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The Four Modi of Russia's Forced Naturalization of Ukrainians: "Passportization" and its Implications for Transitional Justice

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Abstract

"Passportization" is an extraterritorial coercive state practice and a form of forced "naturalization by application." Forced naturalization in annexed territories is essentially territorial, as Russia claims the annexed territories as its own and automatically considers all residents as Russian citizens ("automatic naturalization"). Distinguishing between the two different institutional frameworks of occupation and annexation and the degree of coercion, this analysis identifies four modi of passportization and forced naturalization of Ukrainians for the period 2014–2023 in which individuals' potential for agency and choice in acquiring or rejecting Russian citizenship—and thus their responsibility and, by extension, potential criminal liability—has differed markedly. Ukrainian political debates among elites and the views of the population show that it remains controversial how to respond to Russia's policy of forced naturalization. This analysis argues that the starting point for tailoring transitional justice measures in the area of citizenship should be these different degrees of agency.

Passportization: Is There a Russian Playbook?

It took Russia two days to send first aid to occupied territories of the left bank of the Dnipro River after it destroyed the Kakhovka Dam on June 6, 2023. When Russian emergency services finally arrived, they refused to evacuate residents from rooftops and denied the right to leave the flooded areas in the town of Oleshky in the Kherson region to those Ukrainians who did not possess Russian citizenship (General Staff of the Armed Forces of Ukraine 2023; Vazhnye Istorii 2023). This refusal to help Ukrainians in need is one of the most egregious examples of the life-threatening pressure Russia exerts to coerce residents of occupied Ukrainian territory to accept Russian citizenship.

Twenty months into the full-scale invasion of Ukraine, it has become evident that at the most basic level, the forced naturalization of Ukrainians (*prymusova pasportyzatsiia* is the official Ukrainian term) is part and parcel of Russia's neoimperial ambition to coerce Ukraine into submission by destroying its sovereignty. This "passportization"—as the practice that Russia has also deployed in other territorial conflicts in Moldova and Georgia is usually called—can be considered a "personal" annexation (Peters 2010, p. 658), a figurative "annexation" of people that often, but not always, goes hand in hand with the annexation of territory. My definition is more restrictive, as "passportization" should be understood as an extraterritorial practice that applies only to non-annexed occupied territories, while "forced naturalization" is a better general term for non-voluntary, en masse fast-track naturalization.

A closer look at this "weaponization of citizenship" (Jain and Bauböck 2023) raises many questions: Is there a Russian playbook for the post-Soviet space with a lin-

ear development from the distribution of Russian passports in areas beyond Russia's borders to inevitable annexation of this territory? Do individual persons have agency, and do their preferences actually matter, or are they mere pawns in a geopolitical power play, i.e., can they actively resist passportization and choose to refuse Russian citizenship while remaining on occupied or annexed territory? And finally, what should Ukrainian policy towards passportized residents in occupied territories that are unlikely to be liberated in the foreseeable future look like, taking into consideration that they nonetheless remain Ukrainian citizens? Moreover, what should transitional justice measures look like for passportized persons residing on liberated territory?

In this analysis, I argue that in order to tailor a Ukrainian policy towards passportized Ukrainians, a differentiated approach to Russia's forced naturalization is necessary that distinguishes the institutional framework on the one hand, and the level of coercion and the threat to national identity on the other. These two dimensions allow for determining the theoretically possible degree of agency of local residents facing the threat of forced naturalization, which should be the starting point for tailoring transitional justice measures in the sphere of citizenship.

The Four Modi of the Forced Naturalization and Passportization of Ukrainian Citizens

I define passportization as an en masse securitized fast-track extraterritorial naturalization of citizens residing in contested territories of another country (Peters 2019; Bescotti et al. 2022). This definition is more restrictive than other understandings of the phenomenon; therefore, each of its elements requires further elaboration.

The basic principle of the definition is territoriality, as distinguished from temporality. In other words, it does not imply a specific sequence of events, as suggested by statements that passportization occurs before territorial conflict or that it is the first step in a playbook ending with military intervention (for an explanation how Russia used passports as a pretext for invasion see: Burkhardt 2022). Rather, it is directed at a specific type of territory, namely areas with already existing secessionist movements or territories in which Russia artificially stokes contestation and protects separatist actors in order to exert pressure on a parent state. This intent distinguishes it from practices of other countries, such as Hungary or Romania facilitating the naturalization of kin beyond national borders, because the effect of those practices is precisely *not* to create breakaway territories. While such transnational policies encroach on the sovereignty of other states but ultimately reify existing national borders, passportization's aim is to effectively undermine (and eventually change) national borders.

The concept of “extraterritoriality” needs to be disentangled as well to prepare the ground for the distinction between forced naturalization of residents of occupied and annexed territories. The targeted territory may range in terms of sovereignty anywhere from completely sovereign to formally annexed. The gradations between these extreme poles are:

- 1) A NATO member state (there have so far been no attempts by Russia to passportize citizens of a NATO member);
 - 2) States of the so-called “Near Abroad,” which Russia considers less-than-fully sovereign (apart from the well-known cases of Georgia, Moldova, and Ukraine, Russia also had plans to use passportization as a coercive instrument against Belarus (Myroniuk 2023));
 - 3) Territories Russia covertly controls and de facto occupies, but does not recognize as independent states which are used as bargaining chips with regard to the parent state (such as the “DPR” and “LPR” before February 2022 in the context of the Minsk Process);
 - 4) Overt occupation and recognition of the breakaway territory as an independent state (the “DPR” and “LPR” after 21 February 2022); and finally,
 - 5) The formal (attempted) annexation into Russian state territory (Crimea 2014, and Donetsk, Luhansk, Zaporizhzhia and Kherson regions after September 2022).
- Even though the annexation clearly contradicts international law and is not recognized by most states, it has real-life consequences for residents living on annexed territories, with the institutional context of citizenship and the incentive system for opposing or acquiescing to forced naturalization changing suddenly.

“Fast-track” means that the naturalization process is sped up considerably as compared to the standard natu-

ralization procedure and other forms of preferential naturalization such as Russia's compatriot program (Myhre 2017). In contrast to other motivations to offer fast-track preferential naturalization based on kinship or sizable investments (“golden passports”), the relevant criterion for passportization is territoriality, i.e., residence in a specific area of geopolitical interest to Russia (irrespective of ethnicity or being a Russian speaker).

Finally, “en masse” means that the number of naturalized persons, both in absolute terms and relative to the total population of the parent state, has to be significant and supported by a coordinated effort of the Russian state bureaucracy. This implies that the naturalization of tens of thousands of Donbas and Crimea residents before 2014 does not meet the criterion of scale. Moreover, the demand from below was fairly limited, and in the case of Crimea it was only a category of “Politicized Russians” (Knott 2022, Chap. 5) who actively sought Russian citizenship.

Bearing in mind this conceptualization of Russia's forced naturalization and passportization in the post-Soviet space (and, more specifically, in Ukraine), I suggest that the possible degree of agency of Ukrainians facing the threat of being forced into Russian citizenship can be conceived of as being determined along two main dimensions within each modus operandi: 1) the institutional framework and 2) the level of coercion and threat to national identity.

Institutional Framework: Why Occupation is Different from Annexation

For at least three reasons, there are substantial differences between occupation and annexation. First, the type of naturalization differs: “naturalization by application” under occupation, and “automatic naturalization” after annexation. In the former case, residents of occupied territories apply for Russian citizenship according to a fast-track procedure laid down in presidential decrees. In the latter, the Russian state automatically considered local residents as Russian citizens after a one-month opt-out period, as stipulated in the respective annexation treaties. Rather than applying for citizenship, those who do not opt out and choose to remain a foreigner on annexed territory simply apply for a Russian domestic passport, and are obliged to take the Russian oath upon receiving it.

This distinction is also reflected in Russia's official migration statistics (see Appendix 1). Figure 1 shows the total number of naturalized persons per year in the period 1992–2022, and Figure 2 shows monthly data between 2016 and 2023. Peaks for forced naturalizations in the wake of the annexation of Crimea in 2014 and parts of four Ukrainian regions in September 2022 are notably absent. This is precisely because of “automatic naturalization” after annexation, which Russia accounts for in its general passport issuance statistics (Figure 5). In Crimea, Russia issued 1,865,000 domestic passports

in 2014, 182,300 in 2015, 126,700 in 2016, and 108,900 in 2017, while in those respective years, only 67, 1,200, 3,500, and 4,400 persons were officially naturalized (Chudinovskikh 2018, p. 14). As illustrated in Figure 4, it was particularly the Russian region of Rostov that facilitated the forced naturalization of residents of the Donetsk and Luhansk regions (see Burkhardt 2020 for a visualization of the cross-border infrastructure). In 2022, Crimea shortly became a second hub, particularly for the adjacent Ukrainian regions of Kherson and Zaporizhzhia, up until September 2022.

After annexation and the ensuing automatic naturalization, Russia accounted for its naturalized citizens from annexed territories in its database on newly issued domestic passports (Figure 5). That this is not just a formality, but rather indicates a major institutional difference, is also corroborated by statements from Ukrainian officials such as Parliamentary Commissioner for Human Rights Dmytro Lubinets (Lubinets 2023) or Deputy Minister of Justice Valeriia Kolomiets, who has been quoted as saying: “If someone is forced to do this [to get a Russian passport] or if someone is ‘*automatically*’ naturalized, then this person is not responsible in any way” (Bezruk 2023).

The second reason why occupation and annexation constitute distinct institutional contexts is because the quality of Russian citizenship awarded to persons in these two categories differs. This is because many notable rights and duties are tied to residence on Russian state territory (both internationally recognized and annexed). While newly naturalized persons residing on annexed territory obtain full membership in the Russian state (with the notable exception that since October 2023, naturalized persons can be deprived of Russian citizenship for committing certain crimes), which since September 2022 has applied to all Ukrainian territories occupied by Russia, those residing on merely occupied territories gained less-than-full membership with a “diminished citizenship” (Burkhardt et al. 2022). With passportization, Russia thus in the pre-annexation period artificially created an extraterritorial diaspora which possessed Russian citizenship without formal residence on Russian territory, residents of the “DPR” and “LPR” being forced to use either Ukrainian passports or “DPR”/“LPR” IDs to document their place of residence.

Among others, voting rights were restricted in this 2014–2022 period: passportized Donbas residents had to travel to the neighboring Rostov region to cast their votes during the 2020 constitutional referendum. In the 2021 Duma elections, they were only allowed to vote for candidates on the party lists, and even though both voting in the Rostov region and via the internet were technically allowed, Donbas residents first had to make an additional application for a social security

number (SNILS) and access to the e-government platform Gosuslugi to be able to vote electronically, services normally restricted to those with residence permits tied to addresses on Russian soil.

Donbas residents also could not receive Russian pensions before September 2022, as well as many social benefits such as family and mothers’ benefits and one-off payments related to the pandemic. They were barred from access to free treatment at Russian clinics since compulsory insurance, like all other entitlements, was (and is) tied to residence on Russian territory. Similar restrictions were in place in higher education: it was only in 2021 that the Russian Unified State Exam (EGE) could be taken on the territories of the DPR and LPR. Before that, those wanting to enroll in a Russian university had to travel to the Rostov region to take the exam there. Before the annexations of September 2022, duties for passportized Donbas residents were also more relaxed, first and foremost regarding conscription. Male passportized Donbas residents of conscription age only had to register with recruitment offices (military commissariats or *voenkomaty*) of the regular Russian armed forces if they obtained a residence permit in Russia; travelling to Russian state territory was still possible without getting forcibly drafted into the Russian army. Contrastingly, with automatic naturalization after the September 2022 annexations, male residents of the four Ukrainian territories who had already obtained a Russian domestic passport had not just military conscription to fear, but also mobilization into Russia’s regular army. Lastly, after the annexation of Crimea, the Ukrainian legal system there was replaced by the Russian legal system, which implied that Russia considered everyone residing on the peninsula as living on Russian soil with all rights and duties applying to those who did not opt out of Russian citizenship. In some cases, Russian legislation was even applied retroactively (Open Society Justice Initiative 2018, p. 13).

The third reason why (covert) occupation and annexation differ are the foreign policy aims Russia pursues with the territories in question. Occupied territories are mainly perceived as buffer zones between Russia proper and the parent state, and as bargaining chips to pressure the parent state during negotiations (such as the “DPR”/“LPR” within the context of the Minsk Process up until 2022, and within the context of possible peace negotiations with Ukraine after the full-scale invasion). Seeking demographic turnover by luring the most mobile and sought-after persons on the labor market to Russia and by passportizing those remaining, Russia not only improved its net demographic balance (see Appendix 1, Figure 3 for the immediate effect of the 2019 passportization decree on the share of Ukrainians in the Russian naturalization statistics, reaching a share of up to 70 per-

cent in late 2019 and 2020 and spiking again after the full-scale invasion in 2022), but also forcibly changed the socio-demographic composition of the Donbas to such a degree as to spark conversations about political gerrymandering with effects on the national level.

Each of these strategies not only violated Ukrainian sovereignty, but also enormously complicated conflict resolution. While a territory remained under simple occupation, as in the case of the “DPR” and “LPR” until February 2022, plausible deniability of Russia’s actual intention and even eventual retreat remained possible; annexation, however, crosses the threshold, with Russia officially and irrevocably claiming these territories to belong to its state territory. Automatic naturalization of residents is part of the broader policy of transplanting the Russian legal framework and bureaucracy into these territories. Also significant: this full and open “incorporation” also has implications for Russia’s security and nuclear doctrines, obliging it to defend territory it claims to be its own.

Annexation also comes with ethnic cleansing, including both deportation from and resettlement to annexed territories. Through 2021, more than 200,000 Russian citizens resettled to Crimea and Sevastopol (Crimean Human Rights Group 2021). The Kyiv-based Regional Center for Human Rights estimates that this figure could even range between 600,000 and 800,000 (EBU Investigative Journalism Network 2023a). Through 2018, at least 369 court rulings were issued on deportations of Ukrainians who refused Russian citizenship and didn’t properly register as a foreigner (Crimean Human Rights Group 2018, p. 8). On 27 April 2023, Putin signed a decree that facilitates the deportation of those residents who rejected forced naturalization by 1 July 2024 (Putin 2023). In parallel, the Kremlin allegedly aims to resettle as many as 300,000 Russians to Mariupol by 2035 with a preferential mortgage program and other incentives (Tsentr Natsionalnoho Sprotyvu 2023). Lastly, roughly one year after annexation, more than half of all leadership positions in the regional governments of the annexed territories were Russian citizens parachuted in from Russia proper (Verstka 2023).

Increasing Levels of Coercion and Threat to National Identity

The second dimension that influences the possible degree of agency in terms of naturalization is the level of coercion applied by Russia. This can be conceived of as being located on a continuum ranging from a low level of coercion, where Russia exploits the predicament of local residents by providing incentives to obtain Russian citizenship, to the other extreme, when the resistance to forced naturalization leads not only to active discrimination (e.g.,

on the labor market or against private business owners), but to deportation, physical harm due to denied access to medical care (Physicians for Human Rights 2023), or even direct threats to life as in the Kakhovka Dam catastrophe. For the Ukrainian nation as a whole, the deportation of Ukrainian children and the imposition of Russian citizenship on them—underpinned by a presidential decree from 30 May 2022 facilitating the naturalization of Ukrainian orphans and children left without parental care—poses the greatest threat to its identity, likely amounting to genocide (Humanitarian Research Lab 2023a; Ioffe 2023).

On the lower end of coercive intensity, for a certain period after the 2019 passportization decrees until February 2022, a “strategic citizenship” (Harpaz and Mateos 2019) choice for some Donbas residents was at least a possibility when in a complex “citizenship constellation.” During this period, the three citizenships (Ukrainian, Russian and the IDs of the non-recognized “DPR” and “LPR”) could coexist, and opting for passportization could be a pragmatic step to gain advantages in terms of cross-border mobility, social benefits or job security without forfeiting Ukrainian citizenship or identity. Naturally, this was never a truly free, but rather a forced “strategic” choice, as the discrimination against Ukrainian citizenship and the pressure to opt for passportization was mounting.

On the other end of the spectrum has been the no-choice situation of newborns in occupied or annexed territories whose parents were forced to accept Russian citizenship for their babies (Nickel and Benassatto 2023). Other situations leaving close to no choice include cases in which documents get lost amidst fighting, or when the Russian occupation authorities destroy Ukrainian passports on purpose to confront local residents with the choice between statelessness and Russian citizenship (Harary 2023).

Over time, the pace of change of the coercive regime also varied from more stable periods to critical junctures when rules—both formal and informal—quickly changed, with new presidential decrees issued in the wake of the annexation treaties or rapid changes on the battlefield. Hence, a rather stable and predictable situation could quickly turn into unpredictability of rules and sanctions for their non-adherence. Moreover, the breadth of coercion also varied, from targeting specific segments of society such as members of the security services and the military, regional and municipal public servants or teachers, to the population at large—pensioners, families, car owners, entrepreneurs. Automatic naturalization is therefore the most comprehensive form of coercion.

And finally, the type of coercion can range from lawfare and applications of “rule by law” resembling authoritarian repressions in Russia proper—aptly described as a “web of bureaucratic oppression” (Beketova 2023)—to surveillance (e.g., by linking SIM cards or voter lists

to passports), social peer pressure, and actual physical violence, for instance during interrogations in filtration camps. Reports on the forced passportization of Russian-occupied areas of Ukraine (EBU Investigative Journalism Network 2023a; Humanitarian Research Lab 2023b) describe at great length the far-ranging coercive practices employed since the full-scale invasion of Ukraine.

Taken together, these two dimensions result in four largely distinct modi of forced naturalization, the agency of individuals to choose or reject Russian citizenship differing markedly between them:

Table 1: The Four Modi of Forced Naturalization of Ukrainians

		Level of Coercion (continuum)	
		<i>Lower degree to higher degree of coercion/threat to national identity by Russification</i>	
		—————→	
Institutional Context (categorical difference)	<i>Occupation</i>	DPR/LPR (before February 2022)	DPR/LPR and other occupied territories (between February and September 2022)
	<i>Annexation</i>	Crimea (after 2014)	Eastern Ukraine (after annexation treaties in September 2022)

Passports = Collaboration? Ukrainian Policy Discussions and Public Perception

Russia's passportization and forced naturalization puts Ukraine in a bind: Ukraine has few options aside from reconquering and deoccupying territories it does not control by military means to prevent forced naturalization. One way to foster resistance against Russian occupation would be to encourage local residents to refuse Russian passports. This, however, is also problematic: since Ukraine does not recognize the forced naturalization of its citizens, and indeed dual citizenship more generally, it still considers residents living under occupation as Ukrainian citizens only. Consequently, this implies that the Ukrainian state is, at least in theory, obliged to fulfill its duties towards its citizens, such as paying pensions or providing state services (which, of course, is practically impossible). Moreover, active resistance to Russia's forced naturalization would likely be even more dangerous than accepting Russian citizenship. Ultimately, this debate boils down to the question of whether accepting Russian passports should be considered as collaboration.

The most prominent and adamant proponent of resisting Russian forced naturalization is Deputy Prime Minister and Minister of Reintegration of Temporarily Occupied Territories Iryna Vereshchuk. In August 2022,

she published seven rules for life under occupation, one of which was to not even touch the “passport of the enemy” (MinRe 2022). On 1 May 2023, she reiterated her firm stance not to take up Russian passports even after the Russian decree threatening deportation of those rejecting naturalization (Vereshchuk 2023). Many others, however, publicly oppose Vereshchuk's hardline stance by arguing that surviving under occupation has priority over a principled stance with regard to Russian forced naturalization. Proponents of this “survival by all means” policy are Parliamentary Commissioner for Human Rights Dmytro Lubinets (Suspilne Novyny 2023) and Secretary of the National Security and Defense Council Oleksii Danilov (Dzerkalo Tyzhnia 2023). Unsurprisingly, a broad coalition of renowned human rights NGOs have also stated that protecting and preserving the lives of citizens in the temporarily occupied territories has the utmost priority. Moreover, the NGOs called upon the Ukrainian government to communicate in a more coordinated and careful way with those million Ukrainians living under the harsh conditions of Russian occupation (Zmina 2023). Finally, Ukraine's legislation on collaboration and its enforcement in court has raised concerns internationally and among Ukrainian civil society organizations (Burdyga 2023; EBU Investigative Journalism Network 2023b; Syniuk and Lunova 2023). It is unclear how many, if any at all, of the 10,000 cases of “treason and collaboration” (Bereziuk 2023) investigated by the Ukrainian Prosecutor General's office relate to the acceptance of Russian citizenship. Nonetheless, the sheer number of forced naturalizations alone already exacerbates tensions around this issue.

Wartime surveys are a mixed bag, and quantitatively measured public opinion on forced naturalization is no exception. Since the full-scale invasion of Ukraine, public opinion in surveys conducted in areas controlled by Ukraine has hardened, becoming less sympathetic towards those remaining in occupied and annexed territories, with Crimeans garnering somewhat more favorable views than Donbas residents (see Appendix 2). On the other hand, three quarters of respondents agree that Ukraine should maintain ties with Ukrainians residing in non-government-controlled territories. Between one third and one half of respondents do not recognize Russian passports for Ukrainians in occupied territories as genuine citizenship, and demonstrate understanding for forced naturalization if it helps in surviving under occupation. Overall, this appears to show that a strategy of “building a wall” (Burkhardt et al. 2022) and exchanging “land—or people—for [a] peace agreement” is not very popular among the Ukrainian population.

On the other hand, the surveys also demonstrate considerable regional differences in the attitudes towards passportization, with the Western macroregion being

the least forgiving. Moreover, the large discrepancies in the assessment of the acquisition of Russian citizenship indicates that public opinion is fairly malleable in this regard, depending heavily on framing by politicians, the media, and the survey questions themselves. In a survey by the Kharkiv Institute for Social Research (KhISR) from November 2022, only 14 percent chose the option that acquiring Russian citizenship “is a criminal offense” (Appendix 2, Figure 2). However, in an earlier survey from July 2022 commissioned by the NGO Opora, 51 percent of respondents agreed that the acquisition of a Russian passport should entail criminal liability (Appendix 2, Figure 4). The large difference is unlikely to be attributable to the time of data collection (before and after annexation); a much more likely cause is differences in the framing of the survey question and the response items offered. Just like policy discussions among decision-makers and lawmaking on collaboration, public opinion also appears to be in flux in this regard.

Implications for Policy Towards Occupied Territories and Transitional Justice

In this analysis, I have argued that passportization should be distinguished from the more general concept of forced naturalization. Passportization should be understood as an extraterritorial coercive state practice and a form of forced naturalization by application, while forced naturalization—which as an umbrella term comprises both extraterritorial and territorial practices—is essentially territorial in annexed areas, as Russia claims annexed territories as its own and automatically considers all residents as Russian citizens. Differentiating between a) the two distinct institutional frameworks of occupation and annexation and b) the level of coercion, four modi of passportization and forced naturalization of Ukrainians since 2014 can be discerned, between which the potential for agency and choice regarding acquisition or refusal of Russian citizenship of individuals—and hence responsibility and even potential criminal liability—markedly differed.

According to Ukrainian intelligence, by September 2023 around 450,000 residents of newly occupied terri-

ories had acquired Russian citizenship, as well as around 1,400,000 in the areas of the “DPR” and “LPR” (Terebinskaia 2023), a figure that appears to be largely in line with the official Russian data presented in Appendix 1. This means that the forced naturalization under study is of an enormous scale that cannot be ignored, but also that hundreds of thousands of Ukrainians remain in occupied territories who so far have refused to take a Russian passport. Devising policies and a coherent public messaging to both of these categories of Ukrainian citizens would come close to squaring this circle.

Nonetheless, Ukraine has demonstrated that it is able to provide some proactive solutions to apparently insoluble problems, e.g. by facilitating reentry for those deported to Russia back into Ukraine via third countries utilizing fast-track applications filed in Ukraine by a relative or a legal representative (Borisenko 2023). Even though a coherent legislative framework for defining collaboration and transitional justice measures—particularly with respect to forced naturalization—is still in the making, preparations are clearly ongoing. Passportized Ukrainians, for example, can notify the office of the Parliamentary Commissioner for Human Rights about forced naturalization, information that is then passed on to law enforcement for documentation in the *Unified Register of Pre-Trial Investigations on the Perpetration of Criminal Offenses by the Russian Occupation Authorities* (Taranova 2023).

While this preparatory work will facilitate transitional justice measures after a potential liberation, it also puts those reporting forced naturalization under heightened risk of reprisals if Russian occupation authorities learn about this reporting. Bearing in mind the different institutional contexts and varying levels of coercion, future transitional justice measures should be individualized and tailored to the specific modi of forced naturalizations and segments of the population. While developments on the battlefield are currently in a stalemate, forced naturalizations are ongoing. Overall, this steady process creates grave legacies that will be felt for many years, even decades beyond a possible future peace agreement.

About the Author

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References

- Beketova, Elina. 2023. “Behind the Lines: Passport to the Front.” CEPA. March 23, 2023. <https://cepa.org/article/behind-the-lines-passport-to-the-frontline/>.
- Bescotti, Elia, Fabian Burkhardt, Maryna Rabinovych, and Cindy Wittke. 2022. “Passportization: Russia’s ‘Humanitarian’ Tool for Foreign Policy, Extra-Territorial Governance, and Military Intervention.” *Verfassungsblog*. March 23, 2022. <https://verfassungsblog.de/passportization/>, DOI: <https://dx.doi.org/10.17176/20220323-121238-0>.
- Bereziuk, Kateryna. 2023. “Kozhna chetverta sprava po zradnykakh i kolaborantakh peredana po sudu.” October 11, <https://www.chesno.org/post/5752/>.

- Bezruk, Tetiana. 2023. “Zastupnytsia Ministra Iustitsii Valeriia Kolomiiets: ‘Napratsiuvan Shchodo Vyvedennia Iz Verhovnoi Radi Deputativ OPZZh Nemaie. Pered Miniustom Ne Stoit Takoho Zavdannia.’” Dzerkalo Tizhnia. March 21, 2023. <https://zn.ua/ukr/war/zastupnik-ministra-justitsiji-valerija-kolomijets-napratsjuvan-shchodovivedennja-z-verkhovnoji-radi-deputativ-opzzh-nemaje-pered-minjustom-ne-stojit-take-zavdannja.html>.
- Borisenko, Margarita. 2023. “‘Vasha Kamchatka’ Ta Pensii Za Pasport: Iak Rossiiski Okupanty Manipuliuut Zhiteliamy Skhodu Ukrainy.” Skhidnyi Variant. August 30, 2023. <https://v-variant.com.ua/ru/article/kamchatka-ta-pensii-za-pasport/>.
- Burdyga, Igor. 2023. “The problems with Ukraine’s wartime collaboration law.” Open Democracy, August 16, <https://www.opendemocracy.net/en/odr/ukraine-kherson-wartime-collaboration-law-problems-amendments/>.
- Burkhardt, Fabian. 2020. “Russia’s ‘Passportisation’ of the Donbas: The Mass Naturalisation of Ukrainians Is More Than a Foreign Policy Tool.” *SWP Comment* C 41. <https://www.swp-berlin.org/en/publication/russias-passportisation-of-the-donbas/>, DOI: <https://doi.org/10.18449/2020C41>.
- Burkhardt, Fabian. 2022. “Passports as Pretext: How Russia’s Invasion of Ukraine Could Start.” *War on the Rocks*. February 17, 2022. <https://warontherocks.com/2022/02/passports-as-pretext-how-russias-war-on-ukraine-could-start/>.
- Burkhardt, Fabian. 2023. “The Four Modi of Russia’s Forced Naturalization of Ukrainians. Passportization and its Implications for Transitional Justice.” v. 1.0, Discuss Data, <https://doi.org/10.48320/FE07BFE1-E1E5-4700-B926-932B94AF2CC9>.
- Burkhardt, Fabian, Maryna Rabinovych, Cindy Wittke, and Elia Bescotti. 2022. *Passportization, Diminished Citizenship Rights, and the Donbas Vote in Russia’s 2021 Duma Elections*. TCUP Report. Cambridge: Harvard University, Ukrainian Research Institute, Temerty Contemporary Ukraine Program. https://huri.harvard.edu/files/huri/files/idp_report_3_burkhardt_et_al.pdf?m=1642520438.
- Chudinovskikh, Olga. 2018. “Statistika Priobreteniia Grazhdanstva Kak Otrazhenie Osobennosti Migratsionnoi Politiki Rossii.” *Voprosy Statistiki* 25 (9): 3–26.
- Crimean Human Rights Group. 2018. “Discrimination of Crimean Residents for Non-Possession of Russian Documents Issued Unlawfully by Russia in Crimea and Deportation of Ukrainian Citizens from Crimea.”
- Crimean Human Rights Group. 2021. “V Krym Za Period Okkupatsii Pereselilis Ne Menee 200 Tysyachch Rossiian.” [https://crimeahrg.org/ru/v-krym-za-period-okkupatsii-pereselilis-ne-menee-200-tysyachch-rossiian/](https://crimeahrg.org/ru/v-krym-za-period-okkupatsii-pereselilis-ne-menee-200-tysyach-rossiyan/%e2%80%af/)
- Dzerkalo Tyzhnia. 2023. “Zhyttia – Naivyshcha Tsinnist.” October 5, 2023. <https://zn.ua/ukr/war/zhyttja-najvishcha-tsinnist-danilov-obitsjaje-shcho-radikalizmu-shchodo-tikh-khto-zhiv-v-okupatsiji-ne-bude-.html>.
- EBU Investigative Journalism Network. 2023a. “Russification in Occupied Ukraine.” <https://investigations.news-exchange.ebu.ch/russification-in-occupied-ukraine/index.html>
- EBU Investigative Journalism Network. 2023b. “Ukraine’s legal dilemma.” <https://investigations.news-exchange.ebu.ch/russification-in-occupied-ukraine/the-collaboration-dilemma/index.html>.
- General Staff of the Armed Forces of Ukraine. 2023. “Operatyvna Informatsiia Stanom Na 06.00 10.06.2023 Shchodo Rosiyskoho Vtorhnnennia.” Facebook. June 10, 2023. <https://www.facebook.com/GeneralStaff.ua/posts/pfbid02e9Tn8ttwnC5UfDwnXeLsh27TXhQZABWoAUvF9owAW9GLwUP6wx2J2qDnoFk4wcNNI>.
- Harary, Evan. 2023. “In Ukraine, Russian Passportization Generates Effective Denationalization.” *Center for Civil Liberties*. March 3, 2023. <https://ccl.org.ua/en/positions/in-ukraine-russian-passportization-generates-effective-denationalization/>.
- Harpaz, Yossi, and Pablo Mateos. 2019. “Strategic Citizenship: Negotiating Membership in the Age of Dual Nationality.” *Journal of Ethnic and Migration Studies* 45 (6): 843–57. <https://doi.org/10.1080/1369183X.2018.1440482>.
- Humanitarian Research Lab. 2023a. “Russia’s Systematic Program for the Re-Education and Adoption of Ukraine’s Children | Conflict Observatory.” A Conflict Observatory Report. New Haven: Yale School of Public Health. <https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/children-camps-1>.
- Humanitarian Research Lab. 2023b. “Forced Passportization in Russia-Occupied Areas of Ukraine.” A Conflict Observatory Report. New Haven: Yale School of Public Health. <https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/passport-1>.
- Ioffe, Yulia. 2023. “Forcibly Transferring Ukrainian Children to the Russian Federation: A Genocide?” *Journal of Genocide Research*, 1–37. <https://doi.org/10.1080/14623528.2023.2228085>.
- Jain, Neha, and Rainer Bauböck. 2023. “Weaponised Citizenship : Should International Law Restrict Oppressive Nationality Attribution?” Working Paper. EUI, RSC, Working Paper, 2023/54, Global Governance Programme, GLOBALCIT. European University Institute. <https://cadmus.eui.eu/handle/1814/75896>.
- Knott, Eleanor. 2022. *Kin Majorities: Identity and Citizenship in Crimea and Moldova*. Montreal: McGill-Queen’s University Press.

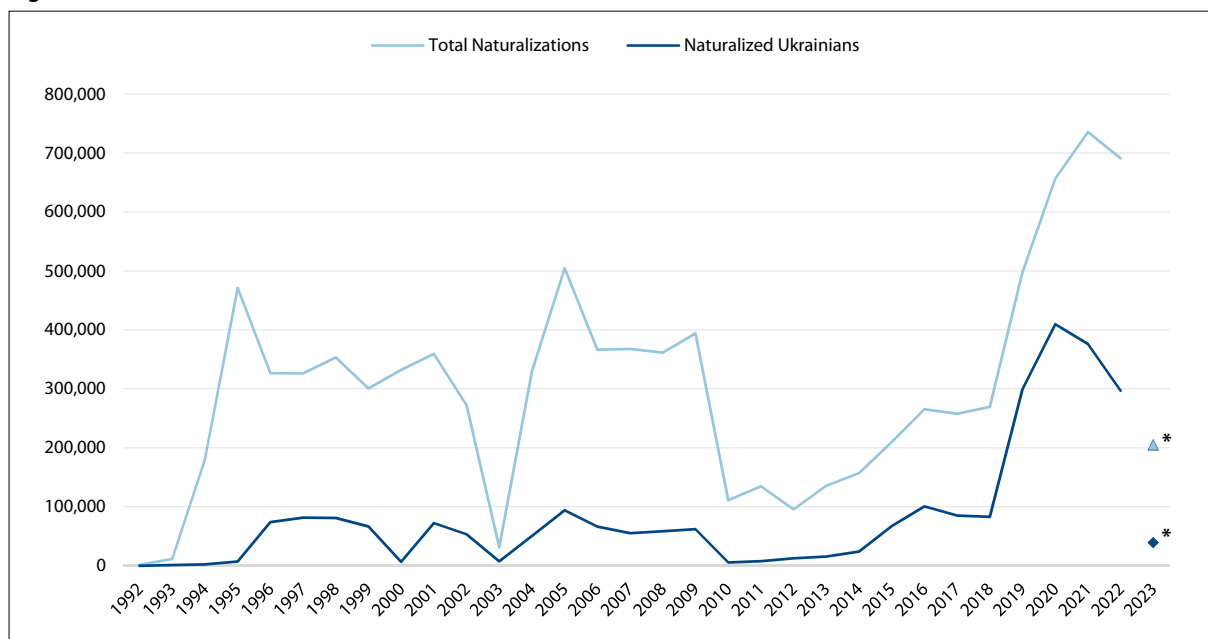
- Lubinets, Dmytro. 2023. "Ombudsman: Meta Putinskoho Ukazu Odna – Zaliakuvannia Ta Tisk Na Ukrain-ske Naselennia Na Timchasovo Okupovanykh Terytoriiakh." Ombudsman of the Verkhovna Rada for Human Rights. April 28, 2023. https://ombudsman.gov.ua/news_details/ombudsman-meta-putinskogo-ukazu-odna-zalyakuvannia-ta-tisk-na-ukrayinske-naselennia-na-timchasovo-okupovanih-teritoriyah.
- MinRe. 2022. "7 Pravyi Zhittia Na TOT." August 22, 2022. <https://minre.gov.ua/2022/08/22/7-pravyi-zhyttya-na-tot/>.
- Myhre, Marthe Handå. 2017. "The State Program for Voluntary Resettlement of Compatriots: Ideals of Citizenship, Membership, and Statehood in the Russian Federation." *The Russian Review* 76 (4): 690–712.
- Myroniuk, Anna. 2023. "Leaked Document Reveals Alleged Kremlin Plan to Take over Belarus by 2030." *The Kyiv Independent*. February 21, 2023. <https://kyivindependent.com/leaked-document-reveals-alleged-kremlin-plan-to-take-over-belarus-by-2030/>.
- Nickel, Rod, and Leonardo Benassatto. 2023. "Ukrainians Say They Were Pressured to Register Babies as Russian during Occupation." *Reuters*, March 3, 2023. <https://www.reuters.com/world/europe/ukrainians-say-they-were-pressured-register-babies-russian-during-occupation-2023-03-03/>.
- Open Society Justice Initiative. 2018. "Human Rights in the Context of Automatic Naturalization in Crimea." New York, NY: Open Society Foundations. <https://www.justiceinitiative.org/publications/human-rights-context-automatic-naturalization-crimea>.
- Peters, Anne. 2010. "Extraterritorial Naturalizations: Between the Human Right to Nationality, State Sovereignty, and Fair Principles of Jurisdiction." *German Yearbook of International Law* 53: 623–725. <https://papers.ssrn.com/abstract=1894031>.
- Peters, Anne. 2019. "Passportisation: Risks for International Law and Stability – Part I." *EJIL: Talk!*. May 9, 2019. <https://www.ejiltalk.org/passportisation-risks-for-international-law-and-stability-part-one/>.
- Physicians for Human Rights. 2023. "Coercion and Control: Ukraine's Health Care System under Russian Occupation." December 12, 2023. <https://phr.org/our-work/resources/coercion-and-control-ukraines-health-care-system-under-russian-occupation/>.
- Putin, Vladimir. 2023. "Ukaz Prezidenta Rossiiskoi Federatsii Ot 27.04.2023 № 307." April 27, 2023. <http://publication.pravo.gov.ru/Document/View/0001202304270013?rangeSize=1&index=1>.
- Suspilne Novyny. 2023. "Zarady Vyzhyvannia: Lubinets Poradyv Ukraintsiam Na Okupovanykh Terytoriiakh Otrymuvaty Hromadianstva RF." *Suspilne.Media*. April 30, 2023. <https://suspilne.media/461522-zaradi-vizivanna-lubinec-poradyv-ukraincam-na-okupovanih-teritoriah-otrimuvati-gromadanstvo-rf/>
- Syniuk, Onysiia, and Alena Lunova. 2023. "Collaborationism and abetting the aggressor state: practice of legislative application and prospects for improvement." Human Rights Centre ZMINA, https://zmina.ua/wp-content/uploads/sites/2/2023/10/colaboration_eng_web.pdf.
- Taranova, Ieva. 2023. "Primusova Pasporytzatsiia RF: Iaka Vidpovidalnist Nastaie Za Otrimannia Rosiskoho Pasportu." *Delo.Ua*. July 19, 2023. <https://delo.ua/society/primusova-pasportizaciya-rf-yaka-vidpovidalnist-nastaje-za-otrimannya-rosiiskogo-pasportu-421094/>.
- Terebinskaia, Olga. 2023. "'Liudi Uzhe Zakanchivaiutsia'. Mobilizatsiia i Pasporytzatsiia Na Okkupirovanykh Territoriiakh Ukrainy." *Krym.Realii*. September 17, 2023. <https://ru.krymr.com/a/okkupirovannaya-territoriya-ukrainy-pasportizatsiya-mobilizatsiya/32596663.html>.
- Tsentralnogo sprotyvu. 2023. "Okupanty Planuiut Zaseliti 300 Tysyach Rosiian u Tymchasovo Okupovanyi Mariupol." August 20, 2023. <https://sprotyv.mod.gov.ua/okupanty-planuyut-zaselyty-300-tysyach-rosiyan-u-tymchasovo-okupovanyj-mariupol/>.
- Vazhnye Istori. 2023. "'Pogibshykh Sotni'. Rossiiskie Spasateli Nachali Rabotat' Na Levoberezh'e Dnepra. Oni Otbiraiut u Volonterov Lodki i Otkazyvaiutsia Spasat' Zhitelei Bez Grazhdanstva RF." *Telegram*. June 8, 2023. https://t.me/istories_media/2681.
- Vereshchuk, Iryna. 2023. "Mynuloho Tyzhnia Rosiiany Pryinialy Svii Cherhovyi Ukaz." May 1, 2023. <https://www.facebook.com/vereshchuk.iryana/posts/pfbid02oNYz6gHLaj8Xi4dAXTCbm6LCGHBLKrgnbnrwhpF8Fwpbq5yhRJKLS98zuqPUYj3l>.
- Verstka. 2023. "Tam Obnuliaetsia Vse." October 2, 2023. <https://verstka.media/rossiyskie-chinovniki-edut-upravlyat-anneksirovannymi-territoriami>.
- Zmina. 2023. "Vlada Maie Oberezhno Ta Zlahodzheno Hovoryty pro Dokumenty v Okupatsii: Pozytsiia Pravozakhysnykiv." May 4, 2023. <https://zmina.ua/statements/vlada-maye-oberezhno-ta-zlagodzheno-govoryty-pro-dokumenty-v-okupaciyi-pozycziya-pravozahysnykiv/>.

Appendix 1: Naturalizations in Russia

The full dataset from which the following figures have been created is available in open access as:

Burkhardt, Fabian. 2023. “The Four Modi of Russia’s Forced Naturalization of Ukrainians. Passportization and its Implications for Transitional Justice.” v. 1.0, DiscussData, <https://doi.org/10.48320/FE07BFE1-E1E5-4700-B926-932B94AF2CC9>.

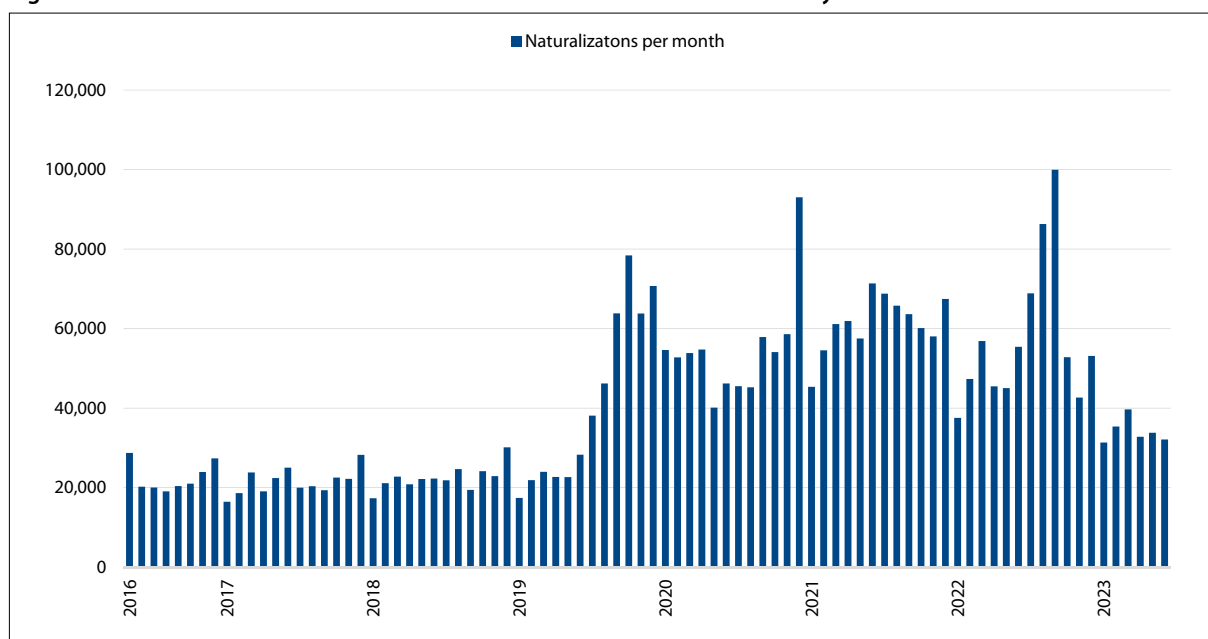
Figure 1: Absolute Number of Naturalizations in Russia (in Total, Ukrainians) in the Post-Soviet Period 1992–2022



* Data for 2023 is preliminary for the months January to June.

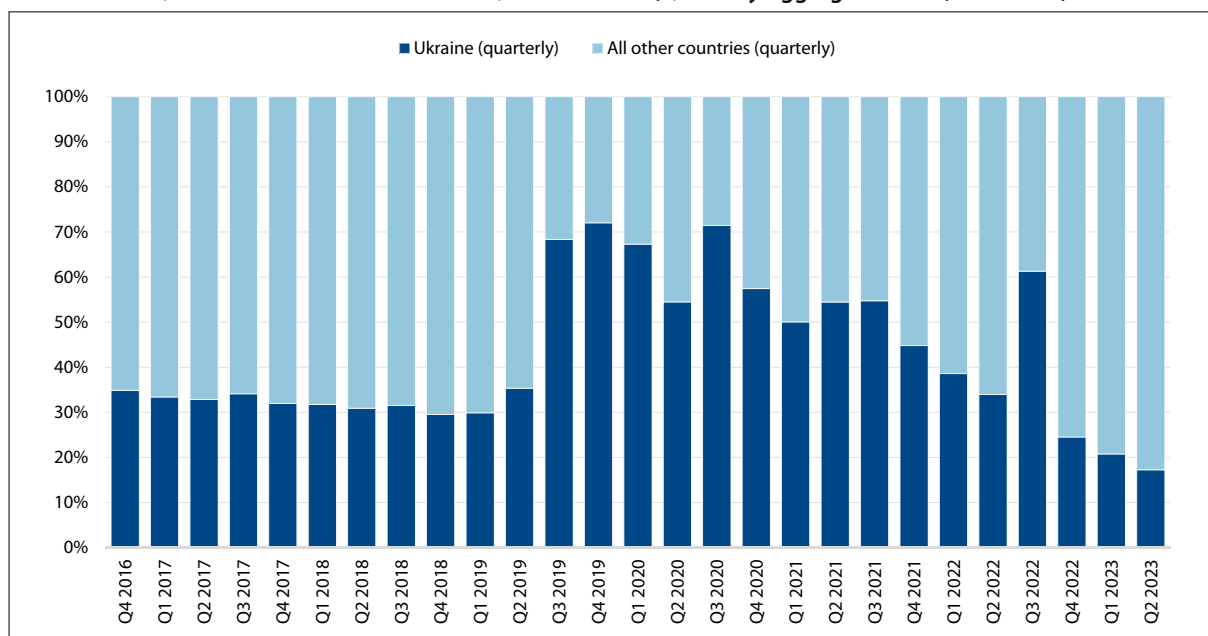
Sources: Russian Ministry of Internal Affairs; Olga Chudinovskikh. 2014. Gosudarstvennoe regulirovanie priobretenii grazhdanstva Rossiiskoi Federatsii: Politika i tendentsii, in: Working Paper Series WP8/2014/04, National Research University “Higher School of Economics”; Maksim Sidorzhevskii. Paspport dlia ukrainsev po uproschennoi skheme: ugrozy Kievu, Deutsche Welle, 21 July 2017.

Figure 2: Total Number of Naturalizations Per Month in Russia between May 2016 and June 2023



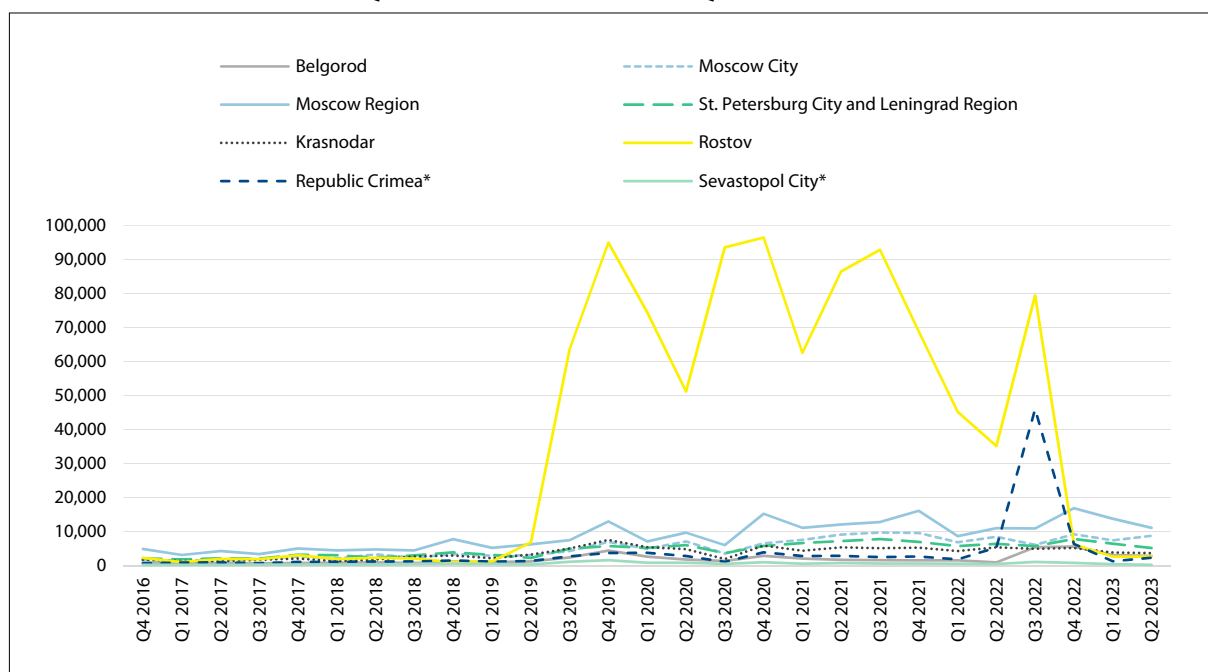
Source: Own calculations based on data from the Russian Ministry of Internal Affairs downloaded from <https://мвд.рф/Deljatelnost/statistics/migracionnaya>.

Figure 3: Share of Naturalized Ukrainians of the Total Number of Naturalized Persons in Russia between the Third Quarter in 2016 and the Second Quarter in 2023 (Quarterly Aggregated Data, in Percent)



Source: Own calculations based on data from the Russian Ministry of Internal Affairs downloaded from <https://мвд.рф/Deljatelnost/statistics/migracionnaya>.

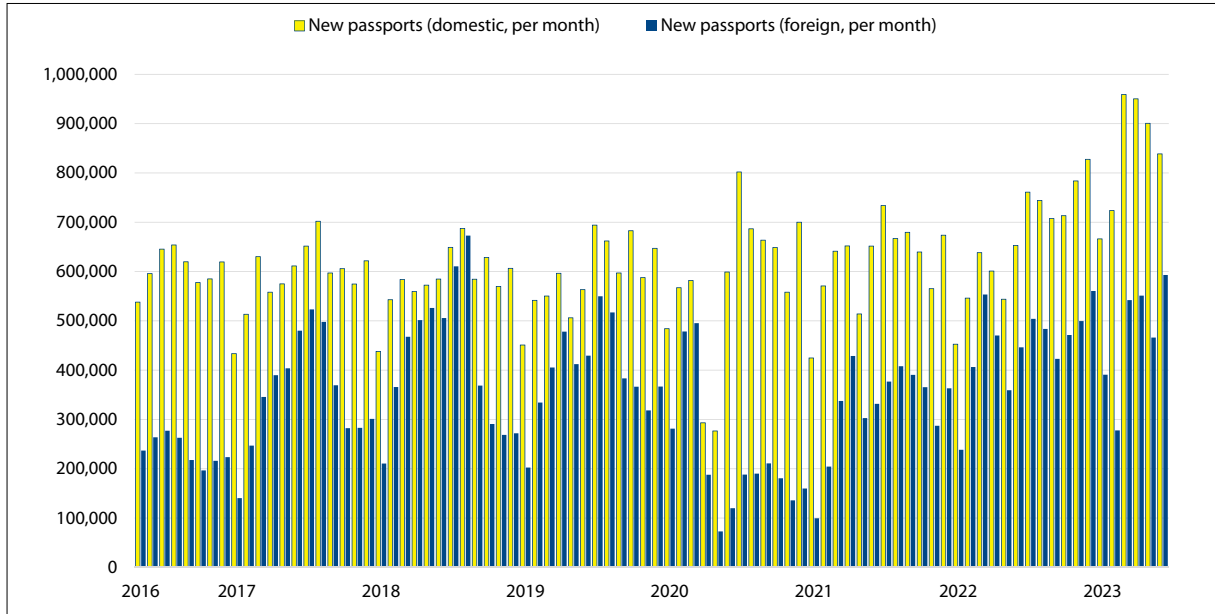
Figure 4: Absolute Number of Naturalizations in Selected Russian Regions, and Annexed Crimea and Sevastopol, between the Fourth Quarter in 2016 and the Second Quarter in 2023



* Crimea and the city of Sevastopol are internationally recognized territories of Ukraine. After their annexation, Russia considers them as two federal subjects of the Russian Federation.

Source: Own calculations based on data from the Russian Ministry of Internal Affairs downloaded from <https://мвд.рф/Deljatelnost/statistics/migracionnaya>.

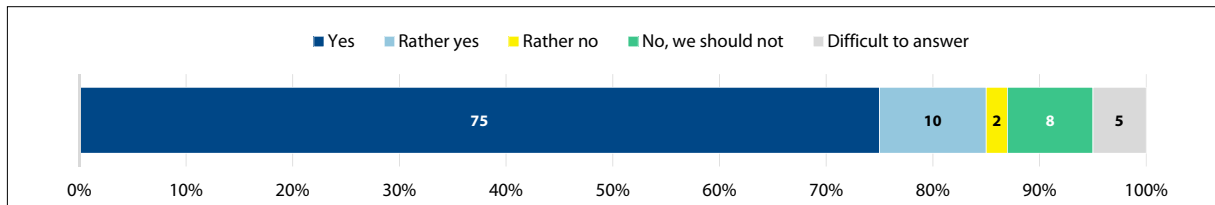
Figure 5: Absolute Number of Newly Issued Passports in Russia between May 2016 and June 2023 (both Domestic and Foreign Travel IDs, Monthly Data)



Source: Own calculations based on data from the Russian Ministry of Internal Affairs downloaded from <https://мвд.рф/Делятелност/statistics/migracionnaya>.

Appendix 2: Public Opinion in Ukraine on Residents of the Territories under Russian Occupation

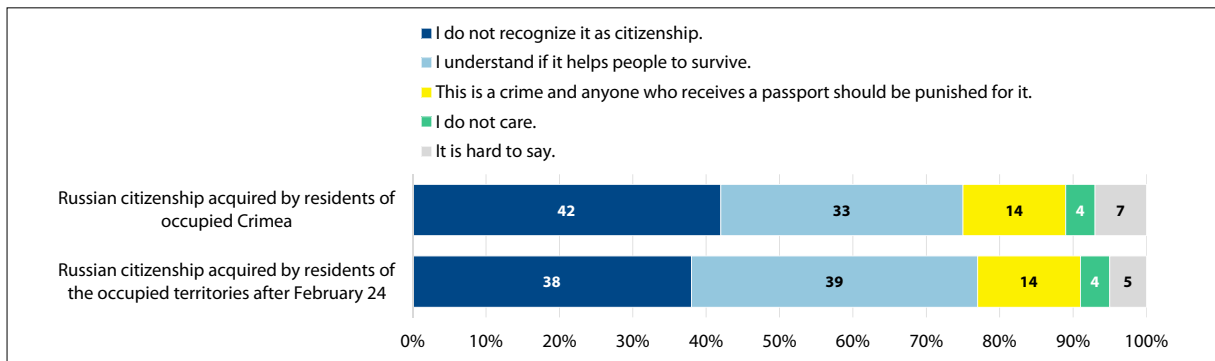
Figure 1: Should Ukraine Maintain Ties with the Residents of the Temporarily Occupied Territories? (in %, November 2022)



Source: Denys Kobzin, Andriy Chernousov, Svitlana Shcherban (2022): Ukraine's postwar future, Kharkiv Institute for Social Research, p. 11. Fieldwork: 05 November 2022 to 24 November 2022.

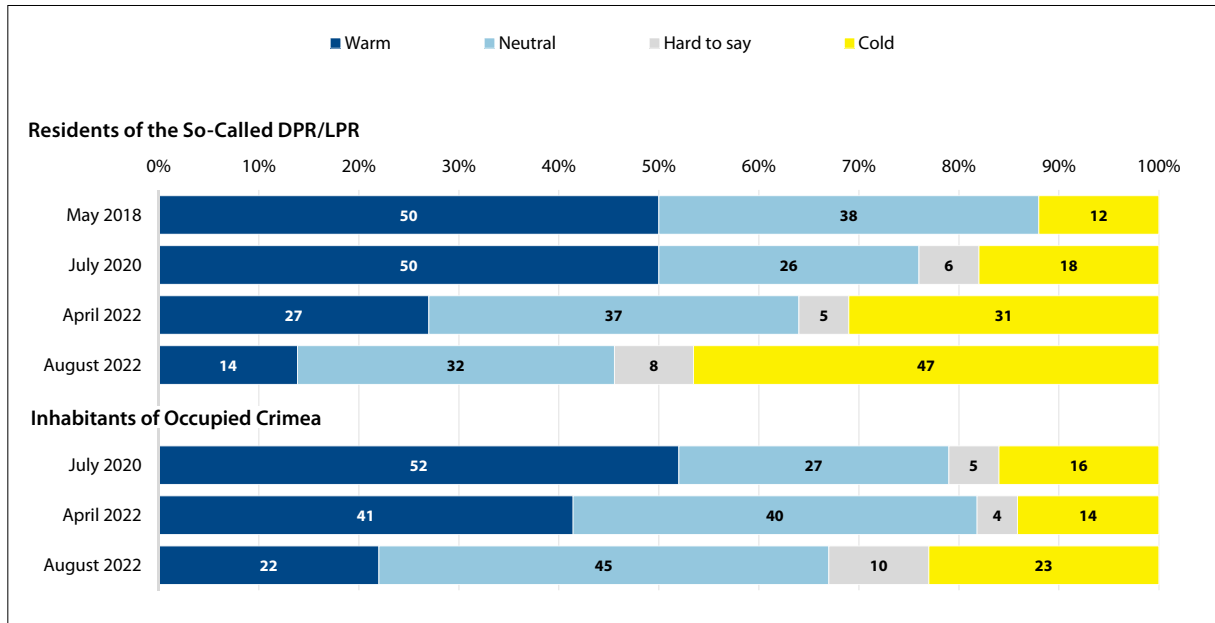
Figure 2: Attitudes Towards Russian Citizenship Received by Residents of the Temporarily Occupied Territories of Ukraine and Crimea after 24 February (in %, November 2022)

Wording of the question: "What do you think about the Russian citizenship acquired by residents of the temporarily occupied territories after the beginning of the all-out aggression? What do you think about Russian citizenship acquired in temporarily occupied Crimea?"



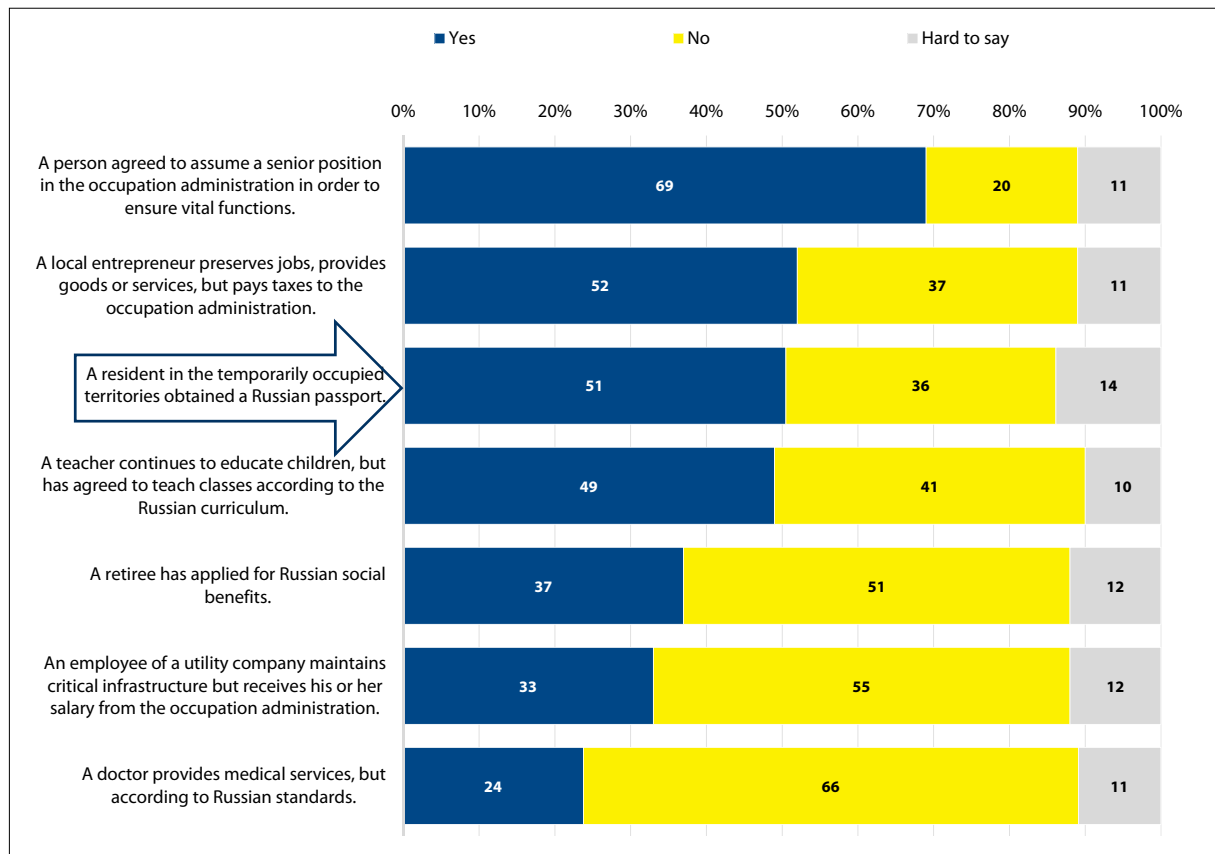
Source: Denys Kobzin, Andriy Chernousov, Svitlana Shcherban (2022): Ukraine's postwar future, Kharkiv Institute for Social Research, p. 11. Fieldwork: 05 November 2022 to 24 November 2022.

Figure 3: The Dynamics of Attitudes Towards ...



Source: Ratinggroup UA (2022). Seventeenth national survey: Identity. Patriotism. Values (17–18 August 2022).

Figure 4: Criminal Liability for Various Types of Collaboration with Russian Occupation Forces (agreement with statement in %) – July 2022



Source: Opora (2022). Demand for a "strong hand", fast and structured news and regulation of the media space has increased during the full-scale war in Ukraine - survey, p. 21. Fieldwork: July 2022.