
APPENDIX 2

AMENDED LAW OF THE RUSSIAN
FEDERATION ON FORCED MIGRANTS (1995)

COUNTRY: RUSSIAN FEDERATION

DATE OF ENTRY INTO FORCE: 28 DECEMBER 1995

[*Note:* This is an unofficial translation. This Law was published in the Federal Law on the Introduction of Amendments and Additions to the Law of the Russian Federation "on Forced Migrants", Official Gazette dated 28 December 1995.]

The present Law shall determine the status of forced migrants, establish economic, and social and legal guarantees for the protection of their rights and legal interests on the territory of the Russian Federation in accordance with the Constitution of the Russian Federation and generally recognized principles and norms of international law and the international treaties of the Russian Federation.

Article 1. Notion of "forced migrant"

1. A forced migrant shall be a citizen of the Russian Federation who was forced to leave his/her place of permanent residence due to violence committed against him/her or members of his/her family or persecution in other forms, or due to a real danger of being subjected to persecution for reasons of race, nationality, religion, language or membership of some particular social group or political opinion following hostile campaigns with regard to individual persons or groups of persons, mass violations of public order.

2. Taking into account the facts stipulated in Point 1 of the present article, the following persons shall be recognized as forced migrants:

- (1) any citizen of the Russian Federation who was forced to leave the place of his/her permanent residence on the territory of a foreign state and came to the Russian Federation;
- (2) any citizen of the Russian Federation who was forced to leave the place of his/her permanent residence on the territory of a subject of the Russian Federation and came to the territory of another subject of the Russian Federation.

3. Recognition of a forced migrant shall be also extended to a foreign citizen or a stateless person, permanently staying on legal grounds on the territory of the Russian Federation, who left the place of his/her permanent residence on the territory of the Russian Federation for reasons set forth in Point 1 of the present Article.

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

Article 2. Persons who cannot be recognised as forced migrants

A person shall not be recognised as forced migrant if:

- (1) he/she has committed a crime against peace and humanity or any other grave crime recognised as such by the Russian legislation;
- (2) he/she has failed to apply without valid excuse for the status of forced migrant within twelve months from the departure from his/her place of permanent residence or within one month from the day he/she lost his/her refugee status due to the acquisition of Russian citizenship;
- (3) he/she left his/her place of permanent residence for economic reasons or resulting from a famine, an epidemic, or natural or man-made disasters.

Article 3. Procedure for registering applications for forced migrant status

1. A person who has left his/her place of permanent residence for reasons set forth in Point 1, Article 1 of the present Law, claiming recognition as a forced migrant, should present an application for recognising him/her as a forced migrant (hereinafter an application), personally or through an authorised representative, to a local migration service body at the place of his/her new residence.

2. A person claiming recognition as a forced migrant shall have the right, before leaving his/her place of permanent residence, to apply to a federal migration service body, a local migration service body at the place of his/her future residence, or a diplomatic or a consular mission of the Russian Federation in the country of his/her residence which could forward his/her application to a federal migration service body or a local migration service body in the place of his/her future residence.

3. The decision on the registration of an application shall be made by a territorial migration service body within three days of the presentation of an application.

In case of an emergency with a massive inflow of persons to the Russian Federation, who were forced to leave their places of residence for reasons stipulated in Point 1, Article 1 of the present law, the above-mentioned persons shall be received in accordance with the procedure set forth in the pertinent resolution of the Government of the Russian Federation. The registration of these persons' applications shall be carried out immediately.

4. Every person seeking forced migrant status, in whose case a positive decision has been made with regard to the registration of his application, shall be given or forwarded a certificate of registration of his/her application.

Information on other displaced members of the family, who are under 18, is included in a certificate issued to one of the parents.

The format of such a certificate and the procedure for its issue shall be established by the Government of the Russian Federation. Pertinent rights and obligations stipulated in the present law for persons seeking forced migrant status shall be granted on the basis of this certificate.

5. If a person seeking forced migrant status has been refused the registration of his/her application, a notification in writing to this effect shall be issued to him/her within five days of the pertinent decision with an indication of reasons for the refusal to register his/her application and the description of a procedure for appealing against the decision taken.

6. Applications for forced migrant status presented by ex-USSR citizens, who came to the Russian Federation due to reasons set forth in Point 1, Article 1 of the present Law and who failed to apply for Russian citizenship in keeping with the legislation of the Russian Federation, shall not be subject to registration.

Article 4. Rights and obligations of persons who have received certificates of registration of their applications for forced migrant status

1. A person who was issued a certificate of registration of his/her applications for forced migrant status, as well as members of his/her family, who are under 18, shall enjoy the right:

- (1) to receive a one-off cash allowance per each member of the family to the amount and in keeping with the procedure established by the government of the Russian Federation, but not less than a minimum salary established by the federal law;
- (2) to be sent by a territorial migration service body to a centre for temporary accommodation of forced migrants, if there is no opportunity for him/her to find on his/her own a place of residence or sojourn in the RF;

- (3) to be assisted in the transportation and carriage of his/her belongings to a place of temporary accommodation in keeping with the procedure established by the Government of the Russian Federation. Needy persons (single pensioners, single invalids, families consisting of only pensioners and invalids, single parents (or persons replacing him/her) with a child or children under 18, families with three or more children under 18), who have certificates of registration of their applications, shall have the right to free tickets and free transportation of their belongings from the place of registration of their applications to a place of their temporary accommodation on the territory of the Russian Federation;
- (4) to stay at a centre for temporary accommodation of forced migrants, to receive food according to the established rations, and to use utilities in keeping with the procedure established by the Government of the Russian Federation, until the issue on recognising them as forced migrants is finally solved;
- (5) to receive free medical assistance and medication in state-run and municipal health institutions in accordance with Russian legislation.

2. A person who holds a certificate of registration of his/her application for the forced migrant status, as well the members of his/her family who are under 18 should:

- (1) comply with the established rules of staying at centres for temporary accommodation of forced migrants;
- (2) undergo a mandatory medical checkup;
- (3) provide a federal migration service body and a local migration service body with reliable information required to take a decision on the determination of their forced migrant status.

Article 5. Procedure for forced migrant status determination

1. The procedure for forced migrant status determination shall be carried out in accordance with the present law.

2. A pertinent local migration service body shall take a decision on the recognition of a person as forced migrant within three months of the date of registration of his/her application irrespective of the person's ability to find accommodation at the place in question on his/her own.

A local migration service body shall issue or forward a notification in writing concerning the results of the status determination procedure within five days after the decision is taken.

A forced migrant shall be granted guarantees set forth in the present Law on the basis of the certificate in question.

A person recognized as being forcibly displaced shall be issued guarantees set forth in the present Law, the federal laws and other legal norms and acts of the Russian Federation, as well as laws and other legal norms and acts of the subjects of the Russian Federation.

3. A person recognized as a forced migrant shall be issued a pertinent certificate. Information on the recognition of other members of the family, who are under 18, as forced migrants shall be included in the certificate issued to one of the parents.

The format of a certificate of a forced migrant and the procedure for its issue shall be established by the Government of the Russian Federation. The certificate shall be valid on the whole territory of the Russian Federation.

4. The forced migrant status shall be issued for a period of five years. Federal executive bodies and executive bodies of the subjects of the Russian Federation, as well as local bodies, shall take measures within their authority, as spelled out in Article 7 of the present law, aimed at ensuring accommodation of a forced migrant and his family at a new place of residence in the Russian Federation.

If, due to some circumstances, a forced migrant is unable to find accommodation at a new place of residence, a local migration service body shall extend his/her status every subsequent year upon the presentation of a pertinent application by a forced migrant.

Article 6. Rights and obligations of a forced migrant

1. A forced migrant shall have the right:
 - (1) to choose of his/her own free will a place of residence on the territory of the Russian Federation, including a settlement offered by a local migration service body. A forced migrant may stay, in keeping with the duly established procedure, either with his/her relatives or other persons providing they agree to share their premises irrespective of the size of the living space that their relatives or other persons occupy.
 - (2) to be assigned by a federal or local migration service body, in keeping with the procedure duly established by the Russian Government, either to a centre for temporary accommodation of forcibly displaced people or to some living quarters from the housing reserve fund, created for the purpose of accommodating forced migrants, if there is no possibility of finding a new place of residence on his/her own;

- (3) to be assisted in the transportation and carriage of his/her belongings to a new place of residence or place of sojourn in keeping with the procedure established by the Government of the Russian Federation. Needy persons (single pensioners, single invalids, families consisting only of pensioners and invalids, single parents (or persons replacing him/her) with a child or children under 18, and families with three or more children under 18) shall be provided with free tickets and free transportation of their belongings from the place of their temporary accommodation to a place of their new residence or sojourn on the territory of the Russian Federation.

2. A forced migrant shall:

- (1) comply with the constitution of the Russian Federation and the laws;
- (2) comply with the duly established rules of sojourn at centres for temporary accommodation of forced migrants or on the premises allocated from the housing reserve fund created for the purpose of accommodating forced migrants;
- (3) check out with a local migration service body upon leaving the current place of residence and re-register with another pertinent local migration service body within one month, when moving from one place of residence to a new one;
- (4) go through an annual re-registration procedure within a period of time established by a local migration service body.

Article 7. Terms of reference of federal executive bodies, executive bodies of the subjects of the Russian Federation and local bodies when dealing with forced migrants

1. Federal executive bodies, as well as executive bodies of the subjects of the Russian Federation and local bodies, shall, within their authority:

- (1) provide a forced migrant with a full list of settlements recommended for permanent residence, as well as information on living conditions and possibilities of finding a job at these settlements;
- (2) put a forced migrant, in accordance with the housing code of the Russian Federation, on the waiting list to receive housing, the construction (purchase) of which is accomplished from the federal budget, budgets of the subjects of the Russian Federation and local budgets, irrespective of his/her duration of residence in the given locality;

- (3) provide assistance to a forced migrant upon his/her admittance to a housing cooperative, in the construction of private housing, including the allocation (purchase) of a plot of land and housing materials;
 - (4) grant non-reimbursable loans for housing construction (purchase of housing) to a forced migrant in need of better housing in accordance with the legislation of the Russian Federation;
 - (5) facilitate housing construction and the construction of compact settlements on the territory of the Russian Federation for forced migrants, create jobs, engineering and social infrastructure in their compact settlements;
 - (6) ensure benefits to forced migrants, if they are given employment in rural areas, as spelled out in the legislation of the RF and the legislation of the subjects of the Russian Federation for persons resettling to rural areas;
 - (7) provide single forced migrants (the elderly or invalids), whose relatives cannot look after them for objective reasons, in accordance with the Russian legislation, with living quarters in a house that belongs to a municipal housing reserve fund for the accommodation of the elderly and invalids;
 - (8) provide on a first-priority basis single forced migrants (elderly or invalids in need of permanent care) with places in social welfare institutions;
 - (9) facilitate placement of children of forced migrants in state-run or municipal pre-school institutions and schools, establishments of primary vocational training, as well as their transfer on a first-priority basis to appropriate institutions of secondary and higher vocational training to places financed from the pertinent budget;
 - (10) consider letters and requests submitted by forced migrants in writing and answer them in writing in keeping with the procedure set forth by the legislation of the RF.
2. Federal executive bodies, as well as executive bodies of the subjects of the Russian Federation, shall, within their authority:
- (1) promote the realization of the rights of forced migrants to employment, vocational training (retraining) and upgrading of their skills according to the legislation of the Russian Federation;
 - (2) register a forced migrant as an unemployed person, if it is impossible for him/her to find a job in accordance with the Russian legislation, irrespective of the duration of his/her sojourn at the given locality on the territory of the RF;

- (3) assist a forced migrant at his/her request in obtaining documents required for the restoration of his/her labour record in accordance with Russian legislation;
 - (4) provide places in orphanages to forced migrant orphans and abandoned children;
 - (5) render assistance to a forced migrant at his/her request in the return to his/her former place of residence.
3. Local migration service bodies in accordance with the procedure duly established by the government of the Russian Federation shall:
- (1) provide a forced migrant and his/her family, including those who stay at centres for temporary accommodation of forced migrants, with living quarters from the housing fund reserved for temporary accommodation of forced migrants;
 - (2) issue long-term, interest-free, repayable loans to a forced migrant family for housing construction (purchase of housing). The amount of the loan shall be established by the government of the Russian Federation;
 - (3) participate in financing of the housing construction (purchase of housing) and distribution of housing for permanent accommodation of forced migrants.

The construction (purchase) of above-mentioned housing shall be accomplished using federal budget funds, as well as funds channeled from other sources, including personal savings of forced migrants.

4. Federal executive bodies, as well as executive bodies of the subjects of the Russian Federation within their authority shall assist a forced migrant in:
- (1) return of the property owned by a forced migrant and abandoned by him/her on the territory of the RF. Forced migrants shall be reimbursed for their lost property, if it is impossible to have it back. The Government of the RF shall establish conditions and procedure for the return of the property and compensation payments.
 - (2) arrangement of transportation of the property owned by a forced migrant and located on the territory of a foreign state in accordance with international agreements of the RF. If it is impossible to regain the lost property, a forced migrant shall be reimbursed for it according to international agreements of the RF and acts of legislation of the RF.

- (3) bodies of state power of the subjects of the Russian Federation, that allowed the process of forced migration to develop on their subordinate territories under the circumstances stipulated in Point 1, Article 1 of the present law, jointly with federal bodies shall take measures aimed at the elimination of factors that have brought about the forced migration.

Article 8. Guarantees of rights of a person seeking forced migrant status and of a forced migrant

1. A forced migrant cannot be returned against his/her will to the territory (the settlement) which he left due to the circumstances provided for in Point 1, Article 1 of the present Law. A forced migrant can not be resettled to another place without his/her consent.

2. Decisions and actions (or lack of actions) of the federal executive authorities, of the executive authorities of the subjects of the RF, of the local authorities and officials of the above-mentioned bodies in relation to the implementation of the present Law may be appealed to higher authorities or to a court of law.

3. The appeal shall be presented:

— within one month of the day a citizen received a reply in writing concerning the decision taken or within one month since the day the appeal was submitted in the event of the citizen's failure to receive a reply to it in writing;

— within three months of the day the citizen learned about the violation of his/her rights.

4. Pending the adoption of a decision concerning the appeal against the denial to recognise a forced migrant, the person who has submitted the appeal shall enjoy the rights set forth in subpoints 4 and 5, Point 1, Article 4 of the present law.

Article 9. Loss and withdrawal of the forced migrant status

1. A person shall lose the status of forced migrant if he/she renounces Russian citizenship.

2. A person shall also lose the status of forced migrant:

(1) if she/he has left the territory of the Russian Federation for permanent residence elsewhere;

(2) due to the expiration of its term of validity in accordance with Point 4, Article 5 of the present law.

3. A federal migration service body or a local migration service body shall withdraw the status of forced migrant if a person:

- (1) has been convicted by a court of law for committing a serious crime based on a court sentence that came into force;
- (2) had provided intentionally false information or fraudulent documents, based on which he/she was recognised as a forced migrant;

4. A notification on the withdrawal of the status of forced migrant, including the indication of the reasons for it and description of the procedure of appeal against the decision shall be sent to the person within five days since the day this decision was taken.

5. In the event of loss or withdrawal of the status of a forced migrant, a forced migrant's certificate shall be recognised null and void by a pertinent migration service body.

6. In the event of loss or withdrawal of the status of a forced migrant, the person in question shall be obliged to vacate the premises, provided to him/her from the housing fund reserved for temporary accommodation of forced migrants.

If the status of a forced migrant has been withdrawn due to his/her deliberate provision of false information or fraudulent documents, it could be used as the basis for claiming back the funds spent on his/her transportation, shipment of his/her luggage and accommodation.

7. A person who has lost forced migrant status due to the expiration of its term of validity shall retain the right to receive compensation for his/her lost property in accordance with Point 4, Article 7 of the present law.

Article 10. Main areas of activity of federal and local migration service bodies when dealing with forced migrants

1. Main areas of activity of federal and local migration service bodies when dealing with forced migrants shall include reception of forced migrants, determination of their status, their registration, provision of assistance with their accommodation and overall support within their authority.

2. A federal migration service body shall coordinate the activity of federal executive bodies related to forced migrants.

Article 11. Housing fund for temporary accommodation of forced migrants

1. The housing fund reserved for temporary accommodation of forced migrants (hereinafter housing fund) shall be used for accommodation of forced

migrants while their status is in force. This housing fund shall include houses, apartments, dormitories and other types of living quarters.

2. Construction (acquisition) of premises for temporary accommodation, their operation and proper use shall be accomplished in accordance with the procedure established by the government of the RF.

The premises leased by a local migration service body for temporary accommodation shall be used based on a lease agreement signed with the owner of the property in question.

3. The housing fund shall be created using federal budget funds, as well as funds channeled from other sources.

The housing fund, with the exception of the leased premises, for temporary accommodation of forced migrants shall be federal property under operational management of the federal migration service.

Living quarters from the housing fund can be transferred to local bodies for ownership. Local migration service bodies shall reserve the right to accommodate their forced migrants in accordance with a lease agreement.

4. Living quarters from the housing fund shall be provided to a forced migrant according to the order of priority set forth by a local migration service body.

5. Living quarters from the housing fund shall not be subject to privatization, exchange, reservation, lease or sublease. Persons staying at the indicated living quarters shall not be allowed to divide the living quarters occupied by them and accommodate temporary tenants without a permission issued to this effect by a local migration service body.

Article 12. Sources of financing the expenses related to reception and accommodation of forced migrants

1. Federal budget funds allocated for the realisation of federal migration programmes, as well as budget funds of the subjects of the Russian Federation set aside for the implementation of regional migration programmes, shall be the source of financing the expenses related to reception, travel and accommodation of persons seeking the forced migrant status and forced migrants.

2. The subjects of the Russian Federation, from the territories of which persons recognised as the forcibly displaced have exited, shall compensate for the expenses related to the reception and accommodation of the above mentioned persons in keeping with the procedure set forth by the Government of the RF.

3. Compensation of the expenses related to the reception and accommodation of forced migrants from foreign states shall be made according to the international agreements of the Russian Federation.

4. Special allocations from the reserve fund of the Government of the RF, voluntary donations of individuals and legal entities, as well as funds received from foreign states, international and inter-government organizations, shall constitute additional sources of financing.

Article 13. Interaction between federal executive bodies, executive bodies of the subjects of the Russian Federation and local authorities with public associations, when providing assistance to forced migrants

1. Federal executive bodies, executive authorities of the subjects of the RF and local authorities, within their authority in accordance with the Russian legislation, shall ensure the observance of rights and lawful interests of public associations, dealing with forced migrants, and shall assist them in their activities aimed at finding accommodation and employment for forced migrants. The assistance could be rendered in the form of purpose-oriented financing of some viable programmes based on applications submitted by public associations (state grants), reaching all types of agreements and implementation of various state programmes following competitive bidding.

2. Public associations providing assistance to forced migrants can be involved, subject to their approval, in the elaboration of proposals on state policy in the sphere of forced migration, as well as in the development of projects on establishing compact settlements and providing employment to forced migrants.

3. Bodies of state power, as well as local authorities, upon coordination with public associations shall deal with the issues affecting the interests of public associations in cases stipulated in the present law.

4. Control over the activities of public associations providing assistance to forced migrants shall be exercised in accordance with Russian legislation.

Article 14. International cooperation on the issues related to forced migrants

1. The Russian Federation shall conclude with foreign states international treaties dealing with forced migrants coming to the RF from these states, including international agreements in the sphere of protection of social, economic and other rights, as well as lawful interests of forced migrants, taking into account the state interests of the RF.

2. Should international treaties entered into by the RF establish rules other than those set forth in the present law, then the rules of such international treaties shall apply.

Article 15. Liability for violation of the present Law

Persons guilty of violation of this law shall be liable in accordance with the legislation of the RF.