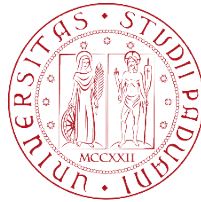


UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW,
AND INTERNATIONAL STUDIES

**Master's degree in
Human Rights and Multi-level Governance**



Ukrainian refugees in the Russian Federation

Legal and social aspects in connection with the armed
conflict in 2022-2023

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A.Y. 2022/2023

AN ABSTRACT

The purpose of this work is to study the legal and social status of Ukrainian refugees and citizens in Russia. To achieve the intended goal, the following tasks are defined in this work: to reveal the legal and social aspects of the stay of Ukrainian refugees and citizens in Russia; explore legislative changes in relation to the citizens of Ukraine for the period 2014 - 2023; describe the measures taken by the Russian state to support Ukrainian refugees; conduct a comparative analysis by comparing the legal status of Ukrainian citizens in the Russian Federation with the status of all other foreign citizens living in Russia.

The subject of the study are the legal acts regulating the procedure for obtaining temporary asylum and refugee status in the Russian Federation as well as other permits for residence and Russian citizenship. Also, this research examines the documents and reports of international and Russian human rights organizations, mass media articles, existing law enforcement practice, as well as my personal experience of working and legal support of the Ukrainian refugees and citizens in the Russian Federation.

The object of the study is the assessment, analysis and deep study of the state of human rights in relation to the citizens of Ukraine who are in the Russian Federation in connection with the hostilities on the territory of Ukraine.

The theoretical basis of this work is Russian legislation, existing law enforcement practice, as well as documents of human rights organizations. The work uses certain provisions of the Russian federal laws regulating the sphere of migration, Administrative regulations and instructions of the Ministry of Internal Affairs of the Russian Federation, Decrees of the President and resolutions of the Government, certain provisions of the Constitution of the Russian Federation and relevant international documents on the rights of refugees, the Universal Declaration of Human Rights, reports of Russian Ombudsmen and human rights organizations, Russian mass media publications. Everything enlisted above predetermined an integrated and comprehensive approach to the research topic.

The structure and content of the work are determined by the goals and objectives of the research. The work consists of four chapters, including a prehistory of the conflict and waves of migrations, a profound analysis of the legal and social aspects as well as conclusion and bibliography.

ACRONYMS

DPR – Donetsk People Republic

EU – European Union

GUVM MVD RF – “Glavnoe Upravlenie po voprosam Vneshney Migracii Ministerstva Vnutrennikh Del Rossiyskoi Federacii” - The General Department on External Migration of the Ministry of Internal Affairs of the Russian Federation

GU MVD RF – “Glavnoe Upravlenie Ministerstva Vnutrennikh Del Rossiyskoi Federacii” - The General Department of the Ministry of Internal Affairs of the Russian Federation

HIV - Human Immunodeficiency Virus

LPR – Luhansk People Republic

MVD – “Ministerstvo Vnutrennikh Del” the Russian Ministry of Internal Affairs

MMC – Multifunctional Migration Center

RSFSR - Russian Soviet Federative Socialist Republic

RVP – “Razreshenie na Vremennoe Prozhivanie” Temporary residence permit in Russia

SSR – Soviet Socialistic Republic

UN – The United Nations

UDHR – Universal Declaration of Human Rights

UNHCR - The United Nations High Commissioner for Refugees

USSR – The Union of the Soviet Socialistic Republics

VNJ – “Vid Na Jitel'stvo” permanent residence permit in Russia

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CHAPTER I – PREHISTORY

SUBCHAPTER 1. SHORT HISTORY OF THE CONFLICT

Nowadays, despite the fact that Russia is the main party of the armed conflict in Ukraine, as well as the cautionary statements of the Ukrainian authorities to its citizens regarding travel to Russia, Ukrainian citizens still choose Russia as a place of refuge, obtain Russian citizenship in a simplified order, as well as completely move to Russia for the permanent residence. Only according to the UN data for 2022, Russia ranks first in the world in terms of the number of refugees accepted from Ukraine. The main reasons Ukrainian citizens choose Russia so often consist cultural characteristics of ethnic Russians living in Ukraine, a common history of Russia and Ukraine, including a common Soviet past, the relative similarity of the mentality of the Russian and Ukrainian peoples, the presence of numerous family ties in Russia as well as fluent knowledge of the Russian language by the majority of Ukrainians, etc. All mentioned above predetermines the ease of the process of integration of Ukrainian refugees into Russian society, in contrast to the societies of Western European countries.

Russian military intervention in the Ukrainian crisis began in February 2014 after the victory of Euromaidan and the change of power in the country, whereas the local authorities of the Crimea peninsula, with the comprehensive support and assistance of the Russian military, declared independence from Ukraine, held a referendum on joining the Russian Federation, after which the Russian authorities actually annexed the peninsula and still consider it as a part of Russian territory. In April 2014, protests against the new government of Ukraine in the Donetsk and Luhansk regions turned into an armed conflict, in which Russia supported the self-proclaimed DPR and LPR, in particular, supplied the republics with all the necessary weapons and equipment, military instructors, etc. Starting from mid-2015 until February 24, 2022, hostilities were localized in the Donbass and Crimea.

According to OHCHR, during 2014-2021, the war in eastern Ukraine cost the lives of 4,200 Ukrainian soldiers, 5,800 Russian soldiers and their proxy forces in eastern Ukraine, and 13,200-13,400 civilians killed, as well as 29,600-33,600 wounded soldiers and civilians from both sides. ^[1]

¹ Conflict-related civilian casualties in Ukraine, Office of the High Commissioner for Human Rights, United Nations Human Rights Monitoring mission in Ukraine, January 27, 2022, page 3

Since April 2021, a severe crisis has begun in relations between Russia and Ukraine due to the increase in the Russian military presence on the border with Ukraine, which hinted on the possibility of a large-scale war. Despite such statements, the Russian government has repeatedly denied the preparation of any invasion in Ukraine.^[2]

In February 2022, the crisis escalated, and diplomatic attempts to resolve the situation were not successful. On February 21, Russia recognized the independence of the self-proclaimed DPR and LPR.^[3] On February 22, the Russian authorities had already officially sent troops into the controlled territory of the DPR and LPR, and on February 24, Russia launched a full-scale invasion of Ukraine.^[4] The armed conflict continues to this day.

SUBCHAPTER 2. WAVES OF MIGRATION OF THE UKRAINIANS TO THE RUSSIAN FEDERATION.

2.1. First wave (2014 - December 2021). In 2014, hostilities began on the territory of the Donetsk and Luhansk regions, which led to a large-scale migration crisis. By 2016, almost half of the region's population had been forced to flee their homes. In the first few months alone, 500-675 thousand migrants crossed the Russian border. By the end of the year, about 1,000 temporary accommodation centres were deployed in the border regions. In 2015, the total number of asylum seekers in Russia amounted to 1.1 million.^[5]

In 2014-2015, 193 million euros were allocated for social and domestic arrangements (temporary accommodation centres, relocation, payments and medical care) for Ukrainian citizens.^[6] The first waves of refugees could choose the area or city of relocation - volunteers also approached them at temporary accommodation centres and provided lists of potential places where they could settle.

² Vladimir Kuznetsov and Nancy Cook, “U.S. Ramps Up Ukraine Warnings as Russia Denies Invasion Plans”, Bloomberg, February 17, 2022, <https://inlnk.ru/emvaBx>

³ TASS, “Putin signs decrees on recognizing Donetsk and Lugansk republics”, Moscow, February 21, 2022, <https://tass.com/politics/1407731>

⁴ Nathan Hodge, Tim Lister, Ivana Kottasová and Helen Regan, “Russia launches military attack on Ukraine with reports of explosions and troops crossing border”, CNN, February 24, 2022, <https://inlnk.ru/n0am7n>

⁵ *Final report on the migration situation, results and main activities of the Federal Migration Service for 2015*, approved by the FMS of Russia in 2016, page 15, translated from Russian into English

⁶ *Final report on the migration situation, results and main activities of the Federal Migration Service for 2015*, approved by the FMS of Russia in 2016, page 16, translated from Russian into English

However, upon arrival, people still faced high prices for food and clothing, excessive bureaucracy, low wages, the negativism of ordinary citizens towards them, as well as the lack of promised cash benefits and humanitarian assistance. ^[7]

Thus, since January 2017, temporary accommodation centres have been closed - the first part of the Ukrainian refugees living there obtained Russian citizenship, settled with relatives and remained in Russia. The other part returned to Ukraine or to the territories controlled by the unrecognized republics of Donbass: DPR and LPR. ^[8]

2.2. Second wave (January – 24 February 2022). Since April 2021, the conflict between Russia and Ukraine has escalated significantly. During several months, military units were gradually deployed on the border between Russia and Ukraine as well as in the annexed Crimea, and thus, by the beginning of 2022, more than 100,000 of Russian troops were concentrated around Ukraine, as well as a large quantity of military equipment. ^[9]

On February 18, 2022, the head of the DPR, Denis Pushilin, published an address to the residents of the region, in which he announced the beginning of evacuation to Russia. He indicated the offensive of the Ukrainian Armed Forces in the Donbass as the main reason. First of all, it was proposed to be evacuated for women, children and the elderly persons. Soon a similar address was issued by the head of the LPR, Leonid Pasechnik. The Bellingcat investigation confirmed that both videos were recorded a few days earlier, on February 16th. ^[10] This confirms the fact that the evacuation of the population was not accidental and unexpected for the authorities of the self-proclaimed republics, but was prepared in advance.

A few hours after the announcement of the evacuation, the head of the DPR said that “things are leading to a full-scale war,” and expressed the opinion that the number of refugees in Russia could reach hundreds of thousands of people. ^[11] The Ministry of

⁷ *Problems of adaptation of refugees from Ukraine in Russia*, Stegnyy Vasily Nikolaevich and Antip'ev Konstantin Anatolievich, 2015, pages 143-144, translated from Russian into English
URL: <https://cyberleninka.ru/article/n/problemy-adaptatsii-bezhentsev-iz-ukrainy-v-rossii>

⁸ *DW report: Ukrainian refugees leave Russia*, Inna Kupriyanova, Donetsk-Mariupol, January 11, 2016, translated from Russian into English, URL: <https://inlnk.ru/0Q2Dkd>

⁹ *OFFICIAL Russian military build-up near Ukraine numbers more than 100,000 troops - EU says*, Reuters, April 19, 2021, URL: <https://inlnk.ru/PmAJGO>

¹⁰ *Addresses of the heads of the "DPR" and "LPR" about the evacuation were recorded in advance*, Ekaterina Venkina, February 18, 2022, translated from Russian into English, URL: <https://inlnk.ru/AKILXE>

¹¹ *'Heading Towards War': DPR Head Warns Kiev Could Launch Full-Scale Offensive at Any Time*, Sputnik International, February 18, 2022, URL: <https://inlnk.ru/BpJaXw>

Emergency Situations of the DPR reported that it plans to evacuate about 700 thousand people. Priority was given to orphanages and boarding schools of the republics.^[12] Men were not allowed to leave the self-proclaimed republics - it was considered that, after the expected introduction of martial law on the territory of both republics, they would be mobilized.

The first evacuation buses left in the evening of the same day. In addition, people left the DNR, LNR on personal vehicles and evacuation trains. The trains consisted of 10 carriages and could accommodate up to 900 people. Buses evacuated residents to the border Rostov region, and trains reached the regions of the Volga region (500 km from the border) as well as Central part of the European part of Russia. On the night of February 19, the authorities of the Rostov region announced the arrival of more than 1.2 thousand residents of Donbass. On the same day, Russian President Vladimir Putin ordered to pay 10 thousand roubles (120 euros at the rate of the Central Bank of the Russian Federation for February 2022) to each refugee from Donbass.^[13] Also, people from the regions controlled by Ukraine started to leave their homes by personal transport as long as it was possible.

Assistance points were deployed on the border with Russia, where volunteers were on duty. Refugees were provided with hot nutrition and, if necessary, medical assistance. Subsequently, people evacuated by buses and trains were placed in temporary accommodation centres. Most of the temporary accommodation centres were deployed in the Rostov region bordering the LPR and the DPR. Readiness to accept refugees was also announced in the Crimea, as well as in the regions of Central European part of Russia and the Trans-Urals.

According to the Ministry of Emergency Situations of the DPR, as of February 19, 3.4 thousand residents were evacuated from the DPR, and about 25 thousand left the LPR on their own.^[14] The next day, the acting head of the Ministry of Emergency Situations of the Russian Federation, Alexander Chupriyan, said that 53 thousand residents of the DPR and LPR had crossed the border.

¹² *Self-proclaimed DPR, LPR evacuating people to Russia*, Interfax, February 18, 2022, URL: <https://interfax.com/newsroom/top-stories/73911/>

¹³ *DPR and LPR announced the evacuation of the population to Russia. What is happening there*, Russian BBC, February 18, 2022, translated from Russian into English, URL: <https://www.bbc.com/russian/news-60434832>

¹⁴ *More than 50 thousand residents of Donbass came to Russia*, RBC news, February 20, 2022, translated from Russian into English, URL: <https://inlnk.ru/w4yPDp>

According to the head of the Russian Federal Security Service Alexander Bortnikov, as of February 21, 68 thousand people were evacuated to Russia.^[15] Almost immediately, the media began to receive reports of a shortage of places in temporary accommodation centres. People complained to journalists about the lack of proper organization of the evacuation, the lack of information, and in some cases, a telephone connection. A few days after the release of critical materials, the press service of the governor of the Rostov region limited the visits of journalists to temporary accommodation centres.^[16]

2.3. Third wave (after February 24, 2022). On February 21, Vladimir Putin signed a decree recognizing the independence of the DPR and LPR. On February 24, he announced the beginning of a military operation in Ukraine. A full-scale war led to the fact that more than 8 million people in Ukraine were forced to leave their homes. According to the UN data, as of December 31, 2022, 2,852,790 Ukrainians fled to Russia.^[17] According to data of the Russian Ministry of Internal Affairs, from February 2022 to January 30, 2023, more than 5.2 million refugees arrived in Russia from the territory of Ukraine, including 733 thousand minors.^[18]

In most cases, residents of those regions where active hostilities are taking place - the DPR, LPR, the suburbs of Kharkov, the Kherson and Zaporozhye regions - fled to Russia. Very often, many people had no choice - it was impossible to leave the war zone for the territories controlled by Ukraine. The Russian side offered evacuation only towards Russia and Belarus with the provision of humanitarian corridors. However, as practice has shown, in reality, these corridors came under fire, putting the lives and health of thousands of people at significant risk and danger.^[19]

The largest wave of refugees was from Mariupol - in April-June 2022, more than 80% of those who could survive left the city. The only way to leave for Ukraine was to

¹⁵ *How refugees met the news about the recognition of the DNR and LNR. Report from the Rostov region*, Forbes Russia, February 22, 2022, translated from Russian into English, URL: <https://inlnk.ru/G6Xxv4>

¹⁶ *Meduza report: "We didn't even expect to be in such a paradise", What happens to refugees from Donbass in the south of Russia - on the eve of the war and on its first day*, MEDUZA, February 24, 2022, URL: <https://meduza.io/feature/2022/02/24/my-dazhe-ne-ozhidali-chto-v-rayu-takom-budem>

¹⁷ *Individual refugees from Ukraine recorded across Europe*, UNHCR, URL: <https://data.unhcr.org/en/situations/ukraine>

¹⁸ *Selected indicators of the migration situation in the Russian Federation for January - December 2022 with distribution by country and region*, approved by the Ministry of Internal Affairs of Russia, January 18, 2023, translated from Russian into English

¹⁹ *Russian assaults block evacuations of Ukrainian civilians for second time*, CBC news, March 06, 2022, URL: <https://www.cbsnews.com/news/russia-ukraine-war-evacuations-news-latest-mariupol/>

take detour routes, but this option meant a great risk to life due to the incessant shelling and bombardments. On April 21, Russian Defence Minister Sergei Shoigu reported to Putin on the evacuation of 142 thousand people from the city. Some residents were forced to flee from the bombing through the territory of the DPR or Crimea.^[20]

On October 19, 2022, the Russian authorities began to evacuate the population of Kherson to the other side of the Dnieper. The main reason was called, as before the start of the Russian invasion in February, the expected offensive of the Armed Forces of Ukraine, but in fact the Russian authorities decided to leave the city. Subsequently, the Russian authorities reported on the evacuation of 50-60 thousand people from Kherson and its environs.^[21]

CHARTER II – LEGAL ASPECTS

SUBCHARTER 1. METHOD OF ENTRY TO RUSSIA FOR UKRAINIANS

After the beginning of the war in Ukraine, the state border between the Russian Federation and Ukraine was closed, mined, and, in some areas has become a zone of active hostilities. Legal exit from Ukraine to Russia is impossible, as well as from Russia to Ukraine. Illegal border crossing is life-threatening.

The same applies to the Ukrainian-Belarusian border, since the Belarusian authorities did not prevent the invasion of Russian troops into Ukraine from their territory on February 24, 2022. From late February to early April, Ukraine did not completely control the border with Belarus, since hostilities were also taking place in the northern part of the country. On April 6, 2022, as a result of the agreements in Istanbul between Russian and Ukrainian delegations, the Russian authorities decided to withdraw troops from the northern Ukraine, and thus Ukraine regained full control over the Ukrainian-Belarusian border, as well as partially with the Russian border, but did not open them both.^[22] On the contrary, the Ukrainian authorities expect a new military invasion from the Republic of Belarus, and therefore they are actively building

²⁰ *Four days in line for "filtering". How and why Mariupol residents fled the bombings to Russia*, Natalia Zotova and Ksenia Churmanova, BBC Russia, 23 April 2022, (translated from Russian into English), URL: <https://www.bbc.com/russian/features-61189817>

²¹ *Putin endorses evacuation of parts of Ukraine's Kherson region*, Jonathan Landay and Tom Balmforth, Reuters, November 5, 2022, URL: <https://inlnk.ru/20M8eZ>

²² *Experts react: After Russia-Ukraine talks in Istanbul, is an end to war imminent*, Atlantic Council in Turkey, April 01, 2022, URL: <https://inlnk.ru/EL8B8Q>

defensive fortifications. The entire border is currently mined. There is no legal way to cross the border between Ukraine and Belarus since February 24, 2022. Illegal border crossing is also life-threatening.

From the very beginning of the war, the only way to enter in Russia from the territories controlled by Ukraine was through the countries of the European Union or Moldova. This is also possible because there is a visa-free regime between Ukraine and Moldova, as well as the EU member states. Citizens of Ukraine can freely stay in the territory of mentioned countries for 90 days. Since the imposition of sanctions against Russia by the EU member states, there is no direct air communication between the EU countries and Russia. For this reason, Ukrainians can afford themselves to use mainly ground auto transportation. As a rule, the most optimal route lies through Poland, Belarus, Lithuania, Latvia and Estonia.

Through Poland and Lithuania, Ukrainians can enter in the Russian exclave, which is geographically located between both countries, - the Kaliningrad region. After entering the territory of this region, Ukrainians have a choice - to stay there or go to the main territory of the Russian Federation with direct sea or air transport. The second option is to cross the border with Belarus and enter Russia unhindered. The fact is that there is an agreement on the Union State between Russia and Belarus, according to which, as in the EU countries, there are no border controls between the countries. That is, having entered Belarus, foreign citizens can freely enter Russia.

The route, which also includes Latvia and Estonia, is the preferred route for those Ukrainians who want to go directly to the Russian mainland. According to the Russian media, as well as according to the personal stories of the Ukrainians themselves, only at the “Shumilkino” checkpoint between Russia and Latvia there were accumulations of more than hundreds of Ukrainian cars during 6 months. Moreover, the average waiting time in line to enter the Russian Federation in the first months of the war was about 10-15 hours per every day.

In addition to the EU countries, it was also possible to enter in Russia through Moldova. Ukraine and Moldova have a common land border, so this route included crossing the border by a ground transport, and then a direct flight from Chisinau to Moscow or Saint Petersburg. It is worth also to note that mentioned route was quite expensive, not every Ukrainian could financially afford it. Moreover, since the end of

2022, Moldova has joined the sanctions against Russia and prohibited direct flights.^[23]

Thus, the most optimal route was and remains a direct land route to the main territory of the Russian Federation through Poland and then Belarus, or through Lithuania, Latvia and Estonia.

As for Ukrainian citizens living in the territories of the LPR and DPR before the war, both republics have a common border with Russia, and as it was mentioned above, part of their population was massively evacuated to Russia before the beginning of active hostilities. After the beginning of war, the border between LPR and DPR with Russia was not closed, so the citizens of Ukraine and of these republics, who were situated there during hostilities could freely cross it upon presentation of an identity document and vehicle inspection.^[24]

Since October 5, 2022, after the official inclusion of the DPR, LPR, as well as parts of the Kherson and Zaporozhye regions of Ukraine into Russia, the official border between Russia and these regions has actually ceased to exist.^[25] Nowadays, the border is administrative and people who are there are automatically considered to be on the territory of Russia.

SUBCHARTER 2. MIGRATION REGISTRATION AFTER ENTRY

2.1. Migration registration. Entry into Russia for a foreigner is possible on the basis of a visa, or in a visa-free regime. Moreover, an agreement on visa-free entry into the Russian Federation has been concluded today with 106 states, including Ukraine. The rules for the entry and stay of Ukrainian citizens in Russia were simplified in the 1990s, after the collapse of the USSR. This is due to the fact that many Russian citizens have relatives in Ukraine. In order to cross the Russian border, Ukrainians do not have to apply for a foreign passport, visa or receive invitation.

As each state does, the Russian Federation controls the flow of migrants into the country as well as monitors their movements on its territory. In this regard, there is an

²³ *Moldova forbids direct flights to Russia after flag carrier announces return to Moscow route*, Iulian Ernst, IntelliNews, September 12, 2022, URL: <https://www.intellinews.com/moldova-forbids-direct-flights-to-russia-after-flag-carrier-announces-return-to-moscow-route-256180/>

²⁴ Those Ukrainians who obtained the citizenship of LPR or DPR during 2014-2022

²⁵ *Putin signs annexation of Ukrainian regions as losses mount*, Adam Schreck, The Associated Press, October 6, 2022, URL: <https://apnews.com/article/russia-ukraine-putin-international-law-donetsk-9fed11c11936dd700db94ab725f2b7d6>

institution of migration registration of foreign citizens in the Russian Federation. Any foreign citizen crossing the Russian border is subject to migration registration. It does not matter the purpose of his or her visit. The main purpose of migration registration is to track people entering the Russian Federation as well as moving through the territory of Russia. Control is carried out on the basis of the Federal Law № 109 of July 18, 2006 “On migration registration of citizens and stateless persons in the Russian Federation”. “Every foreign citizen arriving in the Russian Federation must report about it within 7 working days to the General Department for External Migration of the Ministry of Internal Affairs of the Russian Federation”^[26], that is GUVM MVD RF.

Currently, a Ukrainian does not need to obtain a visa to enter Russia, however, due to the fact that relations between the Russian Federation and Ukraine today are at the lowest level in all their history, the requirements for entry into Russia can change at any time. Therefore, before planning a trip, citizens of Ukraine always have to clarify the updated requirements.

In order to enter the Russian Federation, a citizen of Ukraine will need to present the following documents at the frontier:

- a foreign or internal passport (both documents can be presented at once);
- birth certificate of persons who have not reached the age of obtaining a passport.

If a minor child travels alone or with one of the parents, then it will be necessary to present the consent of the second parent for this trip, certified by a notary.

The document that is filled in when a foreign citizen enters the Russian Federation is a migration card. According to Article 2 of the Federal Law № 115 of July 25, 2002 "On the Legal Status of Foreign Citizens in the Russian Federation", "a migration card is a document containing information about a foreign citizen or stateless person entering or arriving in the Russian Federation and about the period of their temporary stay in the Russian Federation, confirming the right of a foreign citizen or stateless person who arrived in the Russian Federation in a manner that does not require a visa, for temporary stay in the Russian Federation, as well as serving to control the temporary stay in the Russian Federation of a foreign citizen or stateless person".^[27]

²⁶ Federal Law № 109-FZ "On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 18, 2006, Article 20 par. 3, translated from Russian into English

²⁷ Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 25, 2002, Article 2

The migration card is the very first official document that any foreigner receives after arriving in Russia. It is a form of a document printed in a printing office and contains the following information: personal information about a foreigner, information about the date of entry as well as the purpose of entry into Russia.

As a rule, Ukrainians who plan to receive temporary asylum or refugee status in Russia in the future indicate “private visit” as the purpose of the visit in a migration card. The card is filled in when crossing the border, after which it is stamped by the Border Service. After that, such a document becomes legally binding. Based on it, the duration of stay of foreigners in the country is monitored. According to the law, a migration card must be kept by a foreign citizen during the entire period of his stay in the Russian Federation. At the end of stay, this document is returned to the Border Service.

The procedure for placing foreign citizens on migration registration in Russia is regulated by special federal law № 109. According to its Article 2: “Migration registration in the Russian Federation is a state activity for fixing and summarizing the information provided for by this Federal Law about foreign citizens and stateless persons and about movements of foreign citizens and stateless persons”.^[28] In other words, migration registration is an activity for registering a foreigner at the place of his or her permanent or temporary residence on Russian territory.

There are two types of migration registration: registration at the place of permanent residence and registration at the place of temporary stay.

A foreign citizen or a stateless person permanently or temporarily residing in Russia, who entitled to use residential premises located on the territory of the Russian Federation, is obliged to register at the address of the specified premises.

A foreign citizen's application for registration at the place of permanent residence is submitted to the migration registration authority at the location of the residential premises, which this foreign citizen indicated as his place of residence. This body is a territorial body of the GUVM MVD RF.

When a foreign citizen submits an application for registration at the place of

par. 1, translated from Russian into English

²⁸ Federal Law № 109-FZ "On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 18, 2006, Article 2 par. 1, translated from Russian into English

residence, the official of the migration registration body is presented with:

- 1) a document proving his or her identity and recognized by the Russian Federation as such (passport), a residence permit or a temporary residence permit;
- 2) Documents confirming the right to use the premise.^[29]

As for those Ukrainian citizens who do not have their own residential premises in Russia, they need to register at the place of temporary stay. In this case, a foreign citizen will need to establish contact with the host party. The current Russian legislation imposes control and obligation on the issue of registration on the host party, which is either an individual or a legal entity:

- 1) An individual - the owner, who provides his premises for the residence of a foreigner and permanently resides in Russia;
- 2) A legal entity, if it rents or provides one of its premises to a foreigner for residence;
- 3) The administration of the hotel, hostel or hotel where the foreigner settled and lives.

In order to complete all the formalities related to migration registration, foreign citizens are given a seven-day period. This means that the notification of arrival must be submitted within a maximum of 7 working days from the date indicated in the migration card. If the entire trip in Russia takes less than 7 days, it is not needed to register for migration. Thus, after registration, the period of legal stay of a foreigner in Russia is 90 days, and only 7 days without registration.

However, this rule does not apply to citizens of Ukraine. The fact is that since 1997, an Agreement on visa-free travel has been in force between Russia and Ukraine. Article 1 of this Agreement mentions that the term for migration registration for citizens of Ukraine is not 7, but 90 days. That is, after receiving a migration card on the day of entry, a citizen of Ukraine is given 90 days to register for migration.^[30]

The registration process itself is imposed on the host party. To register a citizen of Ukraine for migration registration, the following documents are submitted by the host

²⁹ Federal Law № 109-FZ "On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 18, 2006, Article 17 par. 1, translated from Russian into English

³⁰ Agreement between the Government of the Russian Federation and Government of Ukraine on visa-free trips of citizens of the Russian Federation and Ukraine, January 16, 1997, Article 1 par. 2, URL: <https://cis-legislation.com/document.fwx?rgn=4185>

party to the territorial body of the Department of External Migration of the Ministry of Internal Affairs:

- A copy of the Ukrainian passport (pages with full name, photo, date and place of birth, series and number);
- Migration card with a border service stamp;
- Completed arrival notification form. The form is filled in on a computer or by hand in block letters without blots and abbreviations;
- Documents of the host party, such as passport of an individual or constituent documents of an organization;
- Documents confirming the ownership of the residential premises from the host party.

The presence of the Ukrainian citizen himself in the Ministry of Internal Affairs is not mandatory, it is enough only to give the authentic passport to the host party, if, of course, there is a trust between them.

After the application is submitted by the host party, the migration service officer checks whether it is filled in correctly or not, enters the data into the electronic database and returns the tear-off form of notification of migration registration. This document is handed to the Ukrainian, who is obliged to keep it until leaving the country.

Migration registration is carried out for a maximum period of 90 days. If necessary, this period can be extended, but there must be well-founded grounds for this, for example:

- Obtaining or applying for a temporary residence permit (RVP), permanent residence permit (VNI) or Russian citizenship. In this case, the validity of the migration card will be extended until the date of the decision;
- An official written request from the employer who employs the foreign citizen. In this case, the term is extended for the duration of the employment contract, for no more than 12 months from the date of entry into Russia;
- Admission to a Higher Educational Institution in Russia. The validity of the migration card will be extended for a period not exceeding 1 year, after which it will again need to be renewed;
- Application for temporary asylum in the Russian Federation;
- Registration of a patent. A patent is a document granting the right to work to

foreign citizens who come to Russia from states with which it has a visa-free regime. If a foreigner comes from a visa country, he needs to issue a separate work permit according to a different procedure. Since August 27, 2022, Ukrainians are officially entitled to work in Russia without patent and work permits.

The period of stay in the Russian Federation can also be extended due to the illness or death of a close relative. To do this, the migration authority will need to present documents confirming the grounds for extending the period of stay in Russia.

Responsibility for violating the terms of the legal stay of foreign citizens in the Russian Federation is provided for by federal law № 114 "On the procedure for leaving the Russian Federation and entering the Russian Federation" of August 15, 1996, as well as article 18.8 of the Code of Administrative Offenses.

In case of violation of these requirements for entry and stay in the Russian Federation, foreign citizens face administrative liability:

- Up to 12 euro fine with deportation from the Russian Federation, or without - in case of violation of the regime at border crossing points;
- Up to 24 euro fine with deportation from the Russian Federation, or without - in case of violation of entry rules. ^[31]

In addition, the violator faces a penalty of 24 to 60 euros in case of violation of the rules of entry into the Russian Federation, the rules of migration registration, the rules of registration and movement in Russia, as well as the choice of a place to stay and visit. In addition to the foreigner, a fine also threatens the receiving party.

The same penalty is imposed on those who indicated in the migration card as the purpose of the visit a purpose that does not correspond to reality. For example, “work” is declared as the purpose of entry, but “private” is the real one. In my professional practice, a similar mistake is sometimes made by Ukrainian citizens who do not understand what purpose of the visit to indicate at the border and are embarrassed to ask the Border Service officers. Frequently, these errors are noticed and corrected by border guards, but there are also exceptions. In this case, it is impossible to correct the purpose of entry while staying in Russia. It is necessary to leave the Russian Federation, obtain a new migration card upon entry and indicate a new purpose.

³¹ Code of Administrative Offences of the Russian Federation №195-FZ, adopted by the State Duma and approved by the Federation Council, in legal force since December 30, 2001, Article 18.8, URL: <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/ru/ru073en.html>

On June 16, 2022, an official message was issued from the Ministry of Internal Affairs of Russia stating that citizens of Ukraine, LPR and DPR who violated the rules of legal stay in the country will not be subject to administrative measures. That is, in fact, it was announced that Ukrainians would not be subject to strict administrative liability for violations of the rules of migration registration. ^[32]

2.2. Difficulties in migration registration of citizens of Ukraine.

There are basically four main difficulties:

1. Problems with the owner. Conclusion of a lease agreement, according to which the host party is obliged to pay income tax. This obligation scares away many owners of residential premises, so not everyone is ready to register a foreigner in their residential premises. Also, the consent of the owners is very difficult to obtain, since many of them may not live in this house or region;

2. Waste of time. Everyone has their own affairs (work, etc.), and it is possible to submit documents only during working hours, as practice shows - this process can take the whole working day, even if the initial set of documents was collected correctly.

Based on personal professional experience, it can be added that in order to register a foreigner in Moscow and the Moscow Region, it is necessary to obtain a ticket for the queue from 9 to 11 in the morning, because due to large queues, civil servants simply did not have time to serve everyone during the day.

3. Incorrectly collected dossier of documents. In 90% of cases, an incomplete set of documents is collected or the application is filled in incorrectly. As a result, from the first (often from the second) time, the inspector denies to register. During each visit, it is necessary to stay in the immense queues, regardless of the district of Moscow or the Moscow region.

4. Incompetence of employees of the Ministry of Internal Affairs. Often, employees simply do not know about the existence of the Agreement between Russia and Ukraine on visa-free travel, and incorrectly advise Ukrainian citizens on issues of migration registration. There is an informal attitude among employees that all foreigners are required to register for migration only within 7 working days, and very often many do not want to listen to other arguments from lawyers or Ukrainians themselves, who

³² Official information of the Ministry of Internal Affairs of Russia, Press Centre of the Ministry of Internal Affairs of Russia, June 16, 2022, translated from Russian into English, URL: <https://mvdmedia.ru/news/official/ofitsialnaya-informatsiya/>

more or less know the laws. Unfortunately, this adds stress to the Ukrainian citizen, since it is almost impossible to register for migration within 7 working days, when there are huge queues in the territorial office of the Ministry of Internal Affairs every morning. And in another territorial state body, for example, where the workload is less, it is impossible to register for migration. Only at the place of registration of the home address.

2.3. Decree of the President of the Russian Federation № 585 of August 27, 2022. On August 27, 2022, six months after the beginning of war, the Presidential Decree "On temporary measures to regulate the legal status of citizens of the Donetsk People's Republic, the Lugansk People's Republic and Ukraine in the Russian Federation" came into force, which introduced changes to the conditions for the stay of Ukrainian citizens in Russia, as well as the LPR and the DPR. Since the entry into force of this Decree, citizens of Ukraine, LPR and DPR are in special legal position. This Decree established the following temporary conditions for staying in Russia, according to which citizens of Ukraine, the LPR and the DPR:

- may stay in Russia without limitation of the period of stay, provided that they have passed a mandatory medical examination, the procedure of fingerprint registration and photographing;

- can work without a patent, as well as without taking into account the purpose of entry in the migration card, subject to having undergone fingerprint registration at the Ministry of Internal Affairs. If information about it is not found, then to work without a patent is impossible. This provision completely opens the entire Russian labour market to citizens of Ukraine and increases the opportunities of official employment. The Ukrainian no longer needs to obtain any special permits to do so;

- must undergo personal identification, mandatory medical examination and fingerprinting within 30 days from the date of publication of the decree, if they started working before August 27 and have not yet passed these procedures;

- may continue to work with existing patents even if their patent ceases to be valid or is cancelled after August 27;

- they cannot be expelled, deported, they cannot be denied entry to the Russian Federation or the period of temporary stay in Russia is reduced, except in cases when they are released from places of deprivation of liberty, pose a threat to the national

security, encroach on public order and public safety, including participating in unauthorized rallies, etc., as well as providing false documents or providing false information about themselves. ^[33]

If these procedures are not completed by citizens of Ukraine, the LPR and the DPR on time, then all the listed privileges, with the exception of those indicated by the latter (about deportation), will not be valid for them. And they will be subject to standard norms and punishments of migration legislation.

2.4. Mandatory medical examination. A medical examination of foreign citizens makes it possible to identify diseases that are dangerous to others and protect the health of the Russian citizens and other persons with whom a foreigner may potentially come into contact during his stay in Russia.

All foreigners arriving in Russia who stay in the Russian Federation longer than 90 days are required to undergo a mandatory medical examination. This requirement was established by Federal Law № 274 of January 07, 2021.

All foreigners wishing to live and work in Russia are required to undergo a medical examination. A medical conclusion and certificates are included in the package of mandatory documents submitted to the relevant authorities in order to apply for: Russian RVP, VNJ, a labour patent, Russian citizenship.

The list of places where a foreigner can undergo a medical examination is clearly regulated. These are only licensed medical organizations that have the right to conduct research to identify dangerous diseases. It is impossible to undergo a medical examination in any ordinary clinic or paid clinic.

Dangerous diseases are listed in the Appendix to the Procedure for conducting a medical examination. These include tuberculosis, leprosy, syphilis, HIV and coronavirus. Also, a physical examination reveals the fact of drug use. ^[34]

Medical organizations that have the right to conduct medical examinations for foreigners are independently determined by the authorities of each region of the Russian Federation. To undergo a medical examination, citizens of Ukraine need the following documents: passport, migration card and its copy, temporary or permanent registration

³³ Decree of the President of the Russian Federation № 585 “On temporary measures to regulate the legal status of citizens of the Donetsk People's Republic, the Lugansk People's Republic and Ukraine in the Russian Federation”, August 27, 2022, Articles 1-4, translated from Russian into English

³⁴ Appendix № 1 to the Order № 1079-n of the Ministry of Health of the Russian Federation of November 19, 2021, in legal force since February 21, 2023, translated from Russian into English

at the place of residence in the Russian Federation, that is migration registration document.

In the process of passing the medical commission, foreign citizens are examined by the following specialists: an infectious disease specialist, a phthisiatrician, a dermatologist-venereologist, a psychiatrist-narcologist, and a therapist. In addition, a fluorographic image of the lungs is also required. It is also necessary to pass the following tests: clinical blood and urine tests, a blood test for HIV, a blood test for syphilis, a coronavirus test, a urine test for drugs and psychotropics.

If, as a result of the commission, a foreign citizen has a disease from the official list approved by the Ministry of Health, the patient must continue the examination at a specialized medical institution.

If children come to the Russian Federation with foreign citizens, requirements are also put forward for them. Foreign citizens under the age of 15 are required to have a vaccination certificate. If the parents refuse to provide this document or to carry out the necessary vaccination, a certificate for RVP and VNJ is not issued. ^[35]

Based on personal professional experience of accompanying Ukrainians during a medical examination, it can also be added that the examination process takes about an hour, depending on the queues. As a rule, in Moscow and the Moscow Region, the queue is full, despite the fact that it is needed to register for the examination in advance. In addition, the medical examination service is paid, the average price is 40 euros.

After all the necessary tests are passed, if the foreigner is healthy, he is issued 3 documents in 5 working days: a certificate of the absence of HIV infection, a medical conclusion of the absence of drug diseases and addiction as well as a medical certificate of the absence of infectious diseases. The medical conclusion and certificates are valid for three months from the date of their issue.

All results of medical examinations are entered into the federal state information system of information of a sanitary and epidemiological nature.

2.5. Fingerprint registration. Residents of Ukraine, LPR and DPR who arrived

³⁵ Order of the Ministry of Health of the Russian Federation of June 29, 2015 № 384n “On approval of the list of infectious diseases that pose a danger to others and are the basis for refusing to issue or cancelling a temporary residence permit for foreign citizens and stateless persons, or a residence permit, or a patent, or a work permit in the Russian Federation, as well as the procedure for confirming their presence or absence, as well as the form of a medical report on the presence (absence) of these diseases”, Appendix 2 Article 16, translated from Russian into English

in Russia must undergo fingerprinting and photography procedures in order to be entitled for indefinite stay in Russia as well as employment without a patent. In order to undergo fingerprint registration and photographing, Ukrainian citizens need to contact the migration departments of the territorial bodies of the Ministry of Internal Affairs of Russia at the place of stay.

Actually, the fingerprinting procedure is considered to be free, it is carried out quickly - on the day of presenting the application. However, in practice this is not entirely true. Frequently, the procedure itself is paid, it costs from 15 to 50 euros, depending on the region where it is done. Moreover, in order to apply for a fingerprinting procedure, Ukrainian needs to undergo a medical examination, which is also paid. Thus, it is possible to conclude that the total average price for the both above mentioned procedures consists approximately 80-100 euros. Such amount is significant, and in case when the refugee is not employed or has no financial means for subsistence, paying for fingerprinting procedure may become complicated.

The procedure itself includes the submission of fingerprints of both hands, as well as simultaneous photographing of the applicant's face.

The result of fingerprinting is a specially designed green card with personal data. Employees of the Ministry of Internal Affairs must send this card to the territorial information centre of the GU MVD RF of the region, in which the foreign citizen is officially registered.

The fingerprinting procedure is carried out only once, without annual or monthly repetitions. After have been passed it, Ukrainian refugees can go towards the next stages of legalization in Russia.

SUBCHARTER 3. WAYS OF LEGALIZATION IN THE RUSSIAN FEDERATION

3.1. Temporary asylum.

3.1.1. The nature of the right to asylum.

The right to asylum is one of the oldest rights. Its origins come from the ancient East, which are tentatively dated back to the XVIII-XX centuries BC. In Ancient Rus', this right began to form in the XI century, and the rules governing these social relations

gradually entered social and canonical practice and did not have any legal regulation.

For the first time, the legal provision for granting asylum can be found in the Constitution of the RSFSR of 1918. Thus, during 1922-1932 only 6,935 foreign citizens took advantage of the right of asylum in the USSR, most of whom were granted political asylum.^[36]

The guarantee of observance of fundamental human rights and freedoms is one of the most significant areas of policy of all modern states. If these guarantees are not fulfilled and the person is persecuted, the person seeks protection and patronage in another country in order to protect himself.

That is why in the XX century, almost all states, guaranteeing the observance of fundamental rights and freedoms of man and citizen, officially proclaimed the right to asylum. On December 10, 1948, the UN General Assembly approved the Universal Declaration of Human Rights, taking into account many factors, including that “the disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.”^[37] The article 14 of the UDHR is dedicated to the right of asylum: “Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.”^[38]

On December 14, 1967, the UN General Assembly adopted as a recommendation the Declaration on Territorial Asylum. Russia acceded to the 1967 Protocol by a resolution of the Supreme Council of the Russian Federation dated November 13, 1992.^[39]

The signatory states recognize that “the grant of asylum by a State to persons entitled to invoke article 14 of the Universal Declaration of Human Rights is a peaceful and humanitarian act and that, as such, it cannot be regarded as unfriendly by any other

³⁶ *The Formation of the Asylum Institute in Russia*, Sabaeva A.V., Problems of Economics and Legal Practice, 2012, translated from Russian into English, URL: <https://cyberleninka.ru/article/n/stanovlenie-institutu-prava-ubezhischa-v-rossii>

³⁷ Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, Preamble

³⁸ Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, Article 14

³⁹ Decree of the Supreme Council of the Russian Federation № 3876-1 "On the accession of the Russian Federation to the convention on the status of refugees and the protocol relating to the status of refugees", adopted on November 13, 1992, Article 1, translated from Russian into English, URL: <https://base.garant.ru/6159634/>

State”.^[40] The signatory states also accept the obligation to respect the right to asylum.

The change in the political regime in Russia in the 1990s, the recognition of the principles and norms of international law as an integral part of the legal system of the Russian Federation, the processes of globalization and integration have raised such important issues as ensuring and protecting the rights and freedoms of man and citizen. The profound conceptual transformations taking place in Russia required a critical rethinking and development of a new approach to the functioning of the institution of asylum law. In 1992, the Russian Federation acceded to the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. In 1993, the right of asylum was enshrined in Art. 63, 89 of the Constitution of Russia.

In the Russian Federation, the right to asylum is enshrined in the Constitution of the Russian Federation, namely in Art. 63, which contains the following provisions:

«1. The Russian Federation shall grant political asylum to foreign nationals and stateless persons according to the universally recognized norms of international law.

2. In the Russian Federation it shall not be allowed to extradite to other States those people who are persecuted for political convictions, as well as for actions (or inaction) not recognized as a crime in the Russian Federation. The extradition of people accused of a crime, and also the handover of convicts for serving sentences in other States shall be carried out on the basis of the federal law or the international agreement of the Russian Federation».^[41]

Based on the provisions of paragraph 4 of the Article 15 of the Russian Constitution, which includes in the legal system of Russia the generally recognized principles and norms of international law and international treaties of the Russian Federation, the situation of refugees and the legal regulation of the right to asylum in Russia is also carried out on the basis of international norms, which are enshrined in the UDHR, in the Convention relating to the status of refugees of 1951, as well as in the Declaration on Territorial Asylum. Also, a number of legal documents have been adopted in Russia, which in one way or another regulate indicated social relations.

⁴⁰ Declaration on Territorial Asylum, adopted by the United Nations General Assembly resolution № 2322 (XXII) on December 14, 1967, Preamble

⁴¹ The Constitution of the Russian Federation, adopted at National Voting on December 12, 1993, Article 63, URL: <http://www.constitution.ru/en/10003000-01.htm>

Among them:

- 1) Federal Law № 4528-1 "On Refugees" dated February 19, 1993;
- 2) Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation" dated July 25, 2002;
- 3) Federal Law № 128-FZ "On State Fingerprint Registration in the Russian Federation" dated July 25, 1998;
- 4) Federal Law № 62-FZ "On Citizenship of the Russian Federation" dated May 31, 2002;
- 5) Decree of the President of the Russian Federation № 746 "On the approval of the regulation on the procedure for granting political asylum by the Russian Federation" dated July 21, 1997;
- 6) Decree of the Government of the Russian Federation № 274 "On granting temporary asylum on the territory of the Russian Federation" dated April 09, 2001;
- 7) Decree of the President of the Russian Federation № 440 "On Amendments to the Decree of the President of the Russian Federation of April 24, 2019 № 183 "On the definition for humanitarian purposes of the categories of persons entitled to apply for admission to the citizenship of the Russian Federation in a simplified manner" dated July 11, 2022;
- 8) Decree of the President of the Russian Federation № 187 "On certain categories of foreign citizens and stateless persons who have the right to apply for admission to the citizenship of the Russian Federation in a simplified manner" dated April 29, 2019;
- 9) Decree of the Government of the Russian Federation № 690 "On the provision of temporary asylum to citizens of Ukraine on the territory of the Russian Federation in a simplified manner" dated July 22, 2014;
- 10) Order of the Ministry of Internal Affairs of Russia № 376 "On approval of the Administrative Regulations of the Ministry of Internal Affairs of the Russian Federation for the provision of public services for the consideration of applications for recognition as a refugee on the territory of the Russian Federation and applications for temporary asylum on the territory of the Russian Federation" dated June 11, 2019 and many others.

After have analysed all the above enlisted legal acts, it is possible to conclude that the following types of asylum are distinguished in Russia: temporary asylum, political asylum and refugee status.

Currently, the “right to asylum” in Russian legislation is usually identified with the right of political asylum and is defined as a special personal right that the constitutions of modern democratic states grant to foreign citizens and stateless persons, which consists the possibility to stay for indefinite time in the territory of this state, if in his homeland this foreigner is subjected to persecution on political, religious, ethnic and other grounds. Thus, the right to asylum is the subjective possibility of a person to enjoy the protection of another state from persecution for various grounds.

In the Russian legal literature, in terms of considering the features of the formation and development of temporary asylum, it is noted that “the introduction of this institution, on the one hand, ensures the implementation of the humanitarian obligations of the state in relation to foreigners who may be denied refugee status, and on the other hand, allows you to determine the legal status and makes it possible to control the stay in the territory of the state of persons of the category in question.”^[42]

It is also noted that the provision of temporary asylum has become a reflection of the humanization of the Russian state policy in the field of asylum. In accordance with the current legislation, temporary asylum is defined as “the ability of a foreign citizen or stateless person to temporarily stay on the territory of the Russian Federation”.^[43] It may be granted to a foreign citizen or stateless person if they:

“1) are qualified to be recognized as refugees, but are limited to a written statement with a request for an opportunity to stay temporarily in the territory of the Russian Federation;

2) have no reason to be recognized as refugees under the circumstances provided for by this Federal Law, but for humanitarian reasons may not be expelled (deported) from the territory of the Russian Federation”.^[44]

It follows from the above provisions that the beneficiaries of temporary asylum in Russia can be divided into two groups. The first group includes foreign citizens and stateless persons who meet the requirements for recognition as a refugee, but for personal reasons refuse such status, limiting themselves to applying for a temporary

⁴² *Russian Migration Law: Theory and Practice*, Taliya Yarullova Khabrieva, 2008. p. 169, translated from Russian into English

⁴³ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 1 Article 1, URL: <http://visalink-russia.com/russian-law-refugees.html>

⁴⁴ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 2 Article 12, translated from Russian into English

residence permit. The second group consists of foreign citizens and stateless persons, whose expulsion or deportation is impossible due to the presence of humane reasons that determine the need for a temporary stay of this person on the Russian territory, until such reasons are eliminated or the legal status of the person changes.

In addition, the decision to grant temporary asylum in Russia, within the meaning of the Federal Law on Refugees, is adopted after a person's compliance with the refugee criteria has been established. Further, it is worth referring to the provisions of paragraph 2 of Article 12 of the Federal Law "On Refugees", which establishes the possibility of granting temporary asylum to a person who has no grounds for recognition as a refugee, but who, for humanitarian reasons, cannot be expelled or deported from the territory of the Russian Federation.

It is worth to note also that the Federal Law "On Refugees" does not contain any clarifications about what motives consist "a human nature". An analysis of the current legislation showed that the decision to grant temporary asylum is made if there are humane reasons that require the temporary stay of the person in the territory of Russia, until they are eliminated or the legal status of the person changes. An example of such reasons, in accordance with paragraph 7 of the Decree of the Government of April 9, 2001 № 274 "On the provision of temporary asylum on the territory of the Russian Federation" (together with the "Procedure for granting temporary asylum on the territory of the Russian territory of the Russian Federation", "Regulations on the Certificate of Temporary Asylum on the Territory of the Russian Federation"), is the state of health.

The absence of a detailed regulation of the circumstances indicating the possibility of granting temporary asylum for humane reasons is often expressed in the scientific legal community.

The literature notes that the main and general criterion for granting a person temporary asylum is that the applicant, in case of return to his homeland, has a well-founded fear of being a victim of torture or other cruel, inhuman or degrading treatment or punishment. In the case of Ukrainian refugees, this narrative is quite justified, because, which is logical, after the start of the war, Ukrainian authorities and society are quite hostile towards Russia and its citizens in Ukraine, and, therefore, Ukrainian citizens who visited Russia during the war may be subjected to persecution upon return

to Ukraine. For example, Ukrainians who apply for temporary asylum in Russia express fear that in Ukraine they will be charged under the criminal article “espionage for Russia” as a military adversary.

In its Ruling № 1317 of September 30, 2010, the Constitutional Court of the Russian Federation, referring to Article 2 of the Constitution, noted that the decision to grant temporary asylum should be made taking into account the legal nature and purpose of the institution of temporary asylum, as well as the constitutional principle of recognizing the human rights and freedoms as the highest value. ^[45]

An analysis of the law enforcement practice of Russian courts of general jurisdiction in considering cases on appealing against decisions of state bodies to refuse to grant temporary asylum on the territory of the Russian Federation allows to state that the definition of humane reasons within the meaning of Article 12 of the Federal Law "On Refugees" requires an analysis of the circumstances associated with the applicant's request for temporary asylum - both personal and socio-political, indicating the presence of obstacles to the return of the applicant to the country of origin. There are three such reasons.

The first group is a real threat for a person to become a victim of torture and other cruel, inhuman or degrading treatment or punishment upon return to the state of nationality or former habitual residence. Information about the general political situation in the country, indicating mass violations of human rights or the execution of a criminal penalty in the form of the death penalty, can serve as evidence of the presence of the circumstances presented in this group.

The second group is a real threat to the life or freedom of a person due to ongoing armed conflicts of an international and non-international character, ongoing mass riots. Establishing the existence of such circumstances is possible by requesting official information about the situation in the country of origin of the person.

The third group is the state of health of the person. Confirmation of the existence of circumstances included in this group requires documentary confirmation of the presence of a disease in a person that requires urgent or surgical intervention (medical

⁴⁵ Decision of the Constitutional Court of the Russian Federation № 1317-O-P "On the complaint of Zakaria Musa Yasser Mustafa, Malang Suleiman and a number of other foreign citizens about the violation of their constitutional rights by subparagraph 2 of paragraph 2 of Article 12 of the Federal Law "On Refugees", adopted on September 30, 2010, translated from Russian to English, URL: http://www.consultant.ru/document/cons_doc_LAW_107022/

documents - a certificate, an extract from a medical book, etc.), or evidence of the impossibility of providing the necessary medical care in the state nationality, as a result of which the life of such a person would be in danger.

Thus, it can be concluded that the analysis of legislation and judicial practice on the issue of determining the circumstances, the presence of which indicates the existence of humane reasons indicating the need to refuse the expulsion or deportation of a person and provide the latter with temporary asylum, reflects the existing unity of law enforcement practice.

It seems necessary to emphasize once again that the provision of temporary asylum based on the existence of the circumstances set forth in the first and second groups is based on Russia's international obligations in the field of human rights protection and reflects the generally accepted approach to determining the grounds for additional protection of persons who cannot qualify for the application of the provision of the Convention relating to the Status of Refugees of 1951 and the Protocol of 1967 concerning the status of refugees. In this case, the primary reason for granting such asylum is still the international obligations of the state to protect human rights, and not the humane considerations referred to in Article 12 of the Federal Law "On Refugees".

3.1.2. The procedure for granting temporary asylum in the Russian Federation. Temporary asylum is granted to a foreign citizen or stateless person in the manner determined by the Russian Government.

The procedure for granting temporary asylum to citizens of Ukraine on the Russian territory, is regulated by Decree of the Government dated July 22, 2014 № 690 "On the provision of temporary asylum on the territory of the Russian Federation to citizens of Ukraine and stateless persons permanently residing on the territory of Ukraine, who arrived in an emergency mass order on the territory of the Russian Federation in search of asylum", as well as to the members of their families who arrived with them in accordance with the Federal Law "On Refugees", which regulates the possibility of granting the permission of temporary stay on the Russian territory.

To apply for temporary asylum, a Ukrainian must have an identity document, and in case of arrival with his family, other documents confirming marriage, birth of children, etc. At the same time, each person who has reached the age of 18 submits his or her application independently. After the application is submitted, the employee of the

territorial body of the Ministry of Internal Affairs will interview the applicant. During the interview, the employee will also introduce a special form and a questionnaire to the applicants to be filled in.

The decision to grant temporary asylum is made by the territorial body of the Ministry of Internal Affairs at the place where the person submitted a written application for granting temporary asylum to him and his family members who arrived with him within a period not exceeding 3 months from the date of submission of the application. Starting from 2014, a different rule applies to citizens of Ukraine, which obliges the Ministry of Internal Affairs to consider such applications only within 3 working days.

The application form is established by the Administrative Regulations of the Ministry of Internal Affairs. In the application, in addition to personal data, the members of his family who arrived with the person are also indicated.

The person who submitted the application and the members of his family who arrived with him are subject to mandatory state fingerprint registration at the place of submission of the application.

At the time of consideration of the application of a Ukrainian citizen for granting him and his family members who arrived with him temporary asylum, the territorial body of the Ministry of Internal Affairs issues him a reference on the consideration of the application for temporary asylum or makes a note in the certificate on the consideration of the application for recognition as a refugee on the territory of the Russian Federation on the merits issued to a person in accordance with the Federal Law "On Refugees", on the extension of its validity, if the person has previously applied for recognition as a refugee on the territory of Russia.

The form of the reference is also established by the Administrative Regulations. A reference or certificate of consideration of an application for recognition as a refugee on the territory of the Russian Federation on the merits with a note on the extension of its validity confirms the legal stay of the person and the family members who arrived with him in Russia for the period of consideration of the application for temporary asylum, including the period for appeal against the decision of denial in granting the temporary asylum.

A person who has submitted an application and received a reference or has a

certificate of consideration of an application for recognition as a refugee on the territory of the Russian Federation on the merits with a note on the extension of its validity must be registered at the place of his stay in the manner and under the conditions established by the Federal Law "On Migration registration of foreign citizens and stateless persons in the Russian Federation".

The person who submitted the application and the members of his family who arrived with him must undergo a mandatory medical examination in accordance with the established procedure and receive a medical conclusion. This means that regardless of the purpose of entry into Russia, Ukrainian citizens are required to undergo a mandatory medical examination within 90 days after entry. If a citizen of Ukraine immediately after entering Russia applied for temporary asylum or refugee status, then this period is reduced to 10 days.

The decision to grant temporary asylum is made if there are grounds for recognizing a person as a refugee based on the results of verification of information about this person and the members of his family who arrived with him, including the circumstances of his arrival on the territory of the Russian Federation or the existence of humane reasons requiring the temporary stay of this person in Russia (for example, the state of health), until such causes are eliminated or the legal status of the person changes.

Based on the decision to grant temporary asylum, the territorial body of the Ministry of Internal Affairs at the place of consideration of the application for temporary asylum shall issue to the person a certificate of temporary asylum on the territory of the Russian Federation of the established form. The certificate is visually similar to a passport and is a document proving the identity of its owner in Russia.

Upon receipt of the certificate, the national passport or other documents proving the identity of the owner were handed over for storage to the territorial body of the Ministry of Internal Affairs that issued the certificate. Since July 6, 2022, this rule has been legally abolished.^[46] However, by that time, most of the Ukrainians who arrived in Russia and received temporary asylum had already surrendered their passports and there was no need to return them, since the Certificate of Temporary Asylum is an identity

⁴⁶ Federal Law № 342-FZ On Amendments to Article 12 of the Federal Law "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force from July 14, 2022, translated from Russian into English, URL: <http://www.kremlin.ru/acts/bank/48114>

document in Russia. The only exception when it becomes necessary for a Ukrainian to return his passport is his desire to leave the Russian Federation.

Temporary asylum is granted for up to one year. The period for granting temporary asylum is extended for each subsequent year by a decision of the territorial body of the Ministry of Internal Affairs, in which the person is registered, on the basis of a written application of the person for the extension of the period for granting temporary asylum, in which he indicates the circumstances requiring an extension of the period for granting temporary asylum.

The application must be submitted no later than one month before the expiration of the period for granting temporary asylum. If a person has valid reasons for missing the deadline for submitting an application, this deadline may be extended, but not more than one month. The rights and obligations of persons who have been issued a certificate of consideration of the application on the merits, apply to a person who has received temporary asylum and members of his family who arrived with him with the exception of the right to receive a one-time social allowance.

3.1.3. Identification of Ukrainians who arrived in Russia without valid identity documents. There are frequent cases when, due to hostilities or other events of an emergency nature, people are forced to leave their homes, their state of origin with documents that expired a long time ago, and sometimes without any documents at all as, for example, stateless persons do. This happens occasionally, but still happens to refugees from Ukraine. However, this issue is regulated by the Provisional Rules established by Decree of the Government of the Russian Federation №376 and Article 10.1. Federal Law №115 "On the Legal Status of Foreign Citizens and Stateless Persons in the Russian Federation".

If the person who filed the application and the members of his family who arrived with him do not have valid identity documents, the territorial body of the Ministry of Internal Affairs, during the period of consideration of the application for temporary asylum (3 working days in the case of Ukrainians), establishes the identity of such persons in the manner prescribed by law.

Establishing the identity of a foreign citizen illegally staying on the territory of Russia and not having a valid identity document, as well as in other cases provided for by the legislation of the Russian Federation or an international treaty, is carried out at

the initiative of the Ministry of Internal Affairs or its territorial body or upon a personal application of a foreign citizen for identification.

In an application for identification, which is drafted on a special form, a foreign citizen indicates his personal data, as well as the purpose, circumstances and date of entry into the Russian Federation.

For the purpose of carrying out the identification procedure, along with the mentioned application, the foreign citizen shall submit the original documents containing his or her personal data. Such documents include an invalid passport, a birth certificate, a document certifying the change of personal data, a document on the conclusion or dissolution of marriage, a document on education, a military identification document, a labour book and information about labour activity, issued in accordance with the procedure established by law, a pension certificate, a driver's license, a certificate from the place of deprivation of liberty on release, any other documents containing the personal data of the applicant. ^[47]

In case of acceptance for consideration of a foreign citizen's application for identification, a foreign citizen is issued a certificate of the established form with a photo, together with an inventory of the documents attached to the application.

In order to establish the identity of a foreign citizen, the territorial body of the Ministry of Internal Affairs shall conduct appropriate inspections, and shall also interrogate the persons indicated by the foreign citizen as witnesses at the place of residence or place of residence of the foreign citizen, to identify him on the basis of witness testimony. According to the law, the duration of the procedure for establishing the identity of a foreign citizen should not exceed 3 months.

Based on the results of the inspections, questioning of witnesses and identification by the territorial body of the Ministry of Internal Affairs, a conclusion is issued on the identification of a foreign citizen, which is signed by the Head of the specified territorial body. A copy of the conclusion of the territorial body of the Ministry of Internal Affairs on establishing the identity of a foreign citizen is handed or sent to this foreign citizen within 3 working days from the date of this conclusion is formed.

3.1.4. Statistics on temporary asylum. According to statistics from the Ministry

⁴⁷ Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 25, 2002, Article 10.1, translated from Russian into English

of Internal Affairs of Russia, in the third quarter of 2022, 28,409 people received temporary asylum, and in total for the three quarters of 2022, 92,988 people received temporary asylum. The vast majority of those who received it (99%) are from Ukraine. As of the end of the third quarter, 88,658 people had the mentioned status. At the same time, the vast majority of them (98%) are again from Ukraine, the holders of the status of "temporary asylum" from other countries - only 1980 people. ^[48]

As of December 31, 2022, the number of persons with temporary asylum status was 67,496 people, 99% of which were citizens of Ukraine. ^[49] This is a rather small number compared to the large numbers of Ukrainians who came to Russia, which the Russian Ministry of Internal Affairs claims about. Russian human rights organizations, in particular the Civic Assistance Committee, which work directly with Ukrainian refugees, explain such a small figure by the fact that some Ukrainian citizens who received this status in 2022 either left Russia, or received a residence permit or directly Russian citizenship without obtaining the status of "temporary asylum".

3.2. The Refugee status.

3.2.1. Interpretation of the concept of "refugee" in international law in the past and nowadays. From the point of view of modern international law, the term "refugee" is quite strict, specific in nature, since its legal content is determined in accordance with the principles and norms of international law.

For international law, the reasons why a person leaves his home in search of asylum, and the categories of persons seeking it, are of no small importance in recognizing refugee status for a person. The definition of the concept of "refugee" is most closely related to the normative legal sources of international law that regulate the legal status of refugees and are contained mainly in international agreements. Definitions of the concept of "refugee" in international documents in various versions were given even before the creation of the UN, in particular, in treaties and agreements concluded under the auspices of the League of Nations.

For the first time in international agreements, the concept of "refugee" was formulated at a conference held in Geneva in 1926, the participants of which developed and signed the Agreement on the Issuance of Identity Cards to Russian and Armenian

⁴⁸ Ministry of Internal Affairs of Russia published migration statistics for 3rd quarter of 2022, Committee "Civic Assistance" Report, December 12, 2022, URL: <https://refugee.ru/en/dokladyi/stats-third-q-2022/>

⁴⁹ Situation in Russia, UNHCR Statistic data, December 2022, URL: <https://www.unhcr.org/ru/stats>

Refugees. The necessary conditions for this were the following:

- a) the person must have been outside their country of origin,
- b) not enjoy the protection of the government of that state. ^[50]

The trend of that period was the desire of states to give the concept of "refugee" a political character. Thus, in accordance with the Constitution of the International Organization for Refugees, established on August 20, 1948, the following categories of persons were classified as refugees:

- «a) Victims of Nazi or fascist regimes, or of regimes which took part on their side in the Second World War, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;
 - b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;
 - c) Persons who were considered refugees before the outbreak of the Second World War for reasons of race, religion, nationality or political opinion».
- ^[51]

A distinctive feature of the definition of the concept of "refugee" under the Constitution of the International Organization for Refugees was that it combined the group approach used in previous agreements in defining the concept of "refugee" and the political aspect of the refugee problem, which was of a progressive nature at that time.

In 1949, the UN began preparatory work for the creation of a new organization that would replace the International Refugee Organization. This new organization was the Office of the United Nations High Commissioner for Refugees, and the document that redefined the concept of "refugee" was the Statute of this institution. The Statute brought together elements of refugee definitions contained in previous agreements. In accordance with paragraph 6 of Chapter II of the Statute, the competence of the United Nations High Commissioner for Refugees extends to «Any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than

⁵⁰ Arrangement relating to the Issue of Identity Certificates to Russian and Armenian Refugees, adopted on May 12, 1926, Article 2, URL: <https://www.refworld.org/docid/3dd8b5802.html>

⁵¹ Annex I of the Constitution of the International Refugee Organization, adopted in 1946, entered into force on August 20, 1948, Part I, Section A, URL: <https://digitallibrary.un.org/record/667297?ln=fr>

personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it.»^[52] In addition, UNHCR's mandate includes refugees whose legal status is regulated by international treaties and agreements previously concluded.

The definition of "refugee" contained in the UNHCR Statute is universal in scope, as it does not contain any geographical or temporal restrictions.

An important role in expanding the concept of "refugee" was played by such UN bodies as the General Assembly and the Economic and Social Council. Later they were joined by the Executive Committee, established in 1957.

Despite the growing range of people that UNHCR dealt with, official documents of the time show a reluctance to use the term "refugee" to refer to those whom UNHCR assisted. Instead, the terms "displaced persons", "internally displaced persons", etc. were used. However, there was a process of adjustment and development of new terms.

In 1976, the Executive Committee for the High Commissioner's Program used the term "asylum seekers". In 1977, the obligations to provide assistance to refugees and displaced persons were clearly articulated in the documents of the UN General Assembly. Later, other categories of persons in need of assistance were recognized, including repatriates, women, children, and asylum seekers.

Such a tendency towards expanding the pool of people UNHCR assists suggests that a more general criterion, such as lack of protection, needs to be applied in identifying such categories of people.

Thus, at present, UNHCR provides assistance and protection to the following categories of persons: refugees as defined by the Statute, returned refugees, asylum seekers, internally displaced persons, as well as some other categories of persons. Despite the protests of some states, the international community does not officially object to the exercise of its functions by UNHCR in relation to such various categories of persons, since the provision of such assistance does not affect the sovereign right of states to recognize their refugee status with all the ensuing consequences. In addition,

⁵² Statute of the Office of the United Nations High Commissioner for Refugees, adopted by the General Assembly Resolution 428 (V) of 14 December 1950, Chapter II, paragraph 6, URL: <https://www.unhcr.org/media/statute-office-united-nations-high-commissioner-refugees>

the legal basis for providing protection to these categories of persons is the resolutions of the UN bodies, which are advisory in nature. Moreover, all of the above categories are not legally included in the concept of “refugee” and exist independently of it, which means the following: the use of international protection and assistance in full is provided only to refugees, as defined by the UNHCR Statute.

In addition to the definition of the concept of "refugee", fixed in the Charter of the UNHCR, there is a definition of this concept, contained in Section A of Article 1 of the Convention relating to the Status of Refugees of 1951. The definition was the result of long and heated discussions between states that took place in the Special Committee on Refugees and Stateless Persons.

Some States believed that a definition that was too vague would cause friction between States over its interpretation and application, and would place unreasonable and difficult obligations on them.

In this regard, the United States proposed a definition of the concept of "refugee", which included four categories of persons who are outside their country due to "persecution or fear of persecution."^[53] These categories of persons included World War I refugees, interwar refugees, emerging refugees, displaced persons and unaccompanied minors.

The United Kingdom proposed its own definition, which was of a general nature and extended to “a person who, having left the country of his habitual residence owing to persecution or a well-founded fear of persecution, does not or cannot return to that country for good and sufficient reasons or is prevented from returning to the authorities of that country, and who is not a citizen of any other country.”^[54]

In order to develop a definition that would satisfy all states, a working group was established in the Special Committee, which took as a model the definition contained in the Charter of the International Refugee Organization outside the country of its nationality and cannot or does not wish to enjoy such protection due to such concerns.

In the course of long work, the parties came to a variant of the definition of the concept of "refugee", which satisfied everyone. The states parties to the 1951

⁵³ United States of America. Memorandum on the Definition Article of the Preliminary Draft Convention Relating to the Status of Refugees and Stateless Persons, AC32, L.4, January 18, 1950

⁵⁴ *The interpretation of the concept “refugee” in international law*, Volokh Vladimir Aleksandrovich, Legal sciences journal, 2016, p.139, translated from Russian into English

Convention agreed that the term "refugee" should be applied to persons recognized as refugees in accordance with previously adopted international agreements, as well as to any person who satisfies the provisions of paragraph 2 of Section A of the Article 1 of the Convention, which states that a refugee is any person who «As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it».^[55]

However, the definition of the term "refugee" in the 1951 Convention had two limitations: the first (temporary) was that, according to the Convention, the right to be considered a refugee did not extend to persons who became such as a result of events that occurred after January 1, 1951, and the second (geographical) - the above-mentioned events could mean either "events that occurred in Europe before January 1, 1951" or "events that occurred in Europe or elsewhere before January 1, 1951".^[56]

The presence of two restrictions made it very difficult to resolve the problem of refugees, excluding millions of actual refugees from the scope of the convention. To resolve the problems that arose, in 1967 the Protocol relating to the Status of Refugees was adopted. The protocol removed the 1951 time-limit clause of the 1951 Convention, making the Convention a truly universal agreement. The Protocol is a separate legal instrument to which any state may accede without being party to the 1951 Convention.

Any State that accedes to the Protocol undertakes to apply the provisions of the 1951 Convention to refugees falling within its definition, but without reference to 1951. If a State accedes to the Protocol only, it cannot enter a geographical reservation. In addition, since the signing of the 1951 Convention, states have recognized that not all refugees are included in the scope of the Convention. Therefore, in the Final Act of the Conference of Plenipotentiaries, at which the 1951 Convention was signed, States were

⁵⁵ Convention relating to the Status of Refugees, adopted on 28 July 1951 by the Conference of Plenipotentiaries on the Question of the Status of Refugees and Stateless Persons, convened in accordance with General Assembly resolution 429 (V) of 14 December 1950, paragraph 2 Section "A" Article 1

⁵⁶ Convention relating to the Status of Refugees, adopted on 28 July 1951 by the Conference of Plenipotentiaries on the Question of the Status of Refugees and Stateless Persons, convened in accordance with General Assembly resolution 429 (V) of 14 December 1950, Section "B" Article 1

recommended to apply its provisions to other categories of refugees that at that time did not fall under its scope.^[57]

The simultaneous existence of three universal agreements - the UNHCR Statute, the 1951 Convention and the 1967 Protocol, which contain definitions of the concept of "refugee", has led to another legal problem. Its essence lies in the fact that at present there are two categories of refugees among those recognized as such on the basis of the above international documents.

The first category is the so-called mandated refugees. These are persons who are considered refugees by UNHCR on the basis of the provisions of the Charter. This definition is independent of the state of asylum that is a party to the 1951 Convention and the 1967 Protocol. Mandate refugees may receive assistance directly from the Office. However, they cannot enjoy the rights and benefits granted to those refugees who will not be recognized as refugees by a state party to the 1951 Convention. The term is applicable to refugees in accordance with the broader competence of the High Commissioner, which was subsequently confirmed by the UN General Assembly.

The second category is "conventional refugees". These are persons who have been recognized as refugees by the state of asylum, which is a party to the 1951 Convention or the 1967 Protocol. Only in this capacity do they enjoy all the rights and benefits that states are obliged to provide to refugees on the basis of international law.

After the international documents are analysed, it may be concluded that in order for a person to be recognized as a refugee on the basis of international law, he or she must meet the following conditions:

- 1) be outside their country of origin;
- 2) have a well-founded fear of persecution;
- 3) these fears must be based on one of the five signs - race, religion, citizenship, belonging to any particular social group, political opinions;
- 4) he is unable or unwilling to avail himself of the protection of his country of origin or to return to that country for fear of persecution.

Having considered universal agreements containing definitions of the concept of "refugee", it becomes possible to make the following conclusions: universal

⁵⁷ *Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons: summary record of the 2nd meeting*, held at the Palais des Nations, Geneva, on Monday, 2 July 1951, p. 12-14, URL: <https://digitallibrary.un.org/record/696250?ln=ru>

international legal agreements contain similar legal definitions of the concept of "refugee". The disadvantage of these definitions is that many categories of forced migrants recognized by the international community, primarily the UN, as de-facto refugees, remained outside the definitions of these agreements.

The absence of a legal connection between the definitions of the concept of "refugee", enshrined in universal agreements, was the reason for the emergence of several categories of refugees - "mandatory" and "conventional". The absence of a new definition of the term "refugee", which would take into account current trends in migration flows, the emergence of new categories and forms of forced migration deprives millions of people of a legal basis for receiving international protection and assistance not only from individual states, but from the entire international community.

Thus, it may be concluded that the 1951 Convention fixed the basic principles of international legal regulation of the legal status of a refugee and the principled position on protection from persecution, which reflects the views of the international community, typical of the mid-twentieth century. It includes only five reasons that can serve as grounds for persecution:

- belonging to a certain racial group;
- religious irreconcilability;
- national contradictions;
- belonging to another social group;
- inconsistency with the officially recognized political beliefs.

At the same time, more than 70 years have passed since the adoption of the Convention. The practice of applying the Convention and national regulations adopted on its basis shows that the Convention does not take into account many factors that actually cause the persecution of a person in their country, and at the state level (only such persecution is, according to the Convention, the basis for granting refugee status), and from various organizations and institutions, as well as formed informal groups within the state. For example, the Convention does not include persecution on grounds of:

- sexual orientation;
- disability;
- deterioration of the internal political situation, civil war, etc.

In addition, massive forced migration for environmental reasons - the so-called ecological migration - is becoming widespread as a result of man-made or natural disasters that have occurred or due to other reasons that have created environmental conditions unsuitable for human life in certain areas. For example, the catastrophe that occurred after the explosion of the Kakhovka hydroelectric power station on June 6, 2023 in southern Ukraine left about 16,000 of people homeless and without their households, according to a statement made by the UN Secretary General Antonio Guterres.^[58] According to the convention, unfortunately, nowadays these citizens cannot be called and treated as refugees.

In recent years, steps have been repeatedly taken, including by the United Nations, to ensure that the Office of the United Nations High Commissioner for Refugees and the UN member states themselves broadly approach the interpretation of the concepts of "refugee", "persecution" and, within the competence of the Convention, consider including the cases of the displaced persons in a "refugee-like situation". But such wishes were only advisory in nature, and the Geneva Convention itself does not contain a comprehensive protective concept. Therefore, for full-fledged work with refugees falling under the expanded concept, in my personal opinion, it seems necessary for the UN to adopt a new international document or, for example, an additional protocol to the already existing Convention.

3.2.2. The main problems of applying the provisions of international conventions and other legal acts regulating the status of refugees in practice. One of the main principles for the protection of refugees and the guarantee of their legal status by the international community and their host states is the principle of the prohibition of the forced return of refugees to the countries from which they arrived, that is the principle of non-refoulement, enshrined in the 1951 Convention, and the principle of the prohibition of criminal and administrative prosecution of foreign citizens and stateless persons in case of their illegal arrival on the territory of the state in which they applied for recognition as refugees.

At the same time, the practice of working with refugees in the Russian Federation (it should be noted that the Russian Federal Law "On Refugees" adopted in 1992

⁵⁸ *Secretary-General's remarks at press encounter on the situation in Ukraine*, António Guterres, United Nations, June 06, 2023, URL: <https://www.un.org/sg/en/content/sg/speeches/2023-06-06/secretary-generals-remarks-press-encounter-the-situation-ukraine>

practically reproduces all the provisions of the Convention at the national legislative level) shows that not all provisions of this international document are fully meet current requirements.

The most controversial issue is the right of a refugee to enter the state where he is going to apply for recognition as a refugee, since the Convention begins to consider working with a refugee only at the stage of his stay in the territory of a state party to the Convention.

The issue of criminal and administrative liability of those who contribute to the illegal movement of foreign citizens and stateless persons to the territory of the state, where they subsequently apply for recognition as a refugee, also remains controversial. After all, as a rule, such applications are rejected by the migration authorities, since often their only goal is to remain in the territory of a country that is more prosperous in economic and social terms through long judicial and administrative delays and appeals. And the one who patronizes them, often, despite loud statements about mercy and philanthropy, simply profits from such a not very plausible type of business.

The Office of the United Nations High Commissioner for Refugees, with respect to the scope of the prohibition of forced displacement of refugees, states in one of its recommendations: “The prohibition of refoulement to a country where the person concerned would face a real risk of irreparable harm such as violations of the right to life or the right to be free from torture or cruel, inhuman or degrading treatment or punishment extends to all persons who may be within a State’s territory or subject to its jurisdiction, including asylum seekers and refugees, and applies with regard to the country to which removal is to be effected or any other country to which the person may subsequently be removed. It is non-derogable and applies in all circumstances, regardless of the nature of activities the person concerned may have been engaged in.”^[59] But even in this case, it is about foreign citizens and stateless persons who have already crossed or almost crossed the state border. Refugees who are physically absent from the country of application thus remain outside the scope of the UN Refugee Convention.

In my opinion, based on everything stated above, it seems more efficient and practical to form an appropriate court of appeal for such category of cases within the

⁵⁹ UNHCR Note on Diplomatic Assurances and International Refugee Protection, August 2006, article 18, p. 7-8, URL: <https://www.refworld.org/pdfid/44dc81164.pdf>

framework of the Office of the UN High Commissioner for Refugees.

3.2.3. Legal status of refugees in the Russian Federation. The Russian legislation on refugees includes, first of all, the Federal Law of February 19, 1993 № 4528-1 "On Refugees", as well as other federal laws relating to the rights and obligations of refugees. These include, for example, the Federal Law № 115 "On the Legal Status of Foreign Citizens in the Russian Federation" dated July 25, 2002 and others.

In accordance with the definition given in the 1951 UN Convention, taking into account the amendments made to the definition by the 1967 Protocol, the Russian Federal Law "On Refugees" gives the following definition of a refugee: «Refugee - is a person who is not a citizen of the Russian Federation and who because of well-founded fear of becoming a victim of persecution by reason of race, religion, citizenship, national or social identity or political conviction is to be found outside the country of his nationality and is unable or unwilling to avail himself of the protection of this country due to such fear, or having lost his or her nationality and staying beyond the country of his or her former place of residence as a result of similar developments, cannot return to it and has no wish to do so because of such fear». ^[60]

This definition does not fully correspond to modern realities. However, it is precisely this definition that the courts of the Russian Federation are guided by when making decisions on recognizing "non-citizens" as refugees. Thus, an analysis of the judicial practice of the Russian Federation regarding the issues of granting refugee status in Russia indicates that the courts often refuse to satisfy the complaints of foreign citizens or stateless persons, due to the fact that they do not fall under the definition of "refugee", because they left their country due to regional instability, war or civil unrest. Thus, persons forced to leave their home country because of internal armed conflict in it are not legally considered as refugees.

However, the 1951 UN Convention does not contain any requirements on the procedure for making decisions on granting refugee status. This issue is entirely at the discretion of the participating countries. The fundamental standards of this procedure are governed by the "Handbook on Procedures and Criteria for Determining Refugee

⁶⁰ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 1 Article 1, URL: <http://visalink-russia.com/russian-law-refugees.html>

Status” issued by the Office of the United Nations High Commissioner for Refugees.^[61] The problem of refugees that exists at the international level is also of great relevance for Russia due to the economic, social, demographic and other changes taking place in it.

This is one of the principal factors due to which a smaller ever number of people with refugee status are registered in the Russian Federation every year. Thus, as of January 01, 2018, only 592 refugees were registered in Russia, and as of January 01, 2019, their number decreased to 572.^[62] Despite the decrease in the number of refugees officially recognized by the state in recent years, according to data provided by the Federal State Statistics Service, a very large number of people need to be granted this status.

Thus, in accordance with UNHCR statistics in 2018, the total number of refugees from Syria amounted to 5,663,675 people (5,636,155 people as of August 22, 2019). At the same time, according to the statistics of the Ministry of Internal Affairs of the Russian Federation, in 2018, only two refugees from Syria were registered throughout Russia.^[63] Even today, despite the war in Ukraine and the massive influx of Ukrainian refugees into the Russian Federation, as of the beginning of 2023, the official number of refugees in Russia is only 294.^[64]

The low indicators underline the fact that the refugee legislation in Russia does not practically work. Based on the example of Syria, out of 2,585 applications for refugee status submitted and accepted by the Russian migration service at the end of 2018, only 2 applications were satisfied.^[63] In this connection, since 2013, the number of such statements from Syrian citizens had steadily decreased. In case of Ukrainian refugees in 2022-2023, absolutely nothing has changed.

Despite the fact that Russian legislation provides refugees with a fairly extensive legislative framework, which provides a significant number of legal and social

⁶¹ *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, published in 1979 and re-issued in 1992 and in 2019, UNHCR, URL: <https://www.unhcr.org/media/handbook-procedures-and-criteria-determining-refugee-status-under-1951-convention-and-1967>

⁶² *New anti-record: 23 people recognized as refugees in 2019*, “Civic Assistance” Committee, March 16, 2020, translated from Russian into English, URL: <https://goo.su/C0a97>

⁶³ *Operational portal refugee situations - Total Persons of Concern*, UNHCR, June 08, 2023, URL: <https://data2.unhcr.org/en/situations/syria>

⁶⁴ *There are 300 of them left. Statistics of the Ministry of Inter Affairs: There have never been so few people with the official refugee status in Russia*, “Civic Assistance” Committee’s Report, September 19, 2022, translated from Russian into English, URL: <https://refugee.ru/en/dokladyi/six-month-stats-2022/>

guarantees, and formally complies with the requirements specified in international conventions and pacts in relation to refugees, there are currently many problems associated with the implementation the rights of "non-citizens" of Russia. The system of working with citizens of other states who are trying to obtain refugee status in Russia, built at the state level, actually prevents them from obtaining such a status.

3.2.4. The procedure for recognition as a refugee in the Russian Federation.

In accordance with the Federal Law "On Refugees", the recognition of a person as a refugee provides for:

- 1) applying for the refugee status;
- 2) preliminary examination of the application;
- 3) making a decision to issue a certificate on consideration of the application on the merits or on refusal to consider it;
- 4) issuance of a certificate or notice of denial to consider the application on the merits;
- 5) consideration of the application on the merits;
- 6) making a decision on recognition as a refugee or on denial to be recognized as a refugee;
- 7) issuance of a refugee identity document or notification of refusal to be recognized as a refugee. ^[65]

The most detailed procedure for recognition as a refugee and granting temporary asylum is disclosed in the Administrative Regulation of the Ministry of Internal Affairs № 376 "On the provision of public services for considering applications for recognition as a refugee on the territory of the Russian Federation and applications for temporary asylum on the territory of the Russian Federation" dated June 11, 2019.

This regulation is not a normative act, but serves as a practical guide and instruction for working with asylum seekers, describing in more detail the reception and processing of asylum applications. It is this document that is used by the employees of the Ministry of Internal Affairs in practice and "on the ground", and it is precisely its implementation that Ukrainian citizens face every day, including those whom I personally had the opportunity to accompany in the implementation of these procedures.

⁶⁵ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 1 Article 3, URL: <http://visalink-russia.com/russian-law-refugees.html>

Applicants are foreign citizens and stateless persons:

«1) those who have declared their desire to be recognized as refugees on the territory of the Russian Federation;

2) those who have grounds for recognition as a refugee, but limited themselves to a written application with a request to be granted the opportunity to temporarily stay on the territory of the Russian Federation;

3) if they have no grounds for recognition as a refugee due to the circumstances provided for by law, but for humanitarian reasons they cannot be expelled (deported) from the territory of the Russian Federation.»^[66]

Such a public service is provided by the Ministry of Internal Affairs of the Russian Federation. The direct provision of public services is carried out by:

“1) The General Directorate of the Ministry of Internal Affairs of Russia - in terms of considering applications for recognition as a refugee submitted to diplomatic missions or consular offices of the Russian Federation by applicants who are outside the national territory.

2) Migration units of the territorial bodies of the Ministry of Internal Affairs of Russia at the regional level - in terms of accepting and considering applications for recognition as a refugee and applications for temporary asylum submitted by applicants staying on the national territory.

3) Migration units of the territorial bodies of the Ministry of Internal Affairs of Russia at the district level, endowed with appropriate powers by the head of the territorial body of the Ministry of Internal Affairs of Russia at the regional level - in terms of receiving at the place of residence of applicants for refugee status and applications for temporary asylum”^[67].

Consideration of an application for recognition as a refugee is carried out by the migration unit of the territorial body of the Ministry of Internal Affairs of Russia at the

⁶⁶ Administrative regulation of the Ministry of Internal Affairs of the Russian Federation for the provision of public services for the consideration of applications for recognition as a refugee in the territory of the Russian Federation and applications for temporary asylum in the territory of the Russian Federation, approved by Order of the Ministry of Internal Affairs of Russia dated June 11, 2019 № 376, Section I Article 2, translated from Russian to English

⁶⁷ Administrative regulation of the Ministry of Internal Affairs of the Russian Federation for the provision of public services for the consideration of applications for recognition as a refugee in the territory of the Russian Federation and applications for temporary asylum in the territory of the Russian Federation, approved by Order of the Ministry of Internal Affairs of Russia dated June 11, 2019 № 376, Section II Article 17, translated from Russian to English

regional level within the following terms:

1) Preliminary consideration of an application for recognition as a refugee - within 5 working days from the date of receipt of an application for recognition as a refugee in the territorial body of the Ministry of Internal Affairs of Russia. Examination of an application for recognition as a refugee on the merits - within 3 months commencing from the date of the decision to issue a certificate on the consideration of an application for recognition as a refugee on the merits. This period can be extended, but it shall not exceed 3 months.

2) Consideration on the merits, accepted by a diplomatic mission or consular office from an applicant who is outside the territory of the Russian Federation, is carried out by the GU MVD RF within 2 months from the date of the decision by the diplomatic mission or consular office to issue a certificate on consideration of the application on recognition as a refugee on the merits. The term for consideration of an application for recognition as a refugee on the merits may also be extended, but it shall not exceed 3 months.^[68] Quite a long time, given that the applicant is not in Russia, so most Ukrainian citizens come immediately to Russia and apply for refugee status on the national territory, since the procedure for considering an application takes less time.

A person who has declared a desire to be recognized as a refugee in the territory of the Russian Federation and has reached the age of 18, personally or through an authorized representative in case this person cannot apply in person for health reasons, submits an application for recognition as a refugee to the migration unit of the territorial authority Ministry of Internal Affairs of Russia at the place of stay.

With an application for recognition as a refugee or an application for temporary asylum, the following must be submitted:

1) by a foreign citizen - a passport or other document proving the identity of a foreign citizen; by a stateless person - a document issued by a foreign state and recognized in accordance with an international treaty of the Russian Federation as a document proving the identity of a stateless person;

2) two personal photographs, identical and corresponding to the age of the

⁶⁸ Administrative regulation of the Ministry of Internal Affairs of the Russian Federation for the provision of public services for the consideration of applications for recognition as a refugee in the territory of the Russian Federation and applications for temporary asylum in the territory of the Russian Federation, approved by Order of the Ministry of Internal Affairs of Russia dated June 11, 2019 № 376, Section II Articles 20-23, translated from Russian to English

applicant at the time of submission of the application, in black and white or color, size 35 x 45 mm, with a clear image of the face strictly from the front without a headdress on matte paper.

For persons, whose religious beliefs do not allow showing themselves to strangers without headdresses, it is allowed to submit photographs in headdresses that do not hide the oval of the face.

If a person, for health reasons, submits an application through an authorized representative, an appropriate medical document in respect of the applicant is submitted, as well as an identity document of the authorized representative.

The family relations of the applicant and the family members who arrived with him are confirmed by relevant documents, for example, a birth certificate, marriage registration certificate and other documents.

Documents issued in a foreign language must necessarily have a notarized translation into Russian. It is worth to note, that about the half of the Ukrainian documents are issued during Soviet time. In the Soviet Union, there was a practice of issuing bilingual documents in all 15 national republics, one language in which was necessarily Russian. Thus, in the same Ukrainian SSR, for example, the birth certificate of a citizen of the USSR was issued both in Ukrainian and Russian languages. According to modern Russian legislation, if a document contains a full Russian translation, it does not need to be translated. Based on my personal and professional experience, I can note that in 30% of cases, despite the complete correspondence of the translation in such documents, there are still records, stamps or seals made after the collapse of the USSR in the local language. Such documents have to be translated into Russian language and certified by a notary.

When applying for recognition as a refugee, a special form of the person applying for recognition as a refugee and a questionnaire are filled out. The questionnaire is filled out during the interview of the applicant with an official of the Ministry of Internal Affairs, when he is asked more detailed questions regarding the motives for submitting the application.

Upon receipt of a refugee identity document, the applicant submits a medical certificate based on the results of a mandatory medical examination.

The submission of documents required in accordance with regulatory legal acts

for recognition as a refugee, which are at the disposal of state bodies, is not provided.

The grounds for refusal to accept documents required for the provision of public services are:

“1) Personal absence of family members who arrived with the applicant on the day of filing his application;

2) Lack of identity documents;

3) Refusal of a foreign citizen to undergo mandatory state fingerprint registration or refusal of a legal representative of a foreign citizen who has not reached the age of 18 or has reached 18 years of age and is recognized as incapacitated or limited in capacity to undergo mandatory state fingerprint registration by this foreign citizen.

If a foreign citizen subject to mandatory state fingerprint registration has open wounds or damage to the skin on the fingers (palms) of the hands that prevent the mandatory state fingerprint registration, the request and documents required for the provision of public services are not accepted, the date and time of their admission are agreed with the applicant.”^[69]

If the application is accepted for consideration, the applicant, as well as members of his family, is issued a special document - the Certificate of Consideration of the Application. It provides the applicant with a legal status of residence in Russia for the period of consideration of his application, as well as a range of rights and obligations, which will be discussed further.

The grounds for refusal to consider the application on the merits are the following circumstances:

“1) if a criminal case has been initiated against a person for committing a crime on the territory of the Russian Federation;

2) if a person was previously denied recognition as a refugee due to the absence of circumstances provided for by law, provided that the situation in the state of his nationality (his former habitual residence) has not changed from the day the refusal was received until the day the new application was submitted;

3) if a person has received a justified refusal to be recognized as a refugee in any

⁶⁹ Administrative regulation of the Ministry of Internal Affairs of the Russian Federation for the provision of public services for the consideration of applications for recognition as a refugee in the territory of the Russian Federation and applications for temporary asylum in the territory of the Russian Federation, approved by Order of the Ministry of Internal Affairs of Russia dated June 11, 2019 № 376, Section II Articles 34-34.3, translated from Russian to English

of the states that have acceded to the 1951 United Nations Convention relating to the Status of Refugees and (or) to the 1967 Protocol relating to the Status of Refugees, provided that the legal norms for recognition as a refugee in this state do not contradict the legislation of the Russian Federation;

4) the person has the citizenship of a third state, the protection of which the person can use, or the right to stay legally in the territory of a third state in the absence of well-founded fear of becoming a victim of persecution in a third state;

5) if the person arrived from a foreign state, on the territory of which he had the opportunity to be recognized as a refugee;

6) if a person left the state of his nationality (his former habitual residence) not due to the circumstances provided for by law and the 1951 Convention, and does not want to return back for fear of being punished in accordance with the legislation of this state for illegal departure from its territory or for committed another offense;

7) if a person was forced to illegally cross the State Border of Russia with the intention to apply for recognition as a refugee and did not file an application in the proper manner;

8) if the person refuses to provide information about himself and (or) about the circumstances of his arrival on the territory of the Russian Federation;”^[70]

“9) there are substantial grounds in respect of the applicant for concluding that he has committed a crime against peace, a war crime or a crime against humanity as defined by these acts in international instruments drawn up for the purpose of taking action against such crimes.

10) The applicant committed a serious non-political crime outside the territory of the Russian Federation and before he was admitted to Russian territory as a refugee applicant.

11) The applicant is guilty of acts contrary to the purposes and principles of the United Nations.

12) For the applicant, the competent authorities of the state in which he resided recognize the rights and obligations associated with the citizenship of this state.

13) The applicant currently enjoys the protection and/or assistance of other United

⁷⁰ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 1 Article 5, URL: <http://visalink-russia.com/russian-law-refugees.html>

Nations bodies or agencies other than the United Nations High Commissioner for Refugees.”^[71]

There is no state duty or other obligatory payment for granting refugee status in Russia.

The official responsible for accepting an application for recognition as a refugee accepts the identity documents of the applicant, makes copies of them, checks the identity of the person depicted in the photograph in the document, the identity of the applicant, and also examines the fingers and palms of the hands in order to identify open wounds or injuries skin coverings that prevent the obligatory state fingerprint registration.

If it is necessary to establish the identity of an applicant who is on the territory of the Russian Federation and does not have a valid identity document, at the initiative of the territorial authority or at the request of a foreign citizen or stateless person, an identification procedure is carried out in the manner described in the previous subchapter.

When accepting an application for recognition as a refugee from an authorized representative, if the person for health reasons cannot apply in person, the official responsible for accepting an application for recognition as a refugee departs at the place of stay or actual residence of the applicant. The date and time of departure of the official are agreed with the authorized representative or with the applicant by phone.

On the day the territorial body of the Ministry of Internal Affairs of Russia receives an application for recognition as a refugee or also for a temporary asylum, when the applicant and members of his family personally visit the territorial body of the Ministry of Internal Affairs or depart of its authorized worker at the place of residence or actual residence of the applicant, in relation to him and his family members procedures for personal identification, photographing and mandatory state fingerprint registration are carried out.

Mandatory state fingerprint registration of an applicant recognized as incapable, as well as minor children who have reached the age of 6 years, is carried out in the

⁷¹ Administrative regulation of the Ministry of Internal Affairs of the Russian Federation for the provision of public services for the consideration of applications for recognition as a refugee in the territory of the Russian Federation and applications for temporary asylum in the territory of the Russian Federation, approved by Order of the Ministry of Internal Affairs of Russia dated June 11, 2019 № 376, Section II Articles 104-104.6, translated from Russian to English

presence of their legal representatives. Mandatory state fingerprint registration of the applicant, limited in capacity due to a mental disorder, is carried out in the presence of his guardian. If the applicant does not have a hand or any fingers, a mark is made in the corresponding free places of the fingerprint card indicating the year of loss of the hand or finger.

As part of the consideration of the application, interdepartmental information interaction is carried out in order to identify the grounds for refusing to be recognized as a refugee or granted temporary asylum. The verification is carried out in relation to the applicant and members of his family included in the application and who have reached the age of 14. Often, this verification includes an identity check through the security services to determine whether the applicant is an international terrorist and is not or was in the public service in the law enforcement agencies of any state.

Based on the results of consideration of the application for recognition as a refugee on the merits, a decision is made on recognition as a refugee on the territory of the Russian Federation or on denial to recognize as a refugee. In case of denial, the decision may be appealed either to a higher administrative body or to a court.

3.2.5. Rights and duties of refugees, as well as persons who have received a certificate of consideration of an application for recognition as a refugee in Russia.

The person who received the certificate and the members of his family who arrived with him, in fact, have a large part of the rights that the refugees themselves have. They are entitled to:

- 1) the provision interpreter services and the reception of information on the procedure for recognition as a refugee, their rights and duties, as well as other information in accordance with this article;
- 2) the provision of assistance in securing travel and luggage to the place of residence in the order determined by the Government of the Russian Federation;
- 3) receiving a one-time cash benefit for each family member in the amount of, attention, 1.2 euros. Yes, the legislation of the Russian Federation regarding finance and social payments in this area has not changed for 23 years, since 2000. Today, 1.2 euros in Russia is only enough to buy 3 loaves of ordinary bread;
- “4) receiving a referral from a territorial body of the Ministry of Internal Affairs to a temporary accommodation centre;

5) escort by representatives of the territorial body of the Ministry of Internal Affairs to the temporary accommodation centre and guarded by their representatives in the temporary accommodation centre in order to ensure the safety of these persons;

6) receiving food and using communal services in the place of temporary residence or temporary accommodation centre;

7) medical care in accordance with the legislation of the Russian Federation;

8) receiving assistance in the direction of vocational training in a temporary accommodation centre or in employment;

9) filing an application to discontinue the consideration of the application”.^[72]

The person who received the certificate and the members of his family who arrived with him are obliged:

“1) comply with the Constitution of the Russian Federation, all federal laws and other regulatory legal acts of the Russian Federation, as well as regional laws;

2) comply with the established procedure for living and comply with the established requirements of sanitary and hygienic standards for living in a place of temporary detention or a temporary accommodation centre;

3) undergo a mandatory medical examination. If these persons refuse to undergo a mandatory medical examination in accordance with the established procedure, they are not issued a refugee certificate, and they are deprived of refugee status;

4) report to the territorial body of the Ministry of Internal Affairs reliable information necessary for making a decision on recognizing these persons as refugees.”^[73]

In accordance with Article 8 of the Federal Law of February 19, 1993 № 4528-1 “On Refugees”, a person recognized as a refugee and members of his family who arrived with him are entitled to:

“1) receiving the services of an interpreter and obtaining information about their rights and obligations, as well as other information;

2) obtaining assistance in processing documents for entry into the territory of the

⁷² Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, Article 6, URL: <http://visalink-russia.com/russian-law-refugees.html>

⁷³ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 2 Article 6, URL: <http://visalink-russia.com/russian-law-refugees.html>

Russian Federation if these persons are outside the territory of the Russian Federation;

3) receiving assistance in providing travel and transportation of luggage to the place of stay in the manner determined by the Government of Russia;

4) receiving food and using communal services in a temporary accommodation centre in the manner determined by the Government, before departure to a new place of residence;

5) protection by representatives of the territorial body of the Ministry of Internal Affairs in the temporary accommodation centre in order to ensure the safety of these persons;

6) use of residential premises provided in the manner determined by the Government from the housing fund for temporary settlement. A person recognized as a refugee and members of his family lose the right to use housing from the housing fund for temporary settlement in the event of the acquisition, receipt, rent of other housing;

7) medical care on an equal basis with the citizens of Russia in accordance with the law;

8) receiving assistance in the direction of professional training or employment on an equal basis with Russian citizens;

9) work for hire or entrepreneurial activity on an equal basis with citizens of Russia,

10) social protection, including social security, on an equal basis with Russian citizens;

11) receiving assistance in placing the children of a person recognized as a refugee in state or municipal preschool educational organizations and general educational organizations, professional educational organizations and educational organizations of higher education on an equal basis with Russian citizens;

12) assistance to the Ministry of Internal Affairs in obtaining information about the relatives of a person recognized as a refugee, residing in the state of his nationality;

13) applying to the territorial body of the Ministry of Internal Affairs at the place of residence of the person and his family members in order to issue a travel document for leaving the territory of the Russian Federation for these persons and entry;

14) filing an application for granting the right to permanent residence on the territory of the Russian Federation or to acquire Russian citizenship in accordance with

the legislation and international treaties signed by Russia in this area;

15) participation in public activities on an equal basis with Russian citizens, except in cases where it is prohibited by law (for example, participation in presidential elections);

16) voluntary return to the state of their citizenship;

17) leaving for a place of residence in a foreign state;

18) the use of other rights provided for by the legislation and international treaties of the Russian Federation, as well as the legislation of the regions of Russia.”^[74]

A person recognized as a refugee and members of his family who arrived with him are obliged:

“1) comply with the Russian Constitution, all federal laws and other regulatory legal acts of the Russian Federation, as well as laws and other regulatory legal acts of the regions of the Russian Federation;

2) arrive in a timely manner at a temporary accommodation centre or other place of stay determined by the Ministry of Internal Affairs or its territorial body;

3) comply with the established procedure for living and comply with the established requirements of sanitary and hygienic standards for living in a temporary accommodation centre;

4) report within 7 days to the territorial body of the Ministry of Internal Affairs information about the change in the last name, first name, family composition, marital status, the acquisition of Russian citizenship or citizenship of another foreign state;

5) to report on the intention to change the place of stay on the territory of the Russian Federation or to move to a place of residence outside the national territory;

6) deregister with the territorial body of the Ministry of Internal Affairs when changing the place of residence and, within 7 days from the date of arrival at the new place of residence, register with the territorial body of the Ministry of Internal Affairs;

7) undergo a re-registration within the time limits established by the territorial body of the Ministry of Internal Affairs, but at least once every one and a half years.”^[75]

⁷⁴ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 1 Article 8, URL: <http://visalink-russia.com/russian-law-refugees.html>

⁷⁵ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 2 Article 8, URL: <http://visalink-russia.com/russian-law-refugees.html>

A person recognized as a refugee, as well as members of his family and persons who arrived with him, in order to leave the territory of Russia or enter its territory, are issued a special travel document by the territorial body of the Ministry of Internal Affairs.

3.2.6. Loss or withdrawal of refugee status and protection of the rights of persons deprived of such status. A person loses refugee status:

- “1) when acquiring citizenship of the Russian Federation;
- 2) if he again voluntarily availed himself of the protection of the state of his nationality;
- 3) if, having been deprived of citizenship, he voluntarily acquired it again;
- 4) if he has acquired the citizenship of a foreign state and enjoys the protection of the state of his new citizenship;
- 5) if he has voluntarily re-established himself in a country which he left or outside of which he stayed due to fear of persecution;
- 6) if he can no longer refuse to use the protection of the state of his nationality, the territory of which he was forced to leave due to the fact that these circumstances no longer exist;
- 7) if he does not have a certain citizenship and can return to the state of his former habitual residence due to the fact that the circumstances that forced him to leave the country of origin no longer exist in this state.”^[76]

A person is deprived of refugee status if he or she:

- “1) convicted by a court verdict that has entered into force for committing a crime on the territory of the Russian Federation;
- 2) knowingly provided false information, or presented false documents that served as the basis for recognition as a refugee, or committed another violation of the provisions of the law;
- 3) brought to administrative responsibility for committing an administrative offense related to illegal trafficking in drugs, psychotropic substances and their precursors, plants, as well as their parts containing the same substances.”^[77]

⁷⁶ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 1 Article 9, URL: <http://visalink-russia.com/russian-law-refugees.html>

⁷⁷ Federal Law № 4528-1 "On Refugees", adopted by the State Duma and approved by the Federation Council, in legal force since February 19, 1993, par. 2 Article 9, URL: <http://visalink-russia.com/russian-law-refugees.html>

A notification about the loss of a person's refugee status or the deprivation of a person's refugee status, indicating the reasons for the decision and the procedure for appealing it, is handed or sent to this individual within 3 working days from the date of the decision. In case of loss of refugee status by a person or in case of deprivation of a person of refugee status, the certificate shall be submitted to the territorial body of the Ministry of Internal Affairs and declared invalid.

An individual who has lost or been deprived of refugee status, who does not use the right to appeal against the decision on loss or deprivation of status, and also has no other legal grounds for staying on the territory of the Russian Federation, is obliged, at the suggestion of the territorial body of the Ministry of Internal Affairs, to leave the territory of Russia together with members of the families within one month from the date of receipt of notification of the loss or deprivation of refugee status.

However, in spite of everything, the law provides guarantees for both the refugee and the person who has lost this status. In particular, such a person cannot be returned against his will to the territory of the state of his nationality, if the circumstances that compelled him to leave persist in this state. All decisions of state bodies can be appealed to a higher administrative authority or to a court.

The term for filing an appeal shall not exceed one month from the date of receipt by the person of a notification in writing of the decision taken. If the person did not receive a written response to it - also after a month after the filing of the complaint, as well as three months from the day when the person became aware of the refusal to be recognized as a refugee. Until a decision is made on the complaint, the person who filed the complaint and members of his family have the rights and fulfil the obligations provided for refugees insofar as they do not contradict the current legal situation of these individuals.

An individual who has received notification of a refusal to consider an application on the merits or of denial to be recognized as a refugee, or a person who has received a notice of loss or deprivation of refugee status in connection with the provision of knowingly false information or in the presence of grounds for the loss of such status, and who has used the right to appeal decision, is obliged to leave the territory of the Russian Federation together with family members within 3 working days from the date

of receipt of the notification of denial to complain if these persons have no other legal grounds for staying in Russia.

3.3. The difference between the status of "temporary asylum" and "refugee".

To understand the difference between refugee and temporary asylum status, one should refer to the laws governing the mechanism of protection for each category. Based on the analysis of the definitions given in the laws, the difference lies in the presence or absence of a legal connection between a foreigner and the state in the form of citizenship. Unlike obtaining temporary asylum, granting refugee status refers to situations where there is a personal threat for an applicant.

In practice, the status of "temporary asylum" is issued to a foreigner who does not have sufficient grounds to claim refugee status. An analysis of law enforcement practice in this area helps to clearly understand how the two above-mentioned statuses differ.

One of the main differences is the type of document that a foreigner obtains: in case of obtaining of the status of "temporary asylum", the applicant is issued a Certificate, and the refugee is issued an identity document. The procedure for obtaining the status is also different. In case of obtaining temporary asylum, a foreigner must undergo through 4 main stages:

- 1) filing an application;
- 2) undergoing an obligatory fingerprint registration;
- 3) undergoing a mandatory medical examination;
- 4) Issuance of a Certificate.

Persons applying for refugee status, on the contrary, go through 5 main stages:

- 1) Drafting a petition;
- 2) Obtaining a certificate of consideration of the application (which already provides certain social rights to the applicant) or refusal;
- 3) Undergoing a mandatory medical examination;
- 4) Obtaining a decision on recognition as a refugee or on refusal;
- 5) Issuance of an identity document.

Also, a significant difference between the two statuses is the duration of their validity. So, if the status of a refugee is valid for 3 years from the date of receipt of the identity document, when the status of "temporary asylum", on the contrary, is valid for exactly 1 year. However, both documents have the possibility of extension if, by that

time, the circumstances, reasons and grounds for which these statuses were obtained still persist.

3.4. Conclusion. Having studied and analysed all the legislation governing relations in the field of granting refugee status, it becomes obvious that this status provides many social rights and guarantees for applicants, including citizens of Ukraine. However, nevertheless, the official statistics of the Russian Ministry of Internal Affairs shows an anti-record number of official refugees in Russia: 244 people. This begs the question, why so few? Why do Ukrainians, despite the fact that millions of refugees have arrived in Russia since the beginning of 2022, prefer not to officially become refugees? The answer is simple: only for the citizens of Ukraine in Russia have been created easier and more simplified ways of integrating into Russian society, as well as legalizing their status, rather than recognition as a refugee. They will be discussed in the following subchapters.

SUBCHAPTER 4 - WAYS OF LEGALIZATION WITHOUT REFUGEE STATUS

4.1. Temporary residence permit (RVP)

A temporary residence permit is a stamp in a foreign passport. It contains information about its holder (surname and name, gender, date of birth, citizenship) and data about the permit itself (date of issue and validity period, number, authority that issued the permit). If the applicant does not possess a foreign passport, a separate paper with this permission is issued. RVP authorizes temporary residence and legal work in Russia for 3 years - it is impossible to stay in Russia forever on its basis. At the end of the 3-year period, it will be cancelled. The temporary residence permit is not renewable. Usually, the next step after the RVP is the issuance of a permanent residence permit (residence permit) and citizenship.

Despite the fact that the RVP is valid for 3 years, it must be confirmed every year, otherwise it will be cancelled. To confirm it, it is necessary to submit an official notification drafted on a special form to the territorial body of the Ministry of Internal Affairs and provide also a certificate of income. This document can be, for example, a certificate from the place of work indicating the amount of salary.

It is also worth noting that the legislation regarding the provision of RVP for Ukrainian citizens has not changed since 2022. As of June 2023, legislation in this area is in force, the last update of which took place in July 2021. Consequently, many norms, rules and requirements that were abolished in other legislative acts due to the massive influx of refugees into Russia (for example, a mandatory medical examination for applicants for Russian citizenship) still remain in force in the case of RVP.

4.1.1. What RVP gives to a single Ukrainian. A citizen of Ukraine who has obtained the status of temporary residence in the Russian Federation is no longer required to comply with the “90/90” regime when entering and leaving the Russian Federation.^[78] RVP authorizes to freely enter the territory of Russia during the entire period of validity of the temporary residence permit. After 8 months from the date of receipt of the RVP, a Ukrainian citizen is entitled to apply for a permanent residence permit in the Russian Federation.

The RVP also provides a foreigner with the opportunity to work in Russia without obtaining a “patent” or a special work permit, however, Ukrainian citizens have more preferential treatment due to the massive influx of refugees.^[79] Thus, on August 27, 2022, Presidential Decree № 585 was adopted, which liberated all citizens of Ukraine from obtaining patents. Thus, in order to legally work in Russia, a Ukrainian does not need to obtain any permit.

Of course, the RVP gives not only rights, but also obliges a foreign citizen to comply with certain conditions for living in Russia. In particular, the owner of the RVP is obliged to live and work only in the region of the Russian Federation where he received it. The total period of stay outside of Russia should not exceed 183 days, exceptions include illness, death of relatives or duty. In addition, a foreigner cannot get a job in a municipal or government service, as well as in organizations that are related to state security, work as a civil aviation commander and be a member of a Russian ship or warship. There are also no political rights (such as voting rights).

It is also impossible to issue an invitation to enter Russia for relatives of the RVP holder.

⁷⁸ 90/90 regime means legally given 90 days to pass the migration registration procedure, whereas the second 90 days mean the permitted period of stay in Russia after the migration registration procedure is successfully passed. This regime begins to act after each new arrival in Russia.

⁷⁹ Patent is the official name of a work permit in Russia, which is issued only to citizens of those countries with which Russia allows a visa-free regime, for example, with Ukraine.

After receiving the RVP, the foreigner is also obliged to:

1) Report to the Ministry of Internal Affairs about his or her move from the region where the permit is obtained.

2) Officially earn at least the minimum wage or have savings that every month allow you to spend at least the amount of the minimum wage.

3) Confirm residence and income in Russia every year.

4.1.2. The procedure for obtaining RVP. The procedure for granting a temporary residence permit in Russia is regulated by Federal Law № 115 “On the Legal Status of Foreign Citizens in the Russian Federation”, as well as by the Administrative Regulations of the Ministry of Internal Affairs, approved on August 06, 2020. The main state body providing this service is the Ministry of Internal Affairs.

Also, the law provides for the possibility of obtaining a RVP at any Russian consulate outside the national territory. However, this option is available only to those Ukrainians who legally reside outside of Ukraine and Russia on a permanent basis, because each Russian consulate accepts applications and appeals only from residents of the country in which it operates.

Citizens of Ukraine are entitled to receive a RVP only based on their origin.^[80] The federal law directly provides for such an opportunity for every holder of a Ukrainian passport. That is, in order to apply for a temporary residence permit in Russia and receive it, a Ukrainian only needs to have Ukrainian citizenship. This benefit is also provided to citizens of other countries, such as Kazakhstan and Moldova. But in this subchapter, I will consider the procedure only for the citizens of Ukraine.

Before submitting an application with documents for RVP, a Ukrainian citizen must go through the preliminary stages. It is necessary to undergo the procedure of the migration registration within 90 days of entry. If Ukrainian plans to submit an application within these 90 days, then he must be registered before the day he submits his dossier. Additionally, Ukrainians also need to undergo a mandatory medical examination for the presence or absence of dangerous infectious diseases, drug diseases and HIV infection. The procedure for passing the medical examination procedure was discussed in the previous chapter.

⁸⁰ Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 25, 2002, sub. 11 par. 3 Article 6, translated from Russian into English

To be admitted to undergo a medical examination, a citizen of Ukraine also needs to make a notarized translation of his passport from Ukrainian into Russian. This is an important point, since the transfer of a passport costs money, on average, about 25-30 euros. For a newly arrived refugee who does not yet have a source of livelihood, any expenditure of money on paperwork is complicated.

After passing a medical examination, a citizen of Ukraine, like any other foreigner in the Russian Federation, must undergo a mandatory fingerprint registration procedure. To pass this stage, it is required to have already obtained the medical certificates and conclusions, since they must be provided before fingerprinting. It is impossible to pass fingerprint registration without medical certificates. Therefore, this stage follows after the foreigner has successfully passed the mandatory medical examination.

Thus, by the day of submission of the dossier, it is necessary to go through three mandatory stages: pass the migration registration procedure, make a translation of the passport and certify it with a notary, undergo a mandatory medical examination and fingerprint registration.

Another important document for submitting a dossier to the RVP is a document confirming the foreign citizen's knowledge of the Russian language, the history of Russia and the fundamentals of the legislation of the Russian Federation. Starting from July 14, 2022, in connection with the adoption of a special federal law, the requirement to take an exam of the Russian language for citizens of the LPR, DPR (at that time they were not part of Russia) and Ukraine was cancelled. However, the main flow of Ukrainians who arrived in Russia from February to June 2022 faced this requirement, so it will be discussed in more detail below.

Thus, after all the necessary steps have been completed, it is necessary to stand in line to apply for RVP. This can be done at the territorial office of the Ministry of Internal Affairs, in accordance with the address at which the Ukrainian passed the migration registration. To be fair, it should be noted that the law also provides for a method of submitting an application in electronic form, but in practice it does not work, because the queues, for example, in the Moscow region, are very large.

Further, on the day of submission of the dossier, a citizen of Ukraine must submit the following package of documents:

- 1) application in 2 copies;

2) a notarized translation of the passport of a citizen of Ukraine (it is worth noting that only a translation of the passport is submitted to the Ministry of Internal Affairs, and not the original document);

3) a migration card filled in at the border;

4) a valid document on migration registration;

5) 2 color photographs 3.5x4.5 cm;

6) a certificate of the absence of HIV infection, a medical conclusion of the absence of dangerous infectious diseases, a certificate of the absence of drug diseases;

7) if the applicant changed his first name, last name or patronymic (for example, after marriage, Ukrainian women often change their last name to the last name of their spouse), it is also necessary to provide a certificate of change of personal data;

8) receipt of payment of the state duty in the amount of 20 euros.^[81]

The document on the passage of fingerprint registration is not included in the dossier, it only needs to be shown to an employee of the Ministry of Internal Affairs to identify the applicant. This check is carried out immediately and takes a few minutes.

All documents issued in a foreign language must be translated into Russian and certified by a Russian notary. If these documents were issued during the USSR, then the translation is carried out only if any word or seal, or record is not duplicated in Russian.^[82]

Only copies of the above documents are submitted to the territorial body of the Ministry of Internal Affairs, with the exception of medical certificates and conclusions. The original documents, after verification by the employee accepting the dossier, are returned to the applicant.

Also, the law provides for a delay in the provision of medical documents, but in this case, there is a collision in the law. Thus, the law allows the submission of medical documents within 1 month after the receipt of the dossier for consideration, however, without providing a document on the passage of fingerprint registration, the migration service officers refuse to even look at the rest of the documents. It should be noted that fingerprint registration is carried out only in case of passing a medical examination, the

⁸¹ Administrative regulations of MVD RF for the provision of public services for the issuance of foreign citizens and stateless persons of a temporary residence permit in the RF, approved by Order of the MVD of Russia dated 08.06.2020 № 407, section II, article 34.12, translated from Russian into English

⁸² all documents issued in the Soviet Union, in addition to the national language of its Republics, also contain a translation into Russian

results of which are uploaded to a special information database of the Ministry of Internal Affairs. That is, the very fact of having a document on the passage of fingerprint registration already confirms the fact of passing a medical examination, however, the regulations require that all of the above medical certificates be provided. In any case, this collision is very convenient for forgetful applicants who simply forgot to bring medical certificates with them on the day of submission of an application with documents.

If the dossier is collected correctly, the migration service officer accepts it for consideration. The applicant is issued a special certificate with the number of his case, certified by the official seal of the ministry. Using this number, it is possible to track on the website of the Ministry of Internal Affairs at what stage the process of consideration the dossier is.

The process of considering an application for a temporary residence permit for citizens of Ukraine is 60 days and cannot exceed this period in accordance with the Administrative Regulations.^[83] Based on the results of the consideration of the dossier, the applicant is sent to the post address, indicated in the document on migration registration, a notification of the readiness of the decision on the case. If the decision is positive, the Ukrainian comes to the territorial body of the Ministry of Internal Affairs with the original passport and notification of acceptance of his application. Further, the officer of the Ministry of Internal Affairs verifies his identity and puts a large stamp "RVP" in his passport. If the applicant does not have a passport, then, as mentioned above, the RVP is issued on a separate paper. A temporary residence permit cannot be issued in the form of an electronic document.

RVP contains the following information: last name, first name, patronymic (the last one - if available), written in Russian and Latin alphabets, date and place of birth, gender, citizenship of a foreign citizen, number and date of the decision to issue such a permit, validity period such permission, the name of the state body that issued such permission.

Since the date of issue of RVP, a Ukrainian citizen has the right to reside in the

⁸³ Administrative regulations of the Ministry of Internal Affairs of the Russian Federation for the provision of public services for the issuance of foreign citizens and stateless persons of a temporary residence permit in the Russian Federation, approved by Order of the Ministry of Internal Affairs of Russia dated 08.06.2020 № 407, Section II, Articles 24-25, translated from Russian into English

Russian Federation for exactly 3 years, and also acquires the right to immediately apply for admission to the citizenship of the Russian Federation in accordance with Presidential Decree № 440 of July 11, 2022, which will be discussed in the next subchapter. Such an opportunity appeared for the Ukrainians only in July 2022, before that time it did not exist. If a Ukrainian has no desire to obtain Russian citizenship, then 8 months after receiving the RVP, he has the right to request a permanent residence permit (VNJ).

4.1.3. The requirement for knowledge of the Russian language, the history of Russia and the fundamentals of the legislation of the Russian Federation. This rule was in effect until July 14, 2022, at a time when more than a million Ukrainian citizens were already in Russia, some of whom had already submitted their dossiers for the issuance of a RVP and VNJ. This requirement was one of the barriers that limited Ukrainians to obtaining permits to live in Russia. On July 14, 2022, this provision was cancelled due to the entry into force of Federal Law № 357 on amendments to Federal Law № 115, which regulates the legal status of foreign citizens in the Russian Federation.

Thus, Ukrainians, like any foreign citizens, in order to obtain a RVP or residence permit, were required to confirm their knowledge of the Russian language, knowledge of the history of Russia and the fundamentals of the legislation of the Russian Federation with one of the following documents:

1) a certificate of proficiency in Russian language, knowledge of the history and fundamentals of the legislation of the Russian Federation at a level corresponding to the purpose of obtaining a RVP or VNJ;

2) a state-recognized document on education (at a level not lower than basic general education) issued by an educational institution on the territory of a state that was part of the USSR before September 1, 1991. For example, it could be a school certificate or a diploma of higher or other type of education received in the USSR before September 1991;

3) a document on education or qualifications issued to persons who have successfully passed the state final attestation on the Russian territory since September 1, 1991. That is, if a foreigner studied at a Russian school or higher educational institution and had a certificate or diploma, then it was not required to confirm knowledge of the

Russian language. ^[84]

The certificate is issued in Russia or abroad by organizations included in a separate list annually approved by the Government. The validity of the certificate was 3 years for the RVP level and indefinitely for the VNJ level.

The exam was paid. The maximum cost for RVP and VNJ was quite expensive and amounted to 75 euros.

The following persons were exempted from confirming their knowledge of the Russian language when applying for a RVP or VNJ:

- 1) incapacitated and limited in capacity;
- 2) Under 18 years of age;
- 3) Men aged 65;
- 4) Women aged 60;
- 5) Participants of the state program for resettlement in the Russian Federation and members of their families. With regard to Ukrainians, this rule was relevant before the outbreak of hostilities, since the procedure for recognition as a compatriot living abroad was carried out by the Russian consulate in Ukraine, which was closed from the moment hostilities began;

6) native Russian speakers (to be described below);

7) those who have applied for a VNJ (only VNJ, not RVP) who have a parent (adoptive parent, guardian, trustee), son or daughter, who are Russian citizens and permanently residing in Russia; ^[85]

Only persons belonging to these categories were exempted from the exam. In other words, disabled people, children, pensioners, direct relatives of Russians, and those who graduated from a school or university in the Soviet Union were more likely to fall under at least one of these provisions.

As for school certificates and diplomas, it is worth to note an important point. Based on my professional experience working with refugees, half of the applicants did not have a single educational document with them. The fact is that during the escape,

⁸⁴ Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 25, 2002, par. 1 Article 15.1, translated from Russian into English

⁸⁵ Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 25, 2002, par. 5 Article 15.1, translated from Russian into English

many took with them, as a matter of priority, only identity documents, that is, passports.

Accordingly, not being able to confirm knowledge of the Russian language with the documents listed above and not wanting to receive the status of a “temporary asylum”, where it is not necessary to confirm knowledge of the language, such Ukrainians had to pay 75 euros from personal savings, take this exam and receive a certificate. Considering that this exam tests not only the knowledge of the Russian language, but also the history of Russia and the fundamentals of its legislation, as well as the great shock and stress that the applicants experienced after the outbreak of hostilities, some people had to retake this exam several times and, therefore, pay for it again and again.

At the moment, as of June 2023, absolutely all citizens of Ukraine do not need to confirm knowledge of the Russian language, the history of Russia and the fundamentals of its legislation. However, from February to July 2022, Ukrainians spent more money and, what is more important, nerves in order to legalize themselves than it is possible to spend nowadays.

4.1.4. The procedure for obtaining RVP for children and incapacitated persons. Foreign citizens who are recognized as having limited or incapacitated legal capacity, as well as minor children, also need to obtain a RVP in order to stay in Russia for a long time. This applies even to newborns. The list of documents and the procedure for issuing a RVP for a child depends on where he was born, in Russia or in a foreign state. In this subchapter, only the case of a child not born in Russia will be analysed.

According to the law, a minor or incapacitated person does not have the right to submit documents. The entire procedure on his behalf is done either by one of the parents or a legal representative. It is possible to make a RVP for a child in two cases:

- 1) The father, mother or guardian already has a RVP and now he or she wants the child or person under guardianship to obtain permission;
- 2) A foreign citizen issues a RVP for himself and at the same time for his child or person under guardianship.

It is impossible to issue a RVP for a minor separately, without making the same status for a parent or guardian.

As for the list of documents, a child or an incapacitated person does not need to fill in a separate application, the data is included in the application of the parent, trustee

or guardian. However, in addition to the standard list of documents, the following additional documents will be required:

“1) identity document of the parent or adoptive parent, guardian or custodian submitting the application;

2) a document confirming the fact of birth registration, issued by the competent authority of a foreign state if the application is submitted by one of the parents or adoptive parents. If it is submitted by guardian or trustee they should present the relevant document proving their competencies;

3) a document according to which the foreign citizen is recognized as incapacitated or limited in legal capacity, issued by the authorized body of a foreign state or Russia if the application is submitted in respect of a foreign citizen recognized as incapacitated or limited in legal capacity;

4) Foreign passport of the child or person under guardianship;

5) Medical documents confirming the passage of a mandatory medical examination if the child is older than 6 years. The same concerns the fingerprint registration. The procedure for passing a medical examination of children differs from the procedure approved for adults. In particular, this applies to the list of doctors who need to be examined. The procedure also differs depending on the age of the child.”^[86]

6) Document confirming the payment of the state fee in the amount of 20 euros.

In all other aspects, the procedure does not differ from that described above for adults and capable citizens of Ukraine.

4.1.5. Grounds for refusal to issue or annul a RVP. Refusal to issue RVP or its annulment occurs only in case if applicant:

“1) threatens the national security of Russia and its citizens;

2) finances, plans terrorist or extremist acts, assists in the commission of such acts or commits them, as well as by other actions supports terrorist or extremist activities;

3) has been deported within the last 10 years;

4) submitted forged or falsified documents or knowingly provided false information about himself. For example, if the translation of the passport was

⁸⁶ Administrative regulations of the Ministry of Internal Affairs of the Russian Federation for the provision of public services for the issuance of foreign citizens and stateless persons of a temporary residence permit in the Russian Federation, approved by Order of the Ministry of Internal Affairs of Russia dated 08.06.2020 № 407, Section II, Articles 31-31.7, translated from Russian into English

incomplete or incorrect, then the Ministry of Internal Affairs regards this as a message of false information;

5) has been convicted by a court verdict that has entered into legal force for committing a grave or especially grave crime or for committing narcotic crimes;

6) has an unredeemed conviction for committing a grave or especially grave crime on the territory of Russia or outside it, recognized as such by Russian legislation;

7) repeatedly, that is, two or more times, within 1 year, was brought to administrative responsibility for committing an administrative offense related to encroachment on public order and public safety or violation of the regime of stay or residence in Russia, or committed an administrative offense related to illegal drug trafficking.”^[87]

This rule also has a political context, given that since the beginning of the war, any anti-war demonstrations or rallies have actually been banned in Russia. Therefore, this rule makes refugees dependent on the state and ensures loyalty to it;

“8) during the next year from the date of issuance of the RVP did not carry out labour activity for 180 days or did not receive income or does not have sufficient funds in the amount to support himself and his family members who are dependent on him, without resorting to state assistance, on a level not lower than the subsistence level established by the law of the Russian region in whose territory he is allowed temporary residence.

However, this provision does not apply to persons:

- earning income above the average monthly minimum wage or having sufficient means for subsistence. The average monthly income is determined in accordance with the procedure established by the Russian Ministry of Economic Development;

- students;

- pensioners or disabled people;

9) after 3 years from the date of entry, does not have housing in Russia;

10) left Russia for a foreign state for permanent residence;

11) stayed outside Russia for more than 6 months in total during a calendar year, except for cases when it was impossible to leave the territory of a foreign state due to

⁸⁷ Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 25, 2002, par. 1 Article 7, translated from Russian into English

circumstances related to the need for emergency treatment, a serious illness of this foreign citizen or the death of his close relative who lived at the time of death in a foreign state, as well as cases of a foreign citizen being outside Russia due to official necessity;

12) is a consumer of drugs or psychotropic substances without a doctor's prescription or new potentially dangerous psychoactive substances, or suffers from one of the infectious diseases that pose a danger to others, or does not have a certificate that he does not have a disease caused by the HIV infection,

This category also includes those who did not have time to submit documents on passing a mandatory medical examination within a month after submitting a dossier for obtaining a RVP.

13) filed an application for the annulment of the RVP issued to him.”^[88]

In case if a Ukrainian was denied the issuance of a RVP, or the RVP previously issued to him was canceled, he has the right to re-submit an application in the same manner, but not earlier than one year from the date of rejection of his previous application or cancellation of the previously issued permit for temporary residence. That is, if a negative decision is made after the consideration of the case, the applicant will not be able to resubmit his or her application within a year.

4.2. Permanent residence permit (VNJ)

4.2.1. The definition and advantages of VNJ. A permanent residence permit solves most of the problems that arise for a foreigner living in Russia. This document allows its holder to live freely in the country, enjoy the basic rights of a citizen, come and go whenever he wants. According to the definition given in Article 2 of Federal Law № 115 "On the Legal Status of Foreign Citizens in the Russian Federation", a VNJ "is a document issued to a foreign citizen or stateless person in confirmation of their right to permanent residence in the Russian Federation, as well as their rights for free exit from the Russian Federation and entry into the Russian Federation. A permanent residence permit issued to a stateless person is at the same time a document proving his identity. A permanent residence permit cannot be issued in the form of an electronic

⁸⁸ Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 25, 2002, par. 1 Article 7, translated from Russian into English

document." [89]

VNJ provides a foreigner the right to live permanently in Russia, freely enter and leave it, legally work and enjoy the basic rights of a citizen, except for political ones. Unlike RVP, with VNJ a foreigner can live and work in absolutely any region of Russia.

Most often, VNJ is a necessary step in obtaining Russian citizenship. It is impossible to immediately come and apply for citizenship. First it is needed to obtain a RVP, then a VNJ, and only after that it becomes possible to apply for a Russian passport. Some foreigners can obtain VNJ without a RVP, but it is impossible to obtain citizenship without VNJ.

VNJ is a small blue-colour book that reminds a passport. It contains a photograph of the holder and his children, basic information about them, series and number of the document. While in Russia, a foreigner with VNJ must show this document whenever it is necessary to show a passport.

The holder of the VNJ remains a citizen of his country. Each year, he must notify in writing the Main Department for External Migration of the Ministry of Internal Affairs of Russia about residence at the place of residence and confirm the income is not lower than the minimum wage established by regional legislation. If these requirements are violated, the VNJ may be annulled.

VNJ is issued without limitation of validity. Having a permanent residence permit, a foreigner has the right to move freely around Russia, freely change the place of his permanent residence (that is, to settle in any region, this is prohibited with a RVP). The only restriction is that a foreigner must stay in Russia for at least 6 months during each calendar year.

4.2.2. Ways of obtaining VNJ for Ukrainians. There are several ways for Ukrainians to obtain VNJ:

- 1) Live on the basis of the RVP for at least 8 months;
- 2) Obtain the status of a native speaker of the Russian language;
- 3) Obtain VNJ based on the presence of Ukrainian citizenship (the procedure is the same as in the case of the TRP described above. The only exception is that it is necessary to confirm the availability of means of subsistence);

⁸⁹ Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 25, 2002, sub. 8 par. 1 Article 2, translated from Russian into English

4) To have a parent (adoptive parent, guardian, trustee), son or daughter who is a Russian citizen and permanently residing in the Russian Federation.

In fact, there are numerous ways, but the third option is the easiest and most reliable, despite the fact that it appeared only in July 2022. Until July 2022, the first, second and fourth options were most often used.

As for the second option, on the basis of this status, it is possible to apply not only for VNJ, but also for Russian citizenship. The law determines in advance that any citizen of Ukraine, one way or another, is fluent in Russian language and therefore does not need to pass a language exam. Formally, there is an interview, but the regulations require that the result be issued only on the basis of a completed and signed questionnaire and application. However, obtaining the status of a native speaker of the Russian language is not for all Ukrainians. It is obligatory to confirm the fact of legal permanent residence in the territory of the Russian Federation of the applicant or his ascendant relative either at the present time on the basis of his or her valid VNJ or in the past. Mentioning "in the past" means the fact of living on the territory within the borders of Russia during the times of the USSR or the Russian Empire.

4.2.3. The procedure for obtaining VNJ. The procedure for obtaining VNJ, including the procedure for obtaining VNJ for children, is not much different from the procedure for obtaining RVP. However, there are also fundamental differences. Thus, in order to obtain VNJ, in addition to the documents required for obtaining RVP, it is also necessary to confirm the legal source of livelihood. A Ukrainian citizen is obliged to confirm the ability to support himself and his family members in Russia within the subsistence level, without resorting to state assistance. Such a document could be:

- certificate from the place of work, indicating the amount of the monthly salary;
- a certificate of availability of a bank deposit indicating the account number and the amount of the deposit;
- another document confirming the receipt by a Ukrainian citizen of income from activities not prohibited by law.

Often, not all Ukrainians who have recently arrived in Russia have official employment, and therefore not everyone can provide such certificates. The only way to solve this situation is to provide a bank deposit certificate. According to the law and regulations, a bank deposit must confirm that a foreign citizen has funds in the amount

necessary to cover the period for consideration of the residence permit dossier, that is, 4 months. The calculation is based on the monthly minimum wage set by each Russian regional government. So, for example, the minimum wage in Moscow as of June 2023 is about 300 euros per month. Therefore, multiplying 300 euros by 4 will result in 1200 euros. It is this amount of deposit that Ukrainian needs to have on his account in order for the residence permit dossier to be successfully considered in Moscow. In different regions of Russia, this amount varies.

Often, not all Ukrainians can save the required amount, so many try to borrow personal loans. Some even begin to apply for a residence permit after they accumulate the necessary amount by finding a job.

The next difference between VNJ and a RVP is that the size of the state duty is 3 times higher. So, if it is necessary to pay 20 euros to obtain RVP, then 60 euros must be paid for VNJ. In general, the process of obtaining VNJ is quite costly.

After the correct submission of the dossier, it is considered by the Ministry of Internal Affairs for 4 months, and not 2, as in case of the RVP. The grounds for refusal or cancellation of VNJ are basically the same as the grounds for refusal or cancellation of RVP.^[90]

After obtaining VNJ, a Ukrainian citizen automatically acquires the right to apply for recognition as a native speaker of the Russian language, which will allow him to immediately apply for admission to Russian citizenship. This will be discussed in more detail in the next subchapter.

SUBCHAPTER V – OBTAINING RUSSIAN CITIZENSHIP

5.1. Legislation on Russian citizenship for Ukrainians. Nowadays, in relation to the Ukrainian citizens, a very large number of legislative acts was adopted in Russia that significantly simplify and accelerate the procedure for their acceptance into the Russian citizenship. This is precisely the very root cause why the majority of Ukrainian refugees who arrived in Russia do not hurry to obtain the status of “refugee” or

⁹⁰ Administrative Regulations of the Ministry of Internal Affairs of the Russian Federation for the provision of public services for the issuance of a permanent residence permit to foreign citizens and stateless persons, the replacement of foreign citizens and stateless persons with a permanent residence permit in the Russian Federation, approved by Order of the Ministry of Internal Affairs of Russia dated June 11, 2020 № 417, translated from Russian into English

“temporary asylum”, a temporary or permanent residence permit. Obtaining the citizenship of the Russian Federation in an accelerated and simplified manner makes Ukrainians not the simple refugees who came from a neighbouring country, but full-fledged members of Russian society, possessing absolutely all the rights and obligations that every Russian citizen possesses.

First of all, the procedure for granting Russian citizenship is regulated by Federal Law № 62 of May 30, 2002 “On Citizenship of the Russian Federation”, as well as a special Regulation “On the Procedure for Considering Issues of Citizenship of the Russian Federation”, which was approved by President’s Decree № 1325.

In regard to Ukrainians, the Russian legislation on citizenship has been actively changed and supplemented since April 2019. Based on this, it is possible to come to the logical conclusion that the Russian authorities began this process long before the beginning of a full-scale war in February 2022. Initially, the legislation in the field of citizenship was changed in favour of those citizens of Ukraine who lived in the territories of the Donetsk and Lugansk regions of Ukraine as of April 2014, that is, at the very time when active hostilities were going on in the south-east of Ukraine. In April 2019, the first presidential decrees were adopted simplifying the procedure for obtaining Russian citizenship for Ukrainian citizens who officially resided in the territories of Donetsk and Luhansk regions as of April 2014. ^[91]

It is also worth paying special attention to the fact that the presidential decrees do not mention the DPR and LPR, since in 2019 Russia did not officially recognize them as independent states. It should be especially noted that as of April 2019, the DPR and LPR did not control even half of the Donetsk and Lugansk regions of Ukraine. However, the presidential decrees of April 2019 covered precisely the territories of the Donetsk and Luhansk regions, that is, even those territories that were actually controlled by the Ukrainian authorities in 2019. ^[92]

Russian President Vladimir Putin at the Council of Legislators in Saint Petersburg explained this decision by the desire to protect citizens of the DPR and LPR who do not

⁹¹ Decree of the President of the Russian Federation № 183 "On the definition for humanitarian purposes of the categories of persons entitled to apply for admission to the citizenship of the Russian Federation in a simplified manner", April 24, 2019, translated from Russian into English

⁹² *Putin Simplifies Russian Citizenship Process for Eastern Ukrainians*, the Moscow times, April 24, 2019, URL: <https://www.themoscowtimes.com/2019/04/24/putin-simplifies-russian-citizenship-process-for-eastern-ukrainians-a65372>

have civil rights. He added that Russia has no desire to create problems for the new Ukrainian government. The previous President of Ukraine, Petro Poroshenko, considered these decrees as another gross violation of Ukraine's sovereignty and a violation of Russian obligations under the Minsk agreements. He believed that in this way the Kremlin is taking a step towards the annexation of Donbass. Newly elected President Volodymyr Zelensky's team noted in a released statement that "the Russian Federation has acknowledged its responsibility as an occupying state."^[93]

These decrees did not cover all citizens of Ukraine, but only residents of the Donetsk and Lugansk regions of Ukraine. Nevertheless, since July 2022, new presidential decrees were adopted, which have already covered absolutely all citizens of Ukraine.

Thus, the legal status of Ukrainians in Russia, in addition to federal legislation on citizenship, is regulated by the following presidential decrees:

1) Decree № 183 of April 24, 2019 "On the definition for humanitarian purposes of the categories of persons entitled to apply for admission to the citizenship of the Russian Federation in a simplified manner";

2) Decree № 187 of April 29, 2019 "On certain categories of foreign citizens and stateless persons who have the right to apply for admission to the citizenship of the Russian Federation in a simplified manner";

3) Decree № 330 of May 30, 2022 № 330. This document made the appropriate changes to Decrees № 183 and 187;

4) Decree № 440 of July 11, 2022 on amending Decrees № 183 and 187.

5.2. Procedure according to Decrees № 183 and 187. As of June 2023, Presidential Decrees № 183 and № 187, as they state "In order to protect the rights and freedoms of man and citizen, guided by the generally recognized principles and norms of international law",^[94] provide the right to obtain Russian citizenship in a simplified manner for:

1) citizens of Ukraine who do not have citizenship of another state, as well as

⁹³ *The Kremlin began passportization of residents of the LPR and DPR: Moscow raises stakes in bargaining with the new Kyiv authorities*, RBC, April 29, 2019, translated from Russian into English, URL: <https://www.rbc.ru/politics/24/04/2019/5cc090a09a794766ade9ce5c>

⁹⁴ Decree of the President of the Russian Federation № 187 "On certain categories of foreign citizens and stateless persons who have the right to apply for admission to the citizenship of the Russian Federation in a simplified manner", adopted on April 29, 2019, Article 1, translated from Russian into English

stateless persons born and permanently residing in the territories of the Republic of Crimea and the city of Sevastopol, who left these territories before March 18, 2014, as well as their children, including those adopted, spouses and parents;

2) citizens of Ukraine and stateless persons who have a migration card, RVP, VNJ, a refugee identification document, a certificate of temporary asylum on the territory of the Russian Federation or participants of the State program for Assistance to voluntary resettlement to Russia of compatriots living abroad, permanently residing on the territory of Ukraine, as well as their children, including adopted children, spouses and parents.

Those Ukrainians who holds migration card only, are also subject to the mandatory medical examination. It means that they need to undergo this procedure and additionally present the medical conclusions alongside with their list of documents indicated a little below. The medical examination for Ukrainians is for free.

The decrees also establish that orphans and children left without parental care, incapacitated persons who are citizens of Ukraine, temporarily staying, permanently or temporarily residing on the territory of the Russian Federation, also acquire Russian citizenship in a simplified manner. The guardian of a child, his trustee or the guardian of a legally incompetent person who are Russian citizens or citizens of Ukraine, including those acquiring Russian citizenship, may apply with such applications for admission to citizenship.^[95]

Applications for admission to Russian citizenship are submitted to the territorial body of the Ministry of Internal Affairs of the Russian Federation at their place of residence or place of stay, or at the place of residence or place of stay of a child or incapacitated person who is under guardianship or trusteeship.

To apply for Russian citizenship, adult citizens of Ukraine, in addition to the completed application form, must also provide the following documents:

1) one of the documents confirming the right to stay or reside in the Russian Federation. Among them:

- migration card,
- temporary residence permit,

⁹⁵ Decree of the President of the Russian Federation № 183 "On the definition for humanitarian purposes of the categories of persons entitled to apply for admission to the citizenship of the Russian Federation under a simplified procedure", adopted on April 29, 2019, article 1, translated from Russian into English

- permanent residence permit,
- refugee certificate,
- certificate of temporary asylum,

Also, such a document is a certificate of a participant in the State Program to Assist Voluntary Resettlement to the Russian Federation of Compatriots Living Abroad. However, this document could only be obtained at the consular office of Russia in Ukraine or the country where the Ukrainian legally and permanently resides. Since February 24, 2022, the Russian consulate in Ukraine is closed and it is no longer possible to obtain such a document;

“2) a document confirming permanent residence in the territory of Ukraine, with a mark of registration at the place of residence in this territory, issued by the authorized body of Ukraine. Submission of such a document is not required if this information is contained in an identity document;

3) a document confirming the obligatory fingerprint registration. It is not included in the list of documents, but is simply provided to the migration service officer to verify the identity of the applicant.

4) 3 photographs in colour, size 3x4cm.”^[96]

If the applicant is applying together with a child or an incapacitated person, then along with the application for admission to the citizenship of the Russian Federation, it is required also to provide:

1) a document proving the identity of the applicant and his citizenship of the Russian Federation or Ukraine, with a mark of registration at the place of residence on the territory of Russia or Ukraine;

2) documents listed in the previous list;

“3) the child's birth certificate, as well as the child's passport (if available), the passport of an incapacitated person;

4) a document of the guardianship body on the establishment of the fact of the absence of parental or relative care in relation to the child - if the child is an orphan;

5) a document confirming the establishment of trusteeship or guardianship over the child - in the case the child has legal representatives;

⁹⁶ Decree of the President of the Russian Federation № 187 "On certain categories of foreign citizens and stateless persons who have the right to apply for admission to the citizenship of the Russian Federation in a simplified manner", adopted on April 29, 2019, par. b Article 4, translated from Russian into English

6) a court decision on declaring a person incapacitated, a document of the guardianship body on the appointment of a guardian to a disabled person;

7) a document confirming the stay or residence of a child or an incapacitated person on the territory of the Russian Federation:

- migration card, VNJ or RVP of a child or a disabled person;

- migration card, VNJ or RVP of the guardian or custodian indicating information about the child or incapacitated person;

- an extract from the house book or a copy of the apartment card;

- a copy of the notification of the registration of a child or a disabled person for migration registration;

8) the consent of a child aged 14 to 18 years to acquire citizenship of the Russian Federation, drafted in a free form and certified by a notary or an employee of the migration service who accepts the citizenship dossier.

9) translation into Russian of all documents attached to the application for admission to the Russian citizenship, made in a language other than Russian.”^[97]

This is the complete list of documents. Nothing else needs to be provided. Starting July 14, 2022, when applying for Russian citizenship, Ukrainians no longer need to pay a state fee. They do not need to undergo a mandatory medical examination, although, nevertheless, they actually pass it, since this is necessary for access to the mandatory fingerprint registration procedure. Nevertheless, they do not need to pay for it anymore. Ukrainians also do not need to confirm their knowledge of the Russian language, the history of Russia and the fundamentals of its legislation.

Everything Ukrainian needs to obtain Russian citizenship is simply to legally come to Russia since at the border everyone is issued a migration card, which is included in the first item of the list of documents described above. Also, he or she has to hold a passport and a document confirming the fact of permanent residence in the territory Ukraine. The last document may be an internal or a civilian passport of a citizen of Ukraine or a special certificate confirming the address of permanent residence.

Based on personal and professional experience of working with Ukrainian

⁹⁷ Decree of the President of the Russian Federation № 187 "On certain categories of foreign citizens and stateless persons who have the right to apply for admission to the citizenship of the Russian Federation in a simplified manner", adopted on April 29, 2019, Article 4.1, translated from Russian into English

refugees, about one third of the Ukrainians who came to Russia do not have a document confirming the fact of permanent residence in Ukraine. The majority arrives only with a foreign passport, but it does not contain such information. It is not possible to obtain this document in Russia, since all consulates and embassies of Ukraine in Russia are closed due to the war. It remains to obtain these documents either in Ukrainian consulates outside of Russia (for example, in Belarus), which imposes additional financial costs on the applicant, or in Ukraine itself, which is fraught with great risks for applicants both for life and for personal freedom. Moreover, most of the archival institutions, especially those located in the east of the country, where active hostilities are taking place, have been completely destroyed or exploded. It is not possible to obtain a certificate of residence there. It is also impossible to obtain a certificate in electronic form (for example, through the Ukrainian electronic application for the provision of public services "Diya"), since the personal presence of the applicant in Ukraine is required by law.

In fact, the problem of loss or lack of documents by Ukrainians is also recognized by Russian regional ombudsmen. “There is a problem of loss of certificates with civil status records, driver’s licenses, diplomas, certificates, etc., as a result of which people cannot confirm information about experience, earnings, place of study, education,” claims Andrey Spitsyn, Ombudsman of the Astrakhan Region of Russia.^[98] Departure for documents is often impossible, mail communication is interrupted, archives are not always preserved. “According to the words of the refugees, I realized that the level of digitalization in Ukraine is high, but residents who have left for Russia cannot access the portal from which they can download the documents they need,” says Ombudsman of the Sverdlovsk Region of Russia Tatyana Merzlyakova.^[99]

Thus, about half of the refugees who came to Russia cannot confirm the fact of their permanent residence in Ukraine. Not having such a document in hand, not a single Ukrainian citizen can be admitted into the Russian citizenship in an accelerated and simplified manner. Thus, this requirement of the presidential decree is the main restrictive factor that holds back the massive flow of applications for the Russian

⁹⁸ *Documentary Humanitarian Challenges: What Problems Do Ukrainian Refugees Face in Russia Now*, RBC Newspaper, March 25, 2023, translated from Russian into English

⁹⁹ *How the life of refugees from Ukraine in Russia has changed*, RBC, March 25, 2023, translated from Russian into English

citizenship.

If a Ukrainian does not possess a document confirming the fact of his or her permanent residence in Ukraine, then, in such case, the only simple, relatively inexpensive way to resolve the situation is to obtain the status of "temporary asylum". Consideration of a dossier for granting temporary asylum in Russia for Ukrainians takes maximum 5 working days in accordance with the Administrative Regulations. Therefore, it is the fastest way of legalization in the Russian Federation, albeit for a limited time.

However, the most reliable and long-term way of legalization in the Russian Federation is to obtain VNJ. On July 14, 2022, amendments to the Russian Federal Law № 115 "On the Legal Status of Foreign Citizens in the Russian Federation" were adopted, which provided the right to obtain VNJ for Ukrainian citizens based on the presence of Ukrainian citizenship. In fact, the procedure is exactly the same as with the acquisition of RVP, which was discussed in the previous subchapter. In this case, the Ukrainian does not need to confirm the fact of his or her permanent residence in Ukraine. It is enough simply to have a Ukrainian passport in hand.^[100]

As for those persons who still have all the documents listed above in accordance with the decrees of the President, they are entitled to apply for Russian citizenship in a simplified manner.

All documents drafted in Ukrainian and without Russian translation must be translated into Russian language as well as certified by a Russian notary. Only the copies of the documents required are attached to the application for admission to the Russian citizenship, the authentic ones are returned to the applicant.

According to the regulations, an application for admission to citizenship is considered no longer than 3 months, but in my professional practice, this period can be delayed up to 7 months. The main reason is the huge flow of Ukrainian applications for Russian citizenship.

5.3. Russian native speaker. Obtaining the status of a native speaker of the Russian language grants Ukrainians the right to apply for Russian citizenship. However, this procedure applies mainly to those Ukrainians who live in Russia on the basis of

¹⁰⁰ Federal Law № 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since July 25, 2002, par. 1 Article 7, translated from Russian into English

VNJ. In other words, this procedure can be used by those who did not fall under the requirements of presidential decrees due to the lack of necessary documents for obtaining citizenship and chose another method, namely, received a residence permit.

According to the Federal Law № 62 “On Citizenship of the Russian Federation”, persons who “know the Russian language and use it on a daily basis in the family, domestic and cultural spheres, if these persons or their relatives in a direct ascending line permanently reside or previously permanently resided on the territory of the Russian Federation, or on the territory that belonged to the Russian Empire or the USSR, within the State Border of the Russian Federation.”^[101]

According to Article 33.1 of the same law, “...citizens of Ukraine who are fluent in Russian, when submitting a personal application for recognition as native speakers of the Russian language and if there are grounds, ... can be recognized by the commission as native speakers of the Russian language without undergoing an interview.”^[102]

Analysing the provisions of the law, it becomes possible to conclude that in order to be recognized as a native speaker of the Russian language, a Ukrainian must either permanently reside in Russia himself at the present time, that is, on the basis of a valid VNJ, or in the past (in case Ukrainian had a Russian VNJ or permanently resided in Russia during the Soviet time in the past), or has an ascendant relative who permanently resides or resided in the territory of the Russian Federation, which can be confirmed by a valid or expired VNJ, or in the territory that belonged to the Russian Empire or the USSR, within the state border of the Russian Federation. The last three are confirmed by the archival documents and certificates requested from the National Archives of the Russian Federation.

If the Ukrainian applicant does not or didn't have VNJ, but has a relative described above, then he is entitled to apply without having VNJ, provided that he can confirm the fact of kinship and the fact of permanent residence of such a relative in Russia either at present or in past.

Documents confirming kinship can be: birth certificate, marriage certificate,

¹⁰¹ Federal Law № 62-FZ "On Citizenship of the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since May 31, 2002, par. 1 Article 33.1, translated from Russian into English

¹⁰² Federal Law № 62-FZ "On Citizenship of the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since May 31, 2002, par 1.1 Article 33.1, translated from Russian into English

adoption certificate, death certificate of a relative, etc.

Documents confirming the fact of permanent residence of both the applicant and the relative, in accordance with the law, are: a residence permit, an extract from the house register, a copy of the apartment card, a document containing information on military registration, a Soviet military ticket or other documents.

In case of the absence of documents (for example, the Soviet ones), applicants provide archival certificates, extracts from archival documents, copies of documents from the Archival Fund of the Russian Federation or other archival documents. To do this, applicants apply to the National Archival Fund.

Commissions for the recognition of a foreign citizen as a native speaker of the Russian language are formed by the Ministry of Internal Affairs or its territorial bodies. To be recognized as a native speaker of the Russian language, a Ukrainian citizen must provide the following list of documents:

- 1) Application for recognition as a native speaker of the Russian language;
- 2) Notarized translation of all pages of the passport;
- 3) Migration card;
- 4) Document on migration registration;

5) A document confirming the right to acquire the status of a native speaker of the Russian language. ^[103] For the majority of Ukrainians in my practice, this is their VNJ if they do not have such relatives as described above.

After submitting the application and documents, the date of the interview is appointed. According to the law, citizens of Ukraine are interviewed in several minutes, and, therefore, they are immediately automatically issued a decision on recognition as native speakers of the Russian language after accepting their application. That is, this procedure is a small formality. Thus, Russian law formally recognizes the fact that any citizen of Ukraine, for example, with VNJ, is a native speaker of the Russian language.

In case of successful consideration of the dossier, a Ukrainian is issued a decision on recognition as a native speaker of the Russian language. With this decision, it is possible to apply for VNJ in a simplified manner, if he or she does not have one yet. If a Ukrainian already possesses VNJ, then he is entitled to immediately apply for admission

¹⁰³ Appendices № 6 and № 7 to the Order of the Ministry of Internal Affairs of Russia № 227 "On the organization of the work of commissions for the recognition of a foreign citizen or stateless person as a native speaker of the Russian language", adopted on April 16, 2020, translated from Russian into English

to the Russian citizenship in an accelerated manner. The accelerated procedure implies that his application will not be considered within 3 months, as indicated in the general rules and even presidential decrees, despite the fact that in practice it takes much longer, but within 2 months. ^[104]

However, in contrast to the procedure approved by presidential decrees, in case of applying for admission to the Russian citizenship on the basis of VNJ and the status of a native speaker of the Russian language, it will be also necessary to pay a state fee for consideration of the application in the amount of 45 euros.

5.4. Entry into the Russian citizenship. After consideration of the dossier, a decision is made on admission to citizenship, or a justified refusal is issued, which may be appealed by the applicant.

In the case when a positive decision is made, the applicant is obliged to appear in the territorial body of the Ministry of Internal Affairs and take an official oath. Only after taking the oath, the applicant officially begins to be considered a citizen of the Russian Federation. From taking the oath of a citizen of the Russian Federation, persons are exempted: those under the age of 14, recognized as incompetent, unable due to limited health to read or pronounce the text of the oath or sign it with their own hands. In the latter case, this is done by the legal representative of such a person. ^[105]

After taking the oath, the applicant is issued a passport of a citizen of the Russian Federation within 7 working days.

5.5. Legal status of residents of the Kherson and Zaporozhye regions, as well as the DPR and LPR. The situation in these regions is not univocal. On the territory of these regions, which are recognized by the international community as the territory of Ukraine, referendums were held on September 23-27, 2022 on joining the Russian Federation. Russia did not have entire control over any of the regions discussed: Donetsk region was only 60% captured, and in Zaporozhye region, according to the BBC, Russian troops did not have control over more than half of the territory, including

¹⁰⁴ Regulations on the procedure for considering issues of citizenship of the Russian Federation, approved by Presidential Decree № 1325 of November 14, 2002, Sec. II Articles 16.1-16.7, translated from Russian into English

¹⁰⁵ Federal Law № 62-FZ "On Citizenship of the Russian Federation", adopted by the State Duma and approved by the Federation Council, in legal force since May 31, 2002, par 2 Article 11.1, translated from Russian into English

its administrative centre, the city of Zaporozhye.^[106] After the referendums were held, on September 30, Russia announced the annexation of these regions, which led to the greatest escalation of the conflict. From the point of view of international law, the referendums held have no legal force. The referendums have been condemned by the UN and numerous countries as violating international law.

Such an "admission" of territories did not remain unanswered by other countries and the international community as a whole. The meeting of the UN Security Council on September 30, 2022 on the draft resolution presented by the United States and Albania condemning Russia for the annexation of these territories ended with 10 votes in favour, 4 abstentions (Brazil, China, Gabon, India) and the vote "against" from Russia. On October 12, the UN General Assembly, following a vote, condemned "the organization by the Russian Federation of illegal so-called referendums": 143 states voted in favour of the resolution supporting the territorial integrity of Ukraine, 35 abstained. Five states (Belarus, Democratic People's Republic of Korea, Nicaragua, Syria and Russia) voted against.^[107]

Nevertheless, despite the sharply negative reaction of the international community and the sanctions that followed from a number of states, on October 5, 2022, Russian President Vladimir Putin signed federal constitutional laws on the admission of the Donetsk and Lugansk People's Republics, as well as the Zaporozhye and Kherson regions, to the Russian Federation. These regions, or rather parts of them, which are actually controlled by the Russian authorities, are considered the territory of Russia from the date of signing the admission agreements between the Russian Federation and the DPR, LPR, Zaporozhye and Kherson regions, that is, 09/30/2022. The transition period will last until January 1, 2026.

Thus, the right to obtain Russian citizenship was received by:

1) citizens of the DPR, LPR and Ukraine, as well as stateless persons permanently residing in the territories of these regions as of September 30, 2022 or previously residing in these territories, but who left for the Russian Federation, including through the territories of third countries.

¹⁰⁶ *Ukraine war: Russian-occupied areas hold 'referendums'*, BBC, September 23, 2022, URL: <https://www.bbc.co.uk/news/world-europe-63003395>

¹⁰⁷ *With 143 Votes in Favour, 5 Against, General Assembly Adopts Resolution Condemning Russian Federation's Annexation of Four Eastern Ukraine Regions*, 11th Emergency Special Session, 13th & 14th meetings (AM & PM), GA/12458, October 12, 2022, URL: <https://press.un.org/en/2022/ga12458.doc.htm>

2) minor children, as well as incapacitated persons under the care of the above-mentioned persons.

At the same time, the condition for recognizing residents of the annexed regions as Russian citizens is that they take the Oath of a citizen of the Russian Federation. The term for consideration of the application is 15 days.

Consideration of all applications for admission to the Russian citizenship before September 30, 2022, submitted by residents of these regions, has ceased.^[108] Regarding applications for the issuance of a temporary residence permit and a residence permit, nothing new is established in the Federal constitutional laws that came into force on September 30, 2022. This allows to conclude that consideration of such applications has continued.

To obtain Russian citizenship, it is required to apply to the Ministry of Internal Affairs and take an oath. It also provides for the passage of mandatory state fingerprint registration and photography.

Thus, as of February 16, 2023, in the Zaporozhye region, according to the data of the acting governor of the region, over 164,577 residents of the region received Russian citizenship, which, in his opinion, is more than a third of the population of the region.^[109] According to the data of the acting governor of the Kherson region, as of March 1, 2023, over 111 thousand applications were registered in the region, 90,000 of which have already been positively resolved and issued passports.^[110] Based on the figures, it is possible to conclude that the local population of both regions is in no hurry to apply for Russian citizenship. This reluctance is associated with fears of a change in the situation at the front, possible consequences. The future of these regions has not yet been determined, despite official statements, admission to Russia, and so on. A vivid example of this is the decision of the Russian military command to retreat from the territories of the right bank of the Dnieper in Kherson region, including from the city of Kherson itself. It is noteworthy that this happened after the so-called "admission" of the

¹⁰⁸ The procedure for filing by persons who have acquired the citizenship of the Russian Federation as a result of their recognition as citizens of the Russian Federation, an application for the issuance of a passport of a citizen of the Russian Federation, approved by Decree of the President of the Russian Federation № 951, December 26, 2022, translated from Russian into English

¹⁰⁹ *The head of the Zaporozhye region announced the issuance of Russian passports to almost a third of the population*, Interfax, March 20, 2023, translated from Russian into English

¹¹⁰ *More than 90 thousand residents of the Kherson region received Russian passports*, Izvestiya iz, March 27, 2023, translated from Russian into English

Kherson region to Russia. All mentioned above causes a distrust into the Russian authorities from the part of even the loyal local population, and also causes fear for their future.

As for the DPR, the situation there is completely different, the region has been under shelling since 2014, the mood in the local society is radically different from the same neighbouring Zaporozhye region, which has never seen hostilities before. Thus, more than 550 thousand residents of the DPR have received Russian passports since the spring of 2019, when a simplified procedure for admission to Russian citizenship was introduced for Donbass, and 103 thousand after the republic joined Russia on September 30, 2022. This is reported in the migration service of the Ministry of Internal Affairs of the DPR.^[111] According to the statistics service of the DPR, the population of the republic as of February 1, 2022 was about 2.2 million people. When calculated taking into account these data, almost 1.87 million people remained to be passportized in the DPR. That is, about a third of the population of the republic received Russian passports. At the current rate of consideration of applications, this will take about 5 years.^[112]

All the above data indicate that the pace of "passportization" is very slow. Similar slow rates are also recorded by the central authorities of Russia. That is why on April 27, 2023, the President signed Decree № 307 "On the Peculiarities of the Legal Status of Certain Categories of Foreign Citizens and Stateless Persons in the Russian Federation."

This decree determined the status of citizens of the LPR, DPR, Ukraine, as well as the Kherson and Zaporozhye regions, if they do not receive Russian citizenship. According to the document, people who lived in the territories of new regions on the day of their admission to the Russian Federation, or who previously lived and left for the Russian Federation, who declared their desire to retain their former citizenship and did not take the oath of a Russian citizen, will be considered as the foreigners and stateless persons. For them, the features of registration at the place of residence (migration registration) are established.^[113]

¹¹¹ *After the DPR was admitted to Russia, the passportization process accelerated three times*, Vedomosti, February 7, 2023, translated from Russian into English

¹¹² *What is known about the regions joining Russia*, RBC, October 03, 2022, translated from Russian into English

¹¹³ Decree of the President of the Russian Federation of April 27, 2023 № 307 "On the peculiarities of the

Separately, the document states that, with the exception of some cases, decisions on deportation, non-permission of entry and undesirability of stay in the Russian Federation will not be made with respect to those who wish to retain their former citizenship and stateless persons. In other words, other legal measures will be taken against such citizens, namely, administrative sanctions in the form of penalties, fines, etc. ^[114]

However, residents of new regions without Russian citizenship may be expelled or deported from Russia if they pose a threat to its national security. The decree implies people who are in favour for a violent change in the fundamentals of the constitutional order of the Russian Federation, planning or financing terrorist attacks or extremist crimes.

The Decree also defines the procedure for obtaining VNJ in Russia by the relevant citizens. The term for consideration of the application should not exceed 20 working days. ^[115]

Foreign citizens and stateless persons who lived in the “new regions” as of September 30, 2022, on the basis of the relevant documents issued by the authorities of Ukraine, the DPR and LPR, can continue to stay in these territories using these documents until July 1, 2024. Thus, the Russian authorities set temporary deadlines to add motivation for Ukrainian citizens living in these 4 regions.

In other words, this decree is a direct hint to the residents of these territories that in case of non-acceptance of Russian citizenship, sanctions may be applied, and in some cases, forced deportation. In my opinion, such measures are a violation of international human rights documents, in particular, violation of Article 15 of the Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948, which clearly states that "Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality". ^[116]

legal status of certain categories of foreign citizens and stateless persons in the Russian Federation", Articles 1-5, translated from Russian into English

¹¹⁴ *Putin threatens to deport Ukrainians from regions annexed by Russia*, Benoît Vitkine, Le Monde, April 29, 2023, URL: https://www.lemonde.fr/international/article/2023/04/29/putin-threatens-to-deport-ukrainians-from-regions-annexed-by-russia_6024766_4.html

¹¹⁵ Decree of the President of the Russian Federation of April 27, 2023 № 307 "On the peculiarities of the legal status of certain categories of foreign citizens and stateless persons in the Russian Federation", Article 6, translated from Russian into English

¹¹⁶ Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, Article 15

SUBCHAPTER VI – UNITED MIGRATION CENTERS

Only for the period from February 2022 to March 28, 2023, according to the Ministry of Internal Affairs of Russia, the number of refugees who arrived in Russia from Ukraine increased to 5,5 million people.^[117] Among them are 738 thousand children. That is why the work of state authorities, as well as commercial and public organizations in the field of social adaptation and integration of Ukrainians is a great necessity nowadays.

Most Ukrainians coming to Russia face a lot of difficulties and barriers when it comes to obtaining migration permits, even despite the legislative measures that were aimed at unifying, simplifying and accelerating the bureaucratic procedures. In particular, the obligation of every Ukrainian to undergo the migration registration in order to issue permits binds every Ukrainian to the territorial body of the Ministry of Internal Affairs in each region. The fact is that in most regions of Russia there is no centralized organization of the migration process. For example, in order to undergo a medical examination, one must register in advance only at government-certified medical institutions and hospitals, and since there are not very many of them, all migrants, including Ukrainian refugees, have to stand in huge crowds of queues every day to undergo these procedures. It is necessary to translate documents in another place, pay the state duty at the bank, etc.

It should be noted separately the process of entrance in a queue in the territorial body of the Ministry of Internal Affairs. Thus, for example, in the Lyubertsy Department for External Migration of the Moscow Region, it is possible to register for a queue for the submission of a dossier for RVP, VNJ, citizenship and even refugee and “temporary asylum” status only in the morning from 9 to 11 a.m., despite the fact that the queue begins to form near the building from 7 am. Moreover, if a Ukrainian manages to obtain a queue ticket on the day of visiting the Department, then the queue for submission of application will last approximately from 3 to 5 months. That is, if a Ukrainian came to apply for Russian citizenship in August 2022, what means immediately after the approval of the Presidential Decree of July 14, 2022, then he

¹¹⁷ *Over 5.5 mln refugees arrive in Russia from Ukraine, Donbass since February 2022*, TASS, Moscow, March 28, 2023, URL: <https://tass.com/society/1595413>

could submit his application with documents in the Moscow Region no earlier than December 2022. And if on the day of submission of the dossier it suddenly turns out that the package of documents was assembled incorrectly or contains mistakes, it will be necessary to re-register for another date.

Nevertheless, there is also a positive practice in several regions of Russia. However, it depends on the place where the foreign citizen underwent the migration registration. For example, if a Ukrainian is in the migration register in the city of Moscow, then it will be much easier and faster for him or her to submit a dossier than for Ukrainians registered in neighbouring and other regions. The case is that since 2015, the Multifunctional Migration Centre "Sakharovo" has been opened in Moscow. It is an official division of the Ministry of Internal Affairs. It means that employees of the Ministry work in this centre and are engaged in the comprehensive provision of all migration services for foreigners registered in Moscow, including Ukrainian citizens and refugees. This centre is a gigantic complex of buildings where it is possible to undergo a mandatory medical examination, pass an exam of the Russian language knowledge, undergo a mandatory fingerprint registration procedure, apply for a temporary residence permit, VNJ, Russian citizenship, temporary asylum, refugee status and much more within one day. The centre also has an adaptation centre where foreigners are explained the rules of behaviour in Russian society, get acquainted with the customs of the country, as well as with the national laws and culture. The migration centre "Sakharovo" is located outside the main part of the city of Moscow, in the village of the same name "Sakharovo", situated in New Moscow region.

The territory of the migration centre is guarded by the police, only foreign citizens are allowed to enter, upon presentation of a passport. Russian citizens are not allowed to enter the territory of the centre. The only exceptions are cases where a Russian citizen is a legal or authorized representative of a foreigner and can confirm this with a special document, for example, a power of attorney.

The territory of the complex is closed, fully landscaped and fenced, round-the-clock guarded by its own security service. The residential premises of the hotel complex can accommodate up to 7 thousand people at a time. Rooms for 1 to 6 people are fully equipped. The dining room of the hotel complex can accommodate up to 300 people

and allows to organize nutrition 3 times per day for visitors.^[118]

A variable approach to working with foreign citizens also consists a feature of the migration centres. Depending on the need, the implementation of the necessary procedures is possible both with accommodation in the migration centre and without it.

The migration centre has a system of electronic queue and remote verification of a package of documents. It means that the applicant does not have to wait in a live queue. It is enough to register on the official website of the migration centre, select the service the applicant plans to receive and upload scans of all the necessary documents for submitting the dossier. After all scanned documents are uploaded, the centre employee checks them, and if all the documents are collected and sent correctly, the applicant is entitled to choose the date and time of the visit to the centre in order to submit the documents in person. Thus, on the day of the appointment, the applicant arrives at the migration centre with an electronic record coupon, waits until the centre's employee will call him or her and then transfers to him the full package of documents, which has already been previously checked by the migration service officer remotely. It is quite convenient, simple, quick and efficient.

The migration centre has its own hospital and medical centre where it is possible to undergo a medical examination, a hotel, a canteen, a shower, accessible public transport, a photo studio, an interpreter department, an examination centre, an archive centre, terminals for paying state fees, as well as a consultation department. If a foreigner needs specialist advice, this can be done at the Consultation Department by prior electronic appointment. In the centre, it is possible to receive qualified and timely assistance and advice on any issues that have arisen. Also, there are paid services for filling in all application forms in the centre, as well as computers and printers in case the applicant needs to correct errors in the application. The centre contains everything that a foreign citizen needs to receive high-quality public services in the field of migration.

One of the main goals of creating a multifunctional migration centre is to increase not only the availability, but also the level of quality of all those services that are provided to foreign citizens in Russia. The very concept of the migration centre provides an opportunity to solve absolutely all issues in the field of migration in one

¹¹⁸ *Moscow Mayor attends unveiling of new migration centre*, Sputnik Media Bank, New Moscow, January 29, 2016, URL: https://sputnikmediabank.com/story/list_515751/?sort=date_add

building and acquire a high-quality and worthy service. The activities of the migration centre are aimed at creating conditions for the disappearance of the practice of using fake permits and documents, which are often used by foreign citizens due to ignorance, as well as to avoid fraud in this area.

Unfortunately, such migration centres in Russia are still a rarity. The multifunctional migration centre "Sakharovo" serves only those foreigners who are in the migration register of Moscow. In most other regions of Russia, Ukrainians, sometimes even with small children, have to wait many hours in live queues every day at the regional offices of the Ministry of Internal Affairs. Most of these buildings were built during the Soviet era, have not been renovated since Soviet times and are not adapted to receive such a large amount of people, since migration was not very common in the USSR.

However, the situation is gradually changing. From year to year, new unified migration centres are being built and opened in various regions of Russia. As of June 2023, 7 Unified Migration Centres have already been created in Russia in 7 of 85 Russian regions: Altai Territory and the Republic of Altai (Siberia), Voronezh, Kaluga, Moscow, Amur Regions and, of course, in the city of Moscow.^[119] It should be noted that the level and quality of service in regional migration centres is different and often not for the best. However, the very fact that the Russian Government is aware of the problem and is making attempts to solve it causes more favourable expectations.

CHAPTER IV – SOCIAL ASPECTS

SUBCHAPTER I – HOUSING RIGHTS

1.1. Legal aspect. Article 21 of the 1951 Refugee Convention states: «As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same

¹¹⁹ *Why are the Unified Migration Centres needed and do they help to cope with illegal migration*, D.N. Suleimanov T.N. Mekhova A.S. Sayapina, 2016, translated from Russian into English, URL: <http://xn----8sbksjoc4cd.xn--p1ai/menu/trud-zanyatost-migratsiya-novosti/274-zachem-nuzhny-edinye-migratsionnye-tsentry-i-pomogayut-li-oni-spravitsya-s-nelegalnoj-migratsiej.html>

circumstances.».^[120]

The legal regulation of relations in regards to the placement of indicated citizens on the Russian territory is carried out at the federal level through the current federal laws, which must be applied in accordance with the established reasons. The basis for settling in a specialized housing stock will be either a refugee or "temporary asylum" status.

A characteristic feature of the mechanism for providing housing for persons with these statuses is also the period for providing such housing, in particular, this period is not more than 3 years - the validity of the refugee status. The specialized housing stock is administered by both federal state bodies and municipalities. However, the direct management of this housing stock is carried out with the help of the territorial bodies of the Ministry of Internal Affairs. It is they who compile lists of refugees, determine their legal status in the Russian Federation, issue documents of a certain form, and also carry out the resettlement of refugees, taking into account the capabilities of the region and the needs of the population. It should be noted that resettlement occurs in order of priority. When providing housing to refugees, their age, the presence of a family and the number of its members, their nationality and other characteristics that are important for the type of building, its area, location, etc. are taken into account.

The specialized housing stock includes dormitories, apartments, houses and other residential premises, but is usually owned by the Russian Federation. It seems that the legislator focuses on the fact that there are other residential premises, but does not give clear explanations about what other residential premises are provided for the residence of refugees and displaced persons.

The current procedure for providing housing for refugees includes:

- 1) submission of an appropriate application to the state commission for the distribution of housing;
- 2) registration of such citizens as those in need of housing;
- 3) conclusion of a contract for social rental of housing from a specialized housing stock for temporary settlement of refugees or persons with the status of "temporary

¹²⁰ Convention relating to the Status of Refugees, adopted on 28 July 1951 by the Conference of Plenipotentiaries on the Question of the Status of Refugees and Stateless Persons, convened in accordance with General Assembly resolution 429 (V) of 14 December 1950, Article 21

asylum".^[121]

The contract of social rental of housing assumes that the applicant will rent housing from the state or municipality free of charge or at a very low price.

Housing is provided on a priority basis. The priority is determined in accordance with a single list of persons recognized as refugees or who have received the status of "temporary asylum" to receive housing from a specialized housing fund and a list of the same persons, but having the right to receive priority and extraordinary housing.

After the turn has come, depending on the date of the submitted application, the person is offered to conclude a rental contract of an accommodation from the housing fund for the temporary settlement of refugees or displaced persons. It is worth to note that the status of "refugee" does not allow the applicant to freely choose the accommodation in which he or she wants to settle.

In the case of Ukrainian refugees, the procedure for settling in temporary accommodation centres was an ordinary formality, since it took place in an accelerated mode. It means that the housing fund was filled in a few days. Nevertheless, it is worth to underline that in February 2022, most of the accommodations centres for refugees and displaced persons became overcrowded, which forced the Russian regional authorities to quickly look for the new places to settle people.^[122]

1.2. Temporary accommodation centres in Russia. As of the end of October 2022, the number of temporary accommodation centres for refugees from the "new territories" of Russia and the rest of Ukraine reached 807, almost 40 of them are located on the territory of the border Rostov region. At the end of May 2022, it was reported that 55 regions deployed 37 more temporary accommodation centres in 17 days to receive refugees from the DPR, LPR and Ukraine - a total of 568 for 33 thousand people. For comparison, on May 13, 531 temporary accommodation centres functioned in 53 regions of the country. There are 40,680 people in 807 temporary accommodation centres in 58 regions of Russia, including 12,470 children.^[123] It is also worth

¹²¹ Order of the Ministry of Federation of the Russian Federation № 83 "On approval of the regulatory act on the housing fund for temporary settlement of persons recognized as refugees and its use" together with the "Procedure for registering persons recognized as refugees in need of housing from the housing fund for temporary settlement, and providing them with the specified housing", adopted on October 05, 2001, articles 5-8, translated from Russian into English

¹²² *Over 58,000 Ukrainian refugees remain in Russian accommodation centres*, TASS, Moscow, September 09, 2022, URL: <https://tass.com/russia/748690>

¹²³ *The number of temporary accommodation centres for refugees in Russia has reached 807*, RIA News,

emphasizing the fact that there are no temporary accommodation centres in Moscow.

According to the Commissioner for Human Rights in Russia, as of December 2022, 42,294 people, including 12,532 children, are in 880 temporary accommodation centres in 61 regions of the Russian Federation.^[124] Thus, it may be concluded that the number of such centres is still increasing.

Transportation and services for refugees who live in temporary accommodation centres are provided by public or specially allocated vehicles equipped to transport people. Conventionally, points of temporary accommodation can be classified into the following types: stationary points of temporary accommodation and tent points of temporary accommodation.

For stationary temporary accommodation, various buildings and structures can be used that have an appropriate structure prepared for priority life support such as sanatoriums, rest homes, kindergartens, schools, shelters, etc. In case of an insufficient number of places equipped for the priority life support of refugees, service and amenity premises, clubs, etc. can be used. In this case, it is planned to use the infrastructure of the nearest civil settlement in which the temporary accommodation centre is located. They may be: swimming pools and bathrooms, laundries, canteens, stationary medical institutions, post offices, hairdressers and other household services. On the territory of the building there must be a medical centre, a canteen with a staff of workers, which makes it possible to provide refugees with hot meals three times per day.^[125]

The main tasks performed by stationary points of temporary accommodation are: meeting and registration of arriving refugees, organization of accommodation and priority life support for refugees, organization and provision of medical care, ensuring the maintenance of public order, organization of instruction and information for refugees, documenting the movement of refugees from the centre. The latter can be called a “movement control”.

October 24, 2022, translated from Russian into English, URL: <https://ria.ru/20221024/bezhentsy-1826256366.html>

¹²⁴ *On the results of the work of the Commissioner for Human Rights in the Russian Federation with the appeals of citizens from the Donetsk, Lugansk People's Republics, Zaporozhye, Kherson regions and Ukraine for 2022*, Commissioner for Human Rights in Russia, January 19, 2023, translated from Russian into English, URL: <https://ombudsmanrf.org/ombudsman/bio/novosti-upolnomochen-ogo/0b2c1e72-5504-4a0d-9810-f87b7f5170f8>

¹²⁵ Guidelines for the organization and equipment of temporary accommodation centres for the affected population from natural and man-made emergencies, as well as internally displaced persons (refugees), approved by the Russian Emergencies Ministry in 2009, articles 1-3, translated from Russian into English

Tent centres for temporary accommodation or camps, depending on the situation, can be equipped either within the city with developed engineering communications (for example, at stadiums, markets, etc.) or near the settlements with an existing power supply network, water supply and road network, on unprepared engineering terrain such as, for example, a field. As a rule, the camp is equipped in an area with stable sources of water supply, electricity supply, near a railway or a hard-surfaced highway, within the range of a telephone connection. The capacity of the camp is determined based on the number of campers. Typical camps are for 500 and 1000 people. ^[126]

To maintain general and internal order in the camp, a commandant service is organized, which is entrusted with the following duties: meeting, registration, accommodation and life support for refugees; registration of their arrival and departure, documentation; maintenance of internal order; ensuring the necessary sanitary conditions; organization of useful leisure for children and adolescents; organization of the work of household services of the camp; round-the-clock security of the camp and organization of access to the camp.

Persons among the employees of local governments and bodies that manage civil defence, health care, internal affairs, communications, social security, as well as volunteers from various charitable or human rights organizations are appointed to the commandant service.

When accepting and accommodating refugees, records and registration are carried out by the representatives of the Ministry of Internal Affairs.

For the organization of food supply, the forces and means of the food service are used at the location of the camp. If there are no food enterprises in the area of the camp, direct delivery of food products from nearby settlements is provided. Hot food in the camp is issued, as a rule, three times a day. If it is impossible to fulfil this requirement, hot food is prepared 2 times a day, and intermediate meals are given in a dry form at the expense of the daily allowance.

Cooking can be carried out using field kitchens (designed for 125 people). Portable kitchens and kettles may be used to prepare baby food. Cooking staff can be

¹²⁶ Guidelines for the organization and equipment of temporary accommodation centres for the affected population from natural and man-made emergencies, as well as internally displaced persons (refugees), approved by the Russian Emergencies Ministry in 2009, Article 5, translated from Russian into English

involved both from military units and from among the refugees themselves.^[127]

Distribution points are organized in the camp to provide basic necessities and food. Domestic service points are also provided and, first of all, bath and laundry services and personal hygiene needs are provided. There are also hairdressing salons on the territory of the centre, for the provision and operation of which the refugees themselves are involved.

The purpose of medical support is to provide medical care in case of injuries and acute illnesses, control over the maintenance of the necessary sanitary and hygienic conditions, and prevent the occurrence and spread of infectious diseases. Medical support in the camp is carried out through the deployment of medical centres, the involvement of forces and means of the sanitary and epidemiological service as well as ambulance stations.

An outpatient appointment at a medical centre is usually organized and carried out at certain hours, and emergency care should be provided at any time of the day. Patients in need of specialized medical care are referred for stationary treatment in a hospital.

For the purposes of information as well as moral and psychological support for refugees, reference and information and socio-psychological services are provided.

Based on personal and professional experience, it is worth to underline the most important disadvantage of the temporary accommodation centres. This is their remoteness from cities and hospitals. By reason of this, in my opinion, many temporary accommodation centres in the Moscow and Kaluga regions, as well as in Russia as a whole, are not suitable for people with chronic diseases to live in them. Moreover, the remoteness of temporary accommodation centres complicates the way to the workplace. Such situation is not only in the Moscow region. The office of the Ombudsman of the Voronezh Region also reported on mass complaints from residents of temporary accommodation centres in September 2022 due to the remoteness of the points from schools and kindergartens. As a result, it was possible to organize the transportation of children by special buses.^[128]

1.3. Basic needs of people living in temporary accommodation centres. As of

¹²⁷ Guidelines for the organization and equipment of temporary accommodation centres for the affected population from natural and man-made emergencies, as well as internally displaced persons (refugees), approved by the Russian Emergencies Ministry in 2009, Article 6, translated from Russian into English

¹²⁸ *How the life of refugees from Ukraine in Russia has changed*, RBC, March 25, 2023, translated from Russian into English, URL: <https://www.rbc.ru/society/25/03/2023/641439d69a79476c60ed27b9>

the end of March 2023, charitable foundations note a change in the needs of Ukrainian refugees: if people asked for only the most necessary things previously, such as jackets, warm socks, underwear, then over time, requests for clothes for work, school or home began to arise. Irina Kozlovskikh, PR-manager of the “Second Breath” Foundation, describes: “Help also became more diverse: at first it was important to provide people with the most necessary things, and then the emphasis changed – someone needs a dress for prom, someone needs trousers for work.”. ^[129]

"Basic humanitarian issues remain in the foreground - food, hygiene, bed linen, clothes and shoes, and children need computers or tablets for study," - the press service of the Civic Assistance Refugee Assistance Committee says. It is mentioned that "material support is also needed so that people can buy medicines and the products they need - recently, for example, a family contacted the committee, all members of which, for medical reasons, do not eat meat, and there are no vegetarian alternatives in the temporary accommodation centre." ^[130]

It is also worth to note that not every location has a telephone connection, since the buildings are located outside the cities and villages, in a remote province. In most regions of Russia, where there are no large settlements nearby, mobile communications either work intermittently or are completely absent. During my personal visit to a temporary accommodation facility in the Zhukovsky district of the Kaluga region, which is in 120 km south of Moscow in May 2023, many residents complained that they often had to walk to the nearest village in order to be able to communicate with family, friends, use Internet. The temporary accommodation centre itself is located in the middle of a picturesque forest, a river and a municipal road, and the distance to the nearest village is 2-3 kilometres.

SUBCHAPTER II – FINANCIAL AID AND LEVEL OF STATE SUPPORT

2.1. Budget expenditures to support refugees. The life situation of Ukrainian refugees who came to Russia is often difficult. There are many challenges: material,

¹²⁹ *Documentary Humanitarian Challenges: What Problems Do Ukrainian Refugees Face in Russia Now*, RBC Newspaper, March 25, 2023, translated from Russian into English

¹³⁰ *How the life of refugees from Ukraine in Russia has changed*, RBC, March 25, 2023, translated from Russian into English, URL: <https://www.rbc.ru/society/25/03/2023/641439d69a79476c60ed27b9>

social, personal. Along with place of residence, people also change their profession, social status, material and living conditions, social environment, as well as lose their property. Everyday issues arise sharply: housing, employment, material and financial support, placement of children. The lifestyle changes entirely. The family situation, financial, socio-economic situation is changing, roles are changing: the complete social isolation of women, the lack of opportunities for professional self-realization for them as well as the establishment of new social ties. Many Ukrainians come to Russia to live with relatives, causing discomfort and tension.

All this justifies and confirms the need for financial assistance and state support in order to mitigate the consequences of the difficult financial situation of many Ukrainian families. As of August 2022, according to the BBC, the Russian government has allocated more than 150 million euros from its reserve fund to the regions - for temporary accommodation centres and the payment of financial assistance to refugees.^[131] Only to transport refugees, the authorities spent more than 5 million euros - this amount was allocated by the Ministry of Transport of the border Rostov Region for 3 contracts with a local auto company. The government allocated 43 million euros from its reserve fund for accommodation and meals in temporary accommodation centres. The budget also pays for the costs of medical care and anti-covid vaccinations for refugees. For example, in the Rostov region, which hosts the largest number of refugees from eastern Ukraine, the Russian government has allocated more than 5 million euros to pay for federal mobile medical teams, medical examinations and PCR tests for refugees.

However, the principal part of the budget expenditures for the reception of those who are forced to leave Ukraine is the payment of one-time benefits in the amount of 140 euros. Thus, by the end of June 2022, the Rostov region received 72 million euros for distribution to refugees. Another 5 regions of southern Russia were instructed to distribute a total of more than 29 million euros. Money is transferred to refugees from the government's reserve fund not directly, but through the budgets of 8 southern regions - they are called "payment centres". For example, refugees who are in the Leningrad region, according to the BBC, are paid money by the border Kursk

¹³¹ *Life from zero. How much does Russia spend on accepting refugees from Ukraine*, Ksenia Churmanova, BBC Russian Service, August 12, 2022, translated from Russian into English, URL: <https://www.rbc.ru/society/25/03/2023/641439d69a79476c60ed27b9>

region.^[132]

2.2. Types of payments and assistance. It is obvious that Ukrainians arriving in Russia count not only on the provision of a roof over their heads, but also on timely payment of benefits. It is important to understand that, due to the large number of refugees, benefits are small. According to the federal law "On Refugees", a person with refugee status can be paid a daily allowance in the amount of:

- “1) 1.3 euros per able-bodied person;
- 2) 2 euros for disabled persons.”^[133]

In some regions, the allowance is paid in the amount of more than indicated above.

Considering the 2022 living minimum wage of 185 euros per month approved by the Russian government, the amount of payments for refugees is humiliatingly low.^[134] It is impossible to survive even 1 day having 1.3 euros in Russia. This is another reason why most Ukrainians do not claim refugee status preferring to choose other options.

This fact, apparently, is also understood by the Russian authorities, since on September 2, 2022, the Russian Government adopted Decree № 1547 “On the procedure for providing payments to citizens of the Donetsk People's Republic, the Lugansk People's Republic, Ukraine and stateless persons who were forced to leave the territories of the Donetsk People's Republic, Lugansk People's Republic, Ukraine and those who arrived on the territory of the Russian Federation.».

Thus, the Decree covers not only those Ukrainians who obtain the “refugee” status, but all Ukrainian citizens in general, as well as citizens of those republics on the territory of Ukraine, whose independence Russia officially recognized before being admitted to its territorial composition. Moreover, stateless persons who permanently resided on the territory of Ukraine and were forced to leave it also received the right to receive payments. The Decree covers only those applicants who arrived in Russia after February 18, 2022. Thus, this time period also includes a period of organized mass evacuation of civilians to Russia from territories controlled by the governments of the

¹³² *Life from zero. How much does Russia spend on accepting refugees from Ukraine*, Ksenia Churmanova, BBC Russian Service, August 12, 2022, translated from Russian into English, URL: <https://www.rbc.ru/society/25/03/2023/641439d69a79476c60ed27b9>

¹³³ Decree of the Government of the Russian Federation № 484, adopted on May 23, 1998, par. a-b Article 1, translated from Russian into English, URL: <https://goo.su/sKr20Wd>

¹³⁴ *Subsistence minimum approved for 2022*, Ministry of Labour and Social Protection of the Russian Federation, July 01, 2021, translated from Russian into English, URL: <https://goo.su/GqV5>

DPR and LPR before the beginning of large-scale hostilities.

Thus, persons arriving on the territory of the Russian Federation are entitled to apply for the following payments:

- “1) monthly social benefit for disabled people – 140 euros;
- 2) monthly pension benefit – 140 euros;
- 3) additional payment to the first two payments provided to disabled people of group I, disabled children, as well as persons who have reached the age of 80 years - 43 euros;
- 4) monthly benefit to veterans of the Second World War - 71.5 euros;
- 5) one-time payment to pregnant women - 140 euros;
- 6) one-time payment at the birth of a child - 280 euros;
- 7) monthly benefit for each child under the age of 18 or up to 23 years (subject to full-time education) - 55 euros, and if a child under the age of 18 is under guardianship - 215 euros;
- 8) monthly benefit to a single parent for each child - 140 euros”.^[135]

The data is presented in euro currency, taking into account the average exchange rate in Russia for 2022.

The listed social benefits and payments were assigned for the period from July 1, 2022 to December 31, 2022 inclusively. Since the number and situation of Ukrainian refugees who received social benefits are unlikely to have changed radically by the beginning of 2023, it could be expected that the measures provided for by Decree № 586 and the Government Decrees aimed at its implementation would be extended somehow. Unfortunately, as of June 2023, this has not happened. However, since March 01, 2023, residents of the “annexed” regions, regardless of citizenship, obtained the right to recalculate their pensions and social benefits, as well as bring them into full compliance with Russian legislation in the field of pensions and social protection.^[136]

Social payments were made to persons who arrived on the territory of the Russian Federation, who have a permanent place of residence in the territories of the DPR, LPR

¹³⁵ Decree of the Government of the Russian Federation № 1547 "On the procedure for providing payments to citizens of the Donetsk People's Republic, Lugansk People's Republic, Ukraine and stateless persons who were forced to leave the territories of the Donetsk People's Republic, Lugansk People's Republic, Ukraine and arrived on the territory of the Russian Federation", adopted September 02, 2022, Articles 2, 26, 33, 38, 43, 46, 51, 58, 65, translated from Russian into English

¹³⁶ *Pensions of residents of new regions will be recalculated according to Russian laws*, RBC, March 01, 2023, translated from Russian into English, URL: <https://goo.su/k7vpri>

and Ukraine, which must be confirmed by a stamp in the applicant's passport, about his registration at the place of residence issued by the authorized bodies of the DPR, LPR and Ukraine, or a certificate on his registration at the place of residence in the indicated territories, issued by the relevant authorized bodies, or by a court decision.

For the appointment of payments, Ukrainians applied to the authorized regional state body at the place of stay. As a rule, this role of such an authorized body is played by the Social Security Service.

Ukrainians who arrived in Russia, when applying for social benefits, were primarily required to confirm the legal grounds for their stay on Russian territory by submitting the following documents or information to the social security service: migration card, stamp in the identity document on crossing the state border after February 18, 2022, RVP or VNJ, migration registration document, etc. In addition to successful confirmation of the legal status of stay in Russia, the applicants also had to prove the minimum grounds for receiving the benefits listed above. It is also worth to emphasize the fact that it was not necessary to translate documents into Russian in order to receive monthly benefits.

According to the human rights and charitable organization "Civic Assistance Committee", as reported above, the most problems in the implementation of this Decree were associated with the requirement to submit documents on migration registration and confirmation of legal stay, as well as confirmation of the status of a single parent when applying for monthly payment to a single parent. Among the Ukrainian refugees there were many single mothers with children who cannot confirm this status. The fact is that in the birth certificate of children in Ukraine, as well as in Russia, in the absence of an official marriage between the parents, the data of the child's father is recorded from the words of the mother. Therefore, both parents often appear in birth certificates for children although such family is a single-parent. In these cases, the status of a single parent can be confirmed only by a special certificate from the registry office stating that the father's data is entered in the birth certificate according to the mother's words. Evidentially, that in the emergency circumstances in which the refugees left their places of permanent residence, they did not have the opportunity to acquire such certificates. Due to the lack of these certificates, many single-parent families, including those with

many children, were denied social benefits to a single parent.^[137]

It is clear that among the refugee families, consisting of women with children, there are not only single mothers, but also women whose husbands could not leave for Russia with their wives and children. Formally, these are complete families, but in fact, at the moment, fathers cannot support their children. In my personal opinion, when providing temporary assistance to children who are in Russia with one parent, the state should have proceeded from the actual situation of the families, and not from the availability of all documents - especially since leaving with documents for objective reasons in many cases was impossible.

At the moment, the amount of financial support from the state in the field of payments has decreased. This is mainly due to the fact that the majority of Ukrainians who came to Russia either entered into Russian citizenship or are still in process of obtaining it. Those individuals who have received Russian citizenship can be fully satisfied with all the social support that all citizens of Russia enjoy.

It is also worth to note that during the evacuation from the LPR and DPR before the war in February 2022, the President of Russia also appointed one-time payments in the amount of 140 euros to all persons who left Ukraine for Russia. Subsequently, the Russian Government allocated this amount one more time in April 2022, until monthly benefits were introduced in September until the end of 2022.^[138] Nevertheless, refugees interviewed by journalists have repeatedly complained about many months of delays in receiving money after submitting documents. Refugees who came to Russia through third countries - Belarus or Poland - also had problems with payments. Such border crossing constitutes ground for denial. In the report of the Commissioner for Human Rights in Russia for 2022, it is stated that since February 2022, “a significant number of applications have been received regarding the receipt of one-time payments and other measures of social support. As a result, it was possible to provide assistance to 5537 citizens, including at the request of regional commissioners for human rights. The problem of timely receipt of benefits has become systemic by mid-April 2022, payments were made only for 48.7% of the total number of applications submitted for

¹³⁷ *Report: State assistance to Ukrainian refugees in the Russian Federation in 2022: a review of regulations*, “Civic Assistance” Committee, May 19, 2023, Chapter 3, pages 39-40, translated from Russian into English, URL: <https://refugee.ru/dokladyi/normative-acts-ukraine/>

¹³⁸ *Over 5.5 mln refugees arrive in Russia from Ukraine, Donbass since February 2022*, TASS Moscow, March 28, 2023, URL: <https://tass.com/society/1595413>

its receipt. To resolve the situation, we turned to the working group of the Government Commission, to state authorities and to the Prime Minister.”^[139] As of January 31, 2023, more than 64 thousand applications have been paid in Crimea alone.^[140]

In addition to the payments provided for by the Decree, there are also other benefits. For example, those Ukrainians who have acquired VNJ or "refugee" status are entitled to claim a Russian pension. When determining the eligibility to an insurance pension for residents of the DPR and LPR, periods of work on the territory of the Ukrainian SSR, Ukraine, as well as the DPR and LPR recognized by Russia as sovereign and independent states are taken into account. In 2023, men from 61.5 years old and women from 56.5 years old, who have at least 13 years of insurance experience and the corresponding individual pension coefficient, are entitled to an old-age insurance pension on a common basis. Certain categories of individuals may start receiving pension benefits in advance.^[141] For example, in the absence of the necessary insurance experience, it is possible to apply for a social old-age pension for men from 66.5 years old, for women from 61.5 years old. As of June 2023, the average amount of pension in Russia consists 200 euros per month.^[142]

However, the Commissioner for Human Rights in Russia, as well as regional ombudsmen, very often report difficulties in obtaining pensions, in particular, due to the loss of documents by applicants and the impossibility of restoring them. “The circle of problems is related to the restoration of documents - the archives have not been preserved in many cases, and a new approach is needed to solve the problem: how to confirm the work experience when assigning a pension. We will solve such problems in a legislative manner, from scratch,” says Tatiana Moskalkova, Commissioner for Human Rights in Russia.^[143]

The Commissioner for Human Rights in the Voronezh Region, Sergei

¹³⁹ *Report on the activities of the Commissioner for Human Rights in the Russian Federation for 2022*, May 16, 2023, page 69, translated from Russian into English, URL: <https://ombudsmanrf.org/documents/ezhegodnye-doklady>

¹⁴⁰ *More than 64,000 of displaced persons from new regions received payments in Crimea*, RIA News, January 31, 2023, translated from Russian into English, URL: <https://goo.su/2KDBJ>

¹⁴¹ *Retirement Age Men in Russia remained unchanged at 61.50 in 2022 from 61.50 in 2021*, Pension Fund of the Russian Federation, URL: <https://tradingeconomics.com/russia/retirement-age-men>

¹⁴² *Average gross monthly volume of retirement benefits per pensioner in Russia from 2015 and 2023*, April 18, 2023, Statista, URL: <https://goo.su/W9nCL91>

¹⁴³ *The Ombudsmen announced problems with the calculation of pensions for refugees from Ukraine: The situation is complicated by the lack of archives and responses from the Pension Fund of Ukraine*, RBC, November 17, 2022, translated from Russian into English, URL: <https://goo.su/GhyWEU>

Kanishchev, also noted that earlier information about the length of service was collected by the Pension Fund of Ukraine, as well as deciding on the appointment of pension payments. “After the beginning of the special operation, we do not receive answers to the requests sent. The displaced persons themselves, who have reached retirement age, are limited in obtaining the necessary data, certificates, extracts - in connection with the hostilities, their borders are closed». ^[144]

The Ombudsman of the Smolensk region, Alexander Kapustin, also reported that he had received about 10 appeals for allocating pensions. He claims that “People have difficulties in calculating pension coefficients, which depend, among other things, on work experience». ^[143]

Separate assistance is also provided to residents of the Kherson region of Ukraine. From the end of February to November 11, 2022, this region was completely controlled by the Russian armed forces. However, in early November, due to the logistical and military difficulties, the Russian authorities decided to retreat from the right bank of the Dnieper River in the Kherson region. During the retreat, the Russian authorities also organized a mass evacuation of local residents who expressed a desire to resettle in Russia, obtained Russian citizenship, or officially and unofficially collaborated with the Russian military administration in the region, and as a result feared persecution after the region returned to Ukrainian control. According to the Russian military administration of the Kherson region, 80,000 people were evacuated. ^[145] After the evacuation, the Russian government has developed a special housing program in order to provide a new accommodation for them.

Individuals who left their place of permanent residence in the city of Kherson or part of the Kherson region and arrived in an emergency mass order in other regions of Russia for permanent residence are entitled to receive social benefits for the purchase of accommodation on the basis of an issued state housing certificate. With the help of such a certificate it is possible to buy an apartment, a part of an apartment, a house or a part of a house in any region of Russia.

The amount of payment for the purchase of residential premises is determined

¹⁴⁴ *The Ombudsmen reported problems with the calculation of pensions for refugees from Ukraine*, Novy Vzglyad, November 18, 2022, translated from Russian into English, URL: <https://goo.su/RtEMW71>

¹⁴⁵ *Close to hundred thousand civilians still stay in Kherson, evacuation continues - mayor*, TASS Moscow, November 11, 2022, URL: <https://tass.com/society/1535381>

based on the approved cost of one square meter of the total area of residential premises in Russia for the entire remaining period of the provision of support measures - 1000 euros, as well as the established norm of residential area per person. For one citizen, this norm is 33 sq.m., for a family of 2 people - 42 sq.m., and for a family of 3 or more people - 18 sq.m. m. for each family member.^[146] Thus, the value of the housing certificate is:

- 1) for one person - 33,000 euros;
- 2) for a family of 2 members - 42,000 euros;
- 3) for a family of 3 members - 54,000 euros + 18,000 euros for each family member if there are more than 3.

This amount is impressive and seriously allows the evacuated residents of Kherson and the right-bank part of the Kherson region to acquire new housing. Thus, the former residents of Kherson and part of the Kherson region are provided with very significant assistance - such assistance that other refugees could only dream of. And not only refugees, but Russian citizens as well.

The procedure, conditions, unified rules for accepting documents and providing housing certificates to individuals who left the city of Kherson or parts of the Kherson region are determined by the Decree of the Government of the Russian Federation dated October 21, 2022 № 1876 "On the implementation of measures to resettle residents of the city of Kherson and the right-bank part of the Kherson region, forced who left their place of permanent residence and arrived in an emergency mass order on the territory of other subjects of the Russian Federation».

This certificate is obtained in any region of Russia, including the Crimea, as well as the Russian-controlled part of the Kherson region and the LPR.

The certificate is free. The validity period of the housing certificate is not limited. Moreover, the presence of Russian citizenship for obtaining a certificate and payment is not mandatory. To obtain a certificate, one of two documents is sufficient: a document confirming the applicant's permanent residence in the city of Kherson or the Kherson region, or a document on the ownership of real estate property in territories

¹⁴⁶ *Special opportunities for residents of the Kherson region*, Material and social assistance, “объясняем.рф” (explain.rf), translated from Russian into English, URL: https://xn--90aivcdt6dxbc.xn--p1ai/new_regions/material_support/#tab_34

mentioned.^[147] It is possible to buy an accommodation with a certificate in any region of Russia, regardless of the place of its receipt. Housing is allowed to be purchased both in the primary and secondary markets. The acquired residential premises are registered in common ownership in equal shares of all family members of the citizen indicated in the certificate.

If the cost of accommodation is more than the amount indicated in the certificate, the funds provided to an individual to pay for the certificate are limited by the cost of the purchased residential premise. In other words, if an accommodation costs more than the amount indicated in the certificate, the remaining part will have to be paid by the applicant himself. If the documents provided are in Ukrainian language, they need to be translated into Russian. It is also possible to purchase 1 or more residential premises using one certificate if its amount allows to do it.

In addition to the housing certificate, all evacuated residents of Kherson and the right-bank part of the Kherson region are entitled to receive a one-time payment for the acquisition of property in the amount of 1,200 euros per each person.^[147]

However, a housing certificate is issued only to evacuated residents of a part of the Kherson region. According to the Commissioner for Human Rights in the DPR, «it is unfair to issue housing certificates only to residents of the Kherson region only, as this leads to resentment and an increase in hatred on the part of residents of other regions who find themselves in the same situation.»^[148]

Additionally, those citizens of Ukraine who have entered into Russian citizenship, they are entitled to apply for maternity capital on an equal basis with all citizens of Russia. This rule also applies to residents of 4 "attached" regions - the Russian-controlled part of the Kherson, Zaporozhye regions, as well as the DPR and LPR. The only condition is the entry into Russian citizenship.

To receive maternity capital, it is very important that both the mother and the child are citizens of Russia. The right to receive maternity capital arises:

¹⁴⁷ Rules for the provision of financial support to the constituent entities of the Russian Federation in order to financially support measures for the provision of lump-sum payments for the acquisition of property and state housing certificates to residents of the city of Kherson and the right-bank part of the Kherson region, who were forced to leave their place of permanent residence and arrived in an emergency mass order on the territory of other constituent entities of the Russian Federation for permanent residence, approved by Government Decree № 1876, October 22, 2022, articles 2-5, translated from Russian into English

¹⁴⁸ *It was proposed to expand the issuance of certificates for housing to eight regions*, RBC, November 13, 2022, translated from Russian into English, URL: <https://goo.su/bKmlui>

“1) for the first child, if he was born or adopted from January 1, 2020;

2) for the second or subsequent children born after January 1, 2007.

The amount of maternity capital is:

1) for the first child – 7000 euros, in case of birth or adoption starting from 1 January 2020;

2) for the second child - the maternity capital will increase by 2200 euros.

If a family did not receive maternity capital for its first child, then for the second and subsequent children - the maximum amount is 9200 euros. For the second children born before January 1, 2020, the amount of maternity capital is equal to the amount of maternity capital for the first child.

Maternity capital funds can be spent exclusively for:

1) the improvement of living conditions;

2) education of the child, including payment for preschool education;

3) monthly payments for children under 3 years old;

4) social rehabilitation services for a child with a disability;

5) mother's funded pension.”^[149]

Sometimes Russian regional authorities, in addition to payments previously determined at the federal level, promise additional payments to Ukrainian refugees. Thus, for example, in May 2022, the authorities of the Republic of Karelia, the region bordering with Finland, additionally paid another 140 euros to Ukrainian refugees registered in its territory through voluntary donations from people and organizations.^[150]

2.3. Aid from human rights and charitable organizations. Non-governmental organizations also help people fleeing the war - they announce additional fees, provide consultations, and collect humanitarian aid. In particular, the Russian Red Cross, the oldest humanitarian organization in Russia, in June 2022 launched direct one-time material payments to refugees and internally displaced persons from Ukraine and Donbass. Beneficiaries could receive from 70 to 215 euros. Payments were made in the Voronezh, Kursk, Belgorod and Rostov regions bordering Ukraine.

According to the Head of the Russian Red Cross: “More than 66,000 people in the

¹⁴⁹ *Maternity capital*, Material and social assistance, “объясняем.рф” (explain.rf), translated from Russian into English, URL: https://xn--90aivcdt6dxbc.xn--p1ai/new_regions/material_support/#tab_34

¹⁵⁰ *The authorities of Karelia named the amount of one-time payments to refugees from Ukraine, its capital*, May 16, 2022, translated from Russian into English, URL: <https://goo.su/SDOR>

Voronezh, Kaluga, Kursk, Belgorod, Rostov, Penza, Ulyanovsk, Tula, Vladimir regions, as well as in Moscow, received payments”.^[151] The money was paid to the elderly, pregnant women, families with persons with disabilities, single parents with children under 18, as well as large families with 3 or more minor children, women with children under 3 years of age.

The amount of payments varied depending on the size of the family. If a family consisted of 1-2 people, then it received 70 euros, from 3-4 people - 140 euros, from 5 or more people - 215 euros. To receive payments, it was necessary to present a passport, migration card, pension certificate, pregnancy certificate, birth certificate, certificate of disability, spouse's death certificate or divorce certificate. In order to provide comprehensive support to individuals who arrived in Russia, a volunteer headquarters was also formed.

As the Head of the Russian Red Cross, Pavel Savchuk, reported: “another 91,000 of people received voucher assistance from the organization. In the border regions only, Ukrainians received 8,700 vouchers to buy clothes, 52,000 to buy medicines, and 31,000 for the grocery stores. Vouchers are primarily issued to the families with children under 7 years of age and with children with disabilities under 18 years of age, as well as retired persons.”^[152]

Moreover, in addition to payments, the Russian Committee of the Red Cross regularly delivers tons of humanitarian aid to refugees from Ukraine - hygiene kits and essentials, women's and children's clothing as well as footwear.¹⁵³ Volunteers meet and accompany new arrived individuals, provide psycho-social support, consult on migration legislation and visit the temporary accommodation centres.

The Russian Red Cross is not the only organization which assists Ukrainian refugees in Russia. One of the most prominent roles is also played by the Civic Assistance Committee. The Committee team consists of migration consultants, lawyers, translators, assistance program coordinators, doctors, psychologists, teachers of Russian as a foreign language, etc. The Committee provides an assistance to refugees from

¹⁵¹ *Russian Red Cross Society provides aid to more than 66,000 refugees from Ukraine, Donbass*, TASS Moscow, January 22, 2023, URL: <https://tass.com/society/1565425>

¹⁵² “*The total amount of payments to refugees through the RKK amounted to 185.7 million roubles*”, *Izvestiya iz*, January 22, 2023, translated from Russian into English, URL: <https://goo.su/2UMaCP>

¹⁵³ *Nearly 400,000 victims of the Ukrainian crisis have received humanitarian aid from the Russian Red Cross*, Russian Red Cross Committee, February 21, 2023, URL: <https://www.redcross.ru/en/news/nearly-400-000-victims-of-the-ukranian-crisis-have-received-humanitarian-aid-from-the-russian-red-cr/>

Ukraine who are already in Russia. Specialists consult them, including on obtaining medical assistance and asylum, and help them to draft the applications for the migration services. The Committee also defends the right to housing, work, education, provides legal advice, accompanies and defends in a court, helps with the translation of documents, provides psychological assistance, provides food for those in need, pays for medicines, medical examination, as well as pays state fees and teaches the Russian language. In addition, the Committee also provides financial assistance to refugees.

As of May 2022, the Head of the Social Reception Leyla Rogozina stated: «The Committee has never in its history issued material assistance in such a volume as it is now ... Our applicants ask us for material support for various purposes, which we group into 6 categories. These are food, daily and other expenses (“for life”), rent, medical care, paperwork and travel expenses. In total, from January 1 to April 30 of this year, we distributed about 100,000 euros, 73% of the amount belong to 2 large categories - food and “for life” expenses ... Refugees do not have money for the most necessary things: for medicine, for food, for bed linen, underwear. Ukrainian refugees arrived in winter clothes, and now it's May, so they need seasonal clothes and shoes. In addition, refugees are asking for food because many of them are really hungry». ^[154]

According to the Committee, in January and February 2022, the applicants needed material assistance in much smaller amounts than in March and April of the same year. Applicants from Ukraine mainly require humanitarian assistance, advice on obtaining temporary asylum in Russia, leaving the country, employment, medical assistance, school and preschool education.

The Committee itself exists on voluntary donations. It does not have any support from the Russian authorities. On the contrary, in March 2022, the administrative court officially declared the Committee as “foreign agent”, and later the Moscow city authorities evicted the Committee from its office, which was provided for a free use. “Civic Assistance” Committee has relocated to a new premise and is forced to pay rent at the moment. ^[155]

Also, such charitable foundations as "Second Breath", "Doctor Liza",

¹⁵⁴ “*We will help until we run out of money*”, Report of the Committee on the issued aid, Leila Rogozina, “Civic Assistance” Committee, May 17, 2022, translated from Russian into English, URL: <https://refugee.ru/actual/report-ref-spring/>

¹⁵⁵ *How the Committee was evicted: photos and video*, Civic Assistance Committee, February 25, 2022, translated from Russian into English, URL: <https://refugee.ru/news/kak-vyselyali-komitet-foto-i-video/>

"Generation", "Lavka radostey", the Orthodox Aid Service "Miloserdie" supply refugees with clothing and food, humanitarian aid, as well as provide psychological assistance to children and adults.

“The Institute of Human Rights” and the charitable organization “Faith, Hope and Love”, the “SILSILA” Foundation provide free legal assistance to refugees. The lawyers of these organizations protect refugees from deportation and help them legalize themselves in Russia. The organizations also carry out educational work: they hold seminars for lawyers who defend migrants and refugees, publish information manuals.

The integration centre "Same children" and the project of social and cultural adaptation "Children of St. Petersburg" are aimed at helping refugee children. They conduct classes at their centre, where they teach the Russian language and the school curriculum, as well as engage in psychological and social adaptation, and help wards with admission to a university or college. The organizations also arrange city camps, arrange schooling for children, and advise parents on migration, social and other issues. Additionally, organizations visit museums, theatres and participate in various cultural events with their pupils.

In Moscow and Moscow region, the main organizations providing assistance to refugees are the Refugee Assistance Foundation "House with a Lighthouse" and the “Health and Life” Charitable Foundation. The "House with a Lighthouse" provides clothes and products, as well as legal, psychological and medical consultations, helps with finding a job, provides household assistance. As for “Health and Life”, their assistance is rather of a medical and psychological orientation. In particular, the foundation provides medical, social and psychological assistance, material support to those in need. The organization also arranges free vocational training courses for women and girls, such as cutting, sewing and hairdressing.

The list of organizations providing assistance to Ukrainian refugees consist only a small part. Indeed, the real list of such non-governmental, non-profit, human rights, charitable and local organizations in Russia is immense. However, a decrease in the number of voluntary donations to these organizations is observed at the moment. According to Lida Moniava, co-founder of the “House with a Lighthouse” charity fund for helping refugees: “Donations are now becoming smaller, there were a lot of them in the spring and summer of last year. Then, unfortunately, apparently, people became

used to situation or someone lost the opportunity to help. Now we receive two times less donations than, for example, at the end of summer”.^[156] Nevertheless, in spite of everything, sometimes even despite artificial obstacles from the authorities, human rights activists and volunteers continue to carry out their activities and assist people who find themselves in a difficult and vulnerable situation.

SUBCHAPTER III – RIGHT TO HEALTH AND EDUCATION

In the Convention on the Status of Refugees, Chapter IV is entirely devoted to the welfare rights. In particular, it regulates the provision of housing assistance, rations, emphasizes the importance of granting every refugee the inalienable right to education, government assistance, etc.

3.1. Medical rights. In the Russian Federation, according to the Federal Law "On Refugees", refugees receive medical care on an equal basis with Russian citizens. Additionally, on March 06, 2022, the Russian Government adopted Decree № 298, which states that refugees from Ukraine, the DPR and LPR who arrived in Russia in an emergency mass order are provided with medical assistance, like all other foreign citizens. This means that Ukrainians, like everyone else, receive emergency medical care free of charge, while planned medical care is paid, but subject to certain features. The innovation consists in the fact that the words “with the exception of persons duly recognized as refugees who, in accordance with the Federal Law “On Refugees”, are entitled to medical care on an equal basis with citizens of the Russian Federation”, are replaced by the words: “until they receive a compulsory medical insurance or a temporary certificate confirming the issuance of the medical policy». ^[157]

I find this amendment useful. Since there are only around 300 persons officially recognized as refugees in the Russian Federation, there was no any sense in mentioning them, whereas there are hundreds of thousands of actual refugees without a medical policy and access to an adequate medical care. It was the provision of medical care to

¹⁵⁶ *Foundations reported a decrease in the number of donations to refugees from Ukraine*, RBC, March 25, 2023, translated from Russian into English, URL: <https://goo.su/d3Lua>

¹⁵⁷ Appendix I, Decree of the Government of the Russian Federation № 298 "On Amendments to the Decree of the Government of the Russian Federation of October 31, 2014 № 1134 and Recognizing Certain Provisions of Certain Acts of the Government of the Russian Federation as Invalid", adopted on March 6, 2022, Articles 1-5, translated From Russian into English

these people that required special regulation.

Thus, Ukrainian refugees, according to Decree № 298, are entitled to receive the following types of medical care in state and municipal medical institutions free of charge:

1) Primary health care. It includes all types of outpatient care (diagnosis, treatment, pregnancy monitoring, rehabilitation, pre-medical, medical, provided by specialists of all profiles).

2) Providing medicines to certain groups of the population (disabled people of groups I and II, children under 3 years old, children under 6 years old from large families) and patients suffering from certain diseases (in particular, oncological, mental illnesses, bronchial asthma, tuberculosis, diabetes, myocardial infarction), this important type of care was absent in the previous version of the Decree.^[158]

However, the charity organization "Miloserdie" reports that this is not entirely true. According to the representative of the organization, medical services are one of the most acute problems facing Ukrainians. "There are many insulin-dependent people among the refugees, but it is impossible to get free insulin. Therefore, we also buy insulin for refugees."^[159] Moreover, the "Patient Control" public movement also reported dozens of HIV patients who arrived in Russia from the territory of Ukraine and experience difficulties in accessing ARV drugs due to bureaucratic complexities as well as uncertain legal status;^[160]

3) Specialized, including high-tech, emergency medical care: specialized medical care is provided in a hospital, the Decree provides for the free provision of such assistance to refugees only in an emergency form, that is, in case of diseases, accidents, injuries, poisoning and other conditions, requiring urgent medical intervention. Free inpatient treatment in a planned manner is not provided for by the Decree;

4) Preventive vaccinations: in the context of the recent and not yet fully ended coronavirus pandemic, the importance of this type of assistance cannot be

¹⁵⁸ Decree of the Government of the Russian Federation № 1134 "On the provision of medical care to certain categories of persons", adopted on October 31, 2014, articles 1-2, translated from Russian into English, URL: https://www.consultant.ru/document/cons_doc_LAW_170472/

¹⁵⁹ *Fled from shelling, fell under officials*, Novaya Gazeta, April 15, 2023, translated from Russian into English, URL: <https://novyagazeta.ru/articles/2023/04/15/bezhali-iz-pod-obstrelov-popali-pod-chinovnikov>

¹⁶⁰ *How refugees from Ukraine live in Russia*, RBC, August 3, 2022, translated from Russian into English, URL: <https://www.rbc.ru/society/03/08/2022/62e78a549a7947b2f5ca8ced>

overestimated.

On May 19, 2022, a new rule was introduced into Government Decree № 1134, providing for a free mandatory medical examination of persons who received certificates of consideration of an application for recognition as a refugee on the merits and applied for temporary asylum. This paragraph contains a reservation that it applies only to persons who arrived from Ukraine, the DPR and the LPR in an emergency mass order. ^[161]

According to fragmentary data from the Civic Assistance Committee, by the time this amendment was made, refugees living in temporary accommodation centers in many regions were undergoing mandatory medical examinations free of charge. But, according to human rights activists and representatives of the Committee, these refugees are a minority. The rest had to pay for a medical examination, and in some places quite significant amounts: for example, in the Saratov region - 69 euros, and in the Rostov region, which accepted the majority part of refugees - about 100 euros. Since most of the refugees arrived in Russia without funds, the need to pay for medical examinations became an obstacle for many to apply for asylum. ^[162]

In my opinion, the exemption of refugees from the fee for compulsory medical examination is not only the right measure, but also long overdue. One can only regret that this measure applies only to one, albeit the most numerous at the moment, group of refugees in Russia.

Medical examination affects the interests of refugees, since it is a condition for granting asylum, but it is carried out not in the interests of refugees themselves, but in the interests of the Russian population, in order to prevent the spread of dangerous infections. It can fulfill its role only with the maximum coverage of the “target group”. Imposing the costs of medical examinations on refugees not only deprives the poorest of the right to asylum, but also leaves them outside the medical control. It is no coincidence that for many years from the moment the Federal law “On Refugees” was adopted in 1993 until the liquidation of the Federal Migration Service by transferring its

¹⁶¹ Decree of the Government of the Russian Federation № 1134 "On the provision of medical care to certain categories of persons", adopted on October 31, 2014, Article 1, translated from Russian into English, URL: https://www.consultant.ru/document/cons_doc_LAW_170472/

¹⁶² *Report: State assistance to Ukrainian refugees in the Russian Federation in 2022: a review of regulations*, “Civic Assistance” Committee, May 19, 2023, Chapter 1, page 26, translated from Russian into English, URL: <https://refugee.ru/dokladyi/normative-acts-ukraine/>

powers in the field of migration to the Ministry of Internal Affairs in 2016, mandatory medical examinations were carried out at the expense of the state budget.

As of August 01, 2022, 108,000 people who were forced to leave the territory of the DPR, LPR and Ukraine applied for medical help, 34,000 of them are children, according to the Russian Ministry of Health. ^[163]

3.2. Right to education. International human rights law obliges states to ensure access to education for all people without any discrimination. The principle of non-discrimination applies to all persons of school age residing in the territory of a signatory state, regardless of their citizenship and legal status.

This point is closely related to the universal nature of human rights. The 1951 Convention relating to the Status of Refugees provides for the possibility of taking special measures to protect the right to education. Its Article 22 states that «The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.», and «The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.». ^[164] According to paragraph 1 of Article 3 of the 1989 Convention on the Rights of the Child, in all decisions concerning children, “the best interests of the child shall be a primary consideration”. ^[165] This applies to the provision of educational services not only to refugees but to all migrants.

The right to education, enshrined in article 26 of the Universal Declaration of Human Rights, is one of the key instruments for protecting human dignity. The importance of respecting human rights, including the right to education, is undeniable, but full understanding often comes only when their enjoyment is under threat. Refugees

¹⁶³ *How refugees from Ukraine live in Russia*, RBC, August 3, 2022, translated from Russian into English, URL: <https://www.rbc.ru/society/03/08/2022/62e78a549a7947b2f5ca8ced>

¹⁶⁴ Convention relating to the Status of Refugees, adopted on 28 July 1951 by the Conference of Plenipotentiaries on the Question of the Status of Refugees and Stateless Persons, convened in accordance with General Assembly resolution 429 (V) of 14 December 1950, Article 22

¹⁶⁵ Convention on the Rights of the Child, adopted on 20 November 1989 by General Assembly resolution 44/25, paragraph 1 Article 3, URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

who have fled their home country due to persecution or armed conflict often find themselves in this situation. Education, like nothing else, can open doors for refugees to full participation in all spheres of life in the host country. For ordinary migrant workers and their children, studying in the host country provides them with knowledge about the society in which they will live, helps them to develop their full intellectual potential and promotes social integration. In practice, however, many refugees and asylum seekers around the world who live in temporary refugee camps often do not always have the opportunity to receive education due to the lack of material and financial resources. However, in case of Ukrainian refugees in Russia, the situation is different.

According to various sources, today there are about half a million refugee children from Ukraine in Russia, of which only 45,000 live in temporary accommodation centers.^[166] At the very beginning of the war, the educational process was interrupted. Beginning in mid-March 2022, the situation began to change.

In March 2022, in relation to Ukrainian refugees in the field of education, the Russian Government made some indulgences. In particular, a special Decree was adopted, which provided many opportunities for Ukrainians to receive education in Russia at various levels or to continue the educational process interrupted at home. The resolution regulates the procedure for admission, as well as transfer to higher education programs, training programs for scientific and scientific-pedagogical personnel, as well as regulates the procedure for admission and transfer of citizens of the DPR, LPR and Ukraine to all educational organizations of the Russian Federation.

The Ombudsman for Human Rights in Russia explained how citizens arriving from the DPR, LPR and Ukraine can enroll a child for free education in a Russian school. In order to do this, the school must accept a written application, which can be submitted in person, by post or electronically. Along with the application, the necessary documents are also provided, the list of which was published by the Ombudsman. It is imperative to present a document confirming the kinship or a document confirming the child's right to stay in the Russian Federation (migration card, refugee certificate, etc.). All documents are submitted in Russian language or along with a certified translation into Russian. However, the absence of such documents does not constitute grounds for denial of admission to the school. The school Director, within 5 working days after

¹⁶⁶ *The Russian school problems of refugees from the LDPR and Ukraine are named*, MKRU, September 05, 2022, translated from Russian into English, URL: <https://goo.su/Sg7Soey>

receiving the application and documents, issues an administrative act on the admission of the child. The creation of any obstacles in this process is prohibited.^[167]

According to the annual report of the Commissioner for Human Rights in Russia, in 2022, assistance was provided in ensuring the right to education of 89 children of Ukrainian refugees, including 35 people who were placed in educational institutions.^[168]

Since September 1, 2022, many Russian regions have reported on the number of refugee children enrolled in their schools. The rest of the children from the LPR, DPR and Ukraine is in the border Rostov region - 2,700. Over 2,000 children are enrolled in schools in Crimea. Taking into account the total number of pupils on the peninsula, this amounted to an increase of 10%. Schools in the Leningrad region received 225 refugee children. Throughout the Moscow region, several thousand new students are placed in schools, about 200 went to educational institutions in Moscow.^[169]

However, the data is not provided for all regions, because not all parents submitted the necessary documents and applications to the school on time. The main difficulty is also the lack of medical records for most children. In addition, not each parent expressed a desire to teach the children in the region of their temporary stay.

On the one hand, a lot is being done for refugees placed in temporary accommodation centres. In addition to clothing and basic items, volunteers also collect stationery and other school supplies. In some regions, teachers from schools where children are enrolled come directly to temporary accommodation centres and conduct additional classes with them, test their knowledge. Since the beginning of the school year, school buses also have been launched from the rest of temporary accommodation centres, as, for example, in the Voronezh region, as was mentioned in the previous chapter. Free breakfasts and hot lunches are organized for children in schools, while older children receive meals at a discount. But still, the temporary accommodation centre is not a home. Camps, sanatoriums, sports halls, houses of culture are poorly adapted for the studies. Most of these premises do not even have enough tables and

¹⁶⁷ Moskalkova: *What documents do citizens of the DPR, LPR and Ukraine need to enrol their child in school free of charge*, Rossiyskaya Gazeta, August 04, 2022, translated from Russian into English, URL: <https://goo.su/QlnFZ>

¹⁶⁸ *Report on the activities of the Commissioner for Human Rights in the Russian Federation for 2022*, May 16, 2023, page 71, translated from Russian into English, URL: <https://ombudsmanrf.org/documents/ezhegodnye-doklady>

¹⁶⁹ *Russian School Problems of Refugees from LDNR and Ukraine are named*, Top News Ru, September 06, 2022, translated from Russian into English, URL: <https://goo.su/SXJzg>

chairs. Children have to write, draw literally on their knees, sitting in bed.

Refugees themselves are trying to look at the situation with optimism. At least, children do not spend every day in a bomb shelter. For example, a refugee named Alevtina, who is in the Kaluga region with 2 school-age children, claims that in the Kaluga region, a house of culture has been allocated to accommodate refugees, where school classes for children are also held. “There are few tables, but at least there are chairs ... for children, perhaps, it is the easiest place here. For them, such a commune is a joy. Previously, they went to school, worried. But mines do not have any problems with their studies. There are several more children from the LPR in their classes now».^[170]

Among high school students there are the rest of the problems with studies, as there is still a noticeable lag behind the curriculum. In the DPR and LPR, the educational program was slower due to breaks in studies, when schools did not work on alarm. Moreover, 2-3 years ago pupils studied according to the Ukrainian program. For example, in the Stavropol region in southern Russia, arrived those students who had not studied normally for 2 years. But it is more difficult than for others, namely, for schoolchildren from the rest of Ukraine. There was another program, teaching was held completely in their native language. According to a high school student from Kherson: “I understand Russian, but writing in it is very difficult. I failed the adaptation tests in Russian. Helps mathematics, which I know well. But here the program goes a little forward, we also need to catch up”.^[170]

Adding to the complexity is the fact that many families are divided. A significant number of schoolchildren live in temporary accommodation centres with grandparents, aunts, uncles, other relatives or even family friends. Whereas the parents for various reasons remain at home.

There are also problems with documents. Despite the simplified registration procedure mentioned by the Ombudsman, the list of papers required for enrolment in school, according to the refugees themselves, is “impressive”. It is required to have an identity card, a birth certificate, including for the brothers and sisters of the student, if 2 or more children are enrolled. A document on guardianship or trusteeship, a document on migration registration, etc. Holders of Ukrainian passports still need to submit a

¹⁷⁰ *The Russian school problems of refugees from the LDPR and Ukraine are named*, MKRU, September 05, 2022, translated from Russian into English, URL: <https://goo.su/Sg7Soey>

document confirming the kinship or the child's right to stay in Russia, that is, a migration card, a refugee identity document or certificate, etc.

Based on my personal and professional experience, if a Ukrainian refugee is completely or partially missing the documents required, it is still possible to apply for admission to a school. The mechanism for working with such refugees has already been established. Since the spring of 2022, I have had cases when all the documents burned down, were lost or forgotten in Ukraine. In such cases, applicants can and should contact their local department of education, where it is best to attend in person. A place in the school must be provided for every child. This is stipulated not only by the Russian legislation, but also by the norms of international law, in particular the 1951 Convention, which the Russian Federation has ratified. However, it is also worth to mention that in such case, the process of enrolling a child in school will be significantly delayed. Anyway, in the end the child will be admitted in a school.

In regards to the right to higher and vocational education, according to Decree № 434 adopted by the Russian Government in March 2022, citizens of the DPR, LPR and Ukraine may be enrolled in the first and subsequent courses of higher education programs in places within the quota established by the Government.

There are no territorial restrictions - applicants can independently choose the educational institutions in which they desire to be accepted. When applying for a quota, applicants must submit to the university an application form filled in in Russian, copies of identity documents, a copy of the document on education, medical documents and a signed consent to the processing of personal data. In the application form, candidates can indicate up to 6 universities in descending order of their preferences.^[171]

The opportunity to continue to study in Russia for free is also available for those students who were previously expelled from foreign universities or because of the war can no longer study there. For them, a transfer is provided for vacant budgetary or paid places with full compensation for the cost of education.^[172] In both cases, training will

¹⁷¹ Appendix I, Decree of the Government of the Russian Federation № 434 "On approval of the features of admission to study in educational programs of higher education with state accreditation, programs for the training of scientific and scientific-pedagogical personnel in graduate school in 2022", adopted on March 21, 2022, Articles 1-10, translated from Russian into English

¹⁷² Appendix I, Decree of the Government of the Russian Federation № 434 "On approval of the features of admission to study in educational programs of higher education with state accreditation, programs for the training of scientific and scientific-pedagogical personnel in graduate school in 2022", adopted on March 21, 2022, Article 11, translated from Russian into English

be free. Moreover, according to the law, studying at a budgetary place implies the obligatory payment of scholarships to the student and the right to provide housing from the university's housing stock.

Thus, students have the right to transfer from their educational institution to any Russian one for a similar educational program. Such students must provide the university with a document confirming their studies at a Ukrainian university, or a copy thereof.

Government Decree № 434 affects not only Ukrainian citizens, citizens of the DPR and LPR or stateless persons, but also Russians themselves and citizens of third countries who were studying in Ukrainian educational institutions before the outbreak of hostilities. In my personal opinion, this measure covers and protects the rights of all students.

The allocation of a government quota means that the educational institution will conduct a separate admission campaign among refugees from Ukraine, which will not affect the allocated number of budget places reserved for Russian citizens. For admission under the quota, a special and separate competition is held only among Ukrainians.

Thus, Ukrainian refugees, as well as all other students on the territory of Ukraine, regardless of their citizenship, are given the opportunity to study freely and free of charge in all Russian educational institutions, without interrupting the educational process.

SUBCHAPTER IV – LABOUR RIGHTS

Armed conflicts lead not only to the daily death of people and the destruction of infrastructure, but also to the drain of personnel. It is not always only the elderly, the disabled and children who flee from the east of Ukraine. Specialists of various levels also move from Ukraine to Russia.

4.1. Right to work. The right to work is an inalienable right of every person. This right is formally proclaimed in Article 23 of the Universal Declaration of Human Rights: «Everyone has the right to work, to free choice of employment, to just and

favourable conditions of work and to protection against unemployment.».^[173] As for the right to work for refugees, an entire Chapter III of the 1951 Convention is devoted to this. Article 17 of the Convention implies that «The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.».^[174] This provision also covers refugees who prefer to work in their own enterprises or engage in liberal professions. Russia has ratified the 1951 Convention and, in accordance with its provisions, provides an unhindered right to work for persons with the status of "refugee" or "temporary asylum".

However, it was precisely this nuance that was the main obstacle to the employment of Ukrainians who came to Russia. As already reported in the previous chapter, despite the millions of Ukrainian refugees in the Russian Federation, even 100,000 people do not have the status of "refugee" and "temporary asylum". Until the end of August 2022, the vast majority of Ukrainian citizens were in Russia with the status of a "foreign citizen". Such a status meant certain restrictions both in the possibility of a long stay in Russia and in employment opportunities. In particular, until the end of August 2022, in order to work in Russia, Ukrainians, like all other foreign citizens, were required to obtain a special work permit - a patent. To obtain a patent, it was necessary to acquire a private medical insurance, pay a state fee, translate all documents into Russian, as well as find a potential employer.

Since August 27, 2022, a special temporary procedure has been established for people who were forced to arrive from the territory of Ukraine, the DPR and the LPR, which is in force in accordance with Decree of the President of the Russian Federation № 585. This decree was already mentioned in the previous chapter. The Decree entitles Ukrainian refugees to work in the Russian Federation without a patent or other work permits in case of undergoing the procedure of mandatory fingerprint registration, photography, as well as mandatory medical examination. The procedure for identifying or registering fingerprint information takes place in the territorial body of the Ministry of Internal Affairs of Russia. Thus, any legal restrictions on the employment of

¹⁷³ Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, paragraph 1 Article 23

¹⁷⁴ Convention relating to the Status of Refugees, adopted on 28 July 1951 by the Conference of Plenipotentiaries on the Question of the Status of Refugees and Stateless Persons, convened in accordance with General Assembly resolution 429 (V) of 14 December 1950, paragraph 1 Article 17

Ukrainian citizens have been removed.^[175]

In turn, the state provides minimal support for the employment of Ukrainian citizens. In particular, in temporary accommodation centres it is possible to register at the local employment centre, prepare an appropriate resume, as well as, if possible, provide documents confirming the qualifications of the applicant.

According to the Russian Ministry of Labour, employment centres have formed a database of vacancies from more than 91,000 job offers, about 17,000 of which are with the provision of housing.^[176] It means that the centres also take into account the different life circumstances of visitors and do not focus only on the local labour market. It is also reported that the specialists of the centres also work in temporary accommodation centres, in each region there is a “hot line” for consultations, and on the Internet portal “Work of Russia” there is a section for emergency arrivals with links to finding temporary work. Additionally, changes are being made to the retraining program - those who have begun the process of obtaining Russian citizenship will be able to receive the knowledge that is in demand on the local labour market for free.

4.2. The labour market for Ukrainian refugees. Frequently, regardless of the country of asylum, refugees always experience difficulties in finding work, especially in finding qualified job. The main barriers are: language barrier, lack of qualifications and education recognized in the host country, ignorance of local specifics, culture and laws, and much more. Russia for Ukrainians in this sense is no exception, even though the absolute majority of Ukrainians are fluent in Russian language, as well as have a common culture and mentality.

Nevertheless, as numerous representatives of human rights and charitable organizations report, it is quite complicated for a Ukrainian to find a job in Russia. In particular, Lida Moniava, co-founder of the House with a Lighthouse charity fund for helping refugees, argues that “it is difficult for refugees without Russian citizenship to find work: employers prefer not to get involved, although there are no big problems when hiring a citizen of Ukraine”. “Employers demand a Russian passport from

¹⁷⁵ Decree of the President of the Russian Federation № 585 "On temporary measures to regulate the legal status of persons who were citizens of the Donetsk People's Republic or the Lugansk People's Republic, and citizens of Ukraine in the Russian Federation", adopted on August 27, 2022, paragraphs a-b Article 1, translated from Russian to English

¹⁷⁶ *The Ministry of Labour named the number of refugees from Ukraine hired through employment centres*, RBC, August 04, 2022, translated from Russian into English, URL: <https://goo.su/eTVkNhp>

candidates, refusing to take citizens of Ukraine. It is especially difficult for teachers, lawyers and accountants to find a job in their specialty,” representatives of the “Civic Assistance” Committee confirm.^[177]

According to a representative of the House with a Lighthouse Refugee Fund: “People working in the service sector, such as salesmen, manicure masters, find a job easier. They are quickly employed, even with Ukrainian documents. It is easier to find unskilled work. Not always such work, however, is paid according to the legal scheme. And often the shift of the same sellers, for example, lasts 12 hours».^[178]

Very often, Russian employers are stopped by the fact that the Ukrainian applicant does not have Russian citizenship. The fact is that according to labour legislation, in case of hiring a foreign citizen, the employer is obliged to pay 30% tax on the employee's salary, instead of 13% for Russian citizens. Alongside with many other working nuances, including simple ignorance of the laws that have changed in relation to Ukrainians, as well as the lack of desire to get acquainted with them, it imposes additional financial costs for the employer and leads to massive denials to employ Ukrainians. This fact is also confirmed by the human rights activists of the “House with a Lighthouse”: “It is, of course, easier for refugees from Ukraine who have received Russian citizenship to find a job. For the rest, it is much more difficult. The legislation provides for an increased tax rate of 30% for individuals - tax non-residents. These are people who have lived in Russia for less than 183 days over the past year. And there are many such people among the refugees. Also, the employer must notify the Ministry of Internal Affairs about the employment of foreigners. Not everyone wants to have such additional affairs and expenses».^[179]

Nevertheless, despite the difficulties and barriers, lawyers and other employees of the “House with a Lighthouse”, volunteers, if necessary, still provide assistance in finding employment. This is confirmed by one of the lawyers of the organization: “Sometimes it is possible to negotiate with the employer. I offer them personally:

¹⁷⁷ *How refugees from Ukraine live in Russia*, RBC, August 3, 2022, translated from Russian into English, URL: <https://www.rbc.ru/society/03/08/2022/62e78a549a7947b2f5ca8ced>

¹⁷⁸ *"What are we going to eat?" Stories of refugees who are not hired*, Miloserdiye.ru, January 11, 2023, translated from Russian into English, URL: <https://www.miloserdie.ru/article/chto-my-budem-est-istorii-bezhenczev-kotoryh-ne-berut-na-rabotu/>

¹⁷⁹ *"What are we going to eat?" Stories of refugees who are not hired*, Miloserdiye.ru, January 11, 2023, translated from Russian into English, URL: <https://www.miloserdie.ru/article/chto-my-budem-est-istorii-bezhenczev-kotoryh-ne-berut-na-rabotu/>

“There was such a case, and I managed to help. The young woman was ready to be accepted into an educational organization, an employee of the HR department called me and asked: “Is it true that we can hire only with a document on fingerprint registration? Without a patent and without a work permit?” I answered: “True, this is written in presidential decree № 585 of August 27, 2022. In the notification of employment of a foreign citizen, you can refer to this Decree.” We resolved the issue, the woman obtained the job. Cases like this are very encouraging. But this employer also had other foreign workers, this was nothing new to her. Whereas large and small employers usually say one thing: “Get a Russian passport and come””.^[179]

While finding vacancies for unskilled jobs is relatively easy, getting jobs with qualifications will be more difficult. The representative of the charitable organization "Miloserdie" Tatyana Kurukhova says: "People with higher education find it more difficult to find a job. Diplomas of Ukraine in Russia are mostly accepted without confirmation, and only in rare cases you have to go through the nostrification procedure. But, for example, medical and pharmaceutical workers must pass a special exam for the right to work in Russia. The procedure can take up to 45 days, there is a state fee of 35 euros. Also, in our experience, people of creative specialties, restorers, athletes, agronomists, lawyers, former civil servants and even drivers who need Russian licence look for a job longer. People behave differently: someone agrees to intermediate options, since they need to provide for their families, and someone is looking strictly according to their parameters: a line of public transport and the subway, a salary level, a standardized working day. But those who categorically do not want to change the profile of work and refuse everything are not among the refugees now. People are willing to learn new things”.^[180]

Unfortunately, at the moment there are no clear statistics on the number of employed Ukrainians in Russia. As early as February 24, 2022, the Federation of Migrants of Russia reported that “no one can calculate the exact number of Ukrainians working in Russia”. Even before the outbreak of hostilities, the organization counted about 3 million Ukrainian migrants in Russia.^[181] The counting process is also

¹⁸⁰ "What are we going to eat?" Stories of refugees who are not hired, Miloserdie.ru, January 11, 2023, translated from Russian into English, URL: <https://goo.su/x5UO>

¹⁸¹ Ukrainians remain working in Russia, Alexey Duel, Rossiyskaya Gazeta, February 24, 2022, translated from Russian into English, URL: <https://rg.ru/2022/02/24/ukraincy-ostaiutsia-rabotat-v-rossii.html>

complicated by the fact that the majority of Ukrainians work unofficially or illegally, that is, without concluding an employment contract. However, the number of employed Ukrainians can be calculated based only on indirect evidences, which are not numerous. For example, on August 04, 2022, the press service of the Russian Ministry of Labour reported that “About 10 thousand citizens who were forced to come to Russia from the territory of Ukraine, the DPR and the LPR applied into employment centres for assistance in finding a job, 7,000 of which were employed”.^[182]

CHAPTER IV – CONCLUSION

Over the past year and a half, a very large number of refugees have arrived in Russia. However, 2022 far surpassed 2014 both in terms of the number of regulatory documents related to the arrival of Ukrainian refugees, and in terms of the “level of benevolence” reflected in these documents. As for the number, it is possible to count more than 46 regulations issued by the Russian federal authorities in 2022 on issues related to Ukrainian refugees.

In addition, regulations related to the reception of refugees were issued by the authorities of almost all regions of Russia. It is not possible to review the entire list of these documents due to its size, but the acts of several regions were analyzed in this work. For example, the administration of the Moscow Region, according to the estimates of the Civic Assistance Committee, issued 13 documents of this kind in 2022.¹⁸³ Even if significantly fewer acts were issued in other Russian regions, the total number of normative acts dedicated to Ukrainian refugees could be more than one hundred. These documents dealt with the whole range of problems caused by the arrival of a large number of refugees: the legal status and legalization in Russia, temporary accommodation, social assistance, access to medical care, education and employment.

Very important attention was paid to the concept of "Ukrainian refugee". People who urgently arrived in Russia since the end of February 2022 had different documents: the residence permits and passports of Ukraine, the DPR and the LPR. In regulatory

¹⁸² The Ministry of Labour named the number of refugees from Ukraine hired through employment centres, RBC, August 04, 2022, translated from Russian into English, URL: <https://goo.su/eTVkNhp>

¹⁸³ *Report: State assistance to Ukrainian refugees in the Russian Federation in 2022: a review of regulations*, “Civic Assistance” Committee, May 19, 2023, Introduction, page 2, translated from Russian into English, URL: <https://refugee.ru/dokladyi/normative-acts-ukraine/>

documents, they were most often defined as follows: “citizens of Ukraine, the DPR, LPR and stateless persons permanently residing in the territories of Ukraine, the DPR and LPR, who were forced to leave the territories of Ukraine, the DPR and LPR and arrived on the territory of the Russian Federation in an emergency mass order”.

But this definition is too superficial and secretive, designed to disguise the concept of "refugee". Therefore, I decided to unite all these people with the term “Ukrainian refugees”. The use of this term in relation to citizens of Ukraine, the DPR and LPR, as well as stateless persons, is not entirely correct, since the vast majority of people who arrived in Russia could not obtain or did not receive official refugee status. However, the reasons why these people left their homes were no different from the reasons given in the 1951 Convention relating to the Status of Refugees and the Russian Refugee Law.

The events that have taken place over the past year and a half have changed the lives of not only millions of Ukrainians, but also millions of other people around the world. The conflict in Ukraine has had many serious consequences, both economic and humanitarian. Unfortunately, at the time of writing this work, hostilities in Ukraine continue, as does the flow of refugees to Russia. According to numerous forecasts of military experts, both Western and Ukrainian, as well as Russian, the war may last for many years. As for me personally, in turn, I would like to express a hope for an early end to hostilities, for peace and harmony between the conflicting countries, and most importantly, for creation of favourable conditions for the return of all refugees to their homes and motherland safe and sound.

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