

# Sápmi as a Traditional Sámi Land in Four Countries Supports Sámi Activist from Russia in Having his Asylum Case Processed in Norway

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## Abstract

This article sheds light on Andrei Danilov's political asylum case. Danilov is a Sámi activist who left Russia after the start of the war in Ukraine. His asylum case seems to have created a precedent; it is being processed in Norway because of his connection with the Norwegian part of Sápmi. The article also casts light on the impact of the war on the relationship between the Sámi people in Russia and the Sámi of Norway, Sweden and Finland.

**Keywords:** *Russian Sámi, Sápmi, Norway, war in Ukraine, Danilov, asylum application*

## 1. Introduction<sup>1</sup>

Russia's military attack on Ukraine has significantly impacted the life of Indigenous peoples in Russia. One of the implications of this situation is that some Indigenous representatives who have openly opposed Russia's actions in Ukraine, have had to leave their native land for security reasons. For Indigenous peoples, the connection to their land is an integral part of their culture. Sápmi is the territory where the Sámi people lived before the current state borders were established. At present, Sápmi stretches across four nation states. These states are Norway, Finland, Sweden and Russia. One Sámi representative who has openly criticized Russia's aggression in Ukraine is Sámi activist Andrei Danilov.<sup>2</sup>

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## **2. The facts of the case**

Danilov left Russia on 25 February 2022 to participate in a session of the Sámi Council. He never returned to Russia, and instead filed an asylum application to the Norwegian Directorate of Immigration (UDI). He says that even before the war in Ukraine, he always had a bag packed and a passport with a valid visa ready to leave since his dissatisfaction with the authorities had been growing over the years. The war in Ukraine served a catalyst for his decision.

For Danilov, being a Sámi and living in Sápmi is an essential part of his life. Thus, he had no doubts where to seek asylum. As a member of the Sámi Council's Culture Committee, located in Norway, and also being a frequent visitor to Norway because of his Sámi related activities, Danilov determined that Norway's part of Sápmi would be a possible place for his new residence.

The application process to obtain the status of refugee has not been a simple one for Danilov. When he left Russia, Danilov had a Swiss visa. According to EU Regulations,<sup>3</sup> "Where the applicant is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for international protection". Consequently, it was Switzerland that should have reviewed Danilov's application. Therefore, at the outset UDI rejected Danilov's application. Danilov disagreed with this decision because it was important for him to maintain ties with his land and stay in Norway. To this end, Danilov and his lawyers, with the support of Sámi human rights activists and Sámi lawyers, filed an appeal (and further supplementary complaint) to the Norwegian Immigration Appeals Board (UNE). Danilov claimed that since he is Sámi and his life and activities are strongly connected with Sápmi, his application should be processed in Norway; and that his case is subject to exception from the general EU Regulations and shall be processed in Norway because Norway is "the closest state" to process this application according to para. two of § 7-4 of Regulation on Concerning the Entry of Foreign Nationals into the Kingdom of Norway and their Residence in the Realm (Immigration regulations) and § 32 of Act Relating to the Admission of Foreign Nationals Into the Realm and Their Stay Here (Immigration Act). Moreover, the applicant claimed that there is a significant risk that Switzerland would underestimate the importance of his Sámi identity. Due to this complaint and a subsequent complaint, UNE sent Danilov's case for reconsideration to UDI. UDI did not find grounds for processing Danilov's case in Norway and sent Danilov's case back to UNE.

At the end of January 2023, Danilov was informed by UNE that he would not be deported to Switzerland, and that his case would be reprocessed by UDI on exceptional grounds. In UNE's reconsideration of UDI's decision, they concluded that UDI had not considered the applicant's special connection with Norway. UNE gave the asylum case special status because of Danilov's connection with the Norwegian part of Sápmi.

According to Danilov, his case demonstrates that despite the applicable international legal regulations followed by the Norwegian authorities, there are grounds to treat his case differently. His special connection with Sápmi, Norway and the Sámi community, along with the support from Sámi activists and politicians, including the head of the Sámi Council and the Sami Parliament, and mass media have contributed to his success in proving his special connection to his land and the necessity to reside on this land.<sup>4</sup>

Danilov was nominated for the title “Person of the Year” in the territory of Sápmi by Norway’s only Sámi language daily newspaper, *Ávvir*, which acknowledges his engagement for the Sámi community in the whole of Sápmi. At present, Danilov’s case is under process at UDI.

### **3. The significance of the case**

In my opinion, the decision by the Norwegian authorities to process Danilov’s asylum case constitutes a legal precedent, as a number of legal provisions, national and international, have played an important role. On the national level, it is Article 108 of the Constitution, obligating the Norwegian State to preserve and develop the language, culture and way of life of the Sámi people. Relevant international legal obligations are, *inter alia*, ILO 169 and ICCPR (Article 27). Danilov’s cultural, language and social bonds with Sápmi were pivotal in the Norwegian authorities’ decision to let Danilov reside on his land until the final decision on his case is made.

### **4. The impact of the war on the Sámi in Russia**

In Danilov’s opinion, every Sámi who leaves Russia, is a significant number, taking into consideration that officially only 1550 Sámi reside in Russia.<sup>5</sup> Another Sámi activist, Alexander Slupachik, the head of one of the largest Sámi organizations in Murmansk Oblast ‘Sámi Association of the Murmansk Region’ (OOSMO), and his family have also left Russia<sup>6</sup> for Norway because of his opposition to Russia’s actions in Ukraine.<sup>7</sup> They are awaiting a decision on their case.

Some Sámi, *inter alia*, Ariana Olsen, the head of Alta AUF (Arbeidernes Ungdomsfylking) and the Sámi political committee of AUF, have asked the Norwegian authorities to introduce more supportive mechanisms for the Sámi in Russia and other Indigenous peoples coming from Russia who have been negatively affected by the Russian political regime since the war began.<sup>8</sup>

It is worth mentioning that the Sámi Council, promoting “Saami rights and interests in the four countries where the Saami are living”,<sup>9</sup> have put their cooperation with the Kola Sámi Association (AKS) and OOSMO on hold. A significant number of cultural projects between the Sámi in Russia and Sámi of other countries, financed by the Sámi Council, have been stopped. These projects were significant in supporting efforts for Sámi language revitalization, and sustaining Sámi culture

and rights. Another example of the impact of the war on the reduced cooperation<sup>10</sup> between Russian Sámi and Sámi of Norway, Sweden and Finland is decreased cooperation with the biggest Sámi organization in Russia, Kola Sámi Association, which supports the policies of the current regime in Russia.<sup>11</sup> The current situation might have an irrevocable effect on the Sámi people of the four countries.

## NOTES

1. Disclaimer: This material is based on personal communication with Andrei Danilov from February 9–12, 2023. For Danilov's safety some of the legal documents cannot be disclosed in the current paper. However, the author of this paper had an opportunity to verify facts based on the legal materials presented by Danilov. Danilov provided his consent for the publication of this text.
2. Dan Robert Larsen, “– Mitt liv er i stor fare i Russland. Krigen i Ukraina ble den utløsende årsaken til at Andrei Danilov ikke lenger vil å bo i Russland,” [https://www.nrk.no/sapmi/andrei\\_51\\_er-den-forste-russiske-samen-som-soker-politisk-asyl-i-norge-1.15893771](https://www.nrk.no/sapmi/andrei_51_er-den-forste-russiske-samen-som-soker-politisk-asyl-i-norge-1.15893771) (accessed 10 February 2023).
3. Article 12 (2) of the Regulation (EU) No 604/2013 of the European Parliament and of the Council of June 26, 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.
4. Dan Robert Larsen, “Sametinget mener Andrei (51) har rett til asyl i Norge fordi han er same. Utlendingsdirektoratet (UDI) har avslått å behandle den russiske sameaktivisten Andrei Danilovs søknad om politisk asyl i Norge,” <https://www.nrk.no/sapmi/andrei-danilov-er-skuffet-over-asyl-nei-fra-norge-1.15911965> (accessed February 10, 2023) and Håkon Mudenia, Nils John Porsanger, and Thoralf Balto, “Ber om at samer i Russland skal kunne bosettes i Norge. Sametingspresident Silje Karine Muotka ber om at regjeringa legger til rette for at samer i Russland kan bosette seg i Norge,” <https://www.nrk.no/sapmi/ber-om-at-samer-fra-russland-skal-fa-komme-til-norge-1.16278935> (accessed 13 February 2023).; Thomas Nilsen, “War protesting Sámi activist from Kola seeks asylum in Norway. “I can never return to Russia before the genocide regime is changed,” says Andrei Danilov, a Kildin Sámi from Olenegorsk on the Kola Peninsula,” <https://thebarentsobserver.com/en/life-and-public/2022/04/sami-activist-and-war-protesters-kola-seeks-asylum-norway> (accessed 10 February 2023) and Андрей Данилов: “Вынудив меня покинуть Россию, Дюкарев и РАЙПОИОН запрещают мне отстаивать права моего народа саами?” [Andrei Danilov: “By forcing me to leave Russia, Dyukarev and RAIPON forbid me to stand for the rights of my Sámi people?”], <https://indigenous-russia.com/archives/20740> (accessed 10 February 2023).
5. “The Results of all-Russian Population Census of 2020. Volume 5. National composition and language skills. 17. Population of the indigenous small-numbered peoples of the RF,” [https://rosstat.gov.ru/storage/mediabank/Том5\\_tab17\\_VPN-2020.xlsx](https://rosstat.gov.ru/storage/mediabank/Том5_tab17_VPN-2020.xlsx) (accessed 10 February 2023).
6. Dan Robert Larsen, “Aleksandr (33) uttalte seg negativt om krigen – nå tør han ikke lenger bo i Russland. Sameaktivisten Aleksandr Slupachik er nå den andre russiske samen som søker politisk asyl i Norge,” [https://www.nrk.no/sapmi/sameaktivisten-aleksandr-slupachik-33\\_soker-asyl-i-norge-1.16262723](https://www.nrk.no/sapmi/sameaktivisten-aleksandr-slupachik-33_soker-asyl-i-norge-1.16262723) (accessed 13 February 2023).
7. Dan Robert Larsen, “Russisk sameleder: – Vi er mot krigen i Ukraina. Lederen i den ene av to samiske organisasjoner i Russland kommer med en oppsiktsvekkende uttalelse. Det skjer dagen etter at organisasjonen ble suspendert fra pansamisk samarbeid,”

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- <https://www.nrk.no/sapmi/samisk-organisasjon-i-russland-erklaerer-motstand-mot-kri-gen-i-ukraina-1.15929090> (accessed 10 February 2023).
8. Rita Heitmann, “Ber Norge ta ansvar: – Mot folkemord på samer,” <https://www.sagat.no/nyheter/mot-folkemord-pa-samer/19.36738> (accessed 15 February 2023).
  9. “About the Saami Council,” <https://www.saamicouncil.net/en/the-saami-council> (accessed February 10, 2023).
  10. John Last, “The Ukraine War Is Dividing Europe’s Arctic Indigenous People. It has driven a wedge between Sámi in Russia and those in Nordic countries,” <https://foreignpolicy.com/2022/06/27/russia-ukraine-war-saami-indigenous-arctic-people-norway-sweden-finland/>
  11. “Ассоциация КМНСС и ДВ РФ выступила в поддержку Президента нашей страны В.В. Путина” [“The Association of the Indigenous Peoples of the North, Siberia and Far East of the Russian Federation supports President of our country V.V. Putin”], <https://raipon.info/press-tsentr/novosti/assotsiatsiya-kmnss-i-dv-rf-vystupila-v-podderzhku-prezidenta-nashey-strany-v-v-putina-/> (accessed 13 February 2023).