

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	291
Land:	Rusland
Kilde:	Migrationsverket.
Titel:	Fråga-svar. Medborgarskap – Sydossetien, Georgien, Ryssland.
Udgivet:	4. oktober 2012
Optaget på baggrundsmaterialet:	10. december 2012

2012-10-04

Fråga-svar

Medborgarskap - Sydossetien, Georgien, Ryssland

Fråga

1. Kan sökande från Sydossetien bosätta sig i Ryssland också?
2. Räknas man som medborgare i Ryssland för att man tidigare fått inrikes pass därifrån?
3. Räknas personer från Sydossetien per automatik som georgiska medborgare? Kan sökande i så fall avsäga sig sitt medborgarskap i Georgien?

Svar

1. Kan sökande från Sydossetien bosätta sig i Ryssland också?

Sökande från Sydossetien kan bosätta sig i Ryssland.

International Organization for Migration (IOM), Tyskland. Bundesamt für Migration und Flüchtlinge (BAMF), *Country Fact Sheet. Russian Federation*, 2012-06-01 (Lifos 28391):

sid. 16

"VII. REINTEGRATION AND RECONSTRUCTION
ASSISTANCE

1. Reintegration assistance in kind

In June 2006 the State Assisted Voluntary Return Program for compatriots living abroad to RF has been established and started in the second part of 2007. The participant and his family members of the Program "Compatriots" according to category of repatriation territory have a right for relocation grant, money support and benefits. Taking part in the State program the returnee and his family (if they are foreign citizens or stateless persons) have the right to obtain permanent residency and the citizenship of the Russian Federation. To participate in program the returnee needs to obtain a certificate of a participant in representative offices of Federal Migration Service abroad. The participation in the Program will be possible till 2012 only

Council of Europe - Parliamentary Assembly, *The situation of IDPs and returnees in the North Caucasus region* , 2012-03-05:

sid. 18

"Appendix 2

Definitions of "forced migrant"

– Articles 1.1 to 1.4 of the 1995 Law on Forced Migrants:

"Article 1. Notion of a 'forced migrant'"

4. Recognition of a forced migrant shall be also extended to a citizen of the former USSR, who used to reside on the territory of a former constituent republic of the USSR, who received refugee status in the Russian Federation and lost it, as he had acquired Russian citizenship, upon availability of factors which prevented him/her from settling down on the territory of the Russian Federation during the time when his/her refugee status was in force. [Unofficial translation]"

Freedom House, *Freedom in the World 2012 - South Ossetia*, 2012-05-18:

"Indiscriminate attacks by both sides in the 2008 war killed and displaced civilians, and Ossetian forces seized or razed property in previously Georgian-controlled villages. Authorities in South Ossetia have barred ethnic Georgians from returning to the territory unless they renounce their Georgian citizenship and accept Russian passports. The de facto border with Georgia was tightened in 2011, with several Georgians subjected to detention by Ossetian and Russian border guards. Russian authorities have prevented ethnic Ossetians from entering Georgia, but travel to Russia is unimpeded."

Freedom House, *The Worst of the Worst 2011 - South Ossetia*, 2011-06-01:

"...According to an August 2010 Amnesty International report, about 26,000 people, most of them ethnic Georgians, remained

displaced from their homes in and around South Ossetia as a result of the 2008 conflict. South Ossetian authorities have barred ethnic Georgians from returning to the territory unless they renounce their Georgian citizenship and accept Russian passports. Russian authorities have prevented ethnic Ossetians from entering Georgia, but travel to Russia is unimpeded.”

Storbritannien. Home Office , *Country of Origin Information Report; Russia*, 2010-11-11 (Lifos 24058):

sid. 51

"FORMER SOVIET REPUBLICS

31.03 An article in the Boston University International Law Journal, 11 May 2010. ‘Weaponizing Nationality: An analysis of Russia’s passport policy in Georgia’ [13a] discussed how Russia justified its 8 August 2008 invasion of Georgia on its “responsibility to protect South Ossetia’s Russian citizens from the Georgian government’s aggression”. The article stated that:

“Russia’s citizenship laws have undergone a significant change in the last decade. Prior to 2002, the process by which a resident of an ex-Soviet republic obtained Russian citizenship was ‘complex and involved repeated trips to Russian consulates or moving to Russia altogether.’ But on May 31, 2002, Russia adopted the Law on Russian Federation Citizenship [59a], making the acquisition of Russian citizenship by residents of ex-Soviet republics easier. In fact, not only did it become unnecessary to relocate to Russia, residents of South Ossetia were able to ‘apply without leaving their homes’.” [13a]"

OSCE Office for Democratic Institutions and Human Rights, *Federal Law No. 62-FZ on Russian Federation Citizenship (31 May 2002 as amended 2004)*:

”Article 13. Admission into Russian Federation Citizenship on General Terms

1. Foreign citizens and stateless persons who have reached the age of 18 and have dispositive capacity are entitled to file a naturalisation application asking for Russian Federation citizenship on general terms on the condition that the said citizens and persons: a) have been residing in the territory of the Russian Federation since the day when they received a residence permit and to the day when they file a naturalisation application asking for Russian Federation citizenship for five years without a break, except for the cases specified in Part 2 of the present article. The duration of residence in the territory of the Russian Federation shall be deemed without a break if the person left the Russian Federation for a term not exceeding three months in one year. The term of residence in the territory of the Russian Federation for the persons who had arrived to the Russian Federation prior to July 1, 2002 and do not have

residence permits, shall be estimated, as of the date of their registration at the place of residence;
b) undertake to observe the Constitution of the Russian Federation and the legislation of the Russian Federation;
c) have a legal source of means of subsistence;
d) have filed applications with the competent body of the foreign state whereby they waived their other citizenship. No waiver of foreign citizenship is required if this is envisaged by an international treaty of the Russian Federation or the present Federal Law or if the waiver of another citizenship is impossible due to reasons beyond the person's control;
e) are in command of the Russian language; the procedure for assessing the level of knowledge of the Russian language shall be established by regulations on the procedure for considering issues concerning Russian Federation citizenship.”

2. Räknas man som medborgare i Ryssland för att man tidigare fått inrikes pass därifrån?

Enligt information från expert på Migrationsverkets medborgarskapsenhet är Sydossetien ingen utbrytarstat i folkrättslig mening. Då inrikes passet kan vara gammalt är det inte säkert att det gäller för medborgarskap i Ryssland nu.

3. Räknas personer från Sydossetien per automatik som georgiska medborgare? - Kan sökande i så fall avsäga sig sitt medborgarskap i Georgien?

Georgiska medborgare har möjlighet att avsäga sig sitt medborgarskap.

Georgien. Lagstiftande organ, *Organic Law of Georgia on Citizenship of Georgia*, 2010-07-06 (Lifos 28078):

“Article 26 - Criteria for granting citizenship of Georgia
Citizenship of Georgia may be granted to a person of legal age pursuant to this Law if he or she meets the following requirements:

(a) has been permanently residing within the territory of Georgia during the last 5 years,

(b) knows the state language at the established frames.

(c) is familiar with the history and legislation of Georgia at the established frames.

(d) has a job or any real estate on the territory of Georgia, realizes business or owns shares in the Georgian company/industry.

Article 27¹ - Criteria for granting Georgian citizenship for the persons with repatriate status 1. Article 26 for granting Georgian citizenship does not spread to the persons with the status of

a repatriate.

2. Granting of the Georgian citizenship to the persons with the status of a repatriate is undertaken in accordance with the governmental decree on “Facilitated rules for granting Georgian citizenship to the persons with the status of a repatriate”

Article 30. Citizenship of Georgia may be terminated on the following grounds:

- (a) Abandonment of citizenship of Georgia;
- (b) Loss of citizenship of Georgia;
- (c) Other circumstances provided for by international treaties to which Georgia is a party and by this Law.

Article 31 – Abandonment of citizenship of Georgia

A citizen of Georgia may abandon citizenship of Georgia. The matter of abandonment of citizenship of Georgia shall be solved according to this Law.

A citizen of Georgia may be denied to abandon citizenship of Georgia if he or she has not fulfilled the duties owed to the state, failed to complete military service or has any obligation relating to state and public organizations. Abandonment of citizenship of Georgia shall not be permitted if a person is under criminal prosecution or a court passed a valid judgment against him, which is subject to enforcement.

Article 32 - Loss of citizenship of Georgia

In accordance with this Law a person shall lose citizenship of Georgia if he or she:

- (a) without permission of respective Georgian authorities becomes a member of foreign army, police, departments of justice and other government bodies or state authorities;
- (b) permanently resides on the territory of another state and has not been registered in a consulate of Georgia for 2 years without any excusable cause;
- (c) acquires citizenship of Georgia by submitting false documents; or acquires citizenship of another state. “

Dubbelt medborgarskap

International Crisis Group (ICG), *South Ossetia -the burden of recognition*, 2010-06-07 (Lifos 23112):

sid. 13

"A. COMPETITION FOR RUSSIAN RESOURCES

In September 2008, when its troops still occupied the Georgian “buffer zone”, adjacent to South Ossetia and Abkhazia, Russia signed agreements of “Friendship and Cooperation” with both breakaway regions, pledging to help protect their borders. The signatories granted each other the right to military bases in their respective territories, recognised dual citizenship and established common transportation, energy and communications infrastructure.

93 The agreements are valid for ten years and can be renewed every five. Thus, Russia has consolidated its military presence in both regions, instead of withdrawing forces to pre-conflict positions as stipulated by the Medvedev-Sarkozy agreement. It says recognition has brought a "new reality", so "bilateral" cooperation accords take precedence over the ceasefire accord.⁹⁴

Sid. 17

"Visitors can sense significant pro-Russian sentiment and an appreciation of the opportunities Moscow offers. A Russian passport is essential for an education or a job in Russia. According to the Russian embassy in Tskhinvali, around 34,000 residents, essentially the entire population except Akhalkgori residents, have them. Since recognition, only children of current Russian citizens can automatically obtain Russian citizenship, but all residents can now enter Russia with South Ossetian passports, which was previously impossible.¹⁴⁰ The vast majority of residents hold both citizenships."

Sid. 19

A. FREEDOM OF MOVEMENT

Access to South Ossetia remains limited. Local authorities consider the only legal entry to be from Russia, with South Ossetian and Russian documentation. Foreign nationals should have at least a dual-entry Russian visa.¹⁵¹ Georgia's Law on Occupied Territories, however, regards entry via the Roki Tunnel as illegal and stipulates that foreign nationals, including Russians, must enter South Ossetia from Georgian-controlled territory or bear criminal responsibility.¹⁵²

"...Now, Georgian authorities state that South Ossetian residents can generally travel freely in the country provided they have residency documentation.¹⁵⁴ However, in practise the situation is more fluid; it is difficult to cross into Georgian-controlled territory anywhere except from Akhalkgori; and whether someone is allowed to cross or not is often left to the discretion of local police. Georgia has also drawn up a "black list" of persons who will be detained if they cross.¹⁵⁵ Fear of detention, based on lack of knowledge and public dissemination of the procedure applied, stops many from South Ossetia from travelling to other parts of Georgia"

Information gällande frågeställningarna finns även i ett sekretessbelagt dokument från UD:

Utrikesdepartementet (UD), *Återvändande av personer som lämnat Sydossetien m.m.*, 2009-03-11 (Lifos 20780) SEKRETESS

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

Council of Europe - Parliamentary Assembly, *The situation of IDPs and returnees in the North Caucasus region*, 2012-03-05

http://www.ecoi.net/file_upload/1788_1331036948_edoc12882.pdf

Freedom House, *Freedom in the World 2012 - South Ossetia*, 2012-05-18,

<http://www.unhcr.org/refworld/docid/4fb6139a41.html>

Freedom House, *The Worst of the Worst 2011 - South Ossetia*, 2011-06-01,

<http://www.unhcr.org/refworld/docid/4e049a4512.html>

Georgien. Lagstiftande organ, *Organic Law of Georgia on Citizenship of Georgia*, 2010-07-06 (Lifos 28078)

<http://www.unhcr.org/refworld/pdfid/50080edc2.pdf>

International Crisis Group (ICG), *South Ossetia -the burden of recognition*, 2010-06-07 (Lifos 23112)

<http://www.unhcr.org/refworld/pdfid/4c11f5452.pdf>

International Organization for Migration (IOM), Tyskland. Bundesamt für Migration und Flüchtlinge (BAMF), *Country Fact Sheet. Russian Federation*, 2012-06-01 (Lifos 28391)

OSCE Office for Democratic Institutions and Human Rights, *Federal Law No. 62-FZ on Russian Federation Citizenship (31 May 2002 as amended 2004)*

<http://www.legislationline.org/topics/country/7/topic/2>

Storbritannien. Home Office, *Country of Origin Information Report; Russia*, 2010-11-11 (Lifos 24058)

http://www.ecoi.net/file_upload/1226_1290075759_russia-111110.pdf

Utrikesdepartementet (UD), *Återvändande av personer som lämnat Sydossetien m.m.*, 2009-03-11 (Lifos 20780) SEKRETESS