

**Problems of realization of the citizens' right
concerning migration, freedom of movement in the territory of the Kaliningrad oblast of
the Russian Federation.**

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The Kaliningrad oblast is the most western region of the Russian Federation totally separated from the mainland by the borders with foreign countries and international waters. A particular geo-political situation of the region causes a number of problems both for inhabitants of the Kaliningrad oblast and for foreigners and stateless people sojourning in region.

Some problems have been produced by implementation of the Agreement between the Russian Federation and the European Community on the facilitation of the issuance of visas to the citizens of the Russian Federation and the European Union.

Introduction of fees for processing visa applications, necessity to present documents justifying the purpose of the journey – these new requirements have caused reduction of local border cooperation, have influenced negatively the development of tourism and people-to-people contacts. Citizens of the Kaliningrad oblast and of the neighbouring states don't exercise their economic, social and cultural rights in full measure.

The Agreement established inequality between inhabitants of the Kaliningrad oblast and the mainland Russia. Citizens of the Kaliningrad oblast need to obtain visa for visiting their relatives and friends in the Ukraine and Belarus, though the other citizens of Russia are exempt from visa obligation.

The conditions for exercising economic, cultural rights and freedom of movement of the citizens of the Kaliningrad oblast have become worse, because the present Agreement between the Russian Federation and the European Union abolishes earlier operating preferential visa regime with Lithuania and Poland.

Visa facilitations stated in the Agreement refer to some categories of persons, who may be issued with multiple-entry visas valid for 5 years, or persons who are exempted from fees for processing visa applications, and these simplified requirements don't apply to other categories of persons who make non-official journey.

It is of importance to consider the opportunity to issue multiple-entry visa valid for one year to the inhabitants of the Kaliningrad oblast.

The Agreement affected negatively the exercising of migrants' rights sojourning in the territory of the region. There were some cases of violation of migrants' right for freedom of movement and problems with migrants' legalization after entering Lithuania into the EU and changing the procedure of border crossing. The violations were caused by difficulties with obtaining identity documents.

Foreigners and stateless people need to submit a number of valid documents, which usually have limited term of validity, to obtain papers justifying their legal residing in the territory of the Russian Federation. Whether the term of validity of any paper is expired the applicant should get a new valid one, so he has to come back to the state, where he come from, or appeal to the consulate of this state in Russia. But the people can't travel by rail train because they don't have any valid documents, and because of high cost of ticket they always can't travel by plain.

Therefore the number of illegally residing persons in the territory of the Kaliningrad region increases, and the people don't have any opportunity to get legal status and exercise their rights in full measures.

It is recommended to undertake active measures to simplify the procedure of visa issuance to inhabitants of the region. It is also necessary to attract diplomatic representatives of different foreign countries into the region.

Undoubtedly the migratory situation in the Kaliningrad oblast has changed: the rate of legal residing and working migrants in the region has increased. However many serious problems aren't still solved. One of them is legalization of former compatriots, who entered Russia without visa few years ago. This group of persons can't exercise their rights in full measure.

Children, whose parents don't have valid identity documents, can't obtain birth certificates and other documents. This fact is violation of the Article 7 point 1 of the U.N.O. Convention on children's rights ratified by the Russian Federation. According to the Convention, „a child is to be registered shortly after birth and from the day of birth has a right to have a name and a citizenship“. But the children's registration remains an acute problem, which is not always accepted by competent authorities.

The Federal law from 25/07/2002 № 115 „On legal status of foreigners in the territory of the Russian Federation“ provides the limitations for obtaining permission for temporary residing or residence permit for some categories of people such as: drug addicts, consumptives, persons, who do not have certificate justifying absence of HIV-infection, or persons with any dangerous infectious illnesses.

The problem is illegal status of these people, who have been living in Russia for 10 and more years and are consumptives or have HIV-infection.

Impossibility to legalize the residing of these persons in the territory of Russia causes ineffective state control of them. Moreover the state authorities can't deport them because they are stateless people.

The majority of people have been living in the region for more than 10 years and they have already integrated into the society.

From 2001 to 2005 the following problems concerning realization of migrants' rights occurred:

- difficulties with legalization of migrants;
- problems with exchange of the former USSR passports to Russian passports;
- insufficient legal education of migrant;
- problems with issuing birth certificates to the minor children, whose parents are illegal migrants;
- insufficient social and medical providing of migrants and their children;
- problems concerning providing migrants with accommodation.

At present the number of appeals concerning violation of migrant's rights received by the ombudsman has greatly reduced. It is connected with new legislation came into force in 2007 which allows migrants to solve their problems.