



## **CARIM EAST – CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION**

Co-financed by the European Union

# ***The integration of the migrants: a comparative study of EU and Russian legislation***

**Vadim Voinicov**

CARIM-East Research Report 2013/36



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**CARIM-East**  
**Creating an Observatory of Migration East of Europe**

**Research Report**  
**CARIM-East RR 2013/36**

**The integration of the migrants:  
a comparative study of EU and Russian legislation**

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## **CARIM-East – Creating an Observatory East of Europe**

This project which is co-financed by the European Union is the first migration observatory focused on the Eastern Neighbourhood of the European Union and covers all countries of the Eastern Partnership initiative (Belarus, Ukraine, the Republic of Moldova, Georgia, Armenia and Azerbaijan) and Russian Federation.

The project's two main themes are:

- (1) migration from the region to the European Union (EU) focusing in particular on countries of emigration and transit on the EU's eastern border; and
- (2) intraregional migration in the post-Soviet space.

The project started on 1 April 2011 as a joint initiative of the European University Institute (EUI), Florence, Italy (the lead institution), and the Centre of Migration Research (CMR) at the University of Warsaw, Poland (the partner institution).

CARIM researchers undertake comprehensive and policy-oriented analyses of very diverse aspects of human mobility and related labour market developments east of the EU and discuss their likely impacts on the fast evolving socio-economic fabric of the six Eastern Partners and Russia, as well as that of the European Union.

In particular, CARIM-East:

- builds a broad network of national experts from the region representing all principal disciplines focused on human migration, labour mobility and national development issues (e.g. demography, law, economics, sociology, political science).
- develops a comprehensive database to monitor migration stocks and flows in the region, relevant legislative developments and national policy initiatives;
- undertakes, jointly with researchers from the region, systematic and *ad hoc* studies of emerging migration issues at regional and national levels.
- provides opportunities for scholars from the region to participate in workshops organized by the EUI and CMR, including academic exchange opportunities for PhD candidates;
- provides forums for national and international experts to interact with policymakers and other stakeholders in the countries concerned.

Results of the above activities are made available for public consultation through the website of the project: <http://www.carim-east.eu/>

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## **Introduction**

The European Union and Russia are strategic partners, cooperating on a wide range of issues. One of the areas of cooperation is the Migration Dialogue, which is the part of the Common Space of Freedom, Security and Justice. The Migration Dialogue covers different aspects of migration policy, which are of mutual interest to the parties. One of these fields is the integration of migrants.

The Integration of migrants is not at the top of the EU-Russia cooperation Agenda. Indeed, the effectiveness of EU-Russia cooperation in migration depends on how the national systems for the adaptation and integration of migrants is developed.

The aim of this article is to examine EU and Russian legislation, concerning the legal status of migrants and their integration into host societies.

On the basis of this analysis ways forward for EU-Russian cooperation in this field might be identified.

A separate question is how Russia could use EU legislation and the EU's experience in integration matters in order to improve internal legislation.

## **I. The definition of migrant integration**

The integration of migrants is a very complicated issue, which could be considered from the point of view of sociology, economy and political science, among others.

This article will focus on the legal aspects of integration, which includes the description and an analysis of the legal provisions, providing for the successful integration of migrants into their host society.

In order to describe the legal aspects of integration it is necessary to consider the essence and forms of integration.

Migration policy operates with three definitions for the integration of third-country nationals in host societies: adaptation, integration and assimilation.

In terms of social sciences adaptation means the first level of integration, when migrants join in the host communities, and accept the norms of behavior and traditions of the local populations. Integration is the mutual movement of the culture in the host society and migrant's cultures, the mixing of cultural norms and values, norms and values which originally functioned separately, and which quite possibly conflicted<sup>1</sup>.

Another form of integration is assimilation. Assimilation can be defined as the almost complete dissolution of one ethnic group (sometimes several peoples) in the other<sup>2</sup>. In other words assimilation is a gradual merging of the minority group with the dominant culture<sup>3</sup>.

The national approaches on integration can be usefully divided into four main models.

The first model is migrant isolation. Migrants are considered a temporary staying people, who do not need to be integrated into their host society.

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<sup>1</sup> В.И. Мукомель Интеграция мигрантов: вызовы, политика, социальные практики// *"Мир России"*, 2011, №1, с. 34-50, <http://demoscope.ru/weekly/2011/0467/analit01.php>

<sup>2</sup> В. Добренко, А. Кравченко. Социология: в 3-х томах. М., 2001.

<sup>3</sup> Ю. Волков, И. Мостовая. Социология: Учебник для вузов: глоссарий к книге, 1998 г.

The second model is migrant assimilation. According to this model all migrants have to be fully integrated into the social structure under the conditions of the host country.

The third model is multicultural integration. This model is oriented on the effective integration of migrants into the host society. This model provides migrants with equal rights and possibilities to save their national peculiarities<sup>4</sup>.

The fourth model is the creation of a common culture, the “American model” or “melting pot” (плавильный котел). According to this model migrants have to accept, but also to contribute to a new common culture<sup>5</sup>.

Russia is positioning itself as a multinational state, for this reasons state policy has not aimed at the full assimilation of migrants.

The degree of integration depends on the categories of migrants. For example, in respect of compatriots who came to permanent residence in the Russian Federation, it should be full integration, in respect of temporary economic migrants it is necessary to use primary adaptation.

## II. EU legislation on migrant integration

Migrant integration is a key element of EU migration management. After all, the successful integration of third-country nationals is the way to receive benefits from immigration.

According to Art. 79(4) of the Treaty on the Functioning of the European Union the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for Member States with a view to promoting the integration of third-country nationals residing legally in their territories. This excludes any harmonization of Member State laws and regulations.

At the moment the integration policies for third-country nationals in the host society is a matter for both the EU and Member States, i.e. it is a question of double competence.

Member States adopt their own legislation in this sphere. The task of the European Union is to coordinate Members’ policy in order to help along migrant integration across Europe.

During the JHA Council Meeting , November 2004<sup>6</sup> the Council adopted Immigrant Integration Policy in the European Union. In this document the Council formulated the following common basic principles for immigrant integration in the European Union:

1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents in Member States.
2. Integration implies respect for the basic values of the European Union.
3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.
4. Basic knowledge of the host society’s language, history, and institutions is indispensable to integration; immigrants need this basic knowledge for successful integration.

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<sup>4</sup> Апанович М.Ю. Вопросы интеграции мигрантов в Европе/Вестник МГИМО, № 6, 2011.

<sup>5</sup> Walter Kaelin. Integration of migrants // T.A. Aleinikoff and V. Chatail (Eds), Migration and International legal Norms, 2003 Asser Press, The Hague.

<sup>6</sup> Press Release for the 2618th Council Meeting Justice and Home Affairs Brussels, 19 November 2004, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/82745.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf)

5. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active in society.
6. Access for immigrants, equal access for nationals, to institutions, as well as to public and private goods and services, is a critical foundation for better integration.
7. Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance interactions between immigrants and Member State citizens.
8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, helps integration.
10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.
11. Developing clear goals, indicators and evaluation mechanisms are necessary in adjusting policy, evaluating progress on integration and in making the exchange of information more effective.

According to these principles the EU member States are obliged to organize the process of integration at the national level and the development of national legislation on integration. Moreover, they are considered as the main indicators on the basis of which it is possible to estimate the level of migrant integration in a given EU member State.

The common basic principles for integration could be used not only within the European Union, but in other countries. Using some of these principles we can evaluate the degree of immigrant integration in a given sphere of social life.

The analysis of Russian legislation on integration, presented in this paper, is carried out using some of the EU's basic principles for immigrant integration policy.

EU policy on immigration management consists of two directions: legislative regulation and the "framework of integration". In contrast to the EU's immigration laws, "the framework of integration" is the mechanism of "soft law", which is not legally binding for Member States. In this case, the Commission served as a focal point in the exchange of information on the experience and practice integration<sup>7</sup>.

Thus, we can distinguish two levels of EU instruments in the integration field: EU legislation (Directives) and EU soft law acts (Communications, Commission Staff Working Papers, Programmes, etc).

The first level is represented by the main EU directives in immigration matters: Family Reunification Directive<sup>8</sup>, Blue Card Directive<sup>9</sup>, Single Permit Directive,<sup>10</sup> etc.<sup>11</sup>.

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<sup>7</sup> Потемкина О.Ю. Политика Европейского Союза в сфере интеграции иммигрантов, 2011, <http://www.lawinrussia.ru/blogs/olga-potemkina/2011/06/01/politika-evropeiskogo-soyuza-v-sfere-integratsii-immigrantov>

<sup>8</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification *Official Journal L 251, 3.10.2003, p. 12-18*

<sup>9</sup> Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, *Official Journal L 155, 18.6.2009, p. 17-29*



The fore-mentioned Directives establish common standards for those foreign nationals who have legal residence in EU countries. For example, the Single Permit Directive 2011 creates a set of rights for non-EU workers. The 2003 Long-Term Residence Directive has created a single status for non-EU nationals who are residents in EU Member States for at least five years, thus this directive establishes a legal basis for equal treatment in all EU countries.

These legal instruments have a general application. They cannot be considered as special instruments in integration matters, but they contain some provisions concerning the integration of migrants into host societies.

The second level is represented by EU documents, which have no legal power. The EU provides a framework for monitoring, comparison and for the exchange of good practice across Europe. These documents have a special character and concern integration.

EU policy on migrant integration has grown since the adoption of the Tampere Conclusions<sup>12</sup>. According to para. 18 of these Conclusions, the European Union must ensure the fair treatment of third-country nationals who reside legally in its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia.

The next two programs in the field of the Area of freedom, security and justice – the Hague Program<sup>13</sup> and the Stockholm program<sup>14</sup> – also contained some measures in respect of migrant integration.

In the Hague program the European Council underlined the need for the greater coordination of national integration policies and EU initiatives in this field. In this respect, the basic principles underlying a coherent European framework on integration should be established (para. 1.5).

The Stockholm program contains more ambitious objectives in respect of integration. The general objective of EU policy on integration is that of granting comparable rights, responsibilities, and opportunities for all, taking into account the necessity of balancing migrants' rights and duties.

In July 2011 the European Commission prepared the Communication European Agenda for the Integration of Third-Country Nationals.<sup>15</sup>

The Agenda focused on three key elements of Integration.

(Contd.) \_\_\_\_\_

<sup>10</sup> Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, *Official Journal L 343*, 23.12.2011, p. 1-9

<sup>11</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents//*Official Journal L 016* , 23/01/2004 P. 0044 - 0053. Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, *Official Journal L 289* , 03/11/2005 P. 0015 - 0022. Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, *Official Journal L 375*, 23.12.2004, p. 12-18

<sup>12</sup> Tampere European Council 15 and 16 October 1999, Presidency Conclusions// [http://www.europarl.europa.eu/summits/tam\\_en.htm](http://www.europarl.europa.eu/summits/tam_en.htm)

<sup>13</sup> The Hague Program: strengthening freedom, security and justice in the European Union, Presidency Conclusions, the Hague, 4/5 November, 2004.

<sup>14</sup> The Stockholm Program - An open and secure Europe serving and protecting citizens (2010/C 115/01), *Official Journal*, C 115, 4 May 2010.

<sup>15</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions. European Agenda for the Integration of Third-Country Nationals. {SEC(2011) 957 final} Brussels, 20.7.2011 COM(2011) 455 final, [http://ec.europa.eu/dgs/home-affairs/doc\\_centre/immigration/docs/agenda/1\\_en\\_act\\_part1\\_v10.pdf#zoom=100](http://ec.europa.eu/dgs/home-affairs/doc_centre/immigration/docs/agenda/1_en_act_part1_v10.pdf#zoom=100)

- A. Integration through participation.
- B. More action at the local level.
- C. Involvement of countries of origin.

The involvement of third countries is a key measure in the integration field. According to the Communication countries of origin can participate in integration in three ways:

- 1) preparing integration before migrants depart;
- 2) supporting migrants while in the EU, e.g. through embassies, for example;
- 3) preparing a migrant's temporary or definitive return with acquired experience and knowledge.

EU legislation shows that EU rules establish the framework for Member States who are the main actors in the sphere of migrant integration.

This approach was underlined in the European Pact on immigration and asylum.<sup>16</sup> According to this document integration should take into account the national identity of the Member States, the EU and the fundamental values of both.

It means that EU legislation on integration is a system of basic principles and frameworks, according to which EU member states have to develop their national legislation.

That is why the EU has not a single immigrant integration system and single legal norms, which have general application in all EU Member States. This situation complicates the comparison of EU and Russian legislation in Integration.

In this case it is appropriate to compare EU and Russian approaches on integration regulation, but not legal systems.

## II. Russian legislation on integration of the migrants

The examination of the Russian legal framework on integration for migrants has the following aims: first, to analyze the current legal framework; second, to describe current problems relating to the integration and integration in different spheres of the social life; and, third, to propose certain measures in order to improve integration.

For a long time the Russian Federation did not realize the special policy on migrant integration. Subsequently, there were no special legislative norms, concerning the integration and adaptation of the migrants.

But this did not mean that such measures have not been carried out. Within the activity of the FMS and other State bodies we can see concrete steps, which aim at helping the migrants to integrate into Russian society and at facilitating the necessary number of the rights. Admittedly, such measures were not systematic, but they existed.

This situation provoked the appearance of phenomenon, which could be referred to as the social exclusion of migrants. This is presently a challenge for migrants themselves, but in the very near future it could become a challenge for the whole Russian society<sup>17</sup>.

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<sup>16</sup> European Pact on immigration and asylum, version on 4 July 2008, <http://www.statewatch.org/news/2008/jul/eu-european-pact-on-immigration-verII.pdf>

<sup>17</sup> В.И. Мукомель Интеграция мигрантов: вызовы, политика, социальные практики// *"Мир России"*, 2011, №1, с. 34-50, <http://demoscope.ru/weekly/2011/0467/analit01.php>

Russia is interested in the adaptation and integration of the migrants so all immigrants respect Russian culture, Russian traditions and Russian legislation. The current situation demonstrates that this aim is far from the reality.

Migrants arriving from abroad do not, as a rule, speak Russian very well. They do not have knowledge of the cultural heritage and the history of Russia. They have little grasp of the basics of Russian law, and poorly manage the realities of Russian life<sup>18</sup>.

For example, 20% of the natives of Central Asia do not speak Russian, while 50% cannot fill out a simple application form in Russian<sup>19</sup>.

## 1. Policy Framework

One of the first President's Decrees after Putin's election in 2012 was the Decree on demographic policy in the Russian Federation<sup>20</sup>.

According to the Decree, the President called the Government to ensure the implementation of measures aimed at improving migration policies, including the promotion of migration for education and the implementation of teaching and research activities, the participation of the Russian Federation in humanitarian migration, as well as the development and implementation of programs for social adaptation and the integration of migrants.

One month later President Putin adopted the Concept of the State Migration Policy of the Russian Federation for the period up to 2025<sup>21</sup>.

According to paragraph 11 of the Concept, the Migration Legislation of the Russian Federation does not fully comply with the current and future needs of economic, social and demographic development, the interests of employers or, indeed, Russian society as a whole. The Concept focuses on attracting temporary foreign workers and contains measures on return policy, adaptation and the integration of migrants.

According to the Concept, the adaptation and integration of migrants are as among the main elements of state migration policy. A direct result of the lack of government programs on migrant integration is isolation from the host society and a growing negative attitude towards migrants.

The Concept emphasizes the organization of the special programs on integration and the adaptation of the migrants. All potential parties in the migration process (i.e. governments of countries of origin of migrants, migrants, businesses, non-governmental organizations...) should participate in these programs and help to carry them out.

The concept could be characterized as a soft law act, which focuses on a different aspect of the national migration policy. This document contains the concrete measures, which have to be the basic elements in the development of migration policy in Russia.

In respect of the migrant integration the significance of the Concept is clear. It is there in the fact that this is the first official document, which identifies the migrant integration as part of national migration policy.

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<sup>18</sup> Хабриева Т.Я., Андриченко Л.В., Плюгина И.В. Динамика развития миграционного законодательства в современной России // Журнал российского права. 2010. N 10. С. 12 - 24

<sup>19</sup> <http://www.km.ru/v-rossii/2011/09/20/obrazovanie-v-rossii/assimilyatsii-migrantov-v-rossii-meshayut-sami-diasporu>

<sup>20</sup> Указ Президента РФ от 07.05.2012 N 606 "О мерах по реализации демографической политики Российской Федерации" Собрание законодательства РФ", 07.05.2012, N 19, ст. 2343

<sup>21</sup> КОНЦЕПЦИЯ государственной миграционной политики Российской Федерации на период до 2025 года // <http://президент.рф/acts/15635>

The Concept does not contain any significant novelties concerning integration: all specified measures have been already realized in different forms and degree. But, first, these measures are systematized, and, second, the Concept sets priorities in the integration field. Among these priorities we can define the focus on learning the Russian Language and Russian Culture and the special measures for integration preparation prior to coming to Russia. The last suggests that the Russian Federation is ready to use EU experience, which underlines the importance of cooperation with third countries in the field of legal migration.

As for special courses for immigrants, this measure is also widespread in some European countries. For example, the German Federal Law on Aliens contains special provisions on the Integration of foreign nationals. Indeed, according to para. 43 of that law, immigrants have to take part in integration courses (Integrationskurse). The aim of these courses is to learn German, Public order, the Culture and History of Germany<sup>22</sup>.

In August 2012 the Russian Federal Government adopted a regulation on the measure of realization during 2012-2015, (the first stage) of the Concept of the State Migration Policy of the Russian Federation for the period to 2025<sup>23</sup>. It provides for a number of legal and institutional measures aimed at the adaptation and integration of immigrants. Among these measures are the following:

- The amendment of the Federal Law “On Education,” federal law “On the Legal Status of Foreign Citizens in the Russian Federation,” “On Higher and Postgraduate Professional Education” relates to obligatory exams for foreign citizens and stateless persons. These exams are for Russian, Russian history and for the basic laws of the Russian Federation.
- The amendment of the Government resolution of August 25, 2008 N 638 “On cooperation with foreign countries in the field of education” relates to an increase in the annual quota of the admission of foreign citizens and compatriots living abroad. These are allowed to come to study at Russian institutions of higher education and vocational training, and the resolution improves the material reception, not least in terms of travel expenses and medical insurance.
- Preparation of Government Decision on temporary accommodation centers (центр временного размещения)<sup>24</sup>.
- Preparation of proposals on the access of foreign nationals and their families to social, medical and educational services according to their legal status.

In 2010, the Federal Migration Service defined the direction of the work, aimed at promoting the integration of immigrants into the Russian society as well as the principles of tolerance, non-discrimination and xenophobia. To this end, in accordance with the order of the Federal Migration Service of 08.11.2010, № 402<sup>25</sup> a Department for promoting integration was established within the Federal Migration Service.

The Department seeks to address integration problems. Among them:

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<sup>22</sup> Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet (Aufenthaltsgesetz - AufenthG) [http://www.gesetze-im-internet.de/aufenthg\\_2004/BJNR195010004.html#BJNR195010004BJNG001102310](http://www.gesetze-im-internet.de/aufenthg_2004/BJNR195010004.html#BJNR195010004BJNG001102310)

<sup>23</sup> Распоряжение Правительства РФ от 21.08.2012 N 1502-р “О плане мероприятий по реализации в 2012 - 2015 годах (первый этап) Концепции государственной миграционной политики Российской Федерации на период до 2025 года”// Собрание законодательства РФ”, 27.08.2012, N 35, ст. 4858.

<sup>24</sup> The temporary accommodation center is a center, where immigrants can temporarily reside upon arrival on Russian territory.

<sup>25</sup> Приказ ФМС РФ от 08.11.2010 г. № 402 «Об утверждении положения об Управлении содействия интеграции Федеральной миграционной службы» <http://www.fms.gov.ru/upload/aisexmo/ysi.pdf>

- The creation of an integration strategy in Russian society;
- The organization in the structure of FMS territorial bodies of units, which will be responsible for the adaptation and integration of the migrants;
- Work with the public, local and international human rights organizations and national associations;
- cooperation with the mass media;
- information support of the FMS of Russia in the implementation of state migration policy.

## **2. Existing problems relating to the integration of migrants**

From the legal point of view the integration of migrants is a question of acquisition of rights, which creates the status of fully-fledged members of a host society.

In the wider sense integration is the phenomenon, which covers all areas of migration policy: from preparation for immigration from the country of origin to the acquisition of the citizenship.

In this paper, I will focus on immigration policy which directly provide for migrants to be fully integrated in the host society.

In order to do this I will point to the problems, which are the most evident obstacles for the migrants attempting to become fully-fledged members of their host country.

The current situation demonstrates that migrants coming to the Russian Federation face the following problems.

### **2.1 The legal status of migrants and citizenship**

One of the first problems, which migrants face in the host country is difficulties in gaining a stable legal status.

Current Russian legislation provides three statuses for a foreign national: a temporary stayer (a person who has arrived to Russia on a short-term basis); temporary resident (a person who has received a temporary residence permit for up to 3 years) and a permanent resident (a person who obtained a residence permit for up to 5 years).

The status of the temporary stayer is obtained automatically by every foreign national or stateless person who arrives on RF territory.

The status of the temporary residence is granted to those who live on the RF territory up to three years before obtaining a permanent residence permit. The temporary residence permit is granted within a quota, annually established by the RF Government or without quota for certain categories of persons, mostly persons who have some relations with the Russian Federation or had some kind of relation with the USSR.

The permanent residence permit is a document. It gives the right to permanent residence in the Russian Federation, as well as the right to free exit from and entry to the Russian Federation.

RF legal provisions on temporary residence permit offer two approaches towards foreign nationals who wants a stable legal status.

The first approach concerns nationals or stateless persons from former Soviet republic (“near abroad”) who are considered by the Russian authorities as compatriots in the wider sense of that word. For these persons RF legislation provides the simplified procedure for obtaining temporary or permanent residence status. The procedure for these categories is quite coherent. Every person who satisfies the conditions listed under Federal law can obtain the required status.

The second approach applies to persons arriving from other countries, the “far abroad”. For these categories of foreign nationals the procedure is more complicated. The foreign nationals from “the far abroad” can apply for the temporary residence permit only within the quota.

The second point, in terms of stable legal status, is citizenship. From the legal point of view the acquisition of citizenship is a final point in terms of integration into the host society. The status of citizen means that persons lose the status of migrants and become full members of the host society.

But the acquisition of the citizenship does not necessarily mean a stop to integration. After all, in sociological terms, the new status does not always permit migrants to feel themselves fully integrated into host society. Even in terms of citizenship status the local population may consider them immigrants rather than citizens.

According to a Federal Law of May 31, 2002 № 62-FZ “On Citizenship of the Russian Federation”<sup>26</sup> foreign nationals or stateless persons could be admitted to citizenship according to an ordinary procedure (art. 13) or a simplified procedure (art. 14).

The simplified procedure is there for certain categories of persons, who have family relations with the Russian Federation citizens or who are considered as compatriots.

The latest development in RF legislation on citizenship shows that Russian Federal authorities intend to simplify procedures for the acquisition of citizenship for the nationals of the former Soviet Republic.

12 November 2012 the Amendment to the Federal law on Citizenship was adopted<sup>27</sup>. According to this Amendment the new procedure of recognition of RF citizens for persons with unclear legal status was established.

There are several categories of persons with unclear legal status: former Soviet citizens who came to Russia before 1 November, 2002, and who have not acquired Russian citizenship and who have no other citizenship and their children. There are also former Soviet citizens who received a Russian passport before July 1, 2002, but who later werenot classed as a Russian citizen. They were not classed as they had the citizenship of another state, but they do not have a document confirming the right to live in it or they do not have another nationality.

The chapter of the Federal Law on Citizenship “The resolution of the legal status of the certain categories of persons, located on the territory of the Russian Federation” regulates the procedure for the recognition of the Russian citizens. It also details their admission to the citizenship of the Russian Federation in a simplified manner. This includes the timing of these procedures (not more than two months for recognition and not more than six months for admission to citizenship); and the procedure for the registration of the applicant’s status at the time his or her application is being considered.

Another recent initiative is the enlargement of the list of persons who can apply for the Russian citizenship in a simplified manner. This initiative was proposed by the members of the Federal Council<sup>28</sup>.

According to this initiative all former citizens of the USSR, as well as their descendants can receive Russian citizenship in a simplified manner. They do not have to complywith conditions on the period

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<sup>26</sup> Федеральный закон от 31.05.2002 N 62-ФЗ "О гражданстве Российской Федерации"//Собрание законодательства РФ, 03.06.2002, N 22, ст. 2031.

<sup>27</sup> Федеральный закон от 12.11.2012 N 182-ФЗ "О внесении изменений в Федеральный закон "О гражданстве Российской Федерации", "Российская газета", N 262, 14.11.2012.

<sup>28</sup> Законопроект № 139669-6 «О внесении изменений в Федеральный закон «О гражданстве Российской Федерации». [http://asozd2.duma.gov.ru/main.nsf/\(SpravkaNew\)?OpenAgent&RN=139669-6&02](http://asozd2.duma.gov.ru/main.nsf/(SpravkaNew)?OpenAgent&RN=139669-6&02)

of residence in Russian territory, so long as they have a legitimate source of living and proof of knowledge of Russian.

This initiative opens the door to the Russian citizenship for the majority of CIS countries nationals. That is why this draft law provoked disputes in Russian society.

## 2.2 The language barrier

The language barrier is the major problem complicating migrant adaptation.

According to the Federal Law on Citizenship (art. 13)<sup>29</sup> knowledge of the Russian Language is one of the conditions for citizenship acquisition. In accordance with Decree of the President 14.11.2002, № 1325 “On Approval of the Regulations on the procedure for the consideration of issues of citizenship the Russian Federation”<sup>30</sup> (para. 10) a person who wishes to acquire Russian citizenship, has to give proof of knowledge of Russian at a level sufficient to communicate orally and in writing. Russian language skills at this level are confirmed by one of the following:

- State approved documents certifying any type of education (at least basic general education) issued by educational institutions of the Soviet Union or the Russian Federation;
- Certificates of state testing on the Russian language;
- Educational documents, issued by a foreign country where Russian is an official language<sup>31</sup>;
- Educational documents, issued by a foreign country and having a record in the application of studying Russian language course.

The latest development in Russian migration legislation shows that Russian is an obligatory requirement to be employed in certain labor activities.

12 November 2012 the Amendment to the Federal law on the legal status of foreign citizens was adopted<sup>32</sup>. The new version of the Federal law applies from 1 December 2012. According to this Federal Law in order to work in housing and communal services, retail or consumer services foreign citizens must know Russian at least at a basic level. A foreign national has to prove his or her knowledge of Russian in the same manner, as provided in Decree of the President N 1325, concerning the acquisition of citizenship.

Foreign nationals from countries where Russian is an official language are free from the obligation to prove knowledge.

At the moment there are about 238 Russian Language centers where the migrants could study Russian, 53 centers work free of charge<sup>33</sup>.

The abovementioned Amendment is a positive step forward more effective integration of migrants into the Russian society. But corruption could lead to an additional source of illegal profits. That is why it is necessary to create an affective mechanism for monitoring this system, including the responsibilities for employers, the institutions, responsible for testing etc.

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<sup>29</sup> Федеральный закон от 31.05.2002 N 62-ФЗ "О гражданстве Российской Федерации"//Собрание законодательства РФ, 03.06.2002, N 22, ст. 2031

<sup>30</sup> Указ Президента России от 14.11.2002 г. № 1325 «Об утверждении положения о порядке рассмотрения вопросов гражданства Российской Федерации», Собрание законодательства РФ", 18.11.2002, N 46, ст. 4571.

<sup>31</sup> Данный абзац введен Указом Президента РФ от 30.05.2012 N 755

<sup>32</sup> Федеральный закон от 12.11.2012 N 185-ФЗ "О внесении изменений в статью 13.1 Федерального закона "О правовом положении иностранных граждан в Российской Федерации" и статью 27.2 Закона Российской Федерации "Об образовании", "Российская газета", N 262, 14.11.2012.

<sup>33</sup> Путин обязал трудовых мигрантов сдавать русский язык, www.newkaliningrad.ru

Moreover, it is necessary to create a network of Russian Language centers abroad, primarily in origin countries.

### 2.3 Access to work

The third problem is access to work.

According to the Federal Law on the Legal Status of Foreign Citizens in the Russian Federation of 25.07.2002 No. 115-FZ<sup>34</sup> (art. 13) foreign citizens have the right to employment in the Russian Federation.

In accordance with art. 13 (4) employers can employ foreign workers only if they have the appropriate type of permission: but if they have that permission then foreign worker can work legally. This general rule does not apply to all categories of foreign nationals.

Thus, it means, that the employment of the foreign workers is possible on the basis of two permissions: the first one for the employer; the second one for foreign workers.

The employment of foreign workers is based on quotas. The procedure for determining the quota is regulated by the Government's regulation of 22.12.2006 № 783 "On the procedure for determining the executive authorities of the need to attract foreign workers and the formation of the implementation of quotas on foreign employees work in the Russian Federation"<sup>35</sup>.

The Government establishes the correct percentage of foreign workers in the sphere of retail and sport each year (see Government regulation 22 December 2011 # 1086)<sup>36</sup>.

Moreover, according to art. 207, 224 of the Tax Code<sup>37</sup>, foreign nationals, who stay on Russian territory less than 183 days in 12 months must pay tax on personal income at 30% instead of at 13%.

This complicated system provokes illegal employment (теневое трудоустройство), under which the foreign nationals have no social guarantees, no official status, and where they do not pay taxes or make other social payments.

Presently, Russia has announced the liberalization of migration legislation for employment for foreign workers. 19 May 2010 the Federal Law # 86-FZ<sup>38</sup> on the amendment of the Law "On the Legal Status of Foreign citizens in the Russian Federation" was adopted. This Law had two main goals: simplification of procedure for the reception of labor migrants with the introduction of a special regime for highly-qualified workers; and the legalization of migrants who are working illegally.

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<sup>34</sup> Федеральный закон от 25.07.2002 N 115-ФЗ "О правовом положении иностранных граждан в Российской Федерации"//Собрание законодательства РФ, 29.07.2002, N 30, ст. 3032

<sup>35</sup> Постановление Правительства РФ от 22.12.2006 N 783 "О порядке определения исполнительными органами государственной власти потребности в привлечении иностранных работников и формирования квот на осуществление иностранными гражданами трудовой деятельности в Российской Федерации"//Собрание законодательства РФ", 01.01.2007, N 1 (2 ч.), ст. 247.

<sup>36</sup> Постановление Правительства РФ от 22.12.2011 N 1086 "Об установлении на 2012 год допустимой доли иностранных работников, используемых хозяйствующими субъектами, осуществляющими деятельность в сфере розничной торговли и в области спорта на территории Российской Федерации"//Собрание законодательства РФ", 02.01.2012, N 1, ст. 131.

<sup>37</sup> "Налоговый кодекс Российской Федерации (часть вторая)" от 05.08.2000 N 117-ФЗ (ред. от 03.12.2012), Собрание законодательства РФ, 07.08.2000, N 32, ст. 3340

<sup>38</sup> Федеральный закон от 19.05.2010 N 86-ФЗ "О внесении изменений в Федеральный закон "О правовом положении иностранных граждан в Российской Федерации" и отдельные законодательные акты Российской Федерации"//Собрание законодательства РФ, 24.05.2010, N 21, ст. 2524.



23 December 2010 Federal law # 385-FZ<sup>39</sup> on the amendment of certain legal acts in the Russian Federation was adopted. According to this Law the criteria for the highly-qualified specialist were clarified: the minimum 1,000,000 rubles earnings *per* year etc. The new act contains some provisions concerning the status of the family member of highly-qualified workers. The above-mentioned persons are exempt from the obligation to go through migration registration.

Some preferences are established for CIS citizens. One of the recent initiatives is a Memorandum of intent between the Russian Federation and the Republic of Tajikistan for the further development of cooperation in the migration field<sup>40</sup>.

According to the Memorandum migrant workers from Tajikistan will receive permission to work in Russia for three years. At the same time, the period for registration has been increased up to 15 days<sup>41</sup>.

## 2.4 Access to education

The fourth problem is an access to education.

According to the Federal law on Higher and Postgraduate Education<sup>42</sup> (art. 2) only citizens of the Russian Federation shall be guaranteed a higher and postgraduate education in state and municipal educational institutions of higher education on a competitive basis. In accordance with the Federal Law, the admission of foreign citizens to institutions of higher education for training, programs, Master programs, etc. (Article 11, paragraph 3.4.), as well as training, retraining and advanced training (Article 33(2)) is carried out in the prescribed manner in accordance with international treaties of the Russian Federation and intergovernmental agreements of the Russian Federation. This is done at the expense of the state, as well as on the basis of contracts with tuition paid by students.

Admissions procedures for foreign students is regulated by the Order of the Ministry of Education of the Russian Federation from 28.12.2011 N 2895 "On approval of the admission of citizens in educational institutions of higher education"<sup>43</sup>. The last chapter of the Order is devoted to the admission of foreign students. The Order, like the Law, establishes two forms of education for foreign students: at the expense of the Federal budget and on a commercial basis.

Admission of foreign students to higher educational institutions for training under contracts with the tuition paid by individuals and (or) legal entities is subject to conditions established by the annual admission rules of the education institution in question.

The Federal budget covers the expenses for the education of foreign student within the quota set by the Russian Federation in accordance with the Regulation of the RF Government August 25, 2008 N 638 "On cooperation with foreign countries in the field of education"<sup>44</sup>.

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<sup>39</sup> Федеральный закон от 23.12.2010 N 385-ФЗ "О внесении изменений в отдельные законодательные акты Российской Федерации"// Собрание законодательства РФ", 27.12.2010, N 52 (ч. 1), ст. 7000.

<sup>40</sup> Меморандум о намерениях между Российской Федерацией и Республикой Таджикистан о дальнейшем развитии сотрудничества в области миграции, <http://www.rusemb.tj/ru/index/index/pageId/399/>

<sup>41</sup> Подробнее: <http://www.eurasec.com/evrazijskie-novosti/144/636/>

<sup>42</sup> Федеральный закон от 22.08.1996 N 125-ФЗ "О высшем и послевузовском профессиональном образовании". "Собрание законодательства РФ", 26.08.1996, N 35, ст. 4135.

<sup>43</sup> Приказ Минобрнауки РФ от 28.12.2011 N 2895 "Об утверждении Порядка приема граждан в образовательные учреждения высшего профессионального образования", "Российская газета", N 17, 27.01.2012.

<sup>44</sup> Постановление Правительства Российской Федерации от 25 августа 2008 г. N 638 "О сотрудничестве с зарубежными странами в области образования", Собрание законодательства Российской Федерации, 2008, N 35, ст. 4034; 2010, N 38, ст. 4825.

In addition, the right to admission to higher educational institutions in the budgetary basis is provided to foreign students in accordance with international agreements<sup>45</sup>. Thus, Russian legislation establishes different procedures for admitting foreign and Russian students to state higher education.

The foreign student could be admitted to higher institutions on the free of charge basis only if such expenses could be covered by the budget in accordance with international treaties or special government procedures.

In other cases foreign students could be admitted to the higher institutions on a paid basis.

Apparently, such rules do not fully correspond to the integration of migrants into their host society. It is necessary to increase access to education for those immigrants who want to integrate. For example, special scholarships could be introduced for CIS citizens, who want to resettle in Russia.

Another issue in education is the recognition of diplomas, issued by foreign countries.

According to article 27.2 the Federal Law on Education<sup>46</sup> the recognition of foreign documents on education means official confirmation by the Russian Federation of such documents. This, then, allows the holders to ensure access of the holders to education and (or) professional activities in the Russian Federation.

The recognition of diplomas is carried out by the Federal Service on supervision in the sphere of education on the basis of the application of the holders of such diplomas.

A simplified procedure could apply if there is an international agreement, or if a certain high school is in the list, adopted by the Russian Government. In other cases the recognition could be granted after the termination of expertise.

Total expenses for such procedure stand at about 200 euro: the procedure lasts anything from several months to more than a year.

As for primary and pre-school education migrants' children have equal rights with Russian citizens. According to the Order of the Ministry of Education<sup>47</sup> foreign citizens and stateless persons, including compatriots abroad, are admitted to educational institutions according to the common procedure at the expense of the budget system of the Russian Federation.

There are some administrative obstacles, which are normally caused by the specific position of management in educational institutions<sup>48</sup>.

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<sup>45</sup> See Agreement on granting equal rights to citizens of the States - Parties to the Treaty from March 29, 1996 on the deepening of integration in economic and humanitarian areas for admission to educational institutions, approved by the Government of the Russian Federation on June 22, 1999 N 662 (Соглашение о предоставлении равных прав гражданам государств - участников Договора об углублении интеграции в экономической и гуманитарной областях от 29 марта 1996 г. на поступление в учебные заведения, утвержденное постановлением Правительства Российской Федерации от 22 июня 1999 г. N 662, Собрание законодательства Российской Федерации, 1999, N 27, ст. 3364), the Agreement on cooperation in Education, Tashkent, May 15, 1992 (Соглашение о сотрудничестве в области образования, г. Ташкент, 15 мая 1992 г. Бюллетень международных договоров, 1994, N 6, стр. 9), the Agreement between the Government of the Russian Federation and the Government of the Republic of Georgia on cooperation in culture, science and education, approved by the Government of the Russian Federation of February 2, 1994 N 43 (Соглашение между Правительством Российской Федерации и Правительством Республики Грузия о сотрудничестве в области культуры, науки и образования, одобренное постановлением Правительства Российской Федерации от 2 февраля 1994 г. N 43, Собрание актов Президента и Правительства Российской Федерации, 1994, N 6, ст. 465).

<sup>46</sup> Закон РФ от 10.07.1992 N 3266-1 "Об образовании" "Собрание законодательства РФ", 15.01.1996, N 3, ст. 150.

<sup>47</sup> Приказ Минобрнауки России от 15.02.2012 N 107 "Об утверждении Порядка приема граждан в общеобразовательные учреждения", "Российская газета", N 91, 25.04.2012.

<sup>48</sup> Ю. Флоринская. Дети мигрантов в России: доступ к образованию и медицине, <http://www.demoscope.ru/weekly/2012/0515/analit02.php>

## 2.5 Access to medical assistance

Access to medical assistance for foreign nationals is regulated by Government Decree N 546 of 01.09.2005 "On the Rules of medical assistance to foreign citizens in the Russian Federation"<sup>49</sup>.

According to this Decree foreign nationals have the right to receive urgent medical assistance on free of charge. All other forms of the medical care have to be paid for by foreign nationals.

Decree N 546 contains the clause on international agreements, which could provide a special regime for some categories of foreign nationals.

Moreover, the provisions of the abovementioned Decree must be applied for taking into account legislation on obligatory health insurance. This must cover all permanent residents and temporary residents who are working.

Thus, the level of the healthcare third-country nationals depends on their legal status and their nationality.

In terms of healthcare we can distinguish two migrant categories:

1. Permanent residents, temporary residents, working or in business.
2. Unemployed temporary residents and temporary stayers.

The first category receives medical assistance under the basic program of obligatory health insurance just as Russian citizens do.

The second category can pay for medical assistance or receive it through health insurance for foreign nationals, in the Russian Federation in accordance with Government Decree N 188 of 11.12.1998<sup>50</sup>.

Nationality also affects medical assistance. Russian migration legislation gives a special regime of healthcare for nationals of the former Soviet States<sup>51</sup>.

For example, the agreement of 27.03.1997 "On providing health care to citizens of the Member States of the Commonwealth of Independent States" provides urgent and emergency medical care for sudden acute conditions and diseases that threaten the patient's life or health of others free of charge<sup>52</sup>.

According to the agreement between Russia and Belarus of 24.01.2006<sup>53</sup> citizens of the Republic of Belarus (permanent or temporary residents or temporary stayers) have the same rights as citizens of the Russian Federation in this respect. They can receive health care, including free treatment at state and municipal health organizations with the basic program of obligatory health insurance.

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<sup>49</sup> Постановление Правительства РФ от 01.09.2005 N 546 "Об утверждении Правил оказания медицинской помощи иностранным гражданам на территории Российской Федерации" "Собрание законодательства РФ", 05.09.2005, N 36, ст. 3708.

<sup>50</sup> Постановление Правительства РФ от 11.12.1998 N 1488 "О медицинском страховании иностранных граждан, временно находящихся в Российской Федерации, и российских граждан при выезде из Российской Федерации" "Собрание законодательства РФ", 21.12.1998, N 51, ст. 6305.

<sup>51</sup> Елена Крючкова Медицинское обеспечение иностранных граждан в России,  
<http://trudprava.ru/index.php?id=1842#z001>

<sup>52</sup> Соглашение Правительств государств - участников стран СНГ от 27.03.1997 "Об оказании медицинской помощи гражданам государств - участников Содружества Независимых Государств", "Российская газета", N 90, 12.05.1997, Россия не завершила по состоянию на 22.05.2012 г. ратификационные процедуры.

<sup>53</sup> Соглашение между Правительством РФ и Правительством Республики Беларусь от 24.01.2006 "О порядке оказания медицинской помощи гражданам Российской Федерации в учреждениях здравоохранения Республики Беларусь и гражданам Республики Беларусь в учреждениях здравоохранения Российской Федерации", "Собрание законодательства РФ", 26.05.2008, N 21, ст. 2395.

### 3. Possible solutions

The development of Russian legislation on Integration should be carried out through the adoption of necessary legal provisions at the Federal level.

The Federal Law on legal status of the foreign nationals has to contain certain provisions, concerning concrete measures on Integration. In other words the Federal Law has to establish a common integration framework, which includes the different measures on regional, national and international levels.

The aim of these measures is the systematization and upgrading of existing practices and concrete measures backed up by legal power.

Immigrant integration is a very complicated process, which should be organized at the regional, national and international levels.

#### 3.1 The regional level

On the regional level local authorities, non-profit organizations, employers and the diaspora should be involved in the integration of migrants.

A special procedure in the integration of newly arrived migrants should be established at the local level.

For example, special language courses and introduction courses could be organized. During these courses the migrants will receive the necessary information concerning the current legal system, cultural traditions and rules of conduct. In this case migrants would feel safe and, if necessary, they would be able to effectively defend their rights.

The diaspora also have to play a significant role in the successful integration of migrants into the host society. The diaspora is a community of people united by ethnic origin and living outside their historical homeland (or outside the area of settlement of the people). It aims to contribute to a more successful socialization of community members in host society, it creates a kind of ethno-cultural atmosphere for a comfortable existence and mutual cultural traditions with other ethnic groups that form the basis of intercultural dialogue<sup>54</sup>.

Another measure, which could promote more efficient integration in the host society, is an agreement on integration. Such measures are already used in some European countries<sup>55</sup>.

The purpose of the agreement on integration is to provide in-depth language skills with an aim to enable third-country nationals to participate in the social, economic and cultural life in the host society. Moreover immigrants take the responsibility for respecting laws, and for accepting the core values of the host society, while learning, too, its language.

#### 3.2 The national level

At the national level we can distinguish the following methods: legal, organizational, scientific etc.

The legal methods are carried out through current legislation. As noted above, at the moment the Federal Migration Service intends to amend migration legislation in order to provide more efficient migrant integration.

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<sup>54</sup> Мишунина А.А., Ильин А.Д. Опыт и проблемы правового регулирования адаптации иностранных граждан в муниципальных образованиях (на примере Тюменской области) // Конституционное и муниципальное право. 2011. N 6. С. 30 - 32.

<sup>55</sup> Политика в сфере интеграции и меры по ее применению Исследование удачной практики применения на примере Швеции, Дании и Великобритании. Тарту, 2007, [http://www.ibs.ee/publication/Integration/parimad%20praktikad\\_RUS.pdf](http://www.ibs.ee/publication/Integration/parimad%20praktikad_RUS.pdf)

As for organizational methods, it is necessary to establish a system to attract migrant workers. In Soviet times a similar system had a special definition: “Orgnabor” (Оргнабор). This meant that people went to work in another country or another region. They knew exactly where they would work and under what conditions. In this case employment procedures begin in the country of origin. Thus, the country of origin and the host country will work together to organize workers’ training.

Another initiative was announced by Igor Lebedev, the head of the LDPR group in the state Duma. He proposed the establishment in every region of special adaptation camps<sup>56</sup>. A similar camp, “migrant receiver” (приемник для мигрантов) has already been established in the Leningrad region at Krasnoe selo. This camp has 184 places and it is totally isolated from the local population.

This proposal does not correspond to the democratic principles of modern societies. These camps might be compared with a ghetto, which exclude the full adaptation and integration of migrants into their host society.

Moreover, the legal nature of such camps is not clear. What will be the legal status of the migrants, living in this camp? Apparently, migrants will have the right to choose their place of residence: inside or outside the camp.

Thus, the establishment of special camps for the migrants is a measure, which complicates integration.

Scientific methods. The Federal Migration Service organizes scientific conferences, seminars and publishes numerous books and articles about integration. All such measures will promote the appropriate solution for integration.

### 3.3 The international level

It is obvious that the social integration of migrants into their host society could be carried out more successfully if there were mechanisms for international cooperation<sup>57</sup>.

The problem of international cooperation in the sphere of migrant integration was discussed at meetings of the Council of Heads of Migration Services of the CIS Member States 21 October, 2011 in Dushanbe; and at the Chief Executives Board of the competent authorities of the CIS member states on combating illegal immigration 15 September, 2011 in Minsk.

Cooperation with the Diaspora, located in Russia is carried out not only by FMS of Russia, but also by foreign Migration Services, for example, by the Migration Service of Tajikistan. This action is aimed at helping compatriots living abroad to solve problems related to interaction with the host society.

Such work is very important, because it opens up prospects for cooperation between the two services aimed at helping workers to adapt to the conditions of admission.

According to best practices found around the world, the preparation of migrants (including language courses) should be carried out not only in host countries, but also in origin countries.

In this regard, the Russian Federation is actively developing a partnership with the migration authorities of Tajikistan and Kyrgyzstan. Here projects were carried out on the basis of vocational training institutions in Dushanbe and in Osh<sup>58</sup>.

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<sup>56</sup> Независимая газета, № 223 (5709), 25.10.2012.

<sup>57</sup> Ястребова А.Ю. Международно-правовое регулирование миграции: эволюция, основы, иммиграционные приоритеты Российской Федерации и стран Европейского союза // Международное право и международные организации. 2012. N 1. С. 91 - 99.

<sup>58</sup> Татьяна Бажан. Адаптация и интеграция мигрантов - процесс двусторонний, <http://news.tj/ru/news/adaptatsiya-i-integratsiya-migrantov-protsess-dvustoronnij>

### III. EU-Russia cooperation on the migration issue

According to the Road Map on the Common Space of Freedom, Security and Justice<sup>59</sup> the parties agreed to support an efficient migration policy, *inter alia*: exchange information on migration management policies and best practices, and cooperate as might be appropriate in this field in relation to third countries; while developing an appropriate legislative framework for migration management etc.

In order to achieve these common aims in the immigration sphere the EU and Russia have to study the harmonization of immigrant legislation, in particular the provisions on integration.

Integration is a topic that might be considered as a sphere of common interests of EU and Russia. The parties could use each other's best practices in order to improve the internal policy in this field.

The problem of migrant integration is not a question of high priority in the framework of EU-Russia partnership. But, in order to provide more efficient cooperation freedom, security and justice the Parties should more actively cooperate in integration matters.

We can distinguish the following areas of EU-Russia cooperation.

#### *The Harmonization of legislation.*

The harmonization of the EU and Russian legislation is an important tool for the creation of a common area of freedom, security and justice.

In the framework of this activity EU and Russia might develop and implement common principles and standards on the reception of legal migrants and their integration into the host society. Harmonization could be realized at a bilateral and at a unilateral basis.

#### *Exchange of information and best practices.*

Taking into account the idea of a common space of freedom, security and justice, the EU and Russia should permanently exchange information and best practices on the expert level and within the framework of PPC (Permanent Partnership Council). Such exchange would promote more effective elaboration in internal legislation and its implementation.

#### *Participation in the common programs facilitating the integration of migrants.*

The programs on promoting the integration of migrants into host societies could be introduced within the existing EU-Russia financial mechanisms. Such measures will cover advice work and capacity-building, particularly in the fields of vocational training and access to employment, education and integration into the local community in the host country, not to mention access to health, and to housing<sup>60</sup>.

#### *Reception of some EU legal instruments in Russian domestic legislation.*

It is obvious, that the EU has more advanced experience in migrant's integration, than Russia. The reception of legislation is a permanent process, which takes place within EU-Russian relations since the establishment of the official relations.

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<sup>59</sup> Road Map on the Common Space of Freedom, Security and Justice. Approved on May 10, 2005 in Moscow by President of Russia Vladimir Putin, Prime Minister of Luxembourg Jean-Claude Juncker, President of the European Commission Jose Manuel Durao Barroso and European Union High Representative for Foreign Policy and Security Javier Solana. <http://archive.kremlin.ru/eng/text/docs/88030.shtml>

Татьяна Бажан. Адаптация и интеграция мигрантов - процесс двусторонний, <http://news.tj/ru/news/adaptatsiya-i-integratsiya-migrantov-protsess-dvustoronnij>

<sup>60</sup> Commission Communication of 3.12.2002 to the Council and European Parliament: Integrating migration issues in the European Union's relations with third countries COM (2002) 703 final.

In migrant integration the reception of legislation could be carried out by using some provisions from the EU law, as well from the EU Member States' domestic law.

First of all, this is relevant for many areas of integration policy: for example, the introduction of the language exams; special integration programs and integration courses for immigrants; the simplification of employment legislation; and the stimulation of legal employment: along with the creation of a system of defense the migrant's rights etc.

The EU has enjoyed a certain success in these areas, thus, they could be a good example for the Russian Federation. But in some countries this experience in integration might not be thought to be a positive.

Some EU countries (France, Belgium etc) have failed in their policy on integration. The current situation in these countries shows that the majority of immigrants do not want to be integrated into their host society. They prefer to live according to their national traditions, rejecting the culture of the host country. This situation does not correspond to the interests of the host society and creates a negative attitude towards immigrants.

These problems are not the result of the poor quality of legislation. Such problems are mostly caused by the absence of strict control on migrants' behavior from State and Society. European countries have long given migrants too much freedoms and they did not ban migrant traditions that contradict the host culture.

Over the last years the consequences of this problem have become apparent, and many EU Member States have new challenges, which have to be resolved with new instruments.

Unfortunately, at the moment Russia faces similar problems. Migrants, arriving in Russia from Central Asian countries are integrating into the Russian society only with great difficulty. In this context the sole difference between Russia and EU Member State is that in the EU migrants are firmly settled. However, they have not been integrated. In Russia the migrants are not integrated and they are not firmly settled.

This is why Russia and European Union have similar problems and challenges in terms of integration. It means, that Russia and the EU can use the same tools for solving existing problems. On the one hand Russia, can use the best EU practices in the integration field, taking into account mistakes made by EU countries. But the Parties have to develop the new instruments in order to better the integration policy, both in the European Union, and Russia.

## Conclusions

1. On the basis of this analysis of Russian legislation we can conclude that the Russian migration legislation does not contain special rules on integration. The legal regulation of this process is still being developed. Only soft law acts, like the Concept of the State Migration Policy of the Russian Federation have certain provisions on how to organize migrant integration.

The particular aspects of integration (access to work, access to medical assistance etc.) are being developed intensively

At the moment Russia is carrying out reform of its immigration legislation. One of the aims of this reform is to develop a systemized and structured policy on integration as a part of a state strategy on immigration.

2. An analysis of EU and Russian legislation in integration shows, that EU and Russia have different approaches in terms of regulation.

The EU establishes the framework for Member States which adopt the national rules and programs on migrant integration. National legislation should correspond to the common standards and principles, approved at the EU level.

Russia has a single legal system, migration legislation is a subject of Federal competence. So, the Federal authorities approve the rules which are directly applicable in all parts of Russia.

3. Russia and the European Union use the different approaches in immigration policy. Russia is considered a multinational state. Russia should, then, respect the traditions of all nations living in Russia. In some ways Russia feels responsible for the people living in the former Soviet Republics. That is why, taking into account the historical its history, Russia has a special attitude towards compatriots living abroad and CIS citizens.

In almost all spheres of immigration policy, including integration, the Federation uses two approaches towards immigrants: the first one for its “near abroad”, the second for its “far abroad”. These approaches are based on Russia’s history and might be considered justified.

4. The experience of the EU and EU Member States in terms of migrant integration could be used in elaborating a common policy migrant integration in Russia. But not all EU’s instruments are relevant to Russia, in other words Russia should not copy EU policy on integration, but only some parts of it. Russia has to take into account mistakes and failures in EU integration policy.
5. Integration policies both in the EU and Russia could not be characterized as being absolutely successful. EU and Russia have had certain failures in terms of migrant integration and most of these failures have been similar. That is why Russia and the EU have had to develop common tools in order to solve existing and future problems in immigrant integration.