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Russia and Ukraine: Issuance of Russian passports and citizenship rights to Ukraine citizens living in the territories of Crimea and Donbas [Donbass] (2014-February 2020) [ZZZ106331.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Crimea

1.1 Issuance of Russian Citizenship

Sources indicate that Crimea became part of Russia following a referendum (US 13 Mar. 2019, 57; RAPS 21 Mar. 2014). Sources report that Russia instituted a policy of Russian citizenship on all residents of Crimea (US 13 Mar. 2019, 72; Ukrayinska Pravda 13 Feb. 2017; Shevel 16 Apr. 2014; Human Rights Watch 17 Nov. 2014, 27) through the Russian law "On the Acceptance of the Republic of Crimea into the Russian Federation and the Creation of New Federal Subjects – the Republic of Crimea and the City of Federal Significance Sevastopol" (Ukrayinska Pravda 13 Feb. 2017; Shevel 16 Apr. 2014; Human Rights Watch 17 Nov. 2014, 27). An article on the website of the Global Citizenship Observatory (GLOBALCIT), a Europe-based "programme committed to fact-based and non-partisan analysis of citizenship laws and policies around the globe" (GLOBALCIT n.d.), by Oxana Shevel, an associate professor who studies citizenship policies in post-Communist states at Tufts University (Tufts University n.d.), states the following:

According to a Russian Federal Migration Service (FMS) official, as of 8 April [2014], some 80,000 Russian passports were issued to Crimean residents, at a rate of 13,000 a day, and 150,000 applications for Russian passports have been received. One can apply for a Russian passport in about 160 such offices in Crimea, and those who have Crimean registration but are presently outside Crimea can apply for Russian citizenship at a branch of the Russian FMS anywhere in the world, according to the FMS. (Shevel 16 Apr. 2014)

According to sources, by 18 April 2014, residents were required to declare intent to maintain Ukrainian citizenship (Shevel 16 Apr. 2014; Human Rights Watch 17 Nov. 2014, 27; TASS 28 Mar. 2014) or to remain stateless (Shevel 16 Apr. 2014; TASS 28 Mar. 2014). According to a 2017 report submitted to the UN Human Rights Council,

[t]he adoption of the *Treaty on Accession* on 18 March 2014 had an immediate consequence for the status of residents of Crimea and rights attached to it: all Ukrainian citizens and stateless persons who were permanently residing on the peninsula, as evidenced by a residency registration stamp in the passport, were automatically recognized as citizens of the Russian Federation. An exception was made for persons who, within one month of the entry into force of the treaty (i.e. by 18 April 2014), rejected Russian Federation citizenship in writing. (UN 25 Sept. 2017, para. 55, italics in original)

The same source adds that

Ukrainian citizens living in Crimea whose passport stamps indicated they were registered in mainland Ukraine could not become citizens of the Russian Federation. They assumed the status of a foreigner. As such, they could no longer legally remain in Crimea for more than 90 days within a period of 180 days from the moment they entered the peninsula, according to Russian Federation legislation applicable to foreigners.

Non-compliance with immigration regulations imposed by the Russian Federation can lead to court-ordered deportations. (UN 25 Sept. 2017, para. 64-65)

According to the same source, the rules regulating stays and deportations "were not consistently applied, sometimes favoring individuals who supported Crimea's accession to the Russian Federation" (UN 25 Sept. 2017, para. 67). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.2 Refusal of Russian Citizenship

The GLOBALCIT article states that

[t]he Russian law of [23 March 2014] did not specify to what authority the application to maintain current citizenship and not to be attributed Russian citizenship was to be submitted. Local passport offices affiliated with the Ministry of the Interior that in the post-Soviet region traditionally deal with the issuance of passports and residency registration are accepting applications for Russian passports throughout Crimea. ... At the same time, until 11 April, the FMS accepted applications from those who do not wish to become Russian citizens only in four offices in Crimea, three of which are located in and around the regional capital Simferopol and one more in Sevastopol. This means that people living elsewhere in Crimea had to travel potentially over long distances to submit applications, while those who live outside Crimea were not able to apply at all. There is conflicting information on whether Russian embassies and consulates are accepting such applications. On 11 April, FMS in Crimea reported on its Facebook page that it will be immediately opening five more offices in other towns in Crimea, where one can apply to refuse Russian citizenship. (Shevel 16 Apr. 2014)

A report by Human Rights Watch similarly indicates that by September 2014, "98 percent of Crimean residents obtained Russian passports," but notes that those "who wished to retain their Ukrainian citizenship faced difficulties that prevented them from doing so within the one-month deadline," including "Russia's FMS operat[ing] only four offices in Crimea where Crimean residents could confirm Ukrainian citizenship ... three were in or around the regional capital of Simferopol and one was in Sevastopol" (Human Rights Watch 17 Nov. 2014, 29). The same source also indicates that

Crimean residents who wanted to receive Russian passports could do so by mail, apply at 160 designated offices around Crimea, or apply at any Russian consulate or embassy in the world. Crimean residents who were Ukrainian citizens but were outside Crimea during that one-month period had no clear recourse for declaring Ukrainian citizenship within the deadline due to conflicting information provided by the authorities on whether Russian embassies and consulates around the world accepted such applications. (Human Rights Watch 17 Nov. 2014, 30)

The same report also explains that

[a]ccording to Russia's FMS, Crimea residents who wished to retain their Ukrainian citizenship did not automatically obtain Russian permanent residence status. They had to present Russian migration authorities with numerous documents, including proof of the fact that they permanently resided in Crimea as of March 2014. (Human Rights Watch 17 Nov. 2014, 30)

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the 2017 report submitted to the UN Human Rights Council, Russian law operates a quota system that "allows up to 5,000 foreigners to reside and work in Crimea but this only applies to foreigners with non-Ukrainian passports who were living in Crimea before March 2014 and held Ukrainian residence permits" (UN 25 Sept. 2017, para. 68). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources also indicate that those who did not obtain Russian citizenship, [or Ukrainians without a Crimean residency registration (UN 25 Sept. 2017, para. 70)], had restricted access to the following:

- property rights (Freedom House 28 Jan. 2019; US 13 Mar. 2019, 72; UN 25 Sept. 2017, para. 179), including for Crimean Tatars (UN 25 Sept. 2017, para. 179);
- education (HRHF Nov. 2018, 15; US 13 Mar. 2019, 73);
- health care (UN 25 Sept. 2017, para. 70; US 13 Mar. 2019, 73; Human Rights Watch 3 May 2017);
- employment (Human Rights Watch 3 May 2017; UN 25 Sept. 2017, para. 68; US 13 Mar. 2019, 73);
- travel to "mainland Ukraine and elsewhere" (Freedom House 28 Jan. 2019);
- and also faced deportation (Freedom House 28 Jan. 2019; UN 25 Sept. 2017, para. 65; US 13 Mar. 2019, 72).

The US Department of State's *Country Reports on Human Rights Practices for 2018* also reports that, "[i]n some cases, authorities compelled Crimean residents to surrender their Ukrainian passports, complicating international travel, because many countries did not recognize passports issued by Russian occupation authorities" (US 13 Mar. 2019, 73). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Donbas

According to a research paper published by the German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik, SWP), a Berlin-based independent research centre (SWP n.d.), the region referred to as the Donbas comprises "parts of the Donetsk and Luhansk [Lugansk] administrative regions [of Ukraine]," where separatists declared the People's Republics of Donetsk and Luhansk in April 2014, and held referendums on 11 May 2014 (SWP Apr. 2019, 7, 9).

2.1 Issuance of Russian Passports

Sources indicate that a presidential decree [signed on 24 April 2019 (UNIAN 3 May 2019)] established a [simplified (Al Jazeera 25 Apr. 2019) or expedited (UNIAN 3 May 2019)] process for residents of the regions of Donetsk and Luhansk to obtain a Russian passport (UNIAN 3 May 2019; *The Guardian* 24 Apr. 2019; Al Jazeera 25 Apr. 2019) and Russian citizenship (*The Guardian* 24 Apr. 2019). According to sources, this refers to a three-month procedure (*Financial Times* 24 Apr. 2019; *The Guardian* 24 Apr. 2019; Al Jazeera 25 Apr. 2019). Al Jazeera specifies that “[o]nly holders of ID cards issued by the separatists will be eligible for the expedited procedure offered by Putin. Separatist authorities said on Wednesday that they had issued about 300,000 such ID cards in the area with an estimated population of 3.7 million” (Al Jazeera 25 Apr. 2019). An article by the *New York Times* similarly states that to apply for citizenship, residents first need to obtain passports from the Donetsk and Luhansk governments (*The New York Times* 25 Apr. 2019).

An April 2019 article about procedures for obtaining Russian citizenship by TASS, Russia's "leading state news agency" (TASS n.d.), explains that the simplified procedure allows citizenship to be granted "without requiring a residence permit and uninterrupted residence in the Russian Federation for five years," and that consideration of documents will "not exceed six months" (TASS 24 Apr. 2019). Further and corroborating information on the appearance of and procedures to obtain Russian passports could not be found by the Research Directorate within the time constraints of this Response.

According to sources, passport issuing centers were opened in neighbouring Russian territory in Novoshakhtinsk [Novoshahtynsk] and Pokrovskoye [Pokrovsky, Pokrovsk] (UNIAN 3 May 2019; *The Washington Times* 30 Apr. 2019; UN 13 June 2019, 11) on 29 and 30 April 2019, respectively (UNIAN 3 May 2019).

A September 2019 article by UNIAN, a Kiev [Kyiv]-based Ukrainian news agency, reports that the Donetsk interior ministry claimed that 15,800 Russian passports have been issued, and 36,695 applications submitted (UNIAN 16 Sept. 2019). A September 2019 article by Belsat, a Belarusian independent television channel based in Poland (Belsat n.d.), reporting information from a Russian-language article by RIA Novosti, similarly states that the Donetsk Interior Ministry claims that “[a]t least 15,000 Ukrainian citizens have obtained Russian passports” in Donetsk, with 35,000 persons having applied (Belsat 2 Sept. 2019). The UNIAN article notes that “in mid-August the Russian Migration Service reported [that] about 60,000 applications [had been] received from [Donetsk] and [Luhansk]” (UNIAN 16 Sept. 2019). TASS reports that, according to a Russian Interior Ministry spokesperson, “[n]early 200,000 Donbass residents obtained fast-track Russian citizenship in 2019 ... adding that 136,000 of them were residents of the self-proclaimed Donetsk and Lugansk People's Republics (DPR, LPR), while others came from other areas in the Donetsk and Lugansk regions of Ukraine” (TASS 1 Jan. [2020]). The same source adds that “232 people were denied Russian citizenship because they are either banned from entering Russia due to violations of migration rules or are under criminal prosecution” (TASS 1 Jan. [2020]).

3. Appearance of Russian Passports and Response of the Ukrainian Government

A June 2019 article in 112.International, an English-language Ukrainian news platform, indicates that, in Russian passports issued to Donbas residents, the place of registration is blank (112.International 19 June 2019). A May 2019 article by TASS quotes the Ukrainian Minister for the Affairs of Temporarily Occupied Territories and Internally Displaced Persons, Vadim Chernysh, speaking on the “illegal issuance” of Russian passports to Ukrainian citizens:

“[t]he Ukrainian cabinet's decree, which lists the so-called issuance centers authorized by Russia to issue passports starting on certain dates. All documents issued by these centers will be recognized as invalid,” he said

...

When asked how Ukraine would figure out whether a passport had been issued “illegally” or not, Chernysh said it would depend on the issuing agency. “It is very easy to figure it out because all passports have information on when and where they were issued, including the issuing agency's code. Two places have been determined - the Pokrovskoye settlement and the city of Novoshakhtinsk in the Rostov region,” he said. (TASS 8 May [2019])

3.1 Recognition by Foreign Governments

According to a news release on the website of Global Affairs Canada, Russian passports issued to Ukrainian citizens in the Donbas “cannot be used to travel to Canada” (Canada 2 July 2019). Similarly, according to a European Commission press release, EU member states and other Schengen countries have been issued guidance on the “identification and non-recognition” of Russian passports issued to residents of Ukraine's Donetsk and Luhansk regions as “Schengen visa applicants who legally reside in the non-Government controlled areas of Ukraine's Donetsk and Luhansk regions should lodge their visa application at Member States' consulates in Ukraine” (EU 3 Oct. 2019). Further information, including instances of passports being refused and information on how these passports are distinguished from other passports, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Application Procedure

According to the April 2019 TASS article, Russian citizenship “can be obtained by any legally capable adult foreign citizen (or a stateless person)” who “compl[ies] with the Constitution and legislation of the Russian Federation” and “provide[s] documentary evidence of the existence of a legitimate source of the means of subsistence, knowledge of the Russian language and also renounce[s] citizenship of another state” (TASS 24 Apr. 2019). For further information on requirements and procedures to obtain internal and foreign travel Russian passports, see Response RUS105381 of January 2016.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Academics researching citizenship in Russia and Ukraine; Center for Political Analysis "Observatory of Democracy"; Donetsk Institute of Information; journalists in Ukraine; Kharkiv Human Rights Protection Group; Organization for Security and Co-operation in Europe; Ukrainian Helsinki Human Rights Union.

Internet sites, including: Amnesty International; *Argumenti i fakti*; Atlantic Council; BBC; CBC; Civicmonitoring; CTV News; Deutsche Welle; ecoi.net; Euronews; EU – European Asylum Support Office, European External Action Service, Public Register of Authentic Travel and Identity Documents Online; European Council on Foreign Relations; Fédération internationale des ligues des droits de l'homme; Hromadske; Interfax; Jamestown Foundation; Kharkiv Human Rights Protection Group; *Kommersant*; *Kyiv Post*; *National Post*; *Novaya Gazeta*; Novosti Donbassa; *Novoye Vremya*; *Novye Izvestia*; Organization for Security and Co-operation in Europe; Radio Free Europe/Radio Liberty; Razom; Reuters; RIA Novosti; *Rossiyskaya Gazeta*; UK – Home Office; Ukrainian Helsinki Human Rights Union; Ukrainski Novini; UN – Refworld; US – Congressional Research Service, Library of Congress; Warsaw Institute; Xinhua News Agency.

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