

Immigration and Refugee Board of Canada

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Responses to Information Requests

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16 May 2014

ZZZ104866.E

Russia and Uzbekistan: Whether an individual born in the Soviet Union (Russia) to ethnic Russian parents, who is a citizen of Uzbekistan, is entitled to Russian citizenship (2013-May 2014)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Dual Citizenship

1.1 Russia

Article 6 of the Federal Law on the Citizenship of the Russian Federation, adopted in 2002, states

[translation]

1. A citizen of the Russian Federation who also holds another citizenship shall be regarded by the Russian Federation as a citizen of the Russian Federation only, except for the cases provided for under an international treaty of the Russian Federation or under a federal law.
2. The acquisition of another citizenship by a citizen of the Russian Federation shall not entail the termination of the citizenship of the Russian Federation. (Russia 2002, Art. 6)

Article 13 of the same law indicates that an individual who wishes to acquire Russian citizenship must renounce his or her previous citizenship (*ibid.*, Art. 13 (d)).

1.2 Uzbekistan

According to the information provided on the website of the US Embassy in Tashkent, "Uzbekistan does not recognize dual nationality. It considers any dual national to be solely an Uzbek citizen" (US n.d.). Article 10 of the Law of the Republic of Uzbekistan on citizenship, which entered into force in 1992, states that "[a] person who is a citizen of the Republic of Uzbekistan shall not be recognised as affiliated to citizenship of a foreign state" (Uzbekistan 1992, Art. 10).

According to Article 20 of the citizenship law of Uzbekistan, an individual may renounce Uzbek citizenship as follows:

Withdrawal from citizenship of the Republic of Uzbekistan shall be allowed upon petition of a person in the manner established by the present Law.

Withdrawal from citizenship of the Republic of Uzbekistan may be denied where a petitioner has outstanding obligations to the State or property obligations involving substantial interests of citizens or state and public organisations.

Withdrawal from citizenship of the Republic of Uzbekistan shall not be allowed where a petitioner is under indictment in criminal case or under sentence of conviction which has taken effect and which is pending

execution, or where withdrawal of a person from citizenship of the Republic of Uzbekistan contradicts the interests of state security of the Republic of Uzbekistan. (ibid., Art. 20)

Article 41 of the same law indicates that

[e]xecution of decisions on citizenship matters with respect to persons permanently residing in the Republic of Uzbekistan shall be assigned to the Ministry of Interior of the Republic of Uzbekistan and its respective agencies, civil status registration departments, and with respect to persons residing abroad - to the Ministry of Foreign Affairs of the Republic of Uzbekistan, respective diplomatic representations and consular institutions of the Republic of Uzbekistan. (ibid., Art. 41)

Further or corroborating information on the renunciation of Uzbek citizenship could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Russian Citizenship

In correspondence with the Research Directorate, the Head of the Consular Division of the Embassy of Russia in Canada stated that the fact that a citizen of Uzbekistan was born in the Union of Soviet Socialist Republics (USSR) to ethnic Russian parents is not [translation] a "reasonable ground for the recognition of Russian citizenship" (Russia 5 May 2014). The Head of the Consular Division added that any foreigner can apply for Russian citizenship through the process of naturalization if he or she meets the requirements (ibid.).

Article 13 of the Russian Federal Law on Citizenship lists the following conditions for the acquisition of the citizenship of the Russian Federation on general terms:

[translation]

1. Foreign citizens and stateless persons who have reached the age of 18 and are deemed competent are entitled to apply for the citizenship of the Russian Federation on general terms on condition that the afore-mentioned citizens and persons:
 - a. have resided on the territory of the Russian Federation for five years continuously from the date of receiving a residence permit to the date of submitting their application for the citizenship of the Russian Federation, save in cases provided for under Part 2 of this article. The period of residence on the territory of the Russian Federation shall be deemed continuous if the person travelled outside the Russian Federation for no longer than three months in one year. For persons who arrived in the Russian Federation before 1 July 2002 and who have no residence permit, the period of residence on the territory of the Russian Federation shall be calculated as of the date of their registration at their place of residence; [...]
 - b. undertake to comply with the Constitution of the Russian Federation and the legislation of the Russian Federation;
 - c. have a legitimate source of livelihood;
 - d. have filed an application renouncing their other citizenship with a competent authority of a foreign state. The renunciation of another citizenship shall not be required in cases provided for under an international treaty of the Russian Federation or under the present Federal Law, or if the renunciation of another citizenship is impossible due to reasons beyond the person's control;
 - e. have a knowledge of Russian; the procedure for assessing the level of proficiency in the Russian language shall be established in the provisions on the procedure for examining issues pertaining to the citizenship of the Russian Federation.
2. The period of residence on the territory of the Russian Federation set out in Paragraph "1" of Part 1 of the present article shall be reduced to one year in the presence of at least one of the following grounds:

[...]

 - a. the person's high achievements in science, technology or culture; the person's occupation or qualification being of interest to the Russian Federation;
 - b. the person having been granted political asylum on the territory of the Russian Federation;
 - c. the person's recognition as a refugee pursuant to procedures established by a federal law.
3. A person with special merits before the Russian Federation may be admitted to the citizenship of the Russian without meeting the conditions set out in Part 1 of the present Article.
4. Citizens of the states that were part of the USSR, who have served on contract for at least three years with the Armed Forces of the Russian Federation or with other troops or military

formations, are entitled to apply for the citizenship of the Russian Federation without meeting the conditions set out in Paragraph "a" Part 1 of the present Article, and without providing a residence permit. (Russia 2002, Art. 13)

Article 14 of the Law lists conditions for the acquisition of the citizenship of the Russian Federation through a simplified procedure:

[translation]

1. Foreign citizens and stateless persons who have reached the age of eighteen and are deemed competent are entitled to apply for their admission to the citizenship of the Russian Federation through a simplified procedure without meeting the conditions set out in Paragraph "a" of Part 1 Article 13 of the present Federal Law if the afore-mentioned citizens and persons:
 - a. have at least one parent who holds the citizenship of the Russian Federation and resides on the territory of the Russian Federation;
 - b. formerly held the USSR citizenship, resided and continue to reside in the states that were part of the USSR, have not been admitted to the citizenship of these states, and remain, as a result, stateless persons;
 - c. are citizens of the states that were part of the USSR and have obtained secondary or higher professional education in the educational establishments of the Russian Federation after 1 July 2002.
2. Foreign citizens and stateless persons residing on the territory of the Russian Federation are entitled to apply for their admission to the citizenship of the Russian Federation through a simplified procedure without meeting the period of residence requirements set forth in Paragraph "a" of Part 1 Article 13 of the present Federal Law if the afore-mentioned citizens and persons:
 - a. were born on the territory of the RSFSR [Russian Soviet Federative Socialist Republic] and previously held the citizenship of the former USSR;
 - b. have been married to a citizen of the Russian Federation for at least three years;
 - c. are disabled and have a son or daughter who are deemed competent, have reached the age of eighteen and are citizens of the Russian Federation;
 - d. have a child who is a citizen of the Russian Federation - in those cases when the other parent, who is a citizen of the Russian Federation, has died or has been recognized, by a court decision that has entered into force, as missing or disabled or impaired, or has been deprived of or restricted in parental rights; [...]
 - e. have a son or daughter who have reached the age of eighteen, are citizens of the Russian Federation, and are recognized, by a court decision that has entered into force, as disabled or impaired - in those cases when the other parent of the afore-mentioned citizens of the Russian Federation, who is a citizen of the Russian Federation, has died or has been recognized, by a court decision that has entered into force, as missing or disabled or impaired, or has been deprived of or restricted in parental rights. [...]
3. Disabled foreign citizens and stateless persons who have arrived in the Russian Federation from the states that were part of the USSR and have been registered at their place of residence as of 1 July 2002 are entitled to apply for their admission to the citizenship of the Russian Federation through a simplified procedure without meeting the requirements for their period of residence on the territory of the Russian Federation set forth in Paragraph "a" of Part 1 Article 13 of this Federal Law, and without providing a residence permit.
4. Foreign citizens and stateless persons who formerly held the USSR citizenship, have arrived in the Russian Federation from the states that were part of the USSR and have been registered at their place of residence in the Russian Federation as of 1 July 2002 or have been granted a temporary permit to reside in the Russian Federation or a permanent residence permit shall be admitted to the citizenship of the Russian Federation through a simplified procedure without meeting the conditions set out in Paragraphs "a", "c" and "e" of Part 1 Article 13 of the present Federal Law if they declare their wish to acquire the citizenship of the Russian Federation before 1 July 2009. [...]
5. Veterans of the Great Patriotic War who formerly held the USSR citizenship and who reside on the territory of the Russian Federation shall be admitted to the citizenship of the Russian Federation through a simplified procedure without meeting the conditions set out in Paragraphs

"a", "c", "d" and "e" of Part 1 Article 13 of the present Federal Law, and without providing a residence permit.

6. A child or an incompetent person who are foreign citizens or stateless persons shall be admitted to the citizenship of the Russian Federation through a simplified procedure without meeting the conditions set out in Part 1 Article 13 of the present Federal Law:
 - a. a child one of whose parents holds the citizenship of the Russian Federation - upon application by this parent and with the other parent's consent to the child's acquisition of the citizenship of the Russian Federation. Such consent shall not be required if the child resides on the territory of the Russian Federation;
 - b. a child whose only parent holds the citizenship of the Russian Federation - upon application by the parent;
 - c. a child or an incompetent person under custody or guardianship - upon application by a custodian or guardian in possession of the citizenship of the Russian Federation.
7. Foreign citizens or stateless persons who are registered at their place of residence on the territory of the Subject of the Russian Federation that they have chosen for permanent residence under the State Programme for Assisting Compatriots Residing Abroad in Their Voluntary Resettlement in the Russian Federation may be admitted to the citizenship of the Russian Federation through a simplified procedure without meeting the conditions set out in Paragraphs "a", "c" and "e" of Part 1 Article 13 of the present Federal Law. (ibid., Art. 14)

According to the Head of the Consular Division, [translation] "all cases related to citizenship are reviewed on a case by case basis" (Russia 7 May 2014). For more information on Russian citizenship, please refer to a research paper, entitled *Country Report: Russia*, published in 2012 by the EUDO Observatory on Citizenship, part of the European Union Observatory on Democracy (EUDO). The research paper is attached to this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Russia. 7 May 2014. Embassy of the Russian Federation, Ottawa. Correspondence from the Head of the Consular Division to the Research Directorate.

_____. 5 May 2014. Embassy of the Russian Federation, Ottawa. Correspondence from the Head of the Consular Division to the Research Directorate.

_____. 2002 (amended 2012). Russian Federation Federal Law on the Citizenship of the Russian Federation N 62-FZ. Translated by the Translation Bureau, Public Works and Government Services Canada. <http://eudo-citizenship.eu/admin/?p=file&appl=currentCitizenshipLaws&f=RUS_Citizenship%20Act_as%20amended%2012_11_2012_ORIGINAL%20LANGUAGE.pdf> [Accessed 14 May 2014]

United States (US). N.d. Embassy of the United States, Tashkent. "Dual Nationality." <http://uzbekistan.usembassy.gov/dual_nationality.html> [Accessed 14 May 2014]

Uzbekistan. 1992. Law of the Republic of Uzbekistan on Citizenship of the Republic of Uzbekistan. <<http://www.refworld.org/docid/3ae6b4d3c.html>> [Accessed 14 May 2014]

Additional Sources Consulted

Oral sources: Attempts to contact the following organizations were unsuccessful within the time constraints of this Response: Associate Professor, Department of International and European Law, Immanuel Kant Baltic Federal University of Russia; Civil Assistance NGO, Moscow; Moscow Helsinki Group; Professor, College of Arts and Sciences, American University in Washington; Russia – consulates general of the Russian Federation in Montreal and Toronto.

Internet sites, including: Amnesty International; Argumenty i Fakty; Asia Times; Balkan Insight; British Broadcasting Corporation; Center for Russian, East European and Eurasian Studies, Stanford University; Central Asian News Services; Eurasianet.org; European Commission; European Court of Human Rights; Eurolex; eoi.net; Factiva; Ferghana.ru; Frontline Defenders; Human Rights Society of Uzbekistan; Human

Rights Watch; Immanuel Kant Baltic Federal University of Russia; International Crisis Group; International Society for Human Rights; Legislationline.org; Minority Rights Group International; Moscow Helsinki Group; *The Moscow News*; *The Moscow Times*; *Rossiyskaya Gazeta*; Russia – consulates general of the Russian Federation in Montreal and Toronto, Embassy of the Russian Federation in Ottawa, Ministry of Foreign Affairs, Ministry of Internal Affairs; RT.com; Russian News and Information Agency RIA Novosti; SOVA Center for Information and Analysis; United Nations – Refworld; United States – Consulate General of the United States in St. Petersburg, Embassy of the United States in Tashkent; Uzbekistan – Embassy of Uzbekistan to the United States, Governmental Portal of the Republic of Uzbekistan, Ministry of Foreign Affairs; Uznews.net; zakonrf.info.

Attachment

1. Salenko, Alexander. July 2012. *Country Report: Russia*. Florence: EUDO Observatory on Citizenship. (RSCAS/EUDO-CIT-CR 2012/1) <<http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=Russia.pdf>> [Accessed 14 May 2014]

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Date modified: 2014-06-11

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