

FEDERAL LAW
NO. 202-FZ OF DECEMBER 20, 1995
ON INTRODUCING THE AMENDMENTS AND ADDENDA
TO THE LAW OF THE RUSSIAN FEDERATION
ON THE FORCED MIGRANTS

(with the Amendments and Additions of August 7, 2000, December 24, 2002,
December 23, 2003)

Adopted by the State Duma on November 22, 1995

Approved by the Federation Council on December 9, 1995

Article 1. To introduce amendments and addenda into the Law of the Russian Federation on the Forced Migrants (Gazette of the Congress of People's Deputies of the Russian Federation and of the Supreme Soviet of the Russian Federation, No. 12, 1993, item 427), wording it as follows:

The Law of the Russian Federation
on the Forced Migrants

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

Article 1. Defining the Concept of the Forced Migrant

1. The forced migrant shall be interpreted as a citizen of the Russian Federation, who has left the place of his residence as a result of an act of violation or of suppression in other forms, committed against him or against his family members, or as a result of the real threat to be subjected to suppression because of his racial or national affiliation, religion or language, and also because of his belonging to a definite social group or because of his political convictions, which have become a pretext for launching hostile campaigns with respect to a particular person or a group of persons, or massive breaches of the public order.

2. According to the circumstances, stipulated by Item 1 of the present Article, recognized as the forced migrant shall be:

- 1) a citizen of the Russian Federation, who was compelled to leave the place of his residence on the territory of the foreign state and who has arrived to the territory of the Russian Federation;
 - 2) a citizen of the Russian Federation, who was forced to leave the place of his residence on the territory of one subject of the Russian Federation and who has arrived to the territory of another subject of the Russian Federation;
3. Recognized as the forced migrant shall also be a foreign citizen or a stateless person, who permanently resides on the legal grounds on the territory of the Russian Federation and who has changed his place of residence within the boundaries of the territory of the Russian Federation because of the circumstances, stipulated by Item 1 of the present Article.
4. Recognized as the forced migrant shall also be a citizen of the ex-USSR, who permanently resided on the territory of the Republic, which was a member of the USSR, who was granted the status of the refugee but lost this status in connection with his acquisition of the citizenship of the Russian Federation in the face of the existence of the circumstances, which prevented the given person during the period of validity of his status of the refugee from settling on the territory of the Russian Federation.

Article 2. The Person, Who Cannot Be Recognized As the Forced Migrant

1. Not recognized as the forced migrant shall be a person, who:

- 1) has committed a crime against peace and humanity, or another grave crime, recognized as such by the legislation of the Russian Federation;
- 2) has not filed without a sound reason a petition for recognizing him as the forced migrant in the course of 12 months from the date of his leaving the place of his residence, or in the course of one month from the date of his forfeiting the status of the refugee in connection with the acquisition of the citizenship of the Russian Federation;
- 3) has left the place of his residence because of the economic reasons or because of a famine or of an epidemic, or because of the emergency situations of the natural or of the technogenic character.

Article 3. Procedure for Registering the Petition for Recognizing a Person as the Forced Migrant

1. A person, who has left the place of his residence because of the circumstances, mentioned in Item 1 of Article 1 of the present Law, and who claims to be recognized as the forced migrant, shall file, in person or through his authorized representative, a petition on recognizing him as the forced migrant (hereinafter referred to as the petition) with the territorial body of the migration service by the place of his new stay.

2. A person, who claims to be recognized as the forced migrant, shall have the right to turn with the petition to the federal body of the migration service or to the territorial body of the migration service by the place of the supposed resettlement, or to the diplomatic representation or consular institution of the Russian Federation in the state of his stay for the given petition to be forwarded to the federal body of the migration service by the place of his supposed resettlement.

3. The decision on the registration of the petition shall be passed by the territorial body of the migration service in the course of 3 days from the date of the petition's arrival.

In case of a massive emergency arrival to the territory of the Russian Federation of the persons, who have left their place of residence because of the circumstances, mentioned in Item 1 of Article 1 of the present Law, the given persons shall be received in conformity with the procedure, defined by the decision of the Government of the Russian Federation. These persons' petitions shall be registered immediately.

4. If a positive decision is taken on the question of registering the petition, to every person, who claims to be recognized as the forced migrant, shall be issued or forwarded a certificate on the registration of his petition.

Information on the family members below the age of 18 years, who have also arrived with them, shall be entered into the certificate of one of the parents.

The form of the certificate and the procedure for its issue shall be decreed by the Government of the Russian Federation. The certificate shall be seen as the legal ground for granting to the person the rights and for imposing on him the duties, stipulated by the present Law.

5. If the person, who claims to be recognized as the forced migrant, is refused in registering the petition, he shall be issued or forwarded, within 5 days from the date of taking the decision, a written notice with the indication of the reasons behind the refusal and of the procedure for filing an appeal against the adopted decision.

6. Not subject to registration shall be the petitions of the citizens of the ex-USSR, who have arrived to the Russian Federation because of the circumstances, envisaged by Item 1 of Article 1 of the present Law, and who have not filed, in conformity with the procedure,

established by the legislation of the Russian Federation, applications or petitions for the acquisition of the citizenship of the Russian Federation.

Article 4. The Rights and Duties of the Person, Who Has Received a Certificate on the Registration of His Petition on Recognizing Him as the Forced Migrant

1. The person, who has received a certificate on the registration of his petition for recognizing him as the forced migrant, and his family members below the age of 18 years, who have arrived with him, shall be entitled to:

Federal Law No. 122-FZ of August 7, 2000 amended subitem 1 of Item 1 of Article 4 of this Law. The amendments shall come into force as of January 1, 2001

1) the receipt of a lump monetary allowance for every family member in conformity with the procedure and in the amounts to be defined by the Government of the Russian Federation, but not less than the minimum amount of the remuneration of labour, fixed by the federal law;

See the Procedure for the Payment of a Lump Monetary Allowance to the Forced Migrants and Refugees, approved by the Decision of the Federal Migration Service of the Russian Federation No. 2585 of November 1, 1993 and by the Decision of the Government of the Russian Federation No. 135 of March 3, 1992 on Measures for Rendering Assistance to the Refugees and to the Forced Migrants

2) the issue of an order by the territorial body of the migration service for accommodation at a centre for a temporary stay of the forced migrants, if it is impossible to independently determine the place of residence or the place of stay on the territory of the Russian Federation;

3) assistance in providing for their fares and for the transportation of their luggage to the place of their temporary settlement in conformity with the order, defined by the Government of the Russian Federation. The poorly provided persons (such as a single pensioner, a single invalid, a family, consisting of only pensioners and /or invalids, a single parent (a person, substituting for him) with a child or with children aged below 18 years, a family with three or more children, aged below 18 years), who have obtained certificates on the registration of their petition, shall have the right to free fares and to a free transportation of their luggage from the place of registration of the petition to the place of their temporary settlement on the territory of the Russian Federation;

4) the accommodation at the centre for a temporary stay of the forced migrants, the supply of the food according to the established norms and the use of public amenities in conformity with the order, decreed by the Government of the Russian Federation, until the question of recognizing them as the forced migrants is resolved;

- 5) a free medical assistance and free medicines at the state and at the municipal public health institutions in conformity with the legislation of the Russian Federation.
2. The person, who has obtained a certificate on the registration of his petition, and his family members, aged below 18 years, who have arrived with him, shall be obliged:
- 1) when staying at the centre for a temporary stay of the forced migrants, to observe the order, laid down for living there;
 - 2) to pass an obligatory medical examination;
 - 3) to supply to the federal body of the migration service and to the territorial body of the migration service authentic information for their taking a decision on granting them the status of the forced migrants.

Article 5. Procedure for Taking a Decision on Recognizing a Person as the Forced Migrant

1. A person shall be recognized as the forced migrant in conformity with the present Law.
2. The decision on recognizing the person as the forced migrant shall be taken by the corresponding territorial body of the migration service in the course of three months from the date of registration of the petition, regardless of the possibility for the person to independently settle in the given locality.

The territorial body of the migration service shall issue or forward, within 5 days from the date of adopting the decision, a written notice on the results of considering the petition.

The decision on recognizing a person as the forced migrant shall be a ground for granting him the guarantees, established by the present Law, by the federal laws and by other normative legal acts of the subjects of the Russian Federation.

On the procedure for recognizing persons as the forced migrants, for their registration and taking into account on the territory of the Russian Federation, see the Regulations, approved by the Federal Migration Service of the Russian Federation No. 2775 of November 25, 1993

3. The person, who has been recognized as the forced migrant, shall be issued a corresponding identification card. Information on the family members below the age of 18 years, recognized as the forced migrants, shall be entered into the identification card of one of the parents.

The form of the forced migrant's identification card and the procedure for its issue shall be laid down by the Government of the Russian Federation. The identification card shall be valid across the entire territory of the Russian Federation.

4. The status of the forced migrant shall be granted for a term of 5 years. The federal executive power bodies, the executive power bodies of the subjects of the Russian Federation and the local self-government bodies shall launch, within the scope of their jurisdiction, the measures, stipulated by Article 7 of the present Law, to provide for the settlement of the forced migrant and of his family members at the new place of residence on the territory of the Russian Federation.

In the face of the circumstances, preventing the forced migrant's settlement at the new place of residence, the term of validity of his status shall be extended by the territorial body of the migration service for every subsequent year upon the forced migrant's application.

Article 6. The Forced Migrant's Rights and Duties

1. The forced migrant shall have the right:

1) to independently choose the place of residence on the territory of the Russian Federation, including in one of the populated centres, offered to him by the territorial body of the migration service. The forced migrant may, in conformity with the established order, live at his relatives or at the other persons, if they agree to jointly reside with him, regardless of the size of the living space, occupied by the relatives or by the other persons;

2) if there is no possibility to independently determine the place of his new residence on the territory of the Russian Federation, to obtain from the federal body of the migration service or from the territorial body of the migration service, in conformity with the procedure, defined by the Government of the Russian Federation, an order for accommodation at a centre for a temporary stay of the forced migrants, or at the living premises from the housing fund for a temporary accommodation of the forced migrants;

3) to receive assistance in providing for their fares and for the transportation of their luggage to the new place of residence or to the place of stay in conformity with the order, defined by the Government of the Russian Federation. The poorly provided persons (such as a single pensioner, a single invalid, a family, consisting of only pensioners and/or invalids, a single parent (or the person, substituting for him) with a child or with children, aged below 18 years) shall be granted the right to a free fare and a free transportation of the luggage from the place of their temporary stay to their new place of residence or to the place of stay on the territory of the Russian Federation.

Decision of the Government of the Russian Federation No. 718 of November 29, 2003 established that natural persons declared forced migrants may import, without paying any customs duties and taxes, used goods acquired by them prior to their entry into the territory of the Russian Federation

2. The forced migrant shall be obliged:

- 1) to abide by the Constitution of the Russian Federation and by the laws;
- 2) to observe the established order of living at the centre for a temporary stay of the forced migrants and at the living premises from the housing fund for a temporary accommodation of the forced migrants;
- 3) in case of changing the place of residence, to be struck off the register at the territorial body of the migration service before the departure and in the course of one month to register with the territorial body of the migration service;
- 4) to pass an annual re-registration within the term, fixed by the territorial body of the migration service.

3. The forced migrant shall forfeit the right to stay at the living premises from the housing fund for a temporary accommodation of the forced migrants, when he receives (acquires) the other housing or when the construction of the individual housing is completed, or if he forfeits or is deprived of the status of the forced migrant, and also if he is absent for no sound reasons for over six months.

Article 7. Jurisdiction of the Federal Executive Power Bodies, of the Executive Power Bodies of the Subjects of the Russian Federation and of the Local Self-government Bodies with Respect to the Forced Migrant

1. The federal executive power bodies, the executive power bodies of the subjects of the Russian Federation and the local self-government bodies shall, within the scope of their jurisdiction:

- 1) offer to the forced migrant a complete list of the populated centres, recommended for his permanent residence, and also information on the living conditions and on the employment opportunities in these populated centres;
- 2) include the forced migrant, in conformity with the housing legislation of the Russian Federation, into the list of the citizens for receiving the housing, the construction (the acquisition) of which is effected at the expense of the means from the federal budget, from the means of the budget of the subject of the Russian Federation and of the means from the local budget, regardless of the term of his residence in the given locality;

- 3) render assistance to the forced migrant in joining a housing cooperative, in the individual housing construction, including the allocation (the acquisition) of a land plot and the purchase of the building materials;
- 4) grant to the forced migrant, who needs to improve his housing conditions, gratuitous subsidies for building (acquiring) the housing in conformity with the legislation of the Russian Federation;
- 5) assist the forced migrants in organizing compact settlements on the territory of the Russian Federation, in building the housing and in setting up an engineering and a social infrastructure, and in creating jobs in the places of the compact settlements;
- 6) grant the forced migrant, in case of his employment in the rural locality, the privileges, established by the legislation of the Russian Federation and by the legislation of the subjects of the Russian Federation for the persons, moving to the rural locality.
- 7) provide, in conformity with the legislation of the Russian Federation, for a single forced migrant (an aged person or an invalid), whose relatives cannot render him the proper assistance and care, an accommodation in a social use house of the municipal housing fund for the aged citizens and for invalids;
- 8) provide in the first priority order a place at an institution for the social protection of the population, for a single forced migrant (an aged person or an invalid);
- 9) render assistance in placing the forced migrant's children into the state-run or municipal pre-school and general education establishments, into the institutions for the primary vocational training, and also in transferring them in the first priority order to the corresponding institutions of the secondary vocational and higher professional education, to the places, financed at the expense of the means from the corresponding budget;
- 10) consider the forced migrant's written applications and give written answers to them in conformity with the procedure and within the term, established by the legislation of the Russian Federation.

2. The federal executive power bodies and the executive power bodies of the subjects of the Russian Federation shall, within the scope of their jurisdiction:

- 1) assist in realizing the rights of the forced migrant to employment, to the vocational training (the retraining) and to improving his skills in conformity with the legislation of the Russian Federation;

- 2) register the forced migrant as an unemployed, if it is impossible to provide to him a job in conformity with the legislation of the Russian Federation, regardless of the term of his residence in the given locality on the territory of the Russian Federation;
 - 3) render assistance to the forced migrant, upon his request, in obtaining the necessary documents for restoring his work record, in conformity with the legislation of the Russian Federation;
 - 4) provide to the forced migrants - the orphaned children and the children, left without the parental care, places at the children's homes;
 - 5) render assistance to the forced migrant, upon his request, in returning to the former place of residence.
3. The territorial bodies of the migration service, in conformity with the procedure, laid down by the Government of the Russian Federation, shall:
- 1) provide to the forced migrant and to his family members, including those residing at the centres for a temporary stay of the forced migrants, living premises from the housing fund for a temporary accommodation of the forced migrants;
- Federal Law No. 186-FZ of December 23, 2003 suspended the validity of Subitem 2 of Item 3 of Article 7 of this Law from January 1 to December 31, 2004*
- Federal Law No. 176-FZ of December 24, 2002 suspended the validity of Subitem 2) of Item 3 of Article 7 of this Law from January 1 through December 31, 2003*
- 2) grant to the family of the forced migrant a long-term interestfree demand loan for building (acquiring) the housing. The size of the loan shall be defined by the Government of the Russian Federation;
 - 3) take part in financing the building (acquisition) and the distribution of the housing for a permanent residence of the forced migrants.

The said housing shall be built (acquired) at the expense of the means from the federal budget, and also of the means, drawn from other sources, including the personal savings of the forced migrants.

4. The federal executive power bodies and the executive power bodies of the subjects of the Russian Federation shall render, within the scope of their jurisdiction, assistance to the forced migrant in:

- 1) the return of the property in his ownership, which he has left on the territory of the Russian Federation. If it is impossible to return the property, a compensation shall be paid out to the forced migrant. The terms and the procedure for the return

of the property, and also for the payment of the compensation, shall be defined by the Government of the Russian Federation;

2) organizing, in conformity with the international treaties of the Russian Federation, the transportation of the property, which is in his ownership on the territory of a foreign state. If it is impossible to return the property, a compensation shall be paid out to the forced migrant in conformity with the international treaties of the Russian Federation and with the normative legal acts of the Russian Federation.

5. The state power bodies of the subjects of the Russian Federation, which have admitted on the territory within their jurisdiction a forced migration because of the circumstances, stipulated by Item 1 of Article 1 of the present Law, shall take measures, jointly with the federal state power bodies, for eliminating the causes of the forced migration.

Article 8. Guarantees for the Rights of the Person, Petitioning for Recognition as the Forced Migrant, and of the Forced Migrant

1. The forced migrant shall not be returned against his will to the territory (the populated centre), which he has left because of the circumstances, stipulated by Item 1 of Article 1 of the present Law.

The forced migrant shall not be moved without his consent to another populated centre.

2. The decisions and actions (the lack of action) of the federal executive power bodies, of the executive power bodies of the subjects of the Russian Federation and of the local self-government bodies, and of the official persons of the said bodies, involved in the execution of the present Law, may be appealed against with the higher-placed body or with the court.

3. The term for filing a complaint shall not exceed:

- one month - from the date of the citizen's receiving a written notice on the adopted decision, or from the date of expiry of the monthly term after filing the complaint, if the citizen has not received an answer to it in written form;

- three months - from the date, when the citizen learned about the violation of his right.

4. Until taking a decision on his complaint against the refusal to recognize him as the forced migrant, the person, who has filed the complaint, shall enjoy the rights, stipulated by Subitem 4 and by Subitem 5 of Item 1 of Article 4 of the present Law.

Article 9. Forfeiting and Deprivation of the Status of the Forced Migrant

1. The person shall forfeit the status of the forced migrant, if his citizenship of the Russian Federation is terminated.
 2. The person shall also forfeit the status of the forced migrant:
 - 1) if he leaves for a permanent residence outside of the territory of the Russian Federation;
 - 2) in connection with the expiry of the term of granting him the status in conformity with Item 4 of Article 5 of the present Law.
 3. The federal body of the migration service or the territorial body of the migration service shall deprive the person of the status of the forced migrant, if he:
 - 1) is convicted for committing a crime by a sentence, which has come into legal force;
 - 2) has intentionally supplied false information or has deliberately presented forged documents, which have served as a ground for recognizing him as the forced migrant.
 4. A notice on depriving a person of the status of the forced migrant, with the indication of the reasons and of the procedure for appealing against it, shall be forwarded to this person within 5 days from the date of taking the decision.
 5. If a person forfeits the status of the forced migrant, or if he is deprived of the status of the forced migrant, the identification card of the forced migrant shall be recognized as invalid by the corresponding body of the migration service.
 6. If a person forfeits the status of the forced migrant or if he is deprived of the status of the forced migrant, the given person shall be obliged to leave the living premises, provided to him from the housing fund for a temporary accommodation of the forced migrants.
- The deprivation of the status of the forced migrant in connection with supplying false information or in connection with deliberately presenting forged documents, shall be a ground for obtaining on demand the means, spent for the fares, for the transportation of the luggage, for the maintenance and for the accommodation of the given person.
7. The person, who has forfeited the status of the forced migrant in connection with the expiry of the term of its validity, shall preserve the right to getting the compensation for the lost property in conformity with Item 4 of Article 7 of the present Law.

Article 10. The Basic Lines of Work of the Federal Body of the Migration Service and of the Territorial Bodies of the Migration Service with the Forced Migrants

1. To the basic lines of work of the federal body of the migration service and of the territorial bodies of the migration service with the forced migrants shall be referred the reception of the forced migrants, granting to them of the status of the forced migrants, keeping account of the forced migrants, and rendering them assistance in settling anew and an all-out support within the scope of their jurisdiction.
2. The federal body of the migration service shall coordinate the activity of the federal executive power bodies on the problems of the forced migrants.

Article 11. The Housing Fund for a Temporary Accommodation of the Forced Migrants

1. The housing fund for a temporary accommodation of the forced migrants (hereinafter referred to as the housing fund) shall be intended for the stay of the forced migrants in the course of the term of validity of the status of the forced migrant. To the housing fund shall be referred the houses, flats, hostels and other living premises.
2. The building (acquisition) of the living premises for a temporary stay, their exploitation and use for the indicated purpose shall be effected in conformity with the procedure, defined by the Government of the Russian Federation.

The premises, rented by the territorial body of the migration service for a temporary accommodation, shall be used on the ground of the contracts of lease, signed with the owner of the property.

3. The housing fund shall be set up at the expense of the means from the federal budget, and also at the expense of the means, drawn from other sources.

The housing fund, with the exception of the rented premises, shall be the federal property and shall be placed under an operational management of the bodies of the migration service.

The living premises from the housing fund may be passed into the ownership of the local self-government bodies, with the territorial body of the migration service preserving the right to let them to the forced migrants on the ground of a contract.

4. The living premises from the housing fund shall be given to the family of the forced migrant in the order of priority, established by the territorial body of the migration service.
5. The living premises from the housing fund shall not be subject to privatization, exchange or reservation, rent, lease or sublease. The person, occupying the said living premises, shall not be allowed to divide the living space he occupies and to let to it

temporary tenants without obtaining a proper permission from the territorial body of the migration service.

Article 12. The Sources of Financing the Outlays on Receiving and on Settling the Forced Migrants

1. The sources of financing the outlays on the receiving, the fares, accommodation and settling of the persons, who have filed a petition for granting them the status of the forced migrant, and also of the forced migrants, shall be the means from the federal budget, allocated for implementing federal migration programmes, and also the means from the budgets of the subjects of the Russian Federation, directed towards the implementation of regional migration programmes.
2. The subject of the Russian Federation, whose territory the persons, recognized as the forced migrants, have left, shall compensate the outlays on the reception and on the settlement of the said persons in conformity with the procedure, laid down by the Government of the Russian Federation.
3. The outlays on the reception and on the settlement of the forced migrants from foreign states shall be compensated in conformity with the international treaties of the Russian Federation.
4. Additional sources of financing may be the goal-oriented allocations from the reserve fund of the Government of the Russian Federation, the voluntary donations from natural and legal persons, and also the means, received from foreign states, from international and from inter-governmental organizations.

Article 13. Interaction of the Federal Executive Power Bodies of the Subjects of the Russian Federation and of the Local Self-government Bodies with Public Associations for Rendering Assistance to the Forced Migrants

1. The federal executive power bodies, the local self- government bodies of the subjects of the Russian Federation and the local self-government bodies shall ensure, within the scope of their jurisdiction and in conformity with the legislation of the Russian Federation, the observation of the rights and of the lawful interests of the public associations, dealing with the problems of the forced migrants, shall render them support in their activity, involved in their settlement and in tackling the problems of the forced migrants' employment. The support may consist in the goal- oriented financing of certain socially-useful programmes upon the applications of the public associations (the state grants); in signing any kind of contracts; and in the social order for implementing any kind of state programmes on the competitive principle.
2. The public associations, rendering assistance to the forced migrants, may be drawn, with their consent, into the elaboration of proposals on the basic lines of the state policy in the sphere of the forced migration, and also to the elaboration of projects for a compact settlement and for the employment of the forced migrants.

3. The questions, infringing upon the interests of the public associations in the cases, stipulated by the present Law, shall be resolved by the state power bodies and by the local self-government bodies in agreement with the public associations.

4. Control over the activity of the public associations, rendering assistance to the forced migrants, shall be exerted in conformity with the legislation of the Russian Federation.

Article 14. International Cooperation on the Problems of the Forced Migrants

1. The Russian Federation shall conclude international treaties with foreign states on the problems of the forced migrants, arriving to the Russian Federation from these states, including the international treaties in the sphere of protection of the social, economic and other rights, and also of the lawful interests of the forced migrants, with account for the state interests of the Russian Federation.

2. If the international treaty of the Russian Federation lays down other rules than those contained in the present Law, the rules of the international treaty shall be applied.

Article 15. Responsibility for Violating the Present Law

The persons, guilty of violating the present Law, shall bear responsibility, stipulated by the legislation of the Russian Federation.

Article 2. The present Federal Law shall come into force as from the date of its official publication.

Article 3. The term of validity of the status of the persons, recognized as the forced migrants, shall be calculated, until the present Federal Law comes into force, as from the date of recognizing them as the forced migrants.

Article 4. To propose to the President of the Russian Federation and to order to the Government of the Russian Federation that they bring the legal acts, issued by them, into correspondence with the present Federal Law.

President

of the Russian Federation

Boris Yeltsin

Moscow, the Kremlin