

Brice Ewalaka-Koumou Russian Federation

01 June 2004

“They wanted to put me in handcuffs. When I asked why they said it was because I might escape. Why would I escape? I am not a criminal.”

Brice Ewalaka-Koumou is from the Republic of the Congo and has been trying unsuccessfully to apply for the permanent right to reside in the Russian Federation for more than three years. He is married to a Russian citizen, with whom he has a young son, and is therefore by law entitled to apply for permanent residency, after which he can obtain Russian citizenship. In spite of this, his attempts to do so have been consistently blocked by the authorities and he is currently facing the threat of deportation and separation from his wife and young son for the second time.

When Brice Ewalaka-Koumou first applied for the permanent right to reside in Russia at his local passport and visa office in January 2001, his identity papers were confiscated and he was fined for an administrative offence under Article 184 of the Administrative Code of the Russian Soviet Federal Socialist Republic which relates to violations of registration procedures by foreign citizens.

After his marriage to Yulia Sokoliuk and in April 2001, Brice Ewalaka-Koumou went to the Passport and Visa Service of the St Petersburg and Leningradskii region GUV D (Main Department for Internal Affairs) to apply for the permanent right to reside in the Russian Federation. In accordance with Article 18(a) of the 1991 Russian Law on Citizenship -- the legislation in force at that time -- Brice Ewalaka-Koumou was entitled to apply for citizenship of the Russian Federation because he was married to a Russian citizen. The first stage of this was to apply for the permanent right to reside. However, Brice Ewalaka-Koumou was denied the application documentation and instead was issued with a one-month exit visa.

In July 2001, despite appeals to the Procurator of the Vyborgskii District of St Petersburg, President of the Russian Federation and the Ministry of Internal Affairs requesting their intervention in his residency application, Brice Ewalaka-Koumou received a copy of an order confirming that he was to be taken into custody and deported. He was arrested and detained on 18 October 2001. He told Amnesty International that:

“At 7pm on 18 October 2001 I was invited to come to the police station (No. 20) with my wife. We had our son with us, who is now three; he celebrated his birthday without me while I was in prison. We were told to go and see the head of the station. His deputy was there. He told us to wait. We sat and waited. Then a police officer came and said, ‘They have asked you to come; they need to check some documents.’”

Brice Ewalaka-Koumou, his wife and son were reportedly driven to a reception and distribution centre where they were told that he was to be deported and were not allowed to see the documents ordering his forcible return to the Republic of Congo. The officers reportedly told his wife: “If you aren’t satisfied, you’re just an enemy to your people anyway and you’ll be kicked out too.” The couple were not permitted to call a lawyer.

“They told me to give them all my personal property. I said I wanted to give it to my wife. Then they told me to take off my belt and shoelaces. I said ‘At least let my family go, don’t traumatise my child.’ My son was crying. I told my wife to call my friends at Union Africaine [an NGO run by Africans resident in St Petersburg] and a lawyer.”

Brice Ewalaka-Koumou was taken by car to the reception and distribution centre of the GUV D. Only when Brice Ewalaka-Koumou’s lawyer saw him on 27 November 2001 did he learn that a court had, in his absence, agreed that he should be held for a further 90 days beyond the initial 48 hours. He remained in custody until 17 January 2002. The deportation order against Brice Ewalaka-Koumou was finally rescinded on 6 September 2002.

“On 17 January 2002, at 12.00 midday they told me I was free. I asked for a document to say I had been released from there. They refused. I said I looked all dirty and would get picked up by the police in the street. I was given no documentation. I was told to go to OVIR [the Department for Visas and Registration] myself to get my passport. I asked to be allowed a call to my wife. They told me to call from the street...”

In January 2002, Brice Ewalaka-Koumou applied to the Federal Migration Service for temporary asylum -- in recognition of ongoing conflicts in the Republic of Congo -- which was also declined on 10 January 2003. This decision has been appealed and a further hearing is pending as the scheduled hearing in April 2004 was postponed at the request of his lawyer.

Brice and Yulia Ewalaka-Koumou have continued to appeal against the systematic refusal of the authorities to allow Brice Ewalaka-Koumou to apply for permanent residency rights to no avail. They are currently applying for, and being denied access to procedures for obtaining permanent residency in accordance with the 1991 Law on Citizenship, the legislation in force when Brice Ewalaka-Koumou first applied for residency, and the 2002 Law on the Status of Foreign Citizens. The family's lawyer has informed Amnesty International that a further deportation order could be received at any time.

Background Information

The introduction of two new laws in 2002 – the Law on Citizenship, and the Law on Foreigners - has significantly complicated the procedures for obtaining citizenship for hundreds of thousands of foreigners and former Soviet citizens in the Russian Federation. Under the new Law on Citizenship, those wishing to obtain citizenship of the Russian Federation have to first obtain permission for temporary residence, then permanent residency, and finally citizenship.

TAKE ACTION NOW!

Please appeal to the Russian authorities:

- Urging the authorities to allow Brice Ewalaka-Koumou to immediately regularize his status within the Russian Federation through the established procedures in accordance with law, in recognition of the fact that his wife is a Russian citizen;
- Calling for a review of previous decisions to prevent Brice Ewalaka-Koumou applying for permanent residency in the Russian Federation, despite his rights as guaranteed by Article 18 (a) of the 1991 Law on Citizenship of the Russian Federation – the legislation in force when he initially applied for citizenship;
- Calling for a full, thorough and impartial investigation into allegations that Brice Ewalaka-Koumou has been prevented from regularizing his status in the Russian Federation for discriminatory reasons;
- Expressing concern that Brice Ewalaka-Koumou was held for 90 days in a reception and distribution centre (18 October 2001 to 17 January 2002) and for a time denied access to his lawyer and calling for an immediate thorough and impartial investigation into the aforementioned detention and denial of legal counsel;
- Urging the Russian authorities to ensure equal and non-discriminatory access to citizenship and permanent residency rights, and that such rights are granted at regional and local levels.

Send appeals to:

Head of the Passport and Visa Service, St Petersburg and Leninskii region GUVD

Mikhail Utiaschkin

Ul. Kirochnaia 4
Tsentralnii Raion
191028 St Petersburg
Russian Federation
Fax: +7 812 278 3486/ +7 812 275 0844
Salutation: Dear Mikhail Nikolaievich

Head of Federal Migration Service of Ministry of Internal Affairs of the Russian Federation

Aleksandr Chekalin
Ul. Ogariova 6
117049 Moscow
Russian Federation
Fax: +7 095 237 4925
Salutation: Dear Deputy Minister

Send copies to:

Minister of Internal Affairs of the Russian Federation

Rashid Nurgaliyev
Ul. Zhitnaya, 16
117049 Moscow
Russian Federation
Fax: +7 095 237 49 25/+7 095 230 25 80
Salutation: Dear Minister

Minister of Foreign Affairs of the Russian Federation

Sergei Lavrov
Smolenskaia-Sennaia pl. 32/34
121200 Moscow
Russian Federation
Fax: +7 095 244 2203/ +7 095 230 2130/+7 095 244 9157
Salutation: Dear Minister