

Statement of Mr. Postavnin, Deputy Director of the Federal Migration Service of the Russian Federation

THE PROBLEMS OF EXTERNAL LABOUR MIGRATION IN RUSSIA AT PRESENT AND WAYS OF RESOLVING THEM

During the last years the issues connected with mass international migration have come to the foreground in the sphere of international interaction. This process, which has become global, is a kind of phenomena of the modern world, one of its basic characteristics.

Many states of the world, both economically advanced and developing ones, have appeared deeply involved in the world migratory process. Understanding of the fact that the advantages of international migration could be realized more effectively and better results might be achieved, if the states covered with this process, would be more attentive and more patient with resolving negative problems accompanying this modern phenomenon, is being dictated by the logic of life itself.

The migratory situation in today's Russian Federation is, to a certain degree, a heritage of the former USSR, where ensuring of intra-migratory activities of the population was one of the main tasks in the domestic policy. The history of Russia remembers the displacements of huge masses of population within the space of the vast multi-national state that was caused by realization of the large-scale macro-economical projects, that is construction of large industrial integrated plants, factories, that had urban backbone value, reclamation of huge areas of virgin lands, laying of the Baikal-Amur highway (BAM) and others. There are also terrible pages in the history of the country – displacements during the Civil war and after its ending, which was connected with then aggravated class struggle, period of reprisals, resettlement of broad masses during and after the World War II.

The disintegration of the USSR led to a temporary reduction of total amount of migratory flows, including internal migration, - first of all, because of the numerous difficulties that were accompanying the formation of the new states on the post-Soviet space, and, secondly, due to minimizing of the need for foreign labour as a result of sharp decrease in the national production.

A certain constraining in the development of migratory interaction was caused by absence, at that moment, of any contracts between the new states that were to regulate the fundamental rights of immigrants, including the right of free choice of the country of residence and citizenship, property right preservation at crossing borders, as well as seniority and pensions offset.

During that period the dynamics of the migratory processes on the space of the CIS worsened seriously – it became more difficult for the citizens of the former united state to move to neighbouring countries and to adapt themselves there. Heavy obstacles for migration created divergences in the new states' legislations.

However, the formation of the CIS, emerging of other integration associations in the post-Soviet space, gradual rise of national economies, first of all, in Russia, have allowed to level up the negative processes in the sphere of migration.

The stabilization of economic growth in the Russian Federation has led it to the ranks of those large countries in the world that are recipients of foreign labour. The demographic crisis aggravated in Russia for the last years, has given an additional impulse to this process.

Now, according to the international organizations, Russia has taken second place after the USA as to the number of migrants being received from abroad. The all-round improvement of the economic situation in Russia has led it to the ranks of the countries most attractive for migration, first of all, for provisional labour migration.

The flow of immigrants does not run low from the Russian-speaking population, so-called ethnic Russians, living in the countries of the "near" abroad and having taken decision to come back to Russia. For stimulation of this flow into Russia the "Program of assistance to voluntary resettlement into the Russian Federation of compatriots living outside its limits" has recently been adopted.

The modern migratory situation in Russia has certain specific features. According to the multilateral agreement signed by a number of the CIS countries, mutual trips of citizens of the majority of the countries of Commonwealth (except Georgia and Turkmenistan) are carried out in a visa-free mode. Such mode allows citizens of the states - participants, except the named ones, to enter Russia freely. Meanwhile internal passports may be used for such trips.

It is important to note that all of them arrive to Russia legally, not breaking its law.

Nevertheless labour migrants from the CIS countries make the bulk of all illegal migrants in Russia. As experts estimate, for each ten labour migrants only one works legally, that is his (her) legal status in the territory of the Russian Federation is legally settled down. Today's Russia is at the same time a large receiving center, a country of departure and transit of migrants. Only in 2005 more than 22 million persons entered the Russian Federation with various purposes. From them more than 700 thousand worked in Russia on lawful bases, that is had a permit to work. Approximately, 50% of them are citizens from the CIS states - participants.

The statistical data received from the check points on the frontier, confirm that the overwhelming number of all migrants in Russia are those from the CIS countries.

This makes it possible to conclude, that the illegal migration in Russia is formed mainly by citizens of the CIS. Their number reaches approximately 80% from the total number of foreign workers who have come to Russia. As a rule, all of them are economic migrants.

Obviously, there is nothing unusual in it. Various connections between the inhabitants of the countries, who were, rather recently, living in one state, have not been finally lost yet. The Russian language, not forgotten, still remains the universal language for dialogue between citizens, living in the CIS.

All the above stated, as well as the economic rise in Russia, stimulates citizens of the neighboring states to seek earnings providing their families with means of living and go to Russia.

However, backwardness of the international system of organized recruiting (for example, migratory labour stock exchanges), as well as backwardness of services (private agencies of employment), providing civilized conditions for employment and household arrangement in a host state, results quite often (and for many migrants who are not, for some reasons, legalized), in big problems - instead of a trip for earnings in Russia: administrative exile or deportation with closing for several years reentrance to Russia.

Thus, the analysis of the situation with the illegal labour migration in the Russian Federation has led to the idea to create in Russia and interested states, which are today labour donors for our country, a system of organized recruiting of workers and experts. It is planned to create such a system that a worker, wishing to go to Russia for work on hiring, could make it in an organized manner - by addressing to a corresponding service organization in his (her) country.

When this system starts working, a labour migrant will enter Russia having already had in his (her) hands all necessary documents confirming his(her) legal status in the Russian Federation, an appointment card to his (her) concrete employer, and, probably, advance money given to him (her) for travel expenses and tickets up to the destination point, etc.

The most important field of the FMS' of Russia activities is counteraction to illegal migration which is a factor potentially bearing in itself a threat to national security, a factor creating conditions for mass infringement of human rights.

Carrying out its work in this direction, the FMS of Russia is guided by the principle, that its vector should be aimed not as much at illegal migrants, as against the conditions promoting this phenomenon extremely dangerous for the society.

One of the key ways which would help change considerably the situation in this sphere is, certainly, entering respective amendments into the current legal regulations, thus bringing them in line with the requirements of today's conditions.

At the end of 2005, an experiment action was carried out, covering 10 regions of the Russian Federation, with a view to monitor migratory situation and obtain real data on it. The action made it possible to within a short time period almost 7,5 thousand labour migrants who had not been legalized - an infringement of the legislation.

Carrying out the above action, the FMS - department officers were distinctly aware, that along with the simplification of the legalization procedure of illegal migrants it is necessary to do the multi-plane work of creating conditions that would allow workers - migrants without problems to adapt themselves to the unusual, for many of them, conditions in the

territory of Russia. While resolving this problem, the employees of the FMS of Russia have come into contacts with representatives of some national communities (Tadjik, Kirghiz, Moldavian, Armenian, Azerbaijan and others), working in the territory of Russia. In particular, among the measures taken are stimulation of studying by foreign workers and members of their families of the Russian language, better understanding of the tenor of life, traditions and culture of the nationalities living in the Russian Federation.

The analysis of the results of the action on regularizing of illegal labour migrants has allowed to make some important conclusions that have served as basis for taking some measures at the legislative level.

In particular, the work on updating the current migratory legislation has been carried out, draft federal law «On migratory account in the Russian Federation» has been developed and significant legislative amendments in the current federal law «On the legal status of foreign citizens in the Russian Federation», serving as basic migratory law in our country, have been prepared.

These bills have a clearly expressed humanitarian character. Their passing will help many labour migrants, who work in Russia without lawful bases, really feel the protection of law. Currently the Russian parliament has practically finished considering the specified bills. In the near future they will be authorized by the President of the Russian Federation. The entry of the laws into legal force will allow to liberalize significantly the migratory rules, open door more widely for labour migrants from the CIS countries, make their stay in Russia more comfortable.

For example, the notifying order of registration of a foreign citizen who arrives in the country will be adopted. The time period for it will be several times longer than the current three-day term, and now the law lets off to issue a permit to work only 10 days, instead of today's 2-3 months.

Meanwhile in Russia, alongside with the liberalization of migratory rules, proposals on toughening administrative and criminal liability for organization of illegal migration are being developed, legislative measures being taken to increase responsibility of those employers who deliberately involve foreign workers circumventing the law and putting these people into a position of depriving them civil rights and thus not fulfilling the norms of payment established by the Russian legislation, social and other provisions. As a result the illegal actions of such employers lead to rough infringements of human rights.

While doing this work we take into account the experience of the European countries providing large penalties, imposed on employers for every illegal labour worker involved. We are planning also to strengthen liability for manufacturing and distribution of counterfeit documents determining legal status of immigrants.

In April, 2006, for example, actions were taken, in 12 regions of Russia, to stop activities of some organized criminal groups engaged in manufacturing and selling counterfeit internal passports and passports for travel abroad. 13 criminal cases have been initiated, 51 person detained, 43 items of special equipment for counterfeit document manufacturing disposed of. The income only of one grouping working worldwide and having in Moscow about 60 offices made more than 1 billion US dollars.

This criminal group had counterfeited documents for criminals who in 2002 captured, as hostages, several hundreds of ordinary people who came to attend a theatrical performance in Moscow.

The criminal does not know borders. Gangsters, masking themselves with counterfeit documents, can commit crimes outside Russia as well.

The possibility of recurrence of such situations urges to implement passport and visa documents of a new generation, that have up-to-day security characteristics against fake.

In the near future the issuing of passports for travel abroad containing an electronic data carrier is to be launched in Russia. Besides, the development of new Russian visas, residence permit for persons without citizenship and travel papers for refugees that will have a high degree of protection are being under way.

We believe, that in this new affair the cooperation and sharing of experience among all the states concerned are especially valuable, for this will result in creation of effective tools promoting construction of safety space and freedom in the world.

It should be as well said, that involving cheap illegal labour, such unfair employers break the tax laws of the Russian Federation. They do not sign off to the state budget required taxes, including taxes used to provide normal social and other conditions for foreign workers involved. It affects the interests of not only foreign workers but all Russian citizens, for the state budget gets an additional load that is not compensated by tax receipts. The rights of many people suffer from that.

Both in Russia, and in other countries the shadow economy is the major consumer of illegal labour. It is the shadow economy, that defines the demand for cheap illegal labour. It is the shadow economy, that is the nursery of such perverted, anti-humane forms of work as compulsory and slave labour, trade in people, including sexual compulsion and exploitation of child labour. On this ground corruption blossoms.

Thus, the changes in the Russian legislation touching upon the sphere of labour migration, are to provide better protection of the migrant's rights, taking into account the European standards, and to strengthen counteraction to criminal forms of use of manpower, as well.

The conference of general public prosecutors of Europe that was held in Moscow last week showed unanimous aspiration of the European states to operate in one key with a view of law maintenance, order and human rights.

There is a clear understanding in the Russian Federation of the role of labour migrants they play in steady development of the economy. By expert ratings even today Russia needs to involve annually about one million workers and experts from abroad, and this is the minimum. If we fail to considerably counteract, within a short term, to demographic crisis this figure could increase 1,5 - 2 times. Therefore the adoption of effective measures aimed at transformation of the situation developed in Russia for the past fifteen years in sphere of migration is at the present stage one of the main tasks of foreign policy of our state.

We know that similar acute problems exist in the countries of Europe and America, that also are seriously concerned with seeking for ways of resolving uneasy migratory problems.

Russia is not only a country - recipient. It is also a country - donor. Significant number of the Russian citizens leave Russia annually for work abroad. According to the official statistics 61 000 persons left the country in 2005. It is an appreciable loss for Russia because, as a rule, the most active, able-bodied and educated contingent are leaving.

What is especially depressing is that the youth leaves which is most perspective in the professional and reproductive sense.

We are strongly concerned also with departures disguised under lawful purposes, or, even rather, under export, for working abroad of our women and girls. Intermediaries organizing similar departures, frequently simply deceive, misinforming on what work actually expects them after their arrival abroad.

In this context, we figure out an increase in the level of interaction of corresponding structures of states concerned to stop such activities, as well as in other spheres of migratory cooperation.