



Regulations on Refugees in the Russian Federation Law

Rusya Federasyonu Hukukunda Mültecilere İlişkin Düzenlemeler

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öz

Sovyetler Birliği'nin çöküşünden sonra, modern Rusya uluslararası hukuk ilişkilerinde yeni bir çağa girdi. Rusya, SSCB'nin yasal halefi olmasına rağmen, uluslararası hukukun (İL) bağımsız bir konusu olarak, Sovyetler Birliği'nin çöküşünden sonra ilk kez uluslararası anlaşmalara katılmaya başladı. Böylece, Rusya 1992, Mültecilerin Statüsü Sözleşme'sini (bundan böyle UNCSR olarak anılacaktır) kabul etti. Bu Sözleşmeye dayanarak, Rusya 1993 yılında kendi Federal Mülteci Yasası'nı (bundan sonra FLR olarak anılacaktır) kabul etti. 1993 FLR'ye göre, Rusya Federasyonu'ndaki (bundan böyle RF olarak anılacaktır) mültecilerin yasal statüsü değerlendiriliyor. Makale, mültecilere sığınma hakkı verilmesi için anayasal ve yasal çerçeveyi ele almaktadır. Ayrıca, uluslararası hukuk normlarının (bizim durumumuzda, UNCSR) Anayasa'yı takiben RF hukuk sisteminde nasıl bir rol oynadığı da belirlenmiştir. Mülteci statüsü verilmesinde yasal mekanizmaların uygulanması boyunca, bugün Rusya'daki iltica kurumu belirli sorunlar yaşamaktadır. Mevcut sorunların nedenleri analiz edilmeye çalışıldı. FLR'nin 1951 UNCSR ile küçük bir karşılaştırmalı yasal analizi yapılmıştır. Bu çalışma, Mültecilerin yasal statüsüne ek olarak, zorla göç edenlerin bazı sorunlarına da değiniyor.

Anahtar Kelimeler: Sözleşme, Anayasa, Mülteci, İltica, Hukuk, BMMYK

ABSTRACT

After the collapse of the Soviet Union, modern Russia entered a new era of international legal relations. Although Russia is the legal successor of the USSR, as an independent subject of international law (IL), it began to join international treaties for the first time after the collapse of the Soviet Union. Thus, Russia 1992 acceded to the Convention relating to the Status of Refugees (hereinafter referred to as UNCSR). Based on this Convention, Russia adopted its own Federal Law on Refugees (hereinafter referred to as FLR) in 1993. According to the 1993 FLR, the legal status of refugees in the Russian Federation (hereinafter referred to as RF) is being revealed. The article considers the Constitutional and legal framework for the rights of refugees in the course of granting them asylum. Also is established what role the norms of IL (in our case, UNCSR) play in the legal system of the RF following the Constitution. In the course of the implementation of legal mechanisms in granting refugee status, today the institution of asylum in Russia is experiencing certain problems. The reasons for existing problems are analyzed. A small comparative legal analysis of the FLR with the 1951 UNCSR is carried out. In addition to the legal status of refugees, this work touches upon some of the problems of forced migrants.

Keywords: Convention, Constitution, Refugee, Law, UNHCR.

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Introduction

After the Second World War, the most general and universally applicable definition of the term "refugee" appeared, which is contained in the 1951 **UNCSR**, supplemented by the 1967 Protocol. IL treats a refugee as a victim of persecution. A person's justified fears about this may be political beliefs, racial characteristics, religious beliefs, or belonging to a definite nationality or social group. Usually, in such cases, they do not find protection in their country of citizenship or residence, or, because of such fears, do not want to use such protection. As a result, individuals who are subjected to such persecution find themselves outside their country of citizenship or habitual residence and cannot return.

According to the UNHCR, the number of internally displaced persons in the world in 2020 amounted to 82.4 million people, of 26.4 million of which are refugees.

In the RF, the number of those who managed to apply for recognition as refugees in 2020 is 239, which is an anti-record compared to 2018 (388 people). By the end of 2020, only 455 people had refugee status in vast Russia. This situation shows the weak development of the institution of asylum in Russia and the uncertain situation with the rights of refugees.

For the first time, modern Russia faced the problems of refugees after the collapse of the USSR. The emergence of interethnic armed conflicts associated with the aggravation of socio-economic processes in the post-Soviet space, for the first time, confronted Russia with the problem of forced migration. The term "*Forced migrants*" appeared after the collapse of the USSR and applies only to citizens of the RF (Kovshikov E.M., 2000). The rights of Forced migrants are formed from the rights of a citizen of the RF and special granted rights to them for their adaptation to a new residence place (Law of the RF on Forced Migrants dated 02.19.1993 N 4530-1).

The multinational composition of the population of the former USSR, the peculiarities of the federal relations of the former Soviet republics, and the separatist sentiments complicated the position of the Russian-speaking population of these republics with the collapse of the USSR. The displacement of the Russian-speaking population (the Baltic countries), and soft ethnic cleansing (the Central Asian countries) began to acquire the character of the state policy of many former Soviet republics, which resulted in the intensification of mass resettlements as refugees and forced migrants (Kovshikov E.M., 2000).

In connection with the increased flow of refugees, the RF in 1992 joins the norms of IL governing the rights of refugees. (Supreme Council Decree of the RF of November 13, 1992, N 3876-1 On the accession of the RF to **UNCSR** (1951) and the Protocol (1967)).

Based on international legal documents in RF in 1993, the FLR was adopted. Following the norms of international and domestic law, in 1992, by the Decree of the President of the Russian Federation (hereinafter referred to as DPRF), the Federal Migration Service (FMS) was established, which implements the state policy in the field of population migration and coordinates work in this area (on April 5, 2016, by the DPRF, the service was abolished, its functions and powers returned to the Main Department for Migration Issues of the Ministry of Interior (hereinafter referred to as MDMI) of the RF).

1. The Legal Status of Refugees in Russia

The accession in 1992 to the **UNCSR** and the adoption of the FLR in 1993 obliged Russia to take responsibility for the protection of this category of persons (Kovshikov E.M., 2000).

According to the 1951 **UNCSR**, a person is a refugee who is outside the country of nationality or does not have definite citizenship and:

- has a well-founded fear that he may be persecuted based on race, religion, nationality, membership in a social group, or political opinion in the country of origin;
- cannot or does not dare to return to their homeland due to these fears;
- is unable or unwilling to receive the necessary protection from his country due to such fears.

To obtain asylum in Russia, you should apply to the regional divisions of the MDMI with an application for refugee status.

A specific step-by-step mechanism for realizing one's rights to apply for and preliminary consideration of an application for refugee status is discussed in Article 4 of the RF FLR dated February 19, 1993, N 4528-1.

In addition, since September 1, 1995, Russia is a party to the Agreement of the Commonwealth of Independent States (CIS) of September 24, 1993 "On Assistance to Refugees and Forced Migrants". Consequently, Russia has additional responsibilities to protect this vulnerable group. The legal status of refugees is a complex of rights guaranteed by international and national law in the economic, social, and cultural spheres, designed to meet the material, spiritual, and other socially significant needs of the individual (Antoshkina T.I., 2015). These rights relate to such spheres of human life as economic activity; own; work; recreation; health; education, etc.

The legal status of refugees also applies equally to the members of their families who have arrived with them.

In the 1951 **UNCSR**, Chapter 2 (Juridical Status) defines the legal status of refugees. In the RF, the legal status of refugees is enshrined in Article 8 (Rights and obligations of a person recognized as a refugee) of the RF FLR dated February 19, 1993, N 4528-1.

Based on the provisions of the above article, the rights of a person recognized as a refugee and family members who arrived with refugee can be conditionally divided into the following groups:

- State aid (obtaining the services of an interpreter, obtaining information about one's rights and obligations, obtaining assistance in preparing documents, etc.);
- Social Security;
- Rights in the field of health care and education;
- Economic rights;
- Labor rights;
- Housing rights.

The current Russian legislation regulating the status of refugees proceeds from the assumption that access to the rights of a refugee is determined by status as a foreign citizen or stateless person. Accordingly, in most cases, access to these rights is carried out under the regime established for foreign citizens. However, in some cases (the right to a pension, the right to social security, the right to medical care), the refugee is granted additional rights similar to the rights of Russian citizens. This regime for determining the legal status of refugees complies with the requirements of the 1951 **UNCSR** (Iranpur Z.F., 2011).

2. Constitutional Protection for Refugees

The Constitution of the RF (hereinafter referred to as CRF) gives preference to the norms of IL if the domestic law contradicts them. This preference is noted in Article 15 of the CRF. Part 4 of this article considers the IL an integral part of its legal system. In the event of a contradiction between the IL and the internal law of the RF, the norms of the IL shall apply. However, this or that international treaty is taken into account and has legal force in case of ratification by the RF. Thus, the international treaties signed by Russia that define the legal status of refugees are an integral part of its legal system.

The CRF, following the ratified norms of the IL, grants political asylum to citizens of other countries or stateless persons. This provision of the CRF is fixed in Article 63. RF does not permit the extradition to another state of a person charged with a political belief or act (or omission) not recognized as a crime by RF. The extradition of persons accused of crimes and the transfer of prisoners to serve sentences in other states is carried out on the basis of federal law or international treaties of the RF (Kolobov A.V., 2013).

The above article empowers the competent authorities to grant political asylum to foreign citizens and stateless persons. This is fully consistent with Art. 14 of the UDHR, according to which “*everyone has the right to seek asylum from persecution*” in other countries and to use this asylum. This constitutional norm indicates that the institution of political asylum is governed by the norms of both international and domestic law of the RF.

The “*Declaration on Territorial Asylum, adopted by Resolution 2312 (XXII) of the UN General Assembly of December 14, 1967,*” (hereinafter referred to as DTA) proceeds from the premise that the provision of asylum by the state to persons who have reason to invoke Art. 14 of the UDHR is a peaceful and humane act and therefore cannot be considered by any other state as an unfriendly act. Granting political asylum entails the obligation of the RF not to extradite a person to a foreign state. Along with this, the Declaration emphasizes that the granting of political asylum is an act of exercising state sovereignty. Following this, a request by a foreign citizen or stateless person submitted in the manner prescribed by Russian regulations does not oblige the authorized state bodies to satisfy such requests. Russia has the right to determine the list of persons and the conditions under which it grants political asylum, in accordance, however, with the current norms of IL, which, to a certain extent, limit the discretion of the participating States (Kolokoltsev A.V., 2011). At the same time, the RF should not take any legislative or other measures that could affect its international obligations regarding the detection, arrest, extradition and punishment of persons perpetrating war crimes and crimes against humanity. (Resolution 3074 (XXVIII) GA UN dated December 3, 1973).

The regulation on the procedure for granting political asylum to the RF, approved by the DPRF of July 21, 1997, focuses on the fact that the granting of political asylum should correspond to the state interests of the RF, without belittling the importance the generally recognized principles of international law, to which the constitutional text refers (Kolobov A.V., 2013). However, the

agreements formulated and recognized by the states of granting political asylum can hardly be attributed to the generally recognized principles and norms of international law, because, in particular, the provisions of the DTA by their legal nature are advisory. Following the aforementioned Regulations, the RF grants political asylum to persons seeking asylum and protection, i.e., a politically persecuted person, by whom the Geneva Convention on Refugees (adopted on July 28, 1951) means anyone who, *“because of their race, religion, nationality, social affiliation or political opinion”* is subject to persecution with the threat to life or restriction of personal freedom, or has reasonable grounds to fear such persecution (Antoshkina T.I., 2015). This description corresponds to the definition of the concept of refugee, fixed in Art. 1 of the RF FLR of February 19, 1993.

Russian rules presuppose the granting of political asylum and protection not just for political activity and beliefs, but - what is very important - for activities and beliefs that do not contradict democratic principles recognized by the world community and the norms of IL (Kolobov A. V., 2013). In turn, persecution for political reasons, according to Russian rules, must be directed against the person who applies for political asylum. The granting of political asylum is carried out by the DPRF, which comes into force from the date of its signing. As for the legal consequences of obtaining political asylum, such a person gets the opportunity to enjoy rights and freedoms on the territory of the RF and bear obligations on an equal basis with Russian citizens, except for the restrictions established by federal laws or international treaties (Kargina E.M., 2015). At the same time, the RF assumes an obligation not to extradite such a person to another state.

The sovereign right of the RF to grant political asylum at the same time includes the power to limit the circle of persons who can be provided with protection and patronage. The Presidential Decree prohibits the granting of political asylum to persons: *“persecuted for acts recognized as a crime in the RF, or guilty of actions contrary to the principles and goals of the UN; prosecuted as defendants in a criminal case or in respect of whom there is a final and enforceable court verdict on the territory of the RF; arriving from third countries where they were not threatened with persecution; arrived from countries with developed and well-established democratic institutions in the field of human rights protection or arrived from a country with which the RF has agreements on visa-free border crossing, or a country where it is not prosecuted; who knowingly provided false information.”*

By decision of the Commission on Citizenship Issues, *a person may be deprived of political asylum* in the following cases: *“return to the country of which the refugee is a citizen or to the state of residence; departure to a third country; the voluntary refusal of political asylum on the territory of the RF; acquisition of citizenship of the RF or another country.”* A special case of deprivation of political asylum in the Regulations on Granting Political Asylum refers to considerations of state security, engaging in activities contrary to the purposes and principles of the UN Charter, and committing a crime and having a conviction to be executed. Political asylum is granted on the territory of the RF.

This constitutional norm, on the one hand, protects political convictions, and on the other hand, establishes the legal basis for international cooperation in the fight against crime, providing for the possibility of *extradition of persons accused of committing a crime*, as well as the transfer of convicted persons to serve their sentences in other states (Kolokoltsev A.V., 2011). And in this sense, the extradition and transfer of persons should be considered as forms of providing legal assistance to foreign states either under the current federal law or based on an international treaty of the RF. The Federal Law defining the procedural issues for the extradition and transfer of foreign citizens has not been adopted (Kolobov A.V., 2013). Certain issues of extradition of persons accused of committing crimes, as well as the transfer of persons convicted to serve their sentences in other countries, are regulated by the norms of criminal legal proceedings (chap. 54, 55 of *“the Code of Criminal Legal Proceedings of the Russian Federation”*).

3. Challenges Related to The Regulatory Regime

It makes sense to remind those foreign citizens seeking asylum in Russia can try to obtain only two statuses:

- Refugee status
- Temporary asylum status

Under Part 2 of Article 12 of the FLR dated February 19, 1993, N 4528-1, temporary asylum can be obtained by foreign citizens who are denied recognition as refugees in the RF, who cannot be expelled from the RF out of humane motives (Avanesova A.A. 2004). Temporary asylum is granted to *a foreign citizen or stateless person* in the manner determined by the Government within the framework of the Decree "On granting temporary asylum on the territory of the Russian Federation" (09.04.2001 №274) (temporary asylum is granted for one year and can be extended by 12 months annually).

On paper, there is also a special status of political asylum, which is based on the DPRF "On the approval of the Regulations on the procedure for granting political asylum by the Russian Federation" (July 21, 1997 N 746). Moreover, on paper, this status sometimes shows signs of life, which was reflected in the changes made to it in 2012, 2016 and 2018. The main problem is that since the signing of this decree, this status has not been granted to anyone.

While the number of refugees in the world has grown rapidly over the past ten years, in Russia the number of those who had refugee or temporary asylum status, after the surge associated with the provision of temporary asylum to Ukrainian citizens (2014-2015), has been rapidly decreasing over the past six years. As a result, in the largest state in terms of area, even if we take into account the status of temporary asylum, in 2020 less than 0.1% of the total number of refugees (recognized by the UNHCR) in the world had asylum.

Such indicators indicate that asylum institutions in Russia are performing very poorly. This situation is because the Russian authorities violate the principles of the International Convention and the domestic law on the status of refugees. Many refugees in Russia face a whole range of problems: from problems with access to the asylum procedure to violations of the principle of non-refoulement (non-expulsion).

Although the FMS of Russia no longer exists, and its powers transferred to the MDMI, the main reasons for violations of refugee rights remain the same as in many previous years, and the situation has become worse. The main reason for the tragic situation with the refugees in Russia remains a political attitude. On the personal instructions of high-ranking officials in power, and under the influence of state-federal media, Russian migration services can provide asylum to large groups of refugees, as was the case in 2014 for citizens from two eastern regions of Ukraine (Chervinskaya A.P., 2014). But when there is no such directive, the migration services are reluctant to grant asylum, following an unspoken refusal policy (Kargina E.M., 2015). The state media are hiding the situation related to the collapse of the asylum institution in Russia.

In 2020, 239 people were able to apply for recognition as a refugee in Russia, which is 158 people less than in 2019. The MDMI does not consider applications for recognition as a refugee. This policy is implemented using illegal tools: from the inaccessibility of the information on how to submit documents, to refusing to accept them. Another technique is that an official, not listening to the wishes of the applicant, in the questionnaire notes the fact of applying for temporary asylum and not

an application for refugee status. Of the few who managed to overcome various barriers, only 28 people received refugee status. Fewer refugee certificates were issued only in 2019.

At the same time, according to the data provided by the MDMI, at the end of 2020, not a single refugee was registered in more than 55 constituent entities of the RF. So, for example, in the entire large Ural Federal District (six regions), only one refugee was registered with the migration service, in the huge Far Eastern Federal District (nine regions) there were only two people with refugee status, and in the giant Siberian Federal District (12 regions) - not a single refugee. This particularly is explained by the fact that the authorities do not create any conditions for the integration of refugees. Therefore, those who seek asylum prefer to do this in the central regions and, above all, in Moscow, where they can find work, compatriots, and charitable organizations which provide legal, humanitarian, and medical assistance.

4. The Russian Domestic Law Vis-a-vis International Law

To make a small legal comparison of IL with the internal law of the RF, in our opinion, the 1951 **UNCSR** is sufficient. The **UNCSR** recognized by Russia is a document of the last century, and living standards were significantly lower. Although the requirements contained in the Convention are so moderate that its implementation for any more or less developed modern state is not a difficult task, in the FLR dated February 19, 1993, N 4528-1, despite the compliance of many provisions, there are still rules that contradict the Convention (Kolobov A.V., 2013).

The internal legal norms of the RF, which do not correspond or contradict the provisions of the Convention, by modern standards, are in a sufficiently large number, which requires project research within the scientific framework. Thus, within the framework, only some legal norms are considered, which, in our opinion, are more significant.

As was stated before, the CRF asserts that the RF's international treaties and universally accepted standards of law constitute an essential component of its legal system. However, in Russia, the direct application of IL can only occasionally be observed in courts (Kargina E.M., 2015). These standards need to be written into Russian laws for the executive branches to enforce them. Additionally, the 1951 UNCSR only provides minimal requirements for refugee protection and does not address all aspects of refugee reception or include any procedures for its implementation. Determining the degree to which the articles of the Convention are reflected in Russian law is therefore a necessary first step in the discussion of Russia's implementation of the 1951 UNCSR.

In the RF FLR, the main elements of the UNCSR defining the term refugee were therefore included, however with some additions and amendments that contradict the letter and spirit of the UNCSR. Several provisions of the **UNCSR** defining the legal *status of refugees*, their rights, and obligations were also reflected in the FLR. Article 2 of the **UNCSR** requires refugees to obey the laws of the state in which they are located ([James C. Hathaway.](#), 2021). A similar requirement is contained in clause 1 of part 2 of article 6 and clause 1 of part 2 of article 8 of the FLR.

Article 12 of the **UNCSR** (*Personal Status*) stipulates that:

“States parties must respect the previously acquired rights of refugees related to their status, including those arising from marriage, provided that these rights are recognized by the laws of the country of asylum.”

The FLR does not contain a corresponding norm, but the law takes into account the existence of family ties among refugees: in the text of the law, a refugee appears everywhere together with family members. The procedure for determining the status is carried out *separately for each adult*

family member, but if one of the *adult family members* does not meet the criteria for the concept of a “*refugee*”, to ensure family unity, can be recognized as a *refugee* along with *other members of the family* (part 4 of Article 3).

Article 16 of the **UNCSR** (*Access to courts*) establishes the rights of refugees to judicial protection and legal assistance, equal to those of the citizens of the country of asylum, as well as exemption from payment of legal costs ([James C. Hathaway.](#), 2021). The FLR contains a narrower norm governing the procedure for appealing decisions and actions (inaction) *related to the implementation* of this particular law. However, *refugees* are subject to Articles 46 and 48 of the CRF, which guarantees everyone “*the right to judicial protection and qualified legal assistance*”, including free.

Article 17 of the **UNCSR** (*Wage-earning employment*) provides refugees with the most favorable position concerning the right to work for wage-earning employment, and Article 18 provides for the favorable position regarding the entrepreneurial activity. In both cases, a reservation was made that the situation of refugees should be “*no less favorable than that which foreigners usually enjoy under the same circumstances*” ([James C. Hathaway.](#), 2021). A person recognized as a refugee and their family members have the same rights to work for pay-earning employment and self-employment as Russian Federation citizens, according to Clause 9 of Part 1 of Article 8 of the FLR. But it only applies to *refugees who have received status*, and *refugees awaiting a decision on granting status* and who are also in a legal position, the law guarantees only “*receiving assistance in the direction of vocational training in a temporary accommodation center or employment*”, which without the right to work is not makes sense.

Article 26 of the **UNCSR** (*Freedom of Movement*) requires:

“*Contracting Parties to ensure that refugees lawfully staying on their territory have the right to freedom of movement, provided that they comply with the rules established for foreigners.*”

The FLR does not declare the right to *freedom of movement* within the RF, but it is not limited either. Thus, the absence of a norm on the right to *freedom of movement* in the FLR creates an ambiguous legal situation in this matter. This significant gap in the FLR can fill article 27 CRF. CRF provides everyone with the right to choose their place of stay and residence, and free movement around the country, if such stay on the territory of the RF is legal.

Article 27 of the **UNCSR** (*Identity papers*) requires:

“*Contracting Parties to issue identity papers to refugees without travel documents.*”

The article does not mention that it is only about refugees staying in the country legally. Judging by the fact that the next Article 28 specifically addresses the case of issuing travel documents to refugees who reside legally in the country, Article 27 implies the issuance of *identity papers* to undocumented refugees, *regardless of their legal status*. Such a liberal approach, which exists in some countries, for example, in Switzerland, is not characteristic of Russian legislation. The FLR provides for the issuance of documents replacing *identity papers only to refugees staying in Russia on a legal basis*. At the same time, their temporary stay in Russia becomes not from the moment of their *initial asylum application*, but from the moment of receiving an application from a *refugee*, following the procedure prescribed by law, of *an application for recognition as a refugee* (Kargina E.M., 2015). Those who have submitted an *application for recognition as a refugee*, for the period of its consideration, that is, for three months, will be issued a certificate of consideration of the application (parts 6-7 of Article 4). Refugees who have received the status are issued a refugee certificate (parts 7-8 of article 7). Refugees who have applied for temporary asylum, for the period of

consideration, that is, for 3 months, are issued a certificate of consideration of the application (paragraphs 4, 5 of the Government Decree No. 274 of 09.04.2001). *Persons who have received temporary asylum* are issued a *certificate granting temporary asylum* (part 3 of Article 12). These documents are issued not because the refugees do not have an *identity paper*, but instead - as a document confirming their legal status in the RF. The refugee is obliged to hand over an identity card (if any) to the migration service upon receipt of one of these documents. Thus, there is a clear difference in the approach of the Russian domestic law and the **UNCSR** to the issuance of identity documents to refugees.

The requirements of Article 32 of the **UNCSR** are reflected in the FLR only partially:

“Guarantees of non-expulsion of refugees legally staying in Russia do not apply to all categories of refugees and are undermined by the rule of extrajudicial deportation.”

Conditions for the departure of refugees in respect of whom a decision was made to expel to another country are not provided.

Article 34 (*“Naturalization”*) states that States parties to the 1951 **UNCSR** *“will facilitate the assimilation and naturalization of refugees as much as possible”* and *“do everything in their power to expedite the naturalization process and possibly reduce the associated fees and costs”* ([James C. Hathaway.](#), 2021). This rule is reflected in paragraph 14 of Part 1 of Article 8 of the FLR, which provides recognized refugees the option to seek for citizenship in the RF or for the right to permanent residence on its territory. At the same time, according to the Russian Citizenship Law, *“refugees can apply for Russian citizenship in an accelerated manner - just a year after receiving refugee status”* (paragraph "c" of Part 2 of Article 13). There are no naturalization benefits for those who have temporary asylum. Thus, the procedure for granting citizenship to *recognized refugees* provided for by the Citizenship Law meets the requirements of the Convention (Kolobov A.V., 2013).

After analyzing the main points of the FLR, one can conclude that several provisions contradict the 1951 **UNCSR**. The results of such analyzes can serve as the reason for further changes and additions to the existing FLR 19.02.1993 N 4528-1.

For example, we can cite the wording of part 3 of article 5 of the FLR, which does not substantially correspond to the 1951 **UNCSR**, and leads to a violation of the *right to appeal* guaranteed by the Convention.

The FLR prescribes *refugees who applied for asylum at a border Checkpoint* upon illegal arrival in the RF to leave the country within three days after receiving a notification of the refusal to consider the application on the merits. Thus, it leaves refugees no time and opportunity to appeal, which creates the *“threat of their expulsion to their country of origin”*, prohibited by Article 33 of the **UNCSR**. There are enough such problems, which require amendments and additions to the FLR.

Conclusion

The legal difficulties surrounding refugee status in contemporary Russia are important from both a scientific and a practical standpoint. In connection with the migration crisis in Europe, as well as the events in Ukraine, the problems of legal regulation of the status of refugees are of particular relevance, which caused massive movements of asylum seekers in Russia. Nevertheless, this problem has not yet received due attention from both the authorities and the scientific community.

As we know, in addition to Russian normative legal acts regulating the features of the legal status of refugees, there are also norms of IL recognized by the RF. However, despite the publication of the

necessary laws and decrees of the RF aimed at regulating the legal status of refugees, there are many practical problems in this area.

In fairness, we should also note that the FLR contains several shortcomings. Despite paying specific attention to the organizational and technical aspects of the refugee status determination procedure, its content has not been sufficiently developed.

When considering the peculiarities of the “*legal status of refugees*”, it is significant to pay attention to its specificity.

The “*legal status of refugees*” is much broader than just the legal status of foreign citizens or stateless persons. This concerns, for example, such essential issues as work, social security, adaptation, and integration. Thus, we can say that in Russia, according to the law, refugees have a wide range of rights that they have the right to exercise. They can receive food, medical care, and advice at the temporary accommodation center before leaving for their place of stay. The country should assist in the direction of vocational training or employment, social protection, including social assistance. Equally, like the citizens of the RF, refugees have “*the right to work for hire*” and engage in entrepreneurial activity, as well as the right to place their children in preschool and educational institutions in the RF.

Despite the positive aspects of the current law on refugees in Russia, there are many practical problems for refugees in the exercise of their rights. The proof of this fact is the statistical data on refugees in Russia.

The statistics published by federal government bodies deserve special attention. These statistics were limited earlier, in 2016, that is, after the abolition of the FMS of Russia and the transfer of its functions to the MDMI, it became even less detailed. The situation has not improved since then. So, in the section of the RF MDMI on the Internet site, there is no statistical information about refugees. Some indicators of the MDMI concerning refugees are published by the Federal State Statistics Service. The data that the FMS of Russia previously published in the public domain is now available only to organizations (human rights) on special requests sent to the MIRF. Via human rights organizations' requests from the MDMI, we have publicly available data on refugees in Russia.

Compliance with Ethical Standard

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