



COI QUERY

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Main subject	<u>Legislation and practice on repatriation for nationals with dual Russian-Tajik citizenship (2019-2021)</u>
Question(s)	<ol style="list-style-type: none"><u>Legislation and practice on repatriation to Tajikistan for people residing in Russia and with dual Russian and Tajik citizenship</u><u>Treatment by state authorities of Muhiddin Kabiri's (leader of IRPT) relatives between 2019-2021</u>
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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 26 November 2021. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE – Russian Federation

Legislation and practice on repatriation for nationals with dual Russian-Tajik citizenship (2019-2021)

1. Legislation and practice on repatriation to Tajikistan for people residing in Russia and with dual Russian and Tajik citizenship

Dual citizenship

Article 62 paras. 1 and 2 of the Constitution of the Russian Federation prescribe the following:

‘1. A citizen of the Russian Federation may have citizenship of a foreign state (dual citizenship) in accordance with federal law or an international treaty of the Russian Federation.

2. The possession of foreign citizenship by a citizen of the Russian Federation shall not diminish his (her) rights and freedoms and shall not release him from obligations stipulated for Russian citizenship, unless otherwise specified by federal law or an international treaty of the Russian Federation.’¹

According to Article 6 paras. 1 and 2 of the Federal Law on the Citizenship of the Russian Federation, as amended on 29 July 2017:

‘1. A citizen of the Russian Federation who also possesses another citizenship shall be regarded by the Russian Federation as a citizen of the Russian Federation only, except for the cases specified in an international treaty of the Russian Federation or federal law.

2. The acquisition of another citizenship by a citizen of the Russian Federation shall not entail termination of the citizenship of the Russian Federation.’²

Until July 2020, people who naturalised through the normal procedure, were required to renounce their previous nationality. The introduction of a legislative amendment eliminated the previous requirement that applicants renounce foreign citizenship to acquire citizenship of Russia.³ However, even before the introduction of the new legislation, the citizens of Tajikistan were exempted from this requirement, as Tajikistan is the only country with which the Federation of Russia has a treaty on dual citizenship, signed in 1995.⁴ In 2020, more than 63 000 Tajik citizens received Russian citizenship,⁵ while between January and September 2021, the number reached to almost 70 000.⁶

¹ Russian Federation, Constitution of the Russian Federation, as amended on 1 July 2020, available at European Commission for Democracy through Law, Opinion No. 992 / 2020, 4 February 2021, [url](#), p. 14

² Russian Federation, Federal Law No. 62-FZ on the Citizenship of the Russian Federation (As Amended in 2017), 29 July 2017, [url](#)

³ Moscow Times (The), Russia Passes Dual Citizenship Law, Hoping to Add 10M Citizens, 17 April 2020, [url](#); Library of Congress, Russia: New Law Eliminates Requirement to Renounce Foreign Citizenship, 1 May 2020, [url](#)

⁴ Transitions Online, New Russian Citizenship Law Halts Tajik Applications, 9 July 2002 as available at Canada: Immigration and Refugee Board of Canada, Tajikistan/Russia: English translation of the Treaty on Friendship, Cooperation and Mutual Assistance (1993); English translation of the Agreement on Dual Citizenship (1995); availability of Russian passports to Tajik citizens, 7 August 2003, [url](#); Eurasianet, Tajikistan Wages War on Dual-Citizenship Holders, 7 June 2017, [url](#); Library of Congress, Russia: New Law Eliminates Requirement to Renounce Foreign Citizenship, 1 May 2020, [url](#)

⁵ Open Democracy, Our homeland is where the money is: pragmatic citizenship in Tajikistan, 7 April 2021, [url](#)

⁶ Eurasianet, Tajik labor migration to Russia hits historic high, officially, 2 November 2021, [url](#)

Termination of citizenship and deportation

Regarding the grounds for reversal of decisions concerning the citizenship of the Russian Federation, Article 22 paras. 1 and 2 of the Federal Law on the Citizenship of the Russian Federation, as amended on 29 July 2017, prescribe the following:

‘1. A decision on the acquisition or termination of the citizenship of the Russian Federation shall be reversed should it be established that the said decision was based on forged documents presented or false information knowingly provided by the applicant, or in case of refusal to take the Oath. If, when applying for the citizenship or reinstatement in the citizenship of the Russian Federation, the applicant did not intend to follow the duties established by the legislation of the Russian Federation for the Russian Federation citizens, and acquired the citizenship of the Russian Federation with the aim of conducting activities that pose a threat to the fundamentals of the constitutional system of the Russian Federation, the decision shall be taken to revoke the citizenship of the Russian Federation on the ground of providing knowingly false information concerning the applicant’s obligation to respect the Constitution and legislation of the Russian Federation.

2. The fact of the use of forged documents or deliberate provision of false information shall be established in judicial proceedings. The decision of the court which has come into effect establishing the fact that the person committed at least one of the following offenses (prepared to commit the offense or attempted to commit it), provided for by Articles 205, 205.1, Part 2 of Article 205.2, Articles 205.3 – 205.5, 206, 208, Part 4 of Article 211, Articles 281, 282.1 - 282.3 and Article 361 of the Criminal Code of the Russian Federation, or at least one of the offenses (prepared to commit the offense or attempted to commit it) provided for by Articles 277 – 279 and 360 of the Criminal Code of the Russian Federation, if their perpetration is linked to terrorist acts, shall be regarded as the establishment by the court of the fact that the person knowingly provided false information concerning his/her obligation to respect the Constitution and legislation of the Russian Federation.’⁷

Regarding the procedure and the consequences of the reversal of decisions concerning the citizenship of the Russian Federation, Article 23 stipulates the following:

‘1. A decision concerning the citizenship of the Russian Federation shall be reversed by the President of the Russian Federation or another authorized agency dealing with cases concerning the citizenship of the Russian Federation, which has taken the decision.

2. A decision concerning the citizenship of the Russian Federation, if reversed in compliance with Article 22 of this Federal Law, shall be deemed invalid from the day when the decision was taken.’⁸

According to Article 2 para. 1 (a) of the Federal Law No. 115-FZ on the legal position of foreign citizens in the Russian Federation:

‘1. The following basic concepts are used for the purposes of this Federal Law:

-foreign citizen - a natural person who is not a citizen of the Russian Federation and who disposes of proofs of his possession of the citizenship (of his being a subject) of a foreign state’.⁹

⁷ Russian Federation, Federal Law No. 62-FZ on the Citizenship of the Russian Federation (As Amended in 2017), 29 July 2017, [url](#)

⁸ Russian Federation, Federal Law No. 62-FZ on the Citizenship of the Russian Federation (As Amended in 2017), , 29 July 2017, [url](#)

⁹ Russian Federation, Federal Law No. 115-FZ on the Legal Position of Foreign Citizens in the Russian Federation, 25 July 2002, [url](#)

With regard to the consequences of non-observation by a foreign citizen of the term of stay or of residence in the Russian Federation, Article 31 paras. 1, 2, 3 and 4 of the Federal Law No. 115-FZ, provides the following:

- ‘1. If the term of the residence or of a temporary stay of a foreign citizen in the Russian Federation is reduced, this foreign citizen is obliged to go out of the Russian Federation within three days.
2. If a permit for a temporary residence or a residence permit, issued to a foreign citizen, is cancelled, this foreign citizen is obliged to go out of the Russian Federation within 15 days.
3. A foreign citizen who has failed to discharge the duty, stipulated in Items 1 and 2 of the present Article, is subject to deportation.
4. The deportation of foreign citizens in the cases, envisaged in the present Article, shall be carried out by the federal executive power body, controlling the matters of internal affairs, or by its territorial subdivision.’¹⁰

For more detailed information on the grounds for a legal stay or residence in the Russian Federation, see [Articles 5-9 of Federal Law No. 115-FZ](#)

Repatriation of Tajik citizens and citizens with dual Russian and Tajik citizenship

According to an article of the Foreign Policy Centre, a UK-based think tank, there is a close working relationship between the Russian authorities and the Tajik State Committee for National Security with regard to security and the fight of extremism, which however ‘has provided both the Tajik and Russian security services a pretext to deport (both through legal and illegal means) avowedly non-violent activists to Tajikistan’.¹¹ In an interview with officials of the Dutch Ministry of Foreign Affairs on 15 December 2020, a ‘confidential source’ noted that ‘the invalidation of a Russian passport is also common practice when other states request the extradition of a Russian citizen’ and that ‘the fact that these people have generally developed a strong bond with Russia is not taken into account by the authorities and courts’.¹² No other sources could be found to verify this information.

According to human rights activists interviewed by Radio Free Europe/Radio Liberty, ‘at least 15 Tajik activists have disappeared in Russia since 2015, some of them have reappeared in Tajikistan- often in jails, facing dubious charges ranging from fraud to extremism’.¹³

In 2017, Karomat Sharifov, the head of the Tajik Labour Migrants organization in Russia, was deported to Tajikistan in 2017, after having been deprived of his Russian passport according to the ruling of a Russian court.¹⁴ Sharofiddin Gadoev, a Group 24 activist, was reportedly detained by Russian and Tajik officials and forcibly returned to Tajikistan on 15 February 2019, where he was detained until 28 February 2019.¹⁵

On 24 March 2021, Saidnuriddin Roziqov, a Tajik cleric who lived in Russia for 23 years, was detained in the town of Rezh by unknown people and was transferred to Tajikistan the following day, on 25 March 2021. In 2018, the cleric had been stripped of his Russian citizenship according to a court

¹⁰ Russian Federation, Federal Law No. 115-FZ on the Legal Position of Foreign Citizens in the Russian Federation, 25 July 2002, [url](#)

¹¹ Foreign Policy Centre, Retreating Rights – Tajikistan: Introduction, 17 May 2021, [url](#)

¹² Netherlands Ministry of Foreign Affairs: Algemeen ambtsbericht Russische Federatie, 1 April 2021, [url](#), p. 19

¹³ RFE/RL, Whereabouts Unknown: Tajik Government Critics Face Pressure, Forced Disappearances in Russia, 9 June 2021, [url](#)

¹⁴ RFE/RL, Respected Tajik Activist Who Helped Migrants In Russia Is Missing After Being Forcibly Deported, 30 March 2021, [url](#); RFE/RL, Whereabouts Unknown: Tajik Government Critics Face Pressure, Forced Disappearances in Russia, 9 June 2021, [url](#)

¹⁵ HRW, Tajikistan: Activist Forcibly Returned from Russia, 24 February 2019, [url](#); OCCPR, Kidnapping, Torture, and Freedom, 9 July 2019, [url](#); RFE/RL, Tajik Activist Gadoev Says He Was Abducted, Tortured, Given Ultimatum, 6 March 2019, [url](#)

ruling in 2018, however, in May 2021, a court in the Russian province of Sverdlovsk reportedly overturned that decision.¹⁶

Several sources reported that Izzat Amon, a prominent migrants' rights activist, lawyer and the head of the Moscow-based human rights centre Tojikon, was abducted on 25 March 2021 and ultimately transferred back to Tajikistan. His Russian citizenship was revoked by the Russian court and upon return to Tajikistan he faced charges of financial fraud.¹⁷

On 23 October 2021, the Russian authorities deported Bakhtiyor Usmonov, a native of Tajikistan, despite the decision of the European Court of Human Rights (ECHR), which ordered Russia to restore his Russian citizenship and pay compensation to him. The Russian authorities had accused Usmonov of providing 'false information' and of trying to 'mislead the competent authorities'.¹⁸

2. Treatment by state authorities of Muhiddin Kabiri's relatives between 2019-2021

Among the sources consulted by EASO within time constraints for drafting this COI Query response, no information could be found on the treatment by state authorities of Muhiddin Kabiri's (the leader of the Islamic Renaissance Party of Tajikistan - IRPT) relatives between 2019 and 2021.

For information on the IRPT, it is possible to consult the [EASO COI Query Response, Tajikistan - The Islamic Renaissance Party of Tajikistan \(IRPT\) and treatment of relatives of Muhiddin Kabiri, 26 November 2021](#).

¹⁶ RFE/RL, Whereabouts Unknown: Tajik Government Critics Face Pressure, Forced Disappearances in Russia, 9 June 2021, [url](#)

¹⁷ RFE/RL, Respected Tajik Activist Who Helped Migrants In Russia Is Missing After Being Forcibly Deported, 30 March 2021, [url](#); AI, Russia/Tajikistan: Stop deportation of Tajikistani migrants expelled solely for taking part in peaceful protest, 16 April 2021, [url](#); RFE/RL, Whereabouts Unknown: Tajik Government Critics Face Pressure, Forced Disappearances in Russia, 9 June 2021, [url](#); [Moscow Times \(The\)](#), Rights Groups Decry Russian Deportations of Central Asian Activists, 22 November 2021, [url](#)

¹⁸ Perild, Russia deported a Tajik citizen despite the decision of the ECHR to restore his Russian citizenship, 26 October 2021, [url](#)

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