



**[Russia - Vladimir Regional Court, judgment №33-1037/2012](#)**

The applicant, a Russian-speaking non-citizen of Estonia, applied for asylum in Russia, claiming discrimination on the basis of ethnicity in Estonia. The Court considers the problematic situation of non-citizens of Estonia, but concludes that the circumstances of the applicant's claim do not constitute basis for protection in Russia under the asylum framework.

**Case name (in original language) :** №33-1037/2012

**Case status:** Decided

**Case number:** №33-1037/2012

**Date of decision:** 15/05/2012

**State:** Russian Federation

**Court / UN Treaty Body:** Vladimir Regional Court

**Language(s) the decision is available in:** Russian

**Applicant's country of birth:** Estonia

**Applicant's country of residence:** Russian Federation

**Key aspects:** Discrimination, Gender, State succession, Statelessness and asylum

**Facts**

The applicant is a non-citizen of Estonia, who applied for an asylum status in Russia, which was rejected. The applicant has previously served prison sentence in several countries, among which Sweden and Finland, for attempting to contact and take away her children (the latter presumably having been adopted or placed in the care of others).

**Legal arguments by the applicant**

The applicant argued that her rights are not protected in Estonia, the place of her permanent residence, and that she is discriminated against on the basis of her

ethnicity. While she was serving prison sentences in Sweden and Finland, and has been separated from her children, the authorities did not take appropriate measures to protect her rights and interests because of her Russian ethnicity. She argued that the Russian migration authorities approached her claim in a purely formalistic manner, without hearing out the witnesses. She argued that denying her asylum claim would result in her separation from her children, and danger to her children.

### **Legal arguments by the opposing party**

The authorities argued that they have considered the applicant's request for asylum diligently, in accordance with the relevant procedures. Moreover, the authorities submitted that the applicant was aggressive during the interview, did not respond adequately to questions, was overly agitated, neurotic, frequently changed her story, and did not provide concrete facts from her life.

### **Decision & Reasoning**

The Court outlined requirements for qualifying for an asylum status, and reasoned as follows:

"In the course of judicial investigation, it has been established that the applicant is outside of the country of her habitual residence and does not intend to return there, but not due to well-founded fear of persecution on the basis of ethnicity, belonging to a social group or political convictions, but because of concrete circumstances related to the upbringing of her children."

"In the course of the interview the applicant indicated that she does not want to return to Estonia because of persecution, and being forced to distance herself from her children, and that there is a real threat to her safety in Finland as she may be imprisoned for attempting to meet with her son."

"In Estonia the applicant was not part of any political, religious, military or social organisations. She has received a conditional sentence for taking her son away."

"As follows from the case file, in the course of considering the application for asylum by the applicant a request has been forwarded to provide information on the migration situation and circumstances of the Russian-speaking population in Estonia".

"According to the information, provided by the embassy of Russian Federation in Estonia, there is a large number of Russian citizens and stateless persons living on the territory of Estonia, who form potential immigration flows into Russia."

"After the restoration of independence of Estonia the ethnic discrimination of Russian-speaking population persist. They were denied automatic acquisition of Estonian nationality. Naturalisation process for those residents remains complex."

"Large scale statelessness remains a key problem."

"Due to high unemployment (more than 10%) the majority of working age population has either left for the EU, or is actively looking for employment opportunities in the EU."

### **Decision documents**

[Vladimir\\_15May2012.pdf](#)

### **Outcome**

The Court concludes that the applicant's situation does not comply with the criteria for obtaining asylum status, and upholds the administrative decision denying her the asylum status.