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FORCED PASSPORTIZATION IN RUSSIA-OCCUPIED AREAS OF UKRAINE

A CONFLICT OBSERVATORY REPORT
Yale SCHOOL OF PUBLIC HEALTH
Humanitarian Research Lab

1. EXECUTIVE SUMMARY

1.a. Introduction

Russia has launched a systematic effort to force residents of occupied areas of Ukraine to accept Russian citizenship as part of its program of consolidating authority. Residents of Luhansk, Donetsk, Kherson and Zaporizhzhya oblasts are subjected to threats, intimidation, restrictions on humanitarian aid and basic necessities, and possible detention or deportation – all designed to force them to become Russian citizens. These efforts parallel the passportization campaign that Russia executed in Crimea and areas of Donetsk and Luhansk since 2014. Based on a comprehensive review of open source material, the Yale School of Public Health’s Humanitarian Research Lab (Yale HRL) has identified the laws and tactics used to make it impossible for residents to survive in their homes unless they accept Russian citizenship. These laws and tactics violate international law, including the prohibition on discrimination against people living under occupation based on nationality, and forcing people to declare allegiance to an occupying power, both illegal under the Hague Convention and the Geneva Conventions.

Efforts to compel all residents of the occupied areas of Ukraine to accept Russian citizenship are twofold. First, Russia’s federal government has enacted laws that *de jure* streamline applying for a Russian passport while simultaneously threatening those who refuse to apply with detention or deportation. Second, Russia’s occupation officials have imposed *de facto* restrictions on those without Russian citizenship that make it impossible to live in Russia-occupied areas without accepting a passport. These include denial of medical services, social benefits, the ability to drive and to work, and overt threats of violence and intimidation.

These efforts create a series of ultimatums for residents of occupied areas of Ukraine who did not choose to move to Russia, but rather saw Russia impose its control on them. The incrementally added restrictions on residents without Russian citizenship make it increasingly difficult for them to meet basic needs for, among other things, shelter, food, employment, and medicine. Recent federal law introduced and signed by Russia’s President Vladimir

Putin will also threaten the liberty of residents in areas occupied by Russia, who may be detained or deported if they do not acquire Russian citizenship. Local authorities in the so-called Donetsk People’s Republic have begun planning the establishment of detention facilities for “foreign citizens” – all residents who remain in Russia-occupied areas after 1 July 2024 without obtaining a Russian passport.¹ Even for those who accept Russian citizenship, amendments to Russia’s law on citizenship will leave these holders of “acquired citizenship” vulnerable to denaturalization at any time, effectively making them second class citizens.²

Both the *de jure* and *de facto* components of Russia’s passportization program appear to constitute serious violations of international law. Under the regulations annexed to the Hague Convention of 1907, “It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.”³ Restrictions on the ability of non-Russian citizens living under occupation in Ukraine to access basic needs violate Russia’s obligations under the Geneva Conventions, as do rules requiring public servants to accept Russian citizenship, effectively forcing them to swear allegiance to the occupying force. Customary international law also clearly forbids the forced or coerced imposition of citizenship.⁴

This report uses open source material to demonstrate the coercive elements of Russia’s passportization campaign. The official decrees, laws, and pronouncements by figures in Russia’s federal government and local occupation authorities publicly identify the steps they have taken to compel acceptance of citizenship. Some of the same actors openly describe the restrictions they have placed or will place on residents who do not accept Russian citizenship in their efforts to convince residents to apply.⁵ Yale HRL also examined allegations made by residents of abuse and threats they experienced in the context of passportization. All sources were evaluated for credibility, proximity to events, reliability, and observable biases. Research was conducted according to the Berkeley Protocol on Digital Open Source Investigations.

1.b. Key Findings

- Russia has promulgated a series of laws that first dramatically accelerates the application process for Russian citizenship, and then increasingly penalizes those who do not apply.
- Russia has banned residents who do not have citizenship from access to humanitarian aid, medical care, municipal services, and social services.
- Residents of occupied areas of Ukraine have been progressively barred from employment, utilities and even their property based on their nationality.
- Residents who do not accept Russian citizenship must register as foreign residents. Those failing to do are forcibly taken to a Ministry of Internal Affairs office to be fingerprinted and photographed.
- Residents of occupied areas who do not accept Russian citizenship by July 2024 can be detained and/or removed to other areas of Russia or places as yet unknown.
- Even those who accept Russian citizenship are kept in a probational state, vulnerable to denaturalization for offences such as “discrediting and spreading fake news about the army,” or using a Ukrainian passport after unilaterally renouncing it.
- Forcing people to swear allegiance to an occupying power—a required component of passportization—is a violation of the Hague Convention and the Geneva Conventions.
- Discriminating against people living under occupation on the basis of nationality also violates the Geneva Conventions.

1.c. Background

Passportization—the mass conferral of naturalization to people residing outside of Russia’s internationally recognized borders—has become an increasingly prevalent phenomenon in the occupied regions of Ukraine. According to Russia’s Prime Minister Mikhail Mishustin, almost 1.5 million individuals living in Donetsk, Luhansk, Zaporizhzhya, and Kherson oblasts had obtained a Russian passport as of 30 May 2023.⁶ This number has grown since then, with leaders of the so-called Luhansk People’s Republic (LPR) claiming that three quarters of residents of that oblast had received Russian citizenship.⁷ Russia’s Ministry of Internal Affairs’ Migration Department plans to “complete the process of issuing passports” by 1 September 2023.⁸

While Russia maintains that naturalization of Ukraine’s citizens in these areas is voluntary, recent laws promulgated by Russia’s government have created a legal basis for compelling individuals to apply for a

Russian passport. Furthermore, actions taken by Russia-appointed authorities have created an increasingly coercive environment for accepting Russian citizenship, making it impossible to survive without it. For those disinclined to change their nationality, these conditions may force them to choose between accepting Russian citizenship and accessing means of living, such as medical care, employment and even shelter. For others with the resources and ability to flee, it will mean choosing between accepting Russian citizenship and leaving their homes.

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1.C.I. HISTORY OF PASSPORTIZATION BY RUSSIA

Passportization has been a key element of Russia's strategy of expanding its extraterritorial influence in post-Soviet states. For example, before the 2008 Russo-Georgian war, Russia used a similar tactic to profound effect. Throughout the 1990s, many South Ossetians and Abkhazians refused to accept Georgian documents (and citizenship) and either relied on old Soviet documents or gained Russian citizenship under a special procedure for Soviet passport holders who did not receive citizenship of any post-Soviet state.⁹ By 2002, as the utility of Soviet-era documents waned and a new Russian law made it far easier for South Ossetians and Abkhazians to gain Russian citizenship, large numbers of them applied for Russian citizenship with active support from the government of Russia.¹⁰ Indeed, in an echo of current efforts to expedite the adoption of Russian passports in occupied areas of Ukraine, mobile teams of separatist activists were dispatched to collect application documents from residents at home, making the process far easier and adding an element of social pressure.¹¹ Today, a substantial number of individuals living in the two regions have acquired Russian passports. Many Abkhazians only have Abkhaz "passports" and no other national documentation. By 2003 as many as 80%-90% of residents of the two regions had acquired Russian citizenship.¹² Any Abkhazians or South Ossetians who did have Georgian citizenship automatically lost it when they gained citizenship of Russia.¹³

When, in August 2008 Russia invaded Georgia, Russia's government described protecting those new Russian citizens as its primary justification. In a speech justifying his country's invasion of Georgia, Russia's then-president Dmitry Medvedev described the "duty to protect the lives and dignity of Russian citizens wherever they may be" as the reason for meting out "punishment" to Georgia.¹⁴ Similar tactics were used in Transnistria, the unrecognized breakaway region of Moldova, when Russia supported separatists there.¹⁵ In a 2009 report by the European Union-created Independent International Mission to the Conflict in Georgia, researchers concluded that "a 'passportisation' policy aiming at the conferral of nationality on the citizens of another state without sufficient factual links, especially if it is implemented

on a large scale, violates first the specific prohibition of extraterritorial collective naturalisation, and also several general principles of international law."¹⁶

Passportization has provided Russia with important leverage in past conflicts. First, it provides a convenient *casus belli* for future or ongoing conflicts. Russia has claimed that its actions are legal efforts to protect its citizens from harm. Second, the provision of citizenship to individuals in conflict regions of neighboring countries serves to prop up those economies and tie the financial wellbeing of recipients to Russia; with citizenship comes access to social support like pensions.¹⁷

1.C.II. HISTORY OF PASSPORTIZATION IN OCCUPIED AREAS OF UKRAINE

Russian citizenship was automatically granted to residents of Crimea beginning with Russia's illegal annexation of the peninsula in 2014.¹⁸ Within nine months of annexation, Russia issued more than 1.5 million passports to residents of Crimea (the permanent population of which was estimated at 2.28 million).¹⁹ Those without Russian passports in Crimea faced restrictions on employment, access to mortgages, school enrollment, and healthcare, according to the UN High Commissioner for Human Rights. Residents with government or municipal jobs were further required to renounce their Ukrainian citizenship in 2014 or lose their jobs.²⁰

Residents of the so-called Luhansk and Donetsk People's Republics have been encouraged to apply for Russian citizenship through a simplified and accelerated process since 2019, cutting the timeline down from an eight-year waiting period for naturalization to a mere three months.²¹ In 2021, Russia's Ministry of Internal Affairs reported that more than 527,000 individuals in these regions had obtained Russian citizenship.²² Until 9 June 2023 residents of the so-called Luhansk and Donetsk People's Republics had been required to travel to Russia to receive passports.²³

Russian citizenship has been available to residents of Kherson and Zaporizhzhya since Russia occupied parts

of those oblasts in February and March 2022, but the process was slow and oriented towards voluntary applications.²⁴ In October 2022, shortly after Russia's government illegally annexed four of Ukraine's oblasts, Russia's deputy Foreign Minister Yevgeny Ivanov announced that all residents of annexed territory "who went abroad" (here meaning areas outside of Russia or the occupied areas of Ukraine) would need to decide on accepting Russian citizenship within one month.²⁵ The process accelerated precipitously with the adoption of new laws and restrictions during the first half of 2023, described below.

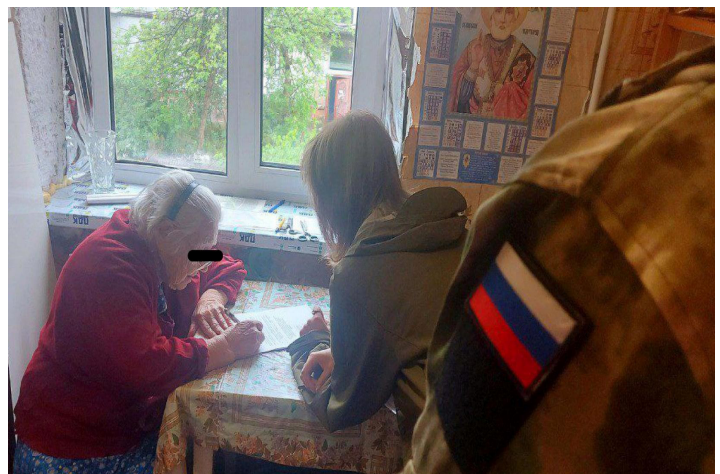
In March 2023, President Vladimir Putin called for local authorities to expedite passportization in recently annexed areas of Ukraine: "I understand that there are some difficulties here. I ask you to put things in order here and do it quickly. People want to be citizens of our country; they go to get passports. Firstly, everything takes a very long time - for months, and you must stand in queues for a lot of time. We need to take a responsible approach to solving these problems."²⁶ The Zaporizhzhya branch of Russia's Ministry of Internal Affairs posted a summary of these comments on its Telegram channel, and exactly one week later announced the creation of more mobile passporting teams and temporary passport offices.²⁷ Other senior federal officials—such as the Head of the Main Directorate for Migration of Russia's Ministry of Internal Affairs—have also encouraged and even visited passportization efforts.²⁸

In the months after President Putin's public appeal, authorities in Kherson and Zaporizhzhya oblasts continued to announce the establishment of new passport offices and the hiring of additional staff.²⁹ Occupation authorities have established temporary passport offices in occupied areas, allegedly to make them more accessible.³⁰ Some are located in small communities.³¹ There are at least 17 locations in Zaporizhzhya oblast where residents can apply for Russian passports.³² In Kherson, occupation authorities have announced the locations of 19 temporary and permanent offices, while in Luhansk there are allegedly 36.³³

1.C.III. MECHANICS OF PASSPORTIZATION

Under the simplified procedures for acquiring Russian citizenship, residents must present: an "identity document; a birth or marriage certificate (if available); a document confirming the change of identity data; 4 photos 3.5 x 4.5 on matte paper."³⁴ A process that took up to three months in June 2022 has been accelerated, sometimes lasting only a week and a half.³⁵ For people with "limited mobility" and those living in small communities not serviced by passport offices, mobile teams are dispatched to issue "ready-made" passports to applicants along with a copy of the Russian constitution.³⁶ Russia-appointed local village and neighborhood leaders assemble and help prepare documents for rural applicants or those who are disabled applicants and submit them to mobile passporting teams who later return to distribute passports and administer an oath of allegiance.³⁷ In other cases, buses are organized to take residents to passport and administration offices in other towns.³⁸ In the occupied areas of Donetsk and Luhansk, private transportation companies advertise trips to Russia's city of Rostov-on-Don for "Registration of the passport of the Russian Federation in one day" and access to a 10,000-ruble payment to refugees.³⁹

Occupation authorities post glowing updates on social media celebrating daily, weekly, or monthly milestones in the number of passports distributed.⁴⁰ For example, on 10 April 2023 the local branch of Russia's Ministry of Internal Affairs said that it had issued 80 passports and collected documents for another 30 in the town of



Russia's forces on a home visit in Severodonetsk, Luhansk oblast for the passportization of elderly and low-mobility residents (MIA LNR, 2023).⁵⁴

Polohy.⁴¹ In February 2023, the local branch of Russia's Ministry of Internal Affairs posted a celebratory message about the 100,000th Zaporizhzhya resident presented with a passport.⁴² On 20 June 2023, the Main Directorate of Russia's Ministry of Internal Affairs for the Kherson region announced that police had distributed passports to 623 people with limited mobility since 1 June. The Directorate distributed what it terms "ready-made" passports at the residences of these individuals, meaning that final steps could be completed on site.⁴³ On 23 June Kirill Adzinov, the deputy head of the Main Directorate for Migration of Russia's Ministry of Internal Affairs announced that the so-called Luhansk People's Republic was on track to complete passportization by the end of August 2023.⁴⁴

1.C.III. INTERNATIONAL LAW

The possession of a passport and naturalization are distinct legal acts; a passport does not convey citizenship or nationality, *per se*. Here, passportization refers to large-scale extraterritorial naturalization, especially when it is based on a real or perceived cultural, religious, linguistic, or historical affinity.⁴⁵

Russia's passportization campaign violates the rights of residents living under occupation in three ways. First, an occupying power is forbidden under the Fourth Geneva Conventions and the First Protocol Additional to the Geneva Conventions to engage in "adverse distinction in the application of international humanitarian law." This principle applies to all of the occupying powers' responsibilities to the population under its control, such as "the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory."⁴⁶ Second, an occupying power is forbidden under the Hague Convention of 1907 from compelling "the inhabitants of occupied territory to swear allegiance to the hostile Power," as the acquisition of citizenship requires.⁴⁷ Third, the Fourth Geneva Convention specifically forbids coercion or discrimination against public officials in occupied territories, including compelling them to swear allegiance to the occupying power.⁴⁸

Russia's campaign of passportization potentially also implicates elements of International Human Rights Law, especially the International Convention on Economic, Social and Cultural Rights (ICESCR).⁴⁹ The campaign implicates these rights through its assault on the right to a legal identity as described in the Universal Declaration of Human Rights (UDHR).⁵⁰ By denying residents the right to a legal, national identity, Russia also denies them the interdependent rights mandated by the ICESCR, including social services, free movement, education and work.

While states are afforded wide discretion under international law with regards to conferring nationality, customary international law clearly forbids the imposition of citizenship without consent or under duress.⁵¹ A 2017 report by the UN High Commissioner for Human Rights on passportization in Crimea found that imposing citizenship in occupied territories can be considered tantamount to forcing residents to swear allegiance to a state that they consider hostile, which is unlawful under the Fourth Geneva Convention.⁵² Though granting citizenship is a prerogative of states, mass naturalization schemes can interfere in the sovereignty of another state where they occur without the consent of the other implicated state or states. Because citizenship confers a set of variable rights and obligations between a state and an individual, passportization deeply impacts the state to which an individual was formerly a citizen; citizens required to pay taxes or enlist in the military of their new country may be unable to do the same for their old (especially when the two countries in question are at war). States have other rights and prerogatives that may be infringed on by the unilateral naturalization of a large number of their citizens.⁵³

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