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The Transformation of Russia's Migration Policy In 2005 – 2011

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Abstract

This article examines the conceptual changes in the foundation of state migration policy and its fundamental components: the legal basis, organizational foundations, as well as instruments for its implementation and financing. The author comes to the conclusion that the cardinal change in the course of migration policy undertaken in 2005-2006 that aimed at its liberalization, was inconsistent and accompanied by recoils. The reversibility of Russia's migration policy is largely defined by the lack of societal consensus regarding the country's development strategy and the fluctuating domestic political circumstances.

The Transformation Of Russia's Migration Policy In 2005 - 2011

Foundations for the regulation of migration processes were laid in the early 1990s, when the Federal Migration Service (FMS Russia) was set up, fundamental laws 'On the Right of Nationals of the Russian Federation to the Freedom of Movement, Choice of Place of Residence and Abode within the Russian Federation', 'On Refugees', 'On Forced Migrants' were adopted, and the Federal Migration Programme was accepted, financed by a separate budget line. In the second half of the 1990s, the formation of legislation regulating forced migration was completed (new editions of the laws 'On Forced Migrants' (1995) and 'On Refugees' (1997), and an instrument was elaborated for the implementation of migration policy as federal migration programmes.

In the 1990s, the fundamental priority of migration policy was the reception and settlement of forced migrants (whose inflow, incidentally, gradually lowered). In the early 2000s, the aims, objectives and priorities of state migration policy were revised, and migration policy was reoriented to a war on illegal migration. FMS Russia was transferred to the Ministry of Internal Affairs (MIA Russia), and the Institute of Federal Migration Programmes was liquidated. Migration policy became less transparent and predictable, and under the flag of a war, a war was waged on immigration as a whole; anti-migration propaganda was deployed.

By 2005, the inefficacy of the chosen course became apparent: the number of illegal migrants rose constantly, at the same time problems with demographic development became apparent, which to date the authorities have ignored.

The new course of migration policy and issues of realization

Having set the course toward the toughening of migration policy in late 2001/early 2002, in 2005, the President ensured its next 180-degree turn.

The ad-hoc decision to liberalize residence procedures for citizens of Ukraine in Russia (2004), and the extension of an identical regime for Russian nationals became the starting point for the u-turn in the Russian Federation's migration policy.

Having demonstrated its failure, the policy was revised in March 2005 when a decision was taken at the Security Council, headed by the President of Russia, on its liberalization and reorientation to attract immigrants.

The reforming of the migration policy affected three categories of migrants: temporarily employed migrants from CIS countries, whose access to the labour market and registration of residence was relaxed; immigrants for whom it was supposed to liberalize receiving a residence permit; and repatriates for whom privileges were envisaged upon repatriation. The new migration policy was called to simplify the arrival and settlement for immigrants arriving in Russia via these routes, to 'embroider' undecided legal and procedural issues.

In summer 2006, a corresponding package of federal laws were adopted: the Federal law 'On the Migration Record of Foreign Citizens and Stateless Persons in the Russian Federation' (Federal law 2006 a; Federal law 2006 b), and changes and additions were introduced to the federal law on stateless persons and the legal status of foreign citizens and stateless persons, and others. The state assistance programme for the voluntary resettlement of Russian nationals was approved (Presidential Decree 2006), and a new Concept for State Migration Policy was prepared (but not adopted).

The inconsistency of the new migration policy became apparent even before its implementation (from early 2007). Already in late 2006, ahead of the upcoming parliamentary and presidential elections, decisions were taken which ran counter to the articulated goals of the migration policy. (Autumn 2006,

after the escalation of relations with Georgia and inter-ethnic clashes in Kondopoga, measures were taken to squeeze foreigners out of Russian markets. In 2007, the quota for issuing foreign citizens with temporary resident permits was decreased in half, in comparison with 2006, and at the same time, this quota was extended to include individuals residing in Russia on a visa-free regime).

Implementation of the new policy ran into serious problems. The repatriation programme for Russian nationals, on which many hopes had been placed, virtually collapsed. Only in 2007-2009 it had been planned to accept 250,000 persons, however by March 31st, 2011, only 37,000 persons had arrived. It had been assumed that the repatriates would mainly go to eastern regions, but almost one third settled in the Kaliningrad region, and almost half – in the Central Federal District. It had been expected that families would go (average coefficient of a family – 4.0 persons), but incomplete families went with an average family of 2.14 (FMS Russia 2011).

The implementation of the programme to liberalize the access of guestworkers to the Russian labour market met with no fewer complications. The quota of work permits remained the most important instrument for regulating the labour market. However, it was reduced to 1.8 million permits already by 2008, compared to 6 million permits in 2007.

The quotas were particularly susceptible to domestic political circumstances: in 2008, before the onset of the crisis, they were exhausted by June 31st in the main receiving regions. In July, the quota reserve was distributed among the regions, but by September this had also been exhausted. The decision taken to increase it by 3.4 million people coincided with the crisis and Vladmir Putin expressed his wish to reduce this quota by 50%. The quota remained unchanged, however it could now be increased or reduced by 50%. Under pressure from the federal centre, which had coordinated the expenditure of subsidies to the regions with 'voluntary' reduction of quotas, the last regions were forced to reduce their quota proposals. In the end, quotas in Russia for 2009 were halved (in addition, in many regions quotas were exhausted already by September 2009).

The recoil from the designated course continues: at this already low level (1.8-1.9 million permits), quotas were established for 2010 and 2011. Finally, not formally departing from the letter of the law, the authorities significantly limited migrants' access to the procedure of receiving work permits.

The system of quotas, extremely imperfect, today forces out no less than half of the labour migrants in the 'shadow' economy.

Migration policy instruments

The main emphasis is placed on the regulation of immigration flows. Emigration from Russia is not regulated. (Firstly, for humanitarian reasons, and secondly, the issue of emigration has lost its topicality in recent times, that is, the scale of emigration has sharply reduced in comparison with the 1990s).[1]

Migration policy instruments are primarily oriented towards regulating the legal status of foreign citizens, their possibilities of movement, choice of place of residence and right of entry to the labour market.

[1] If in the 1990s, up to 100,000 persons emigrated annually from Russia, then in recent years, this figure is around 13-18,000 persons. Along certain traditional emigration destinations (Israel, Greece) a large-scale counter-migration has appeared. The 'brain drain', a surge which came in the early 1990s, has also lost its relevance. The labour migration of Russian citizens, particularly of defined contingents – sailors, project workers and others, is regulated to an insignificant degree.

Table 1. Fundamental means of regulation

Categories	Means of regulation	Comment
Labour migrants and temporary residents	Migration records	Annually 8.5-8.9 million foreigners are placed on the migration records
	Quota for temporary residence permits	In 2010, a quota of 160,000 permits was established
Labour migrants and temporary residents from countries with a visa-free regime	Quota for work permits	In 2010, a quota of 1.9 million permits was established, for 2011 – 1.8 million permits.
Labour migrants and temporary residents from countries with a visa regime	Quota of invitations issued for entry for work	In 2010, a quota of 611, 000 invitations was established.
Foreign citizens	Maximum acceptable norms of employment in certain employment areas	Since 2007, a ban on the employment of foreign citizens in certain types of trade has been in place.
Repatriates[2]	Stimulating resettlement to separate regions	Since 2010, 20 regions out of 83 have been included in the repatriation programme.
Refugees	Informal quota	20-25% of applicants will receive refugee status
Applicants for temporary asylum	Informal quota	30-35% of applicants will receive temporary asylum.

Residents who have a permanent residence permit, as opposed to those who have a temporary residence permit, do not need to obtain permission to work, and are also nearly unlimited in their choice of place of residence and place of work. In a similar fashion, refugees and persons who have received temporary asylum also have a varying set of rights.

An important component of migration policy is the policy of naturalization. The general procedure for granting Russian citizenship is quite strict, and assumes preliminary stages: residence on a temporary residence permit (3 years), residence on a residence permit (issued for five years). According to the simplified procedure, citizenship is granted to a series of categories of foreigners, primarily from CIS countries. (In particular, according to bilateral state agreements, to citizens from countries formerly belonging to the USSR who have served no less than three years in the Russian army, for major investors, students who have received education in Russia, and others). The strictness of Russian legislation is circumvented by the lack of obligation to fulfill it. Previously, 350-390,000 foreigners per year received Russian citizenship, of whom only 0.02 received citizenship according to the general procedure (2009).

From 2010 the procedure changed, which led to a significant reduction in the numbers receiving citizenship in the simplified regime. In 2010, 111,366 foreign citizens and stateless persons acquired citizenship of the Russian Federation, which is 71.7% lower than the level of 2009. The procedure for

[2] Currently a repatriation programme for highly qualified specialists from countries outside the former Soviet Union is being developed.

granting citizenship to migrants continues to be tightened: on 19th October 2011, the President of Russia signed a Decree, obliging migrants who have moved to Russia on the basis of international agreements on the simplification of acquiring citizenship, to present their resident permit on consideration of the question of receiving Russian citizenship.

To date, the majority of migration policy instruments are of a restrictive character.

Ideological flaws of the migration policy

The implementation of the new legislation revealed a series of unsolved issues, both in the laws themselves and in their enforcement. However, the most serious drawbacks of the new migration policy are connected with its ideological construction.

Firstly, taking into account public opinion which negatively views migrants of different ethnicities, the task to attract Russian nationals was set at the top of the agenda, although the migration potential of this contingent is limited and does not exceed 6-7 million persons.

Secondly, a paternalistic approach is prevalent: it is expected that favourable conditions will be created for repatriates: relocation paid for, working places created, infrastructure, accommodation built etc.

Thirdly, it is assumed that repatriates will head for regions which are losing population – the Far East, Siberia. Taking into account that the majority of potential immigrant-repatriates reside in Central Asia, in different natural and climate conditions, the ephemerality of this undertaking is clear.

Fourthly, attracting qualified specialists from abroad is declared a priority – when the Russian economy is experiencing a demand for non-qualified and very highly qualified employees.

Fifthly, the ideology of the new migration policy results from a non-obvious premise, that migrants from CIS countries do not have anywhere else to go, that Russia for them is the only possible destination and that it will always be this way. Russia's attractiveness is not only due to the fact that there is work and the possibility of earning, but also knowledge by the migrants of the language of the receiving population and Russian reality, a commonness of traditions and culture, still in place fifteen years after the fall of the USSR in the presence of links with relatives, and communication. However, such a favourable situation is not eternal: competition for working hands is growing. If today only Kazakhstan presents competition for Russia within the post-soviet space, in the coming years it will be necessary to compete with Ukraine or Azerbaijan.

However, the most serious drawback of the new migration policy is connected with its 'soviet' ideology, the conviction in the limitless possibilities of regulating migration flows.

The technocratic conviction that it is possible to make known the demand for working hands in one or another region (and even in a cross-section of specialities), and the problems will be solved, is incomprehensible. Both the selection system of repatriates, just like the quota system for work permits for 'guestworkers', are permeated with a 'state-planning' approach.

The federal centre arrogantly ignores the interests of the regions, the receiving population of these territories, the employers and the migrants themselves. The starkest demonstration of the seriousness of the challenges and threats, stemming as a result of the interests of various actors of migration policies being ignored, is the implementation of repatriation programmes, which have, in effect, collapsed.

The repatriation programme intends that the federal centre takes on itself a minimum of responsibilities: to cover travel expenses, to pay state tax for document registration, to cover relocation expenses, and to pay a monthly allowance in the absence of work. Such 'trivial' matters as social support, job placement, ensuring accommodation for those repatriated, should be implemented within the framework of the regional programmes.

The regional authorities relatively quickly realized the negative social consequences of the implementation of the repatriation programme according to the scenario proposed to the Federal centres, under which an escalation of tension was inevitable between the authorities and the regional population, as well as between the local inhabitants and those newly arrived. Having realized the imminent unpleasant situations, the regions began to torpedo the regional repatriation programmes in various ways.

The problem does not lie in money, not so much even in organization, and not in the overly high expectations from its implementation – the main problem is the lack of mechanisms of agreement for taking into account the interests of the state, the regions[3], the receiving population, and the repatriates.

Possible changes to the migration policy

Some progress was noted in 2010. Firstly, licensing for labour migrants employed by individuals was introduced, which allowed 516,000 migrants to be legalized in January-July 2011. Another area, also successfully implemented since 2010, is the solution to the problem of attracting highly-qualified specialists, granting them resident permits according to the simplified procedure. Thirdly, work finished on the first version of the project Concept for State Migration Policy of the Russian Federation to 2025.

Discussion of the Concept project in 2011 demonstrated that there is no unity among specialists or among society on how migration policy should be implemented in the coming years. Which is completely explainable: there is no consensus in society regarding the strategy of Russia's long-term development or the objectives which migration policy should be addressing.

According to one point of view, Russia should develop based on the Russian/orthodox culture nucleus. Supporters of this position, concerned about the social and ethno-religious consequences of migration, are supporters of the inflow of immigrants being strictly regulated.

An alternative position: Russia will not cope without immigrants due to its long-term demographic, economic, and political interests. The reduction in the size of labour resources is particularly significant: according to predictions from the Federal Agency of Statistics, between 2011 and 2017 the size of the working-age population will reduce each year by more than 1 million persons (Rosstat 2009).

The authorities' awareness of these imminent challenges stimulates them to adopt the Concept project, in which it is declared that Russia is becoming an immigration country. Most likely, Russia is on the brink of a new stage in migration policy. However, in view of the imminent parliamentary elections in December, the adoption of the Concept this year is hardly possible. Consequently, it will be put off at least until spring 2012, along with the articulation of a new course of migration policy.

Conclusion

The change in migration policy in late 2005 and early 2006, due to its inefficacy in the early 2000s and the worsening problems of demographic development, was not systematic. The tendency toward domestic political fluctuation and the country's undefined development strategy define its inconsistency and reversibility.

[3] The only concession to the regions is that they have the final decision on admitting an applicant into the Programme.

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