



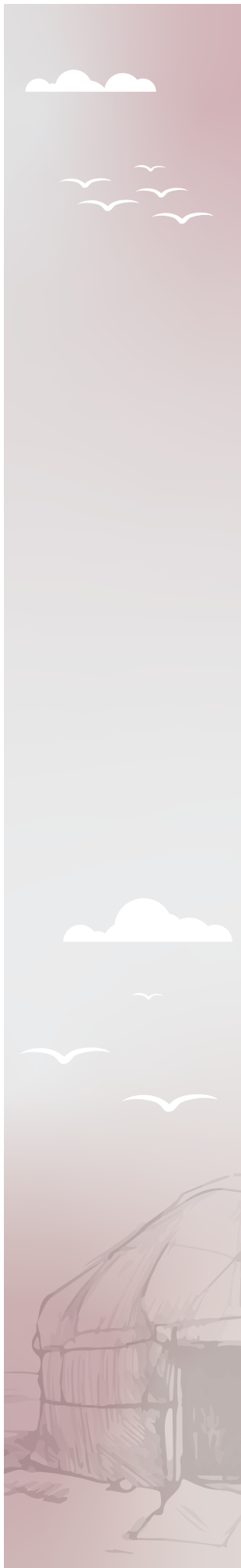
Norwegian Ministry
of Foreign Affairs



ИНСТИТУТ ПО ОСВЕЩЕНИЮ ВОЙНЫ И МИРА

REFUGEES IN KYRGYZSTAN: FORCED TO FIND A “HOME”





The author of this publication is Ainura Akmatalieva, a PhD who serves as the Director of the Institute for Preventive Policy. Her work addresses key issues regarding refugees, including the evolution of the “Kairylyman” initiative in the Kyrgyz Republic and a comparative analysis of the experience of Kazakhstan and Kyrgyzstan in repatriating ethnic groups. It provides a SWOT analysis of the Kyrgyz experience in assisting ethnic Kyrgyz in addition to considering the regulatory role of the UNHCR and the need to further improve the “Almaty” regional process on refugee issues. The report also offers recommendations to further improve work with refugees.

The publication is intended for young experts, consultants, researchers, decision makers, and the diverse readership interested in the politics of the Central Asian region.

The opinions expressed in this document are those of the author and do not necessarily reflect the position of the analytical platform CABAR.asia.

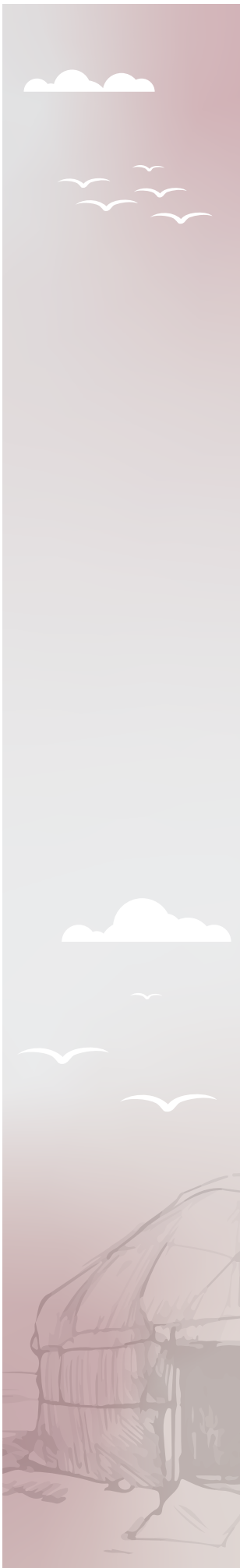
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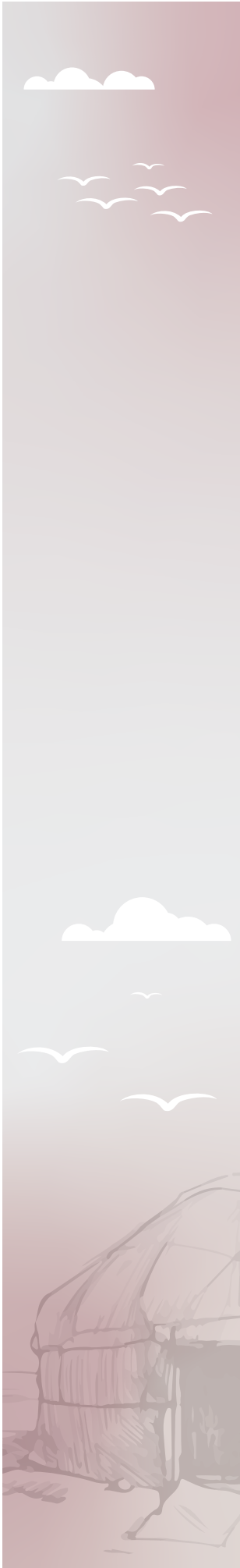
SUMMARY AND KEY RECOMMENDATIONS

The seizure of power by the Taliban in Afghanistan and the current crisis in Ukraine have triggered migrations to Kyrgyzstan and compelled its government to confront the variety of issues involved in managing refugees. This work addresses key issues regarding refugee populations in the region, including the evolution of the “Kairylman” initiative in the Kyrgyz Republic and a comparative analysis of the experience of Kazakhstan and Kyrgyzstan in repatriating ethnic groups. It provides a SWOT analysis of the Kyrgyz experience in assisting ethnic Kyrgyz while also considering the regulatory role of the UNHCR and the need to further improve the “Almaty” regional process on refugee issues. The report also offers recommendations to further improve work with refugees.

The work is based on a critical analysis of the varied factors – global, regional and national – that are driving migration and making it a source of strategic global instability, particularly in an era of renewed confrontation between the great powers and in a time when the world order is being transformed. It examines the demographic situation in the Fergana Valley, the instability of Afghanistan, the proximity of the Kyrgyz Republic to the population giants China and India, as well as the climactic changes impacting traditional areas of employment and escalating tensions over access to water and fertile land. These varied factors have made internal and external migration matters of acute political moment in Kyrgyzstan, a country that will need to study, develop, and improve its procedures and mechanisms for working with refugees.

This work develops and discusses the following recommendations for the relevant authorities:

-  use simulations, games, training, and educational courses to build a broad and comprehensive public awareness of migrant and refugee rights and to foster tolerance and attitudes that are welcoming and inclusive. This will ensure that the integration of refugees into Kyrgyz society is harmonious in the long-term and that there are no acts of discrimination or violence in any age group.
-  digitalize document submissions as well as the entire process for considering asylum seekers and determining their status. This will promote transparency, objectivity, and efficiency and increase the flow of documents among relevant departments.
-  involve international organizations such as the UNHCR in resolving cases of individuals denied asylum to facilitate their resettlement in third countries.



develop adaptative mechanisms for kayrylman that will help them integrate gradually and seamlessly into modern Kyrgyz society. These mechanisms will be directed to attenuating culture shock, providing socio-economic support, offering psychological assistance (tailored to different age groups), and promoting the knowledge and skills necessary for self-reliance.



Kyrgyzstan needs to be more active within the framework of the “Almaty” process to improve the Almaty Declaration, a regional agreement on the protection of refugee rights signed in 2011. The country also needs to take into account the experience of Kyrgyz human rights activists and other regional forums.



attract international donors and investors to create special zones for asylum seekers. The zones will provide legal and psychological assistance to refugees as well as acceptable conditions of stay – refugees need to be given food, accommodations, basic hygiene products, and clothing – while their status is under consideration.



involve the expert community in improving the regulatory and legislative framework on refugee issues in the Kyrgyz Republic. Experts should base their recommendations on Kyrgyzstan’s own experience, global best practice, and on the international documents that the country has signed.



THE PROBLEM AND ITS RELEVANCE

*“NO ONE LEAVES HOME UNLESS HOME
IS THE MOUTH OF A SHARK”*

WARSAN SHIRE

Some analysts associated Angela Merkel’s arrival in Kyrgyzstan in 2016 with the possibility of introducing transit points for refugees from the Middle East. This was a matter of special sensitivity to EU states at the time and a test for the European model of multiculturalism. Kyrgyz human rights activist A. Ashurov received the prestigious Nansen Award from the UNHCR (Office of the High Commissioner for Refugees) three years later in 2019 for his work protecting refugees. The Russian singer Manizha visited Kyrgyzstan as a Goodwill Ambassador for the UN Refugee Agency in 2021 and spoke about her own experience fleeing the civil war in Tajikistan. She made her name and earned her popularity through hard work and study, becoming the representative of Russia in the 2021 Eurovision Song Contest. Her experience is an important example of what it means to overcome obstacles and realize dreams; her case also highlights the need to safeguard the most vulnerable groups – girls and women – in migrant and refugee contexts.

Unstable regional processes and the priorities of domestic and foreign policy determine the relevance of the refugee problem in the Kyrgyz Republic. Equally critical is the present uncertainty in international relations. Globalization and the desire for new opportunities are driving both voluntary and forced migration. The contradictory migratory processes in Central Asia unfold against a backdrop of unresolved border issues, corruption, and drug trafficking. This is particularly true in the Fergana Valley, a densely populated region with scarce resources, including, most importantly, water. Climate change in Central Asia is already transforming cross-border challenges and threats. The lack of effective mechanisms to ensure human security is generating more complex conflicts of a national, trans-border, and regional nature. These problems are snowballing. Central Asia is geographically proximate to unstable regions in which radical Islam has spread – these areas include Afghanistan, Pakistan and Syria – and to countries with ballooning populations like China and India. All of these issues make migration a critical matter in Central Asia.

Kyrgyzstan has long been one of the most attractive countries in Central Asia for displaced persons, refugees, and the stateless, though there is not much scholarship devoted to this issue and little mention of it in the public information sphere.

More than 20 thousand citizens of Afghanistan, Uzbekistan, Tajikistan, Syria, Pakistan, India, and China filed asylum claims in Kyrgyzstan from 1996 to 2013 according to the UNHCR, though most of these were from Tajikistan and Uzbekistan. Kyrgyzstan's image as an «island of democracy» has made it an attractive destination, particularly for those forced to migrate out of fear of prosecution. At the same time, while Kyrgyzstan both grants asylum requests and refuses others, it has primarily become a transit state between countries of departure and the final stopping points of refugees and stateless persons.

**THE INTERNATIONAL COMMUNITY
HAS RECOGNIZED HUMAN RIGHTS WORKERS
IN KYRGYZSTAN FOR THEIR WORK IN AIDING
STATELESS PERSONS.**

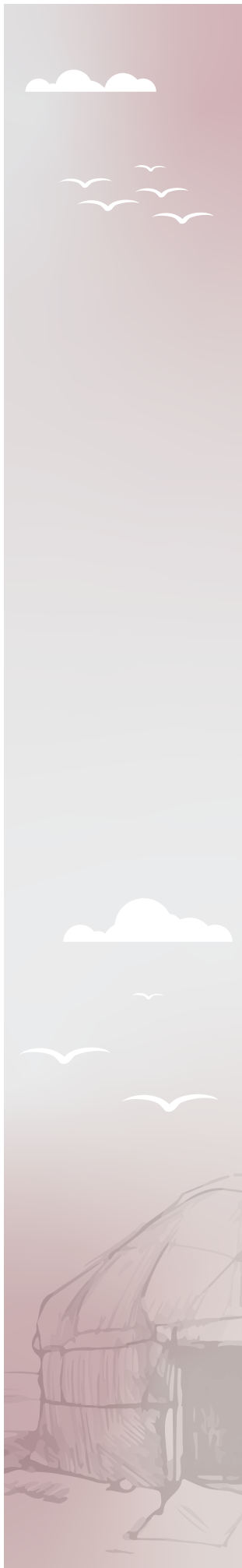
The UNHCR, for example, awarded Azizbek Ashurov the prestigious Nansen Award in 2019 for his services in assisting stateless persons.¹ Together with the organization «Lawyers of the Fergana Valley without Borders» (SFDBG), Ashurov helped more than 10 thousand people obtain Kyrgyz citizenship after the collapse of the USSR rendered them stateless. This number includes some two thousand children who now have the right to an education and to a future in which they will be able to move freely, create a family, and engage in legal work.² Ashurov was the first individual from the Central Asian region to receive the prestigious Nansen Award.



Fig 1. Ashurov receiving the 2019 Ashurov Award © UNHCR/Mark Henley

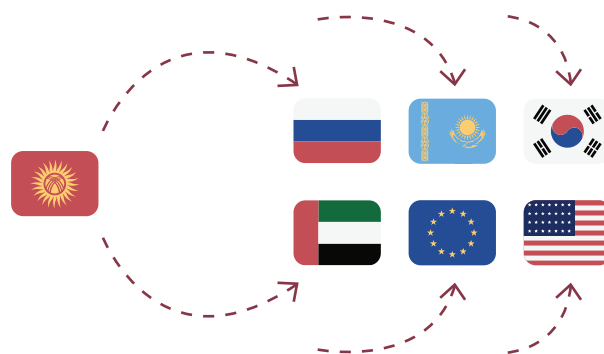
¹ The UNHCR has conferred the Nansen Award since 1955 to recognize merit in the field of protecting refugee rights. The award is named after the Norwegian public figure and protector of refugee rights, Fridtjof Nansen.

² URL: <https://www.unhcr.org/centralasia/nansen-refugee-award>



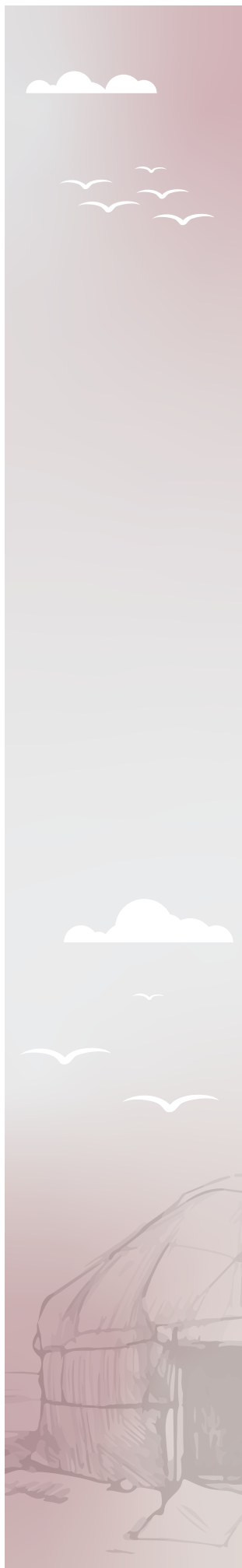
Public discourse in Kyrgyzstan focuses primarily on migrant workers in the republic, whose remittances comprise some 33-35% of the country's GDP. Kyrgyzstan has been a leader in this indicator for many years, with the country holding first place in terms of the ratio of remittances to GDP until the COVID-19 pandemic in 2017-2018.

Our content analysis of the mass media in Kyrgyzstan from 1991 to 2021 reveals a preponderance of attention to labor migration from Kyrgyzstan to Russia, Kazakhstan, Eastern Europe, South Asia, and the USA. Migration has become a mainstream issue and prime security concern in Kazakhstan, in contrast. The scale and dynamics of internal and external migration, as well as the impact of migration processes on the internal and foreign policy guidelines of the republic, justify this. Kyrgyzstan has been a major source of migrant labor for 30 years, with most of the migrant labor pool dominated by individuals resettling to find work or improve their living conditions. The destination states of these workers are mainly Russia, Kazakhstan, the Republic of Korea, the UAE, EU member states, the USA, etc.



At the same time, refugees also became a matter of political moment in Kyrgyzstan as a result of migration crises in the EU states. These included increased migrant flows from conflict zones in the Middle East, the threat from ISIS and immigrants from Syria, as well as the migrations triggered by the Taliban's ascension to power in the summer of 2021. There is also the matter of the Pakistanis who transited the territory of Kyrgyzstan in the same year. There was speculation during A. Merkel's visit to Kyrgyzstan on July 13-14 that it was meant to explore the possibility of placing transit points in the country for refugees from the Middle East.³ The threat from DAESH and other radical terrorist organizations – specifically the matter of the recruitment of Kyrgyz citizens to Syria and their return – made refugees and illegal migration matters of widespread concern.

³ Willkommen, госпожа Меркель!
URL: https://24.kg/reportazhi/34636_Willkommen_gospoja_merkel/



Accusations involving individuals who obtain Kyrgyz citizenship illegally are issues of periodic public concern in the country. The leaders of the «40 Choro» association, for example, pressed authorities to expel all illegal migrants from the country by 2018 or face a widespread raid of all its canteens;⁴ the Deputy Speaker of the Jogorku Kenesh, A. Kasymalieva, stated in 2019 that «there was a deluge in the issuance of passports» and followed up with more specific claims of Kyrgyz citizenship being issued to migrant workers from Uzbekistan;⁵ the US Embassy in Kyrgyzstan raised its own doubts about the «reliability of Kyrgyz passports» in 2020;⁶ and information periodically surfaces in the media about holding individuals responsible for illegal issuing passports.

More than 1,000 Pakistani citizens holding tourist visas transited the territory of Kyrgyzstan in September 2001. 800 of these were placed under observation in Issyk-Kul for a period of 15 days, after which they left for the UAE and Saudi Arabia. There was a negative reaction on social media to reported violations of the conditions of their stay in Issyk-Kul. The mainstream media covered this reaction.⁷ More than 9 thousand Pakistanis receive student visas each year to study in Kyrgyzstan, primarily in medical specialties.

The Taliban's seizure of power in Afghanistan in the summer of 2021 made the matter of refugees from this unstable zone to Kyrgyzstan a matter of serious political concern. The republic officially declared that they were prepared to accept 1,200 Pamir Kyrgyz and 500 Afghan students into the country on student visas. That said, this did nothing to address the status of those Afghan refugees who had entered the country more than 20 years ago as asylum applicants, an issue that a number of rallies made public. These individuals came out in protest, demanding that Kyrgyzstan grant them refugee status. Though there is a refugee mandate from the UN, the government of the Kyrgyz Republic has never granted them refugee. The Afghans in questions have stressed the need for the government to issue them this status or to allow them the opportunity to be sent to the United States or Canada.⁸

⁴ «Проведем рейд в каждой столовой» .Требования 40 чоролору
URL: <https://rus.azattyk.org/> (20 декабря 2018 года)

⁵ Незаконная выдача паспортов Кр поставлена на поток – Касымалиева
URL: https://www.vb.kg/doc/383775_nezakonnaia_vydacha_pasportov_kr_postavlena_na_potok_kasymalieva.html

⁶ Обращение Посла США в Кыргызстане Дональда Лу от 2 февраля 2020 г.
URL: <https://www.youtube.com/watch?v=g6OQe6btP6M>

⁷ Около 800 пакистанцев находятся на Иссык-Куле. Вот какой у них «карантин»
URL: https://kaktus.media/doc/445488_okolo_800_pakistancev_nahodiatsia_na_issyk_kyle_vot_kakoy_y_nih_karantin_video.html ; Из каких городов прилетали пакистанцы и сколько Кыргызстан заработал на них? URL: <https://rus.azattyk.org/a/31447974.html>

⁸ Афганцы в Кыргызстане требуют присвоить им статус беженца
URL: <https://rus.azattyk.org/a/nahodyaschiesya-v-kr-grazhdane-afganistana-trebuyut-im-vydachi-statusa-bezhentsa/31415985.html>

Bishkek is home to some 450 Afghan refugees who have been denied asylum according to the site currenttime.tv.⁹ The Supreme Court of the Kyrgyz Republic rejected their asylum request on the grounds that they were not persecuted and ordered them to exit the republic within a month, though none have left the country. They remain as illegal immigrants.



Fig.2. Rally of Afghan refugees in Bishkek, August 2021

337 people had refugee status in Kyrgyzstan in 2020 according to the UNHCR while 347 were asylum seekers. 323 people applied for refugee status, only 10 of which received it. 14 people were naturalized, i.e., they were awarded citizenship in the Kyrgyz Republic.¹⁰



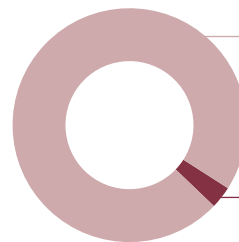
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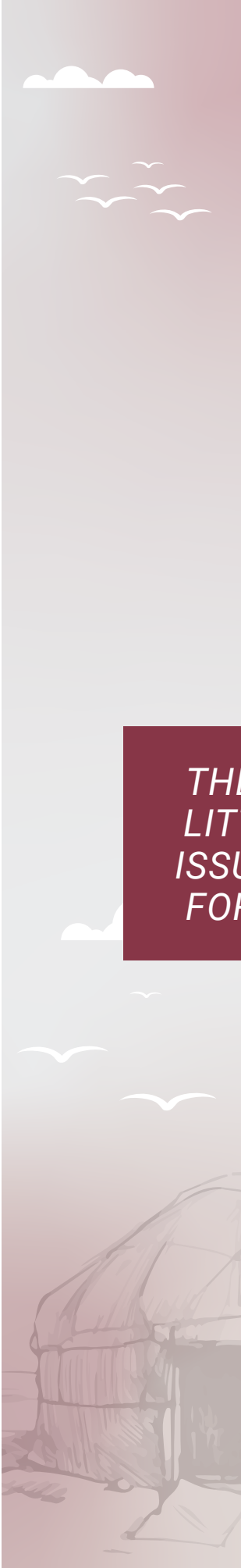


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⁹ «Хотим чтобы у нас была жизнь, а у наших детей будущее! Беженцам из Афганистана годами не дают убежища в Кыргызстане» URL: <https://www.currenttime.tv/a/hotim-chtoby-u-nas-by-la-zhizn-a-u-nashih-detey-buduschee-bezhentsy-iz-afganistana-godami-nemogut-poluchit-ubezhische-v-kyrgyzstane/31418408.html>

¹⁰ URL: https://www.unhcr.org/centralasia/wp-content/uploads/sites/75/2021/06/UNHCR-Refugees_CA-RUS-2021-screen.pdf



According to the State Migration Service, there were 206 refugees in the republic as of January 1, 2020: 90 from Afghanistan, 79 from Syria, 23 from Ukraine, 6 from Iraq, 4 from Tajikistan, 2 from Iran, and one each from Morocco and Ethiopia.¹¹ The relevant authorities process refugee status requests within 6 months. As of September 2021, 73 Afghans had received this status. The government maintains that the status of 67 other refugees is still under consideration.¹²

The difficulties involved in accepting refugees in Kyrgyzstan are becoming critical due to interrelated global, regional, and national processes. The internal displacement of persons, as well as external forced resettlements, will only increase as a result of armed conflicts, natural disasters, and various persecutions. They will unfold against a backdrop of climate change and general strategic uncertainty in the world, both of which will impact Kyrgyzstan. It is necessary to have long-term mechanisms in place to respond to these processes.

The immediate geographical proximity of Kyrgyzstan to Afghanistan and the instability in that country, and its proximity to demographic giants such as China and India, will directly impact Kyrgyzstan in the medium term. There is also the densely populated region of the Fergana Valley.

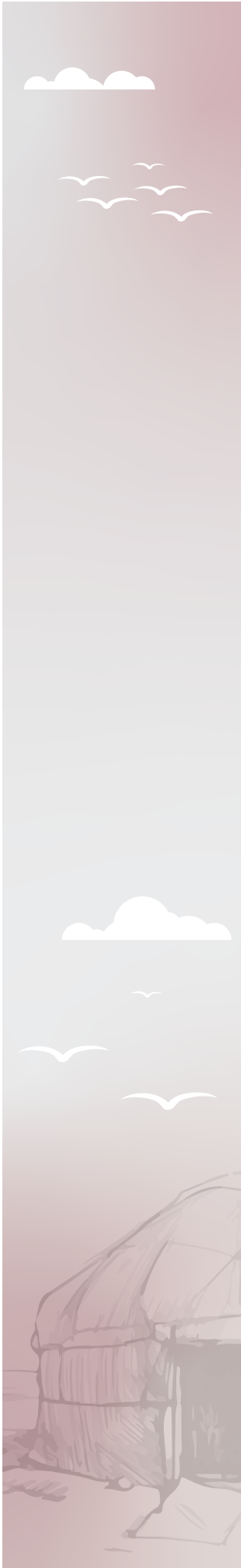
THE POPULARITY OF LABOR MIGRATION LEAVES LITTLE ROOM FOR DISCUSSION OF THE REFUGEE ISSUE IN KYRGYZSTAN, A DE FACTO DESTINATION FOR ASYLUM SEEKERS AND STATELESS PEOPLE.

The August 2021 rallies in Kyrgyzstan by Afghan refugees demonstrated the absence of effective mechanisms for integrating migrants or resettling them in third countries. They also exposed levels of discrimination and intolerance among varied age groups in Kyrgyzstan, an issue that will require long-term work tools to address.

Despite the popularity of the *kairylman* issue, a portion of these ethnic Kyrgyz expressed a wish to return to the Pamirs. This should signal a clear need to analyze not only the program that supports *kairylman* but also the experience of their resettlement as well as the mechanisms that will facilitate their integration into Kyrgyz society.

¹¹ URL: https://kaktus.media/doc/444514_kolichestvo_bejencev_v_kyrgyzstane_za_god_sokratilos._kak_inostrancy_polychaut_etot_statys.html

¹² Кыргызстан может принять из Афганистана до 1200 памирских кыргызов
URL: <https://rus.azattyk.org/a/kyrgyzstan-mozhet-prinyat-1200-bezhentsev-iz-afganistana/31412843.html>



There are numerous questions tied to the refugee issue in Kyrgyzstan.

- ① Why is it among the most attractive Central Asian countries for refugees?
- ② How is the issue of asylum for refugees being considered?
- ③ On what grounds are refugees denied asylum?
- ④ What are the strengths and weaknesses of the existing national legislation that is related to internally displaced persons?
- ⑤ What measures should be taken to improve how the republic considers, accommodates, and grants refugee status as well as how it expels refugees from the country?

There needs to be a comprehensive study of these various questions together with an effort to develop targeted recommendations.



THE LEGAL AND REGULATORY FRAMEWORK OF THE KYRGYZ REPUBLIC

*TRUST, SOLIDARITY, AND RESPONSIBILITY –
THESE THREE PILLARS ARE THE INVISIBLE
FOUNDATION OF OUR LIFE IN THIS WORLD.*

Z. BAUMAN

The regulatory framework of the Kyrgyz Republic is based on the principles and norms of international law and rooted in international treaties in accordance with Article 6, paragraph 3 of the Constitution of the Kyrgyz Republic, which was introduced May 5, 2021. The Universal Declaration of Human Rights (1948) recognizes the need to protect refugees as forced migrants in Article 14, paragraph 1, which states that «everyone has the right to seek asylum from persecution in other countries and to use this asylum.»¹³

Kyrgyzstan signed the primary international documents on refugee status – the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol – in 1996.

The 1951 Convention was the first conceptual document to protect refugee status – mainly on the European continent – after the Second World War. The Protocol Relating to the Status of Refugees was later adopted in 1967.¹⁴ It specified the rights of refugees as well as state obligations to assist them, regardless of time and territorial restrictions.¹⁵

According to subparagraph 2 of paragraph A of Article 1 of the 1951 Convention, a refugee is recognized as any person who, «owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a 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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.»¹⁶

¹³ Universal Declaration of Human Rights of 1948,

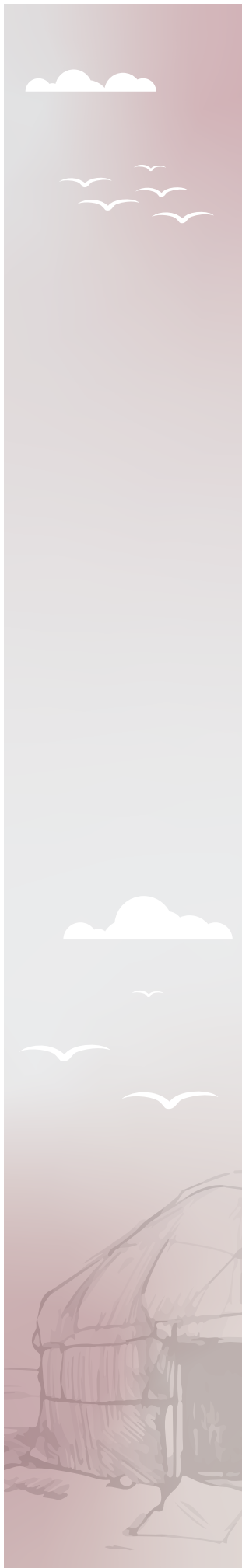
URL: https://www.un.org/ru/documents/decl_conv/declarations/declhr.shtml

¹⁴ Convention Relating to the Status of Refugees, URL: <https://www.refworld.org/docid/3be01b964.html>

¹⁵ Protocol Relating to the Status of Refugees, URL: <https://www.refworld.org/docid/3ae6b3ae4.html>

¹⁶ 1951 Convention Relating to the Status of Refugees,

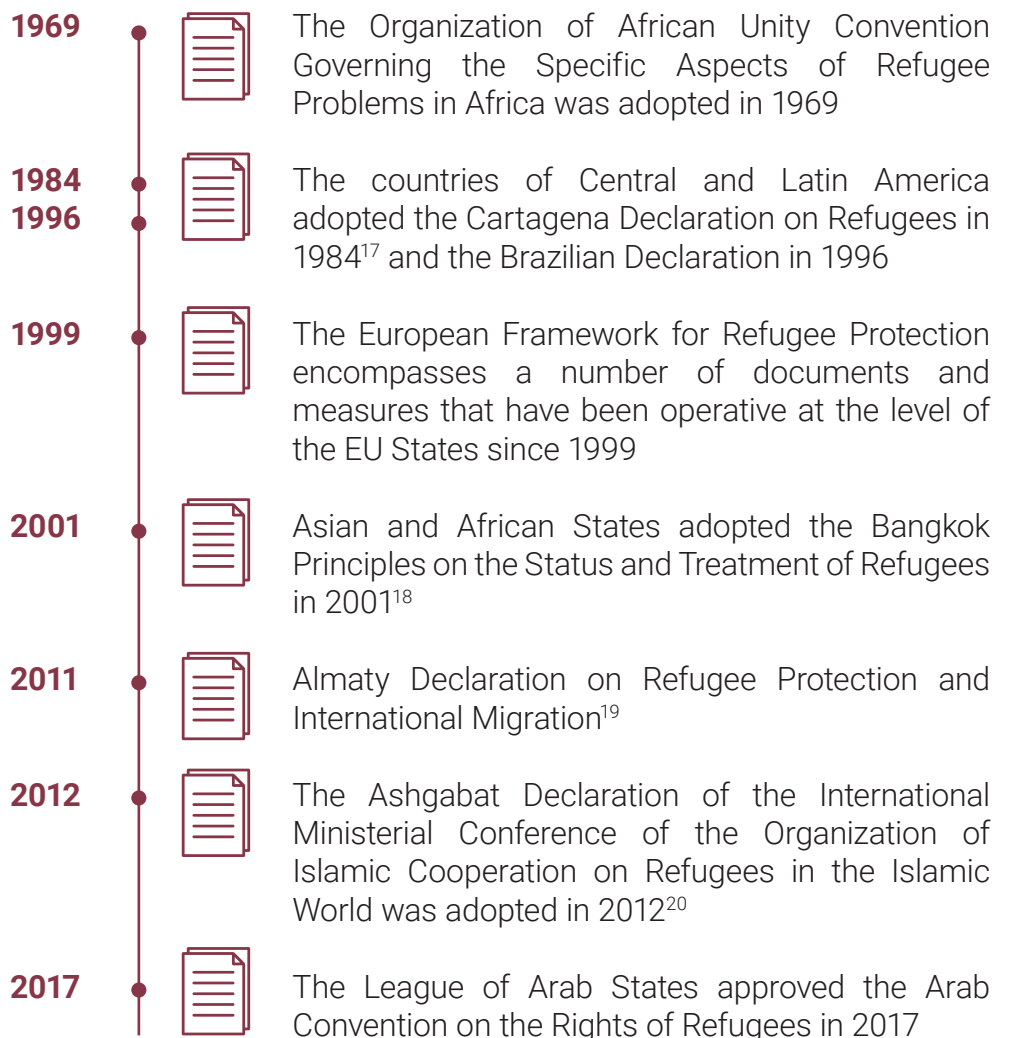
URL: https://www.un.org/ru/documents/decl_conv/conventions/refugees.shtml



Thus, international law considers the following factors in forced migration and persecution:

- Race
- Religion
- Nationality
- Political opinions
- Membership in a particular social group

The state, as the actions of various states demonstrates, is primarily recognized as a persecutor of refugees. In addition to the global international norms mentioned above, states united in regional forums and organizations have also adopted more localized agreements. Kyrgyzstan is a signatory to two such regional agreements – the Almaty Declaration on Refugee Protection and International Migration and the Ashgabat Declaration and Action Plan for the Protection of Refugees in the Muslim World.



¹⁷ Cartenega Declaration URL: <https://www.refworld.org/docid/3ae6b36ec.html>

¹⁸ Bangkok declaration URL: <https://www.refworld.org/docid/3de5f2d52.html>

¹⁹ Алматинская декларация по защите беженцев и международной миграции URL: https://www.unhcr.org/centralasia/wp-content/uploads/sites/75/2019/09/20110316-Almaty-Declaration_16-March_final_RUS.pdf

²⁰ Ashgabat declaration URL: <https://www.refworld.org/pdfid/595c95ba4.pdf>

National legislation also plays a crucial role in protecting refugees and granting them asylum. There are ongoing efforts in Kyrgyzstan to use international agreements and national experience to improve regulatory legal acts for refugees and persons who have applied for asylum. The republic signed key international documents on refugees in 1996, but there were no laws at the national level until the first Refugee Law was adopted on March 25, 2002. It has been amended five times since that date:

2006	•		May 13, 2006, No. 87
2012	•		March 17, 2012, No. 15
2016	•		July 6, 2016, No. 99
2016	•		July 20, 2016, No. 125
2020	•		June 19, 2020, No. 61

FOUNDATIONAL LEGISLATION OF THE KYRGYZ REPUBLIC ON REFUGEES:

-  Law on the Legal Status of Foreign Citizens in the Kyrgyz Republic, December 14, 1993, No. 1296-XII (as amended on July 24, 2020, No. 89)
-  Law of the Kyrgyz Republic on External Migration, July 17, 2000, No. 61 (as amended on January 14, 2020)
-  Law of the Kyrgyz Republic on Internal Migration of July 30, 2002, No. 133
-  Law of the Kyrgyz Republic, "On Refugees," March 25, 2002, No. 44 (as amended on July 19, 2020, No. 61)
-  Law of the Kyrgyz Republic, «Bases of State policy for supporting compatriots abroad,» August 3, 2013
-  Law of the Kyrgyz Republic, «On State Guarantees to Ethnic Kyrgyz Resettling in the Kyrgyz Republic,» November 26, 2007, No. 175; last edition dated January 27, 2015, No. 27
-  Law of the Kyrgyz Republic, «On Amendments to Certain Legislative Acts of the Kyrgyz Republic on the Legal status of Compatriots with foreign citizenship,» June 11, 2020, No. 89



According to Article 1 of the Law of the Kyrgyz Republic «On Refugees,» *«a refugee is a person who is not a citizen of the Kyrgyz Republic and is applying to the Kyrgyz Republic for recognition as a refugee, who is outside the country of his citizenship or place of permanent residence due to reasonable fears of becoming a victim of persecution on the basis of race, religion, nationality, political beliefs, or belonging to a particular social group, or who is facing real danger of persecution in armed and interethnic conflicts and who cannot or does not want to take advantage of the protection of his country due to such fears.»*²¹

Article 52 of the Constitution of 5 May 2021 states:



1. *In the Kyrgyz Republic, foreign citizens and stateless persons have rights and obligations equal to those of the citizens of the Kyrgyz Republic, except in those cases established by laws or international treaties that have entered into force in accordance with procedures established by law to which the Kyrgyz Republic is a party.*
2. *The Kyrgyz Republic, in accordance with international obligations, grants political asylum to foreign citizens and stateless persons who have been persecuted for political reasons or whose human rights and freedoms have been violated.*

Kyrgyzstan also confirms the principle of “non-refoulement” in its Constitution in accordance with paragraph (1) of Article 33 of the 1951 Convention, which states that “No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

The procedure for determining refugee status is based on legislation at three levels:

- National (at the state level)
- Regional (at the level of regional organizations)
- International (at the level of agreements under the mandate of the UN, i.e., international agreements).

Only states and the UNHCR can grant refugee status on matters relating to refugees.

International practice demonstrates that refugee status can be suspended in the following instances:

- In cases of voluntary repatriation (i.e., voluntary return to the homeland)

²¹ Закон КР «О беженцах» URL: <http://cbd.minjust.gov.kg/act/view/ru-ru/999?cl=ru-ru>

- In cases of integration into the community of the host state, through naturalization, i.e., obtaining citizenship
- In cases of relocation to a third country

Those who have applied for refugee status in Kyrgyzstan are primarily those who found themselves in the country as a result of the collapse of the USSR and the creation of sovereign Kyrgyzstan. There are also those ethnic Kyrgyz living in other states who desired to return to their historical homeland or who applied under the «Kairylman» program. Citizens of other states have also sought refuge as a result of political persecution and because of armed conflicts such as the Civil War in Tajikistan from 1992-1997, in Afghanistan from 2001, Syria from 2011 and Ukraine from 2014.



SCHEME 1. REASONS FOR SEEKING ASYLUM IN KYRGYZSTAN

The collapse of the USSR and the creation of the KR

1

- The collapse of the USSR intensified the process of returning ethnic Kyrgyz to the territory of the Kyrgyz Republic; the republic worked from 2007 to return ethnic Kyrgyz within the framework of the “Kairylman” program

Political persecution

2

- Citizens of neighboring republics who were suffering from political persecution and forced to seek asylum in the “island of democracy” of Central Asia, or who considered the republic as a transit territory for the resettlement in third countries

Armed conflicts and wars

3

- Civil War in Tajikistan from 1992-1997
- The war in Afghanistan since 2001
- The war in Syria since 2011
- The war in Ukraine since 2014



Fig. 3. Ethnic Pamiri Kyrgyz



UNHCR AND THE ALMATY PROCESS IN CENTRAL ASIA

The only global institution protecting the rights of refugees, and which monitors the process of their migration and naturalization, is the UNHCR. The UN General Assembly established the International Organization for Refugees (IOM) in 1946, which took over the functions of the UN Relief and Rehabilitation Administration (UNRRA). The IOM was awarded a temporary mandate to register, protect, resettle and repatriate refugees, though it soon became apparent that there was a need to intensify international efforts to help refugees within the framework of this organization. The matter of creating an organization that would take over its functions was discussed long before the expiration of the mandate of the IOM. With resolution 319A (IV), introduced on 3 December 1949, the General Assembly decided to form the Office of the United Nations High Commissioner for Refugees. It was established as a subsidiary body of the General Assembly on January 1, 1951.

The UNHCR celebrated its 70th anniversary in 2020. It has done a great deal to coordinate the protection of refugee rights at the global level, though there is still much to be done to further guarantee the safety of refugees where they are and to assist them in securing their desired status.

The UN adopted a Global Refugee Compact on December 17, 2018, with the following aims:

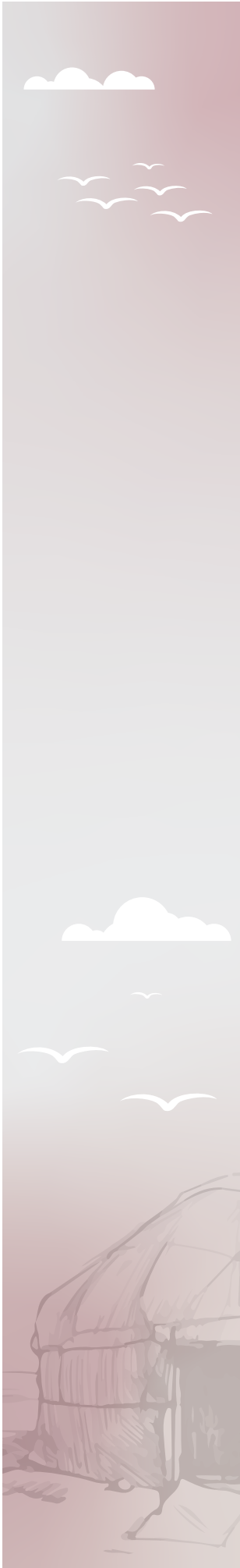
- to ease the burden on host states
- to improve the ability of refugees to provide for themselves
- to expand the use of solutions and providing access to third countries
- to assist in creating conditions for the safe and dignified return of refugees from their states of residence.

These goals are particularly relevant given that more than 85% of refugees have been placed in developing countries.²²

The UNHCR encompasses a special UN Refugee Agency for Central Asia, though it will require the active participation of Kyrgyzstan to address issues of refugee accommodation. Including refugee children in educational institutions and ensuring they have equal access to education have become popular topics in Kyrgyzstan. Kyrgyzstan has also become a leader in reducing the number of stateless persons, dropping those in this category from 13 thousand to zero. The republic did this as part of the UNHCR #BELONG global campaign (2014-2024) to eliminate statelessness.²³

²² URL: <https://refugeesmigrants.un.org/ru/refugees-compact>

²³ Кыргызстан первым в мире покончил проблему с безгражданством
URL: <https://news.un.org/ru/story/2019/07/1358762>



The Almaty Process Platform was founded in 2010 and has been active since 2013. It constitutes a regional advisory platform on issues of «refugee protection and international migration affecting Central Asia.” It was designed to solve the numerous problems resulting from mixed migration and to strengthen regional cooperation and the coordination of activities on mixed migration.»²⁴

The primary goals of the Almaty Process are as follows:

- to promote dialogue on international migration and refugee protection
- to develop mechanisms for monitoring and addressing the issues related to irregular migration
- to promote a common understanding of the causes and consequences of displacement and migration
- to promote the implementation of a coherent, integrated, and differentiated policy on displaced persons
- to develop an action plan as part of the efforts to strengthen states in managing migration and ensuring refugee protections²⁵

Kyrgyzstan needs to be more active in the Almaty process to improve the mechanisms of the Almaty Declaration on the Protection of Refugees and International Migration. It should also put forward a regional agreement on the protection of the rights of refugees, considering the experience of Kyrgyz human rights activists. Implementing a coordinated refugee policy with effective mechanisms would reduce the number of stateless persons, prevent illegal actions against refugees and migrants, and help build a regional dialogue on integrating refugees into local communities.

It could also help the Ministries of Emergency Situations in the Central Asian republics develop measures to accommodate mass migrations from conflict zones or natural disasters and to place these persons or organize temporary accommodation points for them. Kyrgyzstan can play a bigger role in developing regional response and prevention measures.

²⁴ URL: <https://www.almaty-process.org/>

²⁵ URL: <https://www.unhcr.org/centralasia/about-almaty-process>



THE “KAIRYLMAN” PROGRAM AND ITS IMPLEMENTATION GAPS

The national legislation of the Kyrgyz Republic has undergone major changes since 2007, the year in which the state began focusing on simplifying the legal procedures to grant citizenship to ethnic Kyrgyz returning from the diaspora through the «Kairylman» program. The first legislation addressing the Kairylman was the law of November 26, 2007 “On state guarantees for ethnic Kyrgyz resettling in the Kyrgyz Republic” (No. 175). This was followed by the decree “On approval of the Regulation on the procedure for granting Kairylman status» (No. 402), which the government issued on June 23, 2015. The state provided support and preferential rights to those ethnic Kyrgyz who for whatever reasons were returning to the territory of Kyrgyzstan as internally displaced persons, i.e., as refugees or stateless persons.

Such initiatives exist in numerous states in which, for various reasons, ethnic groups were dispersed against their will due to military threats, harassment, or forced relocations resulting from natural and climatic threats. Israel, for example adopted The Law on Return on July 5, 1950, guaranteeing a repatriate visa, and subsequent citizenship, to any Jew who wished to return. This process of repatriation was termed «Aliyah» (translated as «rise», «elevation»), with the Israeli Ministry of Aliyah and Integration handling the affairs of the settlers.

Germany has also encouraged the resettlement of ethnic Germans to their historical homeland since the adoption of the Law on Exiles and Refugees, which was adopted on June 19, 1953. There has been a Commissioner of the Federal Government for Displaced Persons and National Minorities since 1988.

There is a policy similar to the “Kairylman” program in neighboring Kazakhstan, in which the government is working to return Kazakhs who are living in the diaspora to their historical homeland. Formerly turned “Oralman”, the ethnic Kazakh returnees were renamed “Kandas” (a Kazakh word meaning those of one or the same blood) on January 1, 2021.

At the same time, Kazakhstan adopted a government decree a month before its independence «On the procedure and conditions for the resettlement to the Kazakh SSR of persons of indigenous nationality from other republics and foreign countries who wish to work in rural areas.» The procedures for naturalizing these individuals were significantly simplified in May 2020 with the introduction of new rules regulating migration processes.²⁶ The Kandas are an important component of demographic policy in contemporary Kazakhstan.

²⁶ Закон Республики Казахстан «О миграции населения» от 2020 года
URL: [http://www.cisstat.com/migration/cis_low/1_KA_Law%20of%20the%20Republic%20of%20Kazakhstan%20On%20Migration%202011%20\(2020\).pdf](http://www.cisstat.com/migration/cis_low/1_KA_Law%20of%20the%20Republic%20of%20Kazakhstan%20On%20Migration%202011%20(2020).pdf)



Criteria of Comparison



Kyrgyzstan



Kazakhstan

A primary goal of this policy is to increase the numbers of ethnic Kazakhs relative in the population of the republic. The state is motivated to encourage the resettlement of these persons and to develop specific incentive mechanisms and social benefits as well as special centers to work with them. More than 1 million Kandas have resettled in Kazakhstan since independence.

Name of official document regulating repatriates	The “Kairylman” program of the Government of the Kyrgyz Republic on assistance to ethnic Kyrgyz and to Kairylman resettling in the Kyrgyz Republic for 2017-2022 was approved in 2016; the Law of the Kyrgyz Republic «On State Guarantees to Ethnic Kyrgyz resettling in the Kyrgyz Republic» (No. 175) was dated November 26, 2007, with its last edition being January 27, 2015, No. 27	The Law of the Republic of Kazakhstan «On population migration,» the latest version of which is dated 2020; the “Nurly Kosh” program for the resettlement of repatriates, 2009-2011
Terminology for repatriates	“Kairylman” (those who are returning)”	“Oralman” until 2021, at which time it was changed to “Kandas” (those of one or the same blood)
Territory of resettlement	Throughout the entirety of the republic	All territory with the exception of the capital and Almaty since 2014
Government agencies involved with repatriates	State Migration Service under the Government of the Kyrgyz Republic; Department of External Migration under the Ministry of Foreign Affairs of the Kyrgyz Republic	14 temporary accommodation centers for Kandas; 3 centers for adaptation and integration of the Kandas; Kandas Councils under regional administrations
Immigration quotas for repatriates	All quota limits cancelled as of 2015	Established by Presidential decree

Criteria of Comparison



Kyrgyzstan



Kazakhstan

State mechanisms for attracting repatriates

Social benefits: temporary accommodations; free medical care;

simplified path to citizenship; quotas for admission to institutions of secondary and higher professional education; exemption from customs duties; able to work without obtaining a work permit

Social benefits: housing allowance; one-time allowance to the head of the family in the amount of the 15th monthly calculation index (MCI) and for each family member in the amount of the 10th MCI; free medical care; simplified path to citizenship; reimbursement of travel expenses and transportation of property; exemption from customs duties

Key motivations to encourage repatriation

The social and economic conditions of those ethnic Kyrgyz living in the Pamirs are much lower than for those in Kyrgyzstan, which is the main factor prompting their return

The demographic policy of the republic, which is geared to increasing the representation of ethnic Kazakhs

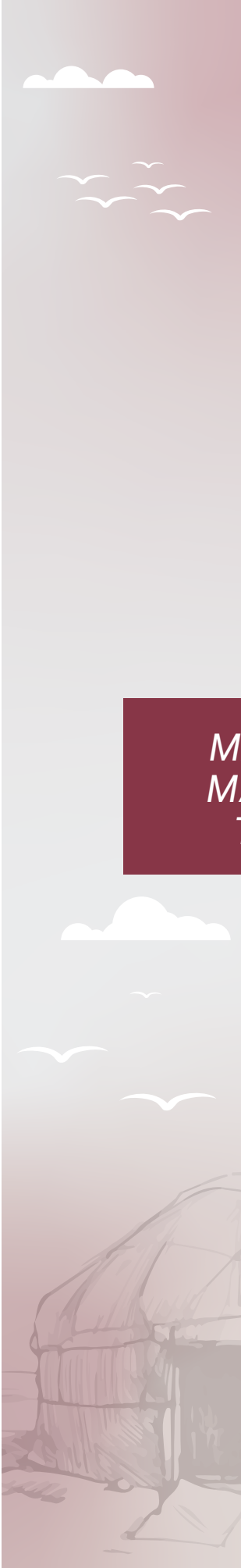
Approximate number of repatriates up to 2022

43-50 thousand Kairylman

More than one million Kandas

The path to citizenship for Kandas has become simpler in Kazakhstan, and the mechanisms for working with them are better structured – through specific centers that receive them and provide legal and other assistance – than they are in Kyrgyzstan. This is due to the differing importance of the respective diaspora groups. There is greater state interest in encouraging the resettlement of the Kandas in Kazakhstan – they are a key element in the complex demographic politics of the country – whereas in Kyrgyzstan engagement with the Kairylman is born out of a patriotic desire to help the Pamir Kyrgyz. If they pay an allowance for the purchase of an apartment or a house in Kazakhstan, then in Kyrgyzstan they allocate a plot of land for their construction. Kazakhstan also pays a one-time allowance to the head of the family and for each family members based on the 2021 MCI of 2,917 tenge. For a family with one child, for example, the father will receive a 15-fold amount or 43,755 tenge, while the mother will receive 58,340 tenge, with the total converted amount being about 240 USD.

Kyrgyzstan adopted the Law «On the guiding principles of state policy for the support of compatriots abroad» on August 3, 2013. It followed this on June 11, 2020, with the Law «On amendments to Certain Legislative Acts of the Kyrgyz Republic on the Legal Status of



Compatriots with Foreign citizenship.» This law officially introduced the «status of a compatriot with foreign citizenship,» which is granted to «foreign citizens who were previously citizens of the Kyrgyz Republic... [and] is valid indefinitely.»

This status can also be granted to:

- foreign citizens who are children or grandchildren of a foreign citizen who was previously a citizen of the Kyrgyz Republic, regardless of their original affiliation to the citizenship of the Kyrgyz Republic
- foreign citizens who are children or grandchildren of citizens of the Kyrgyz Republic, regardless of their original citizenship of the Kyrgyz Republic
- foreign citizens born in the Kyrgyz SSR, as well as their children and grandchildren. ²⁷

Many ethnic Kyrgyz, mainly those from neighboring republics – Tajikistan, Uzbekistan and China – expressed a desire to return to Kyrgyzstan after the collapse of the USSR. This process was relatively simple for some, though for others it turned out to be painful and lengthy.

MANY KAIRYLMAN FOUND THEMSELVES IN A MARGINAL POSITION AND FELT THEMSELVES TO BE A «STRANGER AMONG THEIR OWN.»

This was accompanied by various forms of identity crises and complex psychological and social problems. The inability to fully integrate into Kyrgyz society snowballed and made children and women vulnerable, most of all. Though the issue of repatriating ethnic Kyrgyz is favored in social and online media, very few practical steps have been taken to integrate them into society or to help them adapt to living conditions in the country.

Many ethnic Kyrgyz became forced migrants as a result of the Tajik Civil War. Kyrgyzstan accepted more than 20 thousand such refugees according to the UNHCR. Most remained in the south of the republic, with the more active migrants moving to the Chui Valley or arriving by rail through Uzbekistan. Those ethnic Kyrgyz from Zhergetal and Murgab who fled Tajikistan during the Civil War, for example, are now concentrated in the village of Sosnovka in the Chui region. Most of their children go to school and receive some form of higher education.

²⁷ Закон КР «О внесении изменений в некоторые законодательные акты Кыргызской Республики по вопросам правового положения соотечественников с иностранным гражданством» от 11 июня 2020 г. №89
URL: <http://cbd.minjust.gov.kg/act/view/ru-ru/112079?cl=ru-ru>

The adults receive social benefits, with the majority employed as seasonal workers by local Dungan. The lack of stable earnings, however, has forced the younger generation to look for work in Kazakhstan and Russia.²⁸ That said, it is relatively easy for ethnic Kyrgyz from Tajikistan and Uzbekistan to settle in Kyrgyzstan. The presence of family and friendly ties eases integration and there are social and economic opportunities.

Kyrgyzstan has been using state mechanisms to encourage Kairylman to return from the diaspora since 2007. Some 500 to 700 thousand ethnic Kyrgyz live outside the country, primarily in the states of Uzbekistan, Tajikistan, Afghanistan, Turkey, and China. The residents of the Tajik Murghab and Zhergetal, as well as the Pamir Kyrgyz, who have historically been divided between Afghanistan and Tajikistan as a result of the division of the Wakhan Corridor between British India and Russian Central Asia, were the first refugees in sovereign Kyrgyzstan. There is almost no information about the desire of ethnic Kyrgyz from other countries, such as Turkey and China, to return, perhaps because this desire is objectively absent.

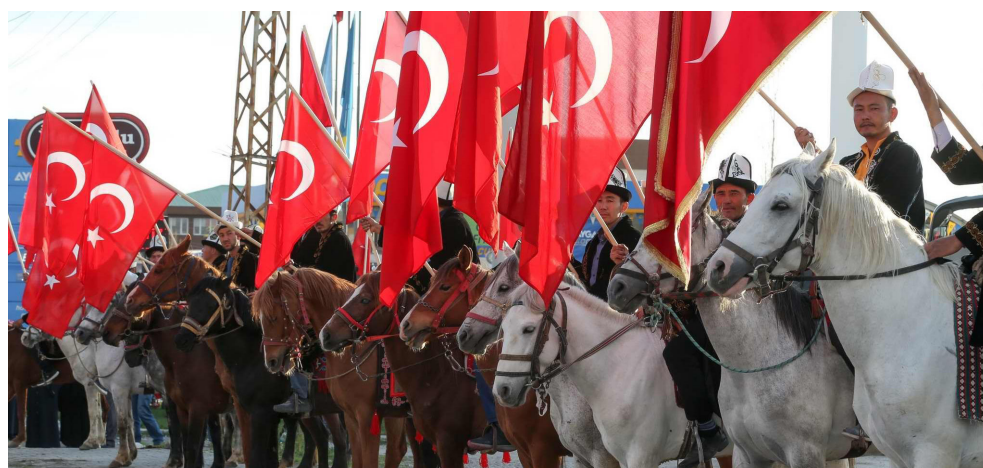


Fig. 4. Van Province, Turkey: some three thousand Kyrgyz reside here, with most living in the village of Uluu Pamir



Fig.5. The "Ata-Zhurt" ethno-complex on the shore of Lake Van near the city of Ercin

²⁸ Как таджикские беженцы и кайрылманы живут в Сосновке. Реальные истории
URL: https://kaktus.media/doc/429148_kak_tadjikskie_bejency_i_kayrylmany_jivyt_v_sosnovke._realnye_istorii.html

The Kizilsu Kirgiz Autonomous Prefecture in the Xinjiang Uygur Autonomous Region of China has some 180 to 220 thousand Kyrgyz resident in the Artush city District, Ulugchag, and the Akchy and Ak-Too counties. More than 3 thousand Kyrgyz also live in Kazakh and Tajik autonomous regions within the prefecture.



Fig.6. Manas Park in Ulugchag, a monument to Manas and his 40 soldiers
Source: kabar.kg

The most discussed but also the most poorly studied Kairylman are those of the Greater and Lesser Pamirs. Pamir Kyrgyz live in the harshest and most remote mountainous regions of Tajikistan – Zhergetal and Murghab – as well as in the Little and Great Pamirs of Afghanistan, who migrated to these areas in different historical periods starting from the XVI century. The harsh climatic conditions and inaccessibility of the regions isolated the Kyrgyz who settled here and led to a rapid reduction of population from what was at one point seven thousand to now less than two. Numerous factors negatively impacted the demographic picture and standards of living, including lack of access to medical and educational institutions, total illiteracy despite knowledge of several languages, harsh climatic conditions, and poor diet and scarce food.

There has been work on the “Kairylman” project to streamline the return of ethnic Kyrgyz.



According to Kyrgyz legislation, a kairylman is an ethnic Kyrgyz who is a citizen of a foreign state or a stateless person who has voluntarily resettled in the Kyrgyz Republic and received the status of Kairylman. (Resolution of the Government of the Kyrgyz Republic on granting the status of Kairylman, July 23, 2015, No. 402)

According to official data, about 45 thousand ethnic Kyrgyz received Kairylman status and subsequent citizenship in the Kyrgyz Republic between 1991 and 2021. Many more simply did not apply for this designation, either because they were unaware or lacked information, and have therefore remained stateless persons. That said, the path to citizenship is streamlined for ethnic Kyrgyz and usually carried out according to simplified procedures within the space of three months. It does not require individuals to renounce their citizenship in a foreign state and allows them to be granted preliminary status as Kairylman for two years.²⁹

The procedure for submitting, reviewing, and issuing a Kairylman certificate is free of charge.³⁰



45 000
ethnic Kyrgyz received
Kairylman status
between 1991 and 2021

Fig.7. The Kairylman certificate that has been issued since 2010

Kairylman form a diaspora group in the Assembly of the People of Kyrgyzstan. The Law «On State Guarantees to Ethnic Kyrgyz returning to their historical homeland» was adopted in 2007. The government organized a special expedition in 2014 to provide humanitarian assistance to the ethnic Kyrgyz of Afghanistan in the amount of three million som.³¹ The amount of humanitarian aid increased to 5 million som in 2019.³² The next year the government built 11 houses for Pamir Kyrgyz in the Taldy-Suu village of the Alai district. When meeting with Kairylman there, Zh. Saparov promised to repatriate the remaining Pamir Kyrgyz.³³ There are plans to build a town for Kairylman in Alai in the amount of 10 million som in 2022.

²⁹ Программа Правительства Кыргызской Республики «Кайрылман» по оказанию содействия этническим кыргызам, переселяющимся в Кыргызскую Республику, и кайрылманам на 2017-2022 годы URL: <http://cbd.minjust.gov.kg/act/view/ru-ru/98654>

³⁰ Департамент внешней миграции МИД КР URL: <http://ssm.gov.kg/ru/main/page/21/0>

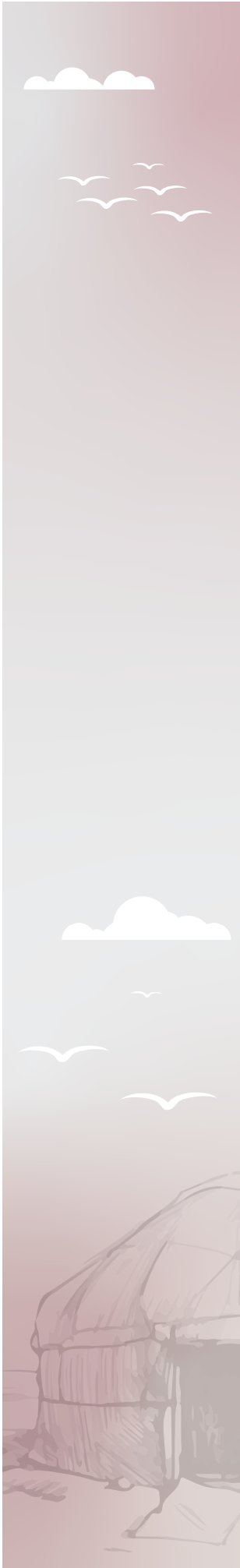
³¹ Распоряжение правительства КР от 17 ноября 2014 года

URL: <http://cbd.minjust.gov.kg/act/view/ru-ru/214098>

³² Распоряжение правительства КР от 19 августа 2019 г.

URL: <http://cbd.minjust.gov.kg/act/view/ru-ru/217414>

³³ Жапаров намерен переселить всех памирских кыргызов в Кыргызстан до конца года URL: <https://kloop.kg/blog/2021/04/04/zhaparov-nameren-pereselit-vseh-pamirskih-kyrgyzov-v-kyrgyzstan-do-kontsa-goda/>



The primary law on ethnic Kyrgyz was renamed the law «On State Guarantees to Ethnic Kyrgyz Resettling in the Kyrgyz Republic» in 2015. There is also the government “Kairylman” program for 2017-2022 to assist repatriating ethnic Kyrgyz.³⁴

Kyrgyzstan attempted to repatriate several Pamir Kyrgyz families from Afghanistan to Naryn in 2017 according to a Kairylman support program. There was some initial reluctance, but Kyrgyzstan helped in providing education to children and relocated the children together with their parents. Ethnic Kyrgyz in Afghanistan are often involved in protecting state borders and the government traditionally opposes any mass emigration of this population. Some of the families decided to return to Afghanistan.³⁵ The lack of practical efforts in integrating the Kairylman has had a negative impact on the community and its social and economic situation. Their legal status remains in limbo. The Ombudsman of the republic periodically points out the violation of Kairylman rights.³⁶

Repatriating Kairylman is considered a part of nation-building in the republic. There is the possibility of integrating these ethnic Kyrgyz into the political and cultural space of the country. That said, many ethnic Kyrgyz have been unwilling or have refused to repatriate. The ethnic traditions and traditional way of life that many diaspora groups observe, especially the Pamir Kyrgyz, is one of the reasons for this, as it creates difficulties for these groups in terms of their integration into modern Kyrgyz society. Some in the diaspora review the Kyrgyz in the republic as a threat and a challenge to their traditional way of life. Ethnic Kyrgyz in the Greater and Lesser Pamirs practice early marriages involving girls aged from nine to ten, a factor in the high mortality rates among newborns and during childbirth in these regions. Though they know several languages – Urdu, Farsi, Dari, etc., the majority are illiterate. This is particularly problematic for adult Kayrylman in Kyrgyzstan as they cannot seek instruction in schools due to their age. The different eating habits and behaviors of the Pamir Kyrgyz requires a phased adaptation program that will provide those in the diaspora study and preparation.

Experts point to the unsatisfactory conditions for resettlement in Kyrgyzstan to explain the return of Kairylman to the Pamir. These conditions include difficulty obtaining land – this is contrary to the accepted norms for transferring land for Kayrylman – as well as remote

³⁴ Программа Правительства Кыргызской Республики «Кайрылман» по оказанию содействия этническим кыргызам, переселяющимся в Кыргызскую Республику, и кайрылманам на 2017-2022 годы

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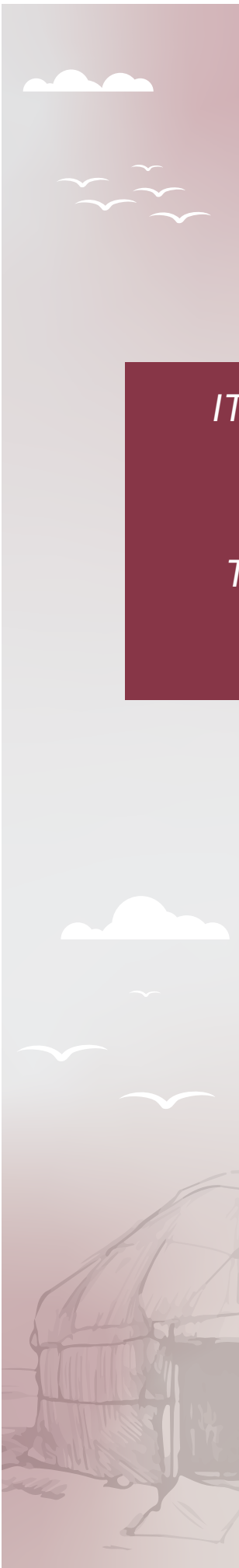
³⁵ За чем ехали памирские кыргызы в Нарын и что получили в итоге?

URL: https://rus.azattyk.org/a/naryn_pamir_kyrgyz_migrants/29373819.html

³⁶ Кайрылманы смогли решить проблему с паспортизацией после вмешательства Акыйкатчы (Омбудсмена) КР

URL: https://ombudsman.kg/index.php?option=com_content&view=article&id=2324:

kairylmans-were-able-to-solve-the-problem-with-passportization-after-the-intervention-of-akyikatchi-ombudsman-of-the-kyrgyz-republic&catid=18&lang=ru&Itemid=330



regions of resettlement, bureaucratic difficulties, etc.³⁷ In addition to the economic and social incentives that the local *aiyl okmotu* has to provide to the community, there also needs to be some provision of psychological, legal, and humanitarian assistance for harmonious integration. Kairylman commonly experience culture shock as a group on return, something that requires careful study. There are too few mechanisms to help Kairylman integrate into modern Kyrgyz society. This is the primary issue in repatriating ethnic Kyrgyz from the Pamirs, where there are harsh but familiar conditions.

IT IS NECESSARY TO DEVELOP MECHANISMS TO GRADUALLY AND HARMONIOUSLY INTEGRATE MIGRANTS, TO HELP THEM OVERCOME CULTURAL SHOCK, AND TO PROVIDE PSYCHOLOGICAL ASSISTANCE TO THE DIFFERENT AGE GROUPS AMONG THE RETURNEES.

This is in addition to the requisite social and economic support. There needs to be a more consistent effort to gradually prepare Kairylman for the resettlement process and to assist them in adapting to social and household changes, though they also need to be prepared for the challenges of modern Kyrgyz society. Providing free courses to combat illiteracy should be a priority. Education can also help ensure that Kairylman acquire the knowledge and skills necessary for independent survival in modern economic conditions.

³⁷ В аппарате омбудсмена Киргизии (Акыйкатчы) Токона Мамытова недовольны ответом ГПС URL: http://euro-ombudsman.org/ombudsmen_activities/v-apparate-ombudsmena-kirgizii-akykatch-tokona-mamtova-nedovolyn-otvetom-grs

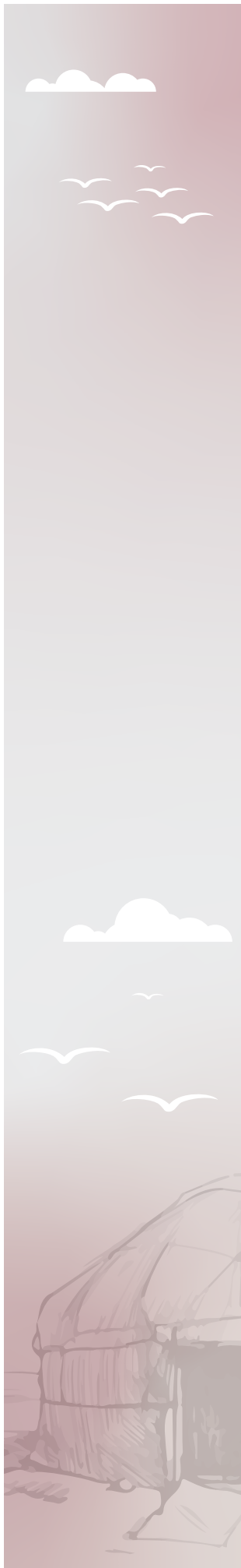
SCHEME 2. SWOT ANALYSIS OF THE STATE POLICY OF THE KYRGYZ REPUBLIC IN RELATION TO KAIRYLMAN

STRENGTHS

- experience working with Kairylman communities;
- the existence of a legal framework for addressing the situation of the Kairylman;
- the desire to resettle Kairylman from the Greater and Lesser Pamirs, where the socio-economic living conditions of ethnic Kyrgyz are lower than Kyrgyzstan;
- analysis of the legislative framework indicates a positive trend toward simplifying the procedures to obtain Kairylman status and then citizenship in the Kyrgyz Republic;
- the availability of social benefits for Kairylman

WEAKNESSES

- dearth of monitoring and analysis of experience working with Kairylman;
- there are no special bodies dedicated solely to the Kairylman and no specialized entities to provide legal, psychological, and social support during the processes of securing Kairylman status and Kyrgyz citizenship;
- the regulations regarding Kairylman are not always observed in practice, as is often the case in the provision of land plots;
- there are no specific mechanisms to assist repatriates who are experiencing difficulties adapting and integrating into Kyrgyz society;
- no permanent or effective channels to facilitate communications between repatriates and state authorities.



POSSIBILITIES

- creation of a special body dedicated solely to the Kairylman to support their repatriation and to provide legal, psychological, and social support during the processes of applying for Kairylman status and Kyrgyz citizenship;
- improve legislation to expand social benefits for repatriates, including the ability to secure low-interest mortgages for the purchase of an apartment or house, especially since most repatriates are unable to build homes on the plots allocated to them;
- recruit integrated Kairylman with positive experiences to work with recent ethnic Kyrgyz repatriates;
- create special language courses for repatriates to ensure successful employment in the labor market..

THREATS

- there is no denying the negative experiences of some Kairylman, which creates a negative impression of the historical homeland for other repatriate communities;
- there is a dearth of information on Kairylman and no comprehensive monitoring of repatriates in general. This creates the possibility for negative images in the information sphere as well as an opening for corrupt practices, such as issuing forged or invalid Kairylman certificates. Together these form a negative image of the republic in the foreign policy environment;
- the absence of dedicated mechanisms in support of Kairylman adaptation and integration creates «gray zones» in society, and have the potential to leave repatriates in conditions of poverty, unsanitary conditions, and illiteracy or to cause the growth of radical sentiments and criminal, deviant behavior when these conditions “snowball.”

CONCLUSION AND RECOMMENDATIONS

The public is beginning to discuss the issue of refugees in Kyrgyzstan in reaction to media coverage or social media coverage on the status of foreign citizens. Processes in the Middle East, including the activities of ISIS, have driven people from conflict zones into other states, including Kyrgyzstan. Some associated Angela Merkel's with the possibility of accepting refugees in Kyrgyzstan, though this issue was not raised at the official level. The public discussed the presence of Pakistanis in Kyrgyzstan in August 2021 through social networks and other online media information, though it was viewed negatively. More study is required to develop mechanisms to ease the stay of migrants as well as to make their presence more comfortable for citizens of the Kyrgyz Republic.

The ascension of the Taliban and the forced migration of Afghans that followed has created a foreign policy dilemma for Kyrgyzstan. As a peaceful state that observes human rights and as a member of the world community, the republic must show humanitarian solidarity (Kyrgyzstan had signed international agreements on refugees, including the Convention on the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967). Kyrgyzstan has agreed to admit 500 Afghan students to its universities, though without providing funding. At the same time, the threats emanating from Afghanistan, together with alarmist expert forecasts, have made ensuring national security a matter of political moment, especially since representatives of radical terrorist groups have penetrated the territories of other states as migrants.



Cultivate a broad and comprehensive awareness of migrant and refugee rights through educational simulations, training, and courses; these will foster tolerance and open-mindedness and help ensure that refugees are integrated harmoniously into Kyrgyz society, without acts of discrimination and violence.

It would be possible to include the UNHCR to improve the efficiency of how public authorities exchange information. It is equally vital to develop programs to raise awareness of refugee rights. These could include events timed to coincide with Refugee Day (June 20) that will work to increase understanding among the population about the migration and resettlement of peoples. There is a need to cultivate a broad and comprehensive awareness of migrant and refugee rights through educational simulations, training, and courses; these will foster tolerance and open-mindedness and help ensure that refugees are integrated harmoniously into Kyrgyz society, without acts of discrimination and violence.



Digitalize the submission of documents for asylum seekers and the process of reviewing their status to ensure transparency, objectivity, and efficiency and to increase document flow among competent authorities.

It is important to ensure the digitalization of all documents submitted for asylum seekers at all stages of consideration as well as to facilitate:

- *transparency in the process* at the level of «applicant – state bodies», which will allow all interested parties to monitor and update documents, with confidentiality guaranteed;
- *increased document flow* between competent authorities when considering documents that are sent as electronic attachments, the goal being to increase the speed of information transfer and of those documents containing decisions.

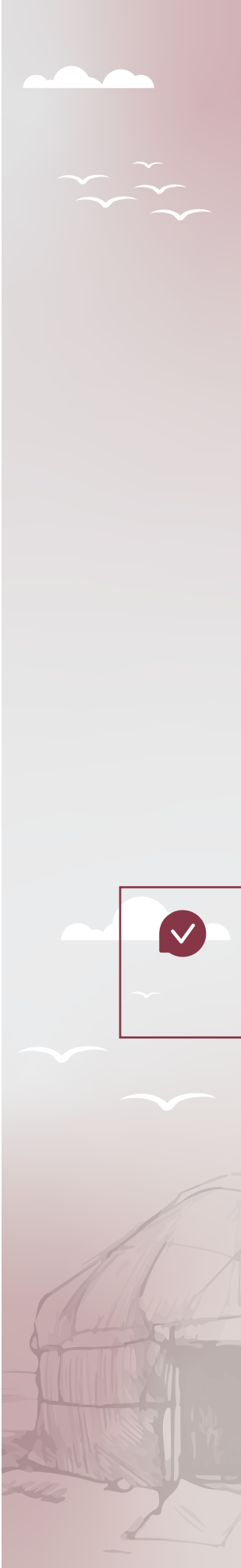


Involve international organizations such as the UNHCR in those cases in which asylum has been denied in order to facilitate their resettlement in third countries.

The Afghan rallies in 2021 in Bishkek demonstrated the absence of any comprehensive process for considering refugee issues. State authorities had reviewed the status of the Afghans and ordered them to vacate the republic within 30 days, though they have remained in the country for some 20 years because international norms do not allow their expulsion. The insecurity of these individuals and their family members is not only a violation of human rights but also hinders UN objectives such as eradication of poverty and hunger, improving quality of life, etc. Social insecurity, including the inability to find work, receive education and medical services, and to access comfortable living conditions are all a threat to those living in the country illegally. They also present medium-term challenges for the republic by broadening illiteracy, poverty, outbreaks of disease, crime, labor exploitation, etc. It is necessary in this context to develop mechanisms at the national level for resettling (in third states) those individuals denied asylum but also at the regional and international levels, that is, at the level of Kyrgyzstan's interactions with the UNHCR, the Almaty Process, international human rights organizations, etc.



It is necessary to develop mechanisms to help Kairylman gradually integrate into modern Kyrgyz society and to assist them in overcoming cultural shock, just as it is vital to provide psychological assistance and social and economic support to different age groups. Promoting the knowledge and skills requisite for independent survival should also be a priority.



Kairylman face cultural shock when repatriating and there is a complex process of social and economic adaptation to the conditions of Kyrgyz society. This is in addition to the often-lengthy procedures required to receive land. It is critical to develop mechanisms for the gradual adaptation of the Kyrgyz from the Greater and Lesser Pamir. These should include psychological, medical, educational, and economic assistance before resettling these groups and securing their voluntary consent.

There need to be courses directed to eliminating illiteracy among all categories of Kairylman even before their active inclusion in existing institutions. Most Kairylman are “aged out” of general primary or secondary education in Kyrgyzstan. This is especially true for adult Pamir Kyrgyz, who find themselves isolated or limited to employment in manual labor as a result. Eliminating illiteracy among Kairylman and helping them to build their own knowledge through reading and writing, will foster survival skills and may make individuals more open to receiving medical services and changing eating habits.

It is equally vital to develop support mechanisms for those Kairylman who have already received citizenship so they can, in turn, provide advisory assistance to new repatriates in their efforts to adapt to Kyrgyz society. The arrival of the Russian singer Manizha Sangin in the republic at the end of 2021 – a refugee from Tajikistan, Russia’s representative in the Eurovision Song Contest 2021, and a Goodwill Ambassador of the UN Refugee Agency – underlines the importance of the assistance that people who themselves went through this process of integration and adaptation can provide.



Kyrgyzstan needs to be more active within the framework of the Almaty process and put forward a regional agreement on the protection of refugee rights, taking into account the experience of Kyrgyz human rights defenders and that of other regional forums.

The existing regional platform – the Almaty Process – can become a platform to develop and adopt an agreement on the protection of refugee rights in the Central Asian States, with practical measures that take into account the experience of human rights defenders in the region on refugee issues.

The implementation of a coordinated refugee policy could help reduce the number of stateless persons, prevent illegal actions against refugees and migrants and, in general, build a regional dialogue on the effective integration of refugees into local communities.

It could also help develop measures (at the level of the Ministry of Emergency Situations in each Central Asian republic) to manage those instances in which there is a mass influx from a conflict zone or natural disaster. These measures would involve placement plans and the organization of temporary accommodation points in addition to outlining response and prevention measures.



Attract international donors and investors to create special zones that will accommodate asylum seekers, temporarily, and provide legal, medical and psychological assistance; effective zones would provide acceptable living conditions, including the provision of food, accommodations, and basic hygiene products and clothing, while the status of the migrants is under consideration.

Kyrgyzstan needs to attract international donors and investors to create special zones that will accommodate asylum seekers, temporarily, and provide legal, medical and psychological assistance; effective zones would provide acceptable living conditions, including the provision of food, accommodations, and basic hygiene products and clothing, while the status of the migrants is under consideration. This requires not only setting aside land for camps but the creation of appropriate infrastructure for about 300-400 people, taking into account the experience of Kyrgyzstan and the statistics of submitted applications. It will also involve transporting these persons from border checkpoints to the camps and as well as paying for workers who will run and manage the zones.

The UNHCR has experience in logistics and providing humanitarian assistance to refugees (within the framework of the Inter-Agency Standing Committee) as does the International Organization for Migration, the International Federation of the Red Crescent and the Red Cross, and the humanitarian organization Doctors Without Borders. That said, long experience shows that refugee camps are often flimsy and cheap and meet only basic living requirements. Kyrgyzstan could become the first State in the world capable of proving a truly humane and integrated approach to the temporary accommodation of asylum seekers.



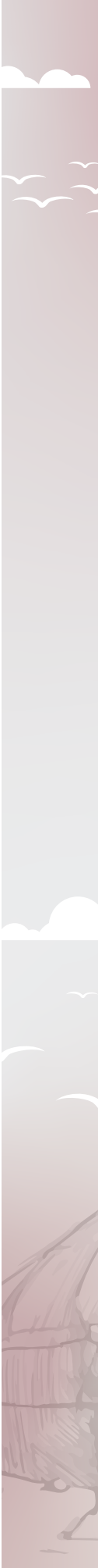
Involve the expert community in monitoring and improving the regulatory and legislative framework on refugee issues, taking into account Kyrgyzstan's own experience, world practice, as well as the international documents that the republic has signed.

To analyze how asylum requests are evaluated and granted, it is necessary to involve the expert community in Kyrgyzstan in the following ways:

- to provide permanent monitoring and improvement of the regulatory and legislative framework in relation to refugees;
- to improve the process of reviewing the status of applicants and the conditions of their stay;
- to adapt international practice, taking into account national experience, and to overhaul the process of reviewing the status of applicants, the conditions of their stay in Kyrgyzstan, as well as actions on the eviction/relocation of refugees to third states for those persons denied asylum;
- to track the causes and consequences of forced migration.

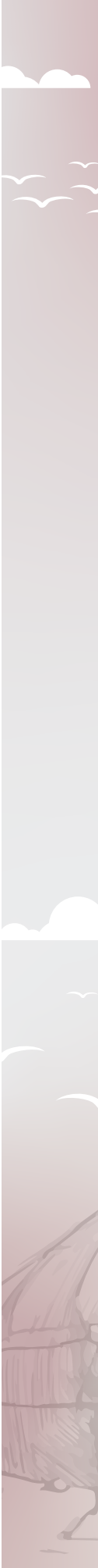
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GLOSSARY OF TERMS

Refugee (mandatory) – a person who meets the criteria of the Charter of the Office of the United Nations High Commissioner for Refugees (UNHCR) and has the right to UN protection. Such protection is granted by the High Commissioner, regardless of whether he/she is in a country that has signed the 1951 Convention relating to the Status of Refugees or the 1967 Protocol, and whether he/she is recognized by the host country as a refugee in accordance with any of these documents.

Refugee (recognized) – any person who, «due to well-founded fears of becoming a victim of persecution on the basis of race, religion, citizenship, belonging to a certain social group or political beliefs, is outside the country of his citizenship and cannot enjoy the protection of this country or does not want to enjoy such protection» (Convention on the Convention on the Status of Refugees, 1951, Article 1 A (2) as amended in the Protocol, 1967.)

Refugees on the move – refugees who (although they have not been returned to a country where they may be persecuted) have been refused asylum or cannot find a country that could consider their case; those moving from one country to another in search of asylum.

De facto refugees – persons who are not recognized as refugees in accordance with the UN Convention on the Status of Refugees, 1951 and the Protocol relating to the Status of Refugees, 1967, but who cannot or do not want, for reasons recognized as justified, to return to their country of citizenship or to the country of permanent residence if they do not have citizenship.

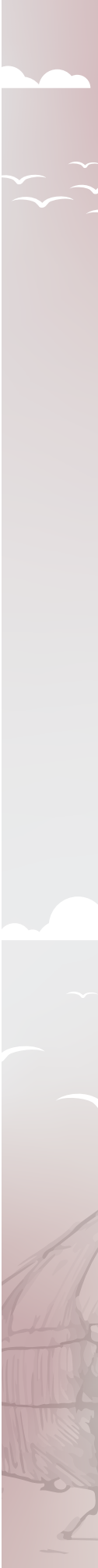
Refugees sur place – persons who are not refugees upon departure (refugees on the spot) from their country of origin, but who become such later (i.e. they have a well-founded fear of becoming victims of persecution). Sur place refugees may fear persecution due to a military coup in their homeland or owing to the beginning or increase of repression after their departure. The recognition of refugee status sur place depends on the policy of the State in which the person is seeking asylum.

De facto statelessness – a situation when a person who has the citizenship of a State, having left this State, does not have its protection either because this person refuses to claim this protection, or the State refuses to protect him. The term de facto statelessness is often associated with the term refugee.

Safe country – the country of origin of asylum seekers is considered safe if it is not a source of refugees. Receiving countries may use the concept of a safe country of origin as a basis for refusing (without a detailed study of the case) certain groups or categories of asylum seekers.

Safe Third Country – the receiving country considers any country (not the State of origin) in which an asylum seeker has received or could receive protection to be a safe third country. The concept of a safe third country (protection elsewhere/the principle of first asylum) is often used as a basis for admission to the procedure of determining refugee status.

Burden of proof – the obligation of a party to prove an allegation or accusation. In the context of migration, a foreigner wishing to enter another state, who usually bears the burden of proof: a foreigner must prove that he has the right to enter and is not a person who is prohibited from entering by the laws of the state.



Forced migration – a general term used to characterize migration flows in which there is an element of coercion, including a threat to life and existence, as a result of natural or man-made causes.

Main/primary person – the person applying for refugee status – the main applicant. The general international practice is that dependent persons (usually a spouse and minor children) are considered secondary applicants and receive the same status as assigned to the main applicant.

Kairylman – an ethnic Kyrgyz who is a foreign citizen or a stateless person who voluntarily resettles in the Kyrgyz Republic and has received the status of a kairylman.

Kairylman status – a temporary legal status provided to patriots pending citizenship in the Kyrgyz Republic.

Transit refugees – refugees who are allowed temporary entry into the territory of the country, provided that they move to some other place.

Kayrylman's certificate – a document certifying the identity of a person recognized as a kayrylman and serving as the basis for registration of this person and his family members in the territorial bodies of the authorized state body in the field of population registration at the place of stay in the territory of the Kyrgyz Republic and allowing him or her to receive benefits in accordance with the procedure established by the legislation of the Kyrgyz Republic.

A petition for kairylman status – a document reflecting the will of the person applying for the status of kairylman that is submitted to the territorial authorities.

Ethnic Kyrgyz – a person of Kyrgyz nationality who has citizenship in a foreign state, or a person of Kyrgyz nationality without citizenship.



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