

WORKING SESSION 10

Rule of law I, including:

- Independence of the judiciary
- Democratic law-making
- Ensuring equal enjoyment of rights and equal participation in political and public life

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Association of Lawyers of Russia

Today's topic is quite relevant not only for the legal community, but also for the world population. It is important to guarantee the equal enjoyment of fundamental rights and equal participation in public life both to persons who are citizens of a state and to foreign and stateless persons lawfully present on its territory.

From a legal point of view, our attention is focused on the regulation of citizenship and legal status of foreigners. At the moment, unfortunately, legislation of all the states does not provide a simplified procedure of obtaining citizenship (naturalisation) for persons without specific origin. These are at least the following categories of persons: minors, disabled, incapacitated persons, persons "tightly connected" with the state of residence, regardless of nationality and origin. This includes persons born or raised in a respective country, fluent in the local language, willing to be associated with this country and get employed by local organisations.

Certain provisions of Russian legislation are aimed at simplifying procedures for issuing permits and granting citizenship to certain categories of foreigners and stateless persons (Art. 14 of the Federal Law № 62-FZ "On citizenship of the Russian Federation", par. 3.1 of Art. 8 of the Federal Law № 115-FZ "On legal status of foreign citizens in the Russian Federation").

Despite the fact that the legislation of many European countries in some cases provides simplified naturalisation for foreigners and stateless persons, such a procedure in Lithuania only applies to persons of Lithuanian origin, and to certain children. In Estonia, a child after birth on the territory thereof may immediately be granted a residence permit only in exceptional cases (§ 2321 Aliens Act 2009). In Latvia, citizenship is facilitated only for young and elder persons.

In this respect, given the Russian experience, we believe it is essential to respect the following principles:

- guaranteeing and providing social and economic rights to foreign and stateless persons lawfully present in a country on an equal basis with the citizens thereof;
- simplifying procedures of obtaining citizenship (naturalisation), as well as relevant permits by persons “tightly connected” with the state of residence (native-level fluency, work experience, education, birth in the territory of a state);
- ensuring the right for citizenship of the state of residence and special protection regarding children whose parents are foreign or stateless persons.

The universal right to citizenship embodied in international legal acts, constitutions (Art. 6 of the Constitution of the Russian Federation), and national laws (Art. 1 of the Federal Law on Citizenship) shall be guaranteed in all states without any exceptions.

One of the activities of the Association of Lawyers of Russia is providing free legal assistance. In particular, Association’s members advise on migration and employment issues. We express our readiness to promote protection of rights and interests of all the categories of population, including those of Russian compatriots abroad.