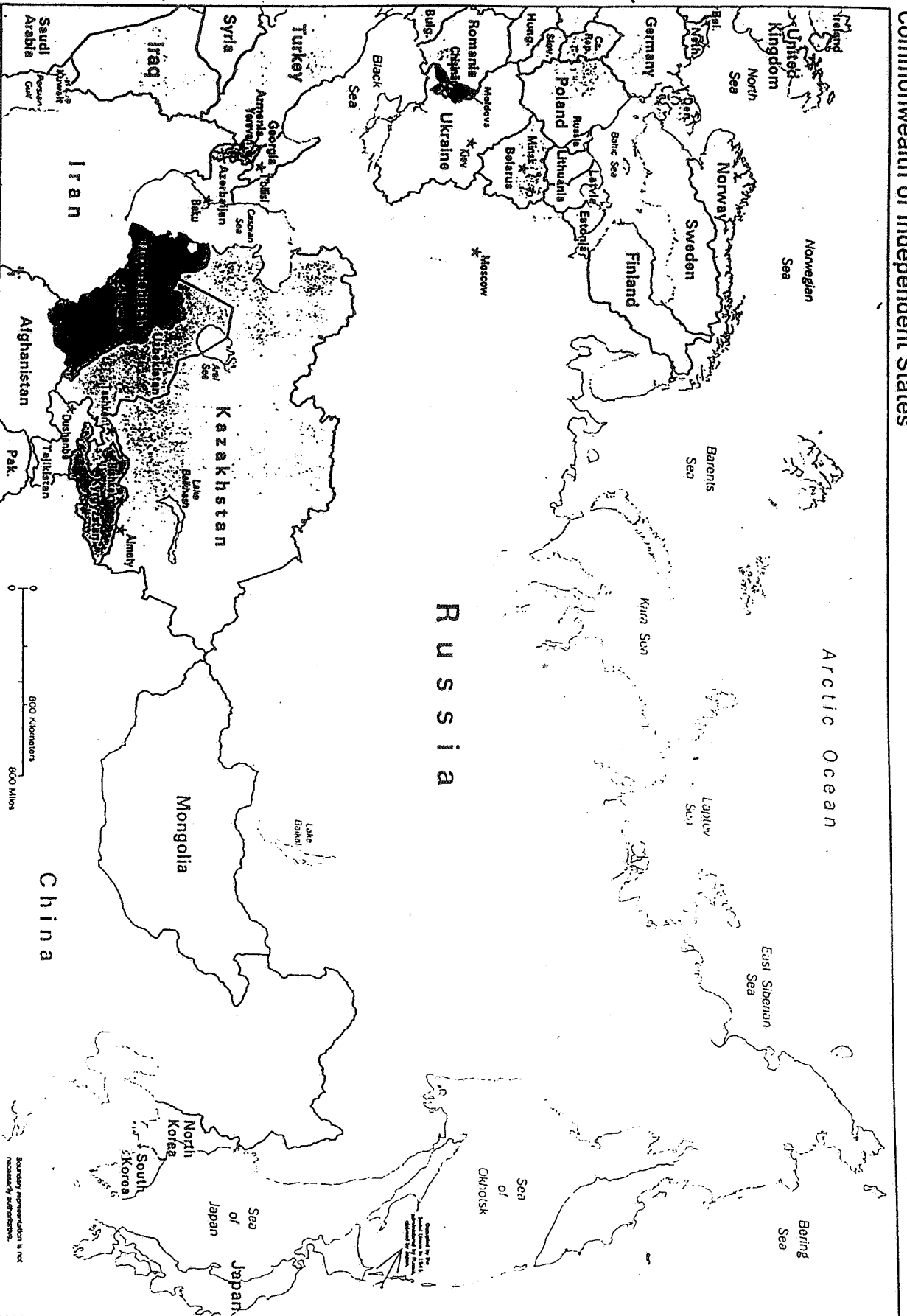
December 1994: Russian troops enter Chechnya to prevent Chechnya's effort to secede. This act initiates a military struggle which continues until 1996.

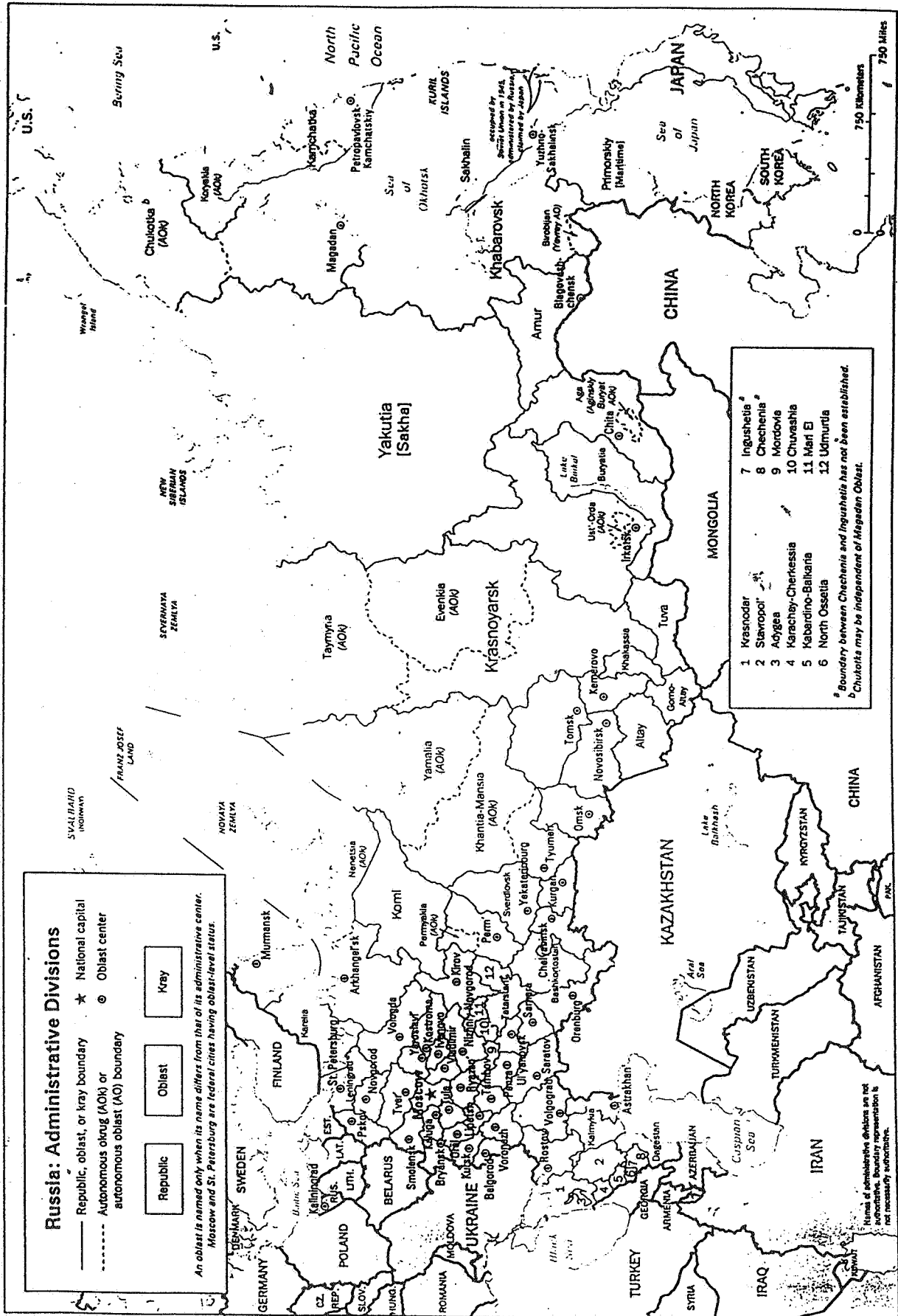
December 1995: Multiparty democratic parliamentary elections are held.

July 1996: Democratic elections for President result in the reelection of Boris Yeltsin as President of the Russian Federation.

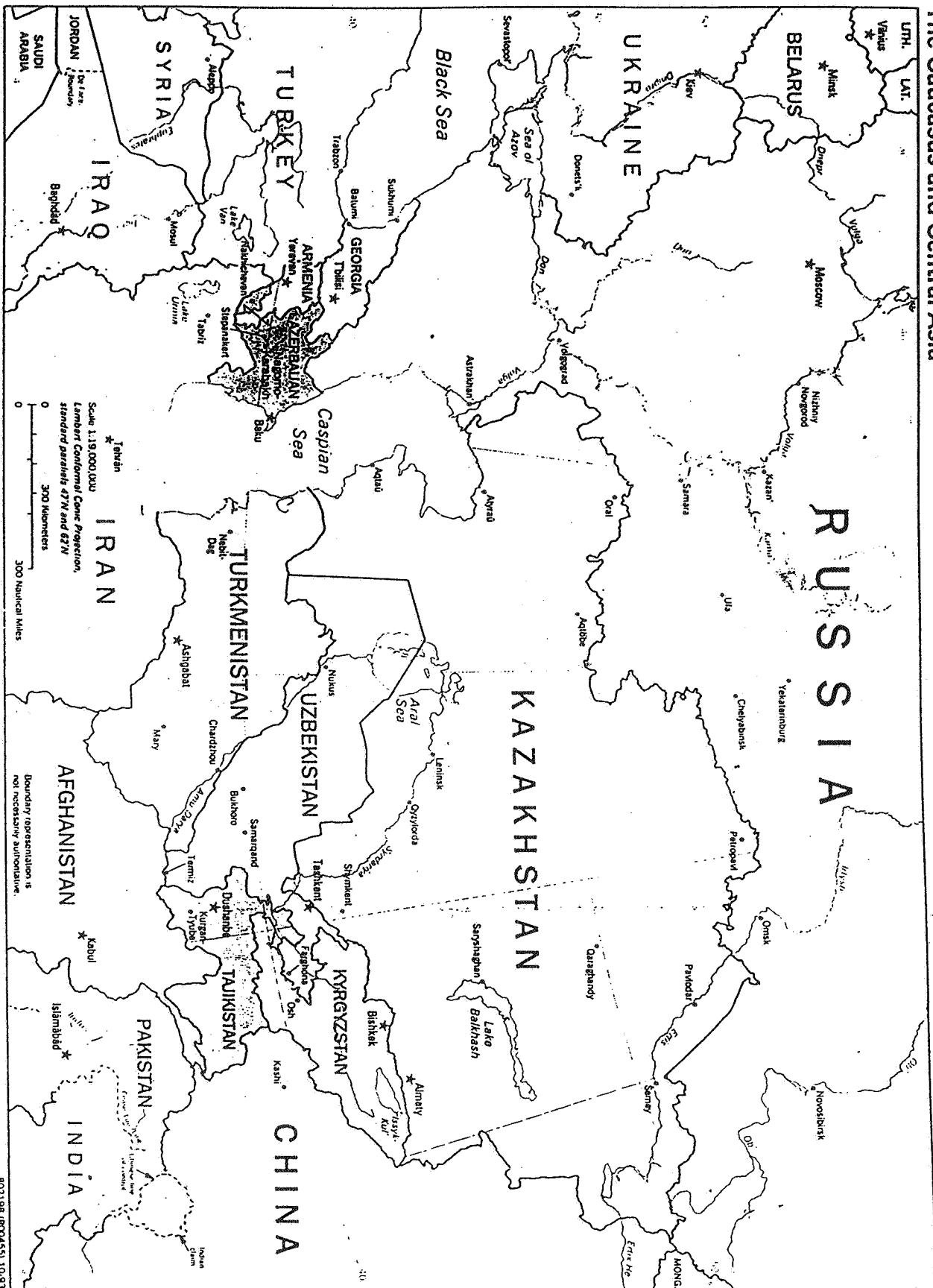
August 1996: The two sides of the conflict in Chechnya initiate a cease-fire. In subsequent months Russian troops withdraw from Chechnya.

Commonwealth of Independent States





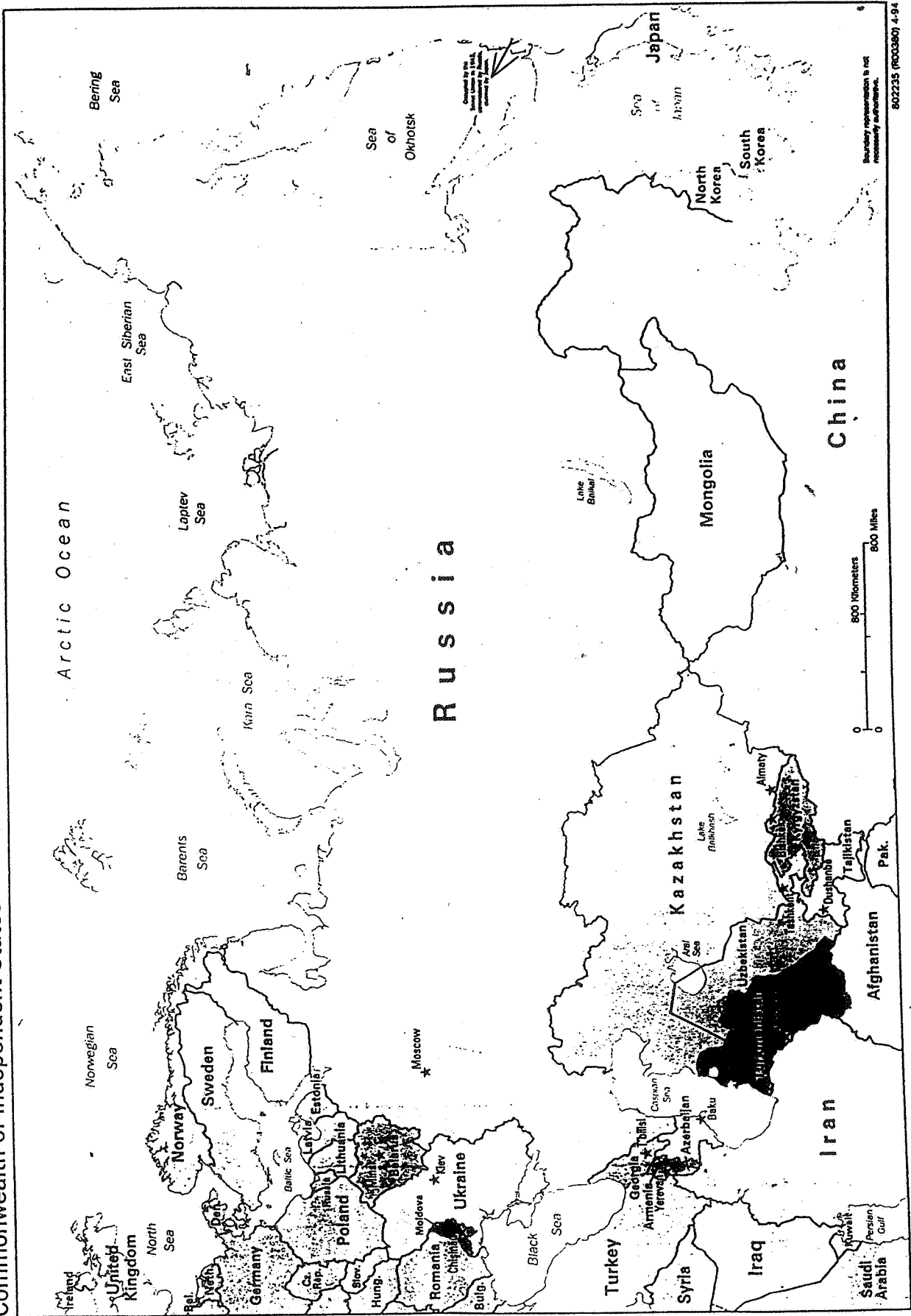
The Caucasus and Central Asia



Ethnolinguistic Groups in the Caucasus Region



Commonwealth of Independent States



Ethnolinguistic Groups in the Caucasus Region



