

**ASYLUM POLICIES IN RUSSIA AND THE EU:
A COMPARATIVE STUDY OF LEGAL ASPECTS**

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*“Everyone has the right to seek and to enjoy
in the other countries asylum from persecution”.*

Article 14

Universal Declaration of Human Rights

One of the key problems of the world community today is the migration of a large flow of people to the European Continent as a result of foreign policy. More than a million migrants and refugees moved to Europe in 2015, sparking a crisis as countries struggled to cope with the influx and creating division in the EU over how best to deal with resettling people.

The aim of the article is to give a comparative description of the asylum policy of Russia and the European Union, because these state entities are destinations for refugees.

According to Article 1 of the Russian Federal Law “On Refugees”, a refugee is: “a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”. [5].

The responsibility for determining refugee status and providing legal protection as well as protection against forced return to the country of origin lies with the host state. Refugee status determination in the Russian Federation is conducted by the Federal Migration Service (FMS of Russia) through its territorial branches.

The person who has expressed his/her wish to be recognized as a refugee and who has attained 18 years of age shall apply for the status of a refugee personally or through the duly authorized representative in written form [10].

Once in the FMS of Russia office, they shall clearly state that they are applying for refugee status due to the fear of return to their country of origin. The FMS of Russia is obliged to accept the asylum application for preliminary review regardless of the type of stay in the Russian Federation, availability of identity documents and length of the stay in the Russian Federation [10].

Within 5 days after the preliminary review, the FMS of Russia shall decide whether the asylum application will be accepted for processing. FMS of Russia territorial branch must issue a document confirming the application. The document is valid for 5 days until the decision on preliminary review is taken [10].

If the application is accepted for consideration on merits, the applicants are interviewed in details on the reasons of fearing return, any documentary evidence, and route to reach Russia etc.

A person who files a petition seeking the refugee status and who stays on the territory of the Russian Federation shall undergo personality identification procedures in accordance with the legislation of the Russian Federation, including the mandatory state dactyloscopic registration. All expenses for medical exams are to be covered by the state authorities [5].

The person is also issued an asylum-seeker certificate valid for three months — the time when the FMS of Russia is obliged to reach a decision in the case. The asylum-seeker certificate is an identity document and a proof of the legal stay in Russia. Person has the right to receive OMI certificate for the period the application is being considered. The OMI certificate gives the right for free of charge medical assistance in local policlinics [1].

The Refugee Status does not have time limitation but they are obliged to come every year and a half to the territorial branch of the FMS of Russia for the registration procedure. If the application for refugee status was rejected by the FMS of Russia (applicants are informed in person or by mail through a notification letter), they have the right to appeal the negative decision. The negative decision may be appealed either to the court or the higher administrative body. During the appeal procedure the asylum seeker’s certificate shall be extended [10].

According to the Federal Law “On Refugees” the person recognized as a refugee and his family members who have arrived together with him/her have the rights and responsibilities.

Since 1999, the EU has been working to create a Common European Asylum System (CEAS) and improve the current legislative framework.

Between 1999 and 2005, several legislative measures harmonizing common minimum standards for asylum were adopted.

The European Commission’s Policy Plan on Asylum, presented in June 2008, states three pillars that underpin the development of the CEAS: bringing more harmonization to standards of protection by further aligning the EU States’ asylum legislation; effective and well-supported practical cooperation; increased solidarity and sense of responsibility among EU States, and between the EU and non-EU countries [7].

The Asylum Procedures Directive aims at fairer, quicker and better quality asylum decisions. Asylum seekers with special needs will receive the necessary support to explain their claim and in particular there will be greater protection of unaccompanied minors and victims of torture [7].

The Reception Conditions Directive deals with access to reception conditions for asylum seekers while they wait for the examination of their claim. It ensures that applicants have access to housing, food, healthcare and employment, as well as medical

and psychological care. In the past, diverging practices among Member States could, however, lead to an inadequate level of material reception conditions for asylum seekers [7].

The Qualification Directive specifies the grounds for granting international protection. Its provisions also foresee a series of rights on protection from refoulement, residence permits, travel documents, access to employment, access to education, social welfare, healthcare, access to accommodation and access to integration facilities, as well as specific provisions for children and vulnerable persons. The minimum standards in the previous directive were to a certain extent vague, which maintained divergences in national asylum legislation and practices. The chances of a person being granted international protection could vary tremendously depending on the Member State processing the asylum application [7].

The Dublin Regulation enhances the protection of asylum seekers during the process of establishing the State responsible for examining the application, and clarifies the rules governing the relations between states. It creates a system to detect early problems in national asylum or reception systems, and address their root causes before they develop into fully fledged crises [1].

In general, the country where an asylum seeker first enters the union is responsible for registering the asylum application and taking fingerprints. But there are exceptions, including some meant to unite or reunite families. Asylum seekers who move on to other countries after being registered can be sent back to the responsible nation to be processed, in what are called Dublin transfers. Many migrants try to skirt the system by refusing to be fingerprinted or otherwise avoiding registration in the first country they reach, usually Italy or Greece.

It is applied throughout the European Union, although slightly differently in Denmark for technical reasons. Four countries outside the union have also agreed to apply the regulation in their territory: Iceland, Liechtenstein, Norway and Switzerland.

The EURODAC Regulation establishes an EU asylum fingerprint database. When someone applies for asylum, no matter where they are in the EU, their fingerprints are transmitted to the Eurodac central system in order to prevent, detect or investigate the most serious crimes, such as murder, and terrorism [7].

In most Member States, entry and registration of an asylum applicant and his/her travel route is attributed to a Border Guard Agency, Aliens Police or related Law enforcement variant which will be the first contact point upon entry of an asylum applicant. In most cases, the Border Guards will register the claim of the asylum applicant, his/her identity and travel route. From this point onwards, the asylum applicant will normally be referred to the Admission procedure and for determination of the refugee claim under either an accelerated or normal procedure. In all Member States, except from Estonia and Greece, the decision on refusal and on the asylum procedure to be followed is taken by an authority other than the State Border Guards or the Aliens Police.

The EU instituted the Common European Asylum System in 1999 to ensure the protection of international asylum law in EU member states. Figure 1 shows the process of getting refugee status in the European Union.

1. Asylum-seekers arrive in an EU country, where official in an immigration center takes their fingerprints and stores them in the EURODAC database. The Dublin Regulation stipulates that asylum claims must be processed in the first country that the asylum-seeker reaches. Last week, Germany announced it had annulled the Dublin requirement for Syrian refugees, meaning that regardless of where Syrians first enter the EU, they are eligible to apply for asylum in Germany.

2. Once fingerprints are processed, officials can determine which member state will ultimately examine the asylum application. The decision rests upon multiple factors, including whether the asylum-seeker has family members in an EU member state, whether the person has a visa or residence permit and whether the person has entered the EU legally or illegally.

3. EU countries are obligated to provide asylum-seekers with "harmonised standards of reception" while they wait for a decision on their application. This includes limited detention and free legal assistance. Asylum-seekers must also be granted access to employment within nine months.

4. The asylum-seeker then gets assigned a case worker who will help determine whether they qualify for refugee status or subsidiary protection. Under the Qualification Directive, asylum-seekers are granted rights to employment, health care, education, social welfare and so forth throughout the application process, which is supposed to take no longer than six months.

5. If the application is declined, the asylum-seeker may file an appeal with a judge or be sent back to his or her country of origin. If the appeal is granted, the process continues.

Asylum applicants have their special rights and responsibilities that are written in The 1951 Refugee Convention.

While the application for asylum is uniform across the EU, the number of applications accepted is at the discretion of each member state. This explains why the majority of asylum-seekers head to countries like Germany and Sweden, which have the highest acceptance rates. Of the 122,800 Syrians who applied for asylum last year, about 60 percent were registered in Germany and Sweden alone.

The head of Germany's federal office for migration, Frank-Juergen Weise, said there were up to 400,000 people in the country whose identities were unknown to the authorities. The International Organization for Migration says 120,369 migrants have arrived in Greece from Turkey so far this year and at least 321 have died en route [8].

The migrants did not appear at reception centers to which they had been directed. This may be because they have moved to a different country, gone underground or registered several times. Those missing represent about 13% of about 1.1 million asylum seekers registered in Germany in 2015.

«Migrant attacks reveal dark side of Germany», — tabloids say. The new rules also include measures to restrict family reunions for some migrants in addition to slackening the criteria used by the authorities to expel convicted foreigners. This was a key measure put forward after New Year celebrations were marred when scores of women complained about being sexually assaulted and robbed by a crowd of predominantly migrant men.

Practically every European country thinks about either deporting migrants, making the asylum laws more difficult, or simply shutting the borders or building walls on their borders. African and Middle Eastern migrants who come to Europe have often no relatives, friends or even possibility of a job. They are cultural, religiously and linguistically different from the average European citizen.

Russians managed to find housing and jobs for the refugees from southern and eastern Ukraine, because for almost all of them Russian is their native language and most of them have Soviet or post-Soviet education and working skills," says Valery Fyodorov, head of Moscow-based VTSIOM Center for Public Opinion Studies.

Emitting country quotas seems to impose some order and stability. It is also necessary to filter out the economic migrants, seeking a better life.

To sum up, the main difference between asylum policies and legislation in this area is that EU and Russia have different approaches in terms of regulation, they are not absolutely successful.

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POLYGAMY IN THE RUSSIAN FEDERATION AND FOREIGN COUNTRIES

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Nowadays the family relations are varied. One such form is polygamy, which is widely used in the Arab world, the Islamic faith.

Polygamy is a form of marriage in which a man is married to several wives.

The structure of polygamy is different. The topic of polygamy is very relevant in the modern world and almost always includes a comparison of the norms of Islamic States and the Western world. The society has long since firmly established the view that polygamous marriages in the Muslim world are less common than extramarital Affairs in the West.

The aim of this work is to consider polygamy as legal, social phenomena in different countries.

Objectives:

The study of normative legal acts of foreign countries;

A review of the regulatory legal acts of the Russian Federation;

Marriage is a socially sanctioned form of sexual relationships, which can be fixed by the legislative act or a religious ritual.

Currently there are many forms of marital knot. An endogamous marriage is prevalent in preindustrial societies. In accordance with its rules and regulations only men and women belonging to the same social group or community could enter into a marriage. The second type of marriage is also widespread in the human history — a ekzogenny marriage. Its provisions were required to choose marriage partners from outside their community.

A number of partners who have family and kinship relations can serve as another criterion of the typology of marriages. According to this criterion there is a distinction of monogamous marriage between one man and one woman and polygamous marriage consisting of several partners.

We will consider the latter in more detail. In Turkey law prohibits polygamy in 1920. According to article 163 of the Criminal code of Turkmenistan [5], "Polygamy, i.e. cohabitation with two or more women in a joint in the same household, shall be punished with correctional labor for up to two years." However, this institution continued to exist. Anyone can enter into a marriage with another woman but without official registration of relations.