

**TRANSFORMATION OF MIGRATION PATTERNS IN
POST-SOVIET SPACE:
RUSSIAN NEW MIGRATION POLICY OF “OPEN DOORS”
AND ITS EFFECT ON EUROPEAN MIGRATION FLOWS**

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Abstract: The presented paper gives the analysis of migration patterns of CIS countries and their interrelations with migration policies of Russia from the time of dissolution of USSR. The migration processes for last 15 years in post Soviet space are developing in the connection with transformation of Russia Federation national and migration policy. Russia still is the main attractive country for CIS countries. The legal norms were introduced in Russia from 2001 to 2006 years (new Laws on citizenship, on foreign residents, on migrants registration and on regulation of labor migrants activities) converted many of internal and external migrants into irregular or semi-irregular. The restrictive migration policy of Russia pushed migrants mainly to ‘shadow’ economy. This restrictive migration policy has reduced migration flows from FSU countries to Russia and reoriented them toward the Western countries. Unfavorable demographic situation in Russia, the growth of competition for migrants cheap labor with Kazakhstan and Byelorussia and tremendous shortage of labor force lead Russian government to unprecedented steps – to introduce new migration policy of ‘open doors’ from 2007. This policy undoubtedly will influence migration flows from East Europe to the West. How the new liberalization in migration policy will influence the migration behavior in ‘near abroad?’ Does it affect migration inflows to Europe from the East? The paper gives the analysis of the first results of new migration policy in the context of migration processes on post-soviet space.

Keywords: labor migrants, migration policy, irregular migration

INTRODUCTION

To get a proper grasp of migration processes and policies in Russia one should take into consideration the fact that for more than 70 years two migration systems existed in the vast territory of Europe: the West European system and the former Soviet countries’ system. The Central European countries enjoyed a greater degree of freedom. They were a kind of buffer zone between the Western and Eastern countries.

As the socialist system collapsed and the iron curtain ceased to exist, all former Soviet Union countries became participants of international migration movements.

Many of previous internal migrations during the Soviet era became external due to changes in national borders after the collapse. Russia continues to be the main attraction for most post-Soviet countries, with the exception of the Baltic States. The CIS countries form the periphery of this system, with eighty percent of movements inside CIS countries' boundaries. (Ivakhnyuk 2005). The metropolitan region together with Moscow is the core attractive place for CIS migrants and at least 50% of Russian and CIS migrants go there.

CIS countries' systems relations have retained their efficacy due to the common free-visa area of Russia and the major part of former Soviet states. This is in large part due to the existence of kinship, common language of communication (Russian), transportation system, and educational system. An ever-increasing number of people are involved in international migration beyond the former Soviet boundaries. Currently Russia has a visa regime with 5 out of 15 former Soviet countries.¹

Upon the disintegration of the USSR the system is gradually decaying (Zaionchkovskaya 2005; Ivakhnyuk 2005). In contrast to the CIS migration system, the West European migration system reinforces its positions and provides for coherence of the EC elements through common legislative and institutional forms. The West European system draws more and more Central European countries into its orbit.

Migration processes have undergone certain changes in the 15 years that elapsed after the disintegration of the USSR. Logically, migration policies have undergone changes, too. In order to understand Russia's new migration policy it is necessary to make a short excursion into some demographic processes and their relation toward the creation of migration policy after the disintegration of the USSR. Migrants to the new 'open doors' policy adopted in beginning of 2007 have been hailed as a 'revolution in migration'. Nowadays Russia is taking just the first steps in this direction. But these steps were the consequences of a previous migration policy development.

MIGRATION TRENDS AND PECULIARITIES OF MIGRATION POLICY, 1991–2007

Experts distinguish several main periods of migration trends and peculiarities of migration policy since 1991. It is necessary to dwell upon them a bit in order to grasp the current stage (Mukomel 2005; *Analytic Report* 2005; Molodikova 2005).

The first period (1991–1996): *Development of laws, conceptions of migration policy, and institutions of migration processes management and mechanisms of migration policy implementation in Russia as new independent state.*

This was the period of the collapse of the Soviet Union. The dramatic change brought with it, among other things local wars on the periphery, an increase of outer migration, flows of populations of forced migrants, and contraction of internal migration. The top priority for migrants was re-settlement. These migrants were largely ethnic Russians. The number of Russians residing in other Soviet republics at

¹ Baltic States (Lithuania, Estonia and Latvia), Georgia and Turkmenistan.

the time of the Soviet Union's disintegration was approximately 25 million. The principal flow consisted of forced migrants. The Federal Migration Service (FMS) was established and the first Federal program 'Migration' was enacted. The principal aim of migration policy at that time was a provision of help for forced migrants and their settlement. The main laws "On Citizenship", "On Refugees", "On Border", "On Forced resettles" and some others were enacted and came into force.

Countries of 'forced migrants' origin recorded in Russia from 1992 to 1997 were as follows: 67% of ethnic Russians from Central Asia, 59.1% from the Caucasus, 9.9% from Ukraine, 4.8% from the Baltic States, 0.7% from Belarus (*Chislennost Naselenia* 1993, 1994, 1995, 1996, 1997, 1998). The outflow of ethnic Germans, Jews went predominantly to Germany, Israel and the USA.

The second period (1997–2000): *A period of migration policy improvement and refinement of purposes and tasks.*

At that time, Russia was the major attraction for refugees. The main legal norms for migration of that time aimed at the improvement of the condition of forced migrants and internally displaced people. One may say that by the end of the 1990s Russia had established a system of migration processes management. This system accumulated a vast experience of legal and program support of migration policy.

After 1997, forced migration receded, and conflicts were relatively frozen. Gradually, as life normalized, the growth of labor migration, largely of the illegal kind, existed. The orientation to re-settlement was also decreasing.

The ethnic composition of labor migrants was different from the repatriation flow. The major official participants from CIS countries were: Ukraine – 81%, Belarus – 9.1%, and Moldova – 6.4%. The far abroad share was mainly from Turkey.

During this period, the weakening of borders led to the growth of migrants, mainly illegal and transit, from Third World countries, concentrating mainly in Ukraine and Belarus. Of the total number of transit migrants in Russia 60% went through Tajikistan, 35% through Turkmenistan, 15% through Uzbekistan and 10% through Kazakhstan (Labor Migration, 2005). From 1996 to 2000, the number of illegal migrants arrested on the border increased tenfold (Vorobieba 2001).

The third period (2001–2005): *Threats of terrorism and changes of government leaders switched the political line of the country toward a tightening of migration control.*

The Federal Migration Service was abolished, and its responsibilities were transferred to the Ministry of Interior. The main efforts were intended to begin to grapple with and prevent illegal migration. The events of September 11, 2001 put migration processes among possible threats to CIS countries' national security. Therefore, the strengthening of migration regulations in all CIS countries was observed. Programs of resettlement were actually curtailed. Illegal labor migration flows exceeded the official resettlement flow, as well as the officially registered licensed labor migrants flow. The passing of new laws 'On citizenship' and 'On Foreigners' status,' supplemented with Presidential Decrees and Resolutions of the Government, posed impracticable conditions for their enforcement. The strengthening

of Russia's migration policy, the upsurge of corruption and exactions from migrants, led to a reorientation on the part of migrants, especially from CIS countries adjacent to the EC, and towards the West (Moshnyaga 2005). The steady decrease of migration flow in Russia in combination with the demographic crisis led to one of the highest rates of Russia's population decrease, largely due to natural depopulation. About 40% of big enterprises have shortage of labor forces (*Analytic Report* 2005). This situation in combination with inefficient policies against illegal migrants prompted the government of Russia to pass a whole package of documents that changed the national policy from the prevention of migrants to the new 'open doors' policy.

The fourth period (from 2007 onwards): *new migration policy of liberalization for migrants from neighboring countries.*

The package of Federal Laws was adopted in summer 2006 and come into force on the 15th of January, 2007. The liberalization of migration laws affected three categories of migrants: temporary labor migrants from CIS countries with free-visa regime; immigrants for resettlement and compatriots. The institute of registration at place of residence, which existed since 1931, was actually abolished. According to the government, the initiative intends to change the demographic situation. The program has to give an opportunity to get labor permission for 6 million migrants from the former Soviet Union countries that have free visa movement with Russia. It is also expected that 300,000 migrants for this year from "far abroad" and some CIS countries that have visa agreements with Russia (including Georgia, Turkmenistan, China and Vietnam) would come to the country.

A program for compatriot resettlement (in 12 regions of Russia) is the next step in the campaign of migrant attraction. The program aims at attracting 300 thousand people and their settlement by 2012. (The RF Presidential Decree of June 22, 2006 'On measures for the facilitation of voluntary resettlement of compatriots living abroad in the Russian Federation' is the starting point of this sub-stage).

To understand such a reverse from strict migration policy on the decrease of migrant inflow to the new migration policy of "open doors" it is necessary to get a more detailed understanding of the restrictive migration policy's failure in 2001–2005 and of the context in which the policy emerged with special reference to society, government, and migrants.

CREATION OF STRICT MIGRATION POLICY

By end of 2000 Russia was the greatest market attracting CIS labor migrants. Estimates of migrants (largely illegal migrants) varied from 3–4 million to 13 million people. It should be emphasized that illegal migration prevails over the legal one several times according to the data of the Federal Migration Service (FMS). The attractiveness of Russia as a place for resettlement fell already by the late 1990s but as a market of employment created by no-visa entry possibilities and higher wages Russia still had a great importance.

The radical turn in migration policy towards closing the country from resettlement and strengthening of the struggle against the illegal migration had occurred after September 11, 2001, when the country was struck with the fear of terrorism. The very system of migration processes control and management and the basic documents, laws 'On Citizenship' and 'On Foreigners', which were introduced in 2002 with all Decrees, Regulations and by-laws required for their implementation demonstrated the authorities' willingness to pursue a tough anti-migration line. Nevertheless, the first steps for the change of the direction of migration policy had been investigated much earlier. A short chronicle of events is the obvious evidence of consistent stiffening of the line by the government. Perhaps, the change of leadership (from Yeltsin to Putin presidency) and the new state leader contributed to the formation of the new approach with heavy reliance on the means of enforcement.²

From 2000 to 2002 the Russian government abolished the Federal Migration Service as an independent structure, withdrew from the Bishkek Agreement on free-visa movement of CIS citizens. It introduced visa with Georgia, abolished the Governmental Commission for migration policy, rejected the fourth Federal migration program for 2002–2004³, and thus demonstrated that it was not going to fund the old line aimed at the resettlement of forced migrants. It initiated the creation of a network of migration inspectorates to suppress illegal migration. Such inspectorates were established in some regions, for example, in Moscow as a place where the greatest number of illegal migrants was concentrated.

The terrorist attack of September 11, 2001, on the USA seen against the background of the endless conflict in Chechnya undoubtedly contributed to the final turn of the government course. In the face of such menace, a month after the above-mentioned attack, the functions of migration control and migration policy were divided among the Ministry of Interior, Ministry for Foreign Affairs and the Ministry for Economic Development. After the events of September 11, 2001, security problems acquired prominence not only in the world but also in all CIS countries while migration was considered to be one of the sources of threat to security (Vitkovskaya and Panarin 2000). Ukraine reorganized its border guard and reinforced control along its eastern frontier with Russia, Uzbekistan laid mines along its border with Tajikistan and Kyrgyzstan. The Central European countries introduced a visa system in respect of CIS countries.

In February 2002, the new FMS was created on the basis of the Presidential Decree, this time as part of the Ministry of Interior. Its principal purposes were prevention and suppression of illegal migration. Therefore, the prime index in the Ministry of Interior reports was a number of prevented law violations. This factor was also applied to migrants. "Under these circumstances the Federal Migration Program with its inherent transparency and predictability has become a burden for the executive authorities" (quoted from. Mukomel 2005: 143). Thus, the organization the principal purpose of which over the Soviet period and later on, over the period of Russia's independent

2 Vladimir Putin was acting president since 2000.

3 For the period from 1991 to 2001 there were three Migration Programs. The first in 1994–1995, the second in 1996–1997, and the third in 1998–2000.

existence was prevention and suppression of the violations of the law began its activities on its own assumptions about migrants as potential lawbreakers.

It should be said that the Ministry of Interior was unprepared to deal with particularities of such work and had no understanding of the scale of the phenomenon of migration it had to face. Police personnel had no idea about work with migrants, about foreign experience and about specifics of migration laws. At that moment of all the 50 institutions of higher education of the Ministry of Interior a course on refugees was taught only in one institute and a course on migration laws was taught in another institute.

The new FMS, as a subdivision of Ministry of Interior, neither hastened to establish contacts with NGOs that by that time already accumulated a rich work experience with migrants, nor it relied on the academics and civil society institutions. That had the negative impact on the situation of migrants because the tough new migration policy did not correspond to the tasks of the social, economic, and demographic development of the country.

This situation was aggravated by the fact that the Russian laws remain a mixture of the USSR laws and the new Russian ones. The passing of new laws is often dragged on which brings deplorable consequences. It holds true particularly for migration policy. The passing of two new main laws 'On Citizenship' and 'On Foreigners' in 2002, and the ways of their implementation defined by Decrees of the RF President and the RF Government Regulations in many instances shaped migration processes since 2002 of the last 5 years as well as the number of illegal migrants and their condition in Russia. Therefore, these events have changed the Russian society itself.

LAWS AS SOURCES OF ILLEGAL MIGRATION AND CORRUPTION.

The roots of the new migration problems can be traced back to the Soviet times. One of the first laws passed after the disintegration of the USSR was the law 'On citizenship' in November 1991⁴. The law set a deadline for a simplified procedure of acquiring the Russian citizenship for several years (prior to 1996 the deadline was repeatedly extended). The last amendment permitted to choose citizenship up to the end of 2000. However, the law 'On Foreigners'⁵ remained unmodified and was in force in its version of 1981, even though this version obviously did not match the situation after disintegration of the USSR. The new law was passed only in October 2002. A contradictory situation emerged because basic legal acts intended to regulate migration in Russia were inconsistent with each other.

Prior to passing of the new law 'On Citizenship' any citizen who was born on the territory of the former USSR before its collapse and enjoyed USSR citizenship at the moment of collapse (people did not abandon their USSR passports and did not exchange them for republican passports) could move to Russia and settle there with the USSR passport (people did not abandon their USSR passports and did not exchange

4 Law 'On Citizenship' of RSFSR on 28 November 1991.

5 Law of USSR 5152-X on 'On Foreigners' of 1981.

them for republican passports). If a person did not lay claim to the status of forced migrant or a refugee⁶ and was able to rent or purchase housing (there were no restrictions on such deals) or get registration at his relatives' or friends' accommodation as a citizen of the former USSR such a person was not a foreigner according the law. People received pensions, earned and got medical help. Bilateral agreements on co-operation in the sphere of labor migration and social protection of migrants and medical assistance were concluded within the CIS framework since 1992. Similar bilateral intergovernmental agreements between CIS countries were signed. These were supplemented by interagency agreements adding details to the intergovernmental agreements. These agreements allowed people who moved to Russia to live with the former USSR passports and some address registration.

The new version of law 'On Citizenship' that made the process of citizenship acquisition more stringent was passed only in May 2002. According this new version of law, the citizens of the former USSR were made equal to foreigners. The introduction of this law was made with no adequate information support. Therefore, many people were unaware of the necessity to change their status prior to the enactment of the law. About 3 million people who for long time had lived on the territory of Russia without residence permits, were turned into illegal migrants in a flash. Before 2002 about 300,000–400,000 people obtained the Russian citizenship annually. In the first half of 2003 merely 213 persons obtained the citizenship. The drastic reduction of new citizens' numbers was explained by the fact that before a person could obtain the Russian citizenship he or she had to obtain a residence permit. According to the new law a migrant had to reside in Russia from 1 to 8 years.⁷

The situation with 3 million illegal people was widely criticized by the media, parliament and governmental opposition parties and due to its extreme unpopularity and negative opinion of the population and deputies the law was modified by the President's Resolution of October 14, 2003 (several months before governmental elections). Modifications improved the acuteness of the problem and allowed some categories of settlers to obtain citizenship in a simplified way, however, upon the condition that they had been registered or obtained residence permits before June 21, 2002. Some indulgence was granted to the military and participants of WWII. Nevertheless, the status of about 1 million people is still unregulated because the replacement of Soviet passports with Russian passports was started simultaneously with the enactment of the new laws 'On Citizenship' and 'On Foreigners'. Now these people have passport of a non-existent country and cannot change them for new ones and legalize themselves.

The only positive feature of the new law is that it offers some advantages to persons who are not citizens of CIS and Baltic States to obtain citizenship upon graduation from an institute of higher education provided the person has found a job. This feature is in the tideway of the West European trends aiming at attracting highly skilled professionals.

6 For the forced migrants Russia has special legislation (regulation): Laws 'On Refugees', 'On Forced resettled' and other special legal norms which clarify the opportunity of forced migrants to get some state assistance.

7 Rossiiskaya Gazeta, Federal issue N 3345 on 14.11.2003.
www.rg.printable/2003/11/14grazdanstvo.htm

An even more contradictory situation emerged after the adoption of the new legal documents connected with the law 'On Foreigners'. All former Soviet Union migrants became foreigners and had to register for 3 days with a new Migration Card. For work opportunities, they had to get work permit based on employer application, which was also very complicated. A migrant falls into a trap. On one hand, there is no-visa area and freedom of movement between Russia and majority of the CIS, on the other hand, it is virtually impossible to register officially and get employment.

The procedure of mandatory registration has turned into enormous problem, which many migrants were unable to resolve. That was connected, first of all with the complexity of registration at a place of residence. If an employer did not register a migrant at his own accommodation, the migrant was dependent on possibilities to find any accommodation or at least an address of his alleged stay.

The procedure of registration at the place of residence was so difficult that one of five migrants who had no registration failed to obtain it because he could not find a landlord who would agree to register him. Therefore, places of registration and of actual residence in the majority of cases did not coincide. That brought registration as a system to naught (Zainochkovskaya and Mkrtchyan 2007).

Essentially paradox of the situation was created by the fact that freedom of movement for Russian citizens was the same as it was for foreigners according to the registration procedure, after the law "On Foreigners" together with all the relevant regulations was adopted. Except for just two documents required for registration of foreigners, i.e. migration card⁸ and health certificate attesting absence of dangerous diseases. Bureaucratization of registration process and sheer impossibility to grasp all its cobwebs open wide opportunities for corruption.

REGISTRATION PROCESS AS SOURCE OF ILLEGAL MIGRANTS

Surveys of migrants in regional centers of Russia carried out in 8 cities with 1185 respondents in 2004 (Zainochkovskaya–Mkrtchyan 2007: 20) demonstrated the problems migrants faced during registration:

1. Long queues at the passport registration office (40%);
2. Necessity to visit many authorities to gather the required papers (33%);
3. Deliberate delays in paper work asking for bribes (15%);
4. Contradictory information on rules of registration or impossibility to get such information at all (12%).

The three-day deadline established for registration by Ministry of Interior bodies made the whole procedure impossible. A mere 7% of migrants were able to execute documents within this term. If they were unable to do that in the prescribed term they became illegal migrants and any police officer who might meet them enjoyed the right

⁸ Migration card is the document with two parts, both have to be filled before passing the RF border. One part the border guard takes, the other with the stamp of border passing place migrant had to take for registration.

to arrest or fine them and even deport them in case of repeated violations. Therefore migrants had few options. They had either to avoid registration and pay off police or to purchase fake registration through intermediary companies that lavishly decorated all lampposts with their ads. Such companies provided migration cards for about 200 roubles (approximate equivalent of 7 USD) and spent money on bribes paid to officials at housing agencies and passport desks. It was a frequent case.

The FMS slowly realized the impossibility of registration within 3 days and since 2003 some improvements have been made, and the period set for registration was extended to one month and again in 2004 the registration period for citizens of Ukraine, Tajikistan and Moldova was extended to three months. Citizens of Belarus, a country constituting a single economic area with Russia, enjoyed the same registration rights as the citizens of Russia (90 days opportunity for registration).

The law 'On Foreigners' and some supplementary regulations established the 'employer-employee' relationship system, which presumed the employer's initiative and authorization by the state. Only an employer could initiate the procedure and obtain permit to draw in foreign labor. In this case an employer had to pay security for an employee. This amount was to be repaid upon a migrant's departure. A migrant on his/her own cannot change his/her job and employer. It would create the prerequisites for discrimination in labor conditions (Tyuryukanova 2006). Quotas on jobs and work permits were introduced for employers on a regional basis. Specific quotas on jobs are defined annually for every of 89 constituent parts of the RF. (Ivakhnyuk 2005). Thus an employer has to submit his requests for labor well in advance. It created the problem of time required to get a permit and instigated a desire to evade these requirements amongst employers. Measures aimed at the elimination of illegal migration on the basis of punitive penalties in respect of employers (a small penalty) and migrants (deportation) proved to be ineffective because distances in Russia are enormous. The regional authorities have no budget to carry out massive deportations while the transparency of borders and no-visa regimes allowed migrants to come back to Russia immediately after deportation.

Life has demonstrated the inefficiency of punitive actions and policy stiffening. In 2003 45 thousand foreigners and stateless persons were expelled from Russia and 1.5 million people were brought to administrative responsibility for violation of migration regulations (i.e. penalties). (Mukomel 2005). The police simulated activity while in fact it lived on this illegal field. Employers, minor as well as major companies also profited from the situation of lawlessness and the actual slavery of millions of labor migrants.

As early as in 2005 the FMS started to consider possibilities to implement a program of legalization (amnesty) of labor migrants and carried on a pilot stage of legalization. In the course of this stage 7 thousand of illegal migrants were legalized (Tyuryukanova 2006: 51). However, the rejection of this approach was probably connected to a great mistrust in the authorities. People were afraid of police and did not go to legalize their status while efforts made by special police force detachments deterred people even more.

The FMS director K. Romodanovski confessed to the well known human rights activist, the chairperson of the Union of Resettlement organizations L. Grafova: "How

is it possible to change the punitive mentality of our officers? This is the thought which visits me as I wake up every morning and as I fall asleep every night.”⁹

The fivefold increase of registered labor migrants' proportion in just 7 years is undoubtedly positive but this proportion is still small against the background of the estimated data. The composition and structure of labor migrants (official data of the FMS) demonstrate that the ratio is approximately 50–50 (53% of migrants came from the CIS: Ukraine, Uzbekistan and Tajikistan, and 47% came from 'distant' foreign countries). At the same time estimates of illegal migrants show that migrants from distant foreign countries comprise a mere 25% of the total number and mainly illegal migrants were from CIS countries. Labor migrants. Migrants are employed predominantly in construction (40%), commerce and trade on markets (30%), industry (10%), and municipal services (20%) (Mukomel 2005; World Bank 2007).

The restriction migration policy from 2001 to 2006¹⁰ did not help but even more deteriorated the situation, because many internal and external migrants became irregular and were pushed mainly to the 'shadow economy' (75% of migrants did not have work permit and 50% did not have legal residence permit). Because of this situation 30% of them have experiences of one or another form of exploitation or violence, tantamount to different forms of slavery. According the survey of 2003 80% of migrants did not have written contract with their employer; 75% of migrants did not have work permits; 50% of migrants did not have legal residence permits. Therefore about 3/4 of migrant labor is in the 'shadow economy'. (*Forced Labour 2003*)

Despite all efforts of the FMS and the police the situation with illegal migrants did not change. If in 2000 the number of illegal migrants was estimated at about 1 million (*Analytical Report 2005: 75*) while the number of officially registered migrants did not exceed 200,000 people¹¹ by the end of 2006. K. Romodanovski, the chief of the Federal Migration Service (FMS) of Russia in an interview pointed out that the total number of legal labor migrants in 2005 was 702,500 people, in 2006 was 1,300, 000 people while, according the FMS estimates, the total number of illegal migrants staying in the RF was 10,200,000 persons. (Yastrebova 2007) Thus, six years of fierce struggle resulted in tenfold increase as legal and illegal migrant numbers.

COMPETITION OF CIS COUNTRIES FOR LABOUR RESOURCES

This restrictive migration policy has reduced migration flows from the FSU countries to Russia and reoriented them toward the Western countries and other new centers of attraction of labor migrants (Kazakhstan, Byelorussia). The CIS countries have started to gradually revive their economies from the end the 1990s (after the economic crisis of 1998 and the freezing of military conflicts in the region). The average income and quality of life disparities are gradually narrowing between these

9 Lidia Grafova. Ochered v Rossiiyu (The queue to Russia). *Russian Gazette*, February 14, 2007, .

10 New Laws 'On citizenship', 'On Foreigners', 'On migrants' registration and on the regulation of labor migrants' activities', new articles were added to Criminal Code of the Russian Federation 'On the organization of irregular migration' which had to reduce the number of irregular migrants in Russia.

11 Statistics of the Federal Migration Service (FMS).

countries and Russia. That is why Russia's attractiveness as a preferred labor market for migrants is declining. Important factors play a role in this reorientation of migrant workers to other countries such as the level of criminality, constant police hassling and inability to find legal work. As a result of these changes migrants from Central Asia are increasingly looking at Kazakhstan as a potential destination and Kazakhstan is increasingly competing with Russia for these labor resources. Kazakhstan has experienced a rapid industrial development over the last few years and is facing labor shortages.

In fact Kazakhstan is becoming Russia's main competitor for attracting labor from Central Asia. Experts believe that the number of unregistered labor migrants to Kazakhstan was around 300–500 thousand to 1 million in 2004–2005. Registered foreign labor in Kazakhstan has grown by 12.8 times from 1993 on and was around 25 thousand people in 2005 (most of the migrants came from Turkey, China, Russia, USA and the UK). But according to the Kirgiz embassy, in 2003 around 100 thousand Kirgiz people were working in Kazakhstan. Expert estimates, however, are higher and are at around 220–500 thousand. Around 235 thousand people have been going to Kazakhstan for paid work from Uzbekistan, especially to the south of the country to the tobacco plantations (Sadivskaya 2006). From Tajikistan around 50 thousand people went to work in Kazakhstan. (*Labour Migration...* 2005; Back and Olimova 2003).

Ukraine is also starting to strengthen its position in competing for migrant labor, despite the fact that it is itself one of the biggest suppliers of labor migrants for Europe (from 2–3 to 6 million people). A shortage of labor is also felt in Ukraine. According to a statement of the Ukrainian president Yushchenko¹² the country is also receiving illegal migrants from other countries, about 30 thousand people. From the year 2005 on both Ukraine and Kazakhstan had a positive net migration indicating that these countries are attractive destinations for migrants, although both countries are losing population due to the negative natural population due to natural population decline.

Another competitor of Russia is Belorussia. The net migration in Belorussia was positive during all the years of its independence. Officially, around 300 thousand Belorussians work abroad, while annually around 100 thousand people arrive to work in the country (according to Migration Committee data). However, the outward illegal migration is estimated to be around 1.3–1.5 million people. The major destination for migrant Belorussians is Russia. It is difficult to judge the exact number of migrants to Russia because Russia and Belorussia have a common economic territory. Overall, Belorussia's attractiveness is increasing among migrants from the CIS especially from Moldova (Shakhotko 2004; Molodikova 2005).

The countries of the European Union are increasingly gaining importance in competing for labour resources with Russia. Russia still remains a preferred destination due to its no-visa requirements for many CIS countries. For example, 42.4% of Ukrainian migrants went to Russia, 17.1% to Poland, 17% to the Czech Republic, 8% to Slovakia and 4% to Hungary. While for Moldovan migrants Russia is

12 RG.ru www.demoscope.ru/ 17 January 2007.

still the primary destination, more and more people are moving to far abroad – especially to Western Europe (Malinovskaja 2005).

DEMOGRAPHIC CRISIS IN RUSSIA AND THE NEW MIGRATION POLICY

Undoubtedly, the demographic crisis, which Russia cannot resolve, has helped the introduction of the new migration policy. Russia has been losing population from 1992 on at an ever increasing rate. The census of 2002 has shown that in 10 years the country lost 3.1 million people and during the two following years an additional 1.7 million. Russia is one of the countries with the worst demographic conditions together with Ukraine, the Baltic States, Bulgaria and Romania. However, between 1989 and 2002 Russia has experienced the migration inflow of 5.6 million people. But due to the large natural population decline of 7.4 million between 1989 and 2002 migration did not overcome the negative demographic trend, although the net migration did counterbalance 75% of it (Zajonchkovskaya 2007).

The demographic forecasts are very pessimistic and put the country's future and security under threat due to depopulation. Towards the mid-century the Russian population could shrink to 100 million assuming no migration but some improvement in birth rate (according to the UN). While the extrapolation of the current birth and death rates even predicts a population of 80 million (forecast of Demographic Centre on human ecology INP RAN) (Population of Russia, 2002). Therefore, Russian experts believe that the threat of continuing depopulation is both serious and real for Russia.

The depopulation processes are already affecting the economically active population, which is starting to shrink from the beginning of 2007. According to the Demographics Centre this decline can reach over 1 million people per annum from 2010 to 2018, leading to the natural decline of the economically active population by 18 million up to 2026. Currently the labor force is 67 million – and this decline would mean a 30% reduction in the labor force and could lead to the economic collapse of the country. Overall, the failures of migration policy between 2000 and 2006, the difficult demographic situation and the increasing demand for labor as a result of economic growth have all led to the adoption of the new migration policy (Zajonchkovskaya et al. 2007).

However, the increasing competition for cheap migrant labor with Kazakhstan and Belorussia and the tremendous shortage of labor force (40% of big enterprises in Russia suffered a shortage of labour) has led the Russian government to unprecedented steps – to introduce a new migration policy of “open doors” from 2007 on. This new policy will allow around 6 million labor migrants per annum to come and work in Russia from “near abroad”¹³ and 300,000 from “far abroad”¹⁴.

13 “Near abroad” are former USSR Republics.

14 “Far abroad” are the other countries.

THE NEW MIGRATION POLICY OF “OPEN DOORS” OR ATTEMPTS AT AMNESTY FOR ILLEGAL MIGRANTS?

Since January 15, 2007, the Russian government policy has shifted from prohibition and control to ‘open doors’ and trust. A number of interesting questions emerge when we seriously consider this policy. What are the implications of the implementation of a liberal migration policy? What aims do they support? What is its effectiveness and possibilities for control? What are the immediate results of this policy? How will the new liberalization in migration policy influence the migration behavior in the ‘near abroad’? Will it affect migration inflows to Europe from the East? The opinion of experts, media, and the federal migration services highlight the achievements of this policy and the new problems associated with it. This policy will undoubtedly influence migration flows from Eastern Europe to West Europe. During the second half of 2006, the Russian government accepted a series of new laws. These laws guide Russian migration policy in three directions. These new laws reflect the views of the Russian government, or of some politicians, who should come to Russia and where they should work and live.

The main directions of new policy are:

First direction – Program for attracting compatriots and proposed the resettlement of up to 1 million migrants per year up to 2012 in 12 regions of Russia;

Second direction – Labor migrants’ legalization and invitation;

Third direction – liberalization of procedure for application and residence permit.

Let us look at each of these directions in depth, consider their aims, and expected results.

Compatriots policy: Order of the President of the Russian Federation from June 22, 2006 (N637): “On measures to assistance on voluntary resettlement into the Russian Federation of compatriots living abroad” within the period of 2006 to 2012. Its aim is to help reallocate potential Russian-speaking migrants into 12 regions of Russia.¹⁵ Russia would primarily like to attract Russian-speaking residents of the CIS. From 2006 to 2012 this programme will facilitate registering and getting the right papers, moving and settling in. These measures expect to attract between 300 thousand to 1 million people as a result of implementing this program.

The program does not limit the circle of potential migrants and does not cover major urban centers that have relatively high birth rates and deficits of labor resources. Depending on local socio-economic conditions, regions should prepare their programs for helping migrants. Migrants will get a simplified procedure for getting residence and work permits. Housing problems should be decided at the level of regional authority.

15 Krasnojarskii, Primorskii, Khabarovskii, krai, Irkutskaya, Kaliningradskaya, Lopetskaya, Novosibirskaya, tambovskaya, Tverskaya, Tumenskaya oblasts and some others.

Besides the main compensation package of state guaranties (such as access to state and municipal kindergarten services, schools, social institutions, medical services and employment agencies) regions can offer additional aid with employment and housing. Providing main compensation packages, the state is also providing free paper work for obtaining residence permits. On top of that it pays compensation for customs duties and taxes on private goods that should be paid at the departure country, as well as donating lump sums for settling in the new place, and paying monthly welfare before the person gets Russian citizenship. The amount of state support depends on the region, which migrants choose. All regions participating in the program are divided into three categories:

1. Strategic borderland regions;
2. Regions with intensive investment policy;
3. Depopulated regions.

The payment of compensations should be done by regional authorities in the form of reimbursement of the actual payments once the family gets their new registration.

People have already started to resettle, but only in 2007 the Federal Migration Service established an 'Instruction' on how to work with compatriots and how to realize the program. As usual, the delay between the document and practical instructions to its implementation took more than one year. So far, the migration flow is not very high: members of "dykhobor" religious sect from Georgia, single women with children, poor people. However, in an interview a representative of the FMS mentioned that they have requests from compatriots from Germany and Israel, although this information was not officially confirmed.

One of the main difficulties in the implementation of the program is not surprising: delays with providing financing from the budget. Financing was supposed to be partially provided by the budget of the regions themselves; but many of them simply do not have enough resources. The migrants can therefore be trapped in a situation where they were promised resources and can potentially join the group of the poorest people. In order to settle 1 million migrants, around 3.5 billion dollars are needed (Mukomel 2005: 333). This is more than the expenses of the federal budget on education, health care, fundamental research, culture and science, combined.

The most in need of migrants is the Far East, which lost nearly half of its population during the perestroika years and reforms. However, most of the new migrants are from southern regions, indicating a low probability that they will settle in the Far East. Moreover, after getting Russian citizenship, migrants will be full citizens and can move freely and settle in different regions. According to the Russian Constitution and the Law 'On free movement' nobody can prohibit them to settle in the regions where they want or force them to go to regions which are most in need of settlers.

One more problem in the realization of the program might be the lack of Russian-speaking migrants. As research of the Ministry of Foreign Affairs (*On Russian Diaspora* 2004) had shown, only 10% of Russian-speaking populations are from the Baltic countries, Ukraine and Belarus who were clearly ready to migrate to Russia. Compatriots from those regions are more likely to migrate to the West. A high

proportion of potential migrants is observed only in the Central Asian countries (Tajikistan 57%, Kyrgyzstan 44%, and Kazakhstan 41%).

The potential of Russian-speaking migrants willing to settle in Russia in from the CIS countries and the Baltic States is estimated at around 416–607 thousand people. (*Analytical Report* 2005; Zaionchkovskaya 2007: 184) to 4.2 million people (Mukomel 2005: 336). Therefore, the potential annual inflow can be estimated at around 416,000–607,000 people. Some researchers believe that there is a certain potential in the countries of “far abroad”, which in favorable circumstances can give annual inflows of 30–50 thousand people from China, 10–20 thousand from Vietnam, and 15–30 thousand from Afghanistan. Migration inflows from other African and Asian countries are possible, and they are estimated in a wide diapason of 5 to 50 thousand people per year, depending on Russian immigration strategy. This means, that from “far abroad” it is possible to attract 60–150 thousand people per year, while from “near abroad” 476–757 thousand. These inflows will not be able to reverse the negative trend of natural population decrease. Moreover, for migrants from “far abroad” it is necessary to start large-scale integration programs. Nothing has been done in this field so far.

Liberalization of policy towards labor migration from the CIS countries: The adoption of the new immigration laws is in favor of this trend. An amendment to the law ‘On Foreigners’ simplifies the procedure of getting work permit. The Law assumes two types of migrants’ registration:

1. Temporary stay (for 3 months with a possible prolongation up to 1 year);
2. Temporary living (up to 3 years) with the possibility for emigration to Russia;

The law says that registration should be given upon self-declaration, without the possibility for the authorities to deny this request. This registration replaces legislation of the so-called “propiska” inherited from Soviet times, when the authorities were giving citizens permits to settle in a certain area. According to the new law, during three days after arrival to Russia foreigners should inform the FMS about their temporary address in person or by post, written on a special form. This form has a return part, on which the migration office (or post office) puts a stamp and gives it back to the person. At that moment, the migrant is considered as legal (registered). Registration can be conducted either at the living address of a migrant or at his workplace. It should be confirmed either by the owner of the flat where the migrant lives (by writing in this form passport details and signature of owner) or by the employer (by writing the organization’s registration number and putting the stamp of the employer organization). Amendments to the law simplify procedure of getting a work permit. The migrant receives a work permit in one of the FMS offices, paying 1000 roubles (20 USD). From then on migrants can search for jobs. During the next ten days, the migrant receives a work permit in the form of a plastic card with his personal data. The employer who is hiring a migrant should send declaration about his hiring to a number of organizations (tax police, migration service, regional employment bureau). The penalty of an employer for illegal hiring of migrants now is as high as 800,000 roubles (about 32,000 USD) for legal entities and about 5000 roubles (200

USD) for private persons, or can result in the closing of the company for a period of 90 days. People who have 3 years' residence permit and job can apply for Russian citizenship.

In 2007 the new quota for work permits in Russia is 6 million people from the CIS countries who have free visa system with Russia. This quota includes those migrants who are already settled in Russia but work illegally, and an additional 300 thousand is given for new migrants from "far abroad" countries. Therefore, the law is also the channel for migration amnesty. During the first two weeks after 15 January more than 50 thousand work permits were given, while 6 months later more than 1.5 million people were registered. Opinions of the experts of the CIS Council on migration (10 members of the migration council of CIS countries) concerning possibilities of migration from their respective countries to Russia, in accordance with the new legislation, clearly demonstrated that they do not expect drastic changes in existing migration flows. Experts agreed with the opinion that mostly those migrants will register who are already settled on Russian territory.

The new simplified procedure of registration has some drawbacks when compared to the previous procedure. For example, a private person or employer has to register a migrant. It became more easy now, but if the migrant comes alone and does not have connections or relatives, it would be difficult to find someone during the three days allowed for registration. Incomprehensive policy of liberalization has manifested itself in a very unsuccessful order 'On the prohibition of migrants' employment in the markets'. As life again demonstrated, all barriers were in vain. Nevertheless, authorities repeatedly are leaning towards the creation of a system of punishments. As only about half of all migrants to Moscow informed authorities about their work, the FMS in Moscow started to work closely with territorial police offices hoping that this co-operation will be effective.

In general the desire of migrants from CIS countries to get proper Russian citizenship and remain in Russia is very high – about 48% of respondents mentioned it (Tyuryukanova 2006) and for some ethnic groups the orientation for Russian citizenship declared from 49.5 to 88% (for example Azerimigrants in regional centers) (Mukomel 2005). It means that we can expect gradual legalization of 2.5 to 3 million people, (maximum up to 6 million) those who want to remain in Russia.

For those who are coming in the next years, most probably the quotas on professions and regions will be introduced. The issue of licensing of activities for invitation of work migrants and outsourcing it to intermediate companies was also discussed. Those private companies (or better employment agencies) should be able to invite foreign citizens, prepare all necessary documents, find jobs for them, while the Federal migration service should only issue work permits.

Although the fact of the legalization of 1.5 million migrants is definitely a positive sign, one of the drawbacks is the lack of migrant information campaign (as it is done in all civilized countries before introduction of a new legislation). The dissemination of information is poor. Occasional seminars for regional authorities and FMS officials that took place in December 2006 could not enlighten the whole army of bureaucrats. As a result, rank-and-file migration bureaucrats do not know their new responsibilities.

The laws had changed, but bureaucrats cannot change at the same speed as legislation can.

The other problem is the ignorance of migrants from CIS countries. They do not know their new rights and do not understand the system of the “declarative” demand of registration. The first month of mess with long queues leads to quick orientation of criminal structures and false “intermediaries” towards producing fake plastic cards with migration permissions. Using the legal ignorance of migrants and their desperation in several-day-long queues, those intermediaries offer a quick alternative by issuing plastic cards for 300–400 USD. Approximately, in Moscow the fake medical certificate from the hospital has the same price, which is also necessary for work permit, because long queues are there also. Only for the first half of 2007, the police indicated 6,330 cases of fake documents, their production and dissemination (Ignatove 2007).

There is another negative moment facing illegal migrants who arrive before the new law came into force: for legalization, they need a new migration card, which is given at the border. It is necessary to go through all the legalization process with this new card, even if a person lives in Russia for a long period. It means that large numbers of people should cross the nearest border and return to Russia. Usually people go somewhere close, Ukraine, Belarus, Moldova, Kazakhstan, even Turkey, but not all people have enough resources for that. Moreover, those migrants who are in a sort of slavery with some employers, often without the proper documents, simply cannot practically travel at ease.

“Tourism” for migration cards becomes a mass phenomenon, which also is a source of corruption at the borders. At some checkpoints, in agreement with the border guards, one “courier” arrives with many passports of migrants and receives migration cards for all of them. Paying 2000 and more roubles per each card (nearly 100 USD), when these cards should be delivered free of charge. The proper indicator of successful work of migratory service should be the number of legalized migrants, and not the number of caught or penalized migrants. This is why for all subjects the so-called “hot line” of Federal Migration service is organized in the Russian Federation, where people can call and complain about facts of violation of law or attempts of bribery.

Reaction on the introduction of the new program is mixed. There is no consensus on the necessity of the migration policy of “Open Doors”, especially for the authorities of big cities. For example, the mayor of Moscow commented that the new policy was “not well thought off” (Ignatove 2007). The Ministry of Foreign Affairs of Ukraine expressed dissatisfaction with lowering the status of their citizens, because according to the previous law they could stay without registration for the period of up to 3 months, while from January 15, 2007, like everybody else, they have 3 days. However, Russia temporarily decided not to penalize Ukrainian citizens who fail to register in three days. Kyrgyzstan asked a quota for 500 thousand people while the government believes that currently there are only 253 thousand Kyrgyz citizens in Russia, 70% of them there illegally. Tajikistan asked to increase their quota from 600 thousand to 800 thousand people, and inquired about amnesty for 50 thousand people, who were deported from Russia during the previous 6 years. As a reply to the Russian initiative,

Kazakhstan also decided to make amnesty of labor migrants. Nearly 200 thousand people from Uzbekistan and Kyrgyzstan decided to legalize there.¹⁶

One of most important facts is that Russian society has extremely negative attitude towards migrants. Regardless of the fact that the use of migrant labor is becoming a widespread phenomenon in the everyday life of Russians, the understanding of its importance and the objectivity of processes leading to this labor is on a low level in Russia. Xenophobia in the society is increasing, spurred by certain political forces. For example, 61% of the population believes that migrants increase the probability of terrorism, and 47% believe that they increase crime rates and create dangerous situations for the population. At the same time many, especially poorer groups of the population use numerous services provided by migrants (Tyuryukanova 2007).

CONCLUSION

The Russian state, which used to command and control governance, does not yet understand that in the field of migration management new players have arrived: private people and businesses, especially those who help to create mobility; tourism and transport companies; recruitment bureaus, as well as criminal structures that have enormous gains in exploiting migrants. A lack of transparency and a lack of control from civil society, specifically the migration policy conducted by the FMS in 2000–2006, have led to an incredible growth of corruption in all echelons of bureaucracy. This in turn led to unprecedented growth of illegal migrants and their employment in gray fields of economy.

On January 15, 2007, the introduction of the new migration policy began, with its main aim to help these problems and attract legal labor migrants to Russia. One obvious indicator of the success of the program is the fact that 1.5 million former illegal migrants registered during the first 6 months of the implementation of the policy. The majority of labor migrants are looking forward towards getting Russian citizenship; therefore, it may be safe to assume that the new policy should increase the percentage of those migrants even higher. This new program is facing certain difficulties; mainly stemming from the fact that the corrupted legal milieu, which was forming during a number of years, is reproducing elements of corruption, using the drawbacks in implementation as a mechanism of the new law. The lack of resources does not allow the Federal migration service to organize recruitment of the migrants abroad. That is why procedures of registration and issuing of work permits are quite long, which in turn makes corruption so attractive. According to a revelation of the head of the migration service, K. Romodanovsky, “[the] mentality of bureaucrats is very difficult to change”. However “hot telephone lines”, organized by the FMS, are useful for migrants and for telling their complaints, providing information, and an opportunity for feedback.

One more minus is the lack of an information campaign in the CIS countries among potential migrants about their new rights. The governments of these countries are expressing enormous interest in co-operation. New job centers for migrants, appearing

16 Nezavisimaia Gazeta–Dipcourier on February 5, 2007.

in Moscow and other cities, should work with the governments of CIS countries for recruiting new migrants.

A legitimate question arises: Will Russia be able to “digest” such a large number of migrants if in reality they arrive? It seems that fears are groundless, although they have a right to exist. Potential number of compatriots is not as high as Russia would like to have (from 450 thousand legitimate questions arises: Will Russia be able to “digest” such a large number of migrants if in reality they arrive? It seems that fears are groundless, although they have a right to exist. Potential number of compatriots is not as high as Russia would like to have (from 450 thousand to 600 thousand people per year in the most favorite scenario). Partial financing of this program from local budgets makes this program very problematic because there is often no money in the coffers of local authorities. The number of non-Russian speaking migrants from “far abroad” under the existing system of visas and work permits is also not high (50-150 thousand per year).

Therefore, the potential total migration inflow to Russia under the most favorable set of conditions will not exceed 800 thousand people per year. This figure is equal to the migration inflow that Russia had during the last twenty years of existence of the USSR and there were no problems with assimilation of this number of people. Net migration into Russia between 1975 and 1988 was about 13 million people and between 1989 and 2005 11.3 million people, so high the absorption capacity of Russia was proven historically.

It is hardly probable that Russia will re-orient migrants from the European Union among those citizens of CIS countries who already are working in Europe. However, in the future new generations of young people from the CIS countries may find perspective for working and living in Russia, if the Russian government has enough will and skills to realize its new policy. The case of Russia can be used as an example for EU countries, because they have also among their members the difference in labor opportunities for migrants from different Member States. In spite of the fact of free movement, migrants from new Member States have low opportunities for jobs but a great desire for it. This fact leads to their attempt to search for illegal employment and for employers to use this situation for discrimination against migrants on payment, working conditions, social service and so on.

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