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Marthe Handå Myhre

# Labour migration from Central Asia to Russia – State Management of Migration

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# Preface

This report is Marthe Handå Myhre's thesis for the Master's degree at the Department of Literature, Area Studies and European Languages, University of Oslo. Her in-depth study of the role of state and non-state actors in the design and implementation of Russian migration policy goes right to the core of the NIBR project "Network governance: A Tool for Understanding Russian Policy-making?". Marthe is currently engaged in this project as Research Assistant, and we are very pleased that we can now publish her thesis in the NIBR report series. It deserves a broad readership.

The network governance project is funded by the Research Council of Norway through the NORRUSS programme (project web-site: http://netgovru.nibrinternational.no/#home). It investigates how cooperative ventures between state and non-state actors interplay in solving complex social issues. In particular the project looks into the spheres of migration and integration, HIV and drug use, and child welfare.

Inger Balberg has been helpful in transforming the manuscript from a Master's thesis format to a NIBR publication.

Oslo, June 2014

Marit Haug,
Research Director

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# Abstract

Russia has become a large scale recipient of labour migrants from Central Asia. Unemployment and low wages in Tajikistan, Uzbekistan and Kyrgyzstan have made people travel north to what used to be the centre of the former Soviet Union – a state entity that these now independent states, little more than 20 years ago, all belonged to. Currently, Russia is facing a demographical crisis with dramatic population decline especially among the working-age group of the population. As such, access to labour from abroad can rightly be seen as a resource for the Russian state. Due to a persistent visa-free entrance regime, Russia is easily accessible for citizens of all the three Central Asian states mentioned. The length of their stay, however, is limited, and there are procedures for prolonging it, as well as for obtaining the right to work in Russia. Although experts claim that there is a need for immigration, these views are not shared by Russian citizens in general. On the contrary, anti-migration sentiments are quite widespread, and there are people claiming that the presence of labour migrants is worsening the situation for the local population; when it comes to work access as well as wage levels. The large presence of migrants, however, confirms that there is a demand for the cheap labour that they provide. As such, for the state the field of migration is a mine field of contradictory interests.

This thesis investigates the Russian state's management of labour migration from Central Asia; the state's concrete regulations and their consequences. It examines recent law amendments in the sphere of migration as well as bringing in the perspective and experiences of other actors involved in the processes of migration management in Russia. The state, as will become evident, is not at all that capable and fine-tuned in its migration management.

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A special thanks also to my close family and friends for inspiration, generosity and joy!!

# Abbreviations

| | |
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| CAC | Civic Assistance Committee for refugees and forced migrants *Komitet "Grazhdanskoe Sodeĭstvie", obshchestvennaya blagotvoritel'naya organizatsiya pomoshchi vynuzhdennym migrantam* |
| CIS | Commonwealth of Independent States |
| EMS | United Migration Service *Edinaya Migratsionnaya Sluzhba* |
| FMS | the Federal Migration Service of RF *Federal'naya Migratsionnaya Sluzhba RF* |
| IOM | International Organization for Migration |
| Minzdravsotsrazvitie | the Ministry of Health Care and Social Development *Ministerstvo Zdravookhraneniya i Sotsial'nogo Razvitiya* |
| MVD | the Ministry of Interior *Ministerstvo Vnutrennikh Del'* |
| RF | the Russian Federation *Rossiĭskaya Federatsiya* |
| Rosstat | the Russian Statistical Agency *Federal'naya sluzhba gosudarstvennoĭ statistiki* |
| UFMS | theTerritorial Divisions /Departments of FMS *Upravlenie FMS* |
| TTM | All-Russian public movement for Tajik Labour Migrants *Obshcherossiĭskoe Obshchestvennoe Dvizhenie Tadzhikskie Trudovye Migranty* |

# 1 Introduction

20 years have passed since the breakup of the Soviet Union. Although it would be an exaggeration to say that all the new states that then emerged have successfully consolidated, much has changed, and today their status of being independent at least seems not to be questioned. The social and economic situation, however, is far from equal amongst them, and this has led to a substantial flow of migrants to the better off regions. When people choose migration as a way to provide for themselves, many also seek improved conditions for their families at home. If in the 90s migration within the post-Soviet territory meant people fleeing conflicts or moving to a country where their ethnic group was titular, today's migration flow may be characterized primarily as labour migration. Russia has in this setting become a large-scale migrant recipient, and some of the new nation states are partly living from remittances sent home from abroad – much of it from Russia. Migrants come to Russia both from the near and the far abroad. Members of the Commonwealth of Independent States (CIS) enjoy the privilege of a visa free regime, and the Central Asian countries: Tajikistan, Uzbekistan and Kirgizstan are among those sending most labour migrants. Therefore, when in the following text I refer to Central Asian labour migrants and migration, it is thus in relation to people from these countries. Kazakhstan, although considered a part of Central Asia, has itself lately, with its booming construction sector and economic growth from hydrocarbons, become a recipient of migrants, whereas Turkmenistan has a visa regime with Russia and will therefore not be included.

Central Asian migrants have become a visible part of the urban landscape especially in cities like Moscow and St. Petersburg. The theme of labour migration and labour migrants--who in Russian

often are referred to with the German loanword "gastarbaiter"[1]-is a very topical and controversial issue. Russia is at present facing a rapid population decline and some Russians see immigration as a means to reducing its negative effects. At the same time, however, there are widespread anti-migration sentiments among the Russian population, which in a worst case scenario might lead to unrest due to discontent with the migrants' presence. While the Russian state for several reasons could be interested in facilitating continued migration, the attitudes against it are thus also likely to have an impact on the state's regulations. Labour migration from Central Asia as such is both a state interest and a state concern. In the following I will examine how the Russian state is managing this migration issue.

## 1.1 Demographical challenges

It is a widespread opinion among Russian demographers and migration researchers that Russia is in need of immigrants. Due to low birth rates and high mortality rates at the time of abrupt change in the 90s, the Russian society is now facing a demographical crisis. The children that were not born then are those that should have entered the working cohorts of the population now. Therefore we are not only speaking of a steadily declining population. According to some researchers, Russia is entering a phase of particular shortage of labour.

The country's population has been shrinking drastically by about 800 000 people per year since the beginning of this century, and may, as some predict, be overtaken by Turkey before the 2040s (Thranhardt: 2008/2009, 2). To make matters worse, Russia is struggling with high death rates among the economically active population, meaning that the work force is actually shrinking. The life expectancy of a Russian male is 58.9 years, and 48% of Russian men are likely to die between 15 and 60 years (Ioffe and Zaĭonchkovskaya: 2010, 105). In the opinion of some, this calls for the need of imported work capacity to keep production at the necessary level.

In the period from 1992 to 2008 immigration compensated for a little less than 50% of the excess of deaths over births in the

[1] Guest worker

country (Ioffe and Zaĭonchkovskaya: 2010, 105). From 2007 on, the demographic situation became worse as the number of those entering the working age group no longer balances with those exiting it. The working-age population is estimated to decline with 17 million between 2009 and 2026, corresponding to 24% of Russia's total employed population in 2009 (Ibid: 105). According to Rosstat (the Russian Statistical Agency), the working population shrank with 0.9 million from 2009 to 2010 (Rosstat: 2010, 5). Out of the total number of deaths, almost one third are from the working-age group of the population, and 80% are men (Kontseptsiya: 2007). It is moreover a worrisome fact that pensioners constitute one fifth of Russia's population, and that there are 25.6% less children under 16 years than people in the working age group. According to international standards, a population is considered old if the share of people of 65 years or more exceeds 7%. In Russia every eighth person, or 12.9%, are 65 years or older (Rosstat: 2010, 4). Russia, therefore, has an old population. The high numbers of deaths, low average life expectancy – especially among men, and still fairly low birth rates are all indicators that emphasize the need for a comprehensive demographical strategy that would aim to improve this situation.

A declining population will not only affect Russia proper in keeping the domestic machinery going, and looking at the demographical crisis with a particular eye on foreign relations, the population decrease will have a negative impact on Russia's position in the world. Without "increasing its demographical weight" (Vishn'evskiĭ: 2008), Russia is unable to compete for influence with countries like India, USA and Brazil, which all expect steady population growth until 2050. The prospects for Russia are gloomy, as the 2007 population of 142.5 million is predicted to fall to 107.8 in 2050 (Ibid). The Russian Statistical Agency operates with somewhat different numbers, and a differing low, middle and high prognosis. According to the low one, the 2011 population of 141.7 million is still predicted to decline to 126.9 million in 2031[2] whereas the high prognosis even shows some population growth. Public campaigns to encourage reproduction, however, suggest continued government concern.

[2] (Rosstat: 2011)The Russian Statistical Agency's website, available at http://www.gks.ru/free_doc/new_site/population/demo/progn1.htm, accessed 15.09.2011

In 2007 a concept for the demographical policy of the Russian Federation until 2025 was presented. Here it is clearly emphasized that "a development of the current scenario, besides demographical losses, will have a negative impact on the country's socio-economic development, first of all on the growth rate of the GDP and the provision of labour resources..." [3] (Kontseptsiya: 2007). The concept presents the current problems and states what measures must be taken to improve the situation. The focus is largely on health issues – the urgent need to improve the health care system, but also to improve public health in general through changes in people's lifestyle. Many of the proposals sound like long term solutions, results which are not seen from one day to another. One of the sections, however, is devoted to migration, and migration as a means of compensation for the demographical losses. Here it is stated as an aim for the Russian Federation "to attract migrants in compliance with the demographical needs and the socio-economic developments, taking into account the necessity of their social adaptation and integration." Further it is repeated that "In order to compensate for the population loss due to natural causes and possibly low birth rates, it is necessary to activate the efforts to attract working age immigrants for permanent residency in Russia."[4] Of special interest to Russia are citizens of the other CIS member states. "Until 2025 the overall aim is to increase the population (also through substitutional migration) to 145 million people" (Kontseptsiya: 2007).

As I already have touched upon, the demographical situation is a question of Russia's position in the world. The state ought to find solutions which may strengthen it both domestically and in relation

[3] "Развитие ситуации по данному сценарию, помимо демографических потерь, неблагоприятно скажется на основных показателях социально-экономического развития страны, прежде всего на темпе роста валового внутреннего продукта и обеспеченности трудовыми ресурсами..."

[4] "В целях замещения естественной убыли населения в результате возможного сокращения уровня рождаемости предстоит активизировать работу по привлечению на постоянное место жительства в Российскую Федерацию иммигрантов трудоспособного возраста."

to its position within the world community. In an article in *Russia in Global Affairs* in 2008, the much published Russian demographer Anatoliĭ Vishnevskiĭ goes as far as to state that for Russia to become a more significant world actor, the only possibility is to develop a powerful supranational interstate community based on a geopolitical unity within the former Soviet space. The first step in this direction would be to take advantage of the CIS potential, and to create a common labour market for these countries, among which Russia would be the obvious leader (Vishnevskiĭ: 2008).

One solution to Russia's demographic problems is indisputably to attract and accept a work force from abroad. Even representatives of Russian officialdom and the president himself have expressed their belief in migration as a means for Russia to escape serious economic losses from the present crises. Growing nationalist sentiments and an increase in hate crimes, however, do not exactly facilitate increased immigration to the country, and constitute a serious factor related to the management of migration for the Russian state. According to a 2006 survey, only 4% of the Russian citizens asked saw immigration as a solution to the demographic crisis (Ioffe, Zaĭonchkovskaya: 2010, 106). When migration is discussed in Russian society there is a tendency to focus on negative aspects (Tyuryukanova: 2005, 91). Nationalist rhetoric is present both in political campaigns and in the media. Unfortunately, xenophobia also regularly finds physical expressions. The SOVA Centre, an NGO that monitors hate crimes, registered that at least 82 people had died in racially-motivated attacks from January to November 2008 (Human Rights Watch: 2009, 13). Migration may in this way work as a destabilizing factor in society. This, however, concerns not only immigrants from the near and far abroad, but also migration within Russia (Berg-Nordlie et.al: 2010). For Russian nationalists, Central Asians and Caucasian citizens of Russia are of the same ilk. Handling xenophobic sentiments is thus a task for the Russian state, also independently of immigration flows from Central Asia. The significant presence of labour migrants from these states, though, may have aggravated this issue, and it remains questionable whether Russia can allow itself to take for granted the availability of Central Asian labour if the situation for these migrants in Russia should worsen.

## 1.2 Russia – Central Asia relations

Central Asia is not just any migrant sending region for Russia, but a part of the near abroad that for many years lay within the borders of the same country, the Soviet Union. As such, Russia's relationship with the Central Asian states, and the partly common historical past of these countries are also of interest when seeking to understand perceptions of migration in this area.

Central Asia was annexed by the Russian czars in the eighteenth and the nineteenth centuries and thus included into the Russian empire. Central Asia was attractive to the czars in several ways. The access to wide cotton fields for the Russian textile industry was one thing, another more foreign policy based, strategic reason was the czars' wish to prevent the British from further expansion in India (Hiro: 2009, 20 -25). Also the Soviets managed to incorporate Central Asia when the Soviet Union was established after the revolution and the civil war. From 1924 to 1926 the demarcation of the Union Republics in the Central Asian region was settled. Hence it was under Soviet order that the Uzbeks, Tajiks and Kyrgyz first formed nations within clear borders and gained their statehood. From 1936 they were all separate Union Republics (Rybakovskiĭ: 2009, 285). In the late 20s and 30s the state's collectivization efforts sent brigades with technical and managerial skills from the European part of USSR to Central Asia (Hiro: 2009, 52). But even before this and since the second half of the 19th century, Russians and people of other nationalities had started to settle in this region (Rybakovskiĭ: 2009). Central Asia became as multinational and "Sovietized" as the rest of the Union, with migration flows moving in the opposite direction from what we see today.

The Second World War helped to unify the many nationalities of the USSR in several ways. While serving in the army, Central Asians improved their Russian language skills and got acquainted with Russian customs. Many factories were also moved to Central Asia during the war, leading to rapid industrialization and development (Hiro: 2009, 60). Under Stalin the Russian alphabet was implemented as the alphabet for most languages in the Soviet Union. This facilitated improved knowledge of Russian among the nationalities of Central Asia. After the war the industry continued to develop in the Central Asian region, and people were brought in

from other parts of Russia to contribute to these developments. Labour migration within the Soviet Union, though, was strictly controlled and regulated to serve the interests of the state (Gabdrakhmanova: 2008, 250), and differs in many ways from today's migration. At present, not only has the formerly internal migration become external, the level of state control seems to have slackened when compared to the strict Soviet system of "propiski"[5].

Although Soviet authoritarianism cannot be excused, the Soviet period did raise the educational level in Central Asia significantly and also brought industrialization and infrastructure to the region. The dissolution of the Soviet Union came, to put it mildly, abruptly for the Central Asian Union republics, and their leaders were first notified after they had become rulers of independent countries. "The five primarily Muslim republics of Central Asia came into the world in 1991 as inchoate entities, with a weak sense of national identity [...]"(Mankoff: 2010, 165). The break-up from the former unity was not an easy task for the newly established states. The infrastructure was densely intertwined and there was no political elite apart from the one that remained from Soviet times. For Russia as well, the new independence brought challenges, and relations had to be settled among the former fellow citizens.

Despite these changes in relations and status, as can be read from the historical vignette above, Central Asia has been and remains a traditional sphere of interest for the Russian state. That being said, the break-up of the Soviet Union did open the possibilities also for other powers to increase their influence in the Central Asian region. Thus, since the early 90s, countries like China and the USA have shown an increasing interest in Central Asia, and Russia has not been the sole foreign power with an eye on this post Soviet territory. According to Jeffrey Mankoff, "Russia's leaders have seen the former USSR as an arena within which the complex interactions among the major powers play themselves out – as objects of diplomacy rather than subjects in their own right" (Mankoff: 2010, 242). Especially after 9/11 2001 the region drew

[5] A system that firmly tied people to their permanent place of residency, implying that permission was needed from the administrative organs to live, work and study.

more attention due to its proximity to Afghanistan as the US established military bases in Central Asia in its "war against terror".

There are certainly reasons, however, for Russia to be interested in Central Asia per se. Natural resources are the primary one, and the Russian energy sector with Gazprom as its flagship is involved in both Uzbekistan and Tajikistan. Security issues that stem from Russia's proximity to Central Asia are another. Narco-trafficking and forms of regional unrest may affect Russia as a neighbour, as a CIS member, and as the leading economic power of the region. In this overall context, migration is in fact seen as one of Russia's main levers on Central Asia today (Niklasson: 2008). As Fiona Hill puts it, "the penetrating forces of Russian power in Ukraine, Caucasus and Central Asia are no longer the Red Army. They are Russian natural gas [...] Russian culture, consumer goods, and job opportunities" (Hill: 2006, 341). Estimates of the total number of Tajiks who are working in Russia varies from 5 to 18 per cent of the total Tajik population. Unofficial numbers assume that close to 500 000 Kyrgyz might be residing in Russia. To give exact numbers is impossible, since many migrants work illegally and also because there are both long-term and seasonal migrants that make the numbers fluctuate. There is reason, however, to speak of human-based leverage (Niklasson: 2008, 29). Russia's willingness to absorb surplus labour from these countries has had an increasing impact on their economies through significant remittances. Over the last few years Russia has become second only to the United States in the amount of migrants who pass its borders (Laruelle: 2007, 102), and migration plays an important role both in the countries of departure and in the recipient country. As such, migration is of both domestic and foreign policy concern. There is reason to believe that the flow of labour migrants' remittances from Russia helps to create stability in the Central Asian region, which is beneficial for Russia in both the short and long term and when considering the proximity of the Central Asian natural resources and Central Asia as a market with possibilities for trade.

To illustrate how significant the economic differences in the post-Soviet space were and still are, consider the following; when looking at the market exchange rate in 2004, the GDP per capita in Tajikistan was $1/15^{th}$ of that in Russia, showing the extreme difference between the wealthiest and the poorest of the CIS

countries (Korobkov: 2007, 180-181). Obviously, this means that salaries in Russia, while low by Russian standards, may improve the living standards of a family in Tajikistan significantly. In fact, the remittances that migrants send home not only make a difference for a number of family economies, but for the countries as a whole. Tajikistan is among the countries in the world where remittances have the largest impact on the GDP level. In 2007 remittances were estimated to constitute 42 per cent of Tajikistan's GDP (Human rights watch: 2009, 12). In several smaller CIS countries, migrant remittances play a more important role in stabilizing economic development than foreign direct investments (FDI) or official development aid (ODA) (Ivakhniyuk: 2006, 6).

Labour migration is also a factor of integration within the CIS, and could perhaps become more so with an improved framework for migration regulations. As the primary recipient country, Russia's migration management will have an impact on the regional level as well. A large percentage of labour migrants from Central Asia are assumed to be working in Russia illegally. This has disadvantages for the migrants themselves, and presumably also for the Russian state. The state is an active participant in determining what is to be recognized as criminal behaviour, and what is not. Hence, it is a crucial actor when it comes to determining the migrants' status. The overall picture is complex and requires further scrutiny. Is the migrant himself at all master of his legal status? Or is he just a subject to state regulations, requirements and the existing conditions on the recipient country's labour market? "Migration is but a reflection of the socio-economic relations in the country. This is why it is of the outmost importance to keep order in "one's own house" (Zaĭonchkovskaya: 2001, 7). And how orderly is the "Russian house", in this context Russia's regulations of migration and the Russian labour market?

Over the last 20 years a new generation has grown up within the framework of new nation states. A recent common past gradually becomes less recent, and cultural ties are weakening. Young Central Asians do not share the Soviet past, and the knowledge of Russian language in the Central Asian states is no longer a given. The generational shift is evident; Labour migrants above 40 years of age who served in the Soviet Army or learned Russian at school still speak very good Russian. Yong labour migrants, on the contrary, often come to Russia without any level of Russian or

knowledge about Russian rules and laws (Zotova: 2008, 176). If Russia sees the present supply of labour from Central Asia as a resource it wants to maintain in the future, this should be reflected in some degree in the country's migration policy, and in Russia's actual management of migration.

## 1.3 Research questions

Against this backdrop of demographic and foreign relations issues and interests I will focus on the Russian state as my main object of analysis. The introduction has presented some contexts to bear in mind when in the following I seek to shed light on the Russian state's management of labour migration. What are the aims and means of the Russian state in the management of labour migration from Central Asia? **What does the state want?** Is it possible to identify a state concept for the management of labour migration from Central Asia in particular or for migration in general? **How does the state go about achieving its aims?** What is the actual policy of the state, and has the state been able to implement this policy according to its aims? **What are the side effects, problems and insufficiencies of state policy?**

In a two-levelled analysis with the purpose of giving a broad understanding of the Russian state's migration management I will elaborate on these questions. In the first empirical chapter, chapter 3, which is on the management of the state, I give an overview of Russian migration policy and its evolution since the fall of the Soviet Union. This was when the foundation of today's institutional framework was laid, and there is reason to claim that decisions that were made then still have an impact. More attention, however, will be devoted to the period from the 2000s onwards, especially in relation to the law amendments in 2007 and 2010 which had a direct impact on the regulations for labour migrants from Central Asia and the whole CIS. Chapter three also aims to outline which state organs have an impact in migration issues, and their organizational structure. This mainly relates to the Federal Migration Service and the subordinate UFMS (Upravlenie FMS - the territorial organs of the FMS). What is the function of FMS and UFMS? How do they cope with their primary tasks? In other words; how do the state managers of migration manage?

In the second empirical chapter, chapter four, while keeping the focus on the state, I bring in the perspective from below. The state is not the only actor when it comes to the management of migration in Russia. In this chapter I seek to explore the range of non-state migration managers, their work, and at the same time their view of state management. As such, this part may be looked upon as a response, or a further elaboration of the previous chapter since here I give voice to people who work closely with the problems that arise as a consequence of the current policies presented. In the absence of the state, or rather, as a result of the state's failure to effectively facilitate labour migration within the legal framework, a market for migration services appears. This market is multifaceted, and its actors are different in character, stretching from classical human rights NGOs run on fund donations, to firms that sell migration services, as well as to ethnic associations /organizations.

## 1.4 Limitations and clarifications

One of the major limitations of this thesis is that it speaks about Russia as a whole. As we know, Russia is a federation consisting of many subjects. This means that the migration policy and its implementation may differ from subject to subject - an important point to recognize, although such differences will not be discussed within the scope of this thesis, which relates to the federal legislation. The management of migration in different federal subjects could, however, be a topic for future research.

The organizations interviewed are all from Moscow and St. Petersburg. This further gives this thesis a central-Russia perspective. I see, however, this limitation as legitimate as these are the cities that attract most migrants – more than half of the migrants from the CIS (Zaionchkovskaja, Tyuryukanova: 2010, 12). Hence, they are cities where migration issues are hot, where "managers of migration" are more numerous and where all the central state agencies are located.

One type of organization which will be discussed in the following is referred to in several ways. These structures call themselves *Diaspora*, as they are organizations founded and run by representatives of groups from other nationalities. The two organizations that I met with, one Tajik and one Uzbek, are also

referred to by my other informants as Diaspora organizations or Diaspora NGOs. For research purposes, however, I believe that the term Diaspora gives specific associations and anticipations which these organizations do not fulfil. One of the reasons for this is that they seem to be more or less attached to a city or region in Russia, and thus do not represent a united structure within the Russian Federation. For research purposes I therefore find it better to speak of ethnic associations. As my informants address the phenomenon differently, I here want to make the reader aware that in the following this phenomenon is referred to both as "ethnic associations" and "Diaspora organizations".

Another thing to further clarify is my choice to often speak of the labour migrants from Central Asia as one group, simply referring to Central Asian labour migrants. I recognize that there may be differences in the situation for migrants coming from the three respective countries, but unless there are elements in the legal framework that affect them differently, or differences in other respects, it is convenient to speak of them together. Within the legal framework on migration as well as in policy documents, CIS members normally have the same rights and are often addressed together (exceptions are Belorussia and Kazakhstan, whose citizens have had extended rights to work in Russia since the customs union came into force in 2010). When I narrow my focus down to looking at Central Asian labour migration, it has much to do with the reception of the migrants in society. The reception of, for instance, Ukrainians and Moldavians, on one hand, and Tajiks, Kyrgyz, and Uzbeks on the other is in Russia very different. The "otherness" of the latter is far more explicit, and the former are to a lesser degree perceived as "immigrants" by the Russian public. In the following I even claim that the reception of migrants in society is partly based on an institutionally constructed negative perception of the migrants, which the state has taken part in creating. The reception of migrants in society, based on these constructed perceptions, may, as well as the legal framework, be seen as an aspect of the state's management of the labour migration from Central Asia.

When it comes to the terms "migration" and "immigration", these as well are worth some sentences of reflection. "Migration" is clearly a wider term than "immigration". People migrate to places and from places, within countries and between countries. We

speak of migration of nations and migration of tribes, and we may add descriptive nouns to the word to speak of particular types of migration, such as seasonal migration or labour migration. When a prefix is added to the word, this too specifies what kind of migration we are talking about; "immigration" or "emigration". As will be more thoroughly elaborated on below – labour migrants often go abroad to work for a limited period of time, and not necessarily with the intention to settle permanently in the recipient country. As such, they are migrants. The term "immigration" implies that people have moved to a foreign country to settle permanently. In public discourse, however, it is common to speak of "immigrants" and "immigration policies" irrespective of whether the migrants' aim is to settle permanently or not. In Russia, however, I find that it is far more common to speak of "migration policy" without drawing a clear border between internal and external migration. In this thesis I use both "migration" and "immigration". "Migration" refers to the general processes of movement to and from, whereas "immigration" underlines the movement from one country to another (not necessarily for permanent settlement) and the presence of foreigners in Russia. The next section will further clarify what migrants and migration will be covered in this thesis.

## 1.5 Definition of concepts

### 1.5.1 Who are the labour migrants? What is labour /economic migration?

"In economic migration, the primary migrant is usually a young man or a woman in search of temporary work and often intending to return home once certain savings targets have been reached" (Castles: 2007, 36). This description does clearly not cover all individual migrant destinies, but still gives a picture which is not too far from the truth in its generalization. In a world of large wage differences, many firms locate their production in foreign countries where the costs are lower due to low wages. Some sectors, however, cannot be exported, and these are the sectors where labour migrants are most commonly employed. The construction industry, as well as hotels, restaurants and cleaning services are needed where their customers are, and this creates a

need for low-skilled workers in the richer countries (Castles: 2009, 223).

About 80% of labour migrants in Russia come from one of the nine countries of the former Soviet Union with which Russia has a visa-free regime (Human Rights Watch: 2009, 2). Migrant workers are often seasonal workers. They go abroad for a period of some months before they return to their country of origin. Between 85 – 90% of the temporary labour migrants are men, many of them in the age group 30 – 39 years (Ryazantsev: 2005, 67). Employees might find labour migrants attractive as they fill positions that are less popular among the locals, and are willing to work for lower wages. Additionally, many of the migrants work without a work permit, and hence the employers can reduce their production costs not only by lower wages, but also by evading taxes (Krasinets: 2005, 18).

Statistics, although fluctuating, can be helpful in giving information on which nationalities dominate the Russian foreign labour market. Ukraine was for a long time in a leading position, Ukrainians constitute one fourth of the legal labour migrants in Russia. In 2005 – if looking beyond the former Soviet states – the Chinese took over the lead. In 2007 Uzbekistan was the country with the most labour migrants in Russia, while at the same time the number of Tajiks increased significantly (Ryazantsev: 2008, 72-73). As a consequence of the fluctuating numbers of migrants overall, various sources give different estimates of illegal migrants (Ryazantsev: 2005, 66). According to official statistics, the number of migrants who work legally in Russia amount to around three million and the number of labour migrants without a work permit is estimated by some to range up to 15 million. More modest numbers suggest that the overall number is between six and seven million people (Ioffe and Zaĭonchkovskaya: 2010).

The Russian migration researcher Vladimir Mukomel' divides migrants in Russia into three groups. The first consists of migrants who already have established themselves in Russia and are integrated into Russian society, the second – those that have originally come to work, but have adapted to life in Russia and are already considering their further plans – whether or not they wish to stay on in Russia. The third group are those who are determined to return to their home country. These are mostly young people

with low levels of education, who have come for the purpose of earning money only (Mukomel': 2007, 151, 152). Within the framework of this thesis, whenever I refer to labour migrants, I will refer to members of the last two groups. As I see it, these two groups cannot be distinguished very strictly since migrants who originally belong to the third group might evolve into migrants of the second group. This is why the typical labour migrant referred to in this thesis is a citizen of Tajikistan, Kyrgyzstan or Uzbekistan, who has come to Russia in search of better work opportunities and better wages. How many of the migrants that have an intention to stay on in Russia and become Russian citizens will not be discussed in this thesis. The procedures of gaining Russian citizenship are thus beyond its scope, also since that is a step where a person would lose his/her status as a labour migrant.

Regulating labour migration is the province of the nation state. The 1990 UN Convention "on the rights of migrants workers and their families" has been signed only by a small number of emigration countries (Sales: 2007, 111), and has been ratified by an even smaller number, only two countries; the Philippines and Sri Lanka (Samers: 2010, 236). As such, within the international community one may say that there is but an existing body of guidelines when it comes to the management of migration. The EU is probably the supranational organ which more than any other allows us to speak of common regional regulations, but the nation states within the EU are not without individual agendas. This is why "the fate of migrant workers is left to the generosity of NGOs and national governments" (Samers: 2010, 236). The fact that migrants are often, and for different reasons, detached from the legal sphere of employment, makes them especially vulnerable, and easy targets for exploitation (Zaionchkovskaya and Tyuryukanova: 2010, 50). Guidelines and proposals for state migration regulations are developed by organizations such as the International Labour Organization, the International Organization for Migration and others. Such guidelines and proposals are often referred to as "management of migration" - a term which I therefore find it necessary to clarify my own use of in the following section.

### 1.5.2 Management of migration

The term "migration management" is quite actively used by the IOM, ICMPD, OCSE, the Council of Europe and other

international agencies, and has as such been criticized for its frequent appearance in literature for an alleged "advocacy nature" that investigates what "could" or "should" be done instead of investigating actual developments in the sphere of migration" (Geiger and Pecoud: 2010). The very notion of "management" is characterized by its apolitical and technocratic nature, and its popularity (to the detriment of other notions such as "the politics of migration") is in itself a way of depoliticizing migration" (Geiger and Pecoud: 2010, 11).

In Rosemary Sales' work, for instance, the term seems to be negatively loaded, and used in a way that may be perceived as technocratic.

> "Managed migration" involves attempts to control workers in the interests of business, which are increasingly conflated with the national interests. Different categories of migrants are expected to slot into prescribed categories. Within this framework, the migrants' duty is to be useful, first and foremost, to established business, and only after that to him /herself (Sales: 2007, 171).

Here, "management" is deprived of all human considerations and becomes a term for regulations that will serve the interest of business only. This is a very narrow usage of the term, and there are other researchers who are more comfortable with it as long as its content is thoroughly elaborated on and clarified. This is for instance the case with Castles, who states the following: "Migration management should be understood as a cooperative process in which all participants have a voice, including the governments and civil societies of the sending countries, the receiving populations and above all the migrants themselves " (Castles: 2007, 51).

Within the framework of my thesis, the "management of migration" refers to how the Russian state goes about regulating migration, both on paper through the legislation of the Russian Federation, but also through the functioning institutional framework for implementation. Further, the "management of migration" involves management on the non-state level, where we find that the managers as presented above are representatives of NGOs, ethnic organizations, and firms that provide migration

services. Researchers and scholars could also be counted as migration managers. Together with the non-state actors, they are the critics who evaluate states' management or mismanagement of migration, and additionally have a possibility to influence the development of the state management.

It cannot be denied that migration management is about fulfilling the needs and interests of the state. Ideally, however, the "migration management" of the state ought to make the migratory process more predictable and orderly also for the migrants. If recognizing that the wellbeing of the migrants helps to secure labour inflow – the wellbeing of the migrants ought in fact to be in the state's interests in order for the state to maintain its attractiveness as a migrant destination. In the following, "management of migration" is not loaded with content of advocacy character, and the author does not place herself among "proponents of managed migration policy", for whom migrants are "units of labour" rather than human beings (Sales: 2007, 99). Nevertheless, the use of the term does imply a belief that migration today, at least to an extent, is state regulated – and that the way in which it is regulated and the consequences that follow from this regulation will reveal a management or even a mismanagement of migration. Perceived in this way, the term invites critical investigation into the actual developments in the regulatory sphere of migration, not only when it comes to migration policies but beyond.

# 2 Theoretical and methodological framework

## 2.1 Migration theory: interdisciplinary and relevant paradigms

Migration is a subject dealt with in many scholarly disciplines. Explanations of migration theories, therefore, often stress the interdisciplinary character of migration research. At the same time as this is stressed, however, one may find the contradictory recognition in that "At present there is no single, coherent theory of international migration, only a fragmented set of theories that have developed largely in isolation from one another, sometimes but not always segmented by disciplinary boundaries." (Massey et al: 1993, 432) When doing research on migration, it is therefore reasonable to look at the existing theoretical framework within different disciplines to pick out the best tools from a large toolkit, the ones that are most suitable for each actual research question. It is clear that some tools are more suited for certain purposes than others. In chapter 1 we saw that labour migration from Central Asia to Russia is a subject of economic, demographic, historical and foreign relations concern. The background information outlined finds support in existing theories of international migration.

Two basic sets of questions are often encountered in research on international migration: "Why does migration occur and how is it sustained over time?" (Heisler: 2008, 83) The dynamics of migration are often explained through neoclassical economic theory, which is also referred to as push and pull mechanisms. According to these theoretical principles, migration occurs when people in areas with low income – and often high unemployment rates, are willing to move to a different area where there are

prospects of getting a job and/ or a higher wage. The act of migration is a result of individual cost-benefit decisions with expectations to maximize income through international movement (Massey et al.: 1994, 701). Over time, migration, from the point of view of neoclassical theory, leads to a wage equilibrium. Labour migration is thought to exert downward pressure on wages in the recipient country whereas wages in the sending country are pushed upwards. In this way labour migration may actually help to eventually close the formerly existing gap in expected wages, at the same time putting an end to the need to migrate (ibid). Central Asian labour migration to Russia fits the pattern of neoclassical economic theory, but for this thesis it serves as nothing more than a helpful description of some of the reasons why migration occurs, as it pays no attention to the role of the state. The theory has also been criticized for not taking into account the importance of network connections when it comes to migration decisions. (ibid: 709)

Another relevant theory when it comes to labour migration, which is worth paying some attention to, is the so called dual labour market theory**.** The starting point of this theory is the concept of a two-levelled labour market, a labour market with a primary stratum and a bottom stratum, where wages and working conditions in the latter are poor compared to those in the former. In contrast to neoclassical economy where the rational choice of the individual leads to migration, here, international migration "stems from the intrinsic labour demands of modern industrial societies" (Massey et al: 1993, 440). Piore, the main proponent of this theory, as referred to in Massey *et al.*, placed the entire focus on the recipient end of migration. The dual labour market theory stresses employers' and recipient countries' demand for migration, the pull factor rather than the push factor. "Low wages, unstable conditions, and the lack of reasonable prospects for mobility in the secondary sector make it difficult to attract native workers, who are instead drawn into the primary, capital-intensive sector where wages are higher, jobs are more secure, and there is a possibility of occupational improvement. To fill the shortfall in demand within the secondary sector, employers turn to immigrants" (Ibid: 443). This theory takes account of the aspects of personal status and prestige in the labour market, where foreign labourers are more willing to enter low-prestige positions, because they measure their

personal status by comparing with their position in the homeland and not in the host country.

> Governments are unlikely to influence international migration through policies that produce small changes in wages or employment rates; immigrants fill a demand for labor that is structurally built into modern, post-industrial economies, and influencing this demand requires major change in economic organization. (Massey et al: 1993, 444)

When looking at the demand for immigration as an embedded need of the industrial state, however, the dual market theory fails to explore how a state may seek to cover these demands, and which factors might impede the state in securing its needs. Another question is how stringently one can speak of a primary labour market with good jobs, decent wages, and secure employment as separate from a secondary labour market with low pay, unskilled jobs, and insecure employment if the labour market in the actual recipient country is quite unpredictable. The theory suggests that employers, maybe with governmental help, are interested in, and actively recruiting immigrants. How states actually act; complications connected with securing labour supply and with regulating the stay of these workers from abroad, are not investigated within this theoretical framework.

World System Theory might shed some light on the relationship between recipient and sending states, as it helps to place them in a structural world system of periphery, semi periphery, and core states. Within this system Russia is a former colonial power and at present a semi-periphery state. The Central Asian states for their part are Russia's former colonies which now belong to the economically weak periphery. The World system theory claims that "globalization creates material and ideological links to the places where the capital originates" (Massey et al: 446). Hence it draws attention to so called global cities, which are the sources of capital. Moscow may well be regarded as a global city, and thus one might expect a significant flow of migrants to this centre of economic possibilities.

The World system theory, however, does not go beyond this macro-level where it states that the structures of the global economy will necessarily lead to migration, and in so far as the

governments play a role, it is merely by "regulating the overseas investment activities of corporations and controlling international flows of capital and goods. These are policies which are hard to enforce and not so likely to be implemented" (Massey: 1993, 448). World system theory, therefore, does not pay particular attention to the independent state's regulations of migration, although it helps to understand relations between states. Again, what makes the theories presented above insufficient as a theoretical foundation for the purposes of this thesis, is the absence of focus on the state.

### 2.1.1 The state in migration research /Bringing the state back in

The particular role of the nation state and its regulation has not been adequately investigated in migration research; "..it is remarkable that the role of the states in shaping international migration has been largely ignored by immigration theorists" (Zolberg, A. quoted in Hollifield 2008, 57) and "..in most cases social science theorists of international migration have paid insufficient attention to these roles played by states, in some cases because they see the state as ineffectual in what they consider to be powerful global flows" (Teitelbaum: 2008, 60).

In his comprehensive work *Worlds in Motion – understanding international migration at the end of the millennium* (2005), Douglas Massey explains in a similar way:

> Segmented labour market theory considered the State relevant only insofar as it acted on behalf of employers to establish labour-recruitment programmes. World system theory treated the State primarily as a handmaiden to capitalist interests, working on their behalf to project military and political power to secure the expansion of markets, the acquisition of raw materials, and the guarantee of free trade. Social capital theory mentioned the State only insofar as its use of family reunification criteria in immigrant admissions reinforced the operation of migrant networks. The remaining theoretical paradigms – neoclassical economics, the new economics of labour

> migration and the theory of cumulative causation – did not deal directly with the State at all.

Against this background Massey concludes that: "Hypotheses concerning the interests, role, and behaviour of the State constitute a missing link in theories of international migration" (Massey et. all: 2005, 286).

Among the scholars who are pointing at the absence of the state in migration research, James F. Hollifield seems to be the one who has taken the largest theoretical strides when it comes to "bringing the state back in." Hollifield explains the absence of a state focus in migration research mainly with the overall limited focus on migration within political science – and in international relations in particular. Since migration for a long time was considered "low" politics – it was not a topic of foreign policy concern - it was not given priority within research on international relations, and as a result migration was left to sociologists and anthropologists. Today, this is changing, however, and migration is recognized as a subject of major importance, also within political science, where it is related to questions of state security and sovereignty (Hollifield: 2008).

Hollifield uses the Weberian metaphor that "the speeding train of international migration is fuelled by economic and sociological forces, but it is the state that acts as a switching mechanism, which can change the course or derail the train all together" (Hollifield: 2008, 196). As a liberal *institutionalist*, Hollifield stresses that "migration, like any type of trans-national economic activity (such as trade and foreign investment), cannot and does not take place in a legal or institutional void" (Portes: 2007, 78). States are undoubtedly involved in organizing and regulating migration. In fact, in the twentieth and twenty-first centuries, the world has witnessed the emergence of the "migration state" "where regulation of international migration is as important as providing for the security of the state and the economic well being of the citizenry"(Hollifield: 2004b). In its management of migration, however, the "migration state", according to Hollifield, is commonly suffering from a "liberal" paradox. Due to economic self interest, governments ought to keep their economies and societies open to trade, investment, and migration. But simultaneously, domestic forces, out of their self interests, might

push the same governments towards greater closure (Ibid). These contradictions, as Hollifield sees it, are inherent in liberalism, "which is the quintessentially modern political and economic philosophy and a defining feature of globalization" (Ibid). Although Hollifield's examples are taken from countries like Germany and the U.S, it is a fact that the Russian Federation, which this thesis is devoted to, quite abruptly - that is, too abruptly in the opinion of some - embraced market liberalism after the fall of the Soviet Union. Hence, also Russia should at present be facing these challenges.

How then can states escape from the liberal paradox? Hollifield suggests three points of departure: firstly we need "to review the causes and consequences of international migration in historical perspective". Secondly "to look at the ways in which states have tried to regulate migration in an area of globalization", and thirdly one should have an understanding of the evolution of "the migration state" (Hollifield: 2004b, 887, 888).

What Hollifield means with the concept of the "migration state" is related to the already established concepts of the "garrison state"and the "trading state". The garrison state, which is built on the principles of political realism - where states are unitary rational actors seeking to maximize power and to pursue their interests while protecting their territory and people (Ibid, 888), is challenged by the liberal view, which stresses the increasing interdependence between states through international trade and finance that forces them to cooperate. This trading state is required "to risk greater economic openness and to pursue policies of free trade" in order to ensure material wealth and power. Hollifield argues that migration and trade are inextricably linked – and that "the trading state necessarily entails the rise of the migration state, where considerations of power and interests are driven as much by migration (the movement of people) as they are by commerce and finance" (Hollifielld: 2004b, 888). The liberal state is thus likely to be a migration state.

However, in contemporary liberal states there are also obvious remnants from the garrison state. Worries about state security and the importance of preserving state sovereignty is what makes Hollifield state towards the conclusion of his article that in the end 'it is the nature of the liberal state itself and the degree to which

openness is institutionalized and (constitutionally) protected from 'the majority of the moment' that will determine whether states will continue to risk trade and migration (Hollifield: 2004b, 904).

In his chapter "Politics of international migration" in the 2008 publication *Migration Theory – talking across Disciplines*, Hollifield further ask us not to focus too much on economic rationality when it comes to immigration policy, as this may overshadow institutional and ideological aspects.

> It would be a mistake to reduce immigration politics to the simple play of economic interests. Coalitions that form for or against immigration are held together not simply by narrow calculations of the cost and benefits that accrue to a specific class or group. Rather policy and politics in this area are driven in no small measure by attitudes and beliefs shaped by national cultures and histories (220)

One would think that it complicates policy making in the area of migration exceedingly if it actually is the case that attitudes stand in the way of an economically pragmatic policy. "…policymakers may be reluctant to declare their true objectives for fear of arousing opposition. This makes it necessary to deconstruct official goals and look for hidden agendas" (Castles: 2007, 31). According to Castles, the factors that need to be addressed when making policies are multifaceted to such an extent that the policies that evolve "tend towards compromises and contradictory policies" (Ibid: 31). When writing that neoclassical theory and bureaucratic beliefs "add up to the idea that migration can be turned on and off like a tap by appropriate policy settings" (Ibid, 35), Castles criticize these theories for resting on an oversimplification of reality.

State regulations are based on policies which are formulated in writing and subsequently implemented. In his elaboration on "Law and the study of migration" (Shuck: 2008, 239 – 259), Peter H. Schuck presents a concept which considers the complexity of law and the complexity of policy implementation. Schuck develops further the distinction made by Roscoe Pound between the "law on the books" and the "law in action" by adding a third category; the "law in their minds" (Ibid). The "law on the books" is the law as formally enacted, which almost always, according to Schuck, differs from the law as actually implemented, thus, the "law in

action". The "law in their minds" concept refers to the fact that "many groups of actors in the immigration system see different aspects of the system, or see the same aspects differently." (Schuck: 2008, 242 – 243) The large presence of illegal workers after the reduction of the quotas on foreign labour in Russia, which I will elaborate on in chapter 3, illustrates well the gap between "law in action" and "law on the books". The "law in their minds" is also a fruitful concept for investigating how different actors perceive state regulations in various ways.

As already emphasized, immigration may be problematic for a state, but it is often also beneficial to the state's development. There is nothing recent about a state using immigration for pragmatic means. "For centuries states have been in the business of organizing mass migrations for the purposes of colonization, economic development and to gain a competitive edge in a globalizing economy." (Hollifield: 2004a, 5) Just as an example: in Russia in the 18th century, Catherine the Great brought in skilled German farmers to help develop the soil in parts of the empire where the population was low and unskilled as well as where the borders needed to be better secured (Hollifield: 2004b, 889). When trying to understand how states go about handling migration, and in this case the particular case of Russia, it is necessary also to have a clear understanding of the state per se.

## 2.2 Understanding the state per se

"Bringing the state back in" is actually the title of a book edited by Peter B. Evans, Dietrich Rueschemeyer and Theda Skocpol. Here, in her reflections on the state, Theda Skocpol lets Alfred Stepan formulate what she calls "the biting edge of the Weberian perspective":

> The state must be considered as more than the "government". It is the continuous administrative, legal, bureaucratic and coercive systems that attempt not only to structure relationships between civil society and public authority in a polity but also to structure many crucial relationships within civil society as well (Skocpol: 1985, 7).

I would like to stress the use of the word "attempts" in this quotation. The state (the continuous administrative, legal, bureaucratic and coercive systems) "attempts" to structure relationships between civil society and public authority and so on. I read the fact that it "attempts" as a built-in possibility for the state both to fail and to succeed in this matter. Attempts may be convincing or less convincing, whole-hearted or half-hearted. The state may "attempt" to structure its relationship with different immigrant groups, accepting to incorporate them or not, and limiting the incorporation in time and scope. At the same time - when it comes to structuring relationships within (civil) society, the state is crucial in forming the relationship between the immigrants (which have entered the country, and in this respect are incorporated to some extent), in this case labour migrants from Central Asia, and the local Russian population. The state is likely to shape (to attempt to shape!) the structure of these relationships according to its own self interest and goals. However:

> ...not infrequently, states do pursue goals (whether their own or those pressed on them by powerful social groups) that are beyond their reach. Moreover, the implementation of state policies often leads to unintended as well as intended consequences, both when states attempts tasks they cannot complete and when the means they use produce unforeseen structural changes and socio-political reactions. Thus the capacities of states to implement strategies and policies deserve close analyses in their own right (Skocpol: 1985, 16).

In its management of migration, the state is structuring the relationship between the local population and the immigrants. The local population, however, consists of several groups; there are the employers, who mmay be interested in access to cheap labour, and there are other citizens who in one way or the other may see immigration as something which affects their own overall situation in society negatively. If the state sees a pragmatic need for immigration, it ought to somehow balance the negative sentiments related to it, in order to both secure its interests and more importantly, the further existence of its government.

In Skocpol's perspective, the state becomes an actor in its own right. This does not mean, however, that she excludes or devalues the presence of other. non-state actors:

> Other organizations and agents also pattern social relationships and politics, and the analyst must explore the state's structure and activities in relation to them. But this Weberian view of the state does require us to see it as much more than a mere arena in which social groups make demands and engage in political struggle (Skocpol: 1996, 7).

What I also devote some space to in the following, is precisely the presence and appearance of non-state actors and patterns within migration management. I claim that the state itself has contributed to the evolution/origin of these actors. The non-state managers are either witnesses of side effects and/or base their very existence on side effects of the state's management. I suggest that the non-state management of migration relates to a theoretical foundation which investigates the appearance of other actors in the absence of the state, or when the management of the state, the state machinery itself, is insufficient.

> When property rights and enforcement institutions are misaligned, [however, these] agents may emerge from sources operating inefficiently and outside the bounds of established legal and social norms. Illicit entrepreneurs, then, substitute for state-supplied or state-sanctioned public services...

Milhaupt and West (2000, 4) are here speaking of what they call a "dark-side" private ordering, that is criminal structures, which are able to establish niches out of something which used to be and to some extent still is state supplied. This idea is transferable to the sphere of migration management, and in Russia one could say that migration services (миграционные услуги) have become one such niche. Migration services then means the supply of or assistance in preparing documents needed for a legal stay in the country such as: registrations, work permits, residence permits and passports. In their work, Milhaupt and West are relating, and contributing to research on the relationship between organized crime and the state.

> In the past several years, observers have begun to change their perspective on the services provided by organized criminals and the relationship between organized crime and the state. Focusing on Sicily, for example, Diego Gambetta argues that organized criminals deal not in extortion, but in protection, including the protection of contracts in the form of dispute settlement. Even more interestingly, he argues that rather than being a monopoly, organized crime competes with the state to provide this service(Milhaupt and West: 2000, 4).

The literature which Milhaupt and West are referring to is

> emphasizing the entrepreneurial nature of organized crime and thus the general applicability of economic principles to firms engaged in illicit as well as legitimate activities. Second, it implicitly suggests that the state's institutional structure supplies incentives for illicit firms just as it does for legitimate enterprises; thus, firm adaptation is the central problem of economic organization in illegal as well as legal markets(Milhaupt, West: 8 – 9).

Similarly, the state may be said to have supplied incentives for the appearance of non-state migration managers. These may be divided into different categories. Some operate within the "dark-side private ordering" – for instance falsifiers of documents. These are illicit migration managers. Others belong to a "non-commercial private ordering" – these are human rights organizations, which thus constitute the non-commercial managers. It follows that there are also commercial migration managers: juridical firms which provide migration services for a fee, and moreover there are what I have chosen to speak of as semi-commercial managers: ethnic associations that share features with both the non-commercial and the commercial actors. What is important to underline is that all the actors are relating to the state management in one way or another. This is also the reason why in the following I use the non-state managers of migrations' experience with and thoughts of the state management as empirical material collected through interviews. However, the main focus of this thesis again remains on the state.

Migration management may partly be privatized and commercialized within legal boundaries – as this is already evolving in Russia. At the same time, the activity of illicit actors, existing at the moment, may be further encouraged by the state's inability to run the management efficiently. Or this activity may be curtailed and denied further growth by the state through efficient law enforcement. The present thesis does not provide in-depth information on the non-state migration managers in the sense that the number of actors studied here is limited, and also considering that they are drawn in mainly to shed light on the state's management. Rather, it suggests a concept of non-state migration managers, and variations within this category, which may be used in further inquiry. Inquiry that focuses mainly on the evolution and work of these different non-state migration managers in Russia, which is appropriate to conduct only after acquiring sufficient knowledge on the state management.

### 2.2.1 Russia - a migration state

Even though the Russian state is the central research object of this thesis it will not deal with the question: "What kind of nation state is Russia?" Independently of whether Russia is a democracy, an authoritarian regime, a hybrid of the two, or another type of regime, it still is a state with institutions and policies which may be subjected to scrutiny. Although this is not a regime study, the management of migration is an integrated part of the state machinery, and there is every reason to believe that general problems of the Russian state are also found within this particular sphere of regulation. In this respect, the nature of the Russian regime, and the "state" in which Russia finds itself, is unquestionably most relevant in how it relates to migration processes. Moreover, "Since states are intrinsically Janus-faced, standing at the intersections of transnational and domestic processes, their structures, capacities, and policies are always influenced by identifiable aspects of the particular world historical circumstances in which they exist" (Skocpol et al: 350). The historical setting was discussed in the introduction chapter and will also be taken into account in the following, as it clearly affects and will continue to affect migration management in Russia.

"We asked for workers but human beings came" is a much used quotation by Max Fisher (in Brettel, Hollifield: 2008, 196). There

are doubts about states' capacity in migration management and their capacity when it comes to regulating migration according to pragmatic aims. Castles asks whether democratic states possess: 1) the capacity to analyse and forecast the long-term consequences of migration policy decisions; 2) the political ability to reach consensus on long-term goals in this field; and 3) the necessary policy tools to achieve these goals in a manner consistent with democracy and the rule of law. He is not at all certain that they do (Portes: 2007, 33) and it is important to emphasize that this thesis has not set out to answer these questions. What it does seek to do, however, is to place itself in line with research that advocates greater attention to the state in migration research. Whether migration is a powerful flow of people driven by push and pull factors, or stems from the intrinsic labour demands of modern industrial societies, nation states relate to these flows in what I have here chosen to call their management of migration. The interest, role and behaviour of the state in this management are objects worthy of study.

## 2.3 Methodological considerations/ Selection of data

Which methods to use for collecting relevant data very much depends on the research questions that are posed. When asking what a state wants in a field of policy, I found it reasonable to address textual material where such objectives may be traced. A state has established ways of expressing its aims and wishes; that is in written policy documents as well as in statements from the state's representatives as communicated through different media. A state's wishes, as one would think, should also, at least partly, be displayed in the actions of the state, which in a way coincides with my second question: how does the state go about achieving its aims? Searching for an understanding of this, I found it necessary to address policies as they are reflected in the implemented body of laws. The state's institutional set up is also relevant to this question, and here I attach importance to the evaluation of non-state managers of migration, as well as other researchers' and the accounts of the FMS's own staff. To answer the third question posed; what are the side effects, problems and insufficiencies of state policy? I found it equally necessary to speak with people who

are relating closely to the state management of migration in Russia; various non-state managers, migration researchers and the state itself. Therefore, as the questions posed imply, the thesis draws on quite a wide range of data, which are collected through different methods.

In addition to semi-structured interviews done between 15.04.2011 and 25.10.2011, I draw on original law texts, state policy concepts, official speeches, newspaper articles and web-sites. I have worked through two bodies of research literature; one for the theoretical approaches aboveand the other relating to the empirical investigation of the research questions yet to come.

Early in the research process I attempted to do a mapping of actors involved in migration management in Russia. This included research groups preoccupied with migration issues. Most of the migration researchers, whose material I was able to locate, as it turned out, are working at or affiliated with one of the following institutions: The Russian Academy of Science, Moscow State University, The Higher School of Economics, the Centre for Migration Research in Moscow or the Centre for Independent Social Research in St. Petersburg. Some of them are members of the Public or the Expert Council of the Federal Migration Service, which I will later elaborate on, and as such they are interacting directly with the state and representatives of different migration related organizations. Among the researchers that I refer to the most, I found no views that stood out as especially conflicting. It rather appeared as if they often shared some general views and criticism of the state management and the Russian state's need for immigration as proven from the demographical data referred to in the introduction chapter above.

As mentioned, this thesis contains two main empirical chapters. In Chapter 3, on state management, I draw extenslively on former research done by migration researchers in Russia, who have followed Russian state measures in the field of migration over the years. This body of literature I complement with my own analyses of law texts, state concepts and other primary sources; among them an expert interview with a well known migration researcher and an interview with the Federal Migration Service's Department of Organization and Analysis. I thus use both primary and

secondary sources when discussing the state's management of labour migration from Central Asia.

In chapter 4, I draw on my own interviews, the websites of my informants' organizations or firms, and a few relevant newspaper articles. This second empirical chapter has two functions. Firstly, it substantiates the previous chapter by the fact that my informants confirm and elaborate further on already mentioned critiques of the migration management of the state. As such, this is intended to provide reliability to my overall analysis. Secondly, this chapter has a narrative of its own, which further investigates the side-effects and insufficiencies of the state management. This has to do with the very existence of the non-state managers of migration and their activities. The chapter does not so much go into the question of what the state wants, as into what would be a desirable development of state policy as the interviewees see it.

Much of the data used in this thesis is Russian language material, and the translations are mine. Sometimes, when using quotations, I have chosen to give the original text in a footnote, especially when quoting official documents. At other times I only provide selected Russian expressions in brackets where I find that this would benefit a Russian speaking reader. If the flow or freshness of the original quotations sometimes gets lost in translation, this is a conscious sacrifice for the sake of accessibility. When it comes to the transcription of Russian proper names and titles, I consistently use the British standard, except for the Russian letter "ы", which I render as "y", not "ȳ".

### 2.3.1 Interviews as a way of collecting empirical data

Semi-structured interviews constitute part of my empirical data, which, as I stated are combined with textual analysis. For the purpose of this thesis, the overall focus of which is the state management, I found it relevant as well to investigate what other actors are involved in the management of labour migration on an institutional level. As I was interested in these actors' interactions with the state and their views on the state management, the only way to collect such information was by meeting with them. Labour migration from Central Asia to Russia is very much a present day phenomenon, and policy changes have occurred quite recently. Through the interviews I got the possibility to check the

information I had already collected; whether changes had occurred in the state's migration management of which I was not aware. I also got a chance to verify my understanding of the regulations. Moreover, the research literature I had been able to locate did not provide in-depth information on the non-state migration managers, and I aimed for an understanding of their role in light of the state management. Through my informants I was also able to get more updated perceptions of the state management and its concrete regulations than former studies could provide.

The decision to interview representatives of organizations and not the actual labour migrants derived from the thought that these representatives work with both labour migrants, the relevant state institutions and migration issues on a daily basis, and that they have extensive hands-on knowledge of most aspects of the migrants' experiences. In other words: through their work the non-state managers of migration have acquired knowledge of the labour migrants' situation in Russia, and of the state institutions and their functioning, which enables them to generalise and point out frequent problems and insufficiencies in the way the state handles migration.

A semi-structured interview is characterized by a relatively informal style, which can be described more as "a conversation or discussion rather than a formal question and answer format" (Mason: 2002, 62). This kind of interviews is thematic, topic-centred, and the researcher has a list of topics or starting points for discussion that she would like to touch upon. Conducting my interviews, except from those with migration researchers, I had a twofold agenda. On one side, I was interested in the activity of the actual migration manager; the organization, association or firm with whom I was conducting the interview. On the other hand, I was interested in the migration managers' interaction with the state, as well as their views on the state management. Although my informants represent institutions, they are of course at the same time individuals with personal opinions. Thus, when they give policy recommendations, these should be perceived as what they are – individual perceptions. As I see it, this does not make them less interesting in this context where they offer some wider perspectives on the present state management.

With the informants' permission most of the interviews were taped, and I had no impression that the presence of the tape recorder had a negative impact on the interviews or that the informants felt constrained in any way because of it. Its presence rather seemed to be quickly forgotten. The reason for using a tape recorder was that I was conducting all the interviews in Russian. In order to devote my full focus to follow-up questions and my own formulations of these, I found it reassuring to be able to return to the actual answers of my informants on tape. None of the recordings have been fully transcribed, however. I chose to make a rough translation into English of the whole interviews in order to have a content overview for subsequent close reading of the material. Sequences that I found had particular significance, or sequences where I was "interested in the ways in which people articulate their ideas, not just in the substance of what they say" (Mason: 2002, 78) were marked so that I could easily return to them on the tape to verify and improve my translation in case I decided to give a direct quote. Most of the interviews lasted about one hour, but there were variations stretching from 40 minutes to two hours.

All of my interviews took place on the premises of the actual organization which the interviewees worked for. Only once did I have a particularly challenging job in turning the interview into a useful conversation. This was when my informant unexpectedly guessed that I knew and had already met with another organization with which he had a bad relationship. As he associated me with this other organization, he immediately concluded that I had taken their part and hence was against him and his activities. This very much coloured the start of the interview when the informant felt a strong need to defend himself and his organization, while I was taken by surprise by the unexpected hostile rhetoric against the other organization. However, when I managed to turn the focus towards my main interest - the state, a more normal conversation could take place. None of my informants asked to be made anonymous, and only once did an informant clearly express that he did not want to put what he had said into print under his name. Such requests were of course honoured.

# 3 The Russian state as a migration manager

"Labour migrants are both the problem and the hope of Russia"[6], Medvedev 26.11.2011

While policies have been quite actively changed, migration researchers, NGO representatives and even state officials point to the absence of a clear migration policy concept in Russia. And without such a concept one can but try to identify Russia's pragmatic wishes in the field of migration. In this chapter I seek to give an overview of the political and institutional developments in the sphere of migration into Russia, starting from the fall of the Soviet Union. What aims may be traced in the state's management of labour migration? And do the state means serve to cover these aims?

Further: "Political decisions that ignore the existing migration discourse and habits of addressing migration lose their practical functionality, become a declaration of intentions, and have at best a symbolic significance"(Baraulina, Karpenko: 2004, 7). Is it the disagreements on migration among Russian citizens that make it hard for the Russian state to shape an overall concept for its migration policy, or is it a problem for the state to shape a more common view on migration in Russia, according to the state's interests, without such an overall concept? This is hardly a question to which one might expect a clear answer, but in the

[6] Edinaya Rossiya's web-page: «Трудовые мигранты – и проблема, и надежда России", President Medvedev 26.11.11 at a meeting with mass media representatives from the Central Federal District, available at http://edinros.ru/news/2011/11/26/medvedev-trudovye-migranty-i-problema-i-nadezhda-rossii/, accessed 28.11.2011

following it will partly become the background for the discussion to follow.

The International Organization for Migration, an inter-governmental organization which is "dedicated to promoting humane and orderly migration for the benefit of all"[7], stresses the importance for national migration policies to "balance and take into account a range of priorities affecting and affected by migration." ... as a social, economic and cultural phenomenon, migration policy needs to take account of labour, health, development, security, human rights, integration, environment and other related realms of policy" (IOM report: 2010, 88). What then is a policy? A policy is a government's response to phenomena in society. Policies are implemented to serve the state's interests. As such, the migration policy to some extent reflects the state's perception of migration, be it as a security threat or as a labour resource potential. One would think that a migration policy should aim to create conditions and regulations that encourage migration within the legal boundaries laid down by the state, and not the contrary - increase the share of illegal migration. But one should not exclude the possibility that illegal migration may to some extent also be beneficial for the state, or at least that there might be reasons why the state allows the presence of large scale illegal migration. Could one such reason simply be the state's incapability? To control migration in such a way that it promotes desired and limits unwanted migration seems to be a reasonable state behaviour. For the state to define what is "wanted migration", is thus of the utmost importance.

A migration policy consists of four components. The legislation, the institutional framework, mechanisms for policy implementation, and the financial backing of the policy (Voronina: 2006, 72). This legislation may sometimes be adequate enough on paper, while mechanisms designed to implement it fail. At the same time, institutions and mechanisms for implementation need both a coherent legislation and sufficient funding to be efficient. In the following I aim to give an outline of how the Russian state management of labour migration from Central Asia has evolved; I

[7] IOM's website, available at http://www.iom.int/jahia/Jahia/about-iom/lang/en, accessed 08.08.2011

will look at the legal and institutional framework, and at the public perception of this particular immigration to Russia.

The shaping of legislation on labour immigration in Russia, as will become evident in the following, has for a large part been focused on the legal status of the migrants. Ostensibly the policy has been aimed at decreasing the large present numbers of illegal migrants residing in the country. The IOM and some scholars are in favour of speaking of "irregular" migrants, but below I have chosen to keep "illegal", mostly because this is the dominating term in the Russian discourse, but also because in general I do not see how the term "irregular" is more useful in any way or for that matter as a euphemism. The term "illegal migration", however, certainly needs some clarifications within this particular context. As will be further explained below – the Central Asians arrive in Russia on perfectly legal terms within the visa-free regime. It is after their arrival that their legal status often changes to illegal. This transformation of status can happen in several ways, and within the present Russian migration management, it is possible for a labour migrant to be legal in some ways, but illegal in others.

## 3.1 The 1990s – migration policy formation in the young Russian Federation

In order to better understand today's situation, we have to go 20 years back in time. For Russia the first years after the fall of the Soviet Union were a period of rapid changes from old structures to a new order - very much incomplete in its shape. Migration issues were just one of many problematic fields that had to be addressed by the new state, which indeed was faced with the greatest, most comprehensive challenge of them all – to establish itself as a state, a challenge shared with all the other suddenly independent states within the post-Soviet space.

The abrupt change of regional order in the early 90s brought with it a quite different type of migration from what we see today. After the demise of the Soviet Union, Russia experienced an influx of migrants from the former Soviet republics. Many of these migrants were ethnic Russians who had become uncertain about the developments and their position within these newly independent states, which bore the name of other titular groups. There were

also significant flows of refugees and forced migrants from conflicts that arose after the fall of the Union. The civil war in Tajikistan, the Nagorno-Karabakh conflict and the ethnic clashes in the Fergana Valley induced many to flee to Russia. The reception and assistance of involuntary migrants hence became a policy priority, and in 1993 the first laws to regulate both internal and external migration were adopted. First and foremost, these laws covered refugees and resettlement after the fall of the USSR, and were as such a response to the urgent developments (Ivakhnyuk: 2009, 16-17, 27). The situation for these migrants is a topic in its own right, and will not be elaborated on here.

According to Irina Ivakhnyuk, a migration researcher from Moscow State University, " the most inexcusable omission of the early post-Soviet period was ignoring the need for a continuous social security system for former Soviet citizens who moved to live and work in other parts of the previously united country" (Ivakhnyuk: 2009, 28). One may question if this was not a result of state incapability rather than ignorance, and when taking into consideration the chaotic situation under which policies were developed at that time, it is no wonder that policies also had an ad hoc character. For the purpose of this thesis, however, it is worth recognizing that the early 90s actually was the time when the legislative and institutional foundation of today's migration policy was laid (Osipov: 2004, 17).

Essential for citizens all over the post-Soviet space was the Bishkek agreement (signed in 1992). This agreement granted all citizens of the CIS member states the right to enter the RF without a visa (Osipov: 2004, 19). And although Russia, along with other CIS countries withdrew from the agreement in 1999, the visa-free regime persisted between Russia and most Post-Soviet states through bilateral agreements. Later, in 2000, an agreement on visa-free movements was signed within the framework of the Eurasian Economic Community between its members Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan, and in 2006, Uzbekistan also joined this organization (Ivakhnyuk: 2009, 14). The visa-free regime is crucial for the migration flow from Central Asia to Russia today, and there is nothing that points to it coming to an end. Rather on the contrary: within the Customs Union, which has recently been established between Kazakhstan, Russia and Belarus, economic ties in the region have been further tightened, and there

are serious discussions about both Kyrgyzstan and Tajikistan entering the union with time[8].

In 1992 the Federal Migration Service was created as an executive organ with responsibility for developing and implementing the migration policy of the Russian Federation. It was, just like the visa-free regime, an establishment from this early period which is still very much of importance. In its infancy it dealt with the issues of forced migrants, and FMS units were established in all Russian provinces (Ivakhnyuk, 2009, 30). In May 2000 its functions were transferred to the Ministry of Federative affairs, National and Migration Policy. But the operating time of this ministry turned out not to be long. It was dissolved already in October 2001, leaving migration issues dangling in the loose air for a while, until the FMS was restored in 2002, this time within the Ministry of the Interior (Ibid, 75). The latter decision, as we will return to later, may even have had an impact on how the perception of migration has evolved in Russia. FMS at present continues to be the main state agency of migration management.

## 3.2 The escalation of labour migration and Russia's response

The late 90s and the beginning of the 2000s mark the start of the flow of temporary labour migrants to the Russian Federation. The forced migration came to an end as the political and social situation in the other CIS counties became more stable, and repatriation was also largely replaced by labour migration (Vitkovskaya: 2009). It was at the beginning of the new millennium that Russia begun to recover economically, and thus became an attractive destination for workers from the former Soviet republics, which were doing considerably worse in this respect (Ivakhnyuk: 2009, 31). From the middle of the 2000s, migration from Central Asia grew especially fast, and in 2007 Uzbekistan and Tajikistan had become the leading labour migrant donors, replacing China and Ukraine, which had earlier been in the lead. The Central Asian share of the migration flow then constituted

[8] Aziya-Plyus' web-page, available at http://news.tj/ru/news/putin-tadzhikistan-mozhet-vstupit-v-tamozhennyi-soyuz-tolko-posle-kyrgyzstana, accessed 25.10.2011

41% (Tyuryukanova: 2009, 3), and continued to increase in 2008, according to FMS statistics (Zaĭonchkovskaya, Tyuryukanova: 2010, 22). Russia was available to employment-driven migrants, not only through the visa-free regime, but because of the common past which made Russia culturally familiar to CIS migrants, not least due to the widespread knowledge of the Russian language.

The increased flow of labour migrants required changes in the legal system and the overall relationship with the former Soviet citizens, now citizens of independent states, needed to be further clarified (Gradirovsky: 2010, 4).Were these to have prerogatives to immigrants coming from "the far abroad", countries like China, Korea and Vietnam, beside the visa-free entrance? Russia signed bilateral agreements on labour migration with many CIS countries, but these existed merely on paper and did not contribute much to an effective regulation (Ivakhnyuk: 2009, 31).

In 1996 –1997 the government brought a federal law project to the State Duma on the "attraction of foreign citizens to labour activity" (привлечение к трудовой деятельности иностранных граждан) (Gradirovskiĭ: 2010). This law draft introduced quotas as a possible constraint on the use of foreign labour (Ibid). The law was not adopted, however, which according to the scholar Sergeĭ Gradirovskiĭ had to do with the state's need for a new migration policy that dealt with not only labour migration, but the whole legal system concerning the arrival of foreigners in the RF. A governmental commission on migration policy was established in 1998, but this did not result in any significant changes (Ibid). With Putin coming to power, however, overall revisions started to take place also in the sphere of migration.

In the beginning of the 2000s, the Putin administration attempted to further develop the institutional foundations of migration policy, its legal infrastructure as well as the executive mechanisms for implementing new policy (Korobkov: 2007, 78). These developments were coloured by a negative official attitude towards migration. Large numbers of illegal migrants, and the state's inability to counteract it, put illegal migration on the government's list of national security issues (Ivakhnyuk, 2009, 37). Fighting illegal migration became a main priority for the migration policy (Mukomel': 2008, 2).

From the mid 90s the main discussions on migration had centred around two laws which were under development (Mukomel': 2005, 118). These included the laws "on citizenship", which will not be elaborated on in the following, and the one "on the legal status of foreign citizens in the RF", which is central not only for labour migrants, but for all foreigners entering the Russian Federation. For the first 11 years after the fall of the Soviet Union, the old legislation "on the legal status of foreign citizens in the USSR" remained in force. (Mukomel': 2005, 118) This law did not apply to citizens of CIS countries, and there was therefore no limitation on the period of time a CIS citizen could spend in Russia. (Osipov: 2004, 20) The incompatibility of the law with the new reality was obvious, and lawmakers worked to bring the legislation in accordance with the present situation.

In June 1997 the Duma adopted a law project which was then rejected by the Federation Counsilin July. Once again, in February 1998, the Federation Council rejected the law project that was ratified by the Duma. A commission with members from both chambers then worked out a compromise which led to the ratification of the law "On the legal status of foreign citizens in the RF" in June 1998. The president, however, did not approve the law, and it was still not implemented (Mukomel': 2005, 118-119).

An interagency task force (межведомственная рабочая группа) on the improvement of the migration legislation was formed in 2001, and led by the deputy head of the presidential administration, it presented its policy suggestions already in 2002. And finally, in May 2002, the Federal Law 'On the Legal Status of Foreign Citizens in the Russian Federation' was approved (NO.115-FZ of July 25, 2002) (Mukomel': 2005).This became the main law governing relations between the state authorities and foreign citizens concerning the latter's status of residence, employment etc. (Ivakhnyuk, 2009, 39). Initially it hardly distinguished between former Soviet and other foreign citizens, and the procedures which it introduced were complicated. This governmental attempt to tighten control of migration management would soon turn out to be just as inadequate as specialists and human rights activist at the time had pointed out (Mukomel': 2005, 118-119).

Aleksandr Osipov states that the law "is mainly devoted to the procedures of registration and control, limitations and sanctions, but it does not fully determinate the legal status of foreign citizens, their rights and obligations" (2004, 31). Some of the main obstacles for the migrants were connected with the registration procedures. Any foreign citizen had to register within 3 days. The registration, which was carried out by the police, was done based on the place of residence. Accommodation thus had to be provided prior to registering (Ivakhnyuk, 2009, 40). Stating the actual address of your residence was not enough. According to the procedures, the owner or renter of the residence, and all its residents had to turn up in person at the police station to confirm their acceptance (Zaĭonchkovskaya: 2008).

The temporary stay of citizens of visa-free countries who came to Russia was limited to 90 days. (Chapter 1, article 5.1, N 115-F3, 2002) This stay could be prolonged up to one year, that is, if a work contract was signed under the conditions which the law stipulated and a work permit was given. Article 13 on "Conditions for the labour activity of foreign citizens" made it clear that recruitment of foreign employees is possible for licensed employers. Not only was it the employers' responsibility to get a license (regulated by quotas) in order to attract foreign workers, it was also the employer who should see to it that the migrant worker obtained a work permit, who presented the necessary documents for registration of the migrant worker, and informed the local tax authorities that he employed immigrant workers (Ibid, Chapter 2, article 18.8). As such, according to this law the legal status of the migrant was completely at the employer's mercy. Moreover, when the law speaks of licenses to attract foreign workers, it seems to be relating to a reality where migrant workers back in their homelands are awaiting invitations to come to Russia - as merchandise which is to be delivered according to demand. In this way the law completely disregarded the fact that migrants from the CIS enter Russia legally without any work invitation, and that most of them search for jobs in Russia after arrival, and not prior to departure from their country of origin. Thus, the foreign work force was already available on the labour market, and many employers chose simply to avoid the time-consuming efforts of bureaucratized procedures since job seekers were plentiful and willing to work regardless of formalities (Ivakhnyuk2009, 32).

Referring to experts' general estimation, Gradirovskiĭ writes that no more than 10 – 15% of all labour migrants worked within the legal framework of the 2002 legislation (Gradirovskiĭ: 2010, 8). Vitkovskaya operates with similar numbers, as she estimates that around 90% of the labour migrants in Russia were illegals; lacking either registration or a work permit, or both (Vitkovskaya: 2009). The policies facilitated rather than prevented illegal migration.

The registration procedures were complicated, with long lines, multiple visits to authorities, and problems with finding an eligible address for registration. One out of two migrants were said to be unable to legalize their employment, because the registration was not obtained (Ivakhnyuk: 2009, 41). The ruling bureaucratic system led to growing corruption and the establishment of an illicit immigration industry where permits and registrations were issued unofficially, and where authorities accepted bribes for validating documents (Ibid). Osipov wrote in 2004 that: "The mechanism of the legislative regulations is not enforced, because people lack the incentive and the possibility to be law-abiding" (Osipov: 2004, 33). Who else but the state can facilitate conditions which encourage rather than complicate obedience to the law?

## 3.3 Towards a liberalization of policy?

The restrictive immigration policy had proved to defeat its own ends. In March 2005, President Putin announced that the migration policy would need to be reformed in response to the country's demographic decline. In his speech at the Security Council's conference on migration policy in 2005, Putin emphasized stimulation of migration processes as one of Russia's most important tasks. He also stated that the migration policy is a key factor when it comes to consolidation of relations between the CIS countries. "Russia has an easier task than Europe since such a large part ("practically all") of the immigrants know Russian and are acquainted with Russian culture, and hence adapt easily. But we do not make use of these advantages" (17 March 2005). The same year Putin even expressed some self-criticism on behalf of the state, stating that migrants who have fallen into the shadow economy have done so due to the cumbersome procedures for obtaining legal employment in Russia (Siar: 2008, 15). Policy changes were clearly expected from above.

### 3.3.1 The 2006 amendments

In 2006 the Russian economy was still on the rise, and according to some experts there was a quite evident discrepancy between the need for foreign labour and the legal system that hampered more than helped to make use of the foreign labour potential in a legal way (Gradirovskiĭ: 2010, 9-10). Thus, presumably in an attempt to learn from former mistakes, new legislation on migration was passed in 2007. With these laws it seemed as if the Russian authorities tried to regain an overview of the situation by making it easier for all foreigners to register in a legal way, and for labour migrants who do not need visas to legalize their labour activity. The amendments were described as a revolutionary turn, and the IOM office in Geneva recognized the changes as a "serious step on the way towards a balanced and well organized migration policy in the Russian Federation" (Vitkovskaya: 2009).

After the president's recognition of the important role of migration under the present economic and demographic conditions, the FMS increased its status and became active in the formation of the legislation. This also happened in cooperation with experts and representatives of NGOs (Vitkovskaya: 2009). The "reactive character" of the former policy was said to be replaced by a more conceptual one (Vitkovskaya: 2009). Conceptual, in the sense that it was more thought-through and had a clearer agenda. But how thought-through was the policy really?

The major change in the new legislation was the clear division which was made between migrants coming from countries with a visa regime with Russia on the one hand, and countries within the visa-free regime, that is the CIS countries, on the other. As Putin had said – Russia was to take advantage of the knowledge of Russian culture and language among migrants coming to Russia from former Soviet Republics. And the revision of the law "On the Legal Status of Foreign Citizens in the Russian Federation", which still is in force with some additional 2010 amendments, does give advantages, and somewhat eased regulations to Central Asians and other CIS members.

Accordingly, citizens who enter Russia without a visa (в порядке, не требующем получения визы) have the right to reside in the country for 90 days. If they want to extend that period, they need a

temporary residency, a residence permit or simply a work permit and a work contract. The temporary residency is given for three years and is considered to be the first step on the way to Russian citizenship. The procedure for getting such a permit became easier for the non-visa category, but there are still quotas (Article 6 and 6.1 from the Federal law from 18.07.2006, N 110-F3). A work permit and work contract is sufficient to prolong the stay for up to one year (Article 5.5 of the Federal law from 18.07.2006 N 110-F3, 19.05.2010 N 86-F3).[9] As such, a work permit will do for temporary labour migrants from Central Asia who seek to work periodically in Russia. The absence of a work permit, however, means that the stay of the migrant is limited to 90 days, and when that period has expired he or she is forced to leave Russia and re-enter. Thus, in order to stay legally in the county while performing work within the shadow sector of the economy, they need to relate to the 90 days rule, or they will make themselves illegal twice over.

The procedures for migration registration (миграционный учет) are treated under article 29, which is simply referring to the law "On the migration registration of foreign citizens and persons without citizenship in the RF" (the Federal law from 18.06.2006 N – 110 – F3). The purpose of this law is to keep track of how many individuals and which individuals reside in Russia at any time, and thus get "objective information on the migration situation in the country"[10] (Tsar': 2008). In order for the state to evaluate the impact of migration on the demographic situation and on the labour market, more accurate numbers are of importance. One of the changes in the legislation did therefore concern the registration

[9] "Срок временного проживания иностранного гражданина продлевается при выдаче иностранному гражданину разрешение на работу или патента либо при продлении срока действия разрешения на работу или патента в соответствии со статьей 13.1, 13.2 или 13.3 настоящего Федерального закона. Срок временного пребывания в Российской Федерации иностранного гражданина, прибывшего в РФ в порядке, не требующем получения визы, заключившего трудовой договор или гражданско-правово договор на выполнение работ (оказание услуг) и получившего разрешение на работу с соблюдением требований настоящего Федерального закона, продливается на срок действия заключенного договора, но не более чем на один год, исчисляемый со дня въезда иностранного гражданина в РФ»

[10] Tsar', Seigeĭ Petrovich: Interview with the deputy director of FMS, Ekaterina Egorova, 18.08.2008, www.garant.ru/action/interview/10232, accessed 18.01.11

procedures, and was directed at gaining an overview of the actual numbers of immigrants in Russia.

Temporary job applicants no longer need to have a stamp in their passport confirming their place of residence and a confirmation from the owner of the residence that the person is actually living there. At present it is sufficient to register the place of work, or a temporary place of residence. This can be done at the local FMS office or at any post office (A confirmation from the owner of the housing or from the employer is still needed) (Gannushkina: 2007, 5). It is, however, not the migrant, but the receiving party, who shall carry out the procedure. And, referring to the FMS web-site: "the foreign citizen himself does not need to contact any organization and lose time"[11] (FMS' web-page). This is certainly true when it comes to tourists who are registered by their hotel, but in the case of Central Asian labour migrants it is often less clear who is the receiving party. Nevertheless, the receiving party needs to be found within 7 (until 2010 it used to be 3) working days. It does help, though, that the receiving party may be both a Russian citizen and a foreigner with a residence permit, it may also be a legal entity, its subsidiary or representatives, with whom the foreign citizen is actually living or for whom he is working.[12] According to FMS' deputy director Ekaterina Egorova, the number of registered migrants increased from 5 to 8 million in the first year after the implementation of the new procedures[13] (Tsar': 2008)

To acquire a work permit became easier with the 2006 law amendments as well. Most importantly, the migrants who belong to the visa-free regime obtained the right to acquire a work permit independently of an employer. According to the law CIS citizens may now apply for it at the FMS, that is their local UFMS office, with the following documents: an application form for work permits, a document that confirms the person's identity, the migration card with a registration mark from the passport control

[11] «...все процедуры по постановке на миграционный учет осуществляет Принимающая сторона, самому иностранному гражданину не требуется обращаться в какие-либо организации и тратить время." , FMS web-page, available at http://www.fms.gov.ru/useful/migrate/, accessed 29.09.2011

[12] Ibid

[13] Interview with the deputy director of FMS, Ekaterina Egorova, 18.08.2008, www.garant.ru/action/interview/10232, accessed 18.01.11

or from the FMS, and a receipt that the fee for receiving a work permit (1000 roubles) has been paid. The processing of the application shall take no more than 10 days. Moreover, the employers have the right to hire workers from the visa-free area without seeking permission for attracting foreign labour (Mukomel': 2008, 5).This, in turn, gives the migrants the possibility to search freely for work, and their "binding" to the employer has been somewhat loosened. According to Anna Zaĭonchkovskaya "conditions were created for a free movement of foreign workers on the labour market"(2008). FMS statistics confirmed that more migrant workers were being registered and received work permits, and more employers were notifying the FMS about the employment of foreign workers after the 2006 amendments entered into force. The percentage of legal workers is supposed to have increased 2.5 times. This is likely also to be connected with the not insignificant fines for disobedience to the regulations (Human Rights Watch: 2009, 19). The penalty for firms using labour migrants without reporting it to the state agency may mount to several hundred thousand roubles if the FMS discovers such violations of the law. [14]

In addition to the simplified amendments mentioned above, the 2006 legislation involved a foreign labour quota system, which accounted for the exact numbers of migrants who were to be welcomed to work in various regions.

> In order to provide for national security, while supporting the optimal balance of labour resources, with the priority to assist citizens of the RF in employment, and also in order to solve other tasks concerning domestic and foreign policy, the government of the RF is in its right to set work permit quotas for foreign citizens..... (Article 18.1, 3, 2006 N-110 –F3) [15]

[14]Nalogovik's web-page, available at http://www.nalogovik.ru/tablitsa_shtrafov_fms_rf.html, accessed 17.01.2012

[15] "В целях обеспечения национальной безопастности, поддержания оптимального баланса трудовых ресурсов, содействия в приоритетном порядке трудоустройству граждан Российской Федерации, а также в телях решения иных задач внутренней и внешней политики государства Правительство РФ вправе устанавливать квоты на выдачу иностранным

In the first year, the quotas were so large that they did not create any obstacle for anyone. The actual numbers exceeded the number of migrants, and thus, all who wanted to obtain a legal work permit had the possibility to do so. It can be mentioned as well that at this point many migrants were simply unaware that they could now independently formalize their stay, get a work permit and search for a job and for that reason did not seek to obtain one (Ivakhnyuk: 06.06.2011). The first set quotas, for 2007, were generous: 6 mill for CIS citizens and 309 000 for other foreigners, including those who hadalready come to Russia (Gannushkina: 2007, 7). However, in 2008 at the time of economic crisis, Russian citizens started seriously to fear for their positions, and this fear made the large presence of migrants cause great displeasure among them. "Putin listened to the people's dissatisfaction, and made the populist step to cut the quota in half" (Ivakhnyuk: 06.06.2011). These so-called crisis measures, which were taken in order to protect the labour market from foreign labour, had the effect that migrants were forced into an illegal status when the work permit quotas at the different FMS offices had reached their limit. Already in June 2008, the quotas were filled up in 11 Federal districts (Mukomel': 2008, 7). If the 2007 law amendments had helped migrants into the light of legality, the crisis measures helped pushing them back into the shadow sector of the economy.

Nevertheless, even irrespective of the quotas there were and are problems with the system. Even if the migrant successfully obtained a work permit, he may "disappear out of sight of the authorities". This can occur if the employers fail to give notice that the migrant is working, despite this being an employers' obligation (Mukomel': 2008, 10). The statistics of FMS for 2007 confirmed that in 40% of the cases the employer did not report their workers, presumably in order to evade tax payments (Tyuryukanova: 2009, 7). Many migrants are also not aware that the presence of a work permit is not sufficient to guarantee them an official, legal working relation; in addition a genuine work contract is needed. As such, the employer still has much to say in determining the migrants' legal status and rights. In Moscow 75 – 80% of the migrants were estimated to work without a written labour contract. According to FMS statistics from 2007, even among migrants with a legal work

гражданам разрешений на работу как на территории одного или нескольких субектов РФ, так и на всей территории РФ"

permit less than half were working officially – with a work contract, receiving a "white" payment, and paying taxes (Tyuryukanova: 2009, 161). Further, having obtained a work permit, the migrant had, according to the regulations, to undergo a medical check within 30 days to make sure that he is not carrying with him any diseases that might harm his surroundings. However, as the law fails to provide for any functioning sanctions in case this requirement is ignored, many do not take this check. (Mukomel': 2008, 5) According to migrants real medical checks are complicated to obtain, and they are therefore often purchased from "firms", which gave a false attestation to the migrants' health (Gladarev and Tsinman: 2011, 521).

Despite the 2006 simplifications of the registration and work permit procedures, corruption was flourishing and a "chain of middlemen has been allowed to form" (Zotova: 2008, 163). In addition to the medical attestations, there are several possibilities for illicit actors to earn money. As the legislation does not regulate the activity of labour recruitment agencies, the demand for these services is covered by shady businesses (Mukomel': 2008, 6). A survey done by the Centre for Migration Research in 2008 shows that 20 – 21% of the migrants asked (774 respondents) used intermediary firms or private middlemen to acquire a work permit (Tyuryukanova: 2009, 9). Some were also registered through intermediary structures, which register the migrants on specially created short-lived firms (Gladarev and Tsinman: 2011, 517 – 518). Often the migrants are not able to distinguish between officially working organizations and shadow-sector middlemen, and researchers point out that the sector of illicit services is growing within the migration sphere much due to deficiencies in the official agencies (Tyuryukanova: 2009, 15).

We cannot leave the 2006 law amendments without mentioning some provisions which were added to them, and which, according to some, functioned much against their intention (Mikhaĭlova, Tyuryukanova: 2009). On the 15 of November 2006 a new governmental resolution (Nr 683) limited the numbers of foreign workers in the field of retail trade. The resolution forbade foreign citizens to trade in alcohol and pharmaceutical products, and the share of foreign workers on markets, kiosks and outside of shops was first to be limited, and later completely abolished (Gannushkina: 2007, 8). This suddenly adopted state act, which

forced large numbers of migrants to leave their work, should be seen in connection with the Kondopogo affairs in late August 2006, where the killing of two locals by people of Caucasian origin led to "anti-Caucasian" pogroms as well as a wave of xenophobia in the mass media. With the upcoming parliamentary elections in 2007 and the presidential elections in 2008 it is not unlikely that the State felt a need to demonstrate its effective migration management (Gladarev and Tsinman: 2011, 537). However, formally, the regulatory act was justified in various ways. In addition to "inducing order at the markets" (наведение порядка на рынках) (Mikhaĭlova, Tyuryukanova: 2009), which pointed to shadowy work relations, violations of labour rights, and the market monopolization by ethnic "mafias" (Ibid), the main explanation was the state intention to support local Russian traders. Along with Tyuryukanova and Mikhaĭlova, Gannushkina shows that pushing the migrants off the markets complicated rather than helped the economic situation for the local population (Gannushkina: 2007, 10 - 11). Three out of five booths at the markets were vacated, and the prices for certain types of merchandise rose (Mikhaĭlova, Tyuryukanova: 2009). The fact was that the practice made several thousand people search for a new job, leading people into criminal and corrupt practices if work was not found (Ibid). The only winners from the situation, according to Gannushkina, were the owners of supermarkets (2007, 10). FMS deputy director Ekaterina Egorova defended the state policy in 2011by using the language argument; "You must agree that when a seller and a buyer cannot understand each other it is not good. [...] In my opinion, both as a citizen of Russia and as a specialist, people involved in trade ought to be capable of making themselves understood." [16] In the same interview she mentioned that because of the importance of migrants' Russian language skills, Russian language centres have already been founded in Kyrgyzstan and Tajikistan. The language level acquired at these centres, however, is clearly not sufficient to work in trade.

### 3.3.2 The 2010 amendments

In 2010 further changes were adopted within the migration legislation which bear witness to some new impulses in the state

[16] Newsru's web-page available at http://newsru.com/russia/20sep2011/fmsmigrants.html, accessed 20.09.2011

management. The concept of differentiation entered the migration policy. While earlier a foreign street sweeper and an engineering specialist were treated equally when applying for entry into the Russian labour market, amendments were made to ease the access for foreign specialists (Gradirovskiĭ: 2010, 20). It may be questioned, though, to what extent they have actually done so. The foreign specialists are welcomed independently of the quota system, but in order to hire a foreign specialist the salary must be minimum 2 mill roubles, a substantial sum for Russian employers to dig out of their pockets, and health care insurance as well should be provided by them (Ibid). As one of my informants pointed out, it is actually your wagewhich decides whether you are a highly qualified specialist or not in Russia. (Ismailov: 070.10.11). In the law "On the legal status of Foreign citizens in the RF, the extensive second paragraph of article 13 on "Conditions for the participation of foreign citizens in work relations", is devoted to the "special conditions for the work activity of highly qualified foreign specialists."[17] Short term labour migrants from Central Asia most often do not fit into this category, but it is interesting to notice that differentiation is entering Russian migration management. What did concern Central Asian labour migrants, though, was another paragraph in the same article, also a 2010 amendment, which pointed directly to the short term labour migrants covered by the visa-free regime. This is the patent system, a way of legalizing the labour of foreign citizens who are working for private persons.

The Patent is a legal mechanism independent of the quotas for work permits. Many migrants are working for individuals, they help building dachas, villas and garages, they work as nannies and gardeners. The patent is obtained at the local branch of the FMS, the UFMS, based on an application form, presentation of the migration card, some kind of personal identification, and a receipt, showing that the fee for the patent is paid. Irina Ivakhnyuk describes the patent as a tax payment in advance. And this is exactly what it is. The migrants pay 1000 roubles a month, and only the first time the receipt must be shown at the UFMS. The next 11 months it is sufficient to pay the fee (for one to three

[17] The Federal law, N 115 –F3, "Особенности осуществления трудовой деятельности иностранными гражданами – высококвалифицированными специалистами"

months at the time) at the bank, and the bank receipt is then validating your patent. After one year, the procedure at the UFMS will have to be repeated[18] (Article 13.3, 19.05.2010 N 86-F3). The state's intention with this legislation was clearly to legalize a group of migrants that earlier had been outside the legal framework. The patent was meant to give an overview of the scope of this particular labour migration, and to provide some taxes for the treasury. The system was, however, not spared criticisms:

> The first 6 months the migrants' tax rate is 30% - before it then becomes equal to other citizens' 13% (except for the highly qualified). It is hence calculated that the person will earn around 3000, but in reality the salary is probably higher. It is then thought that the migrant him- or herself shall go and pay the remaining tax. This is a joke (Ivakhnyuk: 06.06.2011)

> I am against this system. It does not satisfy me. Firstly: these people do not get a work permit. They just buy the patent. There is no medical control of these people. In the law it is written that the migrants must bring some medical confirmations that prove that they are not bringing with them any diseases harmful for their social environment. I asked (in a meeting with government officials) "what then about the patents?" They answered that if you hire someone, you yourself are interested in the health of your worker, and you could take him or her to the doctor. This is not at all a governmental approach, rather some kind of nonsense (Ibid).

According to some sources, the actual legal content of the patent was far from clear to all, and a myth was created among migrants that by paying 1000 roubles a month any foreign citizen from within the visa-free regime could work peacefully (Lukanin: 2011, 20). The stay in Russia is hence prolonged by paying the monthly fee, and the receipt given to the migrant when the fee is paid is the confirmation of the migrant's legal stay in Russia. According to Aleksandr Lukanin, who works with migration issues in Sverdlovsk

[18] Ibid. Article 13.3: Особенности трудовой деятельности иностранных граждан у физических лиц

Federal Subject, the receipt is often only a printed copy, which makes it easy to fabricate for swindlers. The migrant might believe that the tax is paid, although it is not registered as such (Ibid). The newspaper Rossiĭskaya gazeta reports that is has spoken with migrants in Moscow who due to unbearably long queues at the UFMS in the end bought false patents from middlemen for more than twice the set price (Ignatova: 2011).

Some state officials, however, speak very warmly of the patent. Konstantin Surkov, deputy chairman of the Federation Council committee on constitutional law, said in his speech on 24.05.2011 that the implementation of the patent had already showed positive results. From the 1st of July 2010 until the 30th of December, 156,471 patents were made, and 133,590 were issued. Citizens of Uzbekistan were the incontestable patent leaders, obtaining 73,475, or 45.8% of the total amount. Tajiks were following with 33,195 (20.7%) and Kyrgyz citizens with 17,127 (10.7%) (Surkov: 2010). Romodanovskiĭ, the head of the FMS, has reported that in 2010 around 160 thousand patens were issued, which brought the Federal budget 330 million roubles. [19] He admitted that these numbers were far lower than the FMS had expected and that he was not satisfied. He emphasized, though, that they (the state and FMS) were "aiming to solve the economic tasks in a way which served Russia's interests, and that they are subordinating and adjusting all institutions and mechanisms to address this main task."[20] Despite intentions in an economically pragmatic direction, the patent remains a somewhat simplistic method:

> The patent must be included in a system of gaining a work permit. It shows the necessity of many different channels for different kinds of migrants. But to make this work one needs to create an advanced system, and they (The FMS – the State) just decided that the migrants should buy a patent and that's all… (Ivakhnyuk: 06.06.2011)

[19] Migrant.Ferganas' web-page, available at http://migrant.ferghana.ru/newslaw/analyze/raschet-na-torgovlyu-patentami-dlya-migrantov-ne-opravdal-ozhidaniya-fms.html, accessed 20.11.2011

[20] Ibid: «Мы настроены на то, чтобы решать экономические задачи в интересах России, и именно под эту главную задачу мы подстраиваем все институты и механизмы»

In 2011 the FMS itself started to talk about further improvements of the migration legislation. Romodanovskiĭ has stated that the quota system needs to be changed into a system of new organizational mechanisms for recruiting workers. The head of the FMS press service, Konstantin Poltaranin stated in April: "...We have to create a clear, simple and transparent mechanism, which allows the employer to hire a foreigner if there is a need for it". He stressed, however, that hiring foreigners can only be justified when the employers' needs for labour cannot be covered by Russia's own workers. Another point emphasised by Poltaranin, when speaking about improvements in the migration management, was the necessity to "prevent the middlemen, the officials, including the FMS, from lining their pockets" [21] In the following sections I will look more closely at the FMS and the institutional framework for state migration management in Russia.

## 3.4 Which state organs are handling migration in Russia? The FMS: Institutionalizing a negative perception of migration?

The FMS is the main governmental institution for dealing with migration issues in Russia today, and as such merits further scrutiny.

> The Federal migration service is the federal agency of the executive authority which carries out the state's politics in the sphere of migration and exercises the law-enforcement functions, functions of control and supervision, and provides for the state services in the sphere of migration. [22]

The FMS has wide-ranging responsibilities, which are divided among several departments. Under its administration are also the territorial divisions of the FMS – the UFMS - the local offices, which the migrants encounter, and which are handling the migrants' requests and applications. Foreign labour migration is

[21] Migratsia i Zakon's web-page, available at www.migrocenter.org/main/1303725278, accessed 10.09.2011

[22] FMS' web – page, available at http://www.fms.gov.ru/about/condition/, accessed 02.11.2011

just one of many issues which the FMS and the UFMS are occupied with. The UFMS offices have many tasks also in relation to Russian citizens. When it comes to foreign labour migrants they are the ones who register the migrants and issue work permits, and additionally they are to "carry out measures in cooperation with other federal organs of executive power when it comes to warning against as well as hindering illegal migration..."[23] (Article 4.5, prikaz MVD RF ot 02.12.2005 N 983 ). The UFMS is also preparing and carrying out deportations of foreign citizens in accordance with current legislation. The FMS centrally, for its part, shall make sure that the territorial divisions are working in accordance with the set regulations, and in that capacity performs inspections of them (Iontsevo and Kurilo: 06.06.11).

As mentioned earlier, the FMS was founded back in 1992 in order to assist refugees and forced migrants who came to Russia from former Soviet republics. Its predecessor was a Soviet agency under the Council of ministers of the USSR called the "Department of Agricultural Resettlement and Organized Recruitment of Workers"[24] (Perevedentsev: 2002-2006, 43). After its establishment, the FMS went through numerous changes and reorganizations until it was subordinated to the Ministry of Interior in 2002 (Ivakhnyuk: 2009, 27), and the agency got a new leader – the fifth in three years (Perevedentsev: 2002-2006, 43).

In 2004 changes were made "On the system and structure of Federal agencies' executive power" , which determined the functions and the authority of these agencies. Under this new order the Ministry of the Interior shaped the migration policy and took care of the legal questions, whereas the FMS only had an enforcing function related to control and surveillance as well as providing services, without any right to make suggestions for improvements in the existing legislation (Volokh: 2007, 57). Nevertheless, the functions of the agency expanded as passport services were added to its responsibilities. From 2004 on the Federal Migration Service has also been under direct rule of the

[23] "Реализация во взаимодействии с другими территориальными органами федеральных органов исполнительной власти мер по предупреждению и пересечению незаконной миграции"
[24] Главное управление по сельскохозяйственному переселению и организованному набору рабочих при Совете министров СССР

President of the Russian Federation, who determines FMS functions and nominates the agency's director and vice-directors (Ivakhnyuk: 2009, 38), Migration policy became presidential policy (Mukomel': 2008, 2), and the importance of migration issues was thus that much more emphasized. FMS expanded significantly in staff numbers in this period, at the same time as it shut itself more off from cooperation with NGOs and academic experts (Ivakhnyuk, 2009, 38).

When the need for changes in the migration policy was recognized in 2005 – 2006, the status of the FMS was revised, and its independence increased (Vitkovskaya: 2009). Pursuant to decree Nr 403, dating from 2007, the preparation of reviews and concluding parts of law projects and other normative legal projects is now entrusted to the FMS. At present, the FMS thus has the right to prepare suggestions for federal legal amendments, presidential acts, and governmental resolutions, which it subsequently presents to the Government or the President (Volokh: 2007, 57). Hence, the FMS does not simply have a law-enforcement function, but also a role in the preparation and elaboration of the laws; it is participating in the development of the state strategy on migration policy, the very policy which it is obliged to carry out.

The decision to leave the FMS within the sphere of the Ministry of Interior in 2004 was seen by experts as testimony to a continuing repressive course in the migration policy, where migrants were viewed as a security threat (Gladarev and Tsinman: 2010, 38). "The Ministry of Interior was a typical law-enforcement body aimed at maintaining order by any means with the emphasis on coercive methods" (Ivakhnyuk, 2009, 38).

> It was a mistake to make FMS a part of the Ministry of Interior! For what are people to the police – they are potential criminals. This way a general conception of the migrants, which is now hard to change, was formed: The migrants as criminals. (Ivakhnyuk: 06.06.2011)

My informants at the Department of Organization and Analyses believe that the feeling that FMS is a part of MVD has increased over the last few years as a result of the ongoing reform in which the "militsia" is being turned into "politsia".

> For the last two years I have had a feeling that we have been living in this semi-independent regime. We receive letters directly from the government, orders from the president, and the government. Our nature, however, is not all clear. 2/3 of our employees are co-workers from the agencies of MVD (сотрудники органов внутренных дел), they have their legislation for their agency, and we have our civic legislation for ours. [The legislations] do not always correspond to each other (Iontseva and Kurilo: 08.06.11).

It has been debated whether the whole of the FMS should transform into a completely civic agency without uniforms and shoulder straps, but at the moment both the head of the FMS and the head of several departments have military ranks.

> At present, when the FMS' "management of immigration control" is performing their so called "raids", these are done together with other departments: the militsia or the border control which have the right to stop migrants to check their documents (Iontseva and Kurilo: 08.06.11).

Migrants have in fact become a source of supplementary income for Russian militia officers (Ivakhnyuk, 2009, 38). An empirical study, which was done in St. Petersburg and published in 2010, confirms that Central Asians and Caucasians are still frequently stopped on the street and asked about their documents. Migrants often complain that they had to bribe the police officers to let them go, and according to the survey, the policemen's reason for stopping random Central Asians or Caucasians on the street is more often to add to a poor salary, than due to xenophobic sentiments (Ibid: 56 - 57).

The same study also looked at so called raids of illegal migrants performed by the MIA and FMS officers. This is when they pay a visit to a market or a residence where there is likely to be found migrants without required documents, and arrest them all. The authors of the study suspect that with these acts the MIA is showing the government "paper – effectiveness" and that they are more eager to demonstrate how they are "fighting" law and crime infringers, than to perform their real task of securing society law and order (Gladarev and Tsinman: 2010:46). According to

Mukomel' (2008, 4) the fight against illegal migration has proved to be a fiasco as the numbers of illegal migrants that the FMS announces yearly has constantly been increasing. In this way, he says – the FMS is the most "Soviet" state agency. It believes that "delivering alarmist sentiments" helps it to gain more funding (Ibid).

In April 2011, in an interview with the BBC, the head of the FMS' press service, Konstantin Poltaranin said that "the "white race" is threatened", a statement which shortly after cost him his position for its political incorrectness. There have been speculations, however, that this was not the main reason for firing him. [25] I found it interesting that one of my informants from the NGO "Migration and Rights", whom I met shortly after Poltaranin's discharge, commented on the Poltaranin case in his defense. He thought that the statement was taken out of context, and that he knew Poltaranin as a quite decent state official. In the opinion of my informant the abrupt act of removing him would not lead to anything good. "Now right-wing extremists might make an idol out of him, and this only makes these anti-migrant sentiments grow" (Shokhzoda: 27.04.11). Some months later, in an interview with "Russkiĭ obozrevatel'", Poltaranin himself confirmed that there had been disagreements between himself and others in the FMS leadership. He claimed to have brought up the question of intermediary offices, that is commercial structures and middlemen who earn money on migration processes, which "were breeding" around the FMS, and he further said that nothing was done to fight these structures, although he was promised that measures would be taken to "fight the middlemen". Poltaranin was supposedly also asked to become a protector of one of these structures. [26]

### 3.4.1 FMS' interaction with civil society and other state agencies

According to Irina Ivakhnyuk, at the time of the new law amendments in 2006 the head of the FMS gathered researchers and representatives of relevant NGOs every month to ask about

[25] Russkiĭ Obozrevatel" web-page, available at www.rus-obr.ru/ru-web/14634, accessed 05.11.2011
[26] Ibid

developments and if the changes were working as intended. "To me this was just like some new impulse. It seemed as if the FMS had got a new human face, directed towards the migrants. What we had always called for. But no, unfortunately not" (Ivakhnyuk: 06.06.2011). The 2006 amendments had not lead to such an improvement of the situation as hoped, and as described above the process of legalization was still quite complicated for the migrants.

However, despite this clearly expressed disappointment in the state management, there are some concrete initiatives which point in the direction of the FMS moving towards a more transparent profile over the last few years. The FMS' public council[27], which came into being at the time of the legal amendments, has existed since 2006 (Общественный совет при ФМС). This structure consists of NGO representatives and other social actors engaged in migration issues.[28] Moreover, the FMS has an Expert council[29] (Научный совет) where some of Russia's most prominent migration researchers are represented along with state officials. These councils are platforms where non-state actors may also express their opinions and seek to influence state policy through their consultancy function.

The state management of labour migration in Russia has, as described above, largely focused on the legal status of the migrants and the scope of immigration. In 2010, however, the FMS established a division for the assistance of integration (управление содействия интеграции). "They have just been established but I know that they were planning active communication with the Diaspora organizations and confessional leaders "(Iontseva and Kurilo: 08.08.2011). Irina Ivakhnyuk is sceptical about this new structure:

> NGOs are much more suited to dealing with these tasks. Integration is a laborious task directed towards

[27] FMS' web-page, available at http://www.fms.gov.ru/about/counsil/condition/details/38019/full/, accessed 07.11.2011
[28] FMS' web-page, available at http://www.fms.gov.ru/about/counsil/counsil_members/, accessed 10.11.2011
[29] FMS' web-page, available at http://www.fms.gov.ru/about/science/condition/, accessed 07.11.2011

> individuals. The Federal Migration Service is not capable of handling this. …This organ has existed for one year but its head, Tatyana Bazhan, I have not seen at any conference on migration so far. No one knows what they are doing. They are facilitating integration, but they are living their own life…I tried to invite her to a meeting of the public council (of the FMS) of which I am a member. I also have a seat in the governmental committee on migration, but I have not seen her once. This Tatyana Bazhan is not cooperating with the migration community" (Ivakhnyuk: 06.06.2011).

The governmental commission for migration policy was established in 2009. This structure aims to coordinate the Federal executive power and the executive power of the Federal Subjects in the realization of a common migration policy. The governmental commission is also involved in suggesting priority questions for the agenda related to internal and external migration and its development in Russia.[30] The commission is led by Igor Shuvalov – a governmental vice-premier. According to Ivakhnyuk, the fact that Shuvalov is responsible for the economic section, and not the security section (силовой блок) gives "some hope that migration will be looked upon from a perspective of economic needs, from the employers' view" (Ivakhnyuk: 06.06.2011). Ivakhnyuk confirms that the government officials do not share a common migration strategy:

> On one side we have Romodanovskiĭ and the FMS, we have The Federal Security Service, the Border Services and the Drug Control. And then there are the more "sober-minded/sane" people so to speak, economic agencies, departments. Between these different agencies there is an ongoing struggle that we sense in the meetings of the governmental committee on migration. … It is indeed a problem that there are so many state agencies involved in the migration management, because there is no harmony between them. They relate to different statistics and their overall approach is different (Ivakhnyuk: 06.06.2011).

[30] Ibid

When I asked my informants at the Central FMS' Department of Organization and Analyses if it is a problem that many state agencies are involved in the migration management they answered as follows:

> It would not have been a problem if there was a common document that all of them could use as a guideline. From 2003 – 2005 there existed a concept for the regulation of migration processes. In relation to this concept there was an interagency plan for three years. There was a list of events, where the agencies were to work together, there were deadlines... At least then, there existed some kind of foundation for cooperation... (Iontseva and Kurilo: 08.06.11)

There are many state agencies involved in labour migration management, such as; the Ministry of Regional Development and the Ministry of Economic Development. Further, there is the FMS and the Ministry of Health Care and Social Development (minzdravsotsrazvitiya), which has the most concrete tasks in this field, and with divisions especially devoted to these problems. Minzdravsotsrazvitiya is the federal executive organ which, as indicated by its name, develops state policies and regulations in the field of health care and social development, labour, labour protection etc. (Lukashova and Makenbaeva: 2009, 22-23). In the context of this thesis, Minzdravsotsrazvitiya is important as the state agency which determines the quotas for work permits. It is the state voice, expressing how many foreign workers Russia would like to welcome for legal labour activity. Individual quotas are set for all Federal Subjects, and in addition they are divided into 15 different categories of professions. The quota for the whole Russian Federation for 2012 has been announced to be 1,745,584.[31] Out of this entire sum, only 136,384 are allotted to Moscow city and only 149,200 to Moscow region. These are small numbers when considering that 1/3 of all labour migrants work in the capital. In Moscow the largest quotas are given to the categories of "Workers in mining, building and assembly

[31] Minzdravsotsrazvitiya's web-page, available at http://www.minzdravsoc.ru/docs/government/70, accessed 20.11.2011

workers"[32] - 23,223 work permissions, and the quota for "nonqualified workers common for all sectors of the economy"[33]constitutes 44,603.[34] Are these numbers sufficient? How many workers will fall outside the legal sphere of employment?

At the FMS, my informants from the Department of organization and analysis report that there is no unified opinion on migration at the governmental level, and also not in society. Moreover, there is not much precise data that confirm the state's need for immigrants in particular professions. The state does not have an overview of available vacancies - so how then can they prove the need for foreign labour? "The database is insufficient. They (FMS officials) are talking about it all the time "(Iontseva and Kurilo: 08.06.11).

The two FMS employees emphasize that in order to reach a conclusion as to what kind of migration policy is required it is necessary to handle a huge amount of data from all Federal Subjects. "If we were to collect existing vacancies at all the firms for instance, the scope of this information would be just inconceivable. This is why we need analytical systems, systems of information. And at the moment they do not exist " (Iontseva and Kurilo: 08.06.11). Nevertheless, despite the insufficiencies, the problems with quantitatively proving the need for labour migrants in terms of vacancies, and the general differences of opinion on migration issues, my informants further point out that: "there is already the idea that we need to decide upon (закрепить) some kind of migration policy. But the expression "some kind of policy" is not very reassuring, because what does it mean? That we let all in, and who is then "all", and why..?" (Ibid) Below I will address the issue of the migration policy concept.

[32] Рабочие, занятые на горных, горнокапитальных и на строительно - монтажных и ремонтно – строительных

[33] Неквалифицированные рабочие, общие для всех отраслей экономики

[34] All this data is gathered at the web site of Minzdravsotsrazvitiya. Available at http://www.minzdravsoc.ru/docs/mzsr/projects/1249, accessed 20.11.2011

## 3.5 What does Russia want? The lack of a policy concept

As the description of policy above has shown, the state's migration management in the form of law amendments has been heavily criticized. Researchers who have investigated the migration policy changes and their implementation point out that "the lack of a strategy line, based on a clear understanding of migration's role in the socio-economic and geopolitical development of Russia is often leading to contradictory and short-sighted solutions" (Mikhaĭlova and Tyuryukanova: 2009). Also, according to Peter Smagin, one of the high officials of the Federal Migration Service, the Russian migration policy is in lack of an overall concept on how to further develop and carry out this legislation in practice.

> We are catching these impulses in the messages of the Russian President, in public appearances of the country's leaders, in different documents, adopted at endorsed high levels[…] the main directions for the work of the government of the Russian Federation in the period until 2012, and others [35](Smagin: 2009).

Way back in 1999, a concept for the migration policy was developed (Osipov: 2004, 19). According to Irina Ivakhnyuk, this concept was supposed to explain to society the need for labour migrants in preventing labour shortages due to the demographical situation (Ivakhnyuk: 2009, 35). The concept hence showed the state's quite pragmatic attitude towards migration as something that would help to serve its interests. This concept, however, was never ratified and in 2001 – 2002, with rising security concerns all over the globe in the aftermath of 11.09.2001, it was revised with a quite different underlying idea. A general stress on national security, as described above, was reflected in the 2002 law "On the status of foreign citizens in the RF", which sought to increase governmental control over migrants' stay in Russia, and this was to be reflected in the new concept as well. Migration had been defined as a security threat.

[35] "Мы "ловим" эти импульсы в посланиях Президента России, в публичных выступлениях руководства страны, в различных принимаемых на высоком уровне документах, […]основные направления деятельности Правительства Российской Федерации на период до 2012 года, и др."

The document which was ratified in March 2003 was not a concept for migration "policy", but simply "a concept for the "regulation" of migration processes in the RF". Lidiya Grafova (2011), a well-known human rights activist, and the scholar Gradirovskiĭ (2010b) have already emphasized this fact, a testimony to a missing policy. In Gradirovskiĭ's article "Does Russia have a migration policy?" he reaches the conclusion that it does not. There are, however, regulations. Also the concept of the demographical policy states that "The Demographical concept of the RF is directed at […] the regulation (регулирование) of external and internal migration"(Ibid).

The lack of consistency is evident in the concept's introduction, according to which "the concept presents a system of views on the content and the main directions of the operations of the State agencies of the Russian Federation in the regulation of migration processes."[36] Presenting a "system of views" is not a clear way to chart the course of a consistent policy. The concept does emphasize quite strongly the problematic sides of migration, and negative aspects are presented before potential positive effects are mentioned. For one thing, it states that the mass migration from Transcaucasia, Central and East Asia, and the presence of illegals from these areas in many regions of the RF "often worsens the social situation (it does not say for whom, but most likely it means for the local population), creates a breeding ground for terrorist organizations and political extremism, and is a threat to the security of the Russian Federation" (Kontseptsiya: 2003). On labour migration in particular, the concept further speaks about the large share of foreigners who work illegally, and how this leads to the violation of the migrant's labour and social rights, and threatens the national labour market while encouraging the development of a shadow economy" (Ibid). What the concept lacks is concretely formulated overall aims. One aim is for instance to "shape the public opinion so that it helps to effectively implement the policies on the regulation of migration processes in

[36]Kontseptsiya 2003, available at http://www.mid.ru/bdomp/nsosndoc.nsf/0e9272befa34209743256c630042d1aa/036aa5d55070cf9943256ce2002bdee8!OpenDocument, accessed 15.11.2011

the RF".[37] But what these policies are remains unclear all the way to the end of the document, and after the largely negative picture of migration that was painted in the introduction, one may question what public opinion on migration the state seeks to shape? While experts refer to demographical statistics and the evident need to attract migrants, the concept instead aimed to «control the immigration processes in the RF and reduce illegal migration" (Ibid). One of these experts, Victor Perevedentsev, points out a clear discrepancy between the Concept for the Regulation of Migration processes and the Demographical Concept until 2015. In contrast to what he calls a "militaristic" migration concept, the Demographical Concept emphasizes the need for attracting migrants, and then first and foremost citizens from CIS countries. A paragraph in the same demographical concept, which Perevedentsev also refers to, states as a priority: "the implementation of a complex of legislative, organizing and financial means, which are directed at the legalization and adaptation of immigrants in the Russian Federation" (Perevedentsev: 2002 – 2006, 42). Legalization of migrants as a means is not mentioned in the 2003 Concept on the Regulation of Migration Processes.

More than eight years after the 2001 Concept on the Regulation of Migration Processes was ratified, a deputy of the State Duma, Vladimir Nikitin, who works in parliament with migration policy issues, said in an interview to the "Free press" that: "I have tried to convince them (his colleagues in parliament) that one first needs to decide upon the overall policy, and afterwards create programs for resettlement, labour migration and so on. The main thing is to decide what Russia is. And who is to be considered the object of her national interests?" [38](Bukker: 2011)

When I asked my informants in the FMS' Department of Organization and Analyses about the migration policy concept, they answered in the following way: "and this makes us want to

[37] Ibid: "формирование общественного мнения, спостбствующего эффективной реализации политики в области регулирования миграционных процессов в Российской Федерации"

[38] «Я убеждал, что сначала надо определиться с общей политикой, а уж потом создавать программы переселения, программы трудовой миграции и так далее. А главное – надо определиться, что такое России и кто является субъектом ее национальных интересов»

put up sad faces and cry...We have been working on this for years without any result. People seem unable to agree whether we need migrants in Russia or not" (Iontseva and Kurilo: 08.06.2011). However, in 2011 this new draft (the concept project) is under discussion. It has been developed by a group which consists of participants from civil society: experts and non-state migration managers. A representative from the NGO "Migration and Law", which has contributed to this work, spoke of the draft concept as very liberal, and he therefore very much doubted that it would be ratified at this point. He found ratification especially unlikely in advance of the presidential elections in 2012 (Shokhzoda: 27.04.11). Konstantin Surkov, deputy chairman of the Federal Council Committee on Constitutional Law, claims that "… the federal legislation on migration is constantly improving" (постоянно совершенствуется), and adds that "significant changes in policy relating to the new migration policy concept are expected when the concept (project) is ratified" (Surkov: 2011). What can be concluded about this draft in its present form? What are its major points and suggested policy changes, and what role may be outlined for the Central Asian labour migrants?

Firstly, the draft concept is taking into account the present demographic situation, and states that Russia's working age population will shrink by no less than 10 million from 2011 to 2025. "Under such circumstances there is hardly any alternative but to attract workers with different levels of qualifications and professional training from other countries in order to support the progressing development of the Russian economy, with practical means." [39] There is no stress on the possibly negative factors of migration, and although one of its many priorities is to decrease the illegal migration, the concept cannot be read as a declared fight against illegals.[40] Migration is thus not presented as the national security threat that it appears as in the 2003 concept. Overall, the concept stands out as much more thought through, and with a clearer agenda.

The main aims of the state policy of migration are expressed as follows:

[39] Proekt kontseptsiya, available at http://www.mirpal.org/fnews10.html, accessed 10.06.2011
[40] Ibid

- To stabilize and increase the size of the country's permanent population
- To secure the economy's need for labour
- To contribute to the modernization, innovative development and increased competitiveness of the country's economy.
- To secure the national security and geopolitical interests of the RF.

Although the concept especially underlines the need for highly qualified specialists, it does not at all exclude the need for other workers. As concerns migrants from Central Asia, it is stated that the orientation of CIS labour resources towards Russia cannot be taken for granted indefinitely and that the possibility to take advantage of these potentials ought to be used while they still are available. This concept suggests moving away from the quota system, and proposes in replacement to develop differentiated procedures for attracting foreign workers. This is in line with the law amendments from 2010, as discussed above. But will the concept, perceived as very liberal, eventually be ratified? The lack of consensus on migration issues seems to have been an obstacle for a distinct state policy in the past. Russia is struggling with Hollifield's liberal paradox, and the expressed need for immigration lacks support in a large share of the population.

## 3.6 State concerns: Public opinion does matter in Russia… Various public viewpoints on migration and the rise of xenophobia.

Russia is a multiethnic state. In the Soviet Union ethnicity was taken into consideration when the state structure was modelled in the shape of an ethnically defined federation. Also, ethnicity was institutionalized and even recorded in people's passports (Brubaker: 1996). The idea of "friendship among the peoples" (druzhba narodov) was officially proclaimed. Today, Central Asian as well as Caucasian labour migrants, often easily recognized by their ethnic features, are not always met by the touted friendship of bygone years. Labour migrants from Ukraine and others with a "Slavonic appearance" have fewer problems than their Central Asian Soviet brothers. One can in fact read articles which expressly promote labour migration to Russia from Ukraine, Moldova and

Belarus, because of the similarity in culture and appearance of these people, at the same time as migration from Central Asia is rejected. As an example, senior staff scientist at the Institute of Sociology of the Russian Academy of Sciences, Igor' Kuznetsov, uttered in a blog discussion on migration:

> We need to change the migration policy. Yes, citizens of Ukraine, Belarus and Moldova may continue to enter without a visa. But for the citizens of Central Asia, from where there is traffic of drugs, Islamist fundamentalist ideas (идей фундаментального ислама) and financing of terrorism, a visa regime is needed. [41]

Kuznetsov further stated that Russian businesses lose their incentive to modernize, because of the accessible, cheap migrant labour, and he explicitly accused the migrants (гастарбайтеры) for bringing Moscow back to the stone age. "This is why we should not invite all to work, merely the "white collars", the most qualified."[42]

As mentioned, since the mid 2000s there has been an increase in migration from Central Asia. The educational level and the knowledge of the Russian language among these migrants is now also poorer than before, and this is leading to a wider cultural gap between the migrants and the Russian population (Tyuryukanova: 2009, 3). These facts are hardly helping to dampen growing anti-migrant sentiments in Russian society.

The slogan "Russia for Russians" does not only express the position of a marginal group. According to a sociological survey carried out by the Levada Centre, the majority of respondents were supportive of the very idea of "Russia for Russians" (Mukomel': 2008, 1), and although only a minority of all who support this idea would take action against migration, xenophobia and hate crimes toward migrants are very much present in Russian society. Worth mentioning is also that according to a 2006 survey only 4% of the Russians asked saw immigration as a solution to the demographic crisis (Ioffe: 2010, 106). When migration is discussed in society

[41]Russkiĭ Obozrevatel"s web-page www.rus-obr.ru/ru-web/12875, accessed 20.10.2011
[42] Ibid

there is instead a tendency to focus on negative aspects in relation to it, rather than the potential positive effects (Tyuryukanova: 2005, 91). If the state wants to use migration to its benefit it has, together with the media, a crucial role in fighting anti-migrant sentiments. In order to prevent migration from becoming a destabilizing factor in society, these two actors need to disprove that migrants are aggravating the labour situation for locals, and also to contribute in forming a general understanding of the need for immigration. Instead, anti-migration sentiments in Russia are often cultivated by mass media and are very much present in public discourse (Mukomel': 2008, 1).

> Some years ago a state official – maybe it was Lushkov - uttered that 40% of all crimes in Moscow were committed by "priezhie" (newcomers). The journalist interpreted this as almost half the crimes in Moscow were committed by foreigners. This was a mistake as the word priezhiĭ includes all people who usually do not live in Moscow. Many criminals come from other parts of Russia (Ivakhnyuk: 06.06.2011).

Nationalist rhetoric is present both in political campaigns and in the media. The SOVA Centre, an NGO that monitors hate crimes, registered that at least 82 people died in racially-motivated attacks between January and November 2008 (Human Rights Watch: 2009, 13). Scepticism to immigrants, though, is far from limited to people with general nationalist sentiments.

Why such widespread negative sentiments? Illegal labour migration is believed to be a damaging factor in the national labour market as it breeds a shadow sector in the economy, gives rise to corruption and provokes criminality (Ivakhnyuk: 2006, 4). At the same time, however, it is quite clear that one of the main obstacles to legalizing the labour migrants is the employers' demand for cheap, illegal work from foreigners (Tyuryukanova: 2009, 12). The labour migrants' presence is thus due to demand. In order to decrease the share of foreign workers in Moscow it is necessary to make these work places interesting for the "native" people. This concerns working conditions, but also the possibilities for people to work in accordance with one's "specialization from university", said Ekaterina Samrailova, head of the Department of Labour Economics at the Academy for Labour and Social Relations to the

newspaper Izvestiya (Sinyaeva and Yuliya: 2011). She added that in the absence of these criteria the labour market will attract those who are willing to work for a lower wage, and under worse conditions. "It is necessary to implement social guarantees, to refine the conditions for secure labour...Under adequate conditions any job might become prestigious, be it a street cleaner or a builder" (Ibid). A public opinion poll conducted in 2005, however, showed that 60% of the respondents believed that migrants create competition in the labour market and take the jobs away from the natives. This does not seem to have changed over the last years.

My informants at the FMS explain the large-scale opposition against migration with a widespread feeling among Russian citizens that they are not living so well themselves. Although it might not be justified by statistics that immigrants actually are taking jobs from locals, there is a general fear of losing resources created by the fact that people do not feel assured themselves. They have no certain prospects as they worry about whether they will or will not have a place to work next year (Iontseva and Kurilo: 08.06.2011). "I believe that if the State from its highest level (сверху) proclaims that we will accept all (immigrants), and let them work all over (Russia), then in some places there will for sure be protests" (Ibid).

> There is no agreement in society on one long term strategy for Russia. Those in power have to face the dilemma of choosing between the reformist position, which insists on a policy of attracting immigrants, and the fight against the xenophobes and the conservatives, with their isolationist orientation on the Russian /orthodox cultural core (Mukomel': 2008, 11).

At present there is no ratified policy or concept for the management of migration, and it is tempting to agree with Gradirovskiĭ that there is no migration policy, only regulations on migration. This, however, does not prevent us from tracing at least certain priorities and state aims. It is a stated aim to overcome the demographical crisis. Migration is seen as a means in this respect. It is possible to answer the question of who the welcome migrants are. If taking into account media discourses and statements from state officials, Central Asian labour migrants are not the most desired, but when looking at the actual legislation they are still far from unwanted. Illegal migration, on the other hand, is declared to

be unwanted, but none of the means applied have been even close to eliminating it. Contradictions and side effects in the state's management of migration have already been pointed out, and will be further elaborated on in the next chapter, where we will meet the non-state managers of migration.

# 4 Non-state managers of migration. Their view on the state management.

> Ten years I have been working on these problems. And during this time laws were rewritten several times, authority was redistributed among the state agencies, numerous conferences and seminars were held, but migration still did not obtain civilized features. Why? Because as concerns these questions there are no common state aims, only localized (местечковые) interests…among lawmakers and state officials in their management of such a difficult question like migration, there persists nothing but pragmatism: to fill the treasury at the expense of the migrants and to sort out the system of registration. That migrants are deprived of elementary rights, that their social needs are not taken care of and that they live under slave-like conditions does not worry anyone. [43] (Karomat

[43] TTM's web-page, available at http://tajmigrant.com/kommentarii-predsedatelya-mod-ttm-karomata-sharipova-v-pryamom-sovmestnom-tele-radio-efire-komsomolskoj-pravdy-na-temu-trudovaya-migraciya.html, accessed 03.12.2011

"Я десять лет работаю над данной проблемой. За это время несколько раз переписывались законы, перераспределялись полномочия между ведомствами, проводились бесчисленные научные конференции и круглые столы, а миграция так и не приобрела цивилизованные черты. Почему? Потому что в этом вопросе нет общих государственных целей, а есть местечковые интересы.

Кстати, и у законодателей, и у государственных чиновников в решении такого сложного вопроса как миграция, присутствует только прагматизм: пополнить казну за счет мигрантов и наладить систему учета. А то, что мигрант лишен элементарных прав, социально не защищен и находится на положении раба никого не волнует."

> Sharipov, representative of the Tajik organization for labour migrants, Komsomolskaya Pravda: 23.03.2011)

This chapter is devoted to the non-state migration managers and their views on the state management. These are intermediary actors that in various ways constitute a link between the migrants and the state. Although these actors are different in shape, work methods and agendas, they all have in common that their coming into being, the very need or premise for their existence, is strongly connected to the state's management of migration. They all by necessity also relate closely to the state's actual management, and they are therefore capable of providing information on how the state regulations and the state's institutional framework are functioning.

In the chapter on theory above I divided the non-state migration managers into different categories. Below I present the non-commercial, semi-commercial and commercial managers of migration as well as two organizations which do not fit into any of these categories. The category which I named "illicit migration managers" is not discussed in a section of its own, but it is shed light on through my conversations with representatives from the other categories.

In the previous chapter I presented law amendments in the sphere of migration that directly concern the legal status of labour migrants from Central Asia, and thus their possibilities to work in Russia within the existing legal framework. I also drew on experts' evaluations of these amendments after they had been introduced and put into practice. In this chapter, the different non-state migration managers give their views on these concrete changes in the legal framework. Having worked closely with labour migrants and migration related issues, my informants also express opinions on what ought to be done in order to improve the management of labour migration in Russia. I give room to some of these voices and ideas in the following, as they simultaneously reflect perceptions on the present state management.

## 4.1 Non-commercial migration managers

> We lack in our country a system of support for non-governmental organizations which have an informational-legalizing role.[...] At this point, with all the difficulties that arise with the implementation of the amendments made to the migration policy, such NGOs are sorely needed (Zotova: 2008, 161).

As stressed by migration researcher Natal'ya Zotova above, however, the lack of a system of support does not mean that there are no non-governmental organizations which seek to play the important informational-legalizing role. There are human rights organizations involved in migration management in Russia, and I have been in contact with two of them, both situated in Moscow. These organizations receive funding from international institutions (UN High Commissioner for refugees, the Human assistance of the European Commission), organizations (United Way Moscow, Caritas France, and RGN), foundations and others. (Soros-, Ford, the European Commission, the Swiss directorate for development and cooperation, CAF-Russia, the Dutch Embassy, and the Norwegian Helsinki Committee). Much of the support from these donors is project based, and the organizations have to apply for funding for their specific projects. One of the organizations is renting an office on preferential terms from the municipal Moscow government. Except for that, support from the Russian state is scarce or absent.

The Civic Assistance Committee for refugees and forced migrants (CAC), founded in 1990, was according to its web-site the first non-governmental charity formed to help refugees and forced migrants in the Russian Federation. In operation since before the establishment of the Federal Migration Service, the organization from its very beginning "took on an intermediary role in the relationship between migrants and the state structures; supporting migrants in court, offering legal consultations, defence of social rights, and also material and other forms of humanitarian aid."[44] The Civic Assistance Committee is closely linked to the well-known Human rights centre "Memorial". The chairman of the CAC, Svetlana Gannushkina, who works both for the Memorial

[44] CAC's web-page available at http://refugee.ru/, accessed 30.11.2011

and the CAC, confirms that one can hardly separate the one organization from the other. That is how closely they cooperate (Gannushkina: 10.10.11). The CAC also cooperates closely with some medical clinics, which treat migrants without charging fees, and other organizations which help with supplies of food, clothes, etc. In the 90s and onwards the CAC worked with forced migrants, external and internal refugees, but at present - in addition to a special focus on internal migration, particularly from North Caucasus-- they are now also assisting labour migrants. At the organizations' reception office in Moscow migrants are free to come for consultation and help.

Another organization which at present focuses on labour migration is the Foundation Tajikistan. Deputy director Solaimon Shokhzoda explains that this initiative was originally established to help Tajik refugees who fled to Russia at the time of the civil war. "When we saw that the state was unable to cope with the problems related to the influx of refugees and immigrants (ethnic Russians), we founded this organization" (Shokhzoda: 27.04.11). The organization was legally founded in 1999, but worked informally from 1993, with its director, Gavkhar Dzhuraeva, then actually working formally for the Civic Assistance Committee. "This (the CAC) is a classical human rights organization, and the main design for human rights work we acquired from it" (Shokhzoda: 27.04.11). Foundation Tajikistan is founded by ethnic Tajiks and according to their website the organization is the only one in Russia that started out by defending the rights of one national group and later transformed into a "universal human rights centre". [45] Although labour migrants of all nationalities are welcome to address these organizations, most of the labour migrants who contact both Migration and Law and CAC are citizens from the Central Asian states (Denisova: 12.10.11, Shokhzoda: 27.04.11).

In the same way as the state tried to adjust to a new reality with a different type of migration, these two non-governmental organizations adjusted their activity according to the changed conditions. It was only in 2007 that the CAC officially began to offer help to labour migrants. CAC worker Anastasia Denisova,

[45] "Migration and Law's" web-page at http://migrocenter.org/about.html#1, accessed 30.11.2011

the project coordinator for the "Defence of labour migrants' rights ", explains that due to the increasing number of requests from this category of migrants they decided to officially widen their activity (Denisova: 12.10.11). The extended exploitation of labour migrants and the systematic violations of their rights turned labour migrants into one of the most vulnerable and discriminated against groups in society, and as such a target group for help from human rights organizations. Moreover, the often very difficult economic and political situation in their countries of origin made it impossible to separate the CIS labour migrants strictly from the category of forced migrants. [46]

Similarly to the CAC, Foundation Tajikistan adjusted their activity to the new realities.

> In 1997 the Civil war ended. And from that time on the migrants who came to Russia were labour migrants, not refugees. This was because the economic situation (in Tajikistan) was disastrous and the situation after the war was difficult and improved very slowly. Many Tajiks went to Russia in search of work. I use the Tajiks as an example because when it comes to Central Asia the first great flow of labour migrants came from Tajikistan, and then later the Kyrgyz and the Uzbeks followed suit. We therefore started out by helping Tajik migrants, then also Kyrgyz and Uzbeks, and now we are ready to help labour migrants of any nationality (Shokhzoda: 27.04.11).

In 2002 Foundation Tajikistan established the information and legal centre for comprehensive defence of labour migrants, Migration and Law (Информационно-правовой центр «Миграция и закон»). Migration and Law has a 24-hour telephone service where migrants can call and receive help in their own language. Shokhzoda explains that many problems can be solved on the phone, and that this saves the migrants time and money (27.04.11). In addition to providing immigrants with information on legalization and employment in RF, Migration and Law

[46] CAC's web-page available at http://refugee.ru/index/pomoshh_trudovym_migrantam/0-66, accessed 17.12.2011

provides legal help, and assists migrants in socially related questions, for instance in getting medical assistance.

Gavkhar Dzhuraeva divides the management of migration in Russia into different sectors or categories in a similar way to what I have done in this thesis. "First of all, the management is carried out by the state [on three levels] - On the level of legislation, on the level of governance, implementation, and on the juridical level." In addition she points out that there also exist a commercial sector and a state-commercial sector. The commercial sector seems to correspond to the commercial category of migration managers which will be elaborated on below, whereas it remains unclear what exactly she meant by "state-commercial".

> The fourth sector is the Non-governmental Organizations, which also try to manage migration on the basis of their established competence. We find ourselves in this fourth sector and may answer only for this sector. We do not know in detail the documents and decisions that are made there "at the top" (на верху). We see the consequences of what is being done there. They pass a law and people come to us and complain (Dzhuraeva: 29.04.11).

Through their work, CAC and Migration and Law have gained much insight into the problems that the labour migrants from Central Asia encounter in Russia as well as broad knowledge of various actors who are involved in the processes of labour migration; that is, state institutions, employers and other non-state migration managers. Both Gannushkina and Dzhuraeva are active in public councils within the state structures. Gannushkina has a seat in the "President's council for the development of civil society and human rights,"[47] and Dzhuraeva is active in the public council of the FMS. These positions give them the possibility to follow developments in the migration policy sphere quite closely and also make it possible for them to express their opinions and influence decision makers. The activities of the organizations thus go beyond that of practically assisting the labour migrants.

[47] Совет при президенте РФ по развитию гражданского общества и правам человека

On the agenda for the CAC in the field of labour migration is both to "draw public attention to the labour migrants' situation and improve people's attitudes towards migrants", to "force the law-enforcement and administrational organs to live up to their functions in defending the migrant's rights" and to "develop a more favourable legal sphere for labour migrants in RF."[48] On the CAC website, under the paragraph "Why we help the migrants", the organization comments on what they see as changes in the way the Russian state relates to the migrants' problems, "from a slight and partial recognition of the need for state help in the 90s to an actual refusal to solve the problems".[49] The Law "On the Legal Status of Foreign Citizens in the Russian Federation" from 2002 is here referred to as an anti-immigrant act. CAC claims that under the influence of the government and the media, public sentiment towards migrants has changed from compassion with the refugees in the 90s to an unfriendly and hostile attitude at present.[50]

The human right activists believe that the mass media play a significant role in the overall management of migration, and in my interviews with them one might say that mass media actually came across as a migration manager. Media is thought to have great impact on public opinion, whose sentiments subsequently has an impact on state officials' decision-making.

> I will tell you a secret, it is not the government that is "afraid" (of immigration), it is our wonderful, democratic journalists. In their pursuit of hot facts they have chosen to focus on everything that helps to develop migrant phobia. They do not aim to defend the migrants. It is not only the police that fails to see a human being in the migrant, also the journalists fails to see in him a human being. The journalists create public opinion. And accordingly, public opinion taken into account, the government makes decisions that then again will be treated by the journalist until it reaches absurdity (Dzhuraeva: 29.04.11).

[48] CAC's web-page, available at http://refugee.ru/index/pomoshh_trudovym_migrantam/0-66, accessed 17.12.2011
[49] CAC's web-page, available at http://refugee.ru/index/0-2, accessed 30.11.2011
[50] Ibid

Dzhuraeva claims that the media's impact on public opinion and what she calls "anti-migrant journalism" help to create a double standard where the government says one thing but does another (Dzhuraeva: 29.04.11).

> The journalists are triggering public opinion, and "in fear" of the masses the government starts to act less adequately. I see how difficult it is for our government today to avoid interethnic conflicts on Russian territory. But while the state is trying to put skinheads in jail, a journalist may write that a Tajik is a cannibal [and get away with it]. And this is read by millions of people…[…] If the journalist did not constantly throw us in different directions the migration would have been regulated much faster (Dzhuraeva: 29.04.11).

Anastasia Denisova at the CAC confirmed that the picture formed of immigrants in Russian media is largely negative.

> UFMS is regularly reporting on how many they are "catching", what underground cities of labour migrants they are discovering. It has also been reported that allegedly 50% of all crime in Moscow is committed by migrants. It is unclear, however, where these data come from. An image is created of the migrants as criminals, uneducated people, speaking poor Russian - half human slaves(Denisova: 12.10.11).

When I asked whether or not the Russian state's need for immigrants is communicated through the media as well, Denisova said that this opinion is presented also. Some high officials, she said – as an example the head of the FMS, as well as some academics, articulate the viewpoint that demographic problems and the lack of labour are bringing Russia out of economic balance and consequently preventing economic growth. Further, Denisova pointed out what the employees in the FMS department for organization and analysis had already indicated, as reported in the previous chapter. It is a problem that no documented need for immigrants has been presented in the press.

> at least I have not seen any really good, that is economically competent, documentation which gives detailed indications that in this and that sector we have

> the following needs (for labour). Real documentation based on research of the existing labour market. [...] Without such documentation the argument that Russia needs more labour is for most people a poor argument (Ibid).

When negative portrayals of migrants in media dominate, and there is no firm evidence that extra workers from abroad are needed, it is hard to reach a consensus that supports the sustained inflow of labour migrants.

### 4.1.1 Labour migrants' troubles and the side effects of state management

On a daily basis the human right activists are preoccupied with the problems and side effects of the state management as experienced by the labour migrants. The problems that the labour migrants bring to the CAC are various.

> Many come because they have not received their payment. They are being deceived all the time. Many, especially those who are culturally connected with Russia, would like to become permanent citizens. They then come to us with questions concerning the legal procedures. Many also contact us for assistance in a criminal case. Nationalists are persecuting them, and the migrants are often accused of attacking those same nationalists, and of stealing from them (Gannushkina: 10.10.11).

The most common problems, however, are connected with the process of legalization. "People come here to work, and actually, although not by their own fault, they become criminals. This is because it is practically impossible to comply with all the norms that are written in the Russian legislation" (Denisova: 12.10.11).

Denisova recognizes that it was an enormous improvement when the number of days foreign citizens may stay in Russia before they get a registration was increased from three to seven. It remains problematic, though, for the migrants to find a receiving party willing to register him or her on their location. "Although such registration does not carry with it any obligations, Russian citizens do not want to do this [for them]" (Ibid). Denisova explains that

some people are doing big business on the difficulties the migrants experience with obtaining registrations by registering a large number of people on their address. This might be both firms and individuals. "...on the whole it is not understandable why this clause [the registration] is needed." [...] This arrangement pushes (подталкивает) him (the immigrant) into contact with special structures that he will have to pay money in order to get his registration"(Ibid). The special structures may for instance be ethnic associations which we will look more closely at below.

Although the CAC website characterizes the law "On the legal stay of foreign citizens in the RF" as an anti-migrant act, Svetlana Gannushkina says that the 2007 amendments were indisputably for the better, and that they actually made it possible to hire foreign workers in Russia. This does not mean, however, that she sees no difficulties in the new legislation. She finds the quotas for work permits problematic.

> The reduction of quotas is completely meaningless; it just leads to work turning illegal. Because, what does a quota system mean? Quotas can only play a position-finding role. If there are no work places, it means that there are none and that the people will not find work. It is rather stupid to decide this beforehand by setting quotas. If there are work places, the work places will be filled (Gannushkina: 10.10.11).

Anastasia Denisova agrees that the quota system has impeded the legalization of labour migrants.

> The problem was that in the beginning of this year, for instance in Moscow, the migrants did not have the possibility to come personally to the UFMS to get a work permit. […]They could not, because already by the end of 2010 the quotas had been divided up between different organizations. They were completely depleted (filled up). And people who came in by train or by airplane and personally met up at the UFMS [offices] were told that there were no quotas left (Denisova: 12.10.11).

Shokhzoda from Migration and Law also does not see anything good coming out of the constant reduction of quotas. The reason

why there are quotas, he said, is the idea that small quotas for foreign labour will make it easier for local specialists and workers to find a job.

> Our organization also thinks that the Russian workers should be prioritized on the labour market in order to avoid unemployment among the citizens. But if there are vacancies then go ahead for foreigners. To cut the quotas only increases the illegal migration. This way of securing the labour market for locals does not work, unfortunately. Everybody agrees on this(Shokhzoda: 27.04.11).

Returning to Denisova at the CAC, she explains that when there are no more work permits at the FMS the migrants need to get them somewhere else.

> It means that one can only acquire the work permit with the help of some middleman. A firm that has bought them all up beforehand, and which is now selling them. I believe 16000 roubles is a common fee, although according to the law the price is supposed to be 2000 roubles. This is of course a violation of human rights while it also deprives him (the migrant) of access to legal employment. When he (the migrant) comes he certainly does not have these 16000 (Denisova: 12.10.11).

In this is way, Denisova further explains, the migrants enter into what amounts to bounded labour (вступит в кабалу). The employer tells the migrants who did not get a work permit that they will start working without documents and that he [the employer] will fix the papers for them later. "And the person starts to work without documents. This is already pushing him underground. Often the employer takes the migrant's papers as some kind of special deposit so that the person stays with him no matter under which conditions" (Ibid).

When I asked Denisova how it became possible for firms to buy quotas so that the migrants themselves cannot obtain work permits at the FMS, she answered that this is a complicated situation. She cannot say that she knows exactly how things are working. That immigrants or employers are forced to buy work

permits from one of these firms when the quotas at the FMS are filled up "is as it seems considered normal practice. It is not written anywhere that this is illegal (нельзя)" (Denisova: 12.10.11).

But what if there are employers or migrants who in order to escape the queues at the UFMS and the time consuming paperwork, are willing to pay a firm to complete these procedures?

> Yes, if this was a real alternative way of doing it, it would have been different. The person would have a choice either to go to the UFMS or to a firm. But if this is the only way, then it is corruption! And now it is often the only way. In the end we have an enormous shadow sector. And evidently this is too beneficial for all. Not to do anything... (Denisova: 12.10.11)

In her opinion it is a problem that there are no regulations that determine how the quotas should be distributed. The temporary residence permits (RVP) are distributed evenly throughout the year, but this is not the case with the work permits.

> The RVPs are distributed during the first five days of each month. This means that not all RVPs for a whole year are distributed in January, they are evenly distributed throughout the year. But it is not written anywhere that one cannot distribute the work permits all at once... The system itself is not well thoughtthrough. When we confronted the FMS with this problem in a written complaint, they answered us as follows: We admit that the Russian legislation on the management of migratory processes is imperfect" (российское законодательство в области регулирования миграционных процессов является несовершенным) (Denisova: 12.10.11)

Denisova is familiar with the discussions about eliminating the quota system, but instead of rejoicing at the thought of it, she is wondering what will replace it.

> Maybe some kind of score system, where the migrants have to pass an exam in order to get the work permit. Then it is very likely that this will be a system just as corrupt as the one with the quotas. I can guarantee

> that also in that case a system with many artificial obstacles will be formed, which the migrants will have to pay their way through (Denisova: 12.10.11).

When it comes to the implementation of the patent system (see page 44), the opinion of the two CAC workers differed. Gannushkina was very positive about it:

> The Patent system I very much endorse. I think it is very good and important. It made it possible for common citizens to legally hire foreigners. This is something that in any case exists, and the implementation of the patent as such is a legalization of something that persists independently of whether we want it or not. If something exists that does not in any way conflict with the ideas of human rights and so on, then it ought to be legalized (Gannushkina: 10.10.11).

Denisova agrees that the implementation of the patent system somewhat alleviated the situation (with the work permits), but states that at the same time this is "fiction". She claims that most of the migrants are working at construction sites anyway. They obtain patents simply in order to show to the police, so that if they are stopped on the street they can say that they are working legally in Russia. This does not mean that they are legally employed when they are working for a firm and not for an individual. The patent, she says, "is also a circumvention (уловка), which does not bring people out of the grey zone (не выводит людей из серого поля) (Denisova: 10.10.11).

In addition to the questions of legalization, many migrants contact the CAC or Migration and Law when they have problems with getting their payment. It often happens that the employer refuses to conclude an employment contract, and without this contract the migrants are quite defenceless.

> If the employer denies that he has a working relationship with the migrants as in most cases, we write to the public prosecutor's office (прокуратура) and to the "labour inspection" (трудовая инспекция), which in practice, unfortunately, is useless. Because neither the public prosecutor's office nor the labour

> inspection believes that it is their responsibility to defend the rights of foreign citizens. The audit they conduct is not complete. Hardly ever do they actually listen to [the story] of the migrant who sent in the complaint. (.....) As far as I remember, one time we managed to make the public prosecutor's office bring a written order (предписание) to the employer, which forced him to pay. But the employer ignored it. According to the law, the public prosecutor's office then should insist that the order is obeyed. But the public prosecutor's office did not do anything. When we went further with the case, and tried in court to force the employer to follow the prosecutor's office's order, we were told that the person who made the complaint has no such rights. We even took this case to the Supreme Court of the RF, which confirmed that the person has no such rights. (такими правами не обладает) (Denisova: 12.10.11).

It is only when he is in possession of an employment contract that the migrant may take the employer to court for not having fulfilled his obligations. Without a contract the courts are unwilling to look at the case.

When it comes to employers there are different kinds, says Denisova. There are those who realize that it is complicated for the migrants to be legalized, but that they are in need of work; they hire them and pay them. "They are breaking the law, but not intentionally" (Denisova: 12.10.11). There are others, however, who exploit the migrants, because "although it is tax-wise more beneficial to hire foreign workers than Russians, it is still much more beneficial not to pay taxes at all" (Ibid).

Exploitation with non-payment of labour migrants is especially widespread within the construction sector because there are so many firms involved at one and the same building site that it is hard to identify who is responsible to pay which worker. The actual owner/project investor (заказчик) of the building projects is most often not formally attached to the workers (Denisova: 12.10.11).

> Huge pyramid schemes are being disclosed at the moment. On the very top there is for instance a

> foreign investor. On the level below there is a "General contractor", under him again there is a "sub-contractor" – building firms. The "sub-contractor" finds many small sub-contractors that deal with employment, buy materials, technical instruments etc. A whole lot of small firms are engaged, which have no relation what so ever with the project investor (заказчик) even less so the migrants. Often the migrants do not even know the name of the firm for which they are working, believing that they are hired by the big firm-investor, whose name is posted around the building site. When we contact this presumed employer they say that they have no such workers, no foreigners are working for them etc. One example is the large scale building project "Moscow city" where we know there are lots of labour migrants working. And it is quite hilarious when they say that there are no such workers.
>
> In order to find out for whom a migrant has been working, one has to dig into the swarm of smaller firms. And even then they [the firms] might tell you that they certainly do not know anything about this person since they do not even have permission to hire foreign workers. This pyramid system is also not formally illegal. This system exists so that the big firms/investors do not have any responsibility for people (Denisova: 12.10.11).

When trying to help deceived labour migrants the CAC has found some of these small firms, but they were registered outside Moscow and had no property at all: "maybe 10,000 roubles" (Ibid). The director was also not found and who is then responsible? With such scarce resources the firm would be incapable of fulfilling any obligations to its workers anyway. "The only achievement we had in this case was depriving the firm of its registration. We can in other words report to the authorities that this firm is fraudulent. But this does not give the labour migrants their payment"(Ibid). And when the migrants do not get their payment, they are unable to leave Russia after three months and re-enter legally, as they are obliged to do if they have no work permit. They quite simply cannot afford it. This again forces them

to buy fake documents in order to "legalize" their stay (Denisova: 12.10.11).

One of the side effects that the human rights activists have pointed out is the appearance under the current state migration management of various illicit actors. The falsification of documents is a thoroughly criminal activity, but my informants spoke of other arrangements as well that they view as corrupt. I have already mentioned the firms that buy up quotas for labour permits, but there are also other actors.

Shokhzoda gives as an example that after the economic crisis in 2008, a lot of building projects "froze" and it became harder for immigrants to find work. There are, however, middlemen who earn money on finding work for the migrants. These middlemen are "both fellow citizens of the migrants, local population, [they are] people from the Caucasus…" (Shokhzoda: 27.04.11). These middlemen are often not organized to the extent that they have an office. "They find people on the street and operate with a first name only" (Ibid). The work relations that these middlemen provide are most often within the shadow sector.

Another structure which the Migration and Law employees are sceptical about is the so called "Diaspora organizations". While Migration and Law helps the migrants on a voluntary basis, these organizations charge fees for providing such help. "While we are helping to obtain unpaid salaries free of charge, they (the organizations) demand part of the money that they manage to return to the migrants, sometimes 50%, at other times, more or less. This is illegal and criminal" (Shokhzoda: 27.04.11). Shokhzoda says that the present system of state migration management has helped these structures to develop. There is a "system of cooperation between local officials and the Diaspora structures. If a work permit originally costs 2,000 roubles and it ends up costing 15,000… This money (the additional expense) goes to the middlemen and officials" (Shokhzoda: 27.04.2011).

When I asked Dzhuraeva if she regarded what she and her colleague refer to as "Diaspora organizations" as part of the commercial sector, she answered:

> No, of course not. They call themselves NGOs. But I am afraid there has been a confusion of concepts. And

> if this concept becomes legitimate in Russia it will become a model also for Diasporas in Europe. This will result in a shadow market of which the state knows nothing. And there (on this market) a lot of bad things will evolve, starting from the radicalization of ideas and ending with the complete collapse of the integration policy. This is what we already see the beginning of (Dzhuraeva: 29.04.11).

After the liberalization of the migration policy in 2007, Dzhuraeva explains, the NGOs from the donor countries (what she also referred to as the Diaspora organizations) were given the right, not just to help the migrants for money, but also to help them within the legal framework.

> After the simplification of the migratory registration, the Diaspora registers [on their location] everyone who wants to register in order to reside legally on Russian territory. This procedure has been commercialized. The government had given people the possibility to register almost free of charge. For citizens within the visa free regime it costs approximately 200 roubles to get the registration at the post office. But then again, the immigrant needs a receiving party, and when he does not find one he addresses the "Diaspora structure". […].when the (Diaspora) NGOs got the right they started to sell their address. Not only to their fellow citizens, but to anyone in need of this "merchandise" (Dzhuraeva: 29.04.11).

### 4.1.2 The NGOs' policy recommendations and suggestions for structural improvements

In my conversation with Gavkhar Dzhuraeva she stated that that under "the present circumstances of extreme and criminal chaos in the intermediary sector," it is necessary that the state takes firmer responsibility. "Instead of the migrants being welcomed by middlemen it would be better if the state, the FMS, took their fees and legalized the migrants when they entered the country. And every time the registration expires the migrant should be able to go to the FMC to prolong his registration" (Dzhuraeva: 29.04.11).

How, then, is the FMS viewed by the human rights activists at present? Svetlana Gannushkina distinguished between FMS centrally and the UFMS, the territorial offices. The CAC cooperates with the federal service, she says, but her evaluation of the territorial divisions is negative. "Very often they have no skilled personnel. Very often there is corruption" (Gannushkina: 10.10.11). "At the moment", as Dzhuraeva sees it," the FMS centrally is financially and structurally underdeveloped, but it is a very promising new-born baby" (хорошый ребенок). She sees potential in the FMS, and she would like to see its authority increase at the expense of other state agencies; if the FMS got more funding and was separated from the MVD, if it so to speak acquired full powers within the state's migration management. Only under such institutional conditions, she believes, can today's situation and the overall state management of migration improve (Dzhuraeva: 29.04.11). The very essence of her idea is the thought that the other state agencies involved in migration management should cede their authority in the field of migration to the FMS in order to avoid inter-agency conflicts.

> …when the FMS sits down with the Ministry of Labour and the Ministry of Regional Development, they all want their cut of the pie. They have different interests. The FMS has more adequate ideas than the Ministry of Regional Development. They [The Ministry] do not see the migrants. The FMS sees the migrants. They are working with the migrants, legalizing them or punishing them - they see them and understand what they need, what the country needs. But the Ministry of Regional Development - what do they know…They have no idea. Every year they are reducing the quotas, and they are not interested in what consequences these acts have for people (Dzhuraeva: 29.04.11).

Gavkhar Dzhuraeva compares the Ministry of Health care and social development, which she refers to as the Ministry of Labour[51], with the UN in the sense that she says that it has many resources available while it is unclear how these resources are

[51] The Ministry of Health Care and Social Development is in a sense the Labour Ministry since it includes the Labour Department.

spent (Dzhuraeva: 29.04.11). "The Labour Ministry - is all the time talking about the quotas, just like the Ministry for Regional Development. Why do they need quotas, [labour] deficit and crime? I do not understand"(Dzhuraeva: 29.04.11).

But if no quotas, then what? Should there be some limitation on the entrance of labour migrants into Russia, should there be any regulations? As Denisova already stated above, she does not believe that other systems will be any less corrupt than the existing one. When I nevertheless asked her if - when taking into account the widespread anti-migrant sentiments among the population, a visa-regime with the Central Asian countries might not be a way to regulate the migration flow, she found this most unlikely.

> How can one speak of a visa regime within the framework of the customs union? One can speak of whatever one likes, but we have a different reality. We can speak a lot about the visa regime, but it cannot be implemented anyway because of the situation at the borders. Imagine the queues at the Russian Consular sections in Tajikistan and Uzbekistan. We would have to have a consul in every town in these countries; this is how big the demand to go to Russia is. In my opinion this is not realistic (Denisova: 12.10.11).

And still, if the Russian state did want to regulate these flows of people with a visa regime, she doubts that it would be capable of enforcing such regulations. What Denisova suggests instead as a means of regulation is some kind of organized labour recruitment; "firms in the countries of origin and in the recipient country, which know who needs whom and where, etc." (Denisova: 12.10.11). She does not idealize this alternative, however, and she is against having this as the only scheme. She opts for market liberalism where immigrants also have the possibility to search for work independently, and where employers may hire foreign workers if this is feasible as long as it does not harm local workers. The market should be allowed to work on its own. "The state should provide understandable and transparent rules, and not regulate the labour market completely" (Denisova: 12.10.11). The present state management with reduction of quotas does not reflect the reality, she says. "People are coming, and they will

continue to come, they will just be turned into illegals" (Denisova: 12.10.11).

Back at Migration and Law, Dzhuraeva explains that the Russian government is all the time looking to Europe, and that the human rights activists from abroad are telling the Russian government how badly they are doing, and that they therefore need to follow the example of other countries.

> In this way they are pulling Russia into a liberalism that is somewhat more similar to anarchy. Real liberalism is when you have clear regulations. Many human rights activists in Russia believe that liberalism is when everything is allowed/possible. But not everything can be allowed! If everything is allowed that will be our end - the end of order (Dzhuraeva: 29.04.11).

It is necessary for all countries, she says, to study their own economy and their policy, "to find out what is beneficial both for the immigrants and for the local specialists who are suffering because the migrants are pushing the wage level down" (Dzhuraeva: 29.04.11). Under the present situation she is opting for a differentiated approach to migration. "Because when the approach is not differentiated, we get what we have now" (Dzhuraeva: 29.04.11). And that is, if summing up the non-commercial migration managers' view, a disorderly situation with large scale illegal migration, illicit migration managers, a huge shadow sector of the economy and unworthy conditions for labour migrants.

## 4.2 Ethnic associations: semi-commercial migration management

Associations founded by people who originate from Central Asia are also involved in migration management. This is the case with for instance Foundation Tajikistan that was presented above, but while Foundation Tajikistan with its Migration and Law centre has developed into a classical NGO, the ethnic associations are different in several ways. Firstly they differ by their ethno-cultural focus on compatriots. Their activities and the services they provide are directed towards members of the same nationality that the

organization/association represent, and the scope of their activities is also wider than that of the classical NGOs.

What is common for the two associations I met with, The Tajik labour migrant movement in Russia (TTM), located in Moscow, and the Umid (The regional public organization for compatriots from Uzbekistan in St.Petersburg) in St.Petersburg, is their broad agenda. Some of the tasks that these organizations have taken on are similar to the services provided by the NGOs discussed above. The ethnic associations (Diaspora organizations/structures) are providing information to labour migrants on Russian legislation and conditions in Russia, as well as legal help. Additionally, however, they provide services that go beyond those of the NGOs; they give employment assistance and as such have features that make them resemble an employment office. They register the migrants at their address, in this way they take part in the legalization process of the migrants. Except for that, they also arrange cultural events, usually connected to national-cultural festivals.

Although there were similarities with regard to the services provided, I found that there were also significant differences between the two organizations I spoke with - both in their representatives' view of the state management and in other migration managers' view of these organizations. Whereas the Umid was spoken very positively of in a 2006 article by the Russian migration researcher Natal'ya Zotova from the Academy of Sciences (2006), the TTM was described as a criminal structure by my informants from Migration and Law who knew this association in particular because of their common Tajik origin (Shokhzoda: 27.04.11, Dzhuraeva: 29.04.11). My task here is not to discuss the legality of the activities of these organizations. I can only place them in my scheme as belonging to a semi-commercial private order. They are commercial because they provide migration services for a fee, something which further separates them from the classical NGOs. Still, I will claim that they are only semi-commercial because in many ways they are actually more similar to a labour union or a cultural association than a purely commercial firm. Ethnic organizations are found in several Russian cities, and I believe that it is necessary to study more of them closely in order to make generalizations and in order to recognize differences in the ways that they are working. For the purpose of this thesis the

opinions of these associations' representatives on the state management are interesting because in a way similar to the human rights activists they encounter labour migrants and the difficulties that they meet in Russia on a daily basis.

### 4.2.1 Umid

The Regional public organization for compatriots from Uzbekistan in St.Petersburg, Umid (uzbek for 'hope') was according to the St. Petersburg encyclopaedia registered in 1995, but has existed since 1990. Its founder and leader from the very beginning, Alidzhan Khaĭdarov, an owner of several Russian-Uzbek firms who formerly served in the navy, started to work to help compatriots at the beginning of the Perestroika "out of compassion for Uzbeks struggling in Russia" (Zotova: 2006). In the late Soviet period around 180,000 Uzbeks lived permanently in St. Petersburg. In 2006 the number was estimated to be around 80,000 – 100,000, with increasing numbers during spring and summer with the arrival of seasonal migrants (Pudovkina: 2009).

At the Umid office immigrants may seek legal assistance, receive information about the procedures of legalization and registration and so on, as well as get help in finding work. Umid also provides assistance when it comes to resolving labour conflicts and conflicts with the police. They help with the translation of documents and assist immigrants who are unable to return to Uzbekistan for economic or other reasons (Khaĭdarov: 20.04.11).

Valisher Khaĭdarov, the representative of the association whom I met at their office in St. Petersburg, said that very many people contact Umid in order to find work, and migrants already working often turn to the association for help to get the payment they had been promised by an employer who as it turned out is unwilling to pay. Khaĭdarov said that there was a period when he himself would "try out" different job offers "to see if the working conditions were ok and if the payment was given according to the agreement" (Khaĭdarov: 20.04.11). He would work there for one day, and then he would pass the job on to a job-seeking migrant.

Uzbeks in St. Petersburg who are in contact with the association pay membership fees which cover the Umid staffs' salary. The association also charges fees for the services that they provide, but Khaĭdarov emphasizes that these are minimal compared to what

the migrants would have had to pay for a legal consultation at a lawyer's office. In cooperation with banks Umid has helped to develop a system for sending remittances to Uzbekistan (Zotova: 2006), and they are also active in making and distributing "Turan" – an informational newspaper for Uzbek and Tajik immigrants in St.Petersburg.

Umid, however, is not only assisting Uzbek migrants in finding a job, or helping them if they encounter any kind of problem. Umid is also arranging cultural events and celebrations of traditional Uzbek holidays and seems as well to be taking on the role as some kind of guardian for Uzbeks in St.Petersburg. Khaĭdarov made it clear that Umid is very concerned about the image that is constructed of Uzbeks in Russia, and that the organization is constantly working to promote a positive view. This is not easy, since the Russian media according to Khaĭdarov draw a negative picture of Uzbeks. For instance, if a Central Asian has committed a crime, the incident gets much more attention than if an ethnic Russian has violated the law in the exact same way: "We see this clearly on television where one can compare similar cases that were broadcasted; criminal cases with foreigners involved get much more detailed and long sequences" (Khaĭdarov: 20.04.11).

The Umid seeks to have influence on their fellow citizens when it comes to their very behaviour in Russia. Khaĭdarov said it would be favourable for all if the Umid had some kind of supervision of Uzbek migrants working in St. Petersburg –"so that if any of them behave poorly and commit crimes, the Diaspora themselves would see to punishing the actual individuals." "The Diaspora" is not interested in letting individuals create a bad picture of Uzbeks in general. Khaĭdarov actually has an idea of letting all Uzbeks register within the framework of the Umid, and they are already handing out "membership cards" to Uzbeks who are connected to the association. The membership card is supposed to work as a "hallmark" to employers and others, telling them that the migrants have their papers in order and are given favourable references from the Umid. Besides, the cards bring with them some additional benefits: "The membership fee is 150 roubles a month. And then we offer discounts when people buy tickets (to Uzbekistan) and when visiting family members need a registration. We are also starting to give small loans…" (Khaĭdarov: 20.10.2011).

With a developed system of registration within the Umid, the organization could to a larger extent take responsibility for their compatriots, said Khaĭdarov. This, he believes, would be a help both for the Uzbek workers and for the Russian state. Khaĭdarov stressed that "if there was no Diaspora organization that cared about their compatriots' behaviour, the Russian state might in the end have to face riots and mass protest, because the number of Uzbeks in Russia now is increasing steadily…" (Ibid).

### 4.2.2 TTM

The Tajik labour migrant movement in Russia was officially founded in 2007, but the head of the association has been working with migration issues since 2001.[52] Kharomat Sharipov has a Soviet military background and served both in the Soviet and the Russian military. Between 1996 and 2000 he worked in the Moscow military district.[53] Sharipov's command of the Russian language is not at the level of a native speaker (something the reader should bear in mind when reading translations of what he said in the interview).

According to their web-site, the aim of the TTM is to defend the rights of Tajik migrants on the territory of the Russian Federation - to assist them in their social adaptation and in their employment. They also stress that their activities are in accordance with the legislation of the Russian Federation. [54] Similarly to the Umid, the TTM is arranging various cultural events, and they issue a newspaper, "The Voice of Tajikistan", in addition to providing employment assistance and registration.

> We are preoccupied with the fact that the flow of Tajiks to Russia is increasing, not the contrary, and every 7th citizen of Tajikistan finds himself in Russia. That is more than one million. Many gained Russian citizenship, many wishes to get it... There are no workplaces in Tajikistan, as you know (Sharipov: 29.04.11).

[52] TTM's web-page available at http://tajmigrant.com/o_dvizhenii.html, accessed 18.12.2011
[53] Ibid
[54] Ibid

When I asked Sharipov about the activities of the TTM, and whether or not they register the labour migrants, he very much stressed the TTM's role as a defender of Tajik labour migrants in Russia:

> Yes, we are doing everything, absolutely everything. We are interacting with television, calling on television in difficult situations, we are visiting prisons, [we] take care of dead people, search for lost people and help people with no money; that is people who were not paid by their employer or who died, were killed by skinheads...(We have it all documented in these folders)..We are defending their rights...

And he went on to say:

> What can we do for our citizens (in Russia). We have created a newspaper for them, a website. We used to offer Russian language classes here on Saturdays and Sundays, but as they raised the rent we could not afford to keep the location. As you understand, we get no economic funding from the Russian state or the Tajik state – we do not get money, but exist exclusively on donations, contributions. Everyone who comes here leaves 5 – 10 roubles, and this way money is collected, and this way we fund our office with one staff member for our newspaper, our lawyers, voluntary workers.. If the state would help us it would have been good, but the state does not (Sharipov: 29.04.11).

The representatives of Migration and Law criticize the TTM for a mixing of concepts. "If they called themselves a commercial structure I would have snarled less", says Gavkhar Dzhuraeva, "but they call themselves a public organization. [...] A migrant flies into Russia and goes straight to these structures and is then stuck with them. He falls into the hands of a commercial firm which is fighting for its clients. What kind of humanism is that?" (29.04.11)

According to Dzhuraeva and Shokhzoda the TTM is not only offering commercial services, they have political pretensions that could lead to an "enclave policy" rather than an integration policy (Dzhuraeva: 29.04.11). In their opinion, immigrants should not

isolate themselves within their ethnic groups and live in "enclaves", which means beside the rest of society while underlining their differences from the rest.

> We believe that this is not in the migrants' interests. It might not be comprehended adequately on the part of the local population (in Russia) and also not by Russian and Tajik governments. We should not play out a conflict between the state and society. We ought to solve the migrant's problems peacefully by cooperating with the states, the NGOs, and the International organizations - without politics and loud statements (Shokhzoda: 27.04.11).

Sharipov is well aware of the viewpoints of his critics and answers by criticizing them just as harshly:

> The international organizations are making it difficult for the citizens of Tajikistan to find work in Russia. Which organizations? Soros Foundation. Gavkhar Dzhurayeva. They want this tragedy to continue. For us, that is not ok. They are receiving funding from abroad at the same time as they are practically speaking not helping people at all (Shapripov: 29.04.11).

What the disputing parties do agree on, though, is the obvious demand for the services provided by the ethnic associations under the present conditions – especially the registration. "90% of the migrants are illegals. Of course these services are needed" (Dzhuraeva: 29.04.11). As well as the NGO representatives, the representatives of the ethnic organizations are dissatisfied with the present state management. They also have their suggestions for improvements.

### 4.2.3 The semi-commercial migration managers' policy criticism and recommendations

In the interview with Natal'ya Zotova from 2006 that I referred to above, Alidzhan Khaĭdarov maintained that it is necessary to ease the legalization procedure for immigrants, "because at present these procedures are only a feeder for the police". In Khaĭdarov's opinion there were many contradictions and constraints in the

legislation on migration. He mentioned the three-day period in order to register as one obstacle, and suggested that the period should be extended to 20 days (Zotova: 2006). As explained in the previous chapter, the period was extended in 2010, but to 7 days only. According to A. Khaĭdarov, the Uzbek migrants are ready to get legalized and pay taxes, but they are prevented from doing so by a poorly thought-out legislation (Ibid).

When I asked Valisher Khaĭdarov about his opinion on Russia's migration policy, he offered clear proposals for how the Russian state ought to manage migration. As a philologist and former teacher of Russian language in Uzbekistan, he criticized the Russian state for not making knowledge of Russian language the main criterion for granting immigrants work permission (Khaĭdarov: 20.04.11). "The FMS should introduce a compulsory Russian language test with a grading system which allowed only candidates with a certain score to acquire a work permit" (Ibid). This, he said, would already be a sufficient mechanism for regulating the migration flows because the knowledge of Russian also tells something about the person's ability to learn, his motivation and efforts to get a job in Russia. The second criterion should be the migrant's type of profession and professional skills. "Also in Russia one should select people with qualifications. Not just legalize the whole bunch" (Khaĭdarov: 20.10.11). The third criterion should be the migrant's intention to remain in Russia. In Khaĭdarov's opinion it is clear that Russia ought to give priority to migrants who plan to settle permanently in the country or at least plan to reside in the country for a long period of time. "Such strict policies of acceptance will motivate Uzbek citizens to study Russian language at home and to gain professional skills before they come to Russia" (Ibid). Khaĭdarov illustrates his point with the following little story:

> Two Uzbeks want to build a house for themselves and go to Russia to earn enough money, as the wages in Uzbekistan are so small. One of them knows Russian. He is accepted and after a year he returns to Uzbekistan and builds his house. The other one is rejected [does not get a work permit]. He is forced to return back home where his wife will scold him. The rejection is the impulse he needs: he will send his children to Russian schools, he himself will take

> Russian classes and courses to raise his qualification so that next time he will succeed (Khaĭdarov: 20.10.11).

Kharomat Sharipov is very critical of the state management of migration, and when I asked him how he looked at Russia's migration policy he said that "There is no such thing. It is slavery…" (Sharipov: 29.04.11) "But a migration policy is in the process of being developed", I argued. But no:

> Nothing is developing. It is all lies. 100 m from the Moscow Ring Road people live like animals. There they live worse than migrants...only drunkards.... The villages are emptying. Migrants should be living there. Russia ought to attract citizens – especially from Uzbekistan, Tajikistan. They should make them come – register them properly and give them Russian passports. They are needed! The villages are emptying. Let people work! There (in Tajikistan, Uzbekistan) there is no work (Sharipov: 29.04.11).

Sharipov claims that 99% of all Tajiks who come to Russia are interested in gaining Russian citizenship, and that they are even willing to serve in the Russian army if that is a way to obtain it. In his opinion "the Tajik government ought to sell workers to Russia for a certain fee, just like Russia sells oil and gas" (Sharipov: 29.04.11). The fee should then secure pensions and health insurance for the migrants. "In this way the states should organize the exchange of labour between themselves"(Ibid). Sharipov says that there ought to be ready-made dormitories in Russia to welcome the labour migrants, and also courses for untrained workers so that they may become specialists. "Young people learn fast" (Ibid). His approach is quite different from the restrictive policies that Khaĭdarov from the Umid was opting for. They are both, however, very critical of the present state management.

Khaĭdarov sees clear insufficiencies in the state's policies and in their implementation. Last year about 135,000 Uzbek migrants worked in St. Petersburg legally, he said. Altogether, though, the number of Uzbek workers amounted to 300,000. This shows that less than half have worked legally (Khaĭdarov: 20.10.11). When I asked about the state institutions and the FMS in particular, Khaĭdarov confirmed that corruption is widespread and that it is common to pay bribes to get faster access to their services

(Khaĭdarov: 20.10.11). Sharipov is no milder in his characterization of the FMS when I ask if the TTM is cooperating with them:

> Yes, I know all of them. And who are they? They are corruption. They are corrupt officials. They know it themselves. How can they not be corrupt when they make the migrants pay 20,000 for the work permit. And in addition the migrants need to pay for their flight 20,000 and 5,000 for registration for one year..[..].and the police one needs to pay bribes... We – the migrants are providing for their (the policemen's) living. A person who works here (in Russia) first and foremost brings benefits to Russia" (Sharipov: 29.04.11).

Sharipov is clearly dissatisfied with the present conditions for Tajik labour migrants. Under normal conditions a labour migrant would be able to travel back home to see his children and wife once every six months. But today "that will not happen, because the migrants are not even paid their wage on time". Despite the difficulties in Russia, Sharipov sees no other alternative recipient country for Tajik labour migrants. "We cannot go to Europe to work...We will not be accepted there. Russia is like our older brother. We are far from the West. And Russia is also far for us, but our soul has a stronger pull towards Russia" (Sharipov: 29.04.11).

Sharipov is questioning the recent law amendments and is following the further developments closely:

> Now they are saying that the quota system will be liquidated this year. We do not need quotas. For what? Registrations we are ready to help making, but we do not need the quotas. The Patent-system is also not needed. For what? If I come and register on time, then you know where I am. Citizenship should be given beyond doubt. If a Tajik citizen wants Russian citizenship –give it to him. He is not an enemy or a terrorist, just a normal person, with a good soul. This way there would be less crime (in Russia) because when we gain citizenship there will be far less crime committed by police officers. It is the police officers who commit the crimes. He (the police officer) sees a

> migrant without documents and starts to hit him while accusing him of drug dealing...

Although Sharipov seems to be in favour of granting Russian citizenship to all, while Khaĭdarov wants a differentiated selection, both of them seem to agree that it is necessary for the Russian state to accept immigrants. "At the moment Russia is in need of millions of people. Whether they want it or not, soon big parts of the country will be ours. If we do not take it, then the Chinese will. In 10 – 15 years we will see here the "Khaĭdarov region etc..", said Khaĭdarov, indicating that at the Vasily island in St.Petersburg, where the Umid office is situated, Uzbeks will be – if not in majority, then very numerous in the years to come.

Before my second meeting with Valisher Khaĭdarov, the Umid had moved to a new office in the same area. Khaĭdarov explained that they were starting to cooperate with a Russian labour union which is connected to the political party in power, United Russia. He did not want to provide more information since the cooperation was merely getting started, but he confirmed that the labour union had given them the new office. The ethnic associations seem to have a future in Russia. The question is what role they will play in the migration management, and accordingly how they will develop; more in the direction of human rights NGOs, commercial firms, employment offices, labour unions, or cultural-ethnical associations? Or will they simply maintain their wide-ranging status quo?

## 4.3 Commercial migration managers: Firms that provide migration services

A simple internet search in Russian for "migration services" (миграционные услуги) shows that this is a business in which several firms are engaged. My informant, Bakhrom Ismailov from the United Migration Service (EMS), one of these firms, estimated that there are around 10 firms of this kind in Moscow. This is not a huge number considering the size of the Russian capital and the inflow of migrants to this particular city. Nevertheless, it confirms the presence of a business which seems to have evolved over the last few years. My informant underlined that in his estimate he gave the number of "serious" working firms only, implying that

there are also other "not so serious" actors, which work less transparently and outside the legal framework. The head of another firm, V. Sokolov from Slavonic Law, said that there are maybe six firms like his own in Moscow. Many firms of this kind have a short life "They open and work for two years and then they close down again" (Sokolov: 11.10.11).

Firms like the United Migration Service and Slavonic Law present themselves as juridical firms, and the services they provide are related to the legal procedures for migrants in obtaining work permits, residence permits and even citizenship. The firms also help businesses that use foreign labour to check and see whether the hiring of the work force is done in accordance with the law and that the workers' papers are in order. Law firms that specialise in migration procedures are not a Russian phenomenon only. Such firms exist for instance in the US, Australia, and Canada. These immigration law firms earn money by easing the bureaucratic processes for individuals and legal entities; they see to it that the right documents are filled out correctly and submit them to the authority responsible for such requests and applications. This gives them insight into how the relevant authorities, in this case in Russia, the territorial offices of the FMS, are working. The two firms I have spoken with are both relating to the Russian reality and the changes that have been made in the migration legislation. The firms have specialized in different services. Slavonic Law does not deal with the citizenship process, but may refer people to others who do, whereas citizenship seems to be one of the main preoccupations of the EMS. Both firms provide work permits for CIS citizens, and they offer complete checks of firms that wish to assure themselves that the hiring of their foreign workers is done in accordance with the regulations. In addition Slavonic Law has specialized in defending businesses against the FMS. They assist firms which are accused by the FMS of violations of the regulations for the use of foreign labour. According to the Slavonic Law web-site they may be able to have the FMS' penalties repealed or at least to reduce them significantly.[55]

[55] Slavonic Law's web-page, available at www.migra-trud.ru, accessed 15.12.2011

### 4.3.1 Migration processes as business and the businesses' view of the state

The United Migration Services' office is located on Tverskaya, the prestigious main street of Moscow. The similarity between the firm's name and the name of the Federal Migration Service is remarkable, and the two migration agencies provide some of the same services, although one is a state body and the other is commercial and depends very much on the former in the realization of its business. The EMS has been in operation since 2008. Bakroom Ismailov, their chief lawyer, said that the conditions under which the firm was established were those of a not yet firmly established migration policy, a situation that still persists.

> The migration legislation is just taking form. All the time the laws are changing. People, regular citizens, do not manage to keep track of these changes. And since these processes are quite complicated; registration of residence, work permits, temporary residence permits, citizenship, there was a need for professional lawyers, whom one could consult for help with the preparation of required documents.[Professional lawyers] that could complete these legal procedures(Ismailov: 07.10.11).

The EMS "is offering a complete package of migration services" (Ismailov: 07.10.11). They assist both individuals and legal entities in questions concerning entrance into Russia; visas, invitations, work permits, as well as questions related to the legalization of residency; from temporary residency to citizenship (Ibid). Ismailov explained that the demand for the services that his firm provides arose out of the insufficiencies of the state apparatus, the UFMS in particular.

> ...at the moment, there is no one to consult at the UFMS, they have no consultants. According to the law, the UFMS inspector should consult, but he has neither time nor sufficient knowledge. In Russia there is no educational preparation for UFMS officers. People working there have the most varied backgrounds. [...] They speak in a very rude way, very

> unprofessional. Their wage is 500 dollars a month. What respected specialist is willing to work for 500 dollars a month? (Ismailov: 07.10.11).

In addition to acting unprofessionally, Ismailov pointed out, the UFMS officers are few. "Three persons and several thousand (migrants) wanting to enter..." (Ismailov: 07.10.11). This creates long lines at the UFMS offices which make employers and immigrants inclined to apply to firms like his own if they have the financial means to do so. According to Ismailov, the UFMS offices' insufficiency is not the only reason why firms like EMS are needed. The procedures for migrants who wish to work in Russia, as well as for employers wishing to hire foreigners, are far too complicated for people to handle on their own.

> Of course [it is too complicated]. There is the Federal law No. 115 on the legal status of foreign citizens, the Law No. 62 on citizenship in RF, the government act on the realization of work activity for foreign citizens. Regulations from the Labour Ministry... There exists an enormous amount of documents. Not all lawyers are capable of understanding this material in its entirety and to consult it in the right way. This is why we are needed (Ismailov: 07.10.11).

Slavonic Law (Slavyanskoe Pravo), which has been working with migration services since 1997,[56] is located quite centrally in what looks like a former industrial area near the subway station Shabolovskaya in Moscow. Vyacheslav Sokolov, the head of the firm, explains that Russia has just recently been confronted with such migration problems as the current ones; "so there was no ready legislation, no experience". On one of his web-sites Sokolov writes that the laws are changing all the time and that the government officials are constantly changing; "as soon as you get used to the new demands and establish informal contact with one of the officials, new laws appear, your 'acquaintance' is promoted

[56] Slavonic Law's second webpage (2011b) available at http://migraciya.com/?D=2, accessed 17.12.2011

and the conditions for a quick handling of documents are changed."[57]

Sokolov said that it is relatively easy for Central Asian citizens to get a work permit, but that the documents need to be filled in correctly.

> This is hard for the migrants to do themselves. Not everyone born after 1990 speaks sufficient Russian. Still if they get help from older compatriots to fill in the documents they go to the local FMS, queue for 4 hours, and if everything is normal they will wait two weeks and then they will get their plastic card (the work permit). If there are mistakes, the procedure will have to be repeated... We fill in the documents, and our courier delivers the documents at the FMS. And when they are done, the courier goes together with the CIS citizen to the FMS to pick up the work permit. This way the migrant knows that his documents are legal; he received them himself at the UFMS (Sokolov: 11.10.11).

When I asked if labour migrants from Central Asia have the means required to use a firm like EMS, Ismailov said that we have to separate between two groups of migrants. One type is the migrants who are living for instance in Tajikistan and come to Russia to work for a period of time. "They just need a work permit which allows them to stay in Russia for one year" (Ismailov: 07.10.11). According to Ismailov "the employer should legalize these migrants and take responsibility for them" (Ibid). The other group of immigrants are those who have moved to Russia for good.

> Their problem is just that they do not have the legal documents. They understand that they are in need of these documents, but they cannot stand in line at the FMS because they are working. And they are ready to pay a specialist to do it for them. They come to us and sign a contract for 100 000 – 200 000 roubles, not a small sum, but we do not take money in advance. The

[57] Slavonic Law's second web-page (2011c) available at http://migraciya.com/?D=17, accessed 17.12.2011

> migrant pays little by little every month and in the end gets his passport(Ibid).

According to Ismailov, there are many criminals and conmen involved in the migration business, and one way of recognizing them is by their significantly lower fees compared to those which "serious" firms operate with. If they tell you for instance: "just pay us 5000 dollars now, we will fix everything for you and in six months you can come and get your passport. Everything is legal, fast, no need for doubts..." (Ismailov: 07.10.11), then there is every reason to be suspicious. At EMS the customers pay only after the promised service has been successfully provided. On the web-site of Slavonic Law there is a warning against falsifications, false work permits, migration cards and false registrations. "Get your work permit at the FMS or a reliable firm and work peacefully! We can help you!"[58]

To cooperate with the state institutions involved in migration management is necessary for firms like EMS and Slavonic Law, and Ismailov speaks rather positively about his cooperation with the FMS: "We have everything perfectly well arranged(У нас все прекрасно поставлено). They know us. We prepare the documents very well" (Ismailov: 07.10.11). Still, when I asked if he thinks that the FMS has a positive view on the existence of these firms, the answer is no. "The FMS does not like firms like ours. We are the proof that they are doing a poor job" (Ismailov: 07.10.11). Sokolov for his part does not conceal that there is a system of bribing at the UFMS offices. "I have made a survey of how much one needs to pay in bribes in different situations" (Sokolov: 11.10.11). The firm's overall assessment of the state institutions and the state management proved to be quite negative.

According to Ismailov the illegal migration is clearly a product of state policy. He is critical of changes that have been made in the migration legislation and is in favour of a more restrictive visa policy.

> If one million migrants come to Moscow and 70% of them get work permits, then the last 30% are working illegally. If then as they did - give out only 200,000

[58] Slavonic Law's web-page (2011d), available at http://migraciya.com/?D=1, accessed 17.12.2011

> work permits it means that the remaining 800,000 are working illegally. As there are no entrance visas and people enter legally, you cannot stop this from happening. If there was a visa regulation, then only the 200 000 would have entered the country. But there is no visa (Ismailov: 07.10.11).

Despite the fact that he hails from the Uzbek capital Tashkent, Ismailov speaks in favour of "some kind of visa regulations" between the Central Asian countries and Russia. In his opinion only individuals invited by Russian employers should be given a visa. This could be regulated in the donor countries with help from the embassies in Russia. "In that way we would have order" (Ismailov: 07.10.11). Today's disorder, he says, feeds the already strong nationalism and racism. "Russia won WW2, won against fascism but got contaminated herself. Here they look at the colour of your skin, hair...These sentiments are present among people" (Ibid). In his opinion, large numbers of immigrants lead to conflicts within Russia. He finds the talk of abolishing the quota system ridiculous, although he agrees that its presence results in increased numbers of illegal immigrants. Ismailov seems convinced that stricter regulations are needed, and that they are possible to implement. It is but a question of how to shape them and make them efficient (Ibid).

Sokolov is certain that Russia is in need of immigrants and does not favour a more restrictive policy. "They [the immigrants] are cleaning the backyards and the streets. They do not drink as our yardmen did in Soviet times. They get up very early, pray, they do not swear, they do not make noise" (11.10.11). He is no supporter of the quotas on foreign labour, and states that they have been far too small since they appeared in 2009. (Strictly speaking, they had been in existence for some time before that, but that was when they were reduced, and firms like EMS and Slavonic Law, as it seems, first became aware of their existence). In Sokolov's opinion, the Labour Department is also acting quite arbitrarily when it comes to whom it grants quotas.

> In 2009 when they implemented the quotas I asked for a quota of 900 CIS workers for my firm. I knew that if I was given permission by the Inter-departmental Commission of the Labour Department, foreigners

> would come to me, and I would bring all into the legal framework/legalize all (привести все в рамках закона). In April my application was turned down. "You are asking for simple (простые) workers not for highly qualified specialists. Hire unemployed Muscovites! " [...]. In June, after two months, one of my acquaintances called me: Vyacheslav..... do you need quotas for CIS? Yes I do. Buy from us for 7000 roubles each. No, 7000, that is expensive, let us say 6000. And I was free to buy from these people the quotas that I needed. They had bought the quotas at the Labour Department (служба занятости) They are middlemen, like me "The one who finds a loophole becomes a middleman. I did not find the loophole... (Кто нашел выход, тут стал посредником – я не нашел выход) " (Sokolov: 11.10.11).

What Sokolov is saying is that it is quite arbitrary who becomes an intermediary actor between the stately structures, the respective immigrants, and Russian employers. The one who succeeds in establishing the needed contacts gets the deal. However, the apparent approach of the Labour Department was that firms in Moscow should hire unemployed Muscovites or Russian unemployed rather than foreigners. This argument is not valid according to Sokolov, who claims that the unemployed Russians, at least in Moscow, are unable to work. "In Moscow, if you are educated, skilled and with normal behaviour, you will find work" (Sokolov: 11.10.11). Unemployment among Russians (as in the capital where work is plentiful) exists due to the remnants of a poor work culture that developed in the Soviet Union (Sokolov: 11.10.11).

> The most important thing was to be present at work – that was enough to get the wage – which was of course not grandiose... If you came drunk to work, you would be warned by the labour union, you might have to write regrets, but you would always be allowed to work again. Nowadays it is a different reality, and many accustomed to the Soviet order are unable to adjust, hence they are unemployed (Sokolov: 11.10.11).

In Sokolov's opinion the unemployed would therefore remain unemployed independently of the presence in Moscow of labour migrants from abroad.

The commercial migration managers have different opinions concerning the recently implemented patent system. Ismailov sees it as another example of the state not accomplishing its tasks. He recognizes that through this measure the state has succeeded in collecting an extra 3-4 million roubles for the state treasury, but he is still of the opinion that the mechanism has failed since "everybody acquires the patent in order to legalize their stay here" (Ismailov: 07.10.11), even if the patent system was introduced for immigrants working for individuals only. Sokolov, on the contrary, views the patent system positively and describes it as a former deficiency in the legislation which has now been corrected (Sokolov: 11.10.11).

The representatives of the two firms have clear suggestions as to how the state management could be improved. A step in the direction of regaining order in the field of immigration would, according to Ismailov, be to enlarge the FMS staff and to improve their services as well as to improve the information level of citizens as concerns immigration procedures and the hiring of foreign workers. When it comes to labour migration Ismailov believes that the responsibility for the legal status of the migrants should mainly be given to the employers, but for this to work the employers ought to be properly informed about what is expected from them. "At the moment there are many laws that punish the employers, make them pay fines...But there is no help provided to the employers, only punishment. No one is teaching them how to work" (Ismailov: 07.10.11).

Sokolov thinks that the fines that were set to punish employers who do not follow the rules on the hiring of foreign workers are too large. "The FMS was poorly prepared" he said, and has not been able to enforce these regulations effectively (Sokolov: 11.10.11). In his opinion "the Russian economy and the need for workers should decide how many are allowed to work here. Let them come." Contrary to Ismailov's call for a visa regime, Sokolov thinks that there should be a mechanism which allows migrants who have already turned illegal to address the UFMS in order to

legalize their status. "If they have work and a place to stay, then legalize them" (Sokolov: 11.10.11).

## 4.4 Other Actors

Besides the migration managers presented above there are other actors who do not fit completely into my categories. The International Organization of Migration, an intergovernmental organization with a Moscow office, is present as an information resource for other actors, while at the same time is running its own projects. The IOM has taken on a world-wide consultant role in migration issues for states, NGOs, and migrants. Similarly to "Migration and Law", the IOM in Russia has a call centre for labour migrants which has been operating since 2007 on a project basis. As expected, as representatives of an intergovernmental organization the IOM staffs that I spoke with were less harsh than the representatives of non-governmental organizations in their criticism of the state's management of migration in Russia. When I asked how the IOM is relating to the recent changes in the migration legislation, they answered: "Positively. We adapt all our material to these changes, to spread the information. […] Mostly we are providing information on how things are functioning here (in Russia) and what possibilities there are" (Pavlovskaya: 08.06.11).

The IOM in Moscow is in contact with the state structures for migration management on a daily basis, and the IOM representatives could tell that the Labour Department at the time (June 2011) was in the process of developing an information centre for migrants (Pavlovskaya: 08.06.11). According to the IOM, the Russian state was hoping that migrants would come to this centre with their questions. "But so far the centre is not functioning. The NGOs are more popular - the ones that have opened similar (information) centres. People have more trust in them probably" (Ibid). "The IOM representative stressed the importance for information centres to have employees who speak the migrants' languages, suggesting that as a possible failure of the state initiative. "We have one staff members who speaks Tajik. We are lucky that she came to us. Migration and Law have more such workers." (Pavlovskaya: 08.06.11).

The IOM in Moscow is familiar with other organizations working with migration issues in Russia. Among these a labour union for labour migrants especially captured my interest. According to Renat Karimov, chairman of the central committee of this labour union, the organization[59] has been working since 2006 when it was initiated by a group of migrants. He further said that he knows of no other labour union of this kind in Russia (10.06.11). Nor is Karimov encouraging a proliferation of this type of labour unions particularly for migrants. "We keep telling the migrants: you have come to Russia, if there is a labour union at your workplace, join that one! You will be better protected together with the Russian workers" (Karimov: 10.06.11). Many migrants, however, have no access to labour unions through the place where they work (Karimov: 10.06.11), and several of the Russian labour unionshave taken a stand against migration as defenders of the local worker (Denisova: 12.10.11). Karimov thinks it is unfortunate that a particular labour union for migrants is needed, but under the present conditions he believes that it is good that they can provide this opportunity. "It is good as well that this labour union is not divided by national criteria such as the different Diasporas are, but that both Ukrainians, Armenians, Tajik and Kyrgyz etc. are members" (Karimov: 10.06.11).

The labour union for labour migrants does not exclude illegal workers from membership, and much of its efforts are put into trying to help immigrants without work contracts to receive the payment that the employers refuse to pay them. "Without a work permit one cannot ask for an employment contract" (Karimov: 10.06.11), and, as explained above, with the reduction of the quotas the work permits are hard to get. However, despite the absence of an employment contract, the labour union's efforts in many cases "pay off" and they successfully manage to obtain the migrants' payment.

> Often the employers try to deny that the person has ever worked for them. Then our lawyers find evidence that he did. By talking to other workers on the spot... The lawyers then ask the employer to show humanity

[59] профсоюз трудящихся мигрантов занятых в строительстве, Жилищно-коммунальном хозяйстве и смежных отраслях, More on the Labour Union for Labour migrants at http://www.profmigr.com/

> and mercy and abide by the law by paying the worker. 50 percent of the employers understand that they are no longer facing just one individual, but lawyers and a whole organization that stands behind and supports the individual. They then find it easier to pay in order not to be troubled further. In 20 percent of the cases when the employer still does not want to pay, our lawyers start to talk about opening a criminal case, and the possible fines that follow (Karimov: 10.06.11).

What the employers do not know is that these are empty threats. "One can report such cases because the fact that the work took place is evidence in itself. However, the courts do not agree to open cases when there were no employment contracts. But we do not tell this to the employers and they have poor knowledge of the legal code" (Karimov: 10.06.11). Despite these strategies Karimov estimates that 20 per cent of the employers do not pay no matter what. "Then we tell the migrants not to agree to work without an employment contract" (Ibid).

To sum up, this chapter has dealt with very different actors stretching from human rights activists to commercial enterprises. It is probably rather unorthodox to present human rights NGOs and commercial firms under the same headline as I have done above. In this context, however, I believe that this approach has illustrated well the variety of actors which have emerged as a result of the state's insufficiency and state policies that fail to achieve their initial aims. Human rights activists have become involved due to the troublesome situation for the (actual) labour migrants. Commercial actors have discovered a business niche of migration services for which there is an evident demand. The ethnic associations see the need for services that they are able to provide to their compatriots, and whether or not they do it for their own profit remains unanswered here. What is interesting is that the state seems to have given room for a partial commercialization of migration services. From the descriptions of state institutions above it is reasonable to believe that this commercialization has not been a conscious state choice, but rather a development deriving from state inefficiency. Bribery is a common way of communicating with state organs, and restrictions and regulations for how and who should be involved in transactions of, in this case - work permits, are absent. The result is a situation of arbitrary

arrangements that often involve corrupt practices between state bodies and intermediary actors**.** The losers in this system are clearly the labour migrants, as well as employers who are interested in using foreign workers in a legal way. An evident loser is also the state itself if its aim has been to reduce illegal migration. Under its current management of migration it seems as if the state continuously will have to share the management role with both illicit and legal non-state actors.

# 5 Conclusion

It is time to draw together the different parts of this thesis and its findings in some concluding remarks. Below I return to the research questions posed in chapter 1 to look at them in the light of the empirical data that have been presented in the previous chapters. In this last chapter I will also return to some of the theoretical concepts that were presented in chapter 2 and use them as tools in a final summing up of the main arguments. Let us first briefly return to our point of departure.

Russia has become a large scale recipient country for labour migrants from Central Asia. Due to unemployment and low wages many citizens from Tajikistan, Uzbekistan and Kyrgyzstan travel to Russia in search of work. Russia for her part is struggling to keep the size of her population which is diminishing every year. As already shown, demographical data indicate a serious decline of the working-age population in the years to come. To encourage immigration could be a faster way to curtail possible negative effects from demographical losses than long-term measures directed at raising the birth rate as well as improving the general health among the population.

There are several reasons why the Russian state should fear a population decline. Firstly, the economy may suffer. Secondly, there is the foreign policy argument that Russia is losing strength on the international scene compared to more densely populated powers like China, India and Brazil. The migration flows from Central Asia to Russia also concern issues beyond demography. There is reason to believe that Russia, by employing labour migrants from Central Asia, is contributing to stability in this post-Soviet region, at the same time as the Russian state in this way is maintaining a traditional sphere of influence. Russia's "penetration forces" today are natural gas, consumer goods and job

opportunities, and the latter gives it firm leverage in a Central Asia, which is partly living off remittances from abroad.

However, the positive effects for the Russian state deriving from persistent Central Asian labour migration are not regarded as such by the Russian citizens in general, among whom negative sentiments are widespread, especially in relation to labour migration from these countries. Many Russians see the migrants as a negative factor for their own development in that they are pressing down the wages for the local population and reducing their possibilities for employment. There is, however, no evidence that this is correct. In their management of migration, states are likely to meet contradictory interests opting for open or closed borders. Three research questions were posed to investigate the management of the Russian state in relation to labour migration from Central Asia.

## 5.1 What does the state want?

The first question "What does the state want?", implies an investigation of the state's interests. Some of the issues at stake for Russia have already been mentioned. Russia wants to escape from her current demographic crisis. But does the state want and intend to use migration as a means in this respect, and what about Central Asian labour migrants in particular? According to Gradirovskiĭ there is no migration policy in Russia, only regulations. And quite rightly - at present there is no state policy concept for migration. A demographic policy concept does exist, though, and this document states that migration is one of the means for overcoming the demographic problems. Moreover, state aims in the sphere of migration are possible to trace in policy changes and statements, and what is certain is that such aims and wishes are undoubtedly coloured by the context in which policy formation takes place.

After the fall of the Soviet Union a visa-free regime was established between Russia and most of what used to be Soviet republics. The preservation of this regime does say something about what kind of relationship Russia seeks to maintain with other CIS member states and what role it wants to play within the post-Soviet territory – the one of a regional leader.

In the aftermath of 9/11, the focus on national security has increased in countries all over the world. Fighting illegal migration became a main goal also in Russia. This was clearly reflected in state documents at the time that were emphasizing the potential security threats connected to migration from Central Asia in particular. In the mid 2000s, however, the state seemed to go through some kind of pragmatic awakening in the sphere of migration. The turning point was Putin's 2005 speech in which he spoke of the stimulation of the migratory processes as an important task, and migration policy as such as a key factor in the consolidation of relations among the CIS countries. Suddenly the focus on fighting illegal migration shifted to one in which Russia aimed to take advantage of available labour from countries with a common past and with knowledge of the Russian language.

At the time of the economic crisis in 2008 pragmatism was put on hold as it became of utmost important for the state to show its citizens that it first of all acts as their protector, and that the citizens of Russia are prioritized in their own labour market. As quoted in chapter 2 Castles has claimed that "…policymakers may be reluctant to declare their true objectives for fear of arousing opposition," and that "this makes it necessary to deconstruct official goals and look for hidden agendas" (Castles: 2007, 31). In Russia laws and regulations are flexible enough to be adjusted in order to prevent opposition - they may "comfort" the population with a "tightening" of migration regulations when displeasure with immigration increases. The mechanism of the quotas made the state able to "comfort" the population by reducing them, at a time when this became more important than giving labour migrants the possibility to acquire legal employment.

In 2010 the state expressed a wish through its new policies to attract highly qualified workers. This marked a new development in the migration policy when differentiation as a means for migration regulation was implemented. For the first time the Russian state expressed more specifically what kind of migrants it wants the most; highly qualified specialists for permanent settlement. Other migrant groups, however, were not excluded, but for the time being they were still regulated by quotas. In 2011 a new policy concept was developed which by early 2012 had not yet been ratified and put into force. In this concept, the need for migrants of different categories is recognized, and CIS migrants

are still regarded as a resource which Russia should take advantage of as long as she has the chance. Moreover, ongoing talks of expanding the customs union to include Tajikistan and Kyrgyzstan are not pointing towards any state plans of "shutting off" immigration from the Central Asian countries, rather towards encouraging it.

## 5.2 How does the state go about achieving its aims?

In what way has the state set out to practically regulate this labour migration according to its aims? Theda Skocpol reminded us that states do not infrequently pursue goals that are beyond their reach and that their capacities to implement strategies and policies therefore deserve close analyses in their own right. At this point, when summarizing what we have seen of the concrete state management, I would like to return to Schuck and his concepts for explaining the "three-headed nature" of laws; "law on the books", "law in action" and the "law in their minds".

In the early 2000s when the government literally made migration from Central Asia a national security issue, it seemed to believe that by implementing strict procedures for registration and for employment of foreign citizens, Russia could come to grips with illegal migration. The law "on the books", however, proved to be too complicated to be put into practice with good results, and "in action" it failed to decrease both the number of people staying illegally in Russia and the number of foreigners working in the country illegally. As a result, 90% of the labour migrants were estimated to be lacking either registration or work permits or both. The state had far from reached its aim, and had even helped to create a negative perception of the migrants that was to persist, although the state gradually came to see the need for corrections of its policies.

In 2005, with strong signals coming from the president, there was an evident change of the "law in their minds"- the government seemed to realize that their policy had failed. Subsequently, they set out to address the questions of migration in a way that took into account the president's statements on immigration from the CIS countries as a resource for Russia - one that the country

should take advantage of. The result and the evidence of the new mindset were the 2006 law amendments which somewhat eased access to the Russian labour market for CIS citizens. CIS citizens, or as formulated in the text of the law; citizens from countries with a visa-free regime with Russia (в порядке не требующем визы) were separated from other foreign citizens and treated preferentially in the new legislation. The registration procedures were simplified for all foreign citizens, and according to the law "on the books" it became possible for labour migrants from Central Asia (and all CIS citizens) to acquire work permits at the UFMS offices independently of an employer. Some positive effects were noticed such as that the number of labour migrants with an actual work permit rose, and as such the 2006 law amendments did reflect a migration policy which harmonized somewhat better with the demographical concept mentioned above. However, embedded in the "law on the books" was a "hidden clause", which became apparent at the time of economic crisis in 2008. This was the quotas - a mechanism for regulating the numbers of foreign workers that were to be allowed entrance to the labour market in various sectors of the economy. The quotas asserted themselves when they were suddenly significantly reduced at the time of economic crisis. The "law in action" as represented by these reductions led migrants into illegal existence when the work permit quotas were filled up and left them without one. The state's capacity in this field of regulation was thus reduced to the act of deciding upon the migrants' legal status in work relations as legal or illegal, while the state proved insufficient in regulating the numbers of labour migrants present in Russia.

The state itself has repeatedly expressed that its migration policy is under development, and yet not settled. In 2010, a few more steps were taken as the state implemented some new mechanisms of regulation. The so-called patent –"on the books" a way of legalizing the work of labour migrants who are working for private persons, was to bring in taxes to the state from a group of migrants that for a long time had been existing outside of the legal framework. "In action", however, the patents acquired functions beyond their target group when they were obtained by migrants who were not working for private persons, simply in order to legalize their stay in Russia. In this respect the patents' indented functionality showed clear weaknesses. Still, opinions vary on the

new development - the "law in their minds" differs, something which the statements of the commercial migration managers in chapter 4 exemplified. While Bakhrom Ismailov recognized that the state had succeeded in collecting some extra roubles for the state treasury, he thought at the same time that the mechanism had failed since the patent was taken advantage of by other groups of migrants than the one it was originally intended for. Vyacheslav Sokolov, on the contrary, viewed the patent system positively - as a correction of a former deficiency in the legislation. Both of them are quite right in their observations, although their focus differs. The state evidently sought to cover a gap in its regulation. But at the same time it created a possible circumvention because the means by which it sought to cover the gap were too simplistic.

Institutionally, the state's migration management has also failed to be very impressive. In chapter 3, on the state management, I quoted several Russian researchers who expressed strong scepticism about the FMS as a part of the MVD. They thought that its subordination under this ministry had helped to institutionalize a negative perspective on migration. Furthermore, my informants in chapter 4 confirmed that corruption is a widespread problem among UFMS officers, and the UFMSs in general got a poor testimonial: unskilled and few personnel are leading to long queues and waiting hours for those who contact these offices.

Also within the state agencies and among their officials there are various opinions on migration and little consensus. Castles seems to be quite right when he maintains that the factors that need to be addressed when making migration policies are so multifaceted that the policies which have evolved "tend towards compromises and contradictory policies" (Castles: 2007, 31). This leads us to the next and final research question, a question which to some degree has been addressed already.

## 5.3 What are the side effects, problems, and insufficiencies of state policy?

"..state policies often lead to unintended as well as intended consequences, both when states attempt tasks they cannot complete and when the means they use produce unforeseen

structural changes and socio-political reactions." Theda Skocpol's statement is quite to the point when it comes to the Russian state's management of migration. In chapter 4 I explored other actors and their views of the state's structures and means. It became evident that ever more semi-commercial and commercial migration managers are emerging. Strictly speaking, a commercialization of migration services is taking place. Both illicit entrepreneurs and entrepreneurs working seemingly within the law have found migration services to be a lucrative niche. When the state fails to provide these services or its procedures are too cumbersome, other actors either engage in the falsification of documents or take on a middleman role to ease the processes for those able to pay. These middlemen thus constitute an extra layer between the state on the one side and the migrants and employers on the other. At present there seems to be no state control or guidelines for how the commercial actors should work. As such, they create their own ways through the state bureaucracy.

As already pointed out, large-scale illegal migration is one of the most obvious side-effects of the state's management of migration. That "the speeding train of international migration is fuelled by economic and sociological forces" we may very well agree upon, but can we say that it is the state that "acts as a switching mechanism which can change the course or derail the train altogether"? In the case of Russia the state has not "derailed the train" of Central Asian labour migrants. With its concrete switching mechanism – the quotas – it has only contributed to a change in the migrants' legal status. The reduction of the quotas has perhaps helped to convince some Russian citizens that they have priority access to the Russian labour market, but it clearly failed to stop people from coming to Russia in search of work. Moreover, in those cases where people were able to find work, they could not afford not to accept it even without a work permit and a work contract. The labour migrants would agree to work irrespective of their legal status, because the hopes for employment back home were small indeed.

Migration is not tap water. If nevertheless I am to use this metaphor:with the existing visa-free regime between Russia and Central Asia the tap would be the visa-regime which at present is missing. Hence, there is no potential "tap" – if one can at all speak of entry regulations into a country in this way. Moreover, as I have

come to believe through my empirical inquiries – a visa regime with these countries is unlikely to be installed. Both when considering the already mentioned benefits for the state that derive from migration - foreign policy related and domestic - and when considering the state's actual capacity. One of my informants did question if the state would at all be able to enforce a visa regime with the Central Asian countries. The side-effect of people staying on in Russia, although illegally, is perhaps at the moment considered a lesser evil among other state concerns. After all, there is a demand for cheap labour in Russia.

According to Douglas Massey, as referred to in chapter 2, major changes in a state's economic organization are required in order to influence the demand for cheap labour from abroad. In the labour market in Russia, judging from my interviews, there are persisting incentives for employers to employ illegal foreign workers due to tax advantages. The enforcement mechanisms for preventing illegal employment, although existing, do not seem to be strong enough to reduce the shadow sector of the Russian economy. Shadowy ways within the state itself help to "legitimise" corruption and the circumvention of rules, and make it possible for people to use bribes in order to escape sanctions or to gain access to state services. As such, bad state practices certainly have an impact on the rest of society. How can one expect the society to respect law and order when the state itself frequently fails in this respect?

## 5.4 Russia - a persistent migration state

Russia is no doubt a migration state. The large numbers of migrants coming into Russia for work put the questions of migration management on the agenda - it is hard to overlook what one is constantly reminded of. Still, migration management in Russia for now seems to have been limited to questions of the migrants' legal status. When setting out to reduce illegal migration the state means have proved to be contradictory to its aims and the implemented policies have not been sufficient to make significant changes to the better. The often difficult situation for labour migrants and the exploitation they are subject to are results of poor state management which in turn allows for informal work relations to exist.

Although words like adaptation, integration, and tolerance occur in official documents and even though a section has recently been established at the FMS for addressing such issues, there is much work to be done, maybe more than anything related to people's mindset: Acceptance of labour migration in society is necessary if it is meant to constitute a resource for the state. At present it seems like the state - rather than supporting immigration in its rhetoric - is guarding its words; because speaking of immigration as a resource and generally in positive terms could trigger displeasure among the population.

If the state wants to take advantage of the labour force from Central Asia it should provide its citizens with valid information that explains the actual need for immigration. The demographic crisis is perhaps too abstract for people to relate to. An ordinary citizen is unlikely to start worrying about Russia's population size compared to that of China, and whether Russia has more leverage in its near abroad than other countries competing for influence, nor can s/he be expected to worry about the long term impact of a decreasing population on the domestic economic development. What the general citizen *is* likely to worry about is the wellbeing of his family and himself; that work is available, that wages are of a size one can live from, something which concerns tomorrow's pension as well. If labour migrants are perceived as aggravating the situation for the ordinary citizen, then proclaimed anti-immigration sentiments will persist not only among convinced right-wing extremists, but among people in general.

Several of my informants were pleading for a more orderly migration, and it is quite telling that even the representative of the ethnic Uzbek association in St. Petersburg was strongly in favour of clearer state regulations with a larger emphasis on skills: "Also in Russia one should select people with qualifications. Not just legalize the whole bunch." Perhaps a clearer "order" could help to reduce the negative sentiments as well.

A common Soviet history made Russia grant the citizens of CIS countries free entry and thus easier access to the Russian labour market than people of other nationalities. In relation to the Central Asian countries the Russian state is practising the liberal openness which is inherent in a liberal state. However, at the same time the state's high officials, the President, among others, want to reassure

the population that the citizens of Russia should first be secured work before any foreigner may enter the labour market. Domestic forces of anti-migrant sentiments are pushing the government towards greater closure. The liberal paradox is evident in the shifting aims of the state as well as in its concrete management of migration. The Russian state lives up to its symbol of the two headed eagle; at the same time as it has helped to institutionalize a negative perception of migration, it is taking part in discussions on how to institutionalize greater openness with firmer regional integration within a customs union. What is comforting, though, is that sound discussions on "what needs to be done" in the field of migration management are taking place between experts, state officials, and representatives of civil society. Suggested changes are in the meantime not "on the books" and it therefore remains to be seen if they will be put into practice - and in case they are – how successful new legal amendments will be "in action". Labour migrants are and remain, as President Medvedev quite rightly put it, both the problem and the hope of Russia.

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Ismailov Bakhrom Bakhtierovich. Chief lawyer at the United Migration Service.

At the EMS' office.

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Ivakhnyuk, Irina, Senior Researcher and Deputy Director at the Department of Population at Moscow's Lomonosov State

University, member of the public council of the FMS and the governmental committee on migration. At the informants' university office.

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