MOSCOW STATE 'LOMONOSOV' UNIVERSITY

LABOUR MIGRATION

MANAGEMENT ISSUES AND MIGRANT WORKERS RIGHTS' PROTECTION IN RUSSIA

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The authors' views may differ from those of the Editorial Board.

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CONTENTS

Foreword (*Council of Europe*) **5**

Preface **7**

Current Migration Trends and Migration Management in Russia **9**

Vladimir Iontsev The present and the future of international labour migration in Russia **9**

Mikhail Tiurkin International labour migration in Russia: current trends and legal management **20**

Alexander Roudik Legal regulation of labour imports in the Russian Federation: realities and prospects **25**

Vladimir Petrov Labour migrants in the receiving societies: institutional coordination issues **32**

Vadim Yentykov The role of private employment agencies in counteracting irregular migration (International Association "Labour Migration") **39**

Irina Eliseeva Identification of migrants: labour migration statistics in contemporary Russia **45**

Regions of Russia: economic, demographic, migration situation and local authorities policies **48**

Mikhail Klupt The prospects for labour migration in North West Russia: import and export of labour resources **48**

Svetlana Soboleva Foreign migrants'position at the Siberian labour force market: experts' estimates **56**

Liudmila Ponkratova International labour migration in the Far East of Russia: realities and prospects **62**

Dalkhat Ediev Migration situation and migration intentions in the regions of the Northern Caucasus **72**

Sergey Ryazantsev Immigrants in the Russian labour market: approaches and practices of migration management at federal and regional levels **79**

Gennady Kumskov A perspective from countries of origin: labour migration trends in Kyrgyzstan **87**

Irina Prybytkova Ukraine in the context of enlarged EU: new and old labour markets for Ukrainian labour migrants **92**

Experience of European countries in labour migration management and prospects for Russia – EU cooperation in promoting regular forms of labour migration **97**

Piotr Walczak European Convention on the Legal Status of Migrant Workers — the effective tool for temporary labour migration as an alternative to irregular migration **97**

Andrey Kamensky Compatibility of Russian legislation with the principles of European Convention on the Legal Status of Migrant Workers (1977) **111**

Henri de Lary Conditions surrounding ratification by France of the European Convention on the Legal Status of Migrant Workers..... **123**

Magne Holter Norway's policies towards migrant workers and prospects for the future..... **126**

Ana Cristina Branco Legal situation of immigrant population in Portugal **130**

Chan Choenni Integration policy in the Netherlands **137**

Chiara Marolla European Convention on the Legal Status of Migrant Workers and the Italian regulation on temporary labour migration **147**

Conclusions and recommendations **154**

Irina Ivakhniouk Economic migration in Russia — legal protection of migrant workers. *General report on the Moscow workshop presented on December 19, 2003* **154**

Irina Ivakhniouk Prospects for labour migration in Russia and its regions: migrants' rights in the context of economic and demographic development. *General report on the Saint-Petersburg workshop presented on July 2, 2004* **158**

Notes on the authors..... **163**

Information for foreign readers and contributors..... **165**

International conference *The Fifth Valenteevskiye Chteniya* (Announcement) **171**

FOREWORD

Migration has grown into one of the most important social and economic phenomena for the Council of Europe member states. Over the last century, Europe has been a popular destination for migrants of different kinds. As it was pointed out in the Final Declaration of the 7th Conference of Ministers Responsible for Migration Affairs (Helsinki, 16–17 November 2002) 'persecution, wars, human rights violations, political, ethnic and religious conflicts and economic, social and demographic imbalances in various parts of the world have caused millions to seek entry and residence in other countries'. Unfortunately, the reasons that force people to leave their home countries continue to persist and, as a result, the phenomenon of migration dominates the political agenda in many of the Council of Europe member states.

Having become a serious issue for most European countries, migration posed major challenges to the governments that should develop effective migration management policies (especially with regard to labour migration) while respecting the human rights and dignity of migrants. The Council of Europe, with its primary focus on human rights, believes that the fact that migrants changed their place of work and residence should not have a negative impact on their rights and should not lead to their economic and social marginalisation. The Council of Europe strives to help governments to develop measures that would facilitate integration of migrants into hosting countries and ensure their access to human and social rights. It actively promotes the European Convention on Legal Status of Migrant Workers as the principal European legal instrument that serves to eliminate the discriminations that still exist in national legislations. The Council of Europe also promotes regular dialogue and effective cooperation between national governments, international organisations, civil society and academic communities with a view to elaborate migration management strategies that would be effective in each particular country.

Like other European countries, the Russian Federation has also been witnessing a considerable influx of migrants in recent years and has, as a result, been faced with a number of new problems that should be dealt with effectively and expeditiously. The Council of Europe is keen to offer its assistance and support to the Russian Federation. It has organised a number of seminars, workshops and roundtables to discuss the impact of migration on the Russian Federation, to facilitate exchange of experiences, good and bad practices with other European countries, and to encourage the development of policies that would, on the one hand, be based upon the fundamental principles of the Council of Europe, but also, on the other hand, take account of the specificity of the Russian social, political and economic circumstances.

This publication presents the materials of the two workshops organised by the Council of Europe in co-operation with the Russian Ministry of Foreign Affairs, Moscow State 'Lomonosov' University and Saint-Petersburg State University for Economics and Finance, on economic (labour) migration

and its potential effect on the Russian Federation. We hope it will respond to the growing interest of the policy-makers, academics, civil society representatives and general public in the issues related to the effective management of labour migration and inform them of the principles promoted by the Council of Europe in this field.

Alexander Vladychenko

Director General ad interim
of Social Cohesion Council of Europe

Strasbourg, 31 December 2004

PREFACE

After the decade of post-Soviet living, migration legislation of the Russian Federation is still in the making. It is developing after shifting migration situation against the economic, demographic and social background. In the latest years, a nation-wide debate on the necessity of improvement of the State migration policy concept, upgrading national legislation, particularly in the field of alleviation of existing contradictions between numerous laws, decrees, regulations and norms in the sphere of official migration management, is taking place in Russia. An obvious lack of attention towards migrants' human rights protection in the Russian migration legislation is becoming more and more persistent in that debate, as it appears a principle guiding line for a state that pretends to be jural.

That approach corresponds to the main principles of the Council of Europe, and in this issue cooperation within the frames of the Council of Europe seems to be effective and promising.

The Council of Europe' concern in migration issues in Russia is related to domination of the European vector in migration flows from Russia, including irregular migration; therefore, it strives to assist these flows to be properly managed. At the same time, the Council of Europe successively promotes European values and norms, particularly in the field of human rights and freedoms, over social and political life in all the member countries; in that case it is a question of human and social rights guarantees for migrant workers in Russia equally with national workers.

During rather short period of time the Migration and Roma/Gypsies Department of the Council of Europe together with the Department for Human Cooperation and Human Rights of Ministry of Foreign Affaires of the Russian Federation, the Moscow State 'Lomonosov' University, and the Saint Petersburg University for Economics and Finance have organized two workshops aimed at analysis of economic and labour migration issues in Russia and estimation of whether European experience in migration management and migrants' rights protecting, particularly legal tools provided by the European Convention on the Legal Status of Migrant Workers is applicable to improve the Russian national legislation in the field of migration management:

- **Economic Migration in Russia — Legal Protection of Migrant Workers**. Moscow, the Moscow State 'Lomonosov' University, 18–19 December, 2003.
- **Prospects for Labour Migration in Russia and its Regions: Migrants' Rights in the Context of Economic and Demographic Development**. Saint-Petersburg, the Saint-Petersburg University for Economics and Finance, 1–2 July 2004.

Representatives of the Council of Europe, the Ministry of Foreign Affaires of the Russian Federation, the Federal Migration Service MVD RF, the

Federal Service for Labour and Employment of the Russian Federation, the Ministry for Labour and Social Development, non-government organizations took part in the workshops, together with international experts and Russian specialists from academic institutions and practical organizations, including experts from a number of administrative territories of the Russian Federation: Krasnodar Kray, Novosibirsk, Far East, North Caucasus, Stavropol Kray, and from Ukraine and Kyrgyzstan.

It is not by chance the themes of both workshops were focused on the rights of *labour* and — in a wider sense — *economic* migrants, i.e. directed by economic motivations. It is economic migration that gives nowadays the most correct reflection of the global migration picture. Similarly, in the post-Soviet space, and in Russia in particular, the most numerous and dynamic international migration flow is labour migration. Regretfully, it predominantly takes place in irregular form. Development of legal forms of labour migration within the frames of regional cooperation, bilateral and multilateral agreements, and international conventions in the field, could be a reasonable alternative.

The Editorial Board of the scientific series "International Migration of Population: Russia and Contemporary World" acknowledges the participants of the workshops for contributing in the publication. Selected here together, the papers show that there are many existing similarities between the contemporary Russia and the Council of Europe, both in evaluation of the current migration trends and problems and in community of interests being aimed at sustainable development, political stability, rule of Law, and human rights respect.

Editorial Board

CURRENT MIGRATION TRENDS AND MIGRATION MANAGEMENT IN RUSSIA

Vladimir Iontsev

THE PRESENT AND THE FUTURE OF INTERNATIONAL LABOUR MIGRATION IN RUSSIA

Between the second half of the 1980s and the beginning of the 2000s, the global migration movements notably intensified due to the growing imbalance in demographic trends and economic growth between countries and regions accompanied by rapid changes in global political and economic systems. Disintegration of the USSR replaced by a number of sovereign states, important political and social shifts in the Eastern Europe, collapse of the former Yugoslavia, long lasting conflict between Serbians and Albanians, the Persian Gulf 1990 crisis, civil wars in Rwanda and Afghanistan, the Iraq war – all these and other dramatic events of two last decades provoked huge movements of people, often spontaneous and non-manageable. As a result, international migration became one of the crucial issues of modern globalization and an essential factor of the world economy development. In fact, past population movements to different parts of the globe were the initial stage of globalization, though the phenomenon of globalization became an object of theoretical analysis in the last quarter of the XX century only.

Some methodological issues of international labour migration analysis

Up to our estimates, the global number of international migrants is close to one billion. The number of only 'classical' permanent migrants increased from 125 million in 1994 up to 175 million in 2004 (Iontsev, Kamensky, 2004, p. 11). At the same time, economic migration has become the dominating type of international mobility. A variety of categories of economic migrants, i.e. persons moved by economic motivations, is not less than two thirds of the total number of one billion of international migrants.

Among them, the most numerous group are the so called "economic tourists" (about 450–500 million per year). They are an object of a scientific debate: whether they are to be considered as migrants or as tourists. In my opinion, they are *economic migrants* (shuttle traders, or chelnoks, for example) who use tourist visa for business activities.

Another important remark is related directly to labour migration. Some authors identify it with economic migration[1], though it is a misunderstanding,

[1] See, for example, a report "Labour migration in Russia: scale, vectors, social effects" by I. Badyshtova, T. Ivanova, Zh. Zaionchkovskaya presented at the international seminar of

which results in confusions when distinguishing different types and forms of migration movements. We understand international labour migration as a temporary migration aimed at selling by a migrant his/her labour force and getting wage in a country other that his / her country of citizenship. In this context we will analyze international labour migration in Russia, its trends and prospects. The major groups of labour migrants are as follows:

(1) migrant workers who move to another country for employment for over 1 year (most commonly, for 2–5 years);
(2) seasonal workers who go to another country for employment for less than 1 year;
(3) frontier-workers who travel from a country of their residence to a country of their employment and back every day or every week;
(4) illegal migrants who work in a country other that their country of citizenship illegally, as a rule from several months up to 2–3 years. For Russia, the first and the fourth groups of labour migrants are most typical.

Labour migration is the major part of economic migration that reflects the essence of globalization of the contemporary world economy as a whole and the global labour market in particular. From the perspective of globalization of the world economy, the most important issue is the development of the global labour market, which functions through labour exports and imports. The scale of international labour movements is presently unprecedented. In 2004, the number of labour migrants was estimated as 60 million (so, with family members — 120 million as a minimum) compared to 3.3 million in 1960. W.Bohning argues that nowadays international labour migration is one of principal issues of globalization that affects economics and labour force market in over 100 countries (see Iontsev, Ivakhniouk, 2002, p. 59).

International labour migrants' remittances have increased from 28 billion USD in 1988 to 63 billion in 1999 (in Asia only they increased from 8 billion up to 28 billion) and thus became an important source of national economies' budgets (Les migrations internationals, 2002, p. 43). As to Kurt Marx from the "Western Union", in 2004, migrants' remittances were about 140 billion USD, or 60% of the total turnover of the world remittances systems (230 billion USD). Meanwhile, this turnover is rapidly growing — about 9% yearly (National Bank Journal, 2005, p. 22-23).

The major reasons of international labour migration are varying rates of economic development in different countries, uneven incomes and opportunities in developed and developing regions. This gap is increasing: between 1960 and 1990 the share of the developed states where 20% of the world population live in the global production increased from 70% up to 84% while in the developing countries over 1.2 billion persons live in 'absolute poverty'.

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the Center for Human Demography and Ecology supported by UNESCO in Moscow on 16–17 November 2001.

Another factor of international labour migration is demographic imbalance. Developing countries face labour excess while developed states experience lack of labour in certain industries neglected by nationals. For example, in France 70% of persons employed in municipal economy are foreign workers. In oil-rich Arab countries (six Gulf monarchies where total number of foreign workers exceeds 10 million) migrant workers are 90% of the total labour force in construction. In a tidy Oman the number foreign workers (442,000 or 70% of the total labour force) is twice as big as in the huge Australia. Even in Japan, which started labour imports only since the second half of the 1980s, the number of foreign employees increased 5 times by 1990 (670,000 or 1% of the total labour force). In all receiving countries share of foreign workers in the total labour force exceeds share of foreign nationals in the total population.

One more — and perhaps the most important — reason to attract foreign workers is cheapness of their labour that provides super-profits for employers. Naturally, the cheapest is irregular migrants' labour. Up to the UN experts' estimates, the number of irregular migrants in the world is at least not less that that of regular migrants.

Russia at the international labour market

One of the major concerns of Russia's involvement in the world labour market is the fact that this involvement is taking place while the country is lacking reasonable international labour migration strategic policy. Russia is labour importer and labour exporter at the same time. We would like to remind that over Russia's history there were some periods when it experienced labour exports or labour imports. For example, in the beginning of the XX century Russia was one of major sending country of seasonal workers for the Western Europe (around 300,000 agricultural workers yearly) (for details please refer to: Iontsev, 1998, p. 68). In the 1970s and 1980s Russia actively attracted project workers from other socialist states within the frames of the socialist integration strategy. By the end of 1990 there were about 100,000 Vietnamese workers employed in Russia.

Labour migration within the frames of the CIS

The most important factor shaping international labour migration trends in Russia is appearance of the so-called "new independent states" — the former Soviet republics. With all of them, excluding Belarus, Russia had positive migration balance since 1992, and due to this fact Russia was ranked second by number of immigrants in the list of countries of the world (after the USA). In Russia this number exceeded 13 million in early 2000s. (United Nations, 2002).

It is worth mentioning, however, that regular labour migration from the "new independent states" to Russia does not exceed that from non-former Soviet states and in certain periods it is even less than the latter (see table 1).

Table 1

Foreign Labour Force in Russia, 1994–2002

	1994		1995		1996		1997		1998		1999		2000		2001		2002	
	‘000	%	‘000	%	‘000	%	‘000	%	‘000	%	‘000	%	‘000	%	‘000	%	‘000	%
Total *herein from*	129,0	100	281,1	100	292,2	100	241,5	100	242,3	100	211,4	100	213,3	100	283,7	100	359,5	100
CIS states	70,8	54,9	134,4	47,8	145,6	49,8	114,0	47,2	111,1	45,9	94,7	44,8	106,4	49,9	148,6	52,4	204,6	56,9
Armenia	1,7	1,3	6,1	2,2	7,2	2,5	6,9	2,9	7,5	3,1	5,2	2,4	5,5	2,6	8,5	3,0	12,6	3,5
Belarus	5,8	4,5	11,1	4,0	10,3	3,5	1,0	0,4	-	-	-	-	0,01	0	0,02	0	15,1	4,2
Georgia	0,9	0,7	7,0	2,5	8,1	2,77	6,7	2,8	6,3	2,6	5,2	2,5	5,2	2,4	4,9	1,7	6,8	1,9
Kazakhstan	1,0	0,8	2,1	0,7	2,2	0,8	1,8	0,7	1,8	0,7	1,7	0,8	2,9	1,4	3,6	1,3	7,6	2,1
Moldova	3,7	2,9	6,7	2,4	9,5	3,2	9,9	4,1	10,5	4,3	8,6	4,1	11,9	5,6	13,3	4,7	40,7	11,3
Tajikistan	0,6	0,4	1,5	0,5	2,0	0,7	3,1	1,3	3,3	1,4	4,1	1,9	6,2	2,9	10,0	3,5	16,8	4,7
Uzbekistan	1,5	1,1	3,5	1,3	4,1	1,4	3,2	1,3	3,0	1,2	3,4	1,6	6,1	2,9	10,1	3,6	15,5	4,3
Ukraine	55,1	42,7	94,2	33,5	98,7	33,8	76,6	31,7	73,7	30,4	62,9	29,7	64,1	30,1	91,9	32,4	61,0	17,0
Other states:	58,2	45,1	146,7	52,2	146,6	51,2	128,5	52,8	131,2	54,1	116,7	55,2	106,9	51,1	135,1	47,6	154,9	43,1
China	20,3	15,7	26,5	9,4	24,0	8,2	22,2	9,2	23,3	9,6	24,3	11,5	26,2	12,3	38,6	13,6	38,7	10,8
N.Korea	5,9	4,5	15,0	5,3	7,8	2,7	10,4	4,3	9,4	3,9	10,1	4,8	8,7	4,1	9,9	3,5	12,7	3,5
Lithuania	2,2	1,7	4,0	1,4	4,6	1,6	3,6	1,5	3,0	1,2	2,6	1,2	2,5	1,2	2,8	1,0	1,9	0,5
Poland	1,9	1,5	7,1	2,5	7,3	2,5	3,5	1,4	3,3	1,4	2,1	1,0	2,5	1,2	2,6	0,9	5,9	1,6
Slovakia	1,9	1,5	5,2	1,9	2,1	0,7	1,4	0,6	1,1	0,5	0,7	0,3	0,6	0,3	0,4	0,1	0	0
USA	0,8	0,6	2,0	0,7	2,0	0,7	1,8	0,7	2,1	0,9	2,4	1,1	1,8	0,8	2,0	0,7	1,5	0,4
Turkey	12,1	9,4	36,2	12,9	39,0	13,4	33,2	13,7	35,7	14,7	26,7	12,6	17,8	8,4	20,9	7,4	15,4	4,3
Estonia	0,5	0,4	2,4	0,8	3,6	1,2	1,6	0,7	1,4	0,6	1,2	0,6	1,2	0,6	1,3	0,5	2,5	0,7

Source: Labour and Employment in Russia. 1999, 2001, 2003: Statistical bulletin. / Goskomstat. Moscow., 1999, 2001, 2003.

Table 2

Foreign Labour Force in Russia, by Industries

	Thousands					%				
	1994	**1995**	**2000**	**2001**	**2002**	**1994**	**1995**	**2000**	**2001**	**2002**
Total	**129,0**	**281,1**	**213,3**	**283,7**	**359,5**	**100**	**100**	**100**	**100**	**100**
Mining & Manufacturing	29,0	44,8	26,7	36,8	41,2	22,4	15,9	12,5	12,9	11,5
Agriculture	20,7	33,0	20,1	23,7	14,9	16,0	11,7	9,4	8,4	4,1
Forestry	0,4	7,2	4,2	5,0	50,2	0,3	2,6	1,9	1,8	13,9
Construction	58,4	154,6	83,8	110,9	64,3	45,3	55,0	39,3	39,1	17,9
Transport & Communications	8,8	12,9	10,7	13,2	57,2	6,8	4,6	5,0	4,7	15,9
Trade & Catering	3,4	9,0	25,9	45,2	37,3	2,6	3,2	12,1	15,9	10,4
Information & Computer Services	0,5	0,8	0,6	0,7	0,2	0,4	0,3	0,3	0,3	0,1
Commerce	1,6	7,5	18,3	20,3	37,3	1,3	2,7	8,6	7,2	10,4
Geology	1,9	5,4	3,9	4,1	3,7	1,5	1,9	1,8	1,4	1,0
Municipal Services	0,7	0,9	1,0	1,6	19,3	0,6	0,3	0,5	0,6	5,4
Health &Social Care	0,4	0,7	0,9	1,2	2,8	0,3	0,3	0,4	0,4	0,8
Education, Culture, Science	0,6	1,3	2,4	2,7	1,9	0,5	0,4	1,1	0,9	0,5
Finance & Insurance	0,7	0,3	0,9	1,1	0,5	0,5	0,1	0,4	0,4	0,1
Management	0,8	1,0	0,6	0,3	0,02	0,6	0,4	0,3	0,1	0,0
Other	1,1	1,7	12,2	16,9	28,7	0,9	0,6	5,7	6,1	8,0

Source: Labour and Employment in Russia. 2003: Statistical bulletin. / Goskomstat. Moscow, 2003, p.297

Table 3

Russian Citizens Placed in Jobs in Other Countries through Lisenced Employment Agencies

	Persons					%				
	1994	**1995**	**2000**	**2001**	**2002**	**1994**	**1995**	**2000**	**2001**	**2002**
Total	**8083**	**11176**	**45760**	**45759**	**49265**	**100**	**100**	**100**	**100**	**100**
herein in:										
in Europe	**2776**	**7757**	**30608**	**30921**	**28838**	**34,2**	**69,4**	**66,9**	**67,6**	**58,6**
among them:										
United Kingdom	4	531	6771	3904	3515	0	4,8	14,8	8,6	7,1
Germany	171	770	4189	3894	3689	2,1	6,9	9,2	8,5	7,5
Greece	484	1952	3242	3481	3046	6,0	17,5	7,1	7,6	6,2
Cyprus	1622	3737	8218	9539	9531	20,1	33,4	17,9	20,8	19,3
Malta	148	237	3063	3100	3134	1,8	2,1	6,7	6,8	6,4
Poland	134	153	208	358	40	1,7	1,4	0,5	0,8	0,1
in Asia	**547**	**1777**	**7522**	**8979**	**10854**	**6,8**	**15,9**	**16,4**	**19,6**	**22,0**
among them:										
Hong Kong	54	275	479	400	334	0,7	2,5	1,0	0,9	0,7
Mongolia	3	408	82	36	77	0	3,7	0,2	0,1	0,2
Singapore	9	157	1978	1449	1324	0,1	1,4	4,3	3,2	2,7
Japan	223	188	1754	2454	2674	2,8	1,7	3,8	5,4	5,4
in Africa	**353**	**437**	**2838**	**2213**	**3119**	**4,4**	**3,8**	**6,2**	**4,8**	**6,3**
among them: Liberia	209	272	1239	1590	1824	2,6	2,4	2,7	3,5	3,7
in America	**4269**	**1127**	**4763**	**3619**	**5873**	**52,8**	**9,4**	**10,4**	**7,9**	**11,9**
among them:										
Baghama Islands	3982	310	337	355	662	49,3	2,8	0,7	0,8	1,3
Panama	115	497	1180	732	765	1,4	4,4	2,6	1,6	1,6
USA	118	93	1135	1153	1739	1,5	0,8	2,5	2,5	3,5
in Australia and Oceania	**148**	**78**	**29**	**27**	**531**	**1,8**	**1,5**	**0,1**	**0,1**	**1,1**

Source: Labour and Employment in Russia. 2003: Statistical bulletin. / Goskomstat. Moscow, 2003, p.301

This situation does not correspond to the interests of neither post-Soviet countries nor Russia. Moreover, the decrease of regular migrants inflow is followed by the increase of numbers of irregular immigrants. In Russia, their estimated number is 700,000 to 15 million and even more.

The growth of irregular migration, which is labour migration by nature, can be explained by various reasons. If we talk about Russia and "new independent states", relatively more sustainable economic situation in Russia in comparison with other post-Soviet states is to be mentioned, as well as "transparent Russian borders". However, the main reason is powerless status of irregular migrants and cheapness of their labour that stimulate employers hire such workers despite restricting sanctions of the Russian legislation towards unscrupulous employers.

Paradoxically, but not only employers benefit from using labour of irregular migrants but the receiving State as well as they can be considered as "net taxpayers" (Lindert, 1992) who participate in taxation in most cases (indirect taxes rather than direct taxes) but have no access to social security benefits. That is the main reason of the growth of the global scale of this phenomenon despite declared counter-irregular migration strategies in most receiving countries.

In Russia, irregular migration is growing since late 1980s. While initially it was primarily the result of transit migration (when Russia has become a staging post for international migrants forwarding to Western Europe, United States and other developed countries), later Russia has become the destination country for irregular labour migrants from the former Soviet states. Most numerous flows of irregular migrants come to Russia from Ukraine, Tajikistan, Kyrgyzstan, Azerbaijan, as well as China and Vietnam. They are concentrated in construction, commerce (enclave market), and some other industries.

After the 11 September 2001 tragedy in the United States, irregular migration issues has become not only more burning but closely related to the growth of criminality, terrorism, and other negative social trends. It is unwarrantable that irregular migration, being an economic phenomenon by its nature, is identified with terrorism, while counteracting irregular migration turns into counteracting international migration as a whole. These trends affect restrictions in immigration policies in the majority of receiving countries, including Russia, but in fact they result in growing scale of irregular migration flows while the most effective method to reduce irregular migration is to develop legal channels for regular labour migration.

Russia in its migration concern goes from one extreme to another. While in early 1990s almost all migration inflow to Russia was regarded as forced migration, later counteracting irregular migration became highest priority in migration regulation. In reality the most important negative effect of irregular migration to Russia is the fact that it impedes development of national labour market, inflexible and vague, poorly correlated to the needs of market economy. On the one hand, existence of the shadow labour market of migrant

workers slows down the growth of wages and development of social security system for the totality of employed. On the other hand, the human rights and human security of illegal migrants are ignored: they live and work in terrible conditions, they suffer indignity and deception, they are not paid properly, and they have no access to medical care and social benefits.

If the Russian authorities come to the understanding that "illegal migration" to Russia from other CIS countries is in fact labour migration by its nature and the former Soviet Union citizens are forced to migrate in search for better economic opportunities pushed by poverty and pauperization, they would realize the role of reasonable international labour migration policy. Development of legal channels for labour migration, i.e. legal opportunities for CIS nationals to be employed in Russia in correspondence with its labour market needs and with their social rights being guaranteed — this would be the most important result of such a policy.

Meanwhile, we would like to mention one more negative issue related to the growth of illegal migration. These are heavy financial losses, which Russia is suffering, both as a result of unpaid taxes and illegal outflow of money. In 2004, according to estimates of the President of the Russian Banks Association G. Tosounian, private transfers from Russia exceeded private transfers to Russia for 1.3 billion USD. Besides, hundreds of thousands of U.S. dollars are taken out of Russia aside the official bank channels. The survey of remittances of Ukrainian workers in Russia, including illegal migrant workers, conducted by V. Iontsev and A. Kamensky, showed that only this ethnic group of migrants sends from Russia to Ukraine about 300 million USD per year.

In this connection, we would like to stress that illegal migrants are often forced to send their savings home by means of informal channels as official money transfer systems are not well developed and expensive. That makes the position of these migrants in Russia more vulnerable as they are in confrontation with official regulations.

The above said trends are contradicting the development of the CIS common labour market though there are obvious favourable conditions for that: common economic past and mutual economic interests in the present and for the future resulting from inevitable globalization trends; common language, similar labour traditions, etc. (see, for example, Iontsev, 2003).

As to labour migration from non-former Soviet states, first of all, from China, Northern Korea and Turkey, we can notice again that besides registered inflow of migrant workers from these countries in accordance with inter-governmental agreements and other legal grounds (see table 1) there is a substantial number of illegal migrants from these countries in the territory of the Russian Federation. The Russian authorities, both federal and local, are particularly concerned with migration inflow of Chinese citizens, as their numbers are estimated in hundreds of thousands and their role in the economic life of the Far Eastern Region is significant. Many of Chinese migrants stay and work there illegally. This fact is resulting from

imperfectness of migration policy and weakness of control over migration in this strategically important region of the Russian Federation.

During the last decade 1995–2004, totally over 2.3 million regular labour migrants have come to Russia for employment. It is obviously not enough for the needs of Russian economy. The situation is aggravated by the fact that Russia is facing dramatic population crisis (see. Iontsev, Ivakhniouk, 2002, p. 79–83; Demographic factor… 2004, p. 10–29) that — besides other negative effects — means rapid decline in numbers of labour-age population after 2007 (see figure 1).

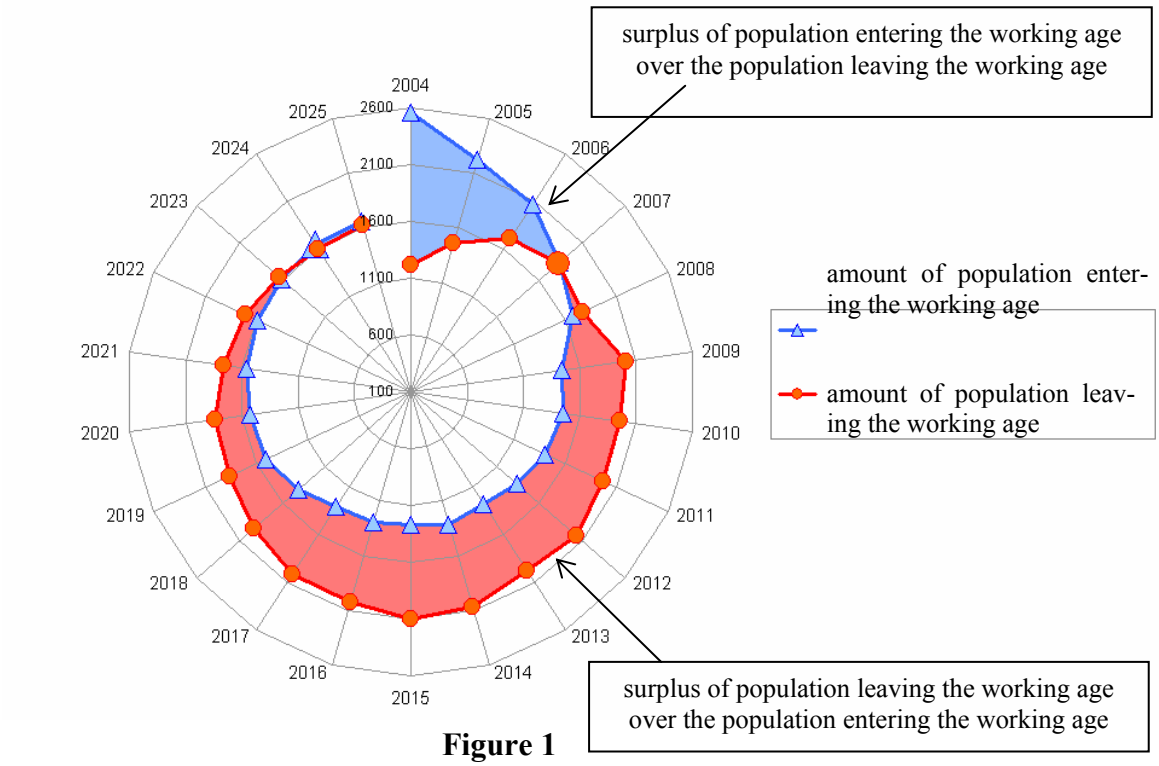

Figure 1

Labour exports from Russia

Another aspect of Russia's participation in the international migration flows is exports of Russian labour, and it is also worth mentioning. In our opinion, this aspect gains minor attention both from the side of the State and academic community. Meanwhile, up to some estimates, over one million Russian citizens are employed in other countries while only 40,000 persons in average are employed with the support of the Russian State, i.e. through state and private intermediates (see table 3). The comparison of these two figures makes it clear that the overwhelming share of Russian citizens go abroad for job independently, aside official institutions. As a result, they often find themselves in vulnerable situation when their human and social rights are violated.

The activities of human trafficking criminal organizations in Russia are an additional source of threats, both real and potential. Their active recruitment of potential labour migrants, especially women and girls who would like to try their chance as models, baby-sitters, housemaids, etc. and

finally find themselves sex slaves in brothels, is to a certain extent the result of poor development of official international labour migration infrastructure. Thus, a passive position of the State in organization of labour exports is resulting in growth of numbers of Russian citizens who stay and work irregularly in other countries, hence they are unprotected against abasement, suffer indignity, and often have no opportunity to come back.

By paying too little attention to organization, support, and promotion of labour exports from Russia the State is loosing an opportunity to get migrants' remittances that are a substantial source of currency in many countries. Given the uneasy economic situation in Russia, migrants' remittances could be very useful for its development if the State was more enterprising in this issue. Up to estimations of Andrey Kamensky, earnings of Russia from labour exports could be 5 times higher that that from other goods exports (Kamensky, 1999).

The lack of substantial state backing to Russian citizens working abroad results in the fact that initially temporary labour migration turns permanent emigration. This issue is especially painful in relation to highly skilled migrants: when staying in other countries for many years and for permanent emigration they enlarge Russia's losses from "brain drain".

Under the circumstances of the demographic crisis and labour-age population decline, the state policy of labour exports could be a reasonable instrument to guarantee employment for a migrant worker upon return and thus impede transformation of temporary labour migration into permanent emigration. In the absence of such a policy the outflow of labour resources (which will take place anyway) will aggravate situation at the labour market and push Russian citizens to seek for alternative paths to employment in other countries tat are often not secure and not legal.

Conclusion

International labour migration — both the presence of foreign workers at the Russian labour market and labour migration of Russian citizens to other countries – are the reality of contemporary Russia. In the course of time, the importance of these processes will grow because negative demographic trends require careful and intent treatment of both national and foreign labour resources. The future of Russia and its place in the world hierarchy strongly depends on whether it succeeds in proper use of the qualification potential of available labour force and whether it manages to organize training and retraining of the national labour resources in accordance with the requirements of the modern economy and application of innovative technologies in production.

In this situation, the task of vital importance for Russia is to elaborate a clear state position regarding the present and the future trends of labour migration and the corresponding migration policy. It is not enough to declare the appropriate migration policy; not less important is to work out proper mechanisms to realize it, to provide transparent and clear procedures to

implement legislation, in order to leave no space for corruption and other abuses.

The way towards effective use of the positive potential of international labour migration in Russia for the sake of its economic and political gain lays through clear understanding of the nature and mechanism of labour migration, its reasons and consequences, as well as careful attention towards experience of other countries and participation in international co-operation in the field, in combination with clear national long-term economic strategy.

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Mikhail Tiurkin

INTERNATIONAL LABOUR MIGRATION IN RUSSIA: CURRENT TRENDS AND LEGAL MANAGEMENT

International labour migration is an important migration flow in Russia regulated by legal norms. To provide effective government management of international labour migration it is necessary: *first,* to analyze current state of data collection and statistics, and *second*, to understand major problems of government management of international labour migration and find out reliable solutions. By using this method we will investigate registered labour migration to Russia.

Labour Migration to Russia

According to statistics, total number of foreign workers in Russia was about half a million persons in 2004. In the first half year 323.4 thousand migrant workers were employed in Russia as by official work permits, i.e. 27% more than in the corresponding period in 2003 (253.4 thousand).

Major part of migrant workers were employed in construction industry (40.3%): the growth was 25.4% to the previous year (from 103.9 thousand up to 130.3 thousand). The growth of the number of employed in manufacturing was 12.6%, in agriculture and forestry — 33.2%, in transport and communications — 30.6%, in trade and catering — 36.8%, in health care — 50%.

Over 50% of foreign workers were originating from other CIS countries, while in manufacturing, transports and communications their proportion exceeded 70%.

During 9 months in 2004 over 18 thousand permissions to hire foreign labour (totally 310.5 thousand workers) were issues to employers, including 9302 permissions issued by the Federal Migration Service (to hire 165.9 persons).

Major labour receiving areas in Russia are: Central Federal District (40.1% of the total number of foreign workers employed in Russia), Ural Federal District (25.6%), Far East Federal District (13.6%), and Siberian Federal District (10%). At the province level, 27.8% of foreign workers were employed in the city of Moscow, 6.6% — in the Moscow Oblast, 6.3% — in Yamalo-Nenetskiy Autonomous Okrug, 5.8% — in Khanty-Mansiisky Autonomous Okrug, 4.9% — in Primorsky Kray, 3.5% — in the city of Saint-Petersburg, 3.1% — in Krasnodar Kray, 3.1% — in Tchitinskaya Oblast, and 2.3% — in Krasnoyarsky Kray.

Illegal labour migration to Russia. The below statistical data is the evidence of unregistered labour migration to Russia and infraction of migration laws by Russian employers. In 2004, migration departments in collaboration with immigration inspections and other bodies of the Ministry of Interior, as well as law enforcement structures, inspected over 225 thousand

establishments hiring foreign labour force (in 2003 — 14 thousand). In course of these inspections over 93 thousand employers were exposed as departing from the rules of foreign workers hiring (in 2003 — 4.6 thousand). On the inspection results, 713.6 thousand foreign citizens were called to account for violation of stay regime in the Russian Federation (in 2003 — 46.6 thoousand). Over 700 thousand foreign workers were exposed as being hired in contravention of the law.

Control over foreign labour imports to Russia. A certain part of illegal migrant workers were legalized in the course of coordinated efforts of migration departments in collaboration with immigration inspections and other bodies of the Ministry of Interior, together with law enforcement structures and local administrations. The State has benefited from legalization: over 280 million rubles were additionally received by the budget only as duties for issuing permissions to hire foreign workers, while total inpayments to the budget from state duties were 1.3 billion rubles.

Labour migration from Russia

Labour migration from Russia in 2003–2004 is characterized as follows: 26.3 thousand Russian citizens were officially, with the assistance of Russian employment agencies employed in other countries; among them: 8.7 high skilled specialists with higher education diploma (8.9 thousand in 2002, i.e. 3% decrease), 10.5 thousand workers with professional secondary education (10.6 thousand in 2002, i.e. 1% decrease), 6.9 thousand unskilled workers with general secondary education (4.8 thousand in 2002, i.e. 44.6 increase). Thus, we can watch a slight decrease trend in out-flow of skilled labour.

At the same time, the number of labour migrants who were employed in executive positions before departure increased (from 4.1 thousand in 2003 to 4.4 thousand in 2004). The number of skilled workers was practically the same — about 7 thousand persons.

The main purpose of Russian labour migrants is temporary contract employment — 22847 persons (compared to 22458 persons in 2003). Less number of migrants go for seasonal works — 196 persons in 2003 and 128 persons in 2004. The number of students who are employed in other countries during vacations has increased 73.5% — from 1176 persons in 2003 to 2978 in 2004.

Regretfully, these numbers do not fully reflect Russian labour migrants flows. Some unfair tourist agencies organize the trips of Russian citizens with a purpose of their employment but with tourist visas; in this case illegal Russian migrants suffer over-exploitation and indignity. Migration departments of the Ministry of Interior undertake measures to expose and suppress such agencies, however, lack of qualified personnel impedes these actions.

Control over labour exports from Russia. Regulating of licensing companies and organizations engaged in search for job vacancies for Russian citizens in other countries is an important direction in the Federal Migration Service activities. During 9 months of 2004, 67 licenses for assistance in

employment of Russian citizens abroad were issued; 10 applicants were rejected under different reasons. 26148 Russian citizens were employed in other countries with the assistance of licensed companies (in the same period of 2003 — 24705 persons).

Measures

In order to provide stable and effective functioning of the mechanism of international labour migration management, the Federal Migration Service MVD RF in 2004 realized a complex of legal initiatives and practical activities.

Measures to improve the existing migration legislation:

- Upon the RF Government request dated 2 March 2004, the completed version of the Federal Law "On changes and supplements to the Federal Law "On legal status of foreign citizens in the Russian Federation" related to labour migration management;
- The Russian Gosudarstvennaya Duma (Parliament) has ratified the Federal Law "On changes in the Clause 18.10 of the Administrative Code of the Russian Federation" worked out by the International Labour Migration Department of the FMS MVD RF;
- Proposals to prevent economic losses from illegal migration have been elaborated in cooperation with the Ministry for Economic Development, the Ministry of Finance, and the Central Bank of Russia and introduced to the RF Government;
- The Protocol "On changes and supplements to the Agreement between the Government of the Russian Federation and the Government of Kyrgyz Republic on migrant workers dated 28 march 1996" has been adjusted with the Ministry of Foreign Affaires, the Rostrud, the Roszdrav, and the RF Pension Fund and introduced to ratification by the Gosudarstvennaya Duma (Parliament);
- The draft Agreement between the Government of the Russian Federation and the Government of the Northern Korea Republic on temporary labour migration has been adjusted with the interested ministries and departments;
- The draft Decree "On approval of statistical tools to provide statistic monitoring of international labour migration" that establishes updated model of labour migration data collection and processing has been adjusted with the Russian Statistical Committee;
- The draft instructions within the RF Ministry of Interior "On procedure of issuing, prolongation and abeyance of permissions to hire foreign workers; work permits; licenses to assist in job seeking in other countries" and "On organization of control over labour migration in Russia", etc.

Practical activities:

Within the frames of the "Illegal Migrant" Project, between 20 March and 30 March 2004 over 91 thousand employers were inspected, among them: 38.6 thousand in commerce and consumer services (42% of the total); 16.5 thousand

— in construction industry (17.9%); 10.5 thousand — in manufacturing (11.4%); 9 thousand — in agriculture (9.8%), as well as 150 thousand foreign workers. 833 organizations hiring foreign workers were inspected, including companies licensed to assist in job seeking in other countries. Over 13 thousand violations of rules in hiring foreign workers were exposed; lawbreakers were forced to pay around 80 million rubles as penalties.

Besides, migration departments of the MVD RF in cooperation with the Federal Tax Service have audited 28343 legal and natural persons hiring foreign workers; over 13.6 thousand receipts on duties on foreign manpower hiring have been checked up. The audit has resulted in 145 exposed cases of falsification; 113 permissions to hire foreign manpower have been suspended, and 404 work permits have been withdrawn.

In 2004, 58 applications to suspend licenses to assist overseas employment of Russian citizens were received by the Federal Migration Service; 1593 non-residents were registered as tax-payers; an experimental approbation of the automatic system of registration of permissions to hire foreign manpower was implemented; practical assistance to the migration department of the MVD of the Dagestan Republic in elimination of defects exposed by the Federal Office of the Public Prosecutor' inspection was provided; practical assistance to the migration departments of the Far East region (Amurskaya Oblast, Irkutskaya Oblast, and Tchitinskaya Oblast) was provided; the displaced persons issues were examined in collaboration with the RF Ministry for Economic Development in view of Russia's joining the WTO; the meeting of higher experts responsible for developing the Common Economic Space (Belarus, Kazakhstan, Russia, and Ukraine) in the field of labour migration was held.

Migration registration and statistics

Registration of migration flows in Russia is organized within prescribed forms of statistical monitoring: 1-T form: "Numbers and classification of Russian citizens working abroad" and 2-T form: "Numbers and classification of foreign manpower in Russia". Aggregated data are submitted to the Russian Committee on Statistics (Rosstat).

In 2004, the FMS MVD RF produced the following statistical and analytical reports:

- "On organization of activities on prevention of crimes among foreign citizens and illegal migration in the Siberian and Far East Federal Districts;
- Information on labour migration in the Siberian and Far East Federal Districts and proposals to improve the mechanism of labour import (with special respect to Chinese labour migrants);
- Analytical report on results of implementation on the Decree of the RF Ministry of Interior No: 199 dated 26 March 2003 "On approval of an application form to issue work permit to a foreign citizen";
- Analytical report on results of an experiment on establishing immigration inspections and cooperation between migration departments and passport

departments MVD RF (Tatarstan, Krasnodarsky Kray, Moscow). Continuation of the experiment and its spreading over other regions of the Russian Federation is proposed.

Taking into consideration the above activities, we can conclude that the following issues are most topical in the field of migration management in Russia:

1. Elimination of imbalance between labour supply and labour demand at the national labour market. Both law enforcement ministries (Ministry of Interior, Federal Migration Service, Federal Security Service) and socio-economic ministries (Ministry of Health and Social Development, Ministry of Education and Science, Ministry of Finance, Ministry of Economic Development, Ministry of Foreign Affaires, Ministry of Regional Development, Ministry of Manufacturing and Energy Supply, Ministry of Transports and Federal Labour Service) are concerned with international labour migration issues, for example, in setting up annual labour import quota. A joint coordinating body — Government Commission on demography, migration and labour resources — would be expedient to provide better coordination between ministries and departments in the field of labour migration.
2. Counteracting illegal labour migration and improvement of quota system. After 2006 the population structure in Russia will change significantly: population in labour age will be steadily decreasing, while number of migrant workers (including illegal labour migrants) will be increasing. According to experts' estimates, about 4 million foreign citizens are presently employed in the Russian Federation, among them only 450 thousand persons in legal status. For more effective combating illegal migration, the responsibility of employers for illegal hiring foreign manpower is restricted since 2004: penalties are increased 100 times.
3. Improvement of labour imports quota system. In 2004, 213 thousand persons were invited to fill job vacancies at the local labour markets. However, actual demand for labour imports appears to be 20% higher than established quota. To solve this problem a careful elaboration of methods to calculate labour demand at the federal and regional levels is necessary. Besides, the above-mentioned Government Commission on demography, migration and labour resources could be effective in the field. In the nearest future, the common labour exchange database will be organized in Russia. It will facilitate immigration control procedures, provide effective selection of labour migrants, and reduce illegal labour migration. Integrated database will be helpful in international labour migration management.

In conclusion I would like to emphasize that effective management of international labour migration flows in Russia is a strategic task of the State in view of the forthcoming demographic crisis.

Alexander Roudik

LEGAL REGULATION OF LABOUR IMPORTS TO THE RUSSIAN FEDERATION: REALITIES AND PROSPECTS

Nowadays, when the recovery of Russian economy coincides with oncoming labour deficit (resulting from negative demographic trends), labour import is becoming a matter of particular concern. The State is monopolistic in labour migration management in Russia, so it is important to understand whether its legislation and legal tools are effective and what are the ways to improve it.

Important if not decisive in choosing the theme of this paper is the fact that legal practice in the sphere of migration in Russia is relatively "young" as the phenomenon of labour migration and its management are under development.

Some characteristics of the Russian labour market and factors of labour imports

The present situation at the Russian labour market has been being shaped in accordance with thorough macro-economic reforms started in the last decade of the last century. At the same time the national labour market is still negatively affected by the 1990s economic crisis that has caused recession in manufacturing and agriculture, decrease in labour demand, and growth of unemployment.

In 1999–2003, economic recovery resulted in unemployment decline from 7.5 million persons to 5.5 million persons, or from 10.5% to 7.2% of labour force (calculated in accordance with the ILO methodology). By 2000–2001 the number of registered unemployment has relatively stabilized at 1.1 million, or 1.5% of labour force, while in 2002–2003 it slightly increased up to 1.5 million, or 2.2%.

According the Rosstat National Statistics Service by mid 2003 total labour force in Russia was 72 million.

Specific feature of the Russian labour market is relatively low registered unemployment rate (2.2%) compared to relatively high general unemployment rate (7.4%). Russia's labour market continues to generate ineffective job vacancies due to high fluctuation of personnel but not as a result of progressive restructuring of economy. For the moment, labour demand and supply are imbalanced in terms of skills and occupations.

Reproduction of intellectual potential of the society, crucially important for contemporary economy and quality of labour force is seriously damaged. During 13 years of reforms most of enterprises have practically cut down intra-company training and re-training programs of personnel development. Out-of-date equipment and technologies along with long interruptions in production have decreased workers' skills. As a result, number of high skilled

workers in Russia is estimated as 5% while it is 43% in the USA and 56% in Germany.

At the same time, Russian economy is at the turn to technological modernization that needs specialists of new, technically advanced skills. Estimation of labour market demand for specialists by skills and professions is also a matter of concern. Besides, differences between regions of Russia by level and rate of economic development and low intra-Russian labour mobility are to be taken into consideration.

These are 'internal' objective reasons for attraction of foreign labour to the Russian labour market (demographic situation, decline of population in labour ages and correspondingly — numbers of labour force, labour demand and supply imbalance). Besides, there are 'external' reasons. They are the following.

Economic progress of the countries (including Russia) is more and more dependent of global trends of development. National economies are actively interacting to each other. Being isolated from the world community, a separate country can hardly go through successful economic development.

In the recent years, the growing number of countries have been involved in international migrations and international labour exchange. International labour migration is an essential component of the world economy; it is a natural way of life for the majority of the nations. Due to political and economic reformations Russia has also become a participant of global integration process open for international labour exchange.

Growing number of migrant workers in Russia is an objective result of integration of the country into international division of labour. It is provided by a number of reasons. First, relative attractiveness of Russia from the perspective of living standards (particularly for the Commonwealth of Independent States — CIS citizens) gives migrants an opportunity to get better earnings. Second, labour market produces stable demand for migrant workers' labour and offers foreign workers vacancies in different industries. Thus, migration inflow of foreign workers to Russia is encouraged by openness of the Russian economy and its growing integration with the global economy.

At the same time the dominating trend of migration management in Russia is restriction of its migration legislation, strengthening of control over entry and stay of foreign citizens in its territory, development of immigration control system, increasing responsibility of employers who hire foreign workers with violations of laws. However, it is clear that restricting of migration legislation is to be accompanied by simplification of the procedure of getting permissions to hire migrant workers. Only combination of two approaches can provide Russia's economy with needed labour force on the legal basis.

Analysis of existing trends in demand and supply at the national labour market and demographic prospects prove that in the nearest future Russia will be in need of numerous regulated labour migrants inflow. It is quite reasonable that at the present moment possibility of migration amnesty is widely discussed in the Russian Government. At the first stage migration

amnesty is likely to be focused on citizens of the CIS states who irregularly stay in Russia.

It is crucially important to understand that legalization of 'shadow' migrants will allow to bring labour relations between employers and employees into the sphere of legal regulation and thus, it will provide social protection for migrant workers.

Legal regulation of labour migration to Russia

State regulation of labour migration to Russia is realized by means of putting in practice the corresponding legal basement. The major legal documents regulating social relations in the field of labour imports are the Federal Law No: 115-FZ of July 25, 2002 On the Legal Status of Foreign Citizens in the Russian Federation (hereinafter — Law on Foreigners) as well as statements and regulations adopted to realize this Law.

According to Article 1 of the Law, it is designed to define the legal position of foreign citizens in the Russian Federation and regulates relations between foreign citizens, on the one hand, and the state power bodies, local self-government bodies and official persons of these bodies, arising in connection with the stay (residence) of foreign citizens in the Russian Federation and with the performance by them on the territory of the Russian Federation of the labour, business and other activity, on the other.

The Law on Foreigners defines major terms in the field, including those, which are related to labour activities of foreign citizens: 'labour activities of foreign citizens', foreign workers', 'foreign citizen registered as individual businessmen', 'work permit', 'employer', 'customer of works (services)'. The Law also determines the terms of foreign citizens' participation in labour relations.

Article 13 (1) states that foreign citizens enjoy the right to freely dispose of their capabilities for labour and to choose the kind of activity and the trade, as well as the right to a free use of their capabilities and property for the business and other economic activity, not prohibited by law, with an account for the restrictions, stipulated by the federal law.

Article 13 (4) says that the employer and the customer of the works (services) have the right to invite and to use foreign workers only if they have a permit for inviting and using foreign workers.

A foreign citizen has the right to carry out a labour activity only if he / she has a work permit. This order does not be spread to foreign citizens:

1) who permanently reside in the Russian Federation;
2) who temporarily reside in the Russian Federation;
3) who are the workers of the diplomatic representations, the workers of the consular institutions of foreign states in the Russian Federation, and the workers of international organizations, and also the private domestic servants of the above-said persons;
4) who are the workers of foreign legal entities (the producers or the suppliers), performing installation (contract supervision) works, the servicing, the guaranteed servicing and the post-guarantee repairs of the technical equipment, supplied to the Russian Federation;

5) who are the journalists, accredited in the Russian Federation;
6) who are studying in the Russian Federation in the educational establishments for professional education and who are carrying out the works (are rendering the services) during vacations;
7) who are studying in the Russian Federation in the educational establishments for professional education and who work in the time, free of the studies, in the capacity of the auxiliary educational personnel in those educational establishments, where they are studying;
8) who are invited to the Russian Federation as lecturers for giving lessons in the educational establishments, with the exception of the persons, arriving in the Russian Federation for the performance of the pedagogical activity in the establishments for professional religious education (in the ecclesiastical educational establishments).

The same article defines that a foreign citizen, temporarily residing in the Russian Federation, has no right to engage in a labour activity outside of the boundaries of the subject of the Russian Federation, on whose territory he is permitted to temporarily reside.

Besides, the Law on Foreigners carries other provisions that limit labour activities of foreign workers in Russia.

For example, Article 14 that designs foreign citizens relation to the State or the municipal service and to the individual kinds of activity says that a foreign citizen has no right to:
1) to be employed in the civil or municipal service;
2) to occupy posts in the composition of the crew of a ship, sailing under the State Flag of the Russian Federation, in conformity with the restrictions, envisaged by the Merchant Seafaring Code Federation;
3) to be a member of the crew of a military air vessel of the Russian Federation or of another vessel, operated for non-commercial purposes, as well as of a flying apparatus of the state or the experimental aviation;
4) to be the commander of a civil aircraft;
5) to be enrolled for a job to the objects and the organizations, whose activity is involved in providing for the security of the Russian Federation. The list of objects and the organizations shall be approved by the Government of the Russian Federation;
6) to engage in another activity and to occupy other posts, an access to which of foreign citizens is restricted by the federal law.

The procedure for foreign citizens to occupy leading posts in organizations, in whose authorized capital over fifty per cent of shares or of partner shares belong to the Russian Federation, shall be established by the Government of the Russian Federation.

Another limitation determined in the Law is quotation of invitations to entry to the Russian Federation for the performance of a labour activity. This quota is not applied to citizens of the countries that have signed intergovernmental agreements on mutual visa-free trips as they do need any invitations to entry to Russia (CIS states, excluding Georgia and Turkmenistan).

The quota is annually approved by the Government of the Russian Federation at the proposals of the executive bodies of the state power of the subjects of the Russian Federation, with an account for the demographic situation in the corresponding subject of the Russian Federation and for the given subject's possibilities for the maintenance of foreign citizens.

The above-mentioned proposals from the executive bodies of the state power of the subjects of the Russian Federation are formulated on the basis of the principle of the priority use of the national labour resources, while taking into account the situation on the labour market.

In order to realize the Law on Foreigners, statements regulations were adopted, among them:

- Government Regulations of 11 October 2002 No: 755 "On list of enterprises and organizations where foreign workers cannot be employed" (mainly related to national security of the Russian Federation);
- Government Regulations of 30 October 2002 No: 782 "On approval of quotas on invitations for an entry of foreign citizens to the Russian Federation for labour activity" (the document determines the mechanism of annual approval of quotas, its distribution over administrative territories of the Russian Federation, and if needed, corrections for quotas enlargement or reduce. Besides, this regulation charges the Ministry of Labour, the Ministry of Economic Development, the Ministry of Interior, and the National Statistics Committee with elaboration of efficient proposals of quotation);
- Government Regulations of 30 December 2002 No: 941 "On procedure of issuing work permissions to foreign citizens and stateless persons" (the document determines the procedure and the list of papers necessary to get work permission, as well as term of consideration of the employer's application, etc.);
- Government Regulations of 1 December 2004 No: 714 "On approval of the 2005 quotas on invitations for an entry of foreign citizens to the Russian Federation for labour activity" (the 2005 total quota is 214,000 invitations).

Besides, some federal bodies of executive power adopt intra-departmental and inter-departmental statements and regulations to realize definite provisions of the Law on Foreigners.

For example, the Ministry of Labour adopted Regulations No: 23 of 29 April 2003 "On approval the procedure to elaborate and consider proposals of quotas on invitations for an entry of foreign citizens to the Russian Federation for labour activity" (to put into effect the above mentioned Government Regulations of 30 December 2002 No: 941). The document provides detailed mechanism of quotation and corrections in quotas, if necessary.

The Ministry of Labour has also adopted Decree No: 175 of 15 July 2003 "On organization of work of territorial bodies of the Ministry of Labour in issuing conclusions on expediency of invitation of migrant workers to local markets". This Decree is actually aimed at protecting local workers from ungrounded pressure of migrant workers.

Two years of realization of the Law on Foreigners demonstrate the need for substantial corrections of some of its provisions.

Presently, the concerned federal bodies of executive power have elaborated proposals to improve the Law, in particular in simplification of the procedure of labour imports. Among this proposals:

– to diminish the employers' obligation to deposit the return ticket of employed migrant worker;
– to enlarge initial duration of stay of foreign citizens in the Russian Federation for the purpose of labour activity from 1 year to 3 years with a possibility to prolong it for one year more;
– to enlarge the list of categories of foreign citizens that are excluded from the permissive order of employment in the Russian Federation;
– liberalization of employment of foreign workers classified as 'key personnel' (specialists needed for modernization of industries, development of high technologies, information technologies, etc.), e.g. abolishment of permissions for employers to hire such kind of workers;
– 50% decrease of state tax for prolongation of permissions to hire foreign workers and individual work permits.

In order to simplify the procedure of obtaining the Russian citizenship by certain categories of migrants, the Federal Law "On corrections and additions to the 2002 Federal Law On Citizenship" was adopted in December 2003. It is likely to promote legalization of millions of ex-USSR citizens who have arrived to Russia in the early 1990s but fail to get any legal status due to legislation 'gaps'.

In the nearest future the migration legislative basis in Russia will be enriched by signing a number of bilateral and multilateral agreements in the sphere of labour migration. Over 10 agreements (with the Northern Korea, Vietnam, Portugal, Tajikistan, and other countries) are now in the process of development. The agreement on temporary labour migration of the citizens of the member-states of the Organization for Eurasian Economic Cooperation within the territory of the Organization is in making. Within the frames of the Common Economic Space Organization that is shaping in the post-Soviet territory, the permissive model of foreign labour employment is likely to be cancelled.

Elaboration of the CIS Convention on legal status of migrant workers and their family members is close to being completed. In accordance with the CIS Executive Committee agenda the Convention will be submitted for consideration of the Council of the CIS State Leaders in the nearest future.

To provide foreign citizens staying in the Russian Federation with information on the employment possibilities, local agencies of the Federal Employment Service in all the administrative territories have organized 'hot lines' since 2003.

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Russia is still at the initial stage of understanding the role and consequences of international migration flows and elaborating the State approach

towards their management. The nation has just started construction of new state system and market economy, and its financial resources are relatively small in comparison to the western countries. But it is clear already now that Russia does not have so much time at its disposal to elaborate reasonable migration strategy. The current trends in global social processes, including migration processes, are putting questions that need urgent answers.

On the one hand, the western experience in management the migration issues can be extremely useful for Russian policy-makers, while on the other hand, the unique sample of the new Russia state organization is surely of interest for the West.

The world is still seeking of the reasonable answers for global migration challenges; it is quite natural that Russia is joining this search.

Vladimir Petrov

LABOUR MIGRANTS IN RECEIVING SOCIETIES: INSTITUTIONAL COORDINATION

Introduction

Labour migrants are the essential component of national labour markets in many countries of the world, particularly in Europe, the USA and Canada. Despite their limited function defined by receiving countries as "residing in its territory for paid employment" and supposed temporary stay for a certain period of time, labour migrants are a part of the receiving society (European Convention…, 2003, p. 6). Therefore, social impact of large-scale labour migration on receiving societies is much wider than its functional role in the economics.

Family reunification, transformation of temporary stay into permanent residence, formation of ethnic diasporas and communities tending to be enclaves, erode differentiations between temporary and permanent migrants and puts their integration in receiving societies on agenda. Moreover, integration of individuals and groups in the social life on the same basement as nationals, means their cooperation with institutions of the receiving society and possible adaptation of these institutions to new relationships.

Integration of labour migrants in the receiving society is often followed by difficulties and social tensions resulting from institutional non-coordination.

Ethnic nature of labour migration

Ethnicity is one of major characteristics of contemporary migration flows. This means diversified ethnic structure of migrants, migration vectors being determined by ethnic factors, social interrelation between migrants and nationals, and social effects of migration on sending and receiving societies. As to Russia, its current labour migration trends are ethnically determined by particular countries of origin. Main labour exporters to Russia are: Turkey, China, North Korea, Vietnam, former Yugoslavia, Bulgaria, Rumania, Poland, and Finland. Among the former Soviet states are: Ukraine, Moldova, Tajikistan, Uzbekistan, Armenia, Georgia, and Azerbaijan. The newest trends of labour migration to Russia is diversification of the list of sending countries that now includes all European countries, Africa, Central and South America, and Australia (Migration of Population, 2001).

Reasons for increasing labour migrants inflow to Russia

In many countries foreign workers are a numerous group of employees. Presently in Western Europe there are 7.46 million registered foreign workers, the growth of 6.2 million since 1988 (Towards the Migration Management Strategy, 2003). In Russia, annual inflow of registered foreign labour is about 250,000. However, this number is only the "peak of an iceberg". According to

many surveys and estimates, illegal labour migration to Russia is minimum tenfold higher than legal one (Krassinets et al, 2000).

Migrants are "economically forced" to move from labour-excess to labour-deficit regions, or from depressive areas to those areas where economic situation is more favorable. They are pushed by poverty and lack of economic facilities, and pulled by earnings-oriented impulse, encouraging conditions for social self-actualization (in more concrete variants — labour and professional self-actualization), profitable business, financial support for their families, providing better future for their children.

Russia is an economically and socially attractive society for labour migrants, particularly from the CIS countries, however, at the same time it is a country of labour outflow resulting from significant differences in living standards with western countries. The major pull factors in Russia are: positive trends of economic development and growth of incomes of Russian citizens, relatively high wages provided by economic recovery in many industries and rapid development of private sector (Iontsev, Ivakhniouk, 2002).

Types of labour migration in Russia[1]

Labour migration (excluding official trips, training, and business migration) is realized by highly diversified types of activities. In any case, it is limited my more or less definite duration that can be changed by agreement between two parties.

By the purpose of employment, labour migration can be a concrete type of activity in accordance with highly skilled position and proper labour conditions. In this case migrant workers are employed under work contracts initiated either by migrant worker or by employer.

Another variant is self-dependent migration of skilled workers aiming at job seeking in a certain sphere of employment but without preliminary invitation or agreement.

Migration of low-skilled or unskilled workers is also wide spread. In this case the sphere of employment is uncertain (migrant is ready for any job he or she is able to make), and work conditions are indefinite as well.

Current labour migration in Russia can be classified as:

1. Labour migration to Russia from former Soviet states.
2. Labour migration to Russia from non-former Soviet states.
3. Internal labour migration.
4. Migration of low-skilled and unskilled workers from Russia.
5. Return migration of high-skilled specialists (intellectual labour migration).

Institutional aspects of migration

Institutional regulations refer to: migration policy and social policy addressed to migrants; migration flows management, including admission to the

[1] In the context of this paper we do not examine economic migration ('chelnoks', 'shuttle migrations', shop-tours, commercial trips, etc.) as it differs from labour migration and plays a different role in economy.

territory of a country and departure; legislative regulation of stay and work at the territory of a country; status of migrants and their position in the receiving society; interactions between migrants and nationals.

Specific character of institutionalization of migration process is determined by its structure and certain relationships resulting from it. The structure is a totality of interrelated components: subject of the process; needs and demands; objective conditions and subjective factors; motivations; social acts aimed at satisfaction of needs; purpose function of the process. Individuals and social groups of migrants are interacting with the receiving society at all stages of migration. This is followed by formation of social relations, appearance of various institutional forms that formalize and regulate the process of interacting.

Institutional approach to migration analysis allows to characterize it by means of system of definitions: norms and rules, social control, status, role, social functions, etc. Understanding of the importance of formal and informal restrictions ("rules of play" created by people) for social interrelations is one of major principles of the modern institutionalization theory (Nort, 1997; Hogeson, 2003; Eggertsson, 2001).

Labour migrants and formal institutions of receiving society

The formal side of institutionalization of migration processes lies in their own institutional organization, on the one hand, and in their institutional interaction with economic, political and legal institutions, as well as government management institutions, and norms and rules of socio-cultural institutions in both receiving and sending societies, on the other hand. At the same time, institutional forms of non-government associations of migrants appear and develop.

Movements of labour migrants, their stay at some territory are inevitably related to defining of their legal status, and institutional restrictions applicable for this territory. International migration researchers propose a set of criteria and identification procedures designed to define migrant's status in a receiving country in all possible cases of migration. The criteria can be: citizenship, purpose of stay (as it is defined by the receiving country), or the fact of movement from one country to another (Bilsborrow, et al, 1997).

Migrant's status is a totality of expectations and requirements prescribed by the institutions of a receiving society that are individuals and social groups of migrants interacting to, and that are forming the field of social responsibilities and assumptions. Migrant's status means legal distinctness of capability in a receiving society as well as social rights and abilities related to staying in the certain territory and within the certain social space. Acceptance or non-acceptance of all the requirements of a receiving society or a part of them, distinguishes labour migrants for legal and illegal. Ethno-social characteristics of a migrant associated with his general social characteristics gives the idea of his ethnic status.

When analyzing labour migrants, attention is to be concentrated on institutional organization of their interrelations with receiving society: easy / diffi-

cult; clear / unclear rules of integration; consecutive/inconsecutive realization of these rules, etc. This logic chain also includes social institutions regulating:

1) entry (conditions of admission to the territory according to purposes set by receiving country);
2) stay (conditions and abilities to realize a purpose, use of general and special rights, responsibility related to satisfaction the requirements of the receiving country);
3) departure (voluntary, or under termination of allowed stay; deportation and its conditions: terms of implementation, maintenance of persons condemned to deportation, financing of deportation acts).

One of the most disputable issues in Russia — while well-studied in international law — is: What scale of rights is to be guarantied to migrant workers within the context of existing rights and abilities in the receiving state? What conditions, tools, and mechanisms can be most effective to realize migrants' rights and to control this realization?

Labour migrants in a receiving society and informal institutions

When analyzing labour migration as an institutionalized phenomenon it is important to take into consideration limitations in the form of informal regulations existing in a receiving society, on the one hand, and carried by migrants, on the other hand.

Co-existence of 'dual' informal institutions results in contradictory character of status and role of labour migrants. Originating from their native culture and community, labour migrants follow behaviour models of their countries of origin. At the same time, when staying in a country of destination they are to follow behaviour models of the receiving society. Both types of models can be accepted or denied, or even sued in the process of communication and social interaction between migrants and nationals. As a result, a system of informal values and expectations related to migrants' behaviour regulate social interactions between the receiving society and migrants.

Migrants follow certain status; they correspond certain role expectations and behaviour; therefore individuals are stigmatized on the basis of migration. It is especially true for ethnic migrants when diasporas and ethnic enclaves appear. Stigmatization is realized by controlling labour migrants and their activities. It is especially topical in the context of the challenge of terrorism and necessity to prevent and impede migrants from being involved in criminal activities.

Contacts between migrants and receiving society as a process of institutional coordination and mismatch

Social contacts between migrants and a receiving society are to be coordinated by: general formal rules of a receiving society applicable to the whole of the society; formal rules of a receiving society applicable to migrants (and their definite categories); informal rules related to labour migrants (both from the side of a receiving society and from migrants themselves).

Process of coordinating is uneasy and ambiguous, while inevitability of mismatch is resulting from different degree of willingness of migrants to accept formal and informal rules of a receiving society and to follow its requirements and expectations. Migrants' informal rules deeply rooted in their culture can't easily change in accordance with a change in formal rules. As a result, a tension between modified formal rules and steady informal limitations is developing (Nort, 1997, p.66).

Increase in informality and decrease of formality in interactions between labour migrants and receiving society in contemporary Russia

Normally, there is a sort of balance between formal and informal institutions regulating interrelations of migrants and a receiving society. For Russia, the most disturbing issue is an extremely high role of informal regulations closely related to shadow economy and illegal (irregular) migration. This imbalance is supported by mutual interest of employers and employees. Despite labour migrants are the most heavily exploited group of foreign labour, they are often interested in real and imaginary benefits if their illegal position. They don't want to legalize their status as it saves their time and money, they escape from bureaucratic procedures of formalization of their job agreement, and they do not pay taxes, at last.

From the side of large-scale entrepreneurs, hiring illegal migrants gives advantages of economizing from labour security, social security, medical insurance, under-payments, wage guarantees, housing, transport and other expenses, etc.

Besides, there is a huge amount of small-scale entrepreneurs and individual employers whose relations with employees are absolutely informal.

Illegal position of a migrant and illegal employment are often 'informally protected' by authorities as it can be a source of income. Illegality is supported by migrants' nets, diasporas, and branchy non-governmental infrastructure that uses unofficial channels to assist illegal migrants. Labour migration is concerned today as a specific international business (Forced Labour in Contemporary Russia, 2004).

Possible ways to overcome institutional mismatches and their effectiveness

Existing approaches to provide balance of interests in social interactions between labour migrants and receiving society (that are often ethnically determined) primarily include measures aimed at regulation of their legal status and integration in the society.

It should be understood that arising problems can't be solved merely by formal limitations and control. Practice shows that full control over employment of labour migrants, especially in low-skills jobs and informal sector, is impossible. Strict control is contrasting overwhelming trend to flexibility in economy and labour markets de-regularization. Demographic crisis in Russia is an argument to reduce control over entry of migrant workers.

Deportation can't be the only way to fight illegal migration and unregistered employment. In many cases, high costs of deportation procedure creates unjustified burden on local budgets. Besides, deportation can be effective only in case of proper responsibility of sending countries for their citizens. It is quite clear that this instrument is to be combined with other ones, such as constructive dialog with countries of origin of labour migrants, more detailed information about terms of admission and employment, and legalization (amnesty) of certain categories of migrants.

Temporary immigration programmes that provide inflow of labour migrants but at the same time legally limit their movements, is one of wide spread methods to improve entry regulations in receiving countries. As an alternative to further restrictions on migrants' entry, it is useful to study root causes of migration, poverty in countries of origin, in particular. The best solution for illegal migration problem is the search for universal coordinated rules of return, i.e. rather 'circulation' than migration concept (Towards Migration Management Strategy, 2003).

In order to develop effective coordination between informal institutions that regulate interaction of migrants and receiving society, it is important to create more positive attitude of public opinion when discussing migration issues and to promote mutual trust and confidence. For this purpose, it is necessary to implement social technologies providing ethno-cultural knowledge through cultural policy programmes, within all educational levels, and via mass media.

It is time to elaborate and implement basic educational programmes in training of specialists in migration monitoring and management, post-university educational programmes and advanced education for specification development in the migration sphere.

Conclusions

The main features of labour migration at the post-Soviet space where Russia plays a crucial role are: its growing scale, migration flows 'ethnization', widespread illegal stay and employment of ethnic migrants on its territory. Under these conditions, interactions between ethnic labour migrants and receiving societies at local and regional levels are characterized by mismatches in formal and informal institutional regulators.

Institutional mismatches are illustrated by xenophobia growth and ethnic migrantophobia, frequent conflicts, display of violence and aggression addressed to migrants of different ethnicity. Tension and conflicts in 'migrants — natives' relationships bring up de-constructive elements into regional and local societies and provoke growing disintegration.

To solve problems in this sphere it is necessary to shift from retroactive migration policy, which is in fact a type of 'crisis management' to proactive police understood as a complex of consequent steps aimed at full adaptation of migrants and balance of interests in their relations with a receiving society. Bilateral and multilateral agreements on labour migration with countries of

origin, as well as opportunities to join the European Convention On Legal Status of Migrant Workers could lead to such shift.

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Vadim Yentyakov

THE ROLE OF PRIVATE EMPLOYMENT AGENCIES IN COUNTERACTING IRREGULAR LABOUR MIGRATION (INTERNATIONAL ASSOCIATION "LABOUR MIGRATION")

Acceleration of world economic globalization, particularly obvious in the recent decades, is followed by multiple increases in international labour migrations that presently involve practically all countries of the world and count 120–180 million labour migrants (including family members). Moreover, when all the variety of international migrants is taken into consideration the total number of migrants in the world approaches to 1 billion. Under these circumstances, numerous labour migration can be regarded an essential element of the contemporary society and an integral part of the world economy.

After disintegration of the Soviet Union followed by market-oriented reforms at the post-Soviet space, Russia and other CIS states have been gradually involved in the world labour market. The Russian private employment agencies (licensed for assisting Russian citizens in seeking jobs in other countries) are the most active participants of this process. Within the vague market of employment services they were feeling a strong need for cooperation within the frames of the professional non-commercial association that would connect interested governmental and non-governmental, social and scientific organizations, and mass media. International Association "Labour Migration" (IALM) was a practical answer for this need. It was founded in September 2003 and officially registered on February 9, 2004. Founders of the Association were two dozens of licensed agencies from 13 regions of Russia (from Kaliningrad to Vladivostok and from Murmansk to Mahachkala) that work efficiently at the international labour market, and Ukrainian Association "Partnership".

The main purposes of the Association are:

- Creation of most favourable conditions for coordinated and effective work of the IALM member-companies in the field of international labour migration, including active search for new partners in other countries, both employment agencies and employers;
- Development of cooperation with international organizations (ILO, IOM, UNHCR, etc.) for the sake of tackling irregular/illegal labour migration;
- Assisting the Russian authorities in promoting international labour exchange and increase in employment rates;
- Protecting social and legal rights of labour migrants and IALM member-companies;
- Providing access to information and professional training for all the participants of international labour migration by means of organization of seminars, conferences, round tables, exhibitions, etc. in the field;

- Forming high professional ethical standards among IALM members and assuring to follow them in practical side, and thus, supporting of high professional reputation of the Association.

Since the Association was founded, it has initiated and organized two seminars: one, with the support of the ILO Mission in Moscow, on "The role of private employment agencies in international labour migration in Russia" (Moscow, September 4–6, 2003), another, with the support of the IOM Mission in Moscow, on "Temporary labour migration of Russian citizens to the Southern Europe: situation, problems and prospects" (Moscow, March 1–3, 2004). Following recommendations of the seminars, steps to contact foreign embassies in Moscow, IOM, ILO, and the Council of Europe were made aimed at search for foreign partners for the Association and stimulation of legal labour exchange. Not only IALM members took part in the seminars, but not-member companies as well.

In March-April 2004 the Association has started its efforts to join the International Confederation of Temporary Work Businesses (CIETT — Confederation Internationale des Entreprises de Travail Temporaire): all necessary documents were addressed to the CIETT Council. The IALM representative participated in the CIETT Annual Conference (Switzerland, April 28–30, 2004). The final decision on IALM joining the CIETT is to be made at the next CIETT Annual Conference in South Africa in 2005.

IALM representatives participated in a number of international seminars, workshops and forums in Russia and in other countries. Within the frames of development of effective cooperation with Federal bodies the representatives of the IALM took part in the Parliament Hearings on "Prospects of Russia to join the ILO Convention No: 181 and legal management of foreign labour" on May 17, 2004. The IALM leaders and members appeared regularly in press and media.

One of the most topical issues of the contemporary international labour exchange is the growth of illegal migration, illegal employment and trafficking in human beings. According to experts' estimates the total number of irregular migrants is over 50 million. In this context, Russia is a glaring example: tackling illegal immigration and emigration is a matter of particular concern here.

Russia's growing participation in world labour market issues a dual challenge for the State and the society: on the one hand, there is a strong need for managing the increasing labour migration *from Russia* and framing it in the legal course, and on the other hand, counteracting numerous irregular migrants' flows *to Russia* is a pressing issue for Russia.

Let's see both aspects of this 'dual challenge' in details.

Initially, International Association "Labour Migration" was created as an association of labour-exporters. Its 'core' consisted of Russian recruiting companies with licenses of the Federal Migration Service granting the right to assist Russian citizens in seeking job vacancies abroad. Since June 1993 when licensing of such kind of activities in Russia has started, the number of em-

ployment agencies engaged in seeking job vacancies in other countries has reached 600. Most active agencies among them are the 'core' of the IALM. Though many IALM member-companies are presently engaged in labour imports as well, nevertheless their major field of activities is labour exports. Labour emigration from Russia has been started up by the 1992 Law "On employment of the citizens of the Russian Federation" that has granted Russian citizens with a 'right to independent search for job and employment abroad'.

It is necessary to note that generally Russia's participation in international labour market — despite certain 'drawbacks' related to scaled irregular migration, or outflow of skilled labour from some regions — is full with benefits: it assists easier adaptation of Russian workers to the world market requirements, contributes integration into new technologies and labour standards, etc. Temporary work in other countries also results in reducing national labour market pressure, gives migrants an opportunity to improve their living standards and to save for future investments ('initial capital') in own business, and favours development of small-scale enterprises.

According to official data, during the last 10 years over 300,000 Russian citizens have been placed in jobs in other countries. In 2003, 47,637 persons went abroad for work with the support of the licensed employment agencies, among them contract workers — 44,777; seasonal workers — 354; frontier workers — 40; students at summer vacancies — 1,776; contract trainees — 294, and employees under contractor's agreements — 396. Total number of persons placed in jobs in other countries in 2003 is a bit less than in 2002 (about 50,000). However, up to experts' estimates, the real number of Russian labour migrants is many times more than the above mentioned ones. The major part of labour migrants are 'invisible' for statistics: they depart with tourist or business visas and seek for irregular jobs, so they are not guaranteed with any social and legal rights protection.

According to the ILO estimates, today over 600,000 Russian citizens are working outside Russia. Moreover, as to sociological polls, between 7% and 10% of Russian labour force have intention to seek for job in other countries. However, major part of them can't realize their intention independently because of lack of any 'migration experience', or poor knowledge of foreign languages, or lack of reliable information on job vacancies. As a result, they are pushed to traffickers who promise easy employment facilities while in fact doom their clients to illegal work in shadow market. IALM has been already involved in adjustment of conflicts between Russian citizens and foreign employers addressing to the Russian Ministry of Foreign Affairs and foreign embassies.

It seems that more close cooperation between the IALM and the Ministry of Foreign Affairs as well as the Russian diplomatic offices abroad could serve an effective instrument to provide Russian migrants' rights protection. The Association 'Labour Migration' and its member-companies have a strong need for being supported by the diplomatic missions both in terms of Russian labour migrants' rights protection and search for reliable information about potential partners and employers in the countries of destination.

Another step for providing more efficient participation of Russian labour migrants in the international labour market is related to efforts of the Government of Russia to sign and implement new international agreements in the field. In this context Russia is likely lagging behind its neighbours – Ukraine, Moldova and some other CIS states. It is important to emphasize that international agreements should define not only quotas of labour migrants but also the possibility for Russian private employment agencies to participate in implementation of these quotas.

Now, the second aspect of the above mentioned 'dual challenge': tackling irregular employment of foreign citizens in Russia. In the recent years, Russian employers arrange about 300,000 permits for hiring foreign labour force yearly. It corresponds to annual quotas of 300,000–400,000 foreign employees summarized on the basis of Russian regions demands. However, it appears a 'peak of an iceberg' only: according to Russian experts' estimates this number presents not more that 10% of a real number of foreign workers staying in Russia. In other words, the overwhelming part of foreigners works in Russia illegally, primarily in informal, shadow sectors. This means that while unscrupulous employers benefit from this situation, all the other parts — illegal employees, the Russian State, and the society — loose. An illegal employee being absolutely dependent on employer is doomed to slavery-like labour, over-exploitation, underpayments, insecure work conditions, and debt bondage. The State looses billions of rubles because of reduced 'general taxable basement'. Besides, cheap illegal labour contributes to conservation of outdated technologies, impedes technical progress, and restrains growth of Russian workers wages. As the system of professional training in Russia was seriously corroded during the last decade, foreign labour dumping makes for further skills degradation and marginalization and — as a result — tolerance reduces and xenophobia grows. This provides favourable conditions for corruption and, on the other hand, stimulates extremist behaviour of foreign migrants. Besides, reputation of 'illegal migrants tank' damages Russia's international image and correspondingly, affects investment inflow and economic prospects.

Thus, the only party that benefits from the situation is dishonest Russian employer who receives super-profits as a result of over-exploitation of the most cheap labour. In this context, the main task is to make illegal labour hiring unprofitable. It can be provided by substantial restriction of penalties for unscrupulous employers. In Russia, the Parliament has adopted the draft law on multiple increase of penalties for illegal hiring of foreign labour — up to hundreds of thousands of rubles. The next step should be criminal responsibility, following the example of some developed countries. The Association 'Labour Migration' having gained certain experience in the field is ready to collaborate with legislature in improving legal basis of labour migration in Russia.

Migrants' legalization could be another instrument 'to bring to light' millions of illegal labour migrants in Russia. For the present moment, we do not propose wide-scale official migrants amnesty campaign (though in future

it could be reasonable, like repatriation law). Now we are talking of the necessity to gradually regulate the status of millions of foreign workers and provide them with needed permits to work in Russia legally. This will be an advantage for the State that will get additional tax payments and for labour migrants who, being in legal status, will be guaranteed with social and legal rights according to Russian laws and international regulations.

The process of legalization of migrants in Russia is going on, though it is very slow and limited and inadequate to the scale of illegal employment in the country. The reasons are: imperfectness of legislation, over-bureacratification and corruption when issuing permits and other papers.

Naturally, within these circumstances enormous number of unofficial services has appeared. In Russian media there is a lot of advertisements of 'speedy' getting of permissions for foreign labourers hiring, work permits, foreign workers plastic cards, etc. Usually such kind of papers are fake, even if they have 'official' stamps and signatures. The only way to counteract this criminal practice is to develop the network of official — governmental and private — agencies licensed for intermediary activities. In this context, the potential of the International Association 'Labour Migration' could be effectively used like that of other Russian employment agencies licensed by the Federal Migration Service. The Association has a certain experience in the field: during three years its member-companies: "OST", "Planeta-Personal" and others are engaged in intermediary activities in registering foreign workers permits. Our experience shows that it is not easy business, and when ousted by 'shadow' companies, law-abiding and honest agencies are noncompetitive. As a result, potential of hundreds of licensed agencies is under-exploited in such an important issue as tackling illegal immigration to Russia.

In the recent years, the restrictive character of Russian immigration policy is widely discussed, especially by the Russian scientific community. To our mind, the discourse is to be more precise. Disappearance of 'iron curtain', existing transparent borders with CIS countries, visa-free entries, etc. have provoked numerous inflows of foreign citizens to Russia, and many of them are irregular migrants. At the same time there were no large-scale deportations of irregular migrants from Russia. As to labour migration, it would be more reasonable to talk about lack of rational allocation of migrants' labour, about selective policy, legalization of illegal migrants, etc.

To counteract illegal migration to Russia and from Russia the Association 'Labour Migration' seconds a proposal to elaborate the governmental programme 'International Labour Migration' that would define major principles and targets of Russia's effective participation in world labour market, financial support and practical mechanisms for the following major 'blocks of problems':

- cooperation and coordination of efforts of all the participants of international labour migration processes in Russia aimed at effective search for job vacancies at the world labour market and promotion of Russian jobseekers; increase of Russia's participation in international labour exchange;

protection of social and legal rights of migrant-workers (including elaboration and implementation of new intergovernmental agreements in the field);

- creation of information and consulting centers network 'International Labour Migration' that could provide all interested parties including employment agencies, employers and potential labour migrants with reliable information and support;
- formation of a pre-departure training for Russian labour migrants to facilitate their adaptation to international labour market requirements (besides professional consultations, the training would include basic knowledge about a country of destination, foreign language courses, etc.);
- promotion of international youth employment programmes like 'Work & Travel', 'Work & Study' and increase of a number of Russian participants in them, by means of combined efforts of government bodies, NGOs and commercial agencies.

In conclusion, we would say that international labour migration issues are not a priority direction of the Russian migration policy so far. Concentration on police methods of labour migration management is not effective. Socio-economic methods are more promising, when being based on improvement of national legislation, both in terms of more reasonable laws and adaptation to new intergovernmental agreements in the field.

The last but not the least item: effective management of international labour migration can be provided by active collaboration between all the interested parties: authorities, NGOs, commercial agencies, and non-commercial partnerships like International Association 'Labour Migration'.

Irina Eliseeva

IDENTIFICATION OF MIGRANTS: LABOUR MIGRATION STATISTICS IN CONTEMPORARY RUSSIA

In Russia, migration inflow is becoming an important resource of additional manpower under existing negative natural growth of population. In this context, Russian statistics is to provide reliable and timely data on numbers of migrants and their structure. Meanwhile results of current registration of migrants and census data differ substantially. This makes the migrants' identification issues even more topical.

Normally, data sources on numbers of migrants and their structure include current registration, population censuses, and sampling surveys. Current registration data is based on two 'migrant's statistical forms' filled by a migrant when striking off the register at the previous place of residence and when registering at the new place of residence.

For immigrants, the major primary document is 'immigration card' which carries information on name, date of birth, sex, purpose of arrival (work, business, study, private visit, tourism, transit), duration of stay, citizenship.

Results of sampling surveys are also used when migration databases are elaborated. As a rule, they are of limited number of coverage and aimed at a definite purpose.

Data from population censuses are another important source of migration data: they provide detailed characteristics of migrants appropriate for comparative analysis with non-migrants.

Volume 10 of the official results of the 2002 National Russian Population Census will be dealing with "Duration of stay in the place of permanent residence". Distribution of population by place of birth, by place of residence on the date of the previous census (January 1989), and by duration of stay in the place of current residence will be presented in the volume, separately for males and females, and for urban and rural population.

For the first time in the history of Russian censuses, the 2002 National Russian Population Census has collected data on citizenship. So, it will provide distribution of foreign citizens who are staying in the territory of the Russian Federation by age groups, by sex, by countries of permanent residence (countries of origin), by purposes of arrival. These data will be aggregated for Russia as a whole and by its administrative territories.

The data of the 2002 Population Census can be used to characterize:

– the impact of migration on the population size and structure;
– the shift in numbers and structure of immigrants in certain territories and their settling down;
– the impact of migration inflows and outflows on age structure of population, labour resources, support ratio (that is the ratio of the number of persons of nominal working age to the numbers of children and elderly age groups);
– the impact of migration on ethnic structure of population.

For example, the table "Populations of private households by age and duration of stay" gives data to separate population living in this territory since birth, migrants who arrived recently (after 2000), and migrants who have settled down (those who arrived before 2000). Age structures of population by years (2000, 2001, etc.) allow to study age structure of migrants who have arrived at this territory recently in comparison of those who have settled down, as well as to characterize the impact of migration on age structure of the population of this territory as a whole.

When compared to the results of the 1989 Population Census (in terms of numbers of persons who have changed the place of their permanent residence after 1989 and their ethnicity), the 2002 Population Census data determines which part of persons who arrived at this or that territory were permanently settling in the Russian Federation, and which part were living in other former Soviet states. Besides, ethnic structure of migrants characterizes the impact of migration on indigenous population ethnic structure.

While current registration of migrants meets a lot of difficulties due to the fact that migrants often deviate registration, the census results seem to be a more reliable source of information about numbers and structure of migrants staying in the Russian Federation.

As an example, we examine the 2002 Census data on migrants in the city of Saint Petersburg and Leningradskaya oblast (see table 1.)

Table 1

Classification of population, temporarily staying on the territory of the Russia (city of Saint Petersburg and Leningradskaya oblast) by sex and purpose of arrival to the Russian Federation (2002 Russian Population Census)

Purpose of arrival	City of Saint Petersburg			Leningradskaya oblast		
	Males and females	Males (63.8%)	Females (36.2%)	Males and females	Males (63.8%)	Females (36.2%)
Work	22.7	27.0	15.1	60.5	71.4	25.8
Business trip	11.1	13.3	7.2	4.0	3.7	4.8
Tourism, recreation, treatment	28.1	24.4	34.7	16.4	12.0	30.3
Transit migration	0.9	0.7	1.1	0.9	0.4	2.5
Other purposes	35.3	32.9	39.7	16.0	10.4	33.4
Non indicated	1.9	1.7	2.2	2.2	2.1	3.2
Total	100	100	100	100	100	100

There is an obvious correlation between the type of migration (determined by purpose of arrival) and destination territory. In the city of Saint Petersburg, distribution of migrants by sex and purposes of arrival is more even, in contrast to Leningradskaya oblast. The proportion of labour migration to the Leningradskaya oblast (60.5%) is three times higher than in the migration inflow to Saint Petersburg (22.7%). The difference in purposes of males and females is bigger in the case of the Leningradskaya oblast: over 71% of males arrive in search for jobs compared to only 26% of females.

Taking into consideration data from the table 1 and well-known fact of predominance of big cities in labour migration flows, we can conclude that labour migration in Russia is 1/5 to 2/3 of the total migration inflows. Adjusted numbers will be available after the results of the 2002 National Russian Population Census are completely processed and published.

Data on current labour migration registration are aggregated in the reports of the Federal Statistics Observation: No: 1-T (migration) "Data on numbers and structure of Russian citizens departed abroad as labour migrants" and No: 2-T (migration) "Data on numbers and structure of foreign migrant workers in Russia". Aggregated reports (by administrative territories) are issued every six months and submitted to the Federal Migration Service and National Statistics Committee.

For Russian labour migrants, the following classification is applied in these reports:

- contract workers — Russian citizens who are employed in other countries under labour contracts with foreign employers;
- seasonal workers — individuals who are employed by foreign employers for part of a year as their work depends on season;
- frontier workers — individuals who employed by foreign employers but live permanently in the Russian Federation and move to and from the place of their work abroad every day or at least once a week;
- trainees — individuals who are employed by foreign employers for training, i.e. to rise their skills level;
- labour migrants employed on the basis of contractor's agreements – individuals or groups of workers who are directed to work objects in other countries within the frames of agreements between Russian and foreign economic agents.

Besides, the data is classified by:

– countries of destination;
– level of education of migrants;
– types of employment;
– duration of labour contracts.

Statistical data confirm the growing role of labour migration in the world. Thereby understanding, monitoring, and management of migration are the most topical issues. Proper approaches to these issues can be provided by identification of migrants with special emphasis on labour migrants and elaboration of reasonable measures to realize its potential.

International migration is a supra-national process, so it needs to be managed by coordinated efforts of all the interested parties: countries of origin, countries of destination, and countries of transit. Presently Russia is obviously lacking participation in international tools for migration management, development of common migrants' databases based on similar methods of data collection, and close cooperation in combating illegal migration. So, improvements of Russian national legislation are to be correlated to international migration management strategies and mechanisms.

REGIONS OF RUSSIA: ECONOMIC, DEMOGRAPHIC, MIGRATION SITUATION AND LOCAL AUTHORITIES POLICIES

Mikhail Klupt

THE PROSPECTS FOR LABOUR MIGRATION IN NORTH WEST RUSSIA: IMPORT AND EXPORT OF LABOUR RESOURSES

Introduction

North West Russia, administratively North West Federal Okrug, has the population of 13 831.7 thousands (at the beginning of 2004) and the area of 1677.9 thousands sq. km or 9.8 per cent of Russian Federation total. North West Russia extends from Baltic to Barents Sea and is heterogeneous both climatically and economically. The aims of this paper are to characterize migration diversity of North West Russia and to analyse opportunities and eventual risks, which stem from labour migration in the region. Paper emphasizes on current situation and prospects of labour migration for St.Petersburg and Leningrad oblast, the region that amounts in total 45.4 per cent of North West Russia population and develops dynamically, partly because of its location on the passages from EU to Russia.

Migration diversity of North West Russia

Over 2000s registered net migration in North West Russia was slightly positive. Though total registered in-flow, out-flow and net migration rates are small (correspondingly, 3.1, 3.0 and 0.1 per 1000) most of the experts supposes the real migrant number to be 5 or even 10 times the registered ones. In 2003, percentages of foreign migrants in the total in-flows and out flows were correspondingly 5.6 and 4.7 (for more details see Appendix). Total numbers of registered in-flow and out-flow migrants were in the first quarter of 2004 correspondingly 4.9 per cent and 2.7 per cent less than in the first quarter of 2003 (Socio-economic…, 2004, p.49).

Climatic and economic heterogeneity of North West Russia results in significant migration diversity. In respect to migration flows North West Russia is divided into four groups of territories, which are as follows:
– St.Petersburg city and Leningrad *oblast*[2]*;*

[2] Republics, *oblasts*, *okrug*s as well as two federal cities, Moscow and St.Petersburg, are the constitutional entities ("subjects of Russian Federation"), i.e. the various kinds of administrative-territorial units of Russian Federation. According to Constitution of Russian Federation (clause 5), all constitutional entities are equal in their rights.

– Polar and subpolar regions: Arhangelsk and Murmansk oblasts, Republic of Komi;
– Mediate regions: Republic of Karelia, Novgorod, Pskov, Vologda oblasts;
– Kaliningrad oblast, the Baltic enclave of Russian Federation.

Population of St.Petersburg (4624.1 thousands persons at the beginning of 2004) and Leningrad oblast (correspondingly, 1659.9 thousands persons) totals 45.4 per cent of North West Russia population. In 2002 migration balances of Leningrad oblast with all constitutional entities of Russian Federation located in North West Russia were positive. St.Petersburg also has positive migration balance with all constitutional entities located in North West Russia with the exceptions of Leningrad oblast and Karelia (the latter has practically zero net migration with St.Petersburg). Thus, St.Petersburg and Leningrad oblast play role of a regional centre of attraction for the migrants from North West Russia.

Murmannsk and Archangelsk oblasts, and Komi Republik, the polar and subpolar areas of North West Russia, have lost their population since the beginning of the reform period. Relatively intensive migration from Murmansk oblast to St.Petersburg and Leningrad oblast should be noted. The mediate regions have slight positive or slight negative net migration. At last, Kaliningrad oblast, en enclave that takes a singular stand in Russian territorial structure, has strictly positive net migration.

Labour migration inflow to Saint Petersburg and Leningrad oblast: factors and prospects

This section is intended to analyse the key determinants of migration in-flows to St.Petersburg and Leningrad oblast and to draw some analytical conclusions on the migration prospects in the region. Analytical framework is based on subdividing the labour migration determinants (both direct and indirect) into 2 groups: (1) those that cause attractiveness of a region for labour migrants and (2) those that constraint it. Since determinants of St.Petersburg migratory attractiveness differ from those of Leningrad oblast, St.Petersburg case is considered at first.

Saint Petersburg

Demographic premises of labour market imbalance. For the nearest years, able-bodied population is expected to decrease in the city. By projections, in the period from 2003 to 2010 the annual net labour migration to prevent a decrease of able-bodied population in St.Petersburg lies in the interval from 115 to 150 thousands persons (Cherneiko et al., 2003, p.29). Even though a demographic decline as such is not the determinant of labour migration in-flows to St.Petersburg, such a decline decreases local labour force supply and *ceteris paribus* results in labour market imbalance.

Differences in unemployment rate. St.Petersburg unemployment rate is the second (after Moscow) lowest in Russia. In May 2003 — February 2004, unemployment rate (calculated by ILO criteria) amounted 3.6 per cent of

St.Petersburg labour force, much below the national average (8.3 per cent). At the same period, unemployment rate in North West Russia averages 6.3 per cent and varies (with the exception of St.Petersburg) from 5.8 per cent (Novgorod oblast) to 12.2 per cent (Republic of Komi). The regional differences in unemployment rate are undoubtedly among the key determinants of migration inflows to St.Petersburg. It should be also noted that for all reform period including both its decline and upsurge phases unemployment rate in St.Petersburg was lower than in the other North West Russian regions. Therefore, the influence of the determinant in question on migration is expected to be relatively persistent.

Differences in the wage and living standards. In 2003, the average wage in St.Petersburg was 25 per cent higher the national average. Even though St.Petersburg price level is often higher as compared with other regions, labour migrants are motivated by opportunity of sending remittances to their families in low wage regions. Differentials in the wage between Russia and the most of sending countries are extremely high. So, in 2000, average wage in Russian Federation was 12 times higher Tajikistan, 3 times higher Moldavie, 2.5 times higher Ukraine and 2 times higher Azerbaigan national averages. Russia GNP per capita (PPP-based) amounts $6880, as compared with $6150 in Kazakhstan, $4270 in Ukraine and $ 2300 in Moldavie (Tous…, 2003). Since this gap can hardly be narrowed, it is supposed to be among the key determinants of St.Petersburg prospective immigration attractiveness for the nearest future.

Shortage of qualified workers. From the very beginning of economic recovery St.Petersburg labour market experiences the shortage of skilled workers. This imbalance results from both intensive out-flow of skilled industrial workers to small business, commerce and informal sector during the 1990s and the deplorable state of vocational education, and training (VET) system. While at present qualified workers shortage is undoubtedly among the key determinants of migration in-flow in St.Petersburg, its prospective role is not quite clear. On the one hand, this shortage may be aggravated by a demographic decline. On the other hand, both developing of VET system and unforeseen crises will be able to diminish the imbalance between skilled workers' labour supply and demand.

Demand for low qualified and unskilled labour force. St.Petersburg old residents, even in tight circumstances, avoid taking the heavy and unskilled jobs. To replace the vacancies St.Petersburg employers hire migrant workers, often from abroad, mainly from CIS countries. This practice is typical for many megalopolises and assuming further economic upsurge can be considered as the persistent determinant of St. Petersburg migratory attractiveness.

Opportunities for professional career in high-paid activities. Saint Petersburg labour market supplies the significant number of high-paid professional and manager positions, mainly in finance, banking, auditing, industrial and telecommunication companies, often times multinational. So, in

January-February 2004, an average wage in finance and banking was 2.8 times higher city average; the starting positions in high-paid segment of a labour market supply the university graduates with a salary, which is 4–5 times higher the national average. Coupled with St.Petersburg status of the second (after Moscow) largest university centre in Russia, it promises sustained reinforcing St.Petersburg high-qualified labour force due to the ambitious graduate specialists from the rest of Russia and CIS countries.

Leningrad oblast

Leningrad oblast is economically heterogeneous region, which includes both relatively developed areas around St.Petersburg and sparsely populated depressive territories, especially at North East. Over all reforms' period the rate of unemployment in Leningrad oblast was much higher than in St.Petersburg city (correspondingly, 8.7 and 3.6 per cent in May 2003 — February 2004 by ILO criteria). Nevertheless, for the last years Leningrad oblast is regional centre of attraction for migrants.

Some important factors and their interplay effects cause it. First, at least 10 per cent of Leningrad oblast population lives in St.Petersburg suburbs. It gives them an opportunity of working in St.Petersburg and enjoying cheaper (as compared with the city as a such) dwelling. Secondly, the industries aimed at St.Petersburg consumer market are intensively developing. Thirdly, logistic infrastructure of Russia's foreign trade is developing. Given continuing economic recovery, these factors are expected to result in the positive net migration.

Constraints and risks

Some of St. Petersburg migration risks are similar to those of many developed regions in the world. As known, immigration often brings to increasing tensions between the recent migrants and the locals. As polls data have shown, St. Petersburg residents are often watchful to migrants, especially those who arrive from developing countries.

Thus, the poll implemented in 2004 in St. Petersburg by Centre for Strategic Analysis of Social Processes evidenced that 25.5 per cent of respondents manifested their negative attitudes towards labour migration in St.Petersburg and 21.3 per cent said that they supported labour migration on condition of migrants' placement on unattractive jobs. Another 13.2 per cent said that they'd support labour migration if the migrants were Russian or Russian speaking residents of CIS countries. Unconditionally positive attitudes towards labour migration revealed only 25.5 per cent of respondents. The others (14.4 per cent) have no the definite opinion on the problem. These figures show no much difference with U.S surveys. So, January 2002 Gallup poll reported that 58 per cent of Americans thought immigration levels should be decreased, up from 45 percent in January 2001 (Martin and Midgley, 2003, p.12). Anyway, prevalence of negative attitudes towards migrants coupled with hate groups' activity is fraught with evident risks.

In addition, in contrast to more developed regions, housing and communal sectors as well as public health and education in St.Petersburg and Leningrad oblast are still in the tight circumstances or in the severe crisis. Intensive migration in-flow in the region could worsen the situation. It should be taken into account that a good deal of migrant workers works illegally, so they and their employers pay no taxes and social payments to maintain the public sphere.

The fact that the prices for dwelling in St.Petersburg are higher than those in the most of sending regions and countries constrains the scale of migration in-flows. Renting is also not always affordable for the migrant workers. So, the typical rent for one-room flat in St.Petersburg varied from $200 to $240 per month at the beginning of 2004[3], i.e. amounted from 80 to 95 per cent of the city average wage. Dramatic rise of dwelling price and rent observed during last years will probably play a role of a market constraint for migration in-flows to St.Petersburg and (in the less degree) to Leningrad oblast. Besides, this fact worsens migrant's living standards and sometimes leads to accommodating them in the slums.

At last but not at least, the systemic risks of illegal migration should be noted. First, the employers who engage illegal migrants get unjustified competitive advantages that discriminates law-abiding employers and hinders from setting economy on legal basis. Secondly, since the civilized labour relations are still fragile in present-day Russia, the risk of metastases of illegal or even coercive labour relation is significant. Thirdly, the opportunity of recruiting the cheap, submissive and often unskilled migrant workers hinders employers from investments both in personnel development and in technological innovations.

Developing regional migration policy

The following directions of migration policy at regional level are the crucial.

Improving dataware. The lack of relevant information on migration and the related concerns is fraught with the risks of misunderstanding the problem and blunders. In addition to available statistics, collecting and processing of the following data are vital: attitudes towards migrants; professional and qualification structure of migrant workers; living standards of migrant workers.

Improving the strategic planning. The hierarchic system of regional strategies should be developed. The migration strategy should be inscribed in the general strategy of human recourses development. The latter in its turn should be inscribed in the general strategy of social and economic development of a region. The objectives of labour migration policy should be deduced from general objectives of social and economic policy and the certain answers to the following questions should be done:

[3] http://www.gosha.rooms.ru/ru/-/info/defactoprices.

– What objectives (long-, medium-, or short-term) does labour force importing pursue?
– What categories of labour migrants are eligible to achieve these objectives?
– How labour migrants' rights and living standards will be ensured?

Developing social partnership. Social partnership is of prime importance to regulate migration by effective way. On the one hand, regional authorities should take into consideration employers' preoccupation by the labour shortage in certain segments of the labour market. On the other hand, the employers should be involved in settling the problems resulted from labour migration, such as accommodating, labour migrants' rights and so on. Undoubtedly, labour unions standpoint, migrants associations' views and public opinion should be taken into consideration. The proper institutional forms (such as coordination councils, etc) should be developed, or existing forms should be employed to discuss and solve migration problems.

Developing vocational education and training. Structural imbalance of labour market including labour shortage in certain segments of economy is in a great extent the result of VET imperfections. These imperfections are mainly caused by decline of VET system in 1990s. The rupture of the links between the employers and VET system and inability of the latter to receive and assimilate labour market feedback signals are amongst the heaviest consequences of this period. Given the evident weakness of VET system, the employers often try to find palliative decision in importing the migrant workers. Meanwhile, the systemic decision, at least for St. Petersburg city, underlies developing of effective and flexible VET system. This of cause does not exclude labour force importing to solve certain economic problems of a region. Anyway, costs and benefits of labour force importing should be assessed.

Improving migration legislation and law enforcement. Since migration legislation in Russian Federation is the competence of the federal authorities, legislative activity at the regional level may consist mainly in carrying out the propositions addressed to the federal level. In particular, some regional experts propose to implement the varied invitation procedure for the different professional and qualification groups of migrant workers to facilitate inviting those who have professions and qualifications required. Anyway, migration laws and regularities must be realizable and not to provoke corruption. Realization of migration regularities should be made more efficient and friendly, and does not violate the rights of migrants.

Conclusion

In contrast to many developed countries, present-day Russia has no long experience of labour immigration regulating. Russian society both at the national and regional levels seeks understanding of immigration problems. In the course of acute public debates some issues are highlighted while the others, often those of prime importance do not attract the proper attention.

So, recent content-analysis of the texts put in Russian-language segment of Internet (Klupt, 2003) has shown that the public disputes are mainly focused upon the immigrants' rights, migration legislation and the low enforcement practice. Though these topics are undoubtedly of prime importance, influence of migration (both internal and external) on human recourses quality should not be omitted. In particular, most of the studies underestimate migration and VET system interplay effects. Meanwhile, intensive in-flows of low skilled migrant workers coupled with stagnated or ineffective VET system worsen human recourses quality and hinder from technological innovation. On the contrary, effective VET system allows to develop migrant potential and to enjoy eventual advantages of labour migration. The problem in question is especially up-to-date for receiving regions and mainly for St.Petersburg, the university center with old traditions of vocational education and training.

At last, the issues of strategic planning and institutional development at the regional level are vital. The general speculations about advantages and risks of labour immigration should be added by grounded and as far as possible quantitative analysis adjusted to region singularities. Migration policy carrying out should be coordinated with VET policy and become a component of strategic planning in the region. The proper institutional framework should be developed to organize effective public discussing and settling the labour migration problems.

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Appendix

Table 1

Migrant's flows in North-West Russia in 2003 (thousands)

	In-flow	Out-flow	Net migration
Russian Federation	2168.2	2133.0	35.1
North-West Russia — total	201.9	197.5	4.5
Including: Republic of Karelia	14.2	14.2	0.0
Republic of Komi	16.7	23.0	-6.3
Arhangelsk oblast	14.2	19.6	-5.4
Vologda oblast	14.8	14.5	0.3
Kaliningrad oblast	18.6	15.4	3.1
Leningrad oblast	37.2	23.3	13.9
Murmansk oblast	17.3	24.1	-6.7
Novgorod oblast	10.3	10.2	0.1
Pskov oblast	14.0	13.9	0.1
St.Petersburg	44.8	40.4	4.4

Source: *Socio-Economic Situation of North-West Federal Okrug of Russian Federation in 2003*. M. Federal Service of State Statistics, 2004, p.51. (In Russian).

Table 2

Percentage of foreign migrants in migration in-flow and out-flow by regions of North-West Russia in 2003

	In-flow	Out-flow
Russian Federation	6.0	4.4
North-West Russia — total	5.6	4.7
Including: Republic of Karelia	3.6	5.0
Republic of Komi	3.1	6.2
Arhangelsk oblast	2.8	1.5
Vologda oblast	3.0	1.5
Kaliningrad oblast	11.1	7.9
Leningrad oblast	5.1	4.7
Murmansk oblast	7.6	6.3
Novgorod oblast	6.9	7.5
Pskov oblast	5.6	4.8
St.Petersburg	5.2	4.8

Source: Calculations based on *Socio-Economic Situation of North-West Federal Okrug of Russian Federation in 2003.* M. Federal Service of State Statistics, 2004, p.51, 52. (In Russian).

Svetlana Soboleva

FOREIGN MIGRANTS' POSITION AT THE SIBERIAN LABOUR MARKET: EXPERTS' ESTIMATES

Issuing a challenge

Disintegration of the USSR, transformation from strictly planned economies to market economies, and democracy-based shift to open society have turned Russia from a 'closed' country with traditionally low international mobility of population into an active participant of international migration flows.

As a result, new dominants in population formation have appeared: refugee flows, forced migration, labour migration, including numerous arrivals of indigenous population from Central Asian states (former Soviet republics) and South-East Asia (China, Vietnam, North Korea). Naturally, this shift means a need for quite new approaches for legal management of migration flows.

By now international migration to Russia has gained certain experience: migrants have developed their own ways of penetrating to the territory of Russia and settling there. Economically, they are integrated into local labour markets and inevitably collaborate with local society. This results in creation of new elements of ethno-cultural structure, on the one hand, and in appearance of quite new challenges for Siberia and for Russia as a whole, namely in the field of ethno-cultural security.

According to official statistics, migrants from China prevail. Since the 1990s the number of Chinese migrants at the territory of Russia has increased twenty times (Migration and Security in Russia, 2000). This increase is higher than anywhere in the world, e.g. in the USA in 1971–1990 the number of Chinese people has increased eight times.

There are no reasons to expect decline in Chinese migration to Russia in the future as push factors in China are numerous. They are: demographic pressure, surplus labour, unemployment, demographic and economic imbalance between China and Russia, population policy limitations regarding the second and the third childbirths, relative transparency of the border with Russia, etc. Researchers who analyze development trends in China conclude that migration pressure will grow despite economic scenarios.

Surveys of Chinese migrants in the Far East and Siberia show that Chinese migration consists primarily of small traders and businessmen who act independently, at their own risk (Datsyshen, 2002; Dyatlov, 2002). Major part of them (over 60%) are engaged in commerce, about 30% are in construction sector, and 5–10% are in agriculture. Some of them have succeeded up to USD millionaires, however, only a minor part are going to stay in Russia for a long time or forever. Due to cold climate, territory of Siberia

appears unsuitable for permanent settlement of Chinese people. Usually they prefer Far East regions where climate is milder.

Irregular migration is the most disturbing issue in international migration field. Because of weak border control the number of foreign citizens who enter Russia illegally or with violations of regulation, aiming to transit to the third countries, has increased. Rapid development of small-scale business in service sector, construction, and agriculture in Russia stimulates irregular migrants' inflow. Non-controlled immigration has negative impact on criminal situation and damages Russia's national security, it complicates socio-economic development and provokes ethnic tension between migrants and nationals. Major part of migrants are employed in shadow sectors, and as a result, the budget looses yearly up to 1 billion USD because of tax payments evasion both of employers and employees (Krassinets, 2002). Besides, as illegal migration contributes to development of non-controlled market of goods and services, it stimulates growth of shadow economy and impedes development of 'civilized' labour market in Russia.

It's a well known fact that in the recent years Central Asian states are one of the most actively exploited areas for illegal migration from Afghanistan Pakistan, Sri Lanka and some other states to Russia and further to the west Europe. The reason is poor border control in Central Asia and convenient geographical location of the region.

Real volume of illegal labour migration can be hardly calculated, while experts' estimations vary tens fold. Up to the Federal Migration Service Director Alexander Tchernenko, from 1 million of foreign citizens who arrive to Russia every year, only 700,000 depart; the others are 'lost' in its 'boundless space'.

Illegal migration is an inevitable component of international migration, however, its present scale in Russia creates numerous serious problems for receiving society, authorities and migrants themselves. Mass violations of law erode the State basement, corruption in the government structures undermines the society, federal and local budgets are damaged. Millions of migrants do not have any legal protection and are pushed to the protection of local and imported criminal nets.

In the context of illegal migration, social protection for migrants is one of key issues. In fact, illegal migrants are lacking their human rights. Consequently, they are often an object to employers' and law enforcement structures' despotism.

Presently, non-controlled and not-managed migrants flows disorganize labour market, housing market and consumer goods market in Russia. Lack of true information at these markets provokes inadequate strategy of federal and local administrations. As migration inflow increases, the price for mistaken management decisions will grow. Lack of reliable information is often replaced by speculative estimations that follow certain groups or personal interests.

Poor socio-cultural integration of migrants into receiving society can be also a serious threat to social order and law. Criminal reputation of many im-

migration communities — despite whether such a reputation is true or not – is a strong conflict-generating factor.

Adaptation of migrants in the Russian labour market (the case of Siberian Region)

Better understanding of the above mentioned issues are the aim of the Project of the Siberian Branch of the Russian Academy of Sciences on "Asian vector of migration and maintenance of socio-demographic and ethno-cultural potential of the Siberian Region" implemented by the Institute of Economics, Novosibirsk.

The purpose of the Project is a complex expertise of ethno-social and socio-economic situation in the eastern part of Russia from the perspective of sustainable development of the Siberian region in its relations with border states of South-East Asia and Central Asia through monitoring of foreign labour in the Siberian labour market.

The following tentative conclusions were made. The flows of immigrants from the former Soviet states and non-former Soviet states differ not only in their qualitative characteristics but also in their ways of adaptation to the Russian labour market. While citizens of former Soviet republics migrate primarily as seasonal workers, the citizens of other countries arrive for long-term labour migration. Both types of migration tend to grow.

Those migrants who come for permanent residence do their best to obtain Russian citizenship. They are primarily migrants from South East Asian countries, in particular, Chinese and Vietnamese citizens. Before 1995 it was relatively easy to get Russian citizenship, at least for forced migrants, but at present the legal procedure has been made very complicated, almost inaccessible. Therefore, non-return migration is transformed into alleged return migration and is a means of adaptation to local customs and practices. Migrants undertake such steps as pro forma marriages with Russian citizens, and there has even established a definite rate of pay for such services.

One of the channels for immigrants to get permanent residence in Siberia is getting higher education in Siberian educational institutions. In the period of study the young people acquire Russian language, get accustomed to local environment and find where to live and work in the future. After the study is finished, such young people often stay in Siberia, open their own business or come later in search for a job.

Another important channel for foreign nationals to take roots in Russia are, according to experts, ethnic associations. Different ethnic associations have appeared in Siberian cities. In Barnaul they are Uzbek and Vietnamese associations, in Novosibirsk the largest is Chinese association. Almost in all West Siberian regional seats, Armenian and Azerbaijan associations exist. These associations are surrounded by appropriate diasporas offering their compatriots different kind of assistance in settlement and employment. These associations serve also as information channel accumulating useful experience and giving aid to young people who come to Russia for study.

According to experts, number of illegal migrants is over ten times higher than that of registered ones. Experts from passport-visa and employment agencies put blame on employers (often Russian citizens) who do not contract their workers in accordance with existing rules. Illegal migration breeds illegal employment.

This category is filled largely with migrants from former Soviet states, most of whom are law-abiding persons coming to earn honestly their living, but they become a target of unscrupulous employers, who exploit them and profit by them, and of abuse from numerous corrupted officials from inspection authorities who extort bribes from them. It is often easier to pay a bribe than to draw up workers in accordance with legal procedure, as it needs more time and money. Thus, the money goes to corrupt officials instead of the state.

It is interesting to observe the changes in the structure of employers. In the early period of foreign labour in Siberia (mid-1990s) the employers were primarily Russian citizens, while now they have been replaced by fireign employers. The picture looks as follows. After accumulating the starting capital through commercial 'chelnok' trips, the aliens open family business, first with their family members, then recruiting acquaintances and members of diaspora. It is largely a business in such spheres as trade, catering, repairs, and agriculture. Such foreign employers often hire Russians. As a rule, they are skilled workers (lawyers, economists, accountants) or unskilled workers (waiters, casual workers), thus they create jobs for the Russians, too.

According to experts, Central Asian migrants fill in such niches in the labour market that are of the least attraction for nationals, so there is no competition. They are assigned to hard manual jobs, largely seasonal, in vegetable growing (agricultural workers) and repairs (construction workers), and form a specific niche of low-paid jobs. The legally-based recruitment of foreign workers for such jobs is seen by most experts as a positive process. One of the named advantages in the use of such workers in agriculture is acquisition of their skills in growing particular vegetables and melon crops, producing of high quality products, and additional revenues to the budget. At the same time, experts emphasize that foreign migrants from former Soviet states have not a high cultural level, they are secluded, rarely seek for justice, and form diasporas closed from contacts with the Russians.

In contrast to these migrants, the Chinese migrants, often with high skills, may enter into competition with the national workers. In this context, the problem of adaptation of immigrants from South East Asian states is especially topical, and determination of entry quotas of foreign labour requires special developments.

To manage migration flows, great efforts have been lately made by the RF Ministry of Foreign Affaires in promoting bilateral agreements with neighbouring states. Such agreements include exchange of information about labour demand and supply, coordination of entry quotas for migrants with different skills. In 2003, it is for the first time that regional migration services formed, on the basis of data on registration of foreign labour on local markets,

concrete entry quotas for the next year. All this is designed to regulate migrant flows and, which is all important, to alleviate migrants' own material and moral inconveniences, to make the receiving areas get prepared for accommodation of migrants of particular demographic composition and with particular skills, and solve problems of their settlement. Potential migrants in this situation will be able to get in advance an objective information about the labour markets and housing situation in the receiving areas and make a well-balanced decision about their place of destination.

All experts point to difficulties in getting visas and admissions. It is because immigration is in authority of the federal government. As regional governments have no such power, legalization in the Altay Region of the seasonal work on vegetable growing for a group of the Koreans originating from Kazakhstan takes several months of waiting for permit from Moscow. If this procedure was in authority of regional structures, for example, regional bodies of the Federal Migration Service, this type of labour migration would be more flexible and effective for the economy of receiving areas.

Conclusion

As to demographic forecast, declining labour potential will become the major limiting factor for economic development in many regions of Russia in the nearest future. The world experience proves that increase in fertility will hardly take place in Russia in the nearest decades. However, impact of immigration can be promising. Recruiting labour force from other countries, Russia can become a country of immigrants, i.e. a society with principally different ethno-social structure and ethno-cultural environment.

The survey showed that managing of labour migration to Russia should follow the interests of Russia and Russian regions and must be differentiated by its types: forced migration; labour migration from former Soviet states; labour migration from other countries.

Taking into account the declining demographic potential and negative net migration in Siberia, the reception of Russian-speaking forced migrants from former Soviet republics and creation of all conditions for their permanent settlement in Siberia must be taken as a vital strategic objective. It will provide for gain of population and protection of Russian geo-political interests. All former Soviet citizens who want to settle in Siberia should be welcome.

Migration of title nationals from former Soviet republics is traditionally seasonal, not influencing the demographic potential. Only a small number, mainly young unmarried childless people, will settle in Siberia as its permanent residents.

In respect to migration from other countries, in particular, from China, the main barriers should be not of administrative nature, but based on scale of labour demand and considered an instrument of regional development. If Siberia is to be in the future not only a region with a high resource potential but a field for deployment of high tech science-intensive productions, then it will require a great number of specialists from the most varied fields of knowledge.

The strategy should include the following elements:

- monitoring of forced and international migration as well as ethnic-social dynamics of regions within the strategy of sustainable demographic reproduction and development in the long run;
- appraisal of economic, confessional and ethnic-social consequences of migration;
- clear-cut legal basis and, primarily, migration legislation;
- perfection of the institutional framework, higher accountability of legislative and, especially, executive bodies;
- strong governmental protection of civil and labour rights of foreign workers; austere measures against violation of Russian laws;
- development of regional programs of immigration policy.

An important place in this work should be given to the development of prediction of migrant flows, including: detection of regions preferable for accommodation of migrants; coordination between local administrations and regional migration services on migrant quotas; prediction of probable directions of foreign migrant labour in Russian regions.

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Liudmila Ponkratova

INTERNATIONAL LABOUR MIGRATIONS IN THE FAR EAST OF RUSSIA: REALITIES AND PROSPECTS

The Far East of Russia is regarded to be a territory of the "late" economic development and settling and of higher rates of population growth compared to average rates in Russia throughout the XX century. However, the region remained to be the labour-deficit area.

It is noteworthy that migration inflow encouraged by the Government policy till the transition has been playing a central role in population dynamics. Since 1986, however, the role of migration in the population growth had become a question of minor importance, while since the end of the 1980s migration balance has become negative. In 1991, there was a certain transformation in the demographic processes when for the first time the migration outflow exceeded the natural increase in population. Since 1993 demographic situation in the Far East region is determined by combination of negative migration balance and negative natural growth of population. Within the interval between the two censuses from 1989 up to 2002 the population of the Far East region of Russia diminished by 1,263 thousand persons (15,9 %) and enumerated 6,687.7 thousand persons (Goskomstat, 2003).

This situation is not to improve soon, which means that the Far East of Russia will hardly face the growth of its population in the nearest future. Moreover, there exist a few factors that prevent migration inflow to the region. First, many other regions of Russia are facing negative net migration as well. Second, the average income per person in the Far East is lower than in the central part of Russia and it is declining. Thirdly, expenses on moving exceed expectations that potential migrants may have.

Thus, in case the natural and migration trends in the region remain decreasing, labour resources will reduce for 1 million people by the year 2016 compared to the period of 1991 (Motrich, 2004). Consequently, the country will hardly cope with the task of GDP doubling by the year 2010 as it was proposed by President Putin and of providing sustainable economic growth in the region. European countries that have experienced similar problems prove that the only way out is to recruit foreign manpower in accordance with national labour market priorities.

Peculiarities of international labor migration in the region

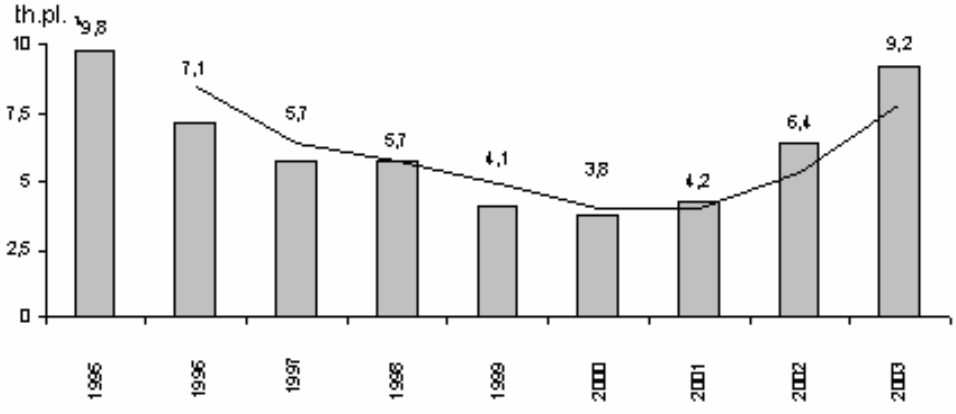
While scrutinizing labour situation at the Far East region compared to Russia as a whole, it is necessary to note that labour imports here exceeds the general scale of international labour migration in the country. According to the National Statistics Committee 44.3 thousand registered migrant workers worked in the Far East region in 2002, which equals 12.3% of the total amount of foreign labour force employed in Russia (it is worth mentioning

that the inhabitants of the Far East constitute only 4.6% of the population in the Russian Federation). The share of foreign citizens in the Far East Federal District labour force is 1.3%, which is 2,6 times higher than in Russia on the whole (0,5%).

Being guided by these data, the subjects of the Far East region could be classified into three groups. The first group includes territories where the share of foreign citizens in the overall labour force corresponds to the average Russian level (Republic of Sakha (Yakutia), Kamchatka oblast), the second group includes territories where the share of foreign citizens corresponds to the average rate for the Far East Federal District (Sakhalin oblast, Jewish Autonomous oblast). The third group is presented by regions where the proportion of foreign citizens is higher than in the Far East region in average and three times higher than in Russia. These are the frontier regions that border China in the South of the Far East (Primorski Kray, Khabarovsk Kray and Amur oblast).

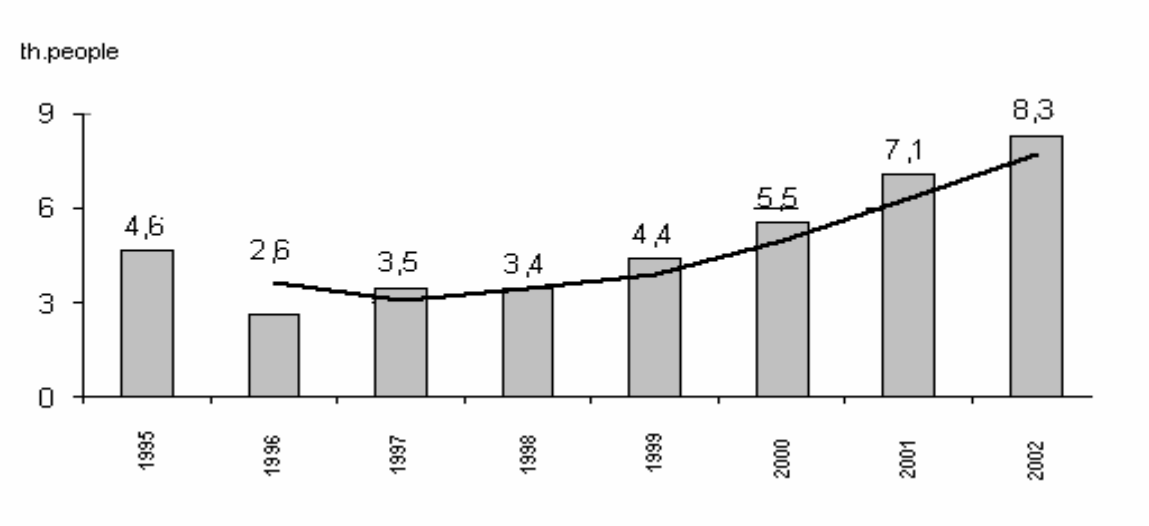
The analysis of foreign labour employment since the beginning of transition period shows that primarily migrant workers were attracted to the Amur oblast and Primorski Kray. However, the more intensive state control functioned, the less these regions employed foreign workers. Moreover, the agreement on visa-free tourism with China in its first variant (1992) that gave enough time for employment, allowed employers to recruit Chinese citizens for various kinds of job illegally (according to the new agreement signed in 2000 the period of stay was reduced to one month only). In 1997–1999 the amount of foreign labour force in frontier regions was the least due to financial crisis in Russia. Since 2000 the situation was rapidly changing. Economic recovery and small-scale business boom resulted in active employment of foreign labour force, first of all from China. Diagrams 1 and 2 show dynamics of foreign labour force employment in the frontier regions of the Far Eastern territories of Russia.

Diagram 1
Numbers of foreign labour force in the Amur Oblast, 1995–2003



Source: Amur Oblast Statistics Committee.

Diagram 2
Numbers of foreign labour force in the Khabarovsk Kray, 1995–2002



Source: Khabarovsk Kray Statistics Committee

Table 1

Foreign labour force in the Far East territories, by industries, 2002 (%)

Regions	Total	thereof					
		industry	agriculture and timber industry	building construction	whole and retail sales	commerce	other sectors
Far Eastern Federal District	100	17.3	13.2	14.8	19.1	13.9	21.7
Primorski Kray	100	6.7	17.7	25.2	19.2	18.7	12.5
Khabarovsk Kray	100	8.7	9.8	8.5	25.1	16.8	31.1
Amur Oblast	100	44.3	5.4	11.6	11.5	4.8	22.4
Kamchatka Oblast	100	25.1	1.5	33.8	23.5	11.2	4.9
Magadan Oblast	100	43.4	13.8	2.9	20.7	11.2	8.0
Sakhalin Oblast	100	22.3	15.2	10.1	11.0	7.7	33.7
Jewish Autonomous Oblast	100	5.8	43.1	-	34.0	11.4	5.7
Republic Sakha (Yakutia)	100	32.9	0.1	1.2	2.0	2.4	61.4

Source: calculated with the data by National Statistics Committee.

Between 1999 and 2002 the amount of foreign employees increased in Primorski Kray 47.5%, in Amur oblast 1.5 times, and in Khabarovsk Kray 2.5 times, and in 2002 these amounts were 14.9 thousand persons, 6.4 thousand persons, and 8.3 thousand persons correspondingly. This increase was resulting primarily from the growth of Chinese migrants. In 2002, the three frontier regions (Primorski Kray, Khabarovsk Kray and Amur oblast) totally were employing 74% of the total amount of foreign migrant workers in the Far East of Russia. Among the main reasons for that are: geographical proximity of the

North-East Asia countries with huge demographic and migration potential; the most extended land border with China, a dynamically developing country both in terms of economy and demography; high level of unemployment within the frontier regions of North-East China, including the Heiluntszyan Province; the external economic strategy of China aimed at labour force exports. Moreover, various types of entrepreneurship, vast informal sector of economics, possibilities to run business and to find a job stipulate economic motives in other forms of international migration to the frontier regions of the Far East.

Thus, the main sending countries for Russian border territories are China and North Korea. All three regions face the growth of labour migration from China and North Korea in the last years. In 2002, the share of China and North Korea was 81.3% of legally employed foreign citizens in Primorski Kray, 65.4% in Khabarovsk Kray, and 90.8% in Amur oblast. The share of former Soviet States is inconsiderable and reducing.

It should be noted that statistic data are deficient and there is a discrepancy between data from the National Statistics Committee and those from Regional Statistics Committee in terms of the number of foreign workers employed and structure by industries. Foreign workers employment by industries is characterized by higher rate of employment in industry (17.3% versus 11.5% in Russia as a whole) and in wholesale and retail trade (19.1% versus 10.4%).

Analysis of structural changes shows that over the period of 1995 and 2002 amounts of foreign workforce tended to decrease in industry and agriculture, while foreign workers employment in trade increased. Table 2 shows foreign workforce localization rate in different industries in one of the Far Eastern territories — Amur Oblast. Though number of foreign workers in manufacturing is relatively high, its localization rate tends to decrease while number of migrant workers in trade and catering has increased three times as much.

Table 2

Foreign labour force localization rates in the Amur Oblast, by industries, 2000–2003

Industries	2000	2001	2002	2003
Manufacturing	5,135	4,846	4,227	3,218
Agriculture	0,347	0,408	0,368	0,431
Transport	0,236	0,330	0,400	0,346
Building / construction	0,163	0,191	0,310	0,268
Trade and catering	0,495	0,303	1,046	1,520
Other sectors	0,009	0,006	0,002	0,010

On the one hand, changes in foreign employment structure are caused by downturn in economy. On the other hand, they can be rooted in a shift of business interests, particularly Chinese, towards more profitable industries, namely trade. Moreover, simplified customs rules applied in frontier trade encourage Chinese entrepreneurs to enter Russian market.

Higher concentration of foreign workers in manufacturing can be explained also by the fact that the Far East region is a traditional supplier of industrial raw materials to enterprises in Russia as well as those in the former

Soviet Union republics. Volume of raw material-oriented industry in the Far East is still high and on the increase. Proximity of East Asian countries which lack industrial raw materials and favourable market conditions (especially for oil, timber and ferrous metals) contributed to shifting regional deliveries towards overseas markets resulting in attracting additional labour force (including foreign workforce). On the whole, the number of foreign workers employed in border territories of the Far East is not high. So, it doesn't affect local labour market to a high degree. As a rule foreign workers are employed in sectors with a high proportion of manual labour.

According to some viewpoints in media, it is immoral to employ foreign workers while indigenous population is unemployed. However, research shows that there is no correlation between unemployment level and the volume of foreign workforce employed in the territories of the Far East. On the contrary, territory analysis in terms of unemployment rates demonstrates inverse negative relationship: the more foreign workforce is employed the lower is unemployment rate among local population. For example, the territories with the lowest unemployment rate (Primorski Kray and Khabarovsk Kray) attract and employ the greatest number of foreign workers. Besides, all territories of the Far East show downward unemployment trend along with increasing foreign labour force employment.

Trends in labour exports from the Far East region are also specific. The main labour sending territories are Primorski Kray and Khabarovsk Kray — the territories where a certain experience in the field has been accumulated before: sea ports and cities involved in international cooperation. In 2002, numbers of Russian citizens working abroad was 7.6 thousand in Primorski Kray and 3.2 thousand persons in Khabarovsk Kray. Surprisingly, labour exports in these territories is growing faster than labour imports.

Cambodia (37%), Netherlands (10.9%), Greece (9%), Cyprus (8.5%), the USA (6.6%), and South Korea (4.6%) are major receiving countries for Russian citizens from Primorski Kray. Japan (37.5%), South Korea (34.4%), and Cambodia (12.5%) are major receiving countries for Khabarovsk Kray inhabitants. Qualification structure of labour migrants from Primorski Kray is like that: 64.8% are manual workers (engaged in the sphere of sea transportation), 25.6% are skilled specialists, and 9.1% are managers. As for labour migrants from Khabarovsk Kray, a considerable part was presented by professionals in the field of culture and entertainment (25%) and manual workers (25%). About 42% of Khabarovsk migrants were unemployed at the moment of leaving the country. This means that migration allowed them to solve their employment problem.

Thus, labour migration to outside Russia increases and requires legal regulation and protection of Russian citizens' rights.

Labour migration from China: is there any alternative?

China is Russia's leading partner in border labour migration in the region. It is related to both geographical and historical reasons.

The growth of bilateral economic cooperation between Russia and China in the1990s resulted in signing of agreements on labour exchange. In 1992, Russian and Chinese Governments signed an agreement on employment of Chinese citizens at Russian enterprises. The characteristic feature of the document was that it did not regulate the number of Chinese workers territory-wise or industry-wise; that has resulted in concentration of Chinese migrants in border regions of the Russian Far East. Besides, group labour contracts were prescribed by the agreement; this practice was reducing individual responsibility and contributed to uncontrolled migration throughout Russia. In December 1992, during official visit of the President Yeltsin to China an agreement "On visa-free tourist trips" was signed, that facilitated border-crossing regime for both Russian and Chinese citizens. This period was characterized by considerable Chinese labour force flow into the regions in the Russian Far East.

After 1993 the Russian Government was enhancing its role in international migration management. In this context, the Agreement between the Government of the Russian Federation and the Government of the People's Republic of China on Temporary Labour Activity of Russian Citizens in China and Chinese Citizens in Russia was of crucial importance. This Agreement requires every applicant to confirm his / her right for employment. Besides, according to this agreement both legal and natural persons are granted a right to hire foreign workers.

Labour migration from China can be legal or illegal, individual, or by groups. Labour migration also differs in terms of duration. In China, the State is encouraging labour force exports as an instrument to reduce unemployment rate, and it is strongly interested in labour migration to Russia. After China has become a member of WTO it insists on liberalization of international labour exchange between two countries.

Table 3

Proportion of Chinese migrant workers in border territories of the Far East region, 1999–2002

years / regions	1999		2000		2001		2002	
	pers.	%	pers.	%	pers.	%	pers.	%
Primorski Kray	6374	63.4	7708	65.8	9639	64.9	10061	67.8
Khabarovski Kray	973	22.7	2038	36.4	2667	38.0	3690	44.6
Amur Oblast	634	14.6	468	13.2	626	14.6	2397	37.5

Computed in accordance with National Regional Statistics Committee data.

Analysis showed that in 1992–1993 there was a peak of labour migration from China to Russia. New visa regulations introduced in January 29, 1994 accompanied by general restricting of immigration control and Russian

legislation for employers hiring foreign workers resulted in decreasing numbers of Chinese workers in border regions. However, economic recovery following the 1998 crisis led to increase in the amount of Chinese workforce. Table 4 shows Chinese employment dynamics over the period from 1999 to 2002. As the table shows, the amount of migrant workers from China increased by 57.8% in Primorski Kray and 3.8 times in Khabarovski Kray and Amur oblast. Legalization of individual commerce activities of foreign citizens in Amur oblast (in accordance with quota schemes) was the main reason for growth of numbers of registered Chinese workers. Correspondingly, the share of Chinese migrant workers in local labour market increased.

Chinese labour force in the Far East region is primarily oriented at seasonal employment with peaks between June and October and decreases between November and May (in summer numbers of migrant workers are twice as much). This results from peculiarities of employment structure of foreign workers by industries. Taking the sample of the Amur oblast we can argue that foreign workers employment in general differs from that of Chinese workers. For example, in 2002 the majority of foreign workers were employed in industry (43.3%) and in construction (11.6%), while most of Chinese workers were employed in commerce (42.8%), with 23.7% in construction and 18.1% in industry.

It should be noted that previously Chinese workforce was not employed in manufacturing (with the exception of 2000). However, in 2002 Chinese workers were hired for lumbering operations. With logging being limited or forbidden in China, Russian Far East attracts this country in terms of logging in this region.

Previously Korean workers were engaged in logging in compliance with the agreements between two countries. On the contrary, China prefers to import timber and process it in the country, thus producing additional job places for its own citizens and manufacturing goods with higher added value. All the attempts of Russian Far East regional administrations to involve Chinese capital into timber processing in Russia failed.

Chinese workers make up 55% of foreign workforce employed in construction. During the last three years the Huafu Company has employed Chinese workers for construction of two supermarkets and a restaurant-hotel complex as well as resident-houses in Blagoveshchensk.

Chinese and Korean workers are also employed in agriculture. One of main reasons for that is lack of skilled workers in agriculture. Besides, Chinese and Koreans are traditionally good in growing vegetables. That is why agricultural enterprises attract foreign workers for season works. Moreover, several foreign agricultural enterprises have been established in the Amur Oblast. However, in the recent years the number of Chinese workers employed in agriculture tends to decrease. The reason for it is that employers prefer to hire a limited number of foreign specialists so that they can teach their technologies to Russian workers (especially for growing melons and watermelons).

Table 4

Chinese migrant workers in Amur Oblast by industries, 1999–2002

	1999		2000		2001		2002	
	pers	%	pers.	%	pers.	%	pers.	%
Total	634	100	468	100	626	100	2397	100
Manufacturing	0	0	10	2.1	0	0	436	18.1
Agriculture	93	14.7	51	10.9	143	22.8	150	6.3
Construction	247	39.0	127	27.1	249	39.8	567	23.7
Commerce and catering	40	6.3	77	16.5	89	14.2	1026	42.8
Market related activity	249	39.2	203	43.4	144	23.0	216	9.0
Other industries	5	0.8	0	0	1	0.2	2	0.1

Computed in accordance with the data from Migration Committee, Amur Oblast.

As Table 4 shows the number of Chinese workers employed in commerce and catering dramatically increased in 2002. This fact can be explained by mainly illegal employment of Chinese workers in commercial activities in the previous years. To solve this problem measures to legalize trade of foreign citizens in frontier regions have been taken. Thus, in Amur Oblast the Decree of the Head of the city Administration on "Regulations of Trade Activity of Foreign Citizens at City Markets of Amur Oblast" was issued and the following decision was made: since April 1, 2002 any trade can be arranged by foreign citizens only in case of confirmed right for working activity (work permit). In compliance with this regulation the Municipal Enterprise "Blagoveschensk Central City Market" signed an agreement with the Chinese Company "Blue Sky" on limitations in providing trade places in the city market only to those Chinese citizens who have obtained work permits and visas giving the right to be employed as sales agents. However, this regulation hardly corresponds to the federal legislation in terms of property rights on the goods they sell. In any case, the main positive result of these measures was destroying of "shadow" traders. That gave an immediate effect on official statistics.

However, there are still a lot of issues related to trade activities of Chinese migrants that need regularization and proper management, among them:

a) active commerce and trade of Chinese migrants in the Russian territory corresponds economic policy of the Republic of China ("To go outside") rather than economic interests and perspective plans of Russian industries. This thesis is proved by dynamics of registered economic activity of Chinese migrants by industries and by surveys of Chinese migrant workers conducted by the author in 2000 and 2002: the major part (75% of respondents in 2000 and 74% in 2002) of Chinese citizens involved in working activity arrived in Amur oblast through visa-free tourist channels or business-visa. 70% (2000) and 72% (2002) among them were engaged in trading, 16.6% (2000) and 13% (2002) worked for public catering. Until recently, shadow schemes and low penalties provoked widely used practice of illegal employment both by Chinese and Russian employers;

b) trade remains to be the most profit-making sphere of activity, for the most part of the goods is imported to Russia by Russian "chelnoki" (shuttle traders) who work for Chinese traders operating within the zone of simplified border crossing regulations named "Hushi" (frontier territory of popular trade including the Great Heihe Island as well as the city of Heihe since 2004) There, the customs fee is paid according to the weight of imported goods. Russian "chelnoki" deliver the goods for Chinese merchants and illegal traders. In the Chinese territory, supply is provided by large-scale Chinese business groups.
c) rouble proceeds from the sale are taken to the bank, converted into dollars and transferred to China either by the traders themselves or by so called "bankers" (10 credit institutions in the Amur Oblast have correspondent accounts with Chinese banks). According to the data of the Russian Central Bank Department in Amur Oblast, only in 2002 money transfer to China exceeded as much as 14 times the receipts from official import operations, which fall under the system of currency-bank control, and approximately the same amount was transferred to accounts of non-residents from China. All these facts are evidence of the scale and role of the "chelnok" migration in frontier trade activities;

In this way the strategy of so called Chinese "people trade" is put into practice. The main problem at the present moment is that considerable proportions of goods are imported without customs fees, they are forwarded shadow market, and the budget fails to receive tax revenue. Moreover, the received profits are used for purchasing in Russia real estates and raw materials, primarily timber, for its further illegal delivery to China through the so-called "grey schemes".

Generally Chinese migrants are recruited for those industries where manual labour predominates. Chinese workers are considered to be hardworking and unpretentious in all respect. Moreover, local budgets benefit from issuing work permits and confirmations of foreign persons employment.

For the past years, the occupational structure of Chinese migrants in the Russian Far East region has changed. Previously, the Chinese workers (who arrived upon intergovernmental agreements) were exceptionally wage earners, while in the 1990s Chinese businessmen started to arrive. They invest their capital in Russian economy and employ Russian or foreign workers. However, only proper immigration control and well-developed legal and economic mechanisms regulating foreign workers activity in the country will allow Russia to take advantages of this type of migration.

In conclusion it is necessary to point out the trends, which will determine international labour migration in the region in the nearest future. They are the following:

- the continuing increase of international labour migration, especially of labour force import. China leaves behind other countries in this process;
- the structure of migrant workers by industries is shifting from the sphere of production to the sphere of commerce and trade. The latter is primarily taking place due to the growth of numbers of Chinese migrants;

- economic motives prevail in all types of migrations, and they will be even more important in future;
- the region will be facing a reduction of working age population after 2006; this will mean shortcomings of labour force. The internal migration potential will be hardly a decision due to ageing of population of Russia as a whole, the growing number of regions in Russia that are "loosing" population; low attractiveness of the Far East region and high expenses on moving;
- the effective economic development of the Far East region within the continuing raw materials specialization is hardly possible without recruiting additional labour force. Nearest neigbours – China and Korea – that have excess labour force, can become main donors of manpower to the region;
- the growth of demographic and labour imbalance on both sides of the Russian–Chinese border (population of the Far East region of Russia is declining while population of the Northern provinces of China is increasing[4]), and considerable outstripping of working age population growth over the number of job vacancies will determine the "pushing out" character of migration processes in China;
- an external policy of China encourages labour force export and presses Russia during the negotiations on Russia's joining WTO in the field of more liberal regime for Chinese migrant workers and businessmen.

In this context we can agree Zhanna Zayonchkovskaya who argues that Chinese migration to Russia will be dominating in migration trends and there will hardly be an alternative to it in the nearest future.

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[4] As for 01.01.2003, the population of only of Heiluntszyan Province of China was 38,1 million persons (29,2 million persons of working age population).

Dalkhat Ediev

MIGRATION SITUATION AND MIGRATION INTENTIONS IN THE REGIONS OF THE NOTHERN CAUCASUS

1. Migrations in the Northern Caucasus

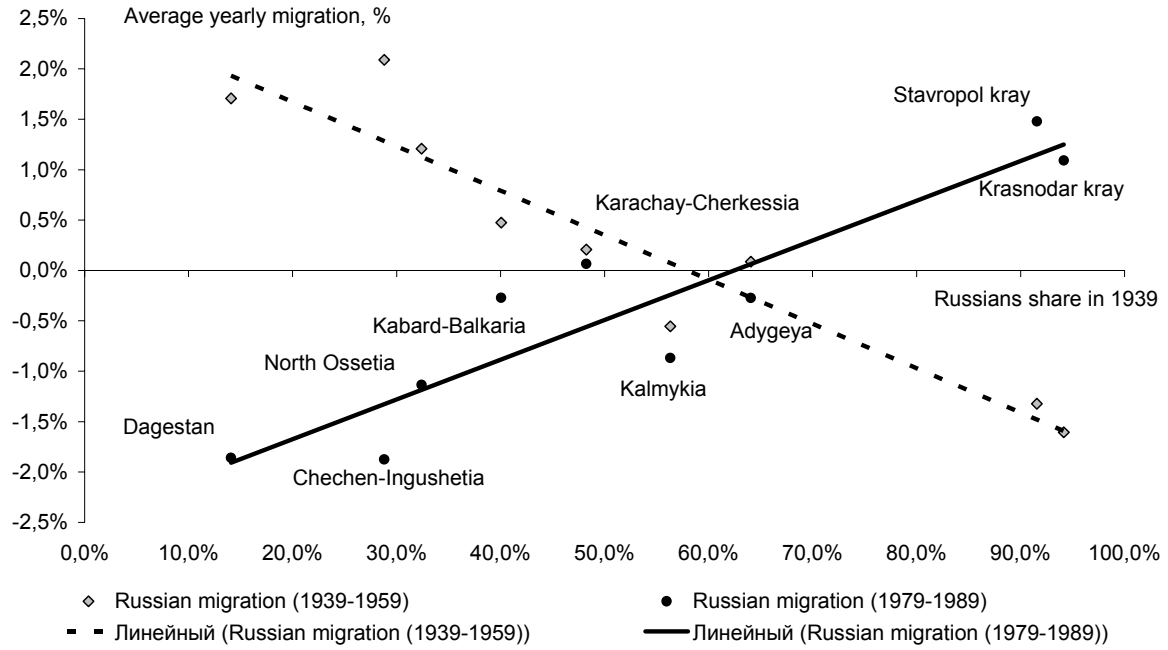
North Caucasian region is a unique object for migration studies for several reasons. The region is distinguished from other parts of Russia due to its geography (essential isolation from South, East, and West, good climate), economics (economic depression in the region as a whole, and existence of several centers of economic growth), ethnic composition (traditional multi-ethnicity and multi-confessionality combined with domination of several ethnic groups in most of the republics and krays of the region), demographics (high fertility in rural areas dominated by Caucasians and low fertility in areas and urban centers dominated by Russians) and political circumstances (inter-ethnic conflicts). All these circumstances directly affect migrations both in the Caucasus itself and in its migratory relations with other regions. In addition, migrations in the region still reflect historical ties to Transcaucasia and Central Asia. As a result, migratory patterns in the region are complicated enough and present a good object for migration studies.

Talking about regional socio-economic processes as a whole and about demographic processes in particular it worth to note existence of invisible geographic line, which marks gradients of many socio-economic conditions. Passing from the Dagestan along the Big Caucasus to north-west up to the Rostov oblast one could note improvement of economic conditions, increase in share of the urban population, worsening of demographic indicators, population ageing, and increase in the share of Russian population. As a result, the closer to the Dagestan, the lower is economic well-being and the higher is the demographic pressure, which results in out-migration of both the 'local-rooted' and Russian populations. At the same time regions with relatively good economic conditions and low demographic pressure (Stavropol and Krasnodar krays, Rostov oblast, and the republic of Adygeya) are net recipients of migration flows. As for the North Caucasian region as a whole, it is a source of migrants to central Russia and receives remarkable migration flows from eastern Russia and CIS countries (Ediev, 2003). And most of the incoming net-migrations find their destination in the Caucasian krays and oblast and in Adygeya.

Internal migratory flows in the Caucasian republics and krays can be described with a single word — urbanization. Peoples from the countryside are migrating to cities and, first of all, to capital cities with industrial infrastructure and budget funding sources, looking for a job and better life conditions.

Migrations of ethnic Russians present a good indicator for socio-economic conditions and migration directions. Originally (in both the colonial and first soviet periods, due to industrial development of the region), Russian

population was fed by migration all along the Caucasus. However, during the second part of soviet period, due to development of qualified personnel among locals and to rise of demographic pressure, Russians outflow began. These processes in North Caucasian national autonomies were similar to those started earlier in soviet national republics (Ediev, 2003). It is noteworthy that Russians' out-migration pattern was a mirror reflection of that of the Russian in-migration in the early soviet period. Due to high demographic pressure and competition for jobs it was higher in regions with smaller Russian shares and followed the geographic line mentioned above as it is illustrated on the following picture:



Hence, as early as at the end of soviet period modern intraregional differentials and migratory patterns were clearly seen, except for forced migrations, which fall beyond the scope of this work: migration from eastern and central North Caucasus to the Caucasian west and beyond the region. Following the soviet dissolution, these migrations did not changed their directions. Ruther, they were reinforced due to new economic and political developments. Economic degradation had strong effect in the region and in national republics in particular. As a result, national republics were loosing their population through migration all the post-soviet time. Exclusions were: Ingushetia receiving huge forced migration flows from Chechnya and North Ossetia; North Ossetia receiving forced migrants from South Ossetia; and Adygeya, which was a net acceptor of migrants due to domination of Russians and geographic position inside the Krasnodar kray) (Ediev, 2003). Russian migration is an expressive indicator of economic well-being and of direction of the labor migration, as it was mentioned above. Dagestan has almost lost its Russian population due to migration out-flows from the republic caused by economic degradation (Ilyashenko, 2003). Similarly, Chechnya and Ingushetia have lost most of their Russian populations both due to economic conditions, political developments, and severe military conflict in Chechnya. Russians outflow is

also remarkable in North Ossetia, Kabardino-Balkaria, and Karachay-Cherkessia (Dzadziev, 2002; Ediev, 2003).

Seasonal migrations, which were always of great importance for the region, were traditionally following the same migratory directions mentioned: from republics to krays for work in agricultural and service sectors. In addition, even regions with extra labor supply were recruiting migrants from Ukraine and other parts of the USSR in agricultural sectors with temporal high demand for workers (sugar industry, planting potatoes and vegetables). Due to economic degradation, however, these temporal migrations have almost gone. Some of traditional seasonal migrations from the region itself have also gone due to economic decline in relevant economic sectors. Nonetheless, relatively poor economic conditions of the region and low level of well-being (in national republics first of all) still provide the basis for seasonal migrations in sectors of agriculture, trade, transportation, and food services. Seasonal migration plays important role for the regional economics and population well-being and is an important object for multidisciplinary studies, as these are seasonal migrants who regularly faces discrimination and violation of their rights. It should be noted that close attention to forced migrations in the region and to Russians migration from republics alone became an obstacle for objective and in-depth study of all the spectrum of migrations in the region including seasonal economic migrations.

2. Migrational intentions in the North Caucasus

Official account of migrations provided by Goskomstat of Russia is an interesting information source in the context of migrational study (Goskomstat of Russia, 2003). As it follows from official statistics mentioned, causes related to personal and family affairs play more important role both the in- and out-migration in Caucasian krays than in republics. Perhaps, this indicates higher rate of interregional marriages among Russians, who have remarkable population shares in all the regions of the country. Excluding this cause and the entry ‘other causes’ from the Goskomstat’s list one can note higher prevalence of migrations caused by study at universities in krays compared to republics. This can be attributed to better development of higher education infrastructure in krays and to unwillingness of parents from republics to send their kids for study outside their own republic due to financial burdens and security concerns.

Eliminating this cause from the list as well, one can find that republics lead in rate of immigration caused by returning to the former place of living and in rates of out-migration caused by job concerns, interethnic tensions, and by worsening of criminal situation. Krays lead in in-migrations caused by interethnic tensions, by worsening of criminal situation, and by ecological factors. Also, they lead in out-migrations caused by return to the former place of living and by ecological reasons. At the same time, it is important to note that in all migration directions reasons related to return to the former place of liv-

ing and to job affairs are leading the list. These two reasons count for 92 to 97% of all the reported migration causes.

Hence, excluding the reasons linked to personal and family affairs and "other causes", return to the former place of living and job concerns are the leading migration factors in the Northern Caucasus. It should be noted that return to the former place of living usually is also linked to economic factors (loss of job, retirement, migration of children to other regions in looking for a job, etc.) as well as to non-economic factors (graduating from a university, ethnic intolerance). As the economic differentials in the region still persist, it is reasonable to expect continuation of migrations in future following the same patterns as it is seen today.

These conclusions are supported by surveys conducted in Dagestan in 2001 (Ilyashenko, 2003) and in Karachay-Cherkessia in 2003-2004. A quarter of all the respondents surveyed in Dagestan expressed their willingness to leave the republic (30% of Russians and 20% of local ethnic groups). Such a high rates are explained by economic degradation in the Dagestan as it is seen from the results of the survey: economic causes lead the list both for Russians and Dagestanis. Yet, Russians more frequently express concerns about war threats and interethnic tensions, which is expectable given the closeness of Chechnya and Ossetia. Survey conduced by the author among students of Karachay-Cherkessian state technological academy in 2003-2004 also reveals both the economic nature of modern migrations and their high potential. Almost all Russian respondents and 55.3% of non-Russians expressed willingness to leave the republic on completing their study. Survey has clearly indicated the following:

- The share of those willing to migrate from the republic is very high;
- For all the respondents (including those of local origin) European countries with developed economy and high standards of living are the most attractive regions for living; Moscow and Caucasian krays and oblast attract strongest within the Russia;
- Attractiveness of the Karachay-Cherkessian republic itself is very low for *all* the respondents willing to migrate from the republic;
- Looking for the job opportunities is the most important factor for migration decisions making for all the respondents willing to leave the republic;
- Job opportunities are very important for those (non-Russians) willing to stay in the republic as well. Yet, willingness to live near to close relatives seems to be more important for those respondents;

Selected survey results are presented in appendix.

Conclusion

Modern migrations in the North Caucasian region — except for the forced migrations — are determined by the same economic differences, which were acting in the soviet period and were strengthened during the economic crisis. Due to economic weakness and high demographic pressure, national republics and the region as a whole loose their population through migration

to Caucasian krays and oblast and beyond the region. The same economic factors result in accelerated urbanization in all Caucasian regions, and to growth of capital and largest cities first of all.

To some extent, post-soviet rise of ethnic intolerance, which was clear in all the post-soviet space, had also resulted in return of Caucasians to their places of origin and to out-migration of Russians from national republics. No doubt, development of tolerant and cohesive society is an important task on the way to normalize migration flows, to protect migrants' rights, and to strengthen civil society in Russia. With a part of sorrow it should be noted, however, that the role of these political factors in forming modern migrations was often overstated by many politicians in order to promote their own publicity creating obstacles for objective study of all the spectrum of migrations in the region. Among negative consequences of this situation is impossibility to find solution for the problems of massive migrational outflows from many regions and of protecting migrants' rights on all the territory of Russia.

The only way to prevent massive out-migrations and ethnic homogenization in the Caucasus is in economic development of economically depressed republics. Without solving this task, economic differences in the region will even strengthen as it is the most mobile, young, qualified, and active part of the population that leaves the depressed regions first of all.

Seasonal migrations, which were in the shadow of studies of forced and 'political' migrations, worth more attention as their role in the Caucasus is very important. This is especially important in the context of migrants rights protecting as seasonal migrants are very sensitive and are not protected against violations of their rights and ethnic intolerance. They became an easy prays for corrupted officials and criminals due to temporal living far from their homes and involvement in economic activity.

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Appendix

Average ranks of reasons affecting migration decisions by their importance to respondents in the survey (Russians, rank 1 – for the most important reason)

Total		Males		Females	
Region	**Rank**	**Region**	**Rank**	**Region**	**Rank**
Great Britain	4.2	Great Britain	4.1	Australia	2.0
Australia	5.0	Germany	4.7	Other European	2.5
Germany	5.0	France	5.4	France	3.5
France	5.1	Moscow	5.4	Great Britain	4.5
Moscow	5.7	Australia	5.7	Germany	6.5
Other European	5.8	Krasnodarsky Krai	6.0	USA	6.5
Krasnodarsky Krai	6.5	Other European	6.6	Moscow	7.0
USA	6.5	USA	6.6	Other	7.0
Rostovskaya Oblast	7.3	Rostovskaya Oblast	7.0	Krasnodarsky Krai	8.5
Stavropolsky Krai	8.0	Stavropolsky Krai	7.6	Rostovskaya Oblast	8.5
Karachay-Cherkess Rep.	9.0	Karachay-Cherkess Rep.	8.4	Stavropolsky Krai	10.0
Other	10.4	Other	11.1	Karachay-Cherkess Rep.	11.5

Average ranks of reasons affecting migration decisions by their importance to respondents in the survey (non-Russians, rank 1 – for the most important reason)

Total		Males		Females	
Region	**Rank**	**Region**	**Rank**	**Region**	**Rank**
France	4.3	Germany	3.4	France	3.4
Germany	4.9	Great Britain	5.4	Karachay-Cherkess Rep.	4.9
Karachay-Cherkess Rep.	5.1	Karachay-Cherkess Rep.	5.6	Great Britain	5.3
Great Britain	5.3	France	5.7	Moscow	5.3
Moscow	5.7	Moscow	6.3	Germany	5.9
Stavropolsky Krai	6.2	Stavropolsky Krai	6.3	Stavropolsky Krai	6.1
USA	6.7	USA	6.4	USA	6.9
Australia	6.9	Australia	6.8	Australia	7.0
Other European	7.3	Krasnodarsky Krai	6.9	Other European	7.2
Krasnodarsky Krai	7.3	Rostovskaya Oblast	7.2	Krasnodarsky Krai	7.6
Rostovskaya Oblast	7.8	Other European	7.4	Rostovskaya Oblast	8.1
Other	10.5	Other	10.9	Other	10.2

Average ranks of potential places of residence by their attractiveness to respondents in the survey (non-Russians wishing to leave the Republic on completing their education, rank 1 – for the most important reason)

Total		Males		Females	
Region	**Rank**	**Region**	**Rank**	**Region**	**Rank**
Karachay-Cherkess Rep.	2.8	Karachay-Cherkess Rep.	3.4	Karachay-Cherkess Rep.	2.4
France	4.9	Germany	4.6	France	3.8
Moscow	5.4	Stavropolsky Krai	5.5	Moscow	4.7
Stavropolsky Krai	5.6	Krasnodarsky Krai	6.0	Great Britain	5.7
Great Britain	6.0	USA	6.3	Stavropolsky Krai	5.7
Germany	6.1	Great Britain	6.5	Krasnodarsky Krai	7.0
Krasnodarsky Krai	6.6	France	6.5	Germany	7.0
USA	7.2	Moscow	6.6	Other European	7.6
Rostovskaya Oblast	7.4	Australia	7.1	Rostovskaya Oblast	7.6
Australia	7.5	Rostovskaya Oblast	7.2	Australia	7.7
Other European	7.6	Other European	7.7	USA	7.7
Other	10.9	Other	10.9	Other	10.9

Average ranks of reasons affecting migration decisions by their importance to respondents in the survey (Russians, rank 1 – for the most important reason)

Total		Males		Females	
Reason	**Rank**	**Reason**	**Rank**	**Reason**	**Rank**
Earning possibilities	1.7	Earning possibilities	1.9	Earning possibilities	1.0
Absence of interethnic conflicts	3.1	Absence of interethnic conflicts	2.9	Absence of interethnic conflicts	3.0
Living near the close relatives	3.5	Living near the close relatives	3.6	Living near the close relatives	3.5
Close to friends	4.2	Close to friends	4.4	Close to friends	4.0
Population of his/her ethnicity	4.7	Population of his/her ethnicity	4.4	Population of his/her ethnicity	4.5
Absence of crime	4.7	Absence of crime	4.4	Absence of crime	6.0
Other	6.0	Other	6.3	Other	6.0

Average ranks of reasons affecting migration decisions by their importance to respondents in the survey (non-Russians, rank 1 – for the most important reason)

Total		Males		Females	
Reason	**Rank**	**Reason**	**Rank**	**Reason**	**Rank**
Living near the close relatives	2.3	Living near the close relatives	2.2	Living near the close relatives	2.3
Earning possibilities	2.7	Earning possibilities	2.4	Earning possibilities	2.9
Close to friends	3.5	Close to friends	3.4	Close to friends	3.6
Absence of interethnic conflicts	4.1	Absence of interethnic conflicts	4.0	Absence of interethnic conflicts	4.1
Population of his/her ethnicity	4.4	Population of his/her ethnicity	4.4	Population of his/her ethnicity	4.4
Absence of crime	4.7	Absence of crime	4.8	Absence of crime	4.7
Other	6.8	Other	6.8	Other	6.7

Average ranks of reasons affecting migration decisions by their importance to respondents in the survey (non-Russians wishing to leave the Republic)

Total		Males		Females	
Reason	**Rank**	**Reason**	**Rank**	**Reason**	**Rank**
Earning possibilities	2.0	Earning possibilities	1.7	Earning possibilities	2.3
Living near the close relatives	2.6	Living near the close relatives	2.6	Living near the close relatives	2.6
Close to friends	3.5	Close to friends	3.4	Close to friends	3.5
Absence of interethnic conflicts	3.9	Absence of interethnic conflicts	4.0	Absence of interethnic conflicts	3.8
Absence of crime	4.4	Absence of crime	4.6	Absence of crime	4.3
Population of his/her ethnicity	4.8	Population of his/her ethnicity	4.8	Population of his/her ethnicity	4.8
Other	6.8	Other	7.0	Other	6.7

Sergey Ryazantsev

IMMIGRANTS IN THE RUSSIAN LABOUR MARKET: APPROACHES AND PRACTICES OF MIGRATION MANAGEMENT AT FEDERAL AND REGIONAL LEVELS [1]

Categories of immigrants and their admission to labour market

Unlike the traditional approach to scientific classifications (based on a single characteristic) we classify immigration from the perspective of (1) legal status of immigrants and (2) their admission to national labour market.

1. Foreign citizens — permanent residents at the territory of the Russian Federation for whom work permit is not necessary. A foreign citizen is regarded as a permanent resident when he / she is granted with a residence permit. This document is valid for 5 years but it can be issued many times without limitation. This group of foreigners is not obliged to apply for work permit, and they are employed in Russia on the same terms as Russian citizens.

2. Foreign citizens who temporarily stay in Russia but for whom work permit is not necessary. Such a legal status has been introduced by the Federal Law No: 115 of 25 July 2002 "On Legal Status of Foreign Citizens in the Russian Federation". In this case a migrant has a special permission for temporary stay up to 3 years until he / she is granted with a residence permit. This status covers a limited group of migrants who have arrived to Russia within the RF Government quota for temporary stay permissions. Besides, this is the status of foreign individuals who married to Russian citizens, or moved to their relatives, or were born in Russia. As a rule, for them temporary stay is a stage of naturalization.

The procedure of admittance to Russian citizenship is rather complicated. Formally, it does not put obstacles for migrants in their employment, however, in practice it makes many social services (medical assistance or driving license issue) hard-hitting. Naturalization process is stretched in time and over-bureaucratisized: plenty of certificates, declarations and documents are needed. It is enough to mention the volume of the Ministry of Interior Decree No: 250 dated 14 April 2003 "On organization of issuing temporary stay permissions and residence permits to foreign citizens and individuals without citizenship": it consists of 59 pages and 13 appendixes.

When giving employment to a foreign citizen, he / she is to submit a migration card with a note of registration at the place of his staying and an identification paper with a permission to stay in Russia. An employer hires this mi-

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grant on the same terms as Russian citizens taking into account general rules for foreign citizens plus one additional limitation: a foreign citizen who is staying in Russia under the temporary stay permission can be employed only within the Russian administrative territory where he / she is admitted to stay.

3. Belarussian citizens have equal rights with Russian nationals in terms of stay and employment. According to decision of the Belarus — Russia Supreme Council No: 4 of 22 June 1996 "On equal rights of citizens for employment, wages and other social and labour guaranties", both countries mutually do not apply national regulation on foreign labour in respect to citizens of the two countries. Labour documents issued in Russia and Belarus are not to be legalized. Citizens of both countries have equal rights in employment, remuneration of labour, and work conditions. When giving employment to a Belarussian worker it is necessary to sign a work contract only — like with a Russian worker. Due to this fact Belarussian workers are widely invited for seasonal agricultural works in Stavropol Kray. Students from Belarus are employed for vegetables harvesting in Stavropol farms. In 2001, over 2,000 Belarussian students were employed for vegetables, fruits and cotton harvesting in Izobilnensky, Trunovsky, and Budennovsky regions.

4. Foreign citizens who temporarily stay in Russia. In some cases the period of legal stay is determined by visa, but in case of visa-free entry the period of legal stay is limited by 90 days with possible prolongation. Presently, this category of immigrants is facing major restrictions in employment. For this category of workers, "permission model" of employment is applied. It means that employer must take special permission to hire foreign workers. Only a limited number of professional categories of foreign workers — diplomats, journalists, students, post-graduate students and teachers — can work in Russia under "notification model", i.e. without preliminary permission. In 2003, over 5,000 foreign students, post-graduate students and trainees were studying in the Southern Federal District. Some of them are present at the regional labour market. They do not play a significant role, as they are usually hired in commerce and service sector — at the jobs that are ignored by local population.

4.1. Labour migrants from CIS countries that have agreed on visa-free entry with Russia, but when employed they are to obtain confirmation for labour activities (this confirmation is issued on the assumption of employer's permission to hire foreign workers). Despite Russia has quitted the Bishkek Agreement on visa-free movements within CIS territory and temporarily stopped Moscow Agreement on transit movements of foreign citizens in its territory, it still continues bilateral cooperation in this field with some former Soviet states. Bilateral visa-free agreements were signed with Ukraine, Azerbaijan, Armenia, Moldova, while bilateral agreements on labour migration were signed with Armenia, Moldova, Ukraine and Kyrgyzstan. Numerous diasporas of Armenians, Azerbaijanians, Ukarinians, and Moldavians have settled in North Caucasus regions; they are increasing because of constant inflow from these CIS states to Russia. Experts notice definite ethnic "professional specialization" of these diasporas: Armenians are primarily em-

ployed in construction industry and services (individual dressmaking, shoemaking, restaurants); Ukrainians — in construction and repair works; Moldavians — in transports and agriculture.

4.2. Labour migrants from CIS countries and other foreign states who come under visa regime and quotation. In the Northern Caucasus region guest workers have appeared in the 1970s — 1980s, primarily for gas and chemical industries, machine-building and construction. In the 1970s, guest workers from the UK erected the nation biggest polymer factory in the city of Budennovsk in the Stavropol Territory. Bulgarian construction workers were recruited to the region. Since the beginning of the 1990s when the external borders of Russia were opened, foreign labour force from Turkey, Bulgaria, Yugoslavia came to the Northern Caucasus labour market. First, this process was spontaneous. During the 1990s the legal basement and practices for foreign labour recruitment was developed. The RF President's Decree No: 2146 of 16 December 1993 " On recruitment of foreign labour to the Russian Federation" with corresponding statute, settled a "permission model" of hiring foreign workers in accordance with quotas. Later, the Federal Law No: 115-FL of 25 July 2002 "On legal status of foreign citizens in the Russian Federation" was approved. The mechanism of foreign labour quotation by regions of Russia has been gradually developing. Presently, quota is not applied to migrant workers from CIS states (excluding Georgia and Turkmenistan) that have agreed on visa-free trips. In Stavropol Territory, for example, top exporters of labour are former Yugoslavia states (37%) and Turkey (12%). Distribution of migrant workers in the Stavropol Kray is uneven: the major part of guest-workers are registered in the Kavkazskiye Mineralniye Vody area (over 54%), in the city of Stavropol (26%), while in Izobilnenskiy and Novoalexandrovskiy areas — 6% and 3% correspondingly. Among the cities of the Stavropol Kray major foreign labour receiving areas are Stavropol, Kislovodsk, Pyatigorsk, and Nevinnimyssk.

4.3. Labour migrants from the countries that have signed bilateral agreements on labour exchange and social guarantees with Russia. Though this category of migrant workers need entry visa, work permit and they are employed within foreign labour quotas, nonetheless, their social rights are protected by bilateral agreements. By this reason we define these migrant workers as a separate category.

Bilateral agreements are of two types. First, so called "the first wave" agreements, primarily "inherited" by Russia from the Soviet Union: " On principles of sending and receiving Vietnamese citizens to work in enterprises of the Russian Federation" (signed between USSR and Vietnam on 28 October 1992), "On principles of sending and receiving Chinese citizens to work in enterprises of the USSR" (signed between USSR and China on 30 August 1990), "On principles of sending and receiving Chinese citizens to work in enterprises of the Russian Federation" (signed between USSR and China on 19 August 1992). Many labour migrants of that wave stayed in Russia for permanent residence, often in other fields of activities. For Chinese migrants the major

sphere of activities is trade and commerce, namely market-places in big cities. In the Kavkazskiye Mineralniye Vody there exists a Chinese market for over 100 tradesmen. At the region biggest "Lira" market, 100-150 places are assigned to Vietnamese tradesmen. Many foreign tradesmen at the city markets do not have work permits. In 2000, the Stavropol Migration Service has made unannounced investigation of 31 legal and natural persons in respect of migrant workers hiring ways. The control has revealed 56 foreign citizens working without work permits. Four spot-checks at the city markets of the Stavropol Kray resulted in imposing a fine to 13 citizens of China, Vietnam and Turkey for violation of entry and stay regulations of the Russian Federation.

The second type of agreements are those signed by the Russian Federation as a sovereign state in the 1990s: with China (November 2000), Germany (May 1993), Finland (March 1992), Poland (March 1994), Switzerland (September 1993). These bilateral agreements mutually regulate migrant workers rights. However, small proportion of migrant workers are in fact protected by these agreements.

4.4. Despite visa regime with Georgia, in the North Caucasus citizens of some categories and some regions legally enter Russia without visas. In particular, there is a "privileged" visa-free regime of border crossings for Russian citizens who are permanent residents in the North Ossetia and for Georgian citizens who are permanently reside in Kazbegskiy region of Georgia via border control post "Verkhniy Lars – Kazbegi" at the Russian-Georgian border. Special decree of the RF Government provides visa-free border crossings at this point for 10-days stay at the territory of the other state.

Besides, there is a visa-free practice between Russia and Abkhazia (that is an autonomous republic within the borders of Georgia), as a significant part of population of Abkhazia have obtained Russian citizenship and Russian passports. Frontier trade is developing in this area. During the post-war economic crisis and 1994-1999 economic blockade of Abkhazia, trade and commerce has become a major source of earnings for local population. Abkhaz citizens bring citrus fruits and bay leaves to Krasnodar Kray where the price for these commodities is twice higher than in Abkhazia. According to data from the border guards, every day about 5,000 persons pass from Abkhazia to Krasnodar Kray and back through the single border control post at the Russian-Abkhaz border "Veseloye — Avtodorojnoiye". During the citrus fruits hot season this number increases to 12,000 persons who carry 400-450 tons of fruits.

5. A separate category are immigrants with special status (asylum seekers, refugee status applicants who are waiting for decision and correspondingly temporary protected by law). They have a certificate that certifies their status. When employing these migrants employers must get permission to hire foreign workers in accordance with usual procedure.

6. Illegal labour migrants. In the Stavropol Kray their estimated number is about 300,000. Strict border control is impossible in the mountain areas. This provokes illegal entries. The Caucasus route is one of major channels in

criminal activities of Russian nets specializing in smuggling and trafficking of migrants from Asian and African countries. Besides, situation in Chechnya obviously demonstrates "transparency" of borders in the Caucasus from the Georgian side.

7. Illegal labour force often results from various forms of temporary migration that are nominally related to tourism, study migrations, trips to relatives, etc., but in the upshot brings migrants to labour markets. These channels are often used by citizens of different countries who have a hidden intention to be employed in Russia. Besides, students and post-graduate students from developing countries who do not want to go back home after their studies, are also included in this category. According to experts' estimates, about 1,000 citizens of Afghanistan stay in the Rostov Oblast (including illegal stay). In our previous surveys we have established that in the Stavropol Kray some Afghanis have surely settled in Russia — they have married to Russian women, speak Russian language, have applied for Russian citizenship or have already obtained it, and all of them are engaged in commercial activities. Many Afghanis work in big city markets. Africans are less numerous but in big Northern Caucasus cities — Krasnodar, Rostov-on-Don, Stavropol — there are ethnic communities of African migrants, mainly former students of Russian universities and other higher school institutions from Ethiopia, Tanzania and Nigeria.

8. Non-status migrants who have limited admission to the regional labour market because of local authorities policy. This is a specific category of migrants who have neither Russian nor any other citizenship. They are Meskhet Turks (13,000 – 18,000 persons, primarily in Krymsky region, Abinsky region, and Apsheron region), Abkhaz Georgians (around 11,000 persons in the area of "Big Sochi") and Abkhaz Armenians (living at the Black Sea cost up to Tuapse). Under similar reasons resulting from the USSR disintegration, neither Turks, nor Georgians, nor Armenians in this area can obtain Russian citizenship after they have lost Soviet citizenship, and they can't get job in accordance with their skills, or education. The situation is complicated by trenchant policy of regional authorities that is often contradicting to the federal legislation. Besides, informal practices in migration sphere are wide spread; they put obstacles for this category of migrants in obtaining Russian citizenship, registration of residence and civil status, access to medical care and education, as well as to labour market. This situation not only presses migrants out of the territory of the Southern Federal District but rather provokes growth of corruption in relations between migrants and law enforcement structures and pushes migrants to shadow economy.

Migrant workers in regional labour markets (the case of Northern Caucasus)

The Northern Caucasus covers the territory of over 355 thousand sq. km, or about 2% of the territory of the Russian Federation. However, 18 million inhabitants, or 12% of the Population of Russia live at this relatively small

area. The region is characterized by one of the highest density rates in the country — around 50 persons per sq. km, 6 times higher than average for Russia. Most densely populated areas are the Northern Ossetia, Krasnodar Kray and Kabardino-Balkarskaya Republic (85, 66 and 63 persons per sq. km correspondingly. Foreign labour is attracted to the Northern Caucasus, however, in less amounts than in Russia as a whole. Besides, there are obvious differences between the territories of the Northern Caucasus in the scale of foreign labour employment (Table 1).

Table 1

Foreign workers in the Northern Caucasus territories, 2002

Territory	Number of foreign workers, persons	Share of foreign workers in total labour force, %	2004 quota for foreign workers, persons
Russia		0,506	213000
Southern Federal District	26612	0,313	15715
Adygeya Republic	90	0,052	30
Dagestan Republic	753	0,108	540
Ingushetia Republic	324	0,329	0
Kabardino-Balkarskaya Republic	163	0,063	100
Karachaevo-Cherkesskaya Republic	145	0,086	55
North Ossetia – Alania Republic	164	0,049	478
Chehenskaya Republic	…	…	0
Krasnodar Kray	7661	0,352	6100
Stavropol Kray	4348	0,413	875
Rostov Oblast	3742	0,205	3200

The territories of the Northern Caucasus are characterized not only by diverse situations at local labour markets and numbers of foreign workers but also by different mechanisms of labour policy including labour importing policy. Consequently, there are different opportunities to protect migrants' social rights in different territories. We have worked out integral classification of local labour markets based on level of economic activity of foreign workers, unemployment rates, and local policy in labour imports.

The first group: **labour receiving territories with low or middle unemployment rates.** These are: Krasnodar Kray, Stavropol Kray and Rostov Oblast. In 2002, around 4,300 foreign workers employed in Stavropol Kray, 3,700 — in Rostov Oblast, 7,700 — in Krasnodar Kray. Unemployment rate here is not high due to two rasons. The major reason is wide spread of various forms of self-employment of population as there are favourable conditions for agriculture, manufacturing, construction industry, commerce, and resort industry. These industries provide new job vacancies. Another reason is related to the effect of government employment encouraging programmes. So, these territories seem attractive for foreign workers and they are employed in certain industries: construction, agriculture and manufacturing. Guest workers are hired for jobs that are rejected by local workers and during seasonal peaks of demand for labour (for example, agricultural workers from Turkey come to Stavropol Kray during cereals harvesting).

These territories have elaborated local legal basement for labour migration management. Migration regulations in the Krasnodar Kray are particularly detailed: besides a packet of labour migration regulations, a migration-monitoring department is organized within the Administration. To protect local labour markets and indigenous population, special legal acts are directed at preventing illegal migration and limitation of migrants' rights. For example, a decree " On measures to manage migration processes and protect legal rights and interests of the Russian Federation citizens residing in the Krasnodar Kray" (No: 787 of 13 August 2003), "On measures to counteract illegal migration to Stavropol Kray" (No: 27-kz of 24 June 2002).

The second group: **labour receiving territories with middle and high unemployment rates.** These are: Karachaevo-Cherkesskaya Republic, Dagestan and Ingushetiya. Situation at these republics local labour markets is less favourable from the perspective of labour force balance: supply strongly exceeds demand. These republics are in the Russian federal list of territories with tense labour market situation. For example, in Ingushetiya in different years there were up to 400 candidates for one job vacancy. Labour imports were: 145 foreign workers to Karachaevo-Cherkessiya, 321 workers to Ingushetiya, 753 workers to Dagestan. The analysis of professional structure of migrant workers show that there are no particular "migrant" niches at these local labour markets: 84% of foreign workers in Karachaevo-Cherkessiya, 87% in Dagestan and 99% in Ingushetiya were employed in the general sphere of trade and commerce. It is worth noting that these territories have minimum quotas for foreign labour in 2004. We can conclude that here migrant workers compete with national workers in the labour market and the need for labour imports is either very small or does not exist.

Table 2

Classification of the Northern Caucasus territories by levels of economic activity of foreign workers and by unemployment rates, 2002

Level of economic activity of foreign workers, per 1,000 of employed population	Unemployment rate, %				
	Low (7,9 or less)	Reduced (8,0-10,9)	Middle (11,0-12,9)	Increased (13,0-19,9)	High (20,0 or more)
Low (0,79 or less)			North Ossetia – Alania Republic	Adygeya Republic, Kabardino-Balkarskaya Republic	Chehenskaya Republic
Middle (0,80-1,99)			Karachaevo-Cherkesskaya Republic		Dagestan Republic
High (2,00 or more)	Krasnodar Kray	Stavropol Kray	Rostov Oblast		Ingushetia Republic

The third group of territories: **minimum labour imports and high unemployment rates.** These are: Adygeya, Kabardino-Balkaria, North Ossetia,

Chechnya. The most complicated situation is in the Chechenskaya Republic: up to 80–90% of population in some areas do not have stable job. The total number of employed is around 100,000 persons. Tension at local labour markets results in minimum labour imports. In 2002, in Adygeya 90 foreign citizens were employed, in Kabardino-Balkaria — 163, in North Ossetia — 164, while there were no registered foreign workers in Chechnya. Distribution of migrant workers by industries is more diversifies than in the first group. However, due to small numbers of migrant workers there are no grounds to speak about competition to locals. For 2004 North Ossetia and Kabardino-Balkaria have got quotas for foreign labour exceeding annual migrant workers employment in 2001-2002. Local regulations do not touch labour migration management. In Kabardino-Balkaria only the Government decree No: 464-RP of 28 June 2003 "On inter-departmental commission on foreign workers employment" was accepted.

Gennady Kumskov

A PERSPECTIVE FROM COUNTRIES OF ORIGIN: LABOUR MIGRATION TRENDS IN KYRGYZSTAN

In Kyrgyzstan, national labour market is developing along with its involvement in the international migration trends. Contemporary migration is in most cases associated to the idea of the world labour market. Excess or lack of labour resources in certain countries is a reason of their outflow or inflow to other countries. Transition economies at the post-Soviet space are characterized by intensive migration movements, including labour migrations. It is a natural process stimulating division of labour and labour market formation.

Kyrgyzstan participation in international labour migration flows is determined by the level of socio-economic development of the country, its technological structure, and demographic situation. However, ineffective realization of international agreements, existing visa restrictions and *propiska* (registration) institute, lack of information on job vacancies in other countries, citizenship policy, and excessive financial expenses related to migration impede the growth of migration movements.

For Kyrgyzstan, the possibility to even the existing economic imbalance and broaden employment opportunities by means of integration with other CIS states is a matter of crucial importance. Unemployment in the country is high. Vulnerable position of the less protected social groups – women, youth, pensioners and pre-pensioners – at the national labour market is a serious challenge to social security. Dramatic slump in relative labour price has made even its simple reproduction impossible and forced many people seek for additional earnings. At the same time, the forecast till 2010 predicts increase in labour resources, mainly because of numerous age groups born before 1990s entering working age. Low developed productive forces in combination with narrow structure of industries in Kyrgyzstan are additional factors to hinder labour mobility.

Growing scale of labour migration has contradictory effect on Kirgyzstan economy. On the one hand, under the circumstances of excessive labour resources exports of labour contributes to unemployment reduce and migrants remittances growth. On the other hand, skilled labour outflow has negative effects on quality of labour potential.

Migrant workers remittances are a sizeable income for scanty budget of the state. According to the ILO estimates, every migrant worker brings to his country of origin yearly around 2,000 USD in average. It is an additional argument for the government to encourage labour migration to other CIS states, in particular to regions of Russia where lack of labour is most obvious.

To regulate labour migration from Kyrgyzstan, the "Kyrgyzvneshtrud" Department was founded. It is specializing in recruiting and contracting Kyr-

gyz citizens for working in other countries. However, encouraging labour exports by the State is not sufficient. Labour migration is primarily spontaneous or 'self-organized'. The reason for that is rooted in low-effectiveness of CIS agreements on labour exchange, as well as in protectionist regulations in countries of destination aimed at national labour market protection.

Therefore, labour migration from Kyrgyzstan is primarily non-organized. The proportion of highly educated and skilled labour migrants is dramatically high. The new tendency — outflow of educated young indigenous population — is increasing.

Russia is the major country of destination for Kyrgyz labour migrants. However, the number of registered labour migrants from Kyrgyzstan in Russia is relatively low — around 10,000 persons a year, or 11–14% of foreign workers originating from CIS countries in Russia.

At the same time, when data from the Russian migration service is compared to Kyrgyz statistical data, significant differences become apparent. This is an evidence of wide-spread unregistered migration. The major part of migrants drops out from statistical data, as well as from taxation and social welfare systems. Thus, registration of labour migrants flows needs to be corrected, and proper legal basement to regulate employment of Kyrgyz citizens in other countries is to be developed.

Analysis of population mobility in Kyrgyzstan shows that number of citizens who work illegally in Russia and other countries is many times higher than that of legally employed with the assistance of government institutions. That is confirmed by the results of the first National Population Census. In Bakten Province, over 1,500 citizens are employed in Uzbekistan (88.5% of the total number of the citizens working outside the Province). In Djalal-Abad Province, the majority of migrants are employed in Uzbekistan (54.8%) and Russia (39.4%). Osh Province sends 38.1% labour migrants to Russia and 32% — to Uzbekistan. Labour migrants from the city of Bishkek and Chuisk Province are employed primarily in Russia and Kazakhstan (93% and 97% correspondingly).

In order to obtain more reliable data on labour migration flows the National Statistics Committee of the Kyrgyz Republic conducted a pilot survey in 2003. One of principal questions was the criteria of labour migrants definition. Labour migrants were defined as those respondents who indicated work or commerce as a purpose of their trip. It's quite clear that some respondents have hidden their intention to work outside the country or to combine work with studies or visiting relatives. So, there is a great likelihood of incomplete coverage of labour migrants by the survey.

Nevertheless, the survey demonstrated that labour migration involves various social groups of population, different ethnic groups, wide age range, different professional groups and levels. In the circumstances of economic crisis labour migration is regarded as a form of self-organizing potential of the society.

The survey showed that there are 1442.3 thousand trips to outside Kyrgyzstan a year, among them 1248.8 thousand trips — by Kyrgyz citizens.

646.9 trips have a 'labour purpose' — work or commerce, among them 571.4 thousand — by Kyrgyz citizens (87%).

The majority of migrants are males (67%). The portion of females is 33%. Labour-active age groups are 9.7% of migrants. Ethnic structure of migrants is the following: Kyrgyz — 62.5%, Russians — 13.2%, Uzbeks — 11.1%. 68.2% of migrants are married. Educational level of migrants is high: 68.3% have higher education or professional education. 27% are secondary school graduates.

The respondents were offered to indicate their employment status before departure. As a result, the majority defined themselves as unemployed (32.7%) or temporarily unemployed (23.2%). Their total share is 55.9%. The proportion of migrants who defined themselves as employed before departure is much less — 36.6%, among them: self-employed — 24.5%, employees — 12.1%.

Minimum duration of stay abroad is one day, maximum — 3 years. 26.6% of the trips are planned for less than one month. 12.1% of the trips are planned for over a year. The average stay in another country is 3.8 months.

Among the total amount of labour migrants, 67.6% depart with the purpose to be employed in another country while 32.4% go for commercial trips (small-scale circular commercial business).

Differentiation by types of economic activities shows that 41.8% are planning to be engaged in commerce and repairs, 25% — construction, 7.8% — public, social and personal utilities, 2.5% — agriculture. 16.6% did not indicate the type of their activities.

Table 1

Labour migrants by industries and types of activities

	Annual number of trips	in %
Total	**571 398**	**100**
Among them: by industries:		
Agriculture, hunting and forestry	14 209	2.5
Mining and manufacturing	5 009	0.9
Construction	142 758	25.0
Commerce, autoservice, household repairs	239 351	41.8
Transport and communications	11 953	2.1
Real estate operations, renting	9 164	1.6
Education	2 844	0.5
Public health and social services	4 589	0.8
Public, social and personal utilities	44 421	7.8
Domestic service	2 193	0.4
Type of activity is mot indicated	94 907	16.6

Among countries of destination, CIS states are prevailing — 84.7%, while non-CIS countries are destination for only 12.8% of migrants. In the list of CIS countries, the most attractive for labour migrants from Kyrgyzstan are: Russia (53.15 of the trips) and Kazakhstan (28.7%). This fact can be explained by relatively more developed economy in these countries as well as

their geographical location close to Kyrgyzstan. The Central Asian states seem less attractive: Uzbekistan is a country of destination for 2% of the trips, Tajikistan — 0.2%, Turkmenistan — 0.1%.

Table 2

Distribution of labour migrants by countries of destination

	Annual number of trips	%
Total	**571 398**	**100,0**
Among them by countries of destination		
CIS countries	483 677	84.7
Non-CIS countries	72 918	12.8
Country is not indicated	14 803	2.5

In Russia, Kyrgyz migrants go primarily to Moscow (22.7% of the total number of Kyrgyz migrants in Russia), Ekaterinburg (7.2%), Novosibirsk (6.7%), Samara (5.4%), Barnaul (4.1%), Orenburg (3.3%), Omsk (3.1%), Novokuznetsk (3.1%), Surgut (2.9%), Krashoyarsk (2.4%). It is worth noting that migrants who come to Moscow, Barnaul, Novokuznetsk, and Surgut are primarily employed in construction, while those who come to other above mentioned cities are engaged in commerce and services.

The surveyed migrants indicate the following reasons to seek for job outside Kyrgyzstan:

- low wages (24.6% of the total number of migrants);
- lack of employment opportunities (19.3%);
- impossibility to find a job by profession (9.9%);
- difficulties to carry on business (1%);
- other reasons (33.8%).
- 10.8% of migrants did not indicate any reason in the questionnaire.

Only 14.3% of labour migrants indicated work contracts as the basement of their employment. 59.3% admitted that they depart to a country of destination without any preliminary agreements with employers but simply with invitation of relatives and friends. 18.3% of migrants did not answer a question about a type of employment agreement.

Therefore, the results of the survey show that work of Kyrgyz citizens outside their own country is an important segment of labour market that was initiated and created exclusively by their individual initiative. At the same time spontaneous labour migrations mean that very often Kyrgyz citizens who work in other countries are in fact out of law there. This situation is resulting from the fact that in many CIS countries of destination hiring of foreign labour force is a subject for licensing. Private employment agencies often act in contravention of the law and in fact promote illegal labour export and smuggling of migrants. As a result, Kyrgyz guest-workers are forced to illegal employment and lack of social rights. This question can be solved by legalization of labour migrations and providing equal treatment for labour

migrants and national workers in terms of wages and social benefits, including seniority, medical insurance, pension fees, etc.

Another way is to admit double citizenship in Kyrgyzstan. Indigenous population in Kyrgyzstan is now coming to understanding that double citizenship is not a political pretension of Russian nationals but rather an instant economic need of Kyrgyz population, in particular of those of them who do not want to loose national citizenship but for economic reasons are forced to work abroad. For Russian-speaking population who live in Kyrgyzstan, double citizenship will mean a guarantee of freedom of movement, employment, and residence.

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Irina Pribytkova

UKRAINE IN THE CONTEXT OF THE EU ENLARGEMENT: OLD AND NEW LABOUR MARKETS FOR UKRAINIAN MIGRANTS

According to State Statistic Committee data, in June 2004 the number of unemployed in Ukraine reached 1034,9 thousands of persons. The level of registered unemployment relative to able-bodied population in working age amounts to 3,5%. However, a number of unemployed in working age, defined according to the methodology of the International Labour Organization, 1,85 times as much: during the first quarter of 2004 this contingent constituted 1919,7 thousands of persons or 9.6% of population in working age. On July 1, 2004 there were 6 idle persons who pretended to one and the same working place (vacant position). The highest unemployment level was registered in Cherkasy (18), Ternopol (14), Ivano-Frankovsk (14), Rovno (14), Chernovtsy (14), Lvov (13), Kherson (13), Zhytomir (11) and Vinnitsa (11) regions.

However the level of idle persons in fact is still more. According to the data of Institute of Sociology of Ukrainian Academy of Science, which is conducting the monitoring of social changes in Ukrainian society from 1994, at the beginning of 2004 there were 4.7% persons in working age who did not work and have no sources of incomes in Ukraine; 6.0% persons have not constant working place and a portion of registered idle people made up 1.7%.

Uncertain situation at the labour market in Ukraine and the necessity of an independent search of new sources of income for their family switched on the self-organization mechanisms. Labour migration of Ukrainians become one of the most effective ways to survive. At the beginning of 2004 the members from 12.0% of Ukrainian families (at the end of 2000 — 10.2%) gained experience of working abroad. The most attractive countries for labour migrants are Russia and Poland, then Germany and Chech Republic. Job arrangement of more than a half of Ukraine's citizens was made abroad by verbal agreement with an employer, without any legal labour contract. The rest of people signed a labour contract yet in Ukraine or in the country of destination. A half of those, who has already got foreign work experience, intend to go abroad again in the nearest future with the aim of temporary work there.

More than two millions of Ukrainian citizens work at present abroad illegally according to information of Foreign Office of Ukraine. According to available data of the Ministry of Labour and Social Politics there were 40683 persons engaged beyond the border in 2002 and 38161 persons – in 2003. It should be remembered that the last information bears a relation only to those citizens of Ukraine who have got a job at the foreign countries owing to bilateral agreements, concluded by Ministry of Labour and Social Politics with corresponding services abroad, through the State centers of employment or special firms, possessing the license from Ministry of Labour and Social Politics of Ukraine.

Some experts believe that only 5% of Ukrainian citizens, working abroad, in particular in Russia, enter in the registration lists of Ministry of Labour and Social Politics of Ukraine [2, p. 16].

The largest contingent of labour migrants from Ukraine is working at present in Russia. According to data of Federal Migration Service of Home Office of Russian Federation the Ukraine is the most large-scale exporter of labour power in Russia: 87874 labour migrants out of 359509 comers, arrived into Russia in search for a job, were Ukrainians. They worked mainly in construction (24605 persons), in the sphere of trade and public catering (13053 persons), transport (12903 persons) [3]. However, in accordance with appraisals of Ukrainian Embassy in Russian Federation a number of labour migrants from Ukraine reached almost one million of persons and at the rush-seasons time their number is still more. Only in Tumen region the Ukrainians, who are not citizens of Russia, make up one third of all foreigners, working in this region. According to the data, presented in the report of Ombudsman of Ukraine Nina Carpacheva, the great bulk of citizens of Ukraine works outside the legal field. Very often the legalization is disadvantageous for workers themselves, so far as in this case a real amount of their salary turned out to be appreciably smaller. It leads to situation, when 90% of labour migrants from Ukraine are drawn into the sphere of shadow economics which is under control of criminal grouping. The regions of employment of Ukrainian labour migrants are concentrated in the main in Moscow and Moscow district, Republic Comi, Khanty-Mansi and Yamalo-Nenetz national districts, Belgorod, Saint-Petersburg, Rostow districts, Krasnodar and Krasnoyarsk territories [2, p. 58].

A considerable number of appeals for a defense in connection with human rights violation are received from citizens of Ukraine in the Consulate of Ukraine in Russian Federation. A half of them pertained to social problems, 20% were connected with violation of civil rights and 15% - of administrative right. The greatest number of appeals from citizens of Ukraine was received in Moscow, Moscow district and in the frontier/border regions of Russian Federation.

The most spreaded violations of civil rights and freedoms at the territory of Russian Federation, bounded up with labour lawful relations, are:

- Violations of the rules of a hire (without conclusion of agreements and contracts);
- Violations of conditions of work, in particular non-observance of sanitary standards, which have to be ensured by administrations of enterprises-employers in the places of labour migrants residence;
- Considerable difference in the pays in comparison with citizens of Russian Federation.

Foreign Office of Ukraine gives the facts when managers refuse to hire citizens of Ukraine for a lack of citizenship of Russian Federation. In such situation certain part of Ukrainians is pressed to apply for affiliation to the citizenship of Russia [2, p. 59].

Facts of violation of human rights of Ukrainian labour migrants in Russian Federation are confirmed in their appeals to Ombudsman of Ukraine, where they witness about non-payment of salaries, violations of conditions of work, humiliation of their self-respect facts of forced slave labour, violations of their human rights by representatives of government bodies, responsible for protection of public order. According to information of Embassy of Ukraine in Russia, there are the numerous violations of right to medical aid for Ukrainian labour migrants. Bilateral agreements on medical insurance of citizens of Ukraine — temporary residents in Russian Federation and citizens of Russia — temporary residents in Ukraine, signed on October 28, 1999, don't practically act because off non-coordination of calculation methods and insurance tariffs. It is necessary to add that legislation of Russian Federation relate to bank remittances create considerable problems.

A legal regulation of remittance from abroad is putting into practice in accordance with a Law of Ukraine "On Payment systems and Remittances in Ukraine", signed on April 5, 2001. Right on conducting of bank operation of such kind was given to 150 banks in Ukraine. It is impossible to calculate today the dimensions of entering means in accordance with established procedure. In opinion of some experts, working abroad labour migrants earn about two milliards hryvnia per month, that is 400 millions dollars USA [2, p. 33]. The most part of this sum returns in Ukraine.

Earnings of labour migrants abroad, exceeding the aggregate incomes of residents in Ukraine in several times, open an additional opportunities before them. The labour migrants use on return from abroad the great part of earning means for the opening of a private enterprise. Thus they provide their own employment and create working places for other people. In opinion of Ombudsman of Ukraine, the State has to pass a decree on simplification of system of postal orders from abroad and to reduce the tariff scale of transfer-service.

23.2% of Ukrainian adult population would like to go abroad for temporary working. Inhabitants of the western region of Ukraine are looking for an opportunity to work abroad more often (from 26.4% to 30.8% living in Gallichyna and Bukovina adults). Population at the East of Ukraine demonstrate such intention more seldom — only 16.3%.

The contingent of potential labour migrants is formed from villagers (31,9%), inhabitants of small towns with population less than 50 thousands of persons (15,8%) and people living in settlements of urban type (9.3%). So the great bulk of the potential labour migrants, who are disposed to temporarily working abroad, live in a country-side or small towns. Priority countries, where they would like to find a job, are today Germany (13.6%), USA (7.5%), Russia (5.2%), Canada (4.9%). Italy is mentioned less frequently (2.8%).

The main reasons, playing the role of incentive motives for our compatriots in their searches for a job abroad, are hard economic situation in Ukraine (29.5%), the aspiration to earn more and to live in more civilized conditions (25.3% both), and respectively harmful for a health ecological conditions (11.8%).

Ukrainian citizens, who are disposed for temporarily working abroad, are not the poorest and least successful people in the country. Their compatriots, who have no intention to look for a job abroad, live in penury more often: 60.7% of them define the level of family well-being as low and very low. Such poor men make up only 44.7% (1,4 times less) at an average in Ukraine

Potential labour migrants are characterized by the highest employment rate: 58.4% of them possess a job in Ukraine. Among unemployed citizens, planning to work abroad, there are many registered idle persons (22.5%) and temporarily jobless but looking for a working place people (30.2%). But the highest portion of unemployed is observed among those, who would not like to go abroad in any case (72.1%). Every second of them is pensioner (48.0%) and every eighth is disabled person (12%). The same portion of unemployed consists of registered at the state Center of employment jobless persons (12.0%).

By activity type, potential labour migrants more often define themselves as qualified workers (37.8%) and maintenance workers (7.8%), but more seldom — as qualified specialists with a higher education (15.7%). There are 2.3 times more persons among eventual labour migrants, involved in individual labour activities (9.8%).

There are more men than women among potential labour migrants (59.1% against 40.9%). A family status of typical representative of this contingent looks like more strong: 62% of them have a family. They have more children under age in comparison with all another families in Ukraine (27.6% against 20.5%). There are less divorced and widowed persons among them (11.9% against 17.2%).

After entry of Poland, Slovakia, Hungary and Romania into the European Union, the visa regime has been established for citizens of Ukraine and other countries of CIS. It can be accompanied by shortening of migration flows between Ukraine and these countries. The restriction of their dimensions can be resulted in increase of a portion of illegal migration in the structure of migratory flows in these or other countries, tied by Shengen agreement, on the one hand. On the other hand, the national market of labour can be overloaded by contingents of unemployed compatriots. The strength of tension in this situation and its development will depend, to a considerable extent, on the level of liberalization of visa regime at the western frontier of Ukraine. It should be waited for the changes in geography of market preferences of labour migrants from Ukraine. It is quite possible scenario.

It should be remembered as well that migration is a kind of self-organizing social behavior of individuals directed by system of their preferences. The basic ones, having a dominating nature, are: maximization of earned income, minimization of efforts when achieving one's object and optimization of mode of life. In any case the Russian market of labour, as in former times, will remain attractive for Ukrainian labour migrants, even if its leading positions will be redistributed in favour of labour markets in other countries. Such forecast is based on the next premises:

- Culture and language propinquity as well as a common historic past of Ukraine and Russia;
- Ties of relationship between inhabitants of Ukraine and Russia;
- Steadiness of season and shift flows of labour migrants from Ukraine into some Russian regions;
- Simplified order of crossing the border between Ukraine and Russia;
- Demand for workers of definite professions, trades and skills at the russian markets of labour.

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EXPERIENCE OF EUROPEAN COUNTRIES IN LABOUR MIGRATION MANAGEMENT AND PROSPECTS FOR RUSSIA – EU COOPERATION IN PROMOTING REGULAR FORMS OF LABOUR MIGRATION

Piotr Walczak

EUROPEAN CONVENTION ON THE LEGAL STATUS OF MIGRANT WORKERS — THE EFFECTIVE LEGAL TOOL FOR MANAGING TEMPORARY LABOUR MIGRATION

Introduction

The Council of Europe plays a determinant role in establishing the principles of the rule of law, democracy and the respect for human rights on our continent. The last aspect is very important in the field of migration.

The Council of Europe does not support an "open door policy". Member states are entitled to restrict immigration. But this should not be at the expense of fundamental rights. If we are to effectively manage migration flows in the future we should pay particular attention to the human dimension of migration within a clear legal framework.

In that respect, the importance of the European Convention on the Legal Status of Migrant Workers is capital. This Convention constitutes, within the Council of Europe, the unique multilateral instrument promoting legal work abroad. Moreover, this treaty, taking account of specific interests of all involved parties: countries of destination, origin countries as well as the interests of migrants themselves, proposes the institutional framework of the whole process concerning work abroad.

This paper outlines the historical context of the adoption of the Convention, explains its contents and main features and focuses on the difficulties experienced by some countries with regard to its ratification.

Origin of the European Convention on the Legal Status of Migrant Workers

The Convention was opened for signature on 24 November 1977[1], and entered into force on 1 May 1983. To date, the convention has been ratified by only 8 and signed by 6 States parties[2].

The decision to draw up a Convention was made at a time when the recruitment of foreign labour in Europe was commonplace. It was first

[1] CETS No. 93.

[2] The Convention has been ratified by France, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and Turkey. A further six member states have signed it but not yet ratified it: Belgium, Germany, Greece, Luxembourg, Moldova and Ukraine.

included in the Work Programme of the Committee of Ministers of the Council of Europe in 1966. However, by the time it was opened for signature it had been overtaken by events which rendered its immediate value less clear, most importantly rising unemployment levels across Western Europe which had dramatically reduced the demand for migrant labour.

The authors of the Convention intended its provisions to constitute a minimum level of acceptable treatment of migrant workers within the member states of the Council of Europe. The possibility of improving their economic and social position is of fundamental importance to migrant workers and their families. The spirit underlying the Convention is the achievement of non-discrimination on the basis of nationality for migrant workers and their family members wherever they may be resident within the territory of the Council of Europe.

As it is underlined in its Explanatory Report, the Convention aims "to regulate the legal status of migrant workers so as to ensure that as far as possible they are treated at least equally with national workers as regards living and working conditions and to promote the social advancement and well- being of migrant workers and members of their families".

This Convention is the most comprehensive Council of Europe legally binding instrument regarding labour migration. The Convention forms a framework agreement dealing with the most important aspects of migrant workers' legal status. At the same time, it has to be underlined that for details, the Convention often refers to the provisions of domestic legislation or of various bilateral or multilateral international instruments.

The authors of the Convention have taken fully into account agreements concluded elsewhere covering the same categories of persons, particularly those concluded under the auspices of the European Economic Communities and ILO. The Convention's relationship to other provisions of national or international law is dealt with in Articles 31 and 32 in such a way that migrant workers and their families will benefit from whichever of these texts is the most favourable.

Finally, the authors of the Convention found necessary to make the provisions of the Convention as effective as possible and to provide for their progressive future adjustment in the light of developments in the economic and social situation in Europe. The dynamic of the Convention was reinforced by incorporation of provisions related to its revision and the establishment of a Consultative Committee.

Personal scope of the Convention

The concept of a *migrant worker* for the purposes of the Convention is limited to a national of one Contracting Party who has been authorised by another Contracting Party to reside on its territory in order to take up paid employment. It is important to note that the purpose of the authorisation to reside is in order to take up paid employment. Without the latter quality, a worker will not necessarily come within the scope of the Convention. For example,

students who are permitted to work part time or full time throughout their studies would not be covered by the Convention.

Excluded from the scope of the definition are frontier workers[3], artists and entertainers including sportspersons engaged for short periods of time and members of a liberal profession; seafarers; persons undergoing training[4]; seasonal workers[5]; and workers carrying out specific work in another contracting state for an undertaking having its registered office outside the territory of that state[6].

It protects migrants in classic employment situations who have moved from one contracting state to another and been authorised to work there and, accordingly, to reside there. These migrant workers will have the intention or at least the possibility of remaining long term on the territory of the host state and participating in the labour market of that state. These are the workers whose status is sufficiently stable and secure to be entitled to the best facilities for integration into the host state both for themselves and their families.

Shared responsibility for recruitment of migrant workers

The Convention governs the whole migration process encompassing the recruitment and admission, reception, stay and return of migrant workers. The bulk of its provisions, however, are concerned with the legal status of labour migrants while in the country of employment and equal treatment with nationals in respect of important economic and social rights.

The European Convention on the Legal Status of Migrant Workers identifies the responsibilities of each of the parties involved, destination (employment) countries, origin countries as well as migrant workers.

This shared responsibility conditions the success of the whole process for recruitment. This is why the Convention imposes on them the necessity to co-operate to resolve problems.

In that respect, the country of destination plays a particular role. Its action, based on the evaluation of its domestic labour market, may start the process of recruitment of migrant workers. The essential question therefore is the existence of shortages in the labour force.

We are here confronted with the converging interests of the country of destination (employment) and the country of origin. The former is interested

[3] According to the Consultative Committee (see below) these are persons who retain their residence in one member state while working in another and normally return to their state of residence every day.

[4] The Consultative Committee gave this a wide interpretation which not only covers vocational training but also persons who go to one member state from another to improve their command of its language, commercial or occupational practices and including au pairs.

[5] These are defined as persons whose employment in another contracting state is in an activity which is dependent on the rhythm of the seasons on the basis of a contract for a specific period or employment.

[6] These workers are carrying out services for a provider of services based outside the state and therefore, according to the approach adopted by the European Court of Justice with respect to the analogous provisions of Community law, at least, are not entering the labour market of the state in which the services are being carried out.

in filling labour shortages by providing an additional workforce, the latter aims to diminish economic problems, namely high unemployment rates. Other related issues are also taken into consideration, namely the exodus of highly qualified persons and transfer of remittances. For States of origin, it is important to preserve the rights of their own citizens while working abroad. From a financial point of view, it should be noted that States of origin are very interested in the earnings transferred from the State of employment by the migrant worker. The remittances may represent often a high percentage of countries general domestic products.

The mechanism for recruitment of migrant workers is described in Chapter 2 of the European Convention on the Legal Status of Migrant Workers.

The Convention allows recruitment to take place either on an anonymous basis — in this case the State may intervene to assist recruitment — or on a named basis, in this case it may oppose the temporary departure of its national, who has been requested on a named basis by an employer in the State of employment.

However, the State of origin's right of supervision with regard to the temporary emigration of its workers may not be exercised in the case of migrant workers initially placed with an employer in the other State on an anonymous basis and subsequently requested on a named basis by that or another employer.

Article 2 sets out the forms of recruitment and indicates the need for participation by official authorities of either the sending or receiving state. The cost of recruitment where carried out by an official body shall not be borne by the migrant worker.

Article 3 permits and regulates the use of *medical and vocational tests* of prospective migrant workers particularly as regards the purpose of the tests and to ensure that the costs do not fall on the worker.

It should also be underlined that Article 5 of the European Convention of the Legal Status on Migrant Workers requires that migrant workers receive documentation, including a contract before departure for the host country.

There is only a duty to *endeavour* to secure for migrant workers conservation of rights in the course of acquisition and acquired rights and export of benefits through bilateral and multilateral agreements. Medical and social assistance is dealt with in Article 19 which requires the host state to grant migrant workers lawfully on its territory medical and social assistance on the basis of equal treatment with the state's own nationals.

Finally, in numerous places in the European Convention on the Legal Status of Migrant Workers there is a prohibition on the imposition of costs for the issue of documents (i.e. Article 9 on residence permits).

Identifying specific rights of migrant workers

The Convention does not directly confer rights upon migrant workers. However, these rights are identified through inter-state obligations that Contracting Parties accepted while ratifying the instrument. Thus, we can say that

the specific rights related with the status to migrant worker are the most important part of the Convention applicable today (see Cholewinski, 1997, p.222; 2000, p. 709–753; Guild, 1999).

In that context, Article 6 provides for the right to *information* for the worker before he or she leaves the country of origin, including the right to a work contract and information on residence and the conditions and opportunities for family reunification. Access to viable information may help give the migrant worker a greater feeling of security and more dignity, for in many cases the disputes in which migrants are involved and their resulting isolation stem from the fact that they are ill-informed about their rights and obligations.

Article 4 is of greater interest in today's Europe: it relates to the right to leave the country of origin and enter the host state once authorised to take up employment there. Once a migrant worker has obtained the necessary papers to take up employment he or she has a right to admission to the host state. In principle, although not specifically stated in the Convention, these same rules should apply to re-admission after a short break outside the host state. Further, the papers which the worker requires should not only be issued as expeditiously as possible but also free of charge or at a cost not exceeding the administrative cost. The rights are subject to limitations on the basis of protection of national security, public order, public health or morals.

Article 10 relates to reception of migrant workers, perhaps most importantly equal treatment with nationals of the state as regards assistance from the state's employment services. The right to worship in accordance with their faith is also included here for migrant workers. Article 11 relates to the maintenance obligations of migrant workers in their country of origin.

Article 16 contains the very important right to equal treatment with the state's own nationals as regards conditions of work. The width of the concept of conditions of work is not spelled out; however regard should be had to ILO standards on this issue. In the spirit of the Convention a wide concept of working conditions is appropriate to cover not just remuneration, hours, benefits and dismissal but all aspects integrally connected to the migrant's status as a worker.

The right to transfer earnings and savings is to be found in Article 17 which also requires states to permit the transfer of sums due to migrant workers after their departure from the host state.

Article 18, on a related theme, requires equal treatment with nationals of the host state as regards social security subject always to national legislation, bilateral and multilateral agreements.

Equal treatment for migrant workers and national workers as regards prevention of industrial accidents, occupational diseases and industrial hygiene is required by Article 20. Further, migrant workers who are the victims of industrial accidents or occupational diseases must be entitled to benefit from the same occupational rehabilitation possibilities as national workers. Similarly, inspection of working conditions must be carried out by the host state on a non-discriminatory basis according to Article 21. In the event of the

death of a migrant worker as a result of an industrial accident the host state "shall take care" to provide help and assistance as regards repatriation of the body (Article 22).

In the field of expiry of work contracts and their cancellation or of dismissal, Article 24 requires equal treatment for migrant workers with national workers. Further, in the event of involuntary loss of employment, the host state must facilitate re-employment (Article 25).

Equal treatment is required as regards: access to employment services, not only for the worker but also for his or her family members who have been admitted to the state (Article 27); the right to organise (Article 28); and participation in the affairs of the undertaking for which the migrant works (Article 29).

However, particular attention should be devoted to specific provisions on work and residence permits (Articles 8 and 9), which also include limited protection for unemployed migrant workers[7], and family reunion (Article 12).

Access to employment

There are no provisions in the Convention affording migrant workers a right of access to employment. Indeed, some clauses in the Convention imply that state sovereignty remains completely intact in this area.

Article 8 of the European Convention on the Legal Status of Migrant Workers provides that where a migrant worker is admitted for employment the state must issue him or her a work permit which should be for a period not less than one year and should not bind the worker to one employer or locality for more than one year. A degree of protection is afforded in Article 8(2) stipulating that "a work permit issued for the first time may not as a rule bind the worker to the same employer or the same locality for a period longer than one year".

Renewals should be for at least one year at a time. Residence permits should be issued for at least the length of the work permit and renewed accordingly. Its issue should be free of charge or at no more than the administrative cost. Both provisions are subject to conditions laid down in national legislation.

A state party is only under a duty in Article 8(1) to issue migrant workers with work permits or to renew them after they have been permitted to enter that country's territory to take up employment there. Article 5 requires migrant workers to possess an employment contract or a definite offer of employment before departure to the receiving country, thus excluding from protection those individuals migrating to seek employment.

[7] Guild (1999) at p. 13 (n. 15) explains that Article 9(4) is designed to protect the social assistance systems of host countries, but is arguably contrary to ECHR jurisprudence and ILO obligations (i.e., Convention No. 97 of 1949 concerning migration for employment, Art. 8, prohibiting the return of migrant workers admitted on a permanent basis who cannot continue in their occupation by reason of illness contracted or injury sustained subsequent to entry).

This provision is buttressed by Article 4(1) which affords migrant workers 'the right to admission to the territory of a Contracting Party in order to take up paid employment', but only after 'being authorised to do so and obtaining the necessary papers'.

Finally, by virtue of Articles 25 and 27(2), states parties are required respectively to facilitate the re-employment of migrant workers who lose their jobs for reasons beyond their control, such as redundancy or prolonged illness, and to provide them with the same access as nationals to employment services. These duties, however, include no obligation to guarantee access to employment for migrant workers on an equal basis with nationals.

Right to residence

In general, the Council of Europe standards tie the right of residence to the employment of migrant workers in the host country. We should note that within the EU, because free access to employment for EC nationals in any member state is an integral aspect of the freedom of movement principle, the right of residence in that country is essentially a formality once employment is found (Groenendijk et al, 1998).

The Convention provides specifically, in Article 9(1), that residence permits are to be aligned with work permits. Residence permits are to be issued for a period equal to the validity of work permits, and if the latter are of indefinite duration, then residence permits are to be issued for at least one year (Article 9(2)). This right of residence, therefore, is inextricably bound up with the right to pursue an occupation, which is in turn wholly subject to the discretion of the country of employment.

The Convention is the only Council of Europe instrument which provides a limited right of residence for migrant workers after the termination of their employment. Under Article 9(4), migrant workers have the right to remain in the host country for at least 5 months, but only if they are temporarily unable to work because of illness or accident or are involuntarily unemployed. Moreover, during this period such a migrant worker shall receive assistance from the state towards re-employment. Article 25 requires the state to promote measures to ensure vocational retraining and occupational rehabilitation for such migrant workers provided they intend to continue to work in the state.

A state party, however, is not obliged to permit migrant workers to remain for a period exceeding the period of payment of the unemployment allowance or for more than 5 months if unemployment benefit is payable beyond this period. Article 9(4) has been criticized on a number of grounds: it does not permit migrant workers to stay longer than 5 months even if they continue to receive unemployment benefit. However, migrant workers and their families residing in the country of employment have no right under Council of Europe instruments to an unlimited period of residence.

The withdrawal of residence permits is permitted on grounds of national security, public policy or morals, for health reasons subject to guarantees for the worker or on failure of the worker to fulfil a condition essential to issue or

validity. However, the state must grant a migrant worker an effective right of appeal to a judicial or administrative authority in the receiving state against any decision to withdraw a residence permit (Article 9).

Any rights of residence that may be implied from the Convention are strictly connected with migrant workers remaining in employment, with the narrow exception provided in Article 9(4) of the Convention on the Legal Status of Migrant Workers. In that context, the Committee of Ministers has adopted a number of Recommendations to member states on security of residence of long-term residents (2000), on the legal status of those admitted for family reunification (2002) (see: Peers et al, 2000), on measures of detention for asylum seekers (2003) to name but a few.

Right to family reunification

Family reunion is clearly an important social entitlement. Individuals cannot enjoy their basic rights unless protection is extended to the social context in which they find themselves. The family, however broadly defined, constitutes the closest attachment human beings possess. The right of migrant workers to reunite with their families is essential not only to their own well-being and to the welfare of their families, but also, because the realization of this right contributes to social stability in both receiving and sending countries[8].

The Convention, however, confines the state obligation regarding family reunification in Article 12(1) to the spouse and unmarried minor dependent children. The circle of family members covered by the provision are: spouses and unmarried children who are minors according to the relevant law of the host state and dependent on the worker. The definition expressly requires dependent children to be unmarried. More importantly, this definition only applies to 'minor' children without specifying a minimum age-limit. Consequently, dependent children below the age of 21 may lawfully be excluded under the Convention from the state party where the migrant worker is employed if the law of that country stipulates that the age of majority commences earlier.

The conditions which must be fulfilled are that the worker must be lawfully employed and have available for the family housing which is considered

[8] R. Cholewiński observes that "the right to family reunification is legally recognized in all major labour-receiving European countries, although it is by no means applied in a uniform manner and is subject to significant restrictions. Generally-speaking, the definition of 'family' for the purposes of family reunification is confined to the spouse and minor children. In a number of countries, migrant workers are required to work and reside in the country of employment for a certain period of time (usually one year) and possess suitable accommodation before their families are permitted to join them. Further conditions frequently imposed on the entry of families are that migrant workers possess sufficient resources to maintain their families, and that incoming family members are in good health. Restrictions on access to the labour market for dependents, … can, in practice, be also very influential in determining whether the family members of a migrant worker enter a country" (Cholewiński, 2000 p. 334).

normal for national workers in the relevant region. The host state may apply a waiting period but that should not exceed 12 months. The conditions of admission of the family members should mirror those applicable to the worker. Only by special declaration may a host state make family reunification conditional also on a requirement of sufficient resources to cover the needs of the family. However, temporary derogation from this provision is also permitted.

The most significant 'escape clause' is Article 12(3), which permits Contracting parties to derogate temporarily from the obligation of family reunification for certain parts of their territory. This provision was added to the draft of Article 12 in the final stages of negotiation in order to take account of the special situation of those states parties which are no longer able to cope with the influx of migrant workers' families into certain regions with respect to the provision of housing, education, and health care services.

To limit any abuses the Convention provides in Article 12(3) that the derogation may only be applied temporarily, although no specific time-limit is expressly provided, and cannot be employed in respect of the whole territory of the country (see Peers, 1998, pp.1239-1242). Moreover, the Secretary General must be informed of the intention to derogate by a declaration stating 'the special reasons justifying the derogation with regard to receiving capacity'. A further safeguard is provided by Article 33(6), by virtue of which any state party may request a meeting of the Consultative Committee whenever Article 12(3) is invoked.

Protection against expulsion

The threat of expulsion seriously impedes any rights of residence which migrants may acquire. However, states that are parties to Council of Europe instruments cannot expel aliens and migrant workers at will, but may only do so in accordance with certain criteria. There are two provisions in the Protocols to the ECHR specifically concerned with protecting non-nationals from expulsion. Article 4 of Protocol No. 4 proscribes a collective expulsion of aliens.

The procedural safeguards outlined in Article 1(1) of Protocol No. 7 enable lawfully resident aliens to submit reasons against their expulsion, to have their cases reviewed, and to be represented for these purposes before the competent authority. The right to a review, however, does not mean that the case has to be considered by an independent authority. Indeed, a review may be carried out by the same administrative or judicial authority responsible for the original decision. Moreover, there is no requirement under this provision to stay or suspend the expulsion until the appeal is heard. In addition to these provisions in the Protocols, which have not been ratified by all the states parties that have accepted the ECHR, a number of other rights' guarantees in the ECHR itself may also be invoked by aliens to challenge a decision of expulsion from the territory of a state party.[9]

[9] For example, non-nationals cannot be returned or *refouled* to a country where they face a real risk of treatment contrary to Article 3 of the ECHR.

In contrast with Article 1 of Protocol No. 7 to the ECHR, the Convention affords more comprehensive safeguards by limiting expulsion to a number of specified substantive grounds, although it must be recalled that these instruments only apply to those aliens and migrants who are also nationals of other states parties.

The principal grounds of expulsion common to these agreements are national security, public morality, and various derivatives of public policy. These instruments also provide aliens and migrant workers procedural protection against expulsion, and particularly, in Articles 3(2), 19(8), and 9(5) respectively, a right of appeal to a court, independent authority or person. However, the Convention does not make any explicit provisions for the suspension of a migrant worker's expulsion before the outcome of his or her appeal.

On the whole, these provisions are silent on the question of expulsion on economic grounds. As noted earlier, only the Convention expressly obliges states parties to permit migrant workers to remain in the country in the event of involuntary unemployment, but only for a limited period of time and only if they are still collecting unemployment benefit.

Supervision of the application of the Convention

The Convention is subject to the supervision of the Consultative Committee established by Article 33 of the Convention.

It is also charged with drawing up periodic reports containing information regarding the laws and regulations in force in its parties as regards matters provided for in the Convention. To date the Committee has published seven such reports.

On the basis of the information in the national reports the Consultative Committee, by virtue of paragraph 1 of article 33 of the Convention, prepares its own periodical report to the Committee of Ministers. In order to facilitate and standardise the drafting and layout of the reports on the state of national legislation which the Contracting Parties are regularly invited to submit to the Council of Europe, the Consultative Committee adopted a form designed to give application to paragraph 7 of article 33 of the Convention .

The Consultative Committee

A Consultative Committee was set up in 1984 to monitor developments in national legislation and practice in the areas covered by the Convention. Its duties, as provided for in Article 33 of the Convention, are:

- to examine any proposals submitted by Contracting Parties for facilitating or improving the application of the Convention, and any proposal for its amendment;
- where appropriate, to submit to the Committee of Ministers opinions, recommendations and proposals concerning the implementation of the Convention;
- periodically to draw up, for the attention of the Committee of Ministers, a report containing information about the laws and regulations in force in the

territory of the Contracting Parties in respect of matters provided for in the Convention.

At its first meeting (5–6 April 1984) the Consultative Committee agreed that the preparation of periodical reports for the Committee of Ministers should enable it to examine the situation as it existed in the States parties and, if necessary, submit opinions and recommendations with a view to facilitating or improving the application of the Convention. Accordingly, the Consultative Committee decided to invite the States parties to submit to it, at the Secretary General's request, reports on the application of the Convention.

The Committee has been circumspect about the use of its interpretative power and even more so as regards criticism of the contracting parties. It has adopted a gradual approach, choosing one provision of concern to it, first defining the duties imposed on the parties by the Convention, permitting a period of time for the contracting parties to bring their practices and legislation into accord with that interpretation and only then on examination of the state reports, reaching a negative conclusion on implementation of the obligation.

Article 8: work permits: in the 2nd, 4th and 5th Reports the Committee found various practices as regards work permits in keeping with the Convention. These include: the simultaneous issue of work and residence permits ; the issue of a permit at the joint request of the worker and employer or a requirement for a signed work contract ; a requirement for issue of a work permit before arrival in the state ; the combination of work and residence permissions in one document ; the issue of first permits for a period of one year which bind the worker to a category of work but not an employer or for less than a year in which case the work is bound to a specific employer ; a work permit which binds the worker to the same employer for its duration both initially and on renewal ; endorsement of work permission on a residence permit within a short time period ; a requirement that a worker who leaves his or her job within the first year of employment must fulfil all the initial conditions again for the issue of a second permit ; the labour market situation as a ground for non-renewal of a work permit ; a requirement that the worker has sufficient income and suitable housing and that there is no contrary indicator before a permit will be renewed. The Committee appears to give a flexible interpretation to the ways in which work permits are issued and allows a margin of appreciation to the contracting parties regarding the initial restrictions, and indeed permits the continuation of restrictions as long as these are neither indefinite or excessive.

Article 9: residence permits: The Committee found the following practices compatible with the Convention: the extension of permission to reside notwithstanding unemployment for periods longer than stipulated in Article 9; provisions under which illness and unemployment do not affect the right of residence; the application of a public order proviso on the issue of permits; the issue of permanent residence permits; the issue of permits valid for ten years and renewable by right; the issue of permits limited to the duration of a work permit; dispensing with the requirement of a residence permit where the

worker has a work permit; the application of small charges for the issue and renewal of permits; revocation of a permit only on the advice of an Aliens' Residence Board; withdrawal of a permit on grounds of fraud and deception; withdrawal on grounds of activities contrary to public order, national security, or state interests which are likely to damage state relations with other countries, conviction of crimes carrying a sentence in excess of one year's imprisonment and engaging in illegal activity; the presence of a right of appeal against withdrawal or revocation of a permit.

In many cases the Committee had to consider whether more generous provisions relating to the issue of residence permits were compatible with the Convention. In all cases, the Committee concluded that this was the position. However, also in this category the Committee had to consider various member state practices in limiting residence permits, mainly on national policy/criminal activity/fraud grounds. In all these cases the Committee found the practices in accordance with the Convention.

Legal problems relating to ratification of the Convention

The Convention is open only to the member States of the Council of Europe (Article 34). There is no possibility to accede for non-members.

Any member State wishing to join this Convention has to comply with the undertakings provided by its provisions. Accordingly, it has to accept the so called mandatory "core" provisions, i.e. Articles 4, 8, 9, 12, 16, 17, 20, 25 and 26. Further, even if the Convention allows States parties to make some reservations in respect of the substantive provisions contained in Chapters II-IV of the Convention (twenty-nine in number), this has to be limited to no more than nine of the articles included in these Chapters (Article 36).

As we have seen, the respect for the provisions of the Convention requires some organisational, structural and legislative work on the part of any candidate member State. It is imperative that such a state adopts national legislation and establishes a proper migration service.

This is why it would be advisable, that any candidate member State, after signature, but before ratification, examines the compliance of its national legislation with the European Convention on the Legal Status of Migrant Workers. This will allow evaluation of the extent to which the application of the national legislation is likely to fulfil the commitments from the perspective of the substantive rights of migrant workers, in particular with reference to three key interests of migrants: access to employment, security of residence and family reunification. It is also important that the national legislation respect fully the equal treatment of migrant workers as regard the rights contained in the European Convention on the Legal Status of Migrant Workers.

One of important aspects regarding the ratification of the Convention is its relationship with the European Community regulations[10]. As was under-

[10] In this regard, the European Commission's Communication of 7 March 1985 on *Guidelines for a Community Policy on Migration* is noted with approval where the

lined in the 1991 Report the Convention could provide a bridge between the more liberal rules of the European Community which only extend protection to nationals of the Community's Member States, and the need for effective equal treatment rules for workers from member states of the Council of Europe outside of the European Community (De Lary, 1991). In this regard, the Convention may be seen as an important tool to reducing differential and discriminatory treatment of workers from Council of Europe countries when they are resident and working lawfully within the Member States of the European Community. However, the Convention can only effectively fulfil this role, if it is signed and ratified by more Member States of the European Community Cholewinski, 1997, p.223-224).

Finally, the examination of compliance has to include some wider comments in the light of the more general principles of the Council of Europe's human rights conventions.

Conclusions

The European Convention on the Legal Status of Migrant Workers provides a significant mechanism for pursuing the aim of the economic and social progress not only of member states, but also of their nationals. The possibility of improving their economic and social position is of fundamental importance to migrant workers and their families. However, the Convention's importance in this respect is limited by the low participation of Council of Europe Member States.

However, it is noteworthy that the relevance of the European Convention on the Legal Status of Migrant Workers would be considerably enhanced if other Council of Europe Member States would also ratify it, which would contribute greatly to bridging the gap in the superior treatment afforded EU citizens resident and working in other EU Member States and that afforded migrants from Council of Europe countries who are lawfully resident and employed in the EU, particularly those migrants from countries which are formal candidates to the EU (Bulgaria and Romania), countries interested in accession (Moldova or perhaps Ukraine), and countries which do not aspire to EU membership (Russia and other countries formerly part of the Soviet Union).

Finally, it should be underlined that high member state participation in the European Convention on the Legal Status of Migrant Workers may have a very positive impact on negotiations regarding bilateral agreements on labour migration.

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Andrey Kamensky

COMPATIBILITY OF RUSSIAN LEGISLATION WITH THE PRINCIPLES OF THE EUROPEAN CONVENTION ON THE LEGAL STATUS OF MIGRANT WORKERS (1977)

Introduction

The purpose of the present report is to look at the European Convention on the Legal Status of Migrant Workers and reassess its value and significance for Europe that has entered the new millennium through "the eyes" of the Russian Federation. The origin decision to draw up the Convention was made in the mid-1960s — at the period of substantial labour migration inflow to Europe. The Convention was first opened for signature in 1977.

Presently, participation of the Russian Federation in legal international labour migration is not significant. In the 1990s the number of migrant workers in Russia was relatively stable. Russian economy used yearly up to 300,000 of legal foreign workers (for the most part from Ukraine, China and Turkey) mainly in construction, trade and manufacturing; they concentrated primarily in Moscow (20%) and oil-producing Siberian Regions. As for exporting of Russian labour force, it is stable of around 50,000 persons (official data) who arrange employment through registered in the Russian Federation mediator firms — mainly as crewmembers in "marine" countries. Besides, from 100,000 to 60,000 persons yearly move abroad for permanent residence; the major part of them seek for jobs in countries of destination. In Germany alone (the main country of destination for Russian migrants in Europe) about 360,000 persons with Russian passport were registered as electors to the Parliament of the Russian Federation on December 7, 2003.

By the time when the Convention was opened for signature, migration situation in Europe has radically changed as a result of global economic crisis and growth of unemployment among indigenous population in the West European countries; thus, the demand for migrant labour has reduced. This situation has made the value of the Convention less obvious, though hundreds of thousands of labour migrants have been staying in the European countries. However, during the recent decade Europe has gone through another dramatic shift: the dissolution of the communist block was followed by entrance into the Council of Europe of new democracies including such remote nations as the Transcaucasus. In this context, the scale of international migration in the continent inevitably increased. In this new Europe — to which Russia certainly belongs — the European Convention the Legal Status of Migrant Workers provides a useful mechanism to deal with certain aspects of the new labour migration. We are sure it would create more favorable circumstances for Russian workers migrating to Europe.

We understand that the European Convention on the Legal Status on Migrant Workers is not the only international document intending to regulate

migration processes in Europe. So far as it deals with social and economic rights of migrant workers, it compliments and gives specificity to some provisions of the European Social Charter (ESC). As regards the question of residence rights, its other Council of Europe counterpart is the Convention on Establishment. The issue of social security rights of migrant workers is more specifically treated in the European Convention on Social Security. However, within the frames of this report we will analyze compatibility of the European Convention on the Legal Status of Migrant Workers (1977) with the national legislation.

As for today, the Convention has been signed by 12 member states and ratified by 8 only: the Convention has been ratified by France, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and Turkey. Four member states that have signed it but have not ratified yet are: Belgium, German, Greece and Luxembourg.

In order to determine the political reasons and practical issues related to signature and ratification of the Convention, the Council of Europe has sent a questionnaire to the relevant government departments, nongovernmental organizations and expert lawyers in all member states who have signed or ratified the Convention as well as to similar bodies in a number of member states who have neither signed nor ratified the Convention including both "new" and "old" members states.

We can express a hope for a kind attention of Russian authorities to the European Convention on the Legal Status of Migrant Workers in order to join it as a mechanism to protect Russian migrant workers' rights in Europe despite the slow process of its signing and ratifying. It seems to us that in case the Convention is signed by the Russian Federation it can provide a progress in migration management in this part of Europe, both in terms of labour migration outflow and inflow, as well as in providing labour migrants' rights and freedoms.

Objectives of the European Convention as Applied to the Russian legislation on Migrant Workers

To start with, we are to analyze nine compulsory articles which are mentioned in Article 36 "Reservations" that stipulate that any contracting party may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, make one or more reservations which may relate to no more than nine articles of Chapters II to IV inclusive, other than Articles 4, 8, 9, 12, 16, 17, 20, 25, 26.

First of all we will review these compulsory articles in compatibility with the principal legislative acts of the Russian Federation.

So, we would begin with Article 4 (Right of exit — Right of admission — Administrative formalities). It states that each Contracting Party shall guarantee the following rights to a migrant worker: a) the right to leave his country, and b) the right to be admitted to the territory of a Contracting Party in order to take up paid employment after being authorized to do so and obtaining the necessary papers.

Formally, the Law of the Russian Federation "On the Legal Status of Foreign Citizens in the Russian Federation" of July 2002 (being in force since November 1, 2002; hereinafter — the 2002 Law) gives foreign workers an opportunity to enter Russian Federation in accordance with quotas (see Appendix 2). The quotas are aimed at limiting number of migrants.

In the same Article 4 of the European Convention it is stipulated that the papers required from a migrant worker to be admitted into a contracting party are to be issued as expeditiously as possible free of charge or on payment of an amount not exceeding their administrative costs.

In the Russian legislation, some liberal postulates widening economic migrants' opportunities not only to enter labour market but also to make business are stipulated:

By the Clause 13 — "Conditions of participation of foreign citizens in labour activity", foreign citizens have a right to use free their labour abilities, to choose a vocational type of activity or a profession or for business or economic activity […] under the laws of the RF. Then, foreign citizens may enter labour market as employers and also may be registered as a businessman, also without forming a juridical person.

Then, by the same clause 13 it is stipulated that a foreign citizen has a right for labour activity only after he obtains work permission. This condition it is not necessary for following types of foreign citizens:

1) permanent residents in the RF;
2) temporary residents in the RF;
3) members of Diplomatic Corps, employees of international organizations and their private servants;
4) employees of foreign juridical persons (producing and exporting companies) working on construction […], as well as current or guarantee service and post guarantee maintenance of technical equipment supplied to the RF;
5) journalists having accreditation in the RF;
6) students in educational institutions of the RF working during their vacations;
7) students […] working as service staff of their educational institutions;
8) professors and teachers invited to educational institutions of the RF, excluding those who are teaching in religious professional educational institutions.

As for the last position, we suppose this limitation is due to tragic experience of totalitarian sects prohibited also in some countries.

The limitations to occupy vacations in governmental federal and municipal institutional and some specific professions are not wide: by Clause 14 of the 2002 Law foreign citizens have no right to be:

– a state or municipal employee;
– a member of crews under the state Flag of the RF;
– a chief pilot of an aircraft in civil aviation;
– an employee in organizations connected in their activities with state security, etc.

As for business activities, the same limitations are applied to governmental subsidized organizations, where a foreigner has a right to take up position in companies with over 50% of assets owned or managed by the Government of the RF, only under special regulation of the Government of the RF (Clause 14 of the 2002 Law).

It is very difficult to discuss an administrative costs issue without taking into consideration standard of well-being in the Russian Federation. In our opinion, such fees as 200 Rubles for entry invitation and 400 Rubles for temporary residence permission (correspondingly 5.7 Euros and 8.7 Euros) are rather small while 3,000 Rubles and 1,000 Rubles for every person (i.e. 80 Euros and 28 Euros) that are to be paid for hiring foreign workers and personal job permissions are too high, especially for migrant workers from the former USSR countries. By the 2002 Law these sums are to be paid by employer but in fact they are deducted from a migrant worker salary.

Then, we are to draw your attention to Article 9 (Residence permit) where the European Convention gives similar rights to migrants families as the residence permit is be issued in accordance with the provisions of national legislation and, if necessary, renewed for a period of at least one year. It shall be issued and renewed free of charge or for a sum covering administrative costs only.

Article 9.3 of the European Convention says that a Contracting Party shall also issue residence permits to members of the migrant worker's family who are authorized to join him in accordance with Article 12 of this Convention (Family reunification). In the Russian legislative documents migrants' families are not mentioned directly, however, in practice employers arrange residence permissions for employees only, except higher skills professionals who arrive to the country with their families.

As for transfer of savings of migrant workers (Article 17 of the Convention) there is no prohibition in Russian legislation neither additional control for money transfers, but the Russian bank infrastructure is not flexible, so migrant workers (particularly from the East Asian countries and the CIS states) prefer to use informal (non-bank) institutions — relatives, friends or professional "money-messengers" — to deliver savings to their families in the motherland. For example, bank commission for bank transfers is around 10%, even for small sums usually sent by migrant workers. There is no legislation protecting migrant workers interests on costs of transferring.

Re-employment seems to be the most complicated issue. The European Convention (Article 25) makes provision for a right of re-employment for a migrant worker if he loses his job for reasons beyond his control such as redundancy or prolonged illness. In the Russian 2002 Law this situation is not described directly but a migrant worker in such a situation is to renew his documents (work permission, residence permission) as applied to a new employer, even if he does not change the region of his working (Clause 2 of the 2002 Law); this means that he can find himself out of an annual quota stated by government for this particular region.

Article 25.2 of the Convention says: "The State shall promote the measures necessary to ensure as far as possible the vocational retraining and occupational rehabilitation of the migrant worker in question provided that he intends to continue employment in the state concerned afterwards". On the contrary, the main idea of the Russian regulation is to use foreign workers as temporary labour force only. It is specially emphasized in the 2002 Law in the form of compulsory guarantee sums for return tickets ("covering of travel costs") that are to be reserved by employers for the case of migrants' departure (Clause 18.5 of the 2002 Law).

The possibility of re-employment is foreseen only within the period of the first contract, and is limited by a number of additional conditions. Under the Clause 18.13 of the 2002 Law, re-employment may take place only before 3 months of expiration of the first contract. Besides, there are some territorial limitations: foreign citizens are free in their movements over the territory of Russia for private and business purposes with the exception of certain regions to where they need special permission. On the other hand, a foreign citizen who temporarily resides in the Russian Federation has no right to change the place of his residence at his own discretion (Clause 11.2. of the 2002 Law).

Foreign labour may be used only on the territory for which the permission is issued as for the Clause 13.5 of the 2002 Law: a temporary resident has no right to work out of a region (province) of his temporary residence.

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So, we see some sufficient legal obstacles for a liberal model of labour migration in the Russian Federation, as well as for effective protection migrant workers' rights under the current Russian legislation.

Summary of Non-Reservation Articles of the European Convention in Comparison with the Relevant Provisions of the Russian Legislation

Non-reservation articles of the European Convention on the Legal Status of Migrant Workers are also of real importance for being a mechanism of regulation of migration processes over Europe. Though these articles are not compulsory for the countries joining the Convention (not more than 9 articles) but they are sufficient for the idea as a whole. However, in the context of these articles the differences between the European Convention and Russian legislation are especially obvious.

At the beginning of the Convention (Article 1.2 — Definition) some exceptions are noted: the Convention is not applicable to certain categories, including frontier workers and "persons undergoing training".

In the Russian legislation (Clause 1 of the 2002 Law) there is no mentioning of frontier workers at all and as for training we have only "educational purpose" category that is under our legislation characterized as "temporary residents." The European Convention stipulates the right of admission to the territory of a contracting party in order to take up paid employment after being authorized to do so and obtaining the necessary papers, and also the European Convention demands (Article 3) the papers

required of the migrant worker for emigration and immigration shall be issued as expeditiously as possible free of charge or on payment of an amount not exceeding their administrative cost. We have already discussed the "administrative cost" issue in part 1 of the present report, and we are only to add that the term "expeditiously as possible" in the Russian legislation related to temporary residence may mean "till 6 months (Clause 6 of the 2002 Law).

As for Article 2 of the Convention (Forms of recruitment), there is an obvious difference with the practice of Russia. While Article 2 sets out the forms of recruitment and indicates the need for participation by official authorities or either the sending or receiving state, a Russian employer in search for foreign workers usually acts by himself using his business or personal contacts. Within the frames of the former Soviet space the chance to find an employee is rather high due to common language and similar educational and vocational standards. However, even in these favourable circumstances a Russian employer is to make recruitment independently or to be content with some "oral guarantees" from his foreign partner. For comparison, Chinese workers can be sent to other countries for employment reasons only by Chinese intermediary companies that organize brigades, realize vocational and medical control, and give some guarantees to migrant workers. Another example are Turkish construction companies that hire Turkish labour force for construction objects in Russia in their motherland and pay them on the territory of the Russian Federation per diem only.

Russian embassies or consulates in the migrants' countries of origin have no function to recruit personnel for the Russian labour market or to render intermediary assistance to Russian employers.

In the Russian legislation we could not find any statements providing "guarantees for employment" for migrant workers as in the Article 5 of the European Convention (Formalities and procedure relating to the work contract): every migrant worker accepted for employment shall be provided prior to departure for the receiving State with a contract of employment or a definite offer of employment, either of which may be drawn up in one or more of the languages in use in the State of origin and in one or more of the languages in use in the receiving State. The use of at least one language of the State of origin and one language of the receiving State shall be compulsory in the case of recruitment by an official authority or an officially recognized employment bureau.

As to the Russian practice and regulations, there is no rule providing labour contract prior migrant's departure because this question is decided in any case between two sides of a labour contract. Authorities have no mechanism to press on employers or employment bureaus to conclude labour contracts on "one or more" languages in order to do such a labour contract more understandable for a migrant worker.

Russian companies — employers of foreign labour force are not obliged to insert in the labour migration database appropriate information on migrants' residence, conditions of labour and opportunities for family reunifica-

tion, the nature of the job, the possibility of a new work contract being concluded after the first one is terminated, the qualifications required, working and living conditions (including the cost of living), remuneration, social security, housing, food, transfer of savings, travel costs, deductions made from wages in respect of contributions for social protection and social security, taxes and other charges, as well as cultural and religious conditions in the receiving State (Article 6.1. of the European Convention).

However, there is an interesting "imbalance" in the Russian legislation related to this particular issue. While Russian employers that hire foreign workers are not obliged to provide migrant workers with above mentioned type of information, labour exporting intermediary companies are. "Regulations of licensing the activities related to employment of the Russian citizens outside the Russian Federation" adopted in July 2002 (Appendix 5) in its Clause 5-d states that a mediator company is obliged to issue for his client written information on the nature of his job, as well as travel routes to his place of employment and residence. Though informational items of the European Convention are much more full, we can consider this statement of the Russian legislation as a step towards protection of Russian migrant workers' rights. As the proverb says, "better less than nothing".

Similarly, the Russian legislation has no rules related to providing "[…] translation where necessary. Of such information into a language that the prospective migrant worker can understand shall be provided as a general rule by the State of origin" (Article 6.2 of the European Convention). The Russian Government also does not make appropriate steps to prevent misleading propaganda relating to immigration (Article 6.3. of the Convention).

Under the European Convention (Article 7 — Travel) each Contacting Party undertakes to ensure, in the case of official collective recruitment, that the cost of travel to the receiving State shall never be borne by the migrant worker. The arrangements for payment […] may also be extended to families and to workers recruited individually. As to Russia, employers are not to pay any travel costs to migrant workers; however, they have to pay all the administrative costs related to recruitment of every foreign worker hired by them (except of workers from Belarus who are under special regulation after the "Russia — Belarus Union Agreement" was signed in 2001).

Russian legislation does not even mention any special privileges in import duties for migrant workers, in contrast to the European Convention where each Contracting Party shall exempt from import duties and taxes at the time of entry into the receiving State and of the final return to the State of origin and in transit a reasonable quantity of hand-tools and portable equipment necessary for the occupation to be engaged in (Article 7.3.). Russian experts in international migration repeatedly do accent the this problem in order to facilitate the return of Russian migrant workers home when they intend to start their small-scale business as an effective method to counteract unemployment. However, neither migration laws nor taxation code give such kind of privileges to migrant workers.

As for Article 23 of the European Convention (Taxation on earnings), migrant workers shall not be liable, in the territory of a Contracting Party, to duties, charges, taxes or contributions of any description whatsoever either higher or more burdensome than those imposed on nationals in similar circumstances. In particular, they shall be emitted to deductions or exemptions from taxes or charge and to all allowance for dependants. On the other hand, under the Russian legislation there is a difference in taxation of nationals and migrants. In the Russian Federation Tax Code Chapter 23 (by chance it is the same number as of the Convention Article) — Income taxes for natural persons (see Appendix 3), the Clause 224 establishes the principle income tax rate as 13 percent; it is applied to all the national workers and employees. However, item 3 of the same Clause stipulates that tax rate for all types of income received by persons who are not tax residents of the Russian Federation is established as 30 percent. This means that tax rate for all the migrant workers is higher than that for national workers. At the same time the Tax Code of the Russian Federation provides some exemptions for migrant workers who have a right not to pay to social funds and not to use their subsidies.

Thus, when foreign citizens and persons without citizenship […] are freed up of taxation as tax-payers either in accordance with the Russian legislation or under their employment agreement (labour contract) they have no right to benefit from state pension, social and medical assistance, realized directly from the Pension Fund of the Russian Federation, the Social Insurance Fund of the Russian Federation, and funds of compulsory medical insurance — in a part transferring to the fund which he has no right to use (Clause 239 of Tax Code of the Russian Federation — Taxation privileges).

The comparison of Article 18 of the European Convention (Social Security) with the corresponding articles of the Russian legislation also demonstrates substantial difference. The European Convention says that any state undertakes to grant within its territory, to migrant workers and members of their families equality of treatment with its own nationals, in the matter of social security, subject to conditions required by national legislation and by bilateral or multilateral agreements already concluded or to be concluded between the Contracting Parties concerned.

Moreover, in the item 2 of the same Article it is stipulated that the Contracting Parties shall moreover endeavor to secure to migrant workers and members of their families the conservation of rights in course of acquisition and acquired rights, as well as provision of benefits abroad, through bilateral and multilateral agreements. As to the Russian Federation, it has multilateral agreement on social security only with CIS countries (1992) and bilateral agreements on social security with a limited number of countries, including Spain (1994), Mongolia (1981), Hungary (1962), Romania (1960), Bulgaria (1959), Czechoslovakia (1959; available for the Czech Republic and Slovakia).

Double taxation is a topical issue within the frames of international labour migration. Article 23.2 of the European Convention specially emphasizes that states are to conclude agreements on double taxations and take some measure to avoid double taxation on the earnings of migrant workers.

Tax Code of the Russian Federation in its Clause 232 — Avoidance of double taxation stipulates that taxes paid by an individual who is a tax resident of the Russian Federation, anywhere outside the Russian Federation in accordance with Law of other countries the sums of taxes on incomes received outside the Russian Federation are not reconsidered in the tax payments in the Russian Federation unless another statement is stipulated by a corresponding agreement on avoidance of double taxation. To avoid double taxation (Clause 232.2) and deduct the sums of taxes paid in another country a tax-payer is to submit to the Ministry of the Russian Federation for Taxes and Fees an official confirmation of the fact that he is a tax resident of the other country with which the Russian Federation has concluded an agreement due to the corresponding period (or its part) on elimination of double taxation, and also a document of a tax paid by him outside the Russian Federation, certified by a tax service of a foreign state. This confirmation can be presented whether before tax payment or after it within a year of the corresponding taxation period.

Regretfully, in the Russian legislation there are no records related to housing rights of migrant workers, while in the Article 13.1 of the European Convention (Housing) it is declared that every state shall accord to migrant workers, with regard to access to housing and rents, treatment not less favorable than that accorded to its own nationals, also there is no law base to ensure that the competent national authorities carry out inspections in appropriates cases in collaboration with the respective consular authorities, acting within their competence, to ensure that standards of fitness of accommodation are kept up for migrant workers as for its nationals. Moreover, the Article 13.3 of the Convention prescribes to protect migrant workers against exploitation in respect of rents, in accordance with its laws and regulations on the matter. However, the housing problem is very important within the frames of migrant workers' rights. In Russia, often the standard of housing of migrant workers are not in fact regulated even by labour contracts.

By the Russian legislation, migrant workers and members of their families officially are not admitted to general education and vocation training and retraining as well as higher education on the same basis and under the same conditions as national workers. As for kindergartens, migrants' fee is inevitably higher than that for Russian citizens because municipal kindergartens are for nationals only. Public schools (where education is free of charge) in fact admit migrants' children. As for vocational training there is no legislation base as *pro et contra*. However, higher education for all the foreigners (except the CIS quotas) is to be paid according to particular universities fees.

The countries that follow the European Convention shall take actions by common accord to arrange, so far as practicable, for the migrant worker's children, special courses for the teaching of the migrant worker's mother tongue, to facilitate, *inter alia*, their return to their State of origin (Article 15). Unfortunately, in the Russian legislation there is no sign for teaching mother's tongue for migrant worker's children. Practically some immigration societies from the CIS countries do organize secondary schools by their own

initiative but without any assistance from legislative base or from official sources. By our opinion, this situation is a result of poor understanding by the Russian authorities and policy-makers of the instruments that can provide and facilitate return migration of foreign workers.

It seems that both legislation and practice of public institutions in Russia are not concerned with appropriate assistance to migrant workers and their families in their final return and "re-integration" in the country of origin. At the same time, items 2 and 3 of the Article 7 of the European Convention there is a direct indication of the necessity of efforts to enable migrant workers to know, before they set out on their return journey, the conditions on which they will be able to resettle in their State of origin. This State shall communicate to the receiving State, which shall keep available for those who request, information regarding in particular:

– possibilities and conditions of employments in the State of origin;
– financial aid granted for economic reintegration;
– the maintenance of social security rights acquired abroad;
– steps to be taken to facilitate the finding of accommodation;
– equivalence accorder to occupational qualifications obtains abroad and any tests;
– to be passed to secure their official recognition;
– equivalence accorded to educational qualifications so that migrant workers' children can be admitted to schools without down-grading (Article 30 of the Convention).

We are to emphasize that such lack of information is a problem not only for foreign workers who are staying in Russian Federation but also for Russian migrant workers who are employed in other countries. Being migrant workers, especially in the countries that have not joined the European Convention, they have no access to general educational and vocational schools, teaching in the language of migrant workers and members of their families (except when organized by themselves).

By our opinion, in the Russian Federation there is no system of reception of migrant workers. After arrival to the Russian Federation migrant workers and members of their families have no appropriate information and advice as well as all necessary assistance for their settlement and adaptation. Meanwhile, Article 10.1 of Convention indicates that migrant workers and members of their families shall be entitled to help and assistance from the social service or from bodies working in the public interest. Moreover, migrant workers are entitled, on the same basis as national workers, to help and assistance from the employment service, social service as in it stipulated in the Article 10.2 and the Article 27 of the Convention. The Russian Labour Code also declares absence of any differences between nationals and foreigners in their access to the Governmental assistance in employment and social care, but in practice regional employment or social (medical) offices render services to the individuals in accordance with their permanent (or temporary) residence registration. In fact, only a Russian passport with proper registration

stamp provides the access to free governmental services: medical, social, educational, etc. Expensive services of paid medical infrastructure are surely open for migrant workers.

Under the Russian legislation an employer has no responsibility to pay any costs of transportation of the body of a victim of an industrial accident. In fact, an employer has to render some assistance for funeral procedure and "to compensate corresponding expenses in connection with death of a worker" (Clause 184 of the Labour Code of the Russian Federation). In practice all the expenses relating to transportation of a body after death are usually at the charge of a family or other relatives of a dead person. Generally, in accordance with the Labour Code of the Russian Federation, labour contract is to regulate all the problems related to possible industrial injuries and victims.

At the same time, the Chapter 53 of the Labour Code (adopted in 2001) regulates certain conditions for Russian migrant workers who are employed in other countries, however only in case they are employed through the mediation of Russian state organizations. Among these conditions: a compulsory labour contract for a period of 3 years at the most and migrant's right, after returning to Russia, to have an offer of employment for a position not worse than before his mission abroad (Clause 339). Such a person has also a right to be paid some compensations due to his travel to another country (Clause 340) and some specific situations resulting in cancellation of labour contract, e.g. because of infringement of morality of the country of residence (Clause 341). So, these Clauses demonstrate rudimental system when only state officials had a real protection from the State when working in other countries. Nowadays, when 90% of Russian migrant workers are employed in other countries not through the mediation of state organizations but on their own initiative, this regulation seems to be out of date.

Conclusions

When the basic principles of the European Convention on the legal Status of Migrant Workers are compared to the provisions of the Russian legislation in terms of the Federal Law On the legal Status of Foreign Citizens in the Russian federation adopted in 2002, the Labour Code of the Russian Federation adopted in 2001, the Tax Code of the Russian Federation adopted in 2003 and other regulations related to labour migration, the main conclusion is: while the European Convention is focused on migrants' rights and freedoms, the Russian legislation is mainly concentrated on regulation of migrants flows on federal and regional levels.

Taking into consideration compulsory (reservation) articles of the European Convention, it is possible to conclude that they can be easily coordinated with the national legislation in main issues as there obvious "parallels" already now.

At the same time when comparing the European Convention as a whole with Russian legislation and practice we can realize that there is a sufficient distance between two types of approaches to the problem. The European route is more "open" and more "mutual". The Russian legislation has two main dis-

advantages. First, it does not reflect the migration policy *concept* that would clearly highlight the attitude to Russia's participation in international labour migration, its need for migration inflow in the context of the current negative demographic trends, and development of "civilized" forms of labour exports under conditions when a certain part of population is aimed at overseas employment, having in mind protection of civil rights of the Russian citizens staying abroad. Second, the provisions of the above mentioned laws of the Russian Federation are uncoordinated and sometimes contradicting each other. There is an obvious need for a *system* of migration legislation in the country that would sufficiently reflect Russia's growing insertion in the global migration flows.

Joining of Russia to the European Convention can be an effective step towards creating a reasonable migration legislation system and at the same time a serious step towards integration of the country with the European Union. However, it is a long juridical and administrative process. When being supported by coordinated efforts of the Council of Europe (that is surely interested in Russia's joining to the Convention that has been proved by the experience of the member states), the Russian authorities, scientific community, non-government organizations and other parties concerned, this process could be realized in the most sufficient way.

In order to advocate the ideas and principles of the European Convention on the Legal Status of Migrant Workers, to work out appropriate recommendations aimed at improvement of the governmental migration policy concept and development of the national legislation in the field, it could be reasonable to organize in Russia with the support of the Council of Europe an information center. This center would provide Russian authorities as well as wide public and migrants — both actual and perspective — with proper information on the current migration trends, ways to improve national legislation weak points, migrants' rights dimensions, employment opportunities for different professional categories, etc.

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CONDITIONS SURROUNDING RATIFICATION BY FRANCE OF THE EUROPEAN CONVENTION ON THE LEGAL STATUS OF MIGRANT WORKERS

I. General overview of the situation of France, in the field of migration in 1982

While examining the situation of France it is necessary to recall at first, the general situation of the country at the beginning of the eighties, when the French authorities decided to evaluate the possibility of ratifying this instrument.

Permanent foreign residents under the French national legislation

Unlike most of its neighbouring countries, France had always been an important immigration country, and this proves particularly true if one considers the beginning of the eighties, when the population of foreigners reached 3.5 million, among them 700.000 from Portugal, 400.000, from Spain, 250.000 from Italy and some 150.000 from Yugoslavia. From Turkey there were as well 200.000 legal residents, 700.000, from Algeria, 400.000 from Morocco and 200.000 from Tunisia. The remaining population of approximately 500.000 foreigners having come to France from European countries, a long time ago such as Poland or more recently and from the former French colonies, in sub Saharan Africa.

All these foreigners, with the exception of the Algerians and the nationals of eight other members of the European common market (EEC), were subject to the general legal Statute of immigration (Droit commun) with a first one year labour contract, renewable for the same duration if the economic situation so permits, with the same employer or another employer. After three years the migrant worker had the right to ask for a 10 years work and residence permit, which allowed him all kinds of activity, be it salaried or as a self employed. It is interesting to note that according to current French legislation, the right to apply for this general ten years work and residence permit is now given, as it is the case in most countries in the European Union, after five years.

Subject to the same general legal statute, were the proceedings for family reunification, the preconditions laid down by the legislation being: a minimum period of one year of legal residence before one can apply for family reunification, sufficient resources and housing, under the verification by the French governmental agency for immigration (OMI), the family staying, as a general and strongly held principle, in the country of origin until the proceedings are over and the permit for entry has been sent through the French Consulate or the local Mission of OMI in the country of origin.

II. International bilateral or multilateral agreements in force at the beginning of the eighties

Bilateral agreements

Bilateral agreements on immigration concluded between France and Spain, Portugal, Yugoslavia, Morocco, Tunisia and Turkey and setting up

provisions dealing mainly with the recruitment of workers ceased to be in force in 1982, except for seasonal workers, since the recruitment of permanent workers had been stopped from 1974. Among the few provisions of those agreements dealing with the status of the migrant worker and his family, once they had been admitted to work and live on the French territory, one must outline the items that are to be found, in this respect, in every bilateral agreement: it goes from the principle of equality of treatment as regards wages and conditions of work, to the transfer of earnings in the country of origin, social security and family reunification (generally "under the conditions set up by the French legislation").

Multilateral agreements concluded by France

Apart from the status arising from the then EEC regulations on the free circulation of migrant workers and members of their families, which was far more binding that the status set up by the Council of Europe Convention, particularly in matters of equality of treatment, France had a long time ago ratified the ILO Convention 97 (Part two) concerning the recruitment of migrant workers, but not the ILO Convention 143 mainly because, contrary to the Council of Europe Convention, the provisions it contains are "*erga omnes*", which means that it sets up for the state concerned, obligations towards all migrant workers whatever their citizenship.

III. Why did France decide to ratify the Council of Europe Convention?

One has to bear in mind that after the May 1981 presidential election of François Mitterrand, an important political change went on in France at the end of the same year, with the parliamentary election giving the majority to the Union of the left, which meant Communists allied with the Socialists.

Among the proposals that had been published during the campaign, there was that of a new immigration policy, more generous for the migrants and their families and more aware of the necessity of integrating those populations in the French society.

One of the first measures taken by the new government, was the Regularization or Amnesty for all foreigners working illegally in France, which took place in 1982–1983 and allowed about 150.000 foreigners, with a regular one year work contract, to get a renewable one year work and residence permit.

It may be interesting to note that the Portuguese were among the main beneficiaries of this amnesty and moreover that the possibility of a further adhesion of Portugal and Spain to the EEC, which happened as of 1986 and 1993 as far as free circulation was concerned, was by no means at that time in the mind of the French administration. Another measure has been to evaluate the possibility of ratifying the Council of Europe's Convention on the legal status of the migrant worker, and as one may understand, this proposal found a strong political support, being shown as a signal of new French immigration policy and as a message sent to the Council of Europe and all its member states.

The few objections made by the French administration against the ratification were not taken into consideration, due to the political will of the government and to the fact that the French legislation and the bilateral agreements in force seemed to be compatible, with most provisions of the Convention. Moreover, it was obvious that the advantages arising from the Convention would be awarded only to nationals of countries belonging to the Council of Europe, with some hope of reciprocity for the French citizen working and living legally in those countries.

Furthermore these advantages would be given mainly to nationals of countries with which France had already concluded Migration and Social security bilateral agreements, the risk to be obliged to give those nationals, advantages being beyond what was set up in our bilateral agreements, was clearly contemplated and accepted.

IV. What were the consequences of the ratification?

As a result of the ratification some provisions of the French legislation had to be modified, as regard nationals of countries that had also ratified the Convention.

Taxes: In France, the migrant worker is not charged with taxes on arrival or when he receives his first work and residence permit but he has to pay a tax for every renewal of his work permit. Consequently, the provisions of the French law were modified so that the migrants benefiting from the Convention would have to pay a very low tax, when having to renew their work permit. Moreover this tax being paid to OMI (the French migration Agency), this modification resulted in a slight increase of the tax paid by the other foreigners and had no effect on the State budget.

Social security: A special allowance for handicapped adults was awarded only to French nationals and nationals of EEC member states and the French authorities turned down all approaches made by the Portuguese and some other governments, to obtain on a bilateral ground, this kind of advantage for their nationals. By accepting the relevant provisions of the Convention on Social security, the French government had to award the above mentioned allowance to handicapped Portuguese and to other adult foreigners under the Convention, living legally on the French territory.

Immutable character of the Statute: In accordance with the provisions of the Statute, every further general increase of the tax charged for the work permit renewal, had no influence on the amount charged to the migrant workers who were nationals of a country which ratified the Convention but on the other hand, handicapped adults, nationals of the same countries did enjoy the benefit of every increase in the amount of the allowance. In the first example, the Statute keeps this category of foreigners in a situation which is the closest possible to that enjoyed by French citizens, the second example shows the case of a complete equality of treatment.

Magne Holter

NORWAY'S POLICIES TOWARDS MIGRANT WORKERS AND PROSPECTS FOR FUTURE

With pleasure I have accepted the invitation of Council of Europe to introduce you to the policies of the Norwegian government towards migrant workers. Norway and Russia share a common border and the migration across this border has risen since 1991. Our two countries have a common interest in managing this migration, as well as migration across other borders. Existing regional and universal instruments will have to be taken account of in this respect.

Although Russia and Norway share a common border, I believe a number of matters look different when viewed from the Norwegian side. To understand the perspectives of the Norwegian government we have to bear in mind certain characteristics of the Norwegian society in the past and in the present. Norway is small, not so much area wise as population wise. There are only 4.5 million inhabitants. It is both a highly regulated and a transparent society. Everyone, citizens and foreign nationals holding a residence permit, has a pin code. Various authorities accumulate quite a lot of information about the population. Norway is an affluent society, ranked as one of the countries with highest GNP per capita. The public sector is big and there is an extensive production of welfare services. Due to high state revenues from the petroleum sector, there has not been a need to cut back on welfare services, as in many other European countries. Social democratic values prevail and there is a considerable redistribution of wealth between poor and rich and between urban and rural areas. Equality in opportunity and outcome is a commonly held value. Full equality is hard to attain, yet there is a prevalent strive for more equality, between social groups, between the able and disabled, between men and women and between nationals and immigrants.

Norway has an open economy, with relatively high levels of imports and export. Trade in good have been steadily been deregulated, in line with international trends. The movement of persons has, however, been highly regulated and controlled. As a normal rule, a foreign national seeking to take up employment in Norway needs a work permit. The work permit has to be issued before entering Norway. For a work permit to be issued, a number of requirements have to be met. First, a concrete offer of a job from a Norwegian employer must be produced in writing, the pay and working conditions must not be less favourable than those provided by a current collective agreement between employers and employees, and, as a rule, the work must be full time. In order to have a permanent work permit, that is a permit that may last for more than four years, the job seeker must be skilled or have special qualifications. It is a condition that this competence is deemed to be absolutely necessary for the activity and that the post cannot be filled with domestic labour. Thus, the general rule is that unskilled foreign labour may only

immigrate to Norway on a temporary basis. Skilled workers need to pass a labour market test. Varying labour market conditions then is a deciding factor for the number of migrant workers to be accepted.

This relatively restrictive approach to labour migration is mainly caused by concern of the migrant workers situation in the Norwegian society. It is believed that unrestricted access to the Norwegian labour market would make it hard to uphold welfare standards, housing standards, wage levels, working conditions and so forth. Unrestricted access would be a tremendous challenge to the Norwegian equality ideals and could lead to the recreation of a poor working class, leading to social unrest and tensions.

When Norway ratified the European Convention on the Legal Status of Migrant Workers in 1989, most of its standards had already been implemented in national law and practice. That does not make the Convention less valuable. Rather the contrary; it signifies that the standards of the Convention are very much in line with the general strive for enhancing human rights and human dignity and in line with the principles of equal rights and opportunities that subsequent Norwegian governments have promoted.

Norway does not have a tradition for entering bilateral agreements on the recruitment of foreign labour, although there are some exceptions. In understanding with their counterpart in other countries the Norwegian public employment service has to some extent initiated information programmes in these countries to entice persons skilled in areas with labour shortage in Norway. In this way doctors, nurses and engineers have been recruited. As a part of these programmes the recruited persons were offered language training and information about the Norwegian society before departing from their home countries. Likewise, they would be informed about the procedures of obtaining work permits and informed about the terms of their working contracts. Travel to Norway and, at least temporary, accommodation were provided.

Otherwise, labour immigration is mostly based on the initiatives of either the foreign job seeker or the Norwegian employer. Recruitment abroad is facilitated by the fact that most vacant positions are registered in the EURES system, the EU employment exchange system.

On May 1, 2004 the European Union will be expanded with ten new member states. Norway is not a member of EU, but associated through the agreement on the European Economic Area (EEA). Subsequent to that EU rules on the single market, including the rules on free movement of workers, also apply in Norway, also. The EU rules on free movement necessitate exceptions from the general Norwegian immigration regulation for EEA nationals. They may travel to Norway and apply for vacant jobs, and have the right to have a residence permit if they find a job within six months. No skill tests or labour market tests are required. Along with other immigrants they are entitled to a number of welfare goods on an equal foot. The EEA permits are, however, based on the assumption that the permit holders may support themselves and not be a burden to the social welfare system of the host country.

The common labour market of the EEA has not induced as much movement of workers as anticipated. Although legal restrictions have been removed, language, culture and climate differences constitute barriers for migration. Although there are differences in wages and job opportunities between EEA member states, the possible gains are in the minds of many prospective labour migrants outweighed by the costs of moving away from friends and family etc.

At the time being the prospects of the EEA extension is a topical item and a source for a heated public debate in Norway. The extension agreement gives the existing EEA members the right to establish transitional restrictions on the free movement for nationals of the accession states. The Norwegian government has made a principled decision not to impose restrictions and to accord equal rights to nationals of the accession states. Part of the political opposition and the trade unions demand some kind of transitional restrictions. The wide gap in income levels and in unemployment between Norway and countries like Poland and the Baltic countries indicate in the view of many a huge influx of job seekers, a downward pressure on wages and work conditions, a strain on the housing market and a strain on the whole welfare society. Wages in many trades are 5 to 10 times higher in Norway than in some of the accession states and unemployment is only a quarter. It is feared that increased immigration may jeopardize the relative equality and harmony of the Norwegian society.

The government holds that free movement of workers give economic growth and prosperity for all. The factors of production should in its view not be hindered to move where they can be applied most effectively. The fears of damaging immigration proved wrong when Portugal and Greece were given free access in the 1980ies, and are believed to be proved wrong yet again.

Instead of restricting the movement of the new EEA nationals the government is intent of strengthening the control. To the extent possible one will avoid generous welfare services to be unduly exploited. At the same time the government will ensure that workers immigrating from the new member states are not exploited.

The Norwegian government is intent on upholding the internationally approved standards for migrant workers. The aim of the European Convention on the Legal Status of Migrant Workers is to ensure that as far as possible they are treated at least equally with national workers as regards living and working conditions. That is exactly what subsequent Norwegian governments have favoured. That is due to considerations for the human rights and well being of the migrant workers, but, I have to add, also due to a wish to protect national workers. National workers could easily lose their jobs if migrant workers were allowed to make lower wages and lower standards their "competitive advantage". By ensuring that the general wage level and working conditions of Norwegian workers are extended to migrant workers one avoids unhealthy competition and a strained relationship between nationals and immigrants.

The extension of the EEA single labour market next year may reduce the prospects for further liberalisations for would-be labour migrants from third countries. In the short term, there would hardly be any active recruitment of workers from third countries either. That goes for Russia, as well. Some small amendments to the Immigration regulations have been made lately, however, to ease border migration. Liberalised rules apply for persons from North West Russia seeking employment in the fishing industry in Northern Norway. The same is the case for Russian nationals from the Barents region seeking to sell products at open-air markets in Northern Norway. The first category should, in line with what I have said before, be paid in accordance with collective pay agreements for Norwegian workers and be offered the same working conditions. As self-employed the latter category falls outside the definition of migrant worker. Their stay is only short-term and they don't have the same safeguards as employed workers.

In conclusion, I'd like to reiterate that whether the labour migration takes place under the auspices of relevant government bodies or solely on the initiative of foreign job seekers or Norwegian employers the basic standards embedded in the European Convention on the legal status of migrant workers and various human rights instruments should be observed. In this way the dignity and well being of the migrant workers may be ensured at the same time as the jobs of domestic workers are protected from undue competition.

Ana Cristina Branco

LEGAL SITUATION OF IMMIGRANT POPULATION IN PORTUGAL

This paper will focus on the legal framework of the Portuguese immigration policy, pointing out the list of rights and obligations of foreigners, the instruments set to ensure an effective control of the migratory flows and the social integration of immigrants, the fair treatment of those nationals of third countries who legally reside in Portugal, as well as to ensure the prevention and fight against illegal immigration and trafficking in human beings.

Before presenting the main aspects of the legal regime in force regarding the entry, stay, exit and removal of foreign nationals from Portuguese territory, I would like to make a brief presentation on the evolution and characterization of the immigration phenomenon in Portugal.

Evolution and characterization of the immigration phenomenon in Portugal

As a result of globalization, Portugal, historically an emigration country, has registered in the last ¼ century a significant increase of the foreigner resident population that currently represents about 5% of the total population.

From the 50 000 foreigners legally residing in Portugal in 1980, after a decade the foreign community in the country augmented to 107 769 persons. After the entry into force of the Convention Applying the Schengen Agreement, in 1995, and the changes arising therefrom, the immigration registered a continuous and exponential increase in all the signing countries due to the massive inflow of Eastern Europe nationals. Consequently, in 2000 there were already 220 000 persons residing in our country.

Although with manifest specificities, the composition of the migratory flows in Portugal is not very different from that registered in other countries of the European Union.

The migratory flows bound for Portugal are at present, without any sort of specific order, those proceeding from the Portuguese-Speaking Countries and other African Countries (as, for example, Senegal, Côte d`Ivoire, Democratic Republic of Congo, Nigeria, Ghana or Morocco), Brazil, China, Hindustani peninsula (mainly India and Pakistan), and from the Eastern Europe Countries (notably the Moldova, Ukraine and Romania).

In what the Russian Federation is concerned, and in the period from 2001 to 2003, there are in Portugal about 1 150 residents and about 7 047 persons with stay permits.

With the progressive reversal in the direction of the migrations in Portugal, a new phenomenon comes to light in connection with the migratory flows into our country — the assistance to illegal immigration.

Once they get to our country, and except in rare circumstances, they are immediately undeceived with endless working hours, wages below the na-

tional average, infinite months of exorbitant deductions to pay the alleged "expenses" with their transportation into Portugal, inhumane accommodation, bodily harm and oppression, incitement to prostitution, etc.

Many of these immigrants are brought to Portugal by recruiters who just take advantage of the simple-mindedness or ignorance of those recruited as to the legal procedures underlying the legal immigration.

Besides being victims of recruiters, illegal immigrants are also victims of employers who, at the expenses of these immigrants, obtain great amounts of money, paying salaries far below what is legally foreseen, or, in extreme cases, not paying any salary at all.

On the other hand, one can notice that the illegal immigration phenomenon assumes a growing importance in the wider context of organized crime, being potentially associated to illegal immigration the trafficking in drugs, human beings (mainly women and children) and weapons, as well as panderism, money laundering, among others. It is also imperative to adopt measures to firmly fight these crimes.

Therefore, it was necessary to produce legal instruments to manage the migratory flows in a realistic manner, through a strict control of the entry and stay of foreign nationals in Portugal, laying down, simultaneously, the conditions that allow these persons who enter and stay in Portugal in accordance with law to have a concrete and humane integration in the Portuguese society.

Created within this context, Decree-Law №34/2003, of February 25 defined the new legal regime respecting the entry, stay, exit and removal of foreign nationals from Portuguese territory, materializing the international agreements accepted by Portugal within the framework of the European Union, following the conclusions of the Tampere European Council, and the obligations arising from the International Conventions in matters of rights of the migrant workers.

More recently, the provisions of this diploma were complemented by two other legal instruments:

– Council of Ministers Resolution nº 51/2004, laying down the quantitative limits for the admission in national territory of workers who are not nationals of a EU Member-State, during 2004, according to the labour needs defined therein by areas of activity: agriculture – 2 100; building industry 2 900; lodging and catering – 2800; other services– 700; and
– Regulatory Decree nº 6/2004, of April 26, regulating several aspects of the existing legal regime and to which we shall further along refer in more detail.

First we shall describe the main changes introduced by Decree-Law nº 34/2003, of February 25, and afterwards refer to the main aspects of the legal status of immigrants in Portugal.

I. Decree-Law nº 34/2003, of February 25

The modifications made in 2003 to the Portuguese immigration law (Decree-Law nº 244/98, of August 8) aimed at the following objectives:

a) To promote legal immigration, rendering the procedures for the granting of visas easier, applying the existing agreements as to temporary immigration of workers and encourage the conclusion of new agreements;
b) To improve the conditions for the integration of immigrants in the Portuguese society;
c) To adjust the volume of the migration flows to the chances of insertion in society in general and in the national labour market in particular;
d) To increase the pressure over the baneful factors which interfere in the attraction of illegal immigration, fighting the support networks and punishing the employment of illegal labour.
e) In conclusion, the procedures for the expulsion of illegal immigrants were accelerated, with a special emphasis to the introduction of a new juridical figure — the conveyance to the border — by which a foreign national who is detained in Portugal for illegal stay and brought before the competent legal authority may opt, instead of the expulsion, for the conveyance to the border post in order to immediately carry out his/her removal from national territory.

In the aforesaid diploma, it was also automized the power to grant residence permits with waiving of visa to the foreign nationals who cooperate with justice in the investigation of crimes.

Regulatory Decree nº 6/2004, of April 26

In what the aforementioned Regulatory Decree nº 6/2004, of April 26, is concerned, a special note must be pointed out to minors, to whom the present diploma provides that those foreign minors born in Portuguese territory until the entry into force of Decree-Law nº 34/2003, of February 25, and did not absent from the country are not required to hold a visa in order to obtain a residence permit. An identical regime applies to the parents who act as legal guardian of a minor.

In conclusion, it was taken into account the particular situation of those foreign nationals who, even not meeting all the provisions set in the legislation regulating the entry, stay, exit and removal from national territory, were registered and made deductions to the contributory schemes of social security and to the internal revenue. The foreign nationals in such situation are eligible for an extension of their stay permit in Portugal.

II. Conditions to enter and stay in national territory

The entry and stay of foreigners within national territory depends upon the permit, according to the purpose of the stay, granted in pursuance to the law or by the competent authorities of the States party to the Convention for the Application of the Schengen Agreement.

Are exempted from the former provision those foreign nationals holders of a valid residence permit or any other document valid as such pursuant to the law, as well as the foreign nationals who are not required to hold a previ-

ous permit under the provisions set in the international instruments to which Portugal is a party.

Visas

As in most countries, to enter Portuguese territory the foreign nationals must hold a valid visa that is adequate to the purpose of the journey.

In Portugal there are several distinct visas: residence visa, designed to enable its holder to enter Portuguese territory in order to apply for a residence permit, it qualifies its holder to remain for six months; student visa, designed to enable its holder to follow a course of study at an officially recognized educational establishment, to conduct research works, to undergo a period of practical training supplementary to the studies or to undergo traineeships with companies, it may be granted for a stay of up to one year; work visa, designed to enable its holder to enter Portuguese territory in order to temporarily pursue a professional or scientific activity, it may be granted for a stay of up to one year; temporary stay visa, designed to enable its holder to enter the territory to receive medical treatment, to accompany family members who are holders of work or student visas, to reunite family members who are holders of a residence permit for a period of over one year. The temporary stay visa enables its holder to engage in a salaried professional activity after six months of regular stay within national territory.

Residence permits

The granting of the residence status depends upon the strict observance of the following requirements: in the first place, the applicant must hold a valid residence visa issued by the consular entities in the country of origin — in order for the visa to be granted, the applicant must indicate the purpose of the stay and produce evidence of having the means of subsistence and adequate lodging conditions. Once the residence visa, valid for six months, has been granted, the applicant shall submit an application for a residence permit to the Regional Office of the SEF (Aliens and Borders Service) of the area where he/she will be living. The residence permit may be granted without the need for a visa to the foreign nationals who hold a work visa for a consecutive period of three years.

The temporary residence permit is valid for a two-year period from the date of issue and is renewable for further periods of three years.

The foreign nationals holders of a valid residence title for, at least, 5 or 8 years — as *per* nationals of Portuguese-Speaking Countries or other countries — may be granted a permanent residence permit.

Family reunion

Family reunion represents one of the main causes for immigration within the European Union. Furthermore, it is an important factor for the integration of third country nationals who settled in the European Union before the other family members.

Within the scope of the Portuguese legislation, it is important to distinguish two situations: the first one is the right to family reunion that is acknowledged to the holder of a residence permit, the second one is the right to family reunion acknowledged to those holders of work visas or stay permits.

In fact, according to the provisions set in the national law, the acknowledgement of the right to family reunion depends on a previous period of residence of just one year (this period is considered as adequate for an effective integration of the applicant in the country), which is foreseen as the minimum period accepted in the Directive recently adopted.

As for those holders of stay permits/work visas, the Portuguese law also foresees the right to family reunion, after one year of stay, providing for the granting of a temporary stay visa valid for the same period as that of the stay permit / work visa.

For the granting of the temporary stay visa for purposes of family reunion, the applicant just needs to produce evidence that the family member who is in Portugal holds a work visa/stay permit. In addition and as previously mentioned, the possibility of performing a professional activity has also been provided for the family member.

After 3 or 5 years, respectively, on the granting of the work visa or stay permit, a residence title is granted both to the holder of the work visa/stay permit and to the family member holder of a temporary stay visa.

Deportation

The concept of deportation includes not only the situation of administrative or judicial expulsion, but also the readmission, namely the active readmission and the aforementioned conveyance to the border.

The foreign nationals who fail to comply with all the provisions legally foreseen in terms of entry and stay within national territory, or who are held in breach of the national security, public order or any other values or customs protected by law, may be subject to a deportation order determined by a competent judicial or administrative authority.

In terms of a deportation ruled by an administrative authority, it shall be carried out whenever a foreign national is detected in an illegal situation and is detained.

After detention, the foreign national shall be presented to the competent magistrate so that the arrest may be ratified and the corresponding coercive measures applied, after these formalities the proceedings for the administrative deportation shall be started. The deportation order may be appealed to a District Court.

There is also the accessory deportation penalty, determined by a judicial authority, which may be imposed upon the resident foreign national who has been sentenced for a wilful crime to a term of imprisonment of over one year.

It is important to stress that those foreign nationals who were born and normally reside in Portugal, those who have minor children residing in Portu-

gal over which they have the effective parental tutelage or who are in Portugal since they were less than 10 years old, may not be subject to a deportation decision.

III. Rights of foreign nationals in Portugal

Afterwards we point out a set of rights of foreign nationals in Portugal, provided for in the Constitution of the Portuguese Republic and applicable in accordance with the principles set in the European Convention for the Protection of Human Rights and Fundamental Freedoms, in the Charter of Fundamental Rights of the European Union and in the European Social Charter.

Foreigners in Portugal shall enjoy the rights and freedoms recognized in the Constitution, in the conventions regularly ratified or approved by the Portuguese State, in the foreigners law and in all the legal instruments regulating the exercise of such rights.

The rules concerning foreigners' fundamental rights are to be interpreted and integrated in harmony with the Universal Declaration of Human Rights and international conventions regulating the same subject matter in force in Portugal.

No one shall be privileged, beneficed, prejudiced, deprived of any right or released from any obligation on the grounds of sex, race, language, country of origin, religion, political and ideological belief, economic situation or social condition.

The foreign nationals holders of a residence permit valid in Portugal shall enjoy the same rights and duties granted to the Portuguese citizens under the Constitution, the law and the international conventions regularly ratified or approved.

The foreign nationals, independently of their administrative situation, shall have access to law and court proceedings, legal information and consultation and legal patronage for the protection of their legitimate rights and interests.

In all administrative procedures in which they are concerned, all the rights and privileges foreseen in national legislation, namely prior hearing and automatic right to appeal, shall be assured to the foreign nationals.

Foreign nationals have the right to obtain effective judicial tutelage and justice shall not be refused due to lack of economic resources.

The foreign nationals residing in Portugal or those holders of a stay permit or work visa, pursuant to the law, are treated as national citizens for purposes of access to health care and drug assistance provided by the institutions and services constituting the National Health Service.

Without prejudice to the provisions set forth in the international instruments to which Portugal is bound or in the specific legislation applicable to this subject, foreigners, refugees or stateless persons who are holders of a residence permit valid in national territory, of a valid work visa or temporary protection title, are treated, in accordance to the law, as national citizens for

purposes of access to the Portuguese social security system and to the social protection that this system provides.

Foreign nationals who legally stay in Portugal shall have access to education, both at school and in other formative means, with a view to the development of the personality and the spirit of tolerance, mutual understanding, solidarity and responsibility towards social progress and to contribute to the equality of opportunities and to the surmounting of economic, social and cultural differences.

Chan Choenni

INTEGRATION POLICY IN THE NETHERLANDS

1. Immigration history

Since the beginning of the fifties The Netherlands have been exposed to succeeding waves of immigrants from less developed countries. They have thoroughly changed the outlook of the Dutch population, especially in the largest cities. The first wave was in the early fifties: the return of round 300.000 Dutch nationals after the independence of Indonesia. Although most of them had been living in Indonesia for several generations, their integration in The Netherlands was rather smooth. Because they settled permanently and did not have the dream to return back to Indonesia these immigrants wanted to integrate as soon as possibly in The Netherlands. The people of Indonesian background, although many of them are psychically distinct from the indigenous population are considered totally integrated in the Dutch society.

At the end of the fifties the post-war reconstruction of the Dutch industries was finished and for further expansion the supply on the internal labour market was insufficient. The industries attracted semi-skilled and skilled workers from Spain, Italy, Greece and Yugoslavia. Most of them settled only temporarily. Those who stayed mixed with the Dutch population. About half of them married Dutch wives. Their children are almost completely integrated in Dutch society. As a group they have in fact become quite invisible.

The second wave soon followed in the early and mid sixties. It consisted of unskilled Turkish workers who were also employed in the industrial sector. Most of them were recruited from the Turkish country side. After the Turkish, Moroccan workers were recruited. Apart from recruitment many came on their own initiative.

The second wave of migration was different from the first wave. The industries had already passed their post war peak level of expansion. Nevertheless they had to cope with a shortage of labour supply on the unskilled level. Jobs in the service sector were more attractive to the young better schooled indigenous workers than the dirty, hard and dull work in the industrial sector. The first of these newcomers returned after some years to their home countries. Those who came later did not return but gave rise to follow migration of family members. Integration of this group of low skilled immigrants and their descendants is still a major problem in the Netherlands.

The third wave of immigration came from the former West Indian colonies: Suriname and the Antillean Islands. Both situated in the North of South America. In 1975 Suriname got independence. Suriname was a very unstable society. In the years surrounding the independence a large part of the Suriname population decided to leave the country and to settle in the Netherlands. From 1974 to 1980 more than a 100,000 Surinamese migrated to The Netherlands. While the Surinamese have attained a better position after

some problems in the eighties, the Antilleans — in particular the youngsters — have still problems in adjusting to the Dutch society.

The last wave of immigrants came as asylum seekers and refugees from different parts of the world. The largest groups are from Iraq, Afghanistan, Iran and Somalia. Integration of these groups faces still problems in particular in the employment field.

There has also been labour migration — often illegal — from Pakistan, Cape Verde Islands, Ghana and other countries. After some time these illegal immigrants were made legal citizens. Although many of these citizens do have jobs there are problems with integration in the larger society.

Last but not least there is immigration of highly skilled workers from Japan, India, China and European countries. These groups are not considered as relevant groups for the integration policy.

Composition of the ethnic minority population

The Netherlands is now a multi-ethnic society. The groups of immigrants that face problems with integration are designated as ethnic minorities in the Dutch society.

In 1971 some 200,000 ethnic minority people were living in the Netherlands. In 1997 their number has grown to over 1.4 million and in 2003 to more than 1.6 million. The rapid growth of the number of people from 'other' less developed countries has drastically changed the composition of the ethnic minority population.

Table 1

Ethnic minorities in the The Netherlands in 2003

Classic minorities		*New minorities*	
Turks	341000	Iraqis	42000
Surinamese	321000	Afghans	34000
Maroccans	295000	Somalians	28000
Antilleans	129000	Iranians	28000

The classic minority groups, the Turks, Surinamese, Moroccans and Antilleans, totals more than one million. The new minorities are from Iraq, Afghanistan, Somalia, and Iran. The former 76,000 Yugoslavs and the 58,000 Chinese are also labelled as ethnic minorities, while 40,000 immigrants from the former Soviet Union as well as people from Eastern Europe are not considered as ethnic minorities. Smaller minorities are 19,000 Capeverdians, 18,000 Ghanaians, 17,000 Vietnamese, 17,000 Egyptians and 18,000 Pakistanis.

Geographic concentration

However, these numbers are not very informative about the situation in specific parts of the Netherlands. Ethnic minorities are very unevenly distributed over the geographic area of the country. Over 1.6 million ethnic minorities are concentrated in large cities and in particular Amsterdam, Rotterdam and The Hague. More than one third of the population of these cities

belongs to the ethnic minorities. Even this is not the whole picture, because in the younger age groups in the big cities the proportion of minorities is much higher than in the total population. In Amsterdam for example, more than half of the youngsters in the school age belong to the ethnic minorities.

It is predicted that the proportion of ethnic minorities will continue to grow. They will come as refugees, asylum seekers and the follow migration of members of their families.

In 2003, over 10% of the 16 million population of The Netherlands belonged to the ethnic minorities. The expected proportion for 2015 is that 14% of the Dutch population will be from ethnic minorities background.

2. Development of integration policy

When the Dutch government detected that some groups had persistent problems with integration a specific policy was developed. Integration is defined as the process of becoming an integral part of the larger society. After the so called oil crisis of 1973 the Dutch economy was detoriating. There came signs of social tension between the indigenous Dutch population and the ethnic minorities. This was accompanied by a decay of the inner city neighbourhoods. Here most of the immigrants lived in very poor housing conditions. The Dutch government tried to stop the immigration and no longer allowed labour migration from Turkey and Morocco. In 1980 the migration of Surinamese people was restricted.

Labour migration was no more allowed but settled immigrants still had a rather extended right to invite members of their families. This kept immigration going on. After further restrictions now only members of the core family are admitted and even for them there are special conditions. They had to acquire housing and means for living.

Welfare policy: 1971–1981

The policy in the seventies was named welfare policy. The central government subsidised numerous institutions that were engaged in welfare work, advocated the cause of the minorities and represented their interests. The institutions established by and for Surinamese and Antilleans carried out what was known as ‘category–related’ welfare work (i.e. welfare work for the specific category concerned). The specific group approach was an important principle. It should be noted that unemployment among the former guest workers in the sixties and early seventies was lower than among the indigenous Dutch population. However, unemployment among the Surinamese was higher. Occasional instances of discrimination were identified in the labour market and in public life, but in general there was still no major ethnic minorities issue. Since it was envisaged that their residence would be *temporary***,** immigrant children were given instruction in their own language and culture.

In 1979, the Scientific Council for government policy noted that "*the positive acceptance of the multi-ethnic character of Dutch society means that it is necessary, in our view, for a renewed effort to be made to deal first of all*

with the disadvantaged position in which the minorities find themselves in many areas". An active policy on minorities was promoted. This should be aimed at promoting dialogue and participation, abolishing discriminatory practices and improving the legal status of the minorities. The policy measures should therefore focus on the employment, housing, education and training, and health care.

Minorities policy: 1982–1994

The minorities policy was designed and based on the principle that the ethnic minorities would remain permanently in the Netherlands. The policy on minorities consisted of three elements:

1. combating social and economic disadvantage;
2. improving the legal status of minorities and combating discrimination;
3. dealing with the low level of participation and the risk of ethnic isolation.

An important change of emphasis, compared with the welfare policy, was that attention shifted to the so-called 'hard sectors' namely housing, employment and education. A move was also made to decentralise the policy. This involved a special approach and the allocation of extra funds for the urban districts with the largest concentrations of minorities. Certain groups were explicitly mentioned as target groups, namely foreign employees from major eight recruitment countries, and refugees.

The point of departure was that the policy on minorities would focus on society as a whole. "This meant that Dutch society should provide the opportunity for minorities to develop, but also that the minorities could be expected to adapt to participating in Dutch society and to make efforts to acquire the social skills, including a satisfactory command of Dutch, necessary for this purpose. The organisations of the groups themselves should play an important role in maintaining and developing their own culture and identity" (Ministry of the Interior, The Hague 1983).

Integration policy: 1994–2003

The problems with integration persisted, and racial discrimination and ethnic segregation came in the forefront. The government changed the minorities policy in the second half of the nineties into an integration policy. Also the notion of citizenship became more prominent. Citizenship became the key principle in a new vision of a society consisting of people from different cultures. Citizenship implies that all persons involved in the integration process opt for permanent participation in Dutch society, with all the rights and obligations that this entails. It was stated that "*the government opts for citizenship and emphasises the integration of members of minority groups in society. This is why the term minorities policy will no longer be used, and reference will instead be made to the policy on integration of minority groups*" (Ministry of the Interior, The Hague 1994).

Concern was expressed about the continuing high level of immigration, in particular of asylum seekers, and the presence of illegal residents. In order

to prevent the further marginalisation of young people from ethnic minority groups and their descendants into crime, integration policy efforts were intensified. Projects were started for the reception of young people and the provision of educational support.

Also the notion that immigrants must master the Dutch language became an issue of concern.

The situation of ethnic minorities improved. In particular the new economic boom leads to new jobs. The integration policy and results were monitored through a so called integration monitor report. This integration monitor focused on three dimensions of integration:

1. *Social-economic*: empowerment and acquiring competence in the field of work and education.
2. *Social-cultural*: ethnic relations, prejudice, discrimination, norms and values.
3. *Institutional-political*: accessibility of institutions and participation in the mainstream society.

Impact of 11 September 2001

Terrorist attacks by Islamic extremists on 11 September 2001 had an impact on the integration policy. Citizenship and religious aspects became important themes in the integration policy. In the election of 2002, the party that was against "ïslamization" of the Dutch society won the election, while it leader P. Fortuyn was murdered by a leftwing radical. Since 11 September 2001 the position of ethnic minorities has been the subject of much debate in The Netherlands. Public opinion on ethnic minorities has shifted from positive interest in the other culture and customs of ethnic groups to concern about the negative sides of the multi-ethnic society. The involvement of radical-Islamic groups in international terrorism has reinforced the mistrust of Islam. Small and major irritations among many Dutch natives are well-known: neglected gardens, unpainted houses, closed curtains, wearing headscarves and even more the veils covering faces, the use of one's own language in the presence of Dutch natives, groups of ethnic minority boys and men in the street, nuisance, intimidation and crime of small groups of Moroccan and Antillean juveniles. A majority of the Dutch population believe that ethnic minorities insufficiently adjust themselves towards the Dutch society.

The ethnic groups on their part respond resentfully, in particular those juveniles who are successfully acquiring a place in society. They do not wish to be held accountable for the maladjusted behaviour of a small group of their peers who cause considerable nuisance. At the same time, they do not wish to be told how to integrate. Many Turkish and Moroccan juveniles regard the negative press of the Islam and the negative attitude towards their religion as proof that they are not accepted as equal fellow citizens.

The developments in the public opinion have shown that there is a gap between minorities and Dutch natives in social and cultural terms which cannot be easily bridged. Social contacts between them are limited, and have fur-

thermore decreased in the past years. A Dutch native is rarely a candidate for marriage for the vast majority of Turkish and Moroccan juveniles. Approximately two thirds of them look for a partner in their country of origin, even where they themselves were born in the Netherlands.

Integration policy new style: 2003 onwards

The cultural integration of immigrants became a hot topic in the debate on integration. The integration policy has traditionally placed much emphasis on the acceptance of differences between ethnic minorities and Dutch natives. This was often interpreted as if the presence of other ethnic groups in society constitutes a value as such, enrichment tout court. But not all things different are by definition valuable. Cultivating one's own cultural identity cannot bridge the gap. On the contrary, the unity of our society must be found in what the participants have in common, what they share with one another. In 2003 the new government introduced an integration policy new style. Shared citizenship for citizens from ethnic minorities and Dutch native citizens became the integration policy's objective.

Shared citizenship

Shared citizenship means that Dutch is spoken, that everyone adheres to basic Dutch standards. It concerns such basic matters as making every effort to support oneself to complying with the applicable laws and regulations. In between them are standards such as the care for one's own environment, respecting the physical integrity of others, also in a marriage, accepting the right of everyone to express his own opinion, accepting sexual preferences of others, the equality of men and women.

Citizenship also implies the willingness to make an active contribution to society: citizenship is participation. It means that people have the freedom and the opportunity to participate in all aspects of society. That ethnic minorities are able to enter into social contacts, participate in economic life, have their own religion, develop their talents by education and training, produce and consume culture, play sports and take part in leisure activities, make maximum use of care and welfare facilities.

Citizenship provides rights and guarantees freedoms, but it also entails obligations. The sense of shared citizenship is not something a government is able to enforce by law, but conceived as the individual responsibility of citizens, social organizations and institutions. The emphasis is shifted from providing regulations and arrangements to stimulating and provoking own initiatives of ethnic minorities and Dutch natives.

3. Labour market position of ethnic minorities

In the sixties and seventies the unemployment among Turks and Moroccans was lower than the average. The Surinamese had a higher unemployment rate. After the economic crisis of 1980 and the reconstruction of the

economy in the years that followed, the unemployment among Turkish and Moroccan men rose to one in three (33%). Thanks to the reconstruction of the economy unemployment in the indigenous population declined rapidly in the end of the eighties. In 1991 it was half the percentage of 1983. In the minority groups, however, in this period there was no improvement at all. In 1991 the picture for them was much the same as in 1983. The same holds for the first years of the nineties. But since 1994 unemployment among minorities decreased considerably: up to 15 percent points.

Notwithstanding the recent improvement of the labour participation of the minorities even in 1998 the risk of unemployment was for members of minorities from two to seven times larger than for the Dutch native labour population. In 2002 on the average the unemployment of ethnic minorities was 10% and for the Dutch native population 3%. In 2003 the Dutch economy faced decline in economic growth and unemployment is rising again among the ethnic minorities.

However, there is also racial discrimination on the Dutch labour market. There has been a law for employers and labour organisations to report yearly how many employees they have in their company. This law (Wet SAMEN) has been repealed in 2004 because it was considered to generate too much bureaucracy and many employers did not want to report ethnic data.
Contracts with entrepreneurs and employers organization to employ ethnic minorities have been successful to a certain extent.

There is in the Netherlands a general law for equal treatment of all groups, such as women, ethnic minorities, and handicapped persons. Also a national bureau against racism and discrimination plays a role in the process towards a non–discriminatory society.

Temporary labour policy

There is a special law concerning labour of foreigners (Wet Arbeid Vreemdelingen, WAV) since 1995. This law is regulating the influx of foreign labour. The Dutch policy has the aim to restrict the influx of labour migrants and illegal workers. The law is aiming at a better allocation between demand and supply of labour in the The Netherlands. So, the Dutch citizens and EU citizens are a priority group. First they must be recruited. If an employer cannot find someone qualified in The Netherlands for the job than they can apply to recruit workers in other countries. First they often try in the countries of the European Union and than beyond the European Union. The employer must acquire a permit of residence from the government to recruit and employ a foreign worker. Nowadays there is a shortage of highly qualified workers in research and IT sector. Brain gain is also important for the economic growth of The Netherlands. Employers and in particular the universities are complaining about the long procedure to get a permit of employing workers. The foreign workers must acquire a permit for temporary work in his country from the Dutch embassy. The government officials must in 6 month decide if the worker can be allowed. Also the ministry of justice is

involved. Now with the global terrorism the rules and procedures are more thoroughly scrutinized. There are proposals to introduce the green card system as in the United States.

In 2001 more than 30.000 persons were allowed to migrate to the The Netherlands for work. Temporary workers from Poland are employed in the agricultural sector and paid low wages. The government is activating ethnic minorities to be employed instead of stimulating new labour migration.

4. Youngsters and marginalization

The position of the younger labour market participants deserves special attention. The unemployment figures among the younger age class are alarmingly high. Youth unemployment at 25% to 30% could have dislocating social effects. They are marginalized i.e. not participating in the mainstream society. A group has also problems with living between two cultures.

Figures on youth criminality indicate that youngsters of immigrant groups are disproportionately involved in criminal activities.

Table 2

Registered suspects 12–24 years old, 2000

Country of birth	% of registered suspects
Total	2.3
The Netherlands (incl 2nd generation migrants)	1.8
Turkey	2.8
Dutch-Surinam	6.0
Somalia	7.6
Ex-Yugoslavia	7.7
Morocco	8.3
Dutch Antilles / Aruba	10.6

Source: Integratiemonitor 2002.

Table 3

Imprisoned youngsters between 15–24 per 100.000 inhabitants

Country of birth	Numbers of prisoners
The Netherlands (incl 2nd generation migrants)	64
Turkey	307
Dutch-Surinam	604
Dutch-Antilles/Aruba	1.482
Marocco	960
Ex-Yugoslavia	530

Source: Integratiemonitor 2002

This holds especially for young Moroccans and Antilleans. They are most of all attracted to the easy profits of drugs trafficking and much involved in pickpocketing and robbery. It has a detoriating effect on their image among the Dutch population. These developments, polarisation on religious/Islamic issues and the continuous influx of low skilled migrants lead to a more severe policy towards new immigrants who are low skilled. These immigrants are called newcomers.

Newcomer / immigrant policy

A new system of integration activities is introduced to stimulate newcomers and oldcomers (low educated resident immigrants) to take their own responsibility for their integration. The guiding principles of this system are that newcomers who wish to live in the Netherlands on account of family formation or family reunification must start the integration in their own country, that integrators themselves bear the integration costs and that positive and negative incentives are introduced for specific categories of integrators. By introducing an integration examination it will be clear to all parties involved what the requirements are.

In particular the majority of the Turks and Maroccans of the second generation want to marry with a partner in Turkey and Marocco, while the government aims to restrict their influx because their integration is still a problem. The newcomer's policy is therefore very strict.

Newcomers must do a test (exam) to acquire permanent residence and the Dutch nationality. The test consists of knowing minimal 2000 words in the Dutch language, knowledge of the Dutch history, society and basic values. Also the persons of ethnic minority background who do not master the Dutch language on basic level and are younger than 65 year, unemployed and dependent on social security are obliged to learn the Dutch language.

4. Conclusions

Some ethnic groups such as the Surinamese who have a colonial background seem to integrate better than other groups such as Turks and Maroccans, who have an Islamic background.

The economic development and in particular employment is still a key factor in integration in the Netherlands. But after 11 September 2001 the cultural and religious dimension of integration has become important in the integration policy. Furthermore The Netherlands has restricted the influx of low skilled immigrants, while there is a need for highly skilled immigrants especially researchers. There is discussion about easing the regulations for the immigration of the highly skilled persons (brain gain).

For the future development of the position of the ethnic minorities in Dutch society two factors seem to be decisive. The first is the level of educational attainment of immigrant children in Dutch schools. The second factor is the amount of immigration in the forthcoming years.

A clear distinction should be made between the first and the second generation. Just like it generally happens in migrant movements the first generation of our immigrant have conserved the norms, values and customs of their society of origin. This tends to be deepening the cultural cleavage between the first generation of Turk and Moroccan migrants and the Dutch population.

The second generation, however, is more and more adopting the norms, values and life styles of their Dutch peers. However, socially they do not yet

mix very much with Dutch youngster. This holds especially for Turks and Moroccans. Religion and the conservatism of their parents seem to be decisive in this point. Social segregation is reinforced by segregation in school and is going to be one the major problems the immigration presents. The situation is different for the Surinamese youngsters. Relations with Dutch peers are frequent among them. The more segregated position of the Turks and Moroccans is especially apparent when it comes to marriage. Ethnic exogamy still is an exception among them.

In recent years it is recognized that immigration has become a lasting feature of Dutch society. The integration of these newcomers is not self-evident. The Netherlands is an advanced post-industrial welfare state. The capacity to incorporate immigrants from less developed societies with very different cultures is limited. There are economic, social and cultural constraints. Government policy is now well aware of these constraints. Restrictions on immigration and measures to promote the incorporation of legal immigrants are the main features of this policy.

Chiara Marolla

EUROPEAN CONVENTION ON THE LEGAL STATUS OF MIGRANT WORKERS AND THE ITALIAN REGULATION ON TEMPORARY LABOUR MIGRATION

The historical framework for the European Convention on the Legal Status of Migrant Workers was exposed by the Committee of Ministers in the Council of Europe's programme for 1966.

A Joint Committee was entrusted to draft the text, chaired by a special representative for the National Refugee and Over-Population Organisation. The International Labour Office, the Organisation for Economic Co-operation and Development and the Commission of the European Communities took part as observers. The International Organisation of Employers in Geneva, the World Confederation of Labour and the International Confederation of Free Trade Unions were consulted.

According to the Consultative Assembly views on the draft Convention, in 1971, some changes were made to the draft Convention, which was adopted in May 1977.

As stated in the preamble, the Convention seeks directly to serve the Council of Europe's aim of safeguarding human rights and fundamental freedoms, as established in the Convention on Human Rights and in the European Social Charter.

The purpose of the Convention is to regulate the legal status of migrant workers so as to ensure an equal treatment, as far as possible, with national workers regarding living and working conditions and social advancement of migrant workers as well as members of their families. The most important aspects of migrant workers' rights are underlined, without detailing all aspects. In fact, the Convention frequently refers to the provisions of domestic legislation and both bilateral and multilateral agreements between Contracting Parties.

It's interesting to note that the Article 33 provides for a Consultative Committee in order to take into account the developments of the economic and social situation in Europe. In my opinion, if you consider the period in which it was conceived, this part of the Convention is very innovative and foresaw well in advance, the future migration issues and matters arising from them.

I would like to focus briefly on the articles that seem both farsighted and innovative.

For example, Article 1 concerns the categories of people to which the Convention applies and those to which it does not. If you consider the text of this Article, the "migrant workers" are those who reside legally in the territory of another Contracting Party for a paid job, but excluding groups such as cross border workers, artists, seamen, people undergoing training and seasonal workers.

On the other hand, the Convention will apply only to migrant workers, who are nationals of Council of Europe Contracting Parties. Whilst all Euro-

pean countries can become Member States of the Organisation, only those which have actually joined can enjoy the rights granted in the Convention.

This point is important; in fact it permits countries, which are Contracting Parties of the Convention to provide certain guarantees to their nationals when they need to go abroad for looking for a job in a receiving country. In particular regarding their legal status and all related rights, such as earning a living, housing and health.

Briefly, Article 2 deals with the forms of recruitment of migrant workers and the Convention controls recruitment which is governed by the law of the State where they take place or under agreements between the States concerned. This solution is required in relation to the national employment situation.

Article 3 provides for some medical examinations and vocational tests for migrant workers at the time of recruitment. Such measures may precede the selection procedures, while article 4 states in order to guarantee the right to exit from the Contracting Party and to admission in receiving country and to obtaining the necessary papers. This provision is subject to limitations prescribed by national legislation and which are necessary for the protection of national security, public order, public health and morals.

Regarding this provision, it should be recalled that the right to leave the territory of a Contracting Party is in accordance with the provisions of Protocol No.4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that "everyone shall be free to leave any country, including his own" as well as the European Charter, which recognises "the right to leave the country to engage in a gainful occupation in the territories of the other Contracting Parties".

The papers have to be obtained prior to entry according the provisions stated by receiving country; it goes without saying that the right to entry may be refused for failure to comply with a substantial condition for the issue; the Convention foresees also the refusal readmission in the territory of the receiving country to a worker who, having left its territory, no longer satisfies the conditions for entitlement to residence and employment.

Article 5 and article 6 are very useful tools for helping the migrants to take their decision to emigrate in full knowledge of the situation in the receiving countries.

Article 7 concerns the payment of the cost of travel to the receiving State, in the case of group recruitment by official agencies. Related costs will be dealt with in bilateral agreements.

Articles 8 and 9 concern work permit and residence permit. These provisions intend to show that the employer is authorised to employ the worker and that the worker is authorised to engage in paid employment. For this reason both the work permit and the residence permit shall be issued and renewed as a general rule for at least one year, but in the interest of migrant worker.

These provisions don't compel any Contracting Party to permit a migrant to stay longer than the period during which, under its legislation, unemploy-

ment benefit is paid. This solution has been adopted because the period of payment of unemployment benefit varies substantially from one state to another.

As regards safeguards in favour of workers whose residence permit is withdrawn, the Convention states that the migrant worker has an "effective right" of appeal within the meaning of Article 13 of the European Convention on Human Rights.

Article 10 concerns assistance and help to migrant from national public and private service and the purpose of article 11 is to permit prior recourse to an administrative procedure with a view to reaching a friendly settlement.

Article 12 states the principle that the members of the migrant worker's family are authorised to join him at the expiry of a waiting period no longer than one year, if the various conditions provided for in the Convention are complied with. The term "spouse" is intended to apply to both sexes; the paragraph 3 contains a safeguard clause in order to take into account the special situation of certain States, particularly regarding receiving capacities: its purpose is to enable a state in exceptional circumstances temporarily to derogate from the obligation to permit families to reunite at the expiry of a period of one year. This derogation has been made subject to a number of specific guarantees of strict application based on those provided for in Article 15 of the European Convention on Human Rights.

This possibility of derogation should only be used in very precise cases, such as when a Contracting Party would no longer be able, in one or more parts of its territory, to cope with the arrival of members of the migrant workers families, in accordance with the provisions of Article 12; the Convention stipulates that the declaration of derogation must state the "special reasons justifying the derogation with regard to receiving capacity" and the derogation will be justified only in respect of specific parts of the national territory.

As regard this point, a very important additional safeguard is provided by the possibility afforded to every Contracting party under Article 33, of asking the Consultative Committee be convened when the provisions of paragraph 3 of Article 12 are brought into operation.

Successive articles concern Housing, Pre-training, Schooling Linguistic Training, Vocational training and retraining, teaching of the Migrant worker's mother tongue in order to state the principle of equality of treatment between migrant workers, members of their families officially admitted and nationals.

Article 16 concerns the conditions of work and states that the migrants shall enjoy the same treatment as national workers enjoy by virtue of legislative and administrative provisions, collective labour agreements or customs.

Articles 17 to 25 of the Convention state that the migrant workers may enjoy the same rights guaranteed to nationals. In particular the right to reemployment does not imply for the Contracting Parties an obligation to guarantee access to employment for migrant workers.

The content of Article 26 is very important and regards the right of access to the courts and administrative authorities in the receiving countries, in

particular the Article is a useful tool in order to include the right to be represented in accordance with the European Conventions in this context.

Also Article 28 is relevant, given that it concerns freedom of association as well as the protection of the right to organise, as defined in Article 5 of the European Social Charter and ILO Convention No 87, while Article 29 on participation in the affairs of the undertaking is based on the idea that participation is an objective to be achieved by Contracting parties within the limits of their possibilities.

Up to now I've talked about the international aspects of migrant workers as defined in the previously mentioned European Convention and now I'd like to specify some Italian solutions for this matter.

First of all we have to take in account that Italy has relatively only recently became a destination country of migratory flows. Italy has considered itself foremost as a country of emigration as its citizens have emigrated through Europe and other parts of the world.

The first big influx of immigrants to Italy was in 1992, when a large volume and rapid flows of immigrants entered Italy.

Italy attracts immigration due to its geographical position at the border of Europe and to importance of its informal economy, which enables a flexible expansion of private care and domestic services as well as proliferation of small enterprises where unregistered labour can more easily be hidden.

Following the signing of the ILO International Convention n.143 in 1975, ratified by law 1981/158, Italy introduced regulations on migration issues and in 1986 by law n.943 established some clauses on labour matter of non-nationals. These obligations are the first step that provides migration flows management, even if they are not necessarily linked to the labour market needs.

Apparently it seems to be as an example of good proposals aimed at guaranteeing migrant workers human rights, protecting their dignity and not yet able to provide a good answer to further immigration flows.

At the beginning of the nineties serious concerns, which arising from several arrivals of migrants illegally entering into our country and residing here without any authorisation, prompted our Government to look for new regulations in this context.

It's quite understandable the difficulties for our Authorities in managing the unusual phenomenon, considering that — as I said — after all only a few decades ago Italy was still mainly a country of emigration.

However, the provisions were suggested by emergency reasons and especially concerned the fight against migration flows by controlling the entries in order to reinforce national security.

The "Martelli Law" n. 39 of 28th February, so called by the Ministry of Justice, entered in force in 1990 and provided with new principles and rules setting up refugee status recognition as well as the conditions permitting the entry of non-nationals to our territory.

Also regarding the expulsion procedure, the law was innovative, given that it completely has rebuilt this sensitive issue.

At the same time a "regularisation procedure" was set up to permit to migrants illegally resident in Italy to be authorised to stay legally, if specific conditions were present.

The following period was marked by a relevant debate on migration issue in our society and at political and social level a new approach was arising, also thanks to the recognition of positive effects of migratory flows for our economy.

The obligations issuing from the Schengen Convention's ratification process obliged Italian Parliament to overcome the different points of view of right and left parties and established new rules aiming at managing migration at a whole.

In 1998 the new provisions, came into force no longer based by the emergency reasons, but to give a general solution on this delicate and sensitive matter.

The legislative decree no. 286 of 25th 1998 entitled "Testo unico delle leggi sull'immigrazione" collected in a single text all the provisions in force; it was amended in 2002, by the law of 30th July 2002, no. 189 (the so called Bossi Fini law).

Such amendments are aimed essentially at improving the regulation of immigration flows and at tackling the problem of illegal immigration more effectively.

Italian law on the subject is largely inspired by the European law, even if there is not a single text on Asylum Law.

Concerning the right to family reunion, Italian law generally provides for a high level of protection, also because the mentioned right is considered a fundamental right under the Italian Constitution and European Convention on Human Rights.

Fundamental rights are recognised for all migrants, both legal and illegal, as well as the right for legal migrants to go to law.

It should be noted that expulsion procedure has further been developed in favour of migrants' rights according to the European Convention on Fundamental Rights and Freedoms, ratified by Italy in 1990.

Regarding admission of third country nationals for labour purpose or self-employed activities, the system is based on yearly quotas fixing the maximum number of foreigners eligible to enter. Some "quotas" are reserved for some countries that have signed bilateral agreements with Italian Government, such as Albania and Tunisia.

It is presumed that the employer and employee signed the work contract before the worker arrives in Italy. The procedures are complex; after the signing of the contract, the employer can request a visa if the application is within the quota limits.

Once the employee enters Italy, they must both sign a contract of stay guaranteeing to provide the employee with accommodation and a return ticket. The permit of stay is issued for the length of the employment contract. It is not permitted to change a tourism permit to a work permit.

Workers interested in immigration to Italy must register on lists at Italian consulates and employers must apply to labour offices to hire people from these lists.

Competent bodies of our Government are engaged in applying legislative rules relating to admission, integration and protection of migrants rights. At the same time some procedures have been provided for verifying the application of the law.

The report on immigration and integration presented by European Commission in 2004 estimated that immigrant workers contributed to 22% of employment growth between 1997 and 2002 at European level; it means that their participation in labour market is becoming more and more essential for increasing our economical system and for overcoming questions posed by the ageing of Italy's population.

It is clear that immigration is playing an important role in economic and social development of our country and there is a need to strengthen instruments to concerning integration of third country nationals in order to guarantee internal and international security.

The key aspects of the reform lie in the new way in which the integration will be organised. On one hand it will be linked to the labour market's capacity to take on new workers that will determine the annual quota of immigrants. On the other hand, it will require genuine integration into all aspects of the hosting society.

In fact the most important point of the legislative approach is that the entries of migrants and the right to stay has to be authorised every year by a specific decree establishing the "quotas", according to economical and social conditions of the receiving country, for employment, self-employment study or family reunification. Moreover because of "security and public order reasons" the expulsion procedure for migrants illegally present on the territory has been regulated as well as the access to administrative review against negative decisions.

Our country is very interested in an integrated approach to co-operation in the economic and social fields with third countries in order to manage migration flows, to fight illegal migration and to promote programmes in favour of regular entry of migrant workers.

As I said, bilateral agreements have been signed with Albania and Tunisia concerning seasonal workers. An agreement has been signed with Moldova concerning paid employment and self-employed activities both seasonal and not.

Italy is developing understandings with both the countries of origin and through the migration transits. In particular, with the countries that have already signed re-admission agreements, they promote training courses to match the supply of and the demand for immigrant labour.

Everyone realises that newcomers are filling working area, no longer accepted by nationals. The newcomers, even if highly educated, are available to work as housekeepers, hospital nurses, agricultural workers, as well as

waiters. Several labour sectors can survive only thanks to their work. If you consider that they often allow the women to be able to carry out their jobs, you can understand how relevant their presence in our country is.

Living at home with our children and eldest people, they are changing our habits and culture and little by little Italy is becoming a multiethnic society. Unless Italy is not ready to accept it, at least at political level, they should enjoy similar rights to the nationals.

Managing migration is not only a matter of opening doors; it also requires each country to do more to integrate new arrivals. They make significant contributions to our societies, which should not be underestimated and the majority of them are hard-working individuals who look for a fair opportunity for themselves and their families.

Managing migration properly and protecting the human rights of immigrants can create a better situation for all countries achieving human security as well as national security.

CONCLUSIONS AND RECOMMENDATIONS

GENERAL REPORT ON THE INTERNATIONAL WORKSHOP "ECONOMIC MIGRATION IN RUSSIA – LEGAL PROTECTION OF MIGRANT WORKERS" (Moscow, 18–19 December, 2003)

Presented by Dr. Irina Ivakhniouk
at the Closing Session of the Workshop on 19 December 2003

The growth of the scale and role of *economic* forms of migration is one of universally recognized trends of the contemporary stage of international migration in the world. It is economic migration that gives nowadays the most exact reflection of the global migration picture. In the recent years this trend has become typical for the region of the former USSR as well. After the splash of forced migration in the beginning of the 1990s caused by disintegration of the formerly common country, gradually economic forms of international migration have become prevailing in the migration exchange both within the region (first of all between former Soviet republics and Russia who is now becoming a center of this new international migration system), and with the other countries of the world, European states in particular.

Hence, this is the reason for coincidence of interest towards the economic migration issues both from the side of the Council of Europe who has initiated the Workshop and from Russian participants: officials from the Ministry of Foreign Affaires of the Russian Federation, the Federal Migration Service MVD RF, the Ministry of Labour and Social Development of the RF, the Government of Moscow, NGOs presented by the Association of Specialists in International Labour Exchange and International Association "Labour Migration", as well as experts from Russian research institutions engaged in international migration studies, including experts from remote Russia's regions — Novosibirsk, Krasnodar, Saratov and headed by members of the Working Group on migration acting within the frames of the Faculty of Economics of the Moscow State 'Lomonosov' University.

The Workshop was an opportunity to exchange opinions on the most topical and painful issues of economic migration in contemporary Russia. It highlighted extremely complicated, multi-facet, and even contradicting character of the problem: the measures designed to solve it infringe on the interests of the State, on one hand, and human rights and freedoms, on the other hand, being often in conflict to each other. In Russia's particular situation it can be explained by a number of reasons:

- the lack of experience in *international* migration flows regulation;
- the lack of clear, consistent, logical and long-term concept of international migration policy;

- insufficient legislative basis in the field of migration management and poor implementing mechanisms;
- frequent restructuring in governmental institutions (so-called "musical chairs") resulting in separation of implementation of migration regulation by different governmental structures who are poorly coordinated and fail to act conjointly;
- lack of experienced personnel able to elaborate and implement consistent state migration policy;
- as a whole the Russian legislation is missing an accent on legal protection of migrants that is to be indeed a key element of migration management strategy in any state that pretends to be a jural society.

Surely, there are objective reasons that impede effective migration management in Russia. The main reason is an extremely diverse *structure* of migration flows coming to and out of Russia. Russia is simultaneously a receiving country, a sending country and a country of transit. At that, the major part of migration flows (up to 90%, referring to some estimates mentioned at the Workshop) is taking place in irregular or illegal form. This makes the problem of migration management and migrants' rights protection an issue of baffling complexity. At the same time, Russian authorities (despite they wish that or not) in fact *encourage* irregular migration, as they do not pay enough attention to alternative regular forms of migration.

Consequently, *all* the Russian experts and officials agreed that there is a vast "field" for improving the national migration law. Vector of this improvement will strongly depend on chosen guiding lines and adopted priorities. It could be a mistake to miss the experience of other countries in the field, including conventions regulating labour migration that have been worked out by international organizations before. The ILO Conventions № 97 and № 143 have never become a legal model for the countries concerned with international migration. The UN Convention on Migrant Workers that was opened for signature in 1990, as it is generally recognized, is of too common character, and till now it has not been signed by a single European state. The European Convention on the Legal Status of Migrant Workers is worthy of more attention as a *document that is focused on migration management and migrants' rights at the same time.*

This is an extremely important advantage of the European Convention due to the fact that in the recent years the role of the State in international labour migration regulation has dramatically changed. Governments do not play the same role in determination of the scale of labour force imports as they played before. Other actors play on that field: multi-national corporations, private employment agencies and indeed, criminal organizations specializing in trafficking in migrants and smuggling of migrants. Under these conditions the changing role of a State means that it has to undertake legal protection of *an individual migrant.* The European Convention on the Legal Status of Migrant Workers has a good potential for protection and development of human

rights and freedoms as it fully corresponds to the norms of the European Convention on Human Rights and the European Social Charter.

The fact that not all the European Union members (and not all the Council of Europe members) have signed the European Convention (and even less number of countries have ratified it) probably proves that it is not an absolutely perfect mechanism for migration regulation and migrants' rights protection. I can remind you that the Convention was opened for signature in 1977: it was a period when European countries have been changing their attitude towards labour force imports and insisted on tight governmental control over migration inflow. Nearly 25 years have passed since then. It is clear that situation in Europe has changed. Age structure of European populations has changed; labour market structure has changed; many countries have been witnessing the appearance of stable numerous migrants diasporas; migrants' integration issues have become a matter of particular concern; the societies have been preoccupied with growth of irregular migration. However, as we see from the text of the European Convention, it is opened for improvements and developments: for this purpose the Consultative Committee has been established.

However, being a call-off (frame) treaty, European Convention concerns only the key aspects of legal status — and correspondingly, legal protection — of migrant workers, while regulation of details is to be provided by means of national legislation, bilateral and multilateral agreements. In the recent years, Russia and other states of the former USSR are active in developing their national legislations in the field of international migration including economic migration. Yet international migration is a process that needs combined international efforts; the more these efforts are based on a certain internationally acceptable foundation the more they can become coordinated and effective. There is an obvious need for such an internationally acceptable foundation in the CIS region. The growing scale of economic migration (regretfully, irregular in its major part) is an illustration of such a need. The legal situation can develop by two directions at least: either CIS states (and first of all Russia as a recognized center of this migration space) will be creating some new foundation for regulating migration interrelations within the region and with other countries of the world — e.g. so-called "Euro-Asian Convention on the Legal Status of Migrant Workers", or they take the existing European Convention as a guide line and priority and thus make a serious step towards integration with the European Union.

However, arriving to such a decision can be a long and arduous process. The discussion on compatibility of the Russian legislation with the principles of the European Convention on the Legal Status of Migrant Workers proved the lack of fundamental contradictions and availability to coordinate them. The existing technical disparities between certain articles of the European Convention and some Russian legislative acts are absolutely natural. However, there are obvious differences in strategy of migration management: while the European Convention on the Legal Status of Migrant Workers as-

signs primary importance to legal protection of economic migrants, the Russian laws are focused primarily on "technical" regulation of migrant flows on federal and regional levels. It can be a result of insufficient professional skills of those Russian officials who are responsible for elaborating the conceptual basement of the Russian migration policy.

In this connection, the seminar participants have elaborated a number of concrete proposals and recommendations that are to be addressed to interested Russian authorities, NGOs, as well as to the Council of Europe.

- To establish in Russia with the support of the Council of Europe an information center to advocate the ideas and principles of the European Convention on the Legal Status of Migrant Workers, to work out appropriate recommendations aimed at improvement of the governmental migration policy concept and development of the national legislation in the field, keeping in mind future signing of the European Convention by the Russian Federation that could be a step towards its membership in the European Union.
- To support NGOs that are engaged in development and promoting of regular forms of international temporary labour migration (private employment agencies, international associations in international labour exchange) as a real and functioning actor in counteracting irregular migration.
- To elaborate in Russia with the support of the Council of Europe a system of training and re-training of qualified staff in migration activities for the purpose of increasing the professional level of competence and qualification of the personnel engaged both in elaboration of migration policy concept and its practical realization. The form of training could be an intensive short-term training course. The basic training organization could be the Faculty of Economics of the Moscow State 'Lomonosov' University where a Working Group on migration exists.

Generally, the workshop has demonstrated coincidence of Russian and international experts' opinions on the possible Russia's joining the European Convention on the Legal Status of Migrant Workers that could improve situation in the sphere of legal protection of migrants (both Russian citizens working in other countries and various categories of economic migrants staying in Russia) and could contribute perfection of Russia's migration policy as a whole, as well as its effective cooperation with other countries in the migration field.

GENERAL REPORT ON THE INTERNATIONAL WORKSHOP "PROSPECTS FOR LABOUR MIGRATION IN RUSSIA AND ITS REGIONS: MIGRANTS' RIGHTS IN THE CONTEXT OF ECONOMIC AND DEMOGRAPHIC DEVELOPMENT" (Saint Petersburg, 1–2 July 2004)

Presented by Dr. Irina Ivakhniouk
at the Closing Session of the Workshop on 19 December 2003

Migration history of contemporary Russia, being relatively short, nonetheless has already demonstrated variety of forms of international migration, shifts in its structure, peculiarities in dynamics of different migration flows, changing attitude of authorities towards migration processes and their consequences. It is well recognized that presently *labour* migration is the most numerous and dynamic international migration flow within the frames of the Eurasian migration system centered on Russia. This is a result of both differences in economic and demographic trends that generally start up migration mechanism and relatively tight immigration policy of the Russian Federation that reduces opportunities for migration for permanent residence in favour of temporary forms of migration, first of all, of labour migration. At the same time, insufficient attitude paid by the Russian authorities to development of legal forms of labour migration is resulting in domination of irregular labour migration within the region (as well as into the region and out of the region) that means inevitable negative effects for the State and for migrants, violation of their rights, and disrespect for their human dignity.

The fact that already for the second time the Department for Migration of the Council of Europe, the Federal Migration Service at the Ministry of Interior of the Russian Federation, the Department for humanitarian cooperation and human rights of the Ministry of Foreign Affairs of the Russian Federation initiate international workshops in Russia aimed at investigation of economic and labour migration in this country — this fact is the evidence of complexity of migration process in Russia when it often escapes from legal framework and contradicts to interests of all participating parts — migrants, society and the State. The Council of Europe experts from different European countries that are also concerned with international migration management issues, are ready to share experience of their countries that is more positive than negative in spite of inevitable difficulties in managing of such a complicated phenomenon as international migration is. At the Moscow workshop (December 2003) experts from France, Norway, The Netherlands, together with IOM Labour Migration Section officers have told about peculiarities of national laws related to labour migration management in their countries that have already joined the European Convention on the Legal Status of Migrant Workers. A good demonstration of interconnection between two international workshops is the fact that at the Saint Petersburg workshop the participants

have had a chance to hear of how government policy in the field of labour migration management is being developed in other European states — participants of the European Convention: Portugal, The Netherlands, Greece, Italy, and Ukraine which has signed the European Convention on the Legal Status of Migrant Workers last March.

Besides, the Council of Europe has developed a Migration Management Strategy that is in fact neither a convention nor a compulsory to adapt to mechanism but nevertheless this Strategy is worth being well studied through as it offers *a complex approach* towards migration management — both permanent and temporary — by attracting into the management process various levels: (1) local communities or local governing institutions level; (2) federal governments level; (3) international level. In this context, the overall approach develops a management strategy based on four major principles:

- *orderliness*, i.e. well structured combination of all efforts to maximize access to opportunities and rights for migrants as well as the receiving societies and to minimize irregular migration and trafficking business;
- *protection*, that means both protection of rights of different categories of migrants and protection of receiving society in case of sharp contradictions and out-of-control situations;
- *integration,* i.e. generating favourable conditions for integration of migrants in the society;
- *co-operation* at the international level both by means of international policy on bilateral and multilateral basis and by means of NGOs in the destination countries, countries of origin and transit countries.

The Council of Europe Migration Management Strategy could be an exclusively valuable guiding line when elaborating migration policy concept in Russia, especially when taking into consideration that its basic principles — consistency, openness and transparency, clear aims and objectives, and easy-to-follow laws and norms — are in fact the lacks of the national migration policy in the last decade.

It should be recognized that European countries have succeeded in elaborating of migration management both in conceptual and practical terms much more than Russia has. It is quite understandable as Russia is engaged in international migration management issues during last 12–15 years only. It seems that only now — after the necessary stage of accumulation of empiric material — the period of theorizing and elaboration of perspective long-term scenarios of migration situation development within the concrete context of economic and demographic development, at the federal and the regional levels, has started. Nowadays, the ‘factor of timeliness’ is playing the most important role. On the one hand, we were witnesses of the dramatic results of forced hurry when in the beginning of the 1990’s migration policy in Russia was fully concentrated on forced migration management. In fact, due to inefficient legislation the problems related to forced migration were not solved: refugees and forced migrants were left without adequate assistance from the State, and this fact has dramatically affected dynamics of migration flows

from other former Soviet states to Russia later. On the other hand, too long absence of clear position and preferences of the State in migration field is resulting in dominating of irregular forms of migration with their negative effects that are well known to specialists and ordinary people.

In this context, the Saint Petersburg workshop is of particular importance. It is both of theoretical and pragmatic sense. The workshop was held in a proper time as nowadays in Russia a nation-wide debate on migration strategy is taking place: it is concentrated on how to improve migration laws and to overcome existing contradictions between numerous laws, statements, rules, regulations in the field of migration management. It seems that the most important step on this way is to elaborate reasonable long-term migration policy *concept* based on appropriate understanding of economic and demographic processes that are taking place in Russia, and concentrated on human rights protection.

It is important to understand that a delay in elaborating of long-term migration policy can call into question the future of labour migration in Russia (both labour imports and labour exports). In case the government remains being passive and short-sighted, the country can be deprived of needed labour resources and lose the potential advantages the international labour migration is rich with. It is clear that it is impossible to "fully regulate" migration processes, and there is no need for that, especially in the society which is trying to construct its basement on new principles of democracy and liberalism. The problem is of different nature. In present time, Russia is at a unique historical stage when *migration policy can become a very important element to provide economic and demographic security of the country and make for sustainable development.* This exceptional role of migration policy can be understood in course in such workshops that gather together qualified experts in international migration, representatives of scientific community, specialists from government bodies involved in working out of migration policy concept and its realization.

The key issue of the Saint Petersburg workshop was the analysis of legislative aspects of labour migration taking the sample of concrete migration situation in several regions of Russia. Regions where labour migration plays an important role in economic, demographic, social, and ethnic aspects have been chosen as case studies. These regions differ by level of economic development, by demographic potential, by foreign workers economic activity levels, by unemployment indices, as well as by specific regional authorities policy towards foreign labour force. We can say that the regions most "irritating" in migration context have been chosen:

- *European South of Russia and Northern Caucasus* — the region which, in spite of close location to the area of military and political tension, still attracts large numbers of migrants, experience high migration ratio and are distinguished by tight regional authorities migration management that often contradicts to federal legislation;
- *Russian Far East* — the region where differences in demographic potentials with the neighbouring China have become — via migration component — an important *political* factor;

- *Orenburg Region* which is a close neighbour to Kazakhstan — the major "supplier" of irregular migrants to Russia;
- *North-Western Region of Russia* that has the most extensive land border with the European Union among all Russian regions.

Experts from above mentioned regions were unanimous in understanding of the necessity of "regional profile" in the federal migration legislation, taking into consideration specific situation — economic, demographic, migration — in particular regions in such a huge by territory country as Russia is. Such a "regional profile" is to be grounded with calculations of realistic facilities of every region in receiving labour migrants: for example, estimation of a regional quota for labour imports is to be accompanied and grounded with calculations of additional burden on social infrastructure resulting from arrival of migrants, and estimates of living facilities. Only in this case migrants' basic rights can be guarantied: the right for adequate working and living conditions, access to social security system, etc.

Migrants' rights violations in Russia were clearly demonstrated on the sample of Ukrainian labour migrants — the most numerous ethnic group of labour migrants in Russia. Frequent appeals and complaints for violations of hiring procedures, salary non-payments, labour conditions infringement, humiliation of dignity, forced slavery-like labour, migrants' rights violations from law-enforcement officers have been recorded. Despite Inter-government Agreement on medical assistance, the Ukrainian migrants' right for adequate medical care is ignored in Russia. Russian national legislation relating to migrants' remittances via bank system does not correspond to present situation; in result, migrants do not have access to a safety method of money transfers while Russia looses millions of rubles due to the fact that major part of money earned by migrants is removed from the country omitting bank system.

At the same time, undoubtedly, Russia is attractive for hundreds of thousands of regular labour migrants, primarily from CIS states, and for millions of irregular ones. In this context, it is important to develop the Russian national migration legislation in such a direction that could provide most advantageous participation in the international labour exchange for migrants, business, and the State. This aim can be reached by re-orientation of irregular migrant flows into regular, legal, manageable, so that they would come under guarantees of international responsibilities of countries of destination and countries of origin in relation of protection of human rights of individuals who participate in migration movements. When elaborating and realizing of migration policy it is important to go beyond working out laws and normative documents and not to miss the necessity to develop conditions for tolerant attitude towards migrants from local populations as well as respectful attitude of migrants to traditions and norms of a receiving society. Here, the civil society institutions could play an important role, especially in the context of the President Putin's 2004 Official Message to the Federal Assembly where the President directly stressed the necessity to pass the duties that the Government is not able or not in position to perform, to the civil society institutions including non-government organizations.

All programmes related to migration policy, both initiated by the Government and non-government bodies, are aimed at diminishing the risks of social tension and promote most effective integration of migrants' labour potential in the society where they are working, as well as at guarantees for legal norms for migrants staying in every location of Russia.

It is necessary to develop international co-operation on the basis of bilateral and multilateral agreements and — not less important — to elaborate practical mechanisms for these agreements realization into practice. Data banks for employment vacancies, and legislation in receiving countries, information exchange, legal assistance to labour migrants when hired, employed and adapted, could be important components for labour migration legalization and migrants' rights protection.

Co-operation with intergovernmental, international and regional organizations, such as the Council of Europe, the European Union, IOM, ILO and others, could play positive role in elaboration and expertise of national legislation, strengthening of government managing system and NGOs potentials, legal education, migrants' rights protecting, counteracting irregular migration.

Demonstrating once again the continuity of the Moscow workshop ideas, the Saint Petersburg workshop participants emphasized expediency and necessity of the following concrete steps:

- To establish in Russia with the support of the Council of Europe an information center for positive propaganda of the Council of Europe Migration Management Strategy, the European Convention on the Legal Status of Migrant Workers, for promoting such recommendations aimed at improvement of the governmental migration policy concept and development of the national legislation in the field that would correspond the Council of Europe and the European Union documents based on the principles of rule of Law, democracy and above all — human rights respect;
- To activate — both from the side of the Council of Europe and from the side of Russia — measures aimed at development and promoting of regular forms of international temporary labour migration in contrast to numerous irregular migration, by means of supporting non-government organizations engaged in organization of labour migration, both of Russian citizens to other countries and foreign workers to Russia (private employment agencies, international associations in international labour exchange) as well as NGOs protecting migrants' rights;
- To elaborate in Russia with the support of the Council of Europe a system of training and re-training of qualified staff in migration activities for the purpose of increasing the professional level of competence and qualification of the personnel engaged both in elaboration of migration policy concept and its practical realization. The form of training could be an intensive short-term training course. The basic training organization could be the Faculty of Economics of the Moscow State 'Lomonosov' University where a Working Group on migration exists.

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INFORMATION FOR FOREIGN READERS AND CONTRIBUTORS

The book series "International Migration of Population: Russia and the Contemporary World" was founded in 1998 in view of the fact that there was not a single scientific periodical in Russia dealing with international migration of population. Due to this reason the Department of Population at the Faculty of Economics of the Moscow State 'Lomonosov' University made a decision to establish a book series aiming to raise both theoretical and applied aspects of contemporary trends of international migration of population as well as its determinants and consequences. The Editor-in-Chief is Professor Vladimir Iontsev, the Head of the Department of Population at the Faculty of Economics. The Executive Secretary of the series is Irina Ivakhniouk, Senior Researcher at the Department of Population.

The volumes of the series are published biannually. They can be either edited volumes or monographs. The series is in fact an active discussion on various dimensions of international migration in the world and in Russia in particular.

The **first volume** (1998) mainly consist of the papers of Russian scholars presented at the IUSSP General Population Conference at Beijing, China in October 1997. (Detailed information about the Conference is also presented.) These are the articles by Vladimir Iontsev and Andrey Kamensky «*Russia and the International Migration of Population*» dealing with the entrance of Russia into the international community by means of migration and the allied problems — both for Russia and the world; and the article by Andrey Ostrovsky «*Labor Migration from China to Russia's Far East: Possibilities of Immigration Today and in Future*» concerning the turn of labor migration into permanent immigration at the certain region.

The other articles of the first volume are devoted to a very topical for Russia aspect of international migration — "brain drain": Igor Ushkalov — «*Intellectual Emigration from Russia: the Factors, Scale, Consequences, Ways of Regulation*», Irina Malakha — «*"Brain Drain" in the Central and Eastern Europe*». Besides, the issue included the digest of the well-known book by Julian L. Simon — «*Economic Consequences of Immigration*» (N.Y.: Blackwell, 1989). Reviews of noticeable publications of Russian and foreign specialists on international migration is an integral part of every issue of the series. Another important section of every volume is "Young Scholars' Viewpoints", where students and post-graduate students from the MSU and other universities are granted an opportunity to publish the results of their research in international migration.

The **second volume** (1999) included articles on a broad variety of themes related to international migration in Russia and in the world: Vladimir Iontsev, Aminat Magomedova — «*Migration between Russia and other Former Soviet states (Historical Review)*»*;* Irina Ivakhniuok — «*The Experience of State Regulation of Labor Force Emigration (Case of Turkey)*»; Andrey

Kamensky — «*Labor Force Export and the Impact of Migrant Workers' Remittances on Balance of Payment of a Sending Country*»; Igor Ushkalov — «*Emigration and Immigration: Russian Phenomenon*». Apart from the Russian scientists' articles the volume also includes contribution of Prof. Janez Malačič, (the University of Ljubljana, Slovenia) — «*Labor Market and International Migration Situation in Central European Transitional Economies*». Starting from the second volume it has become a good tradition of the series to invite foreign colleagues to contribute because their papers can be hardly available in Russian.

The **third volume** (1999) presents the monograph of Vladimir Iontsev «*International Migration of Population: Theory and History of Studying*» dealing with the classification of main scientific approaches for the studying of migration. The analysis of principal concepts in the field of international migration that exist presently both in Russia and the world demographic science are presented. There is also a detailed analysis of international migration affecting Russia since the eighteenth century up to the present day, as well as a projection of possible future migration trends. The work includes a glossary of terms used in Russian-language demographic studies on migration. It is worth mentioning that this monograph contains a numerous bibliography of publications on international migration of population (1200 titles).

The **forth volume** (2000) presents a number of articles depicting both global trends in international migration of population and specific migration flows to and from Russia. The article by Prof. Sema Erder (The Marmara University, Turkey) «*New Trends in International Migration and the Case of Turkey*» presents the author's view on migration picture of contemporary Europe and the changing place of Turkey within this picture. The appearance of new migration space in the Eastern Europe has encouraged new migration flows in the region. That is the subject of two other articles — by Irina Ivakhniouk — «*International Labor Migration between Russia and Turkey*» and by Evgeny Krasinets and Elena Tiuriukanova — «*From-Russia–to–Italy Migration as a Model of Ethnically Neutral Economic Migration*». Ethnic aspect of international migration is presented by the article of Israeli demographer Mark Tolts (the Hebrew University of Jerusalem) — «*Migration of Russian Jews in the 1990's*».

Among the book reviews presented in the forth volume one is worth to be stressed. That is the digest of the last publication of Igor Ushkalov — «*"Brain Drain": Scale, Reasons, Consequences*» (Moscow, 1999) which has gained special emphasis because of the untimely decease of the author in November 1999. Igor Ushkalov was undoubtedly among the best specialists on international intellectual migration.

The **fifth volume** (2000) has one common theme that penetrates all the articles — the impact of international migration on demographic development. The situation in three former Soviet Union states — Russia, Ukraine and Armenia — is presented in the articles of scholars from the corresponding countries: Vladimir Iontsev — «*International Migration of Population and*

Demographic Development in Russia»; Alexander Khomra — «*International Migration and Demographic Development of Ukraine»;* Ruben Yeganian — «*Demographic Realities and Perspectives of Armenia on the Eve of the 21st century*». The article by Mikhail Denissenko — «*Replacement Migration*» is analyzing the Report of the UN Scientific Project on Replacement Migration, in which the author had taken part. The article is trying to answer the question if the replacement migration could be a solution to declining and ageing populations. Besides, the paper by Michel Poulain, professor of the Louvain Catholic University (Belgium) — «*The Comparison of the Sources of Measurement of International Migration in the Central European Countries*» — can be evaluated as a contribution for promoting some common methodology in international migration studies.

The **sixth volume** (2001) is fully devoted to forced migration taking this chance to celebrate the 50th anniversary of the activities of the Office of the United Nations High Commissioner for Refugees (UNHCR). The Regional Office of UNHCR in Moscow has supported this publication. Naturally, all the articles of the sixth volume deal with forced migration: Vladimir Mukomel — «*Forced Migration in the Context of Migration Processes and Migration Policy in the CIS: Stages of Development»;* Marek Okolski (Poland) — «*Migration Pressures on Europe»;* Sergei Ryazantsev — «*Forced Migration in Europe: Current Tendencies and Problems of Regulation»;* Philippe Wanner (Switzerland*)* — «*Asylum-Seekers in Switzerland: Principal Socio-Demographic Aspects»;* Marina Kunitsa — «*Forced Migration of Population in Regional Development: Specific Problems in the Bryansk Region, Russia»;* Svetlana Gannushkina — «*Russia's Migration Legislation and Policy»;* Yakhya Nisanov — «*Totalitarian Traditions and Business in Russia: Law's Clashes Force to Migrate*».

The **seventh volume** (2002) is breaking up the chronology of the series due to the fact that it is timed to coincide with the jubilee of the Center for Population Studies at the Faculty of Economics of the Moscow State 'Lomonosov' University which includes the Department of Population as well. This volume is different from the others as it is presented by the annotated bibliography of publications on migration at the Center. It is titled *Migration of Population: 35 years of Research at the Center for Population Studies of the Moscow State 'Lomonosov' University (1967–2002)*. (The author — Irina Ivakhniouk). This bibliography represents the scale and traditions of migration studies which have formed the theoretical background for developing the modern approach to investigation of the contemporary stage of Russia's migration history.

The **eighth volume** (2001) deals with the problems of international migration statistics and registration, which have national peculiarities in every country, and this fact seriously impedes the comparative analysis of the world migration flows. The article by Olga Tchoudinovskikh «*Present State and Perspectives of Current Migration Registration in Russia*» analyzes the shortages of the Russian system of migrants' primary registration that per-

form as an obstacle for reliable migration estimates and studies. The article by Mikhail Denissenko «*Emigration from Russia According to Foreign States Statistical Data*» represents foreign states immigration statistics as an alternative, more exact source of estimation of emigration flows from Russia. A short contribution of George Tapinos «*International Migration of Population an the Factor of Economic Development*» contains valuable comments, very topical for contemporary migration situation in Russia and other former Soviet states. The article by Alexander Slouka «*International Migration of Population and Demographic Development of the Western Europe*» continues the theme which is meaningful for the editors — about the role of international migration in demographic development — started in the third and the fifth volumes.

The theme of the **ninth volume** (2002) is highly topical for Russia and the neighboring countries as well as for many other regions of the world — illegal immigration. The contributors to the volume are researchers and practical workers from Russia and other former Soviet Union states: Galina Vitkovskaya — «*Irregular Migration in Russia: Situation and Policy of Counteraction*»; Eugeny Krasinets — «*Irregular Migration and Latent Employment in the Border Territories of the Russian Federation*»; Elena Sadovskaya — «*Prevention of Irregular Migration in Kazakhstan*»; Lyudmila Shakhotko — «*Illegal Migration: Factors of Growth and Methods of Solution*»; Tatyana Kutsenko — «*Illegal Migration and Irregular Employment of Foreign Citizens and Apatrids in the Russian Federation*». Geopolitical position of the former USSR states and transparent borders between them have turned this vast territory into the corridor for transit migrants from Asia heading to Europe. All the authors stress on indissoluble relation between illegal immigration and irregular employment and on the importance of government control over illegal hiring of foreign labor force in the context of struggle against irregular international migration.

The **tenth, jubilee volume** (2002) is a collection of articles by distinguished experts in international migration from many countries. The papers deal both with theoretical issues of migration studies and migration overviews for certain countries and regions. The article of *Douglas Massey* (USA) «*A Synthetic Theory of International Migration»* is in fact an attempt to summarize existing migration concepts into a universal, general theory. *Dirk van de Kaa* (the Netherlands) in the article «*On International Migration and the second Demographic Transition»* emphasizes the role of migration in the analysis of demographic development and makes a serious theoretical step towards better understanding of the classical demographic transition theory. Different, but equally interesting views on contemporary skilled migration are presented in the papers of *Reginald Appleyard* (Australia) — «*Skilled Migration in the Globalized World»* and Irina Malakha (Russia) — «*On "brain drain" in Russia during the second half of the 1990's»*. A new theoretical approach to understanding of the latest trends in international migration flows is presented by *Mary Kritz* (USA) in the paper «*International Migration to Multiple Destina-*

tions» where she argues that not only developing countries but also developed ones are to be considered as both labor force importers and exporters. The contribution of *Marek Okolski* (Poland) — «*The Incoming Civilisations, the Outgoing Civilisations on the Turn of the 20th Century. Reflection from the Perspective of Demography»* is especially engaging by depicting the role of demographic processes, and migration in particular, in evolution of human civilizations, e.g. in the forthcoming replacement of the present European civilization (if current demographic trends in Europe last) by Asian civilization. The replacement is already taking place as a result of Chinese immigration. This theme is developed and detailed in the paper of *Vilia Gelbras* (Russia) — «*Chinese Migration and Chinese Ethnic Communities in Russia».* Shifts in international migration trends in the Eastern Europe and former Soviet space are the focus of a number of articles: *Janez Malacic* (Slovenia) — *«International Migration Trends in Central and Eastern Europe during the 1990's and ant the Beginning of the 21st Century»; Mark Tolts* (Israel) — *«Statistical Analysis of Aliyah and Jewish Emigration from Russia»; Andrey Kamenskiy* (Russia) — *«Contemporary Russia in International Labor Migration»; Vladimir Iontsev, Irina Ivakhniouk* (Russia) — *«Russia in the World Migration Flows: Trends of the Last Decade (1992–2001)».*

The eleventh volume (2003) is entitled "Migration and National Security". It reflects an active discussion on security dimensions of international migration in the Russian society, in both academic circles and government, and in media as well. The article of *Leonid Rybakovskiy — Demographic Security: Geopolitical Aspects and Migration* is analyzing the role of international migration and reasonable migration management in counteracting demographic crisis in Russia that is by itself a threat to national security and sovereignty of the country. The same issue but from the perspective of foreign researchers is examined in the contribution of *Graeme P. Herd and Rosaria Puglisi* (UK) — *National Security and Migration Policy in Putin's Russia: a Foreign Perspective.* The analysis of the role of migration in counteracting depopulation trends is topical both for Russia (article of *Dalkhat Ediev — International Migration as a Way to Overcome Depopulation Trends in Russia*) and Ukraine (article of *Alexander Khomra — Migration of Population in Ukraine in 1989–2001: Input to Population Dynamics and Ethnic Structure*). Paper of *Irina Ivakhniouk and Ramazan Daurov — Irregular Migration and Security in Russia: Threats, Challenges, Risks* is focused on "multilayer" nature of the problem; the authors mention political, economic, criminal, and social aspects. Economic and ethno-cultural aspects of security are detailed in the paper of *Svetlana Soboleva and Olga Tchudaeva — Foreign Migrants in the Russian Labour Market* based on the results of the survey of migration in the eastern regions of Russia.

The **twelfth volume** (2004) is dedicated to the 10th anniversary of the UN International Conference on Population and Development (Cairo, 1994) and preliminary results of the 20-year Programme of Actions admitted at this Conference, in the field of international migration. This volume was timed to the

Russian National Population Forum "Present and Future of Population in Russia" held in Moscow on 3–4 November 2004. The paper of *Vladimir Iontsev and Andrey Kamenskiy* (Russia) — *International Migration of Population: Lessons of the Cairo Conference* is based not only on the analysis of the ICDP Programme of Actions but also on personal experiences of the authors who were the participants of the ICDP. *David Coleman* (UK) in his paper *Europe at the Cross-roads: Must Europe's Population and Workforce Depend on New Immigration?* questions the possibility to achieve certain objectives framed by the ICPD in the field of migration, and besides, he touches upon long-run effects of numerous migration to Europe. The article of *Irina Pribytkova* (Ukraine) — *Modern Migration Studies: in Search for New Theories and Concepts* is an attempt to summarize theoretical approaches and methodological principles in migration studies, with special emphasis on inter-disciplinary research. The paper of *Sergey Ryazantsev* (Russia) — *Forced Migration in Russia: Ten Years Since Cairo* deals with the most topical for Russia international migration issue in the 1990s. Articles by *Liudmila Ponkratova* (Russia) — *International Migration of Population in the Far East of Russia: Transformation of Flows and Prevailing Trends* and *Svetlana Gribova* (Russia) — *Migration as the Element of the Integration Mechanism of Russia's Far East Region into the Chinese Economy* analyze important for Russia issue of Chinese labour migration. The paper of *Elena Tiuriukanova* (Russia) — *Labour Migrations in the CIS and New Practices of Labour Exploitation* based on concrete surveys, deals with a painful issue of migrants' human rights protection that is specially emphasized in the ICPD Programme of Actions.

The **thirteenth volume** (2005) "International Migration from the Perspective of Young Scholars" is fully made up of contributions by Master students, Ph.D. students and young research workers from Russia and other CIS states specializing in international migration studies.

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For more detailed information about the scientific series "International Migration of Population: Russia and the Contemporary World" please contact the Editorial Board:

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ANNOUNCEMENT

Moscow State 'Lomonosov' University,
Faculty of Economics,
Center for Population Studies
are organizing

International Conference
(the 5th Valenteevskiye Chteniya)

"MIGRATION AND DEVELOPMENT"

(Moscow, 13 – 15 September 2007)

The Head of the Organizing Committee —
Victor Sadovnichiy, Academician,
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Deputy Heads –
Vasiliy Kolesov, Professor, the Dean of the Faculty of Economics,
Vladimir Iontsev, Professor, the Head of the Department of Population.

Draft Sessions:

1. Migration of population: theory, methodology, data and statistics.
2. Migration of population and demographic development.
3. Migration of population in the socio-economic context.
4. Migration and geopolitical processes.
5. Round table dedicated to the 85th anniversary of Professor Dmitry Valentey on "Teaching migration and migration studies at the Moscow State 'Lomonosov' University".

For further information please refer to the web-site of the Department of Population: *www.demostudy.ru* or contact the Organizing Committee:

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