

EUROPEAN HUMAN RIGHTS ADVOCACY CENTRE

EHRAC

SUMMER 2008
ISSUE 9



МЕМОРИАЛ

In partnership with Memorial Human Rights Centre (MHRC), the Georgian Young Lawyers' Association (GYLA) and Article 42 of the Constitution

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Treatment of Chechen IDPs, asylum-seekers and refugees in Europe

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In March 2007, the European Council on Refugees and Exiles (ECRE)¹ launched updated Guidelines on the Treatment of Chechen Internally Displaced Persons (IDPs), Asylum Seekers and Refugees in Europe. This article will concentrate primarily on the situation for asylum seekers and refugees from the Chechen Republic outside of the Russian Federation.²

Chechens are one of the largest groups of refugees in Europe. Despite a large fall in the number of applications by Russian nationals (the majority of whom are presumed to be of Chechen origin), they were still the third largest group of asylum seekers in Europe in 2006.

For those Chechen refugees outside the EU, the situation is extremely difficult. There are serious barriers to simply accessing asylum procedures for Chechen asylum seekers in Azerbaijan, the Republic of Belarus, Kazakhstan and Ukraine. In Ukraine the recognition rate for Chechen asylum seekers being granted refugee status has been 0% since 2005. There have been many reports of Chechens being deported from Ukraine and even in having problems entering the country, when as Russian citizens they should enjoy the benefits of a visa-free regime. In Azerbaijan, Chechen refugees are not accorded any legal status by the government and have no access to social assistance apart from that given by UNHCR. Refugee groups have also complained about the security situation for refugees in Azerbaijan. In Georgia, refugees who are not registered with citizens of Georgia are required to live in the Pankisi Gorge, a depressed area with little opportunity for finding work, meaning refugees depend on UNHCR food rations. The administration of the Republic of Chechnya has made several visits to Georgia to help facilitate returns to the Chechen Republic. NGOs have voiced concern about cases of the extradition of Chechens in need of international protection to the Russian Federation from both Georgia and Azerbaijan. Given these facts, it is ECRE's opinion that the return of refugees from these countries back to the Chechen Republic cannot be said to be voluntary.³ Meanwhile, the number of Chechen refugees able to be resettled from

these countries to third countries is also decreasing.

Integration in the Republic of Belarus, Moldova and Ukraine is difficult. In Ukraine refugees from Chechnya find it hard to get any legal status that would enable them to remain in the country. The creation of the Union State between the Republic of Belarus and the Russian Federation and the Treaty on Equal Rights of its Citizens have meant in practice that no applications for asylum from Chechen refugees have been processed in Belarus. Although Moldova is one of the few countries in the region to accord refugee status to Chechens, the economic situation means that once recognised as a refugee, refugees do not get any assistance from the government.

It is little wonder then that many try

and head west to the EU. Those Chechen refugees who make it to the EU, however, face different problems. Despite the EU's attempts to harmonise asylum procedures and introduce common minimum standards, the treatment of Chechen refugees varies considerably across Europe. Whilst there are generally high refugee recognition rates for Chechens in Austria, Belgium and France, it is much more difficult for Chechens to be granted refugee status in Finland, Poland, Sweden and Germany. In fact in Germany, refugee recognition rates can even differ depending on the region of the country where the application has been made. There are also differences between some member states which grant a high percentage of asylum seekers from Chechnya refugee status (e.g. Austria) whilst others predominantly grant other forms of subsidiary protection (e.g. 'tolerated stay' status in Poland).

The facilities and support available for refugees also differ from country to country, with those newer EU states on the eastern border often being hardest pushed to provide psychological and other services for those refugees who suffer from trauma or who have been tortured. The Dublin II Regulation,⁴ which allocates responsibility for processing asylum applications amongst the EU's member states, causes further suffering, distress and hardship for many refugees. Chechen refugees often arrive in the EU across land borders. As the Dublin II Regulation often allocates responsibility for the asylum claim to the state in which the asylum

seeker first entered the EU, refugees can find themselves being transferred back to Poland, where reception centres and facilities are overburdened; or to the Slovak Republic, where there is an almost 0% refugee recognition rate and reports by NGOs of chain refoulement to Russia through Ukraine. ECRE and the UNHCR have also criticised Dublin II because of an increased use of detention by some member states to ensure the effective transfer of asylum seekers, a reluctance by some to use the Humanitarian Clause to allow families to be together or to use the Sovereignty Clause to take responsibility for processing applications for asylum from individuals suffering from extreme distress and trauma. ECRE is advocating

for reform of Dublin II in the short-term, and its abolition in the long-term. In the meantime, ECRE believes member states should not transfer Chechen asylum seekers to other member states under the EU's Dublin II Regulation if they will not be guaranteed access to a fair asylum procedure or will be at risk of refoulement.

You can find ECRE's Guidelines on the Treatment of Chechen IDPs, Asylum Seekers and Refugees, at: http://www.ecre.org/files/chechen_guidelines.pdf. Please contact Claire Rimmer (CRimmer@ecre.org) to receive information on EU asylum systems, Dublin II and other policy documents in English and Russian.

1 ECRE is a network of 76 refugee-assisting NGOs in 31 European countries.

2 For the latest report by *Memorial* on the situation for residents from the Chechen Republic living in the Russian Federation up to October 2007 see: <http://lcrmosc.memo.ru/C325678F00668DC3/5ID/6AE81AEE666DB64BC32573AA00016555>.

3 For more information on what constitutes voluntary return, see: ECRE, 2003. *Position on Return*, paras. 7 & 8. Available at: <http://www.ecre.org/files/returns.pdf>.

4 Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. For more information on how this regulation works, see the ECRE/ELENA Summary Report on the Application of the Dublin II Regulation in Europe. [Online]. Available at: www.ecre.org