

JSTE

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Preliminary report about the state of art of the integration and employment policies in Russia made from NAMOI



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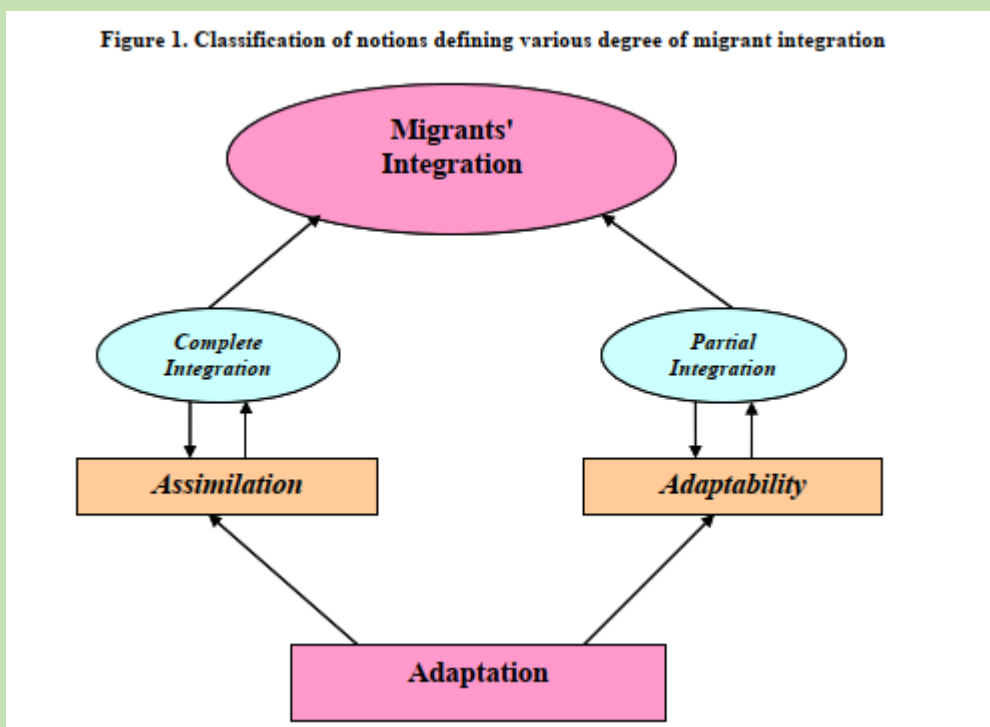
The notion of migrant integration as a process leading to their “inclusion” in the society of host countries, their adaptation and further adaptability to this society is a relatively new one: it became the subject of wide public discussions and state policy in European countries in the last third of the twentieth century. In the last decade, with continuously growing migrant inflows, and disputes about different migrant integration models, the whole question has become particularly pressing. We believe that the lack of clear understanding of the essence of migrant integration and classification has become one of the reasons for the failure of migrant integration policy implemented in the last decades in European countries. Indeed, at some point Europeans began to avoid the term “integration”, replacing it with another notion – “inclusion”. Then, at the end of 2000s, they admitted the complete failure of multiculturalism as applied in most European countries. The search for new migrant integration policies in host countries takes place under difficult conditions. On the one hand, there is an objective growth of immigration inflows, which is stimulated by labor market demands. Then, on the other, , anti-immigration attitudes rise in societies that have failed to adapt to previous inflows of immigrants (Massey and Sanchez 2010). For Russia – the largest recipient of migrants in the post-Soviet space – a conceptual discussion about migrant integration policy is particularly relevant. First, its experience in the sphere of international migration management is relatively limited. Until recently, indeed, the integration of migrants was not taken into consideration at all as part of migration policy. Second, today, when migrant integration has been finally conceptualized as an extremely important task, the development and implementation of any integration policy is complicated by the fact that it takes place against a backdrop of xenophobia and inter-ethnic tension associated to migration. The goal of this research is to develop a conceptual basis for integration policies in modern Russia. We offer a definition of integration and classification of integration policy mechanisms, which might be relevant for implementation in modern Russia. What is even more important, we develop the typology of migrant groups which can and should be the object of any national integration policies. Obviously, there is different integration depth between migrants who come to Russia for a permanent stay, and for temporary labor migrants. However, we are convinced that besides this, it is crucial to make a distinction among four categories. First, migrants from “newly independent states” and from non-CIS countries; second, migrants from newly independent states, that is migrants who are closer in terms of ethnicity and religion (migrants with Russian ancestry, Ukrainians, Belarusians, Moldovans), and less close (representatives of titular nations from Central Asia and Transcaucasia); third, migrants with Russian ancestry, who left Russia

relatively recently, not long before the collapse of the USSR, and those “Russians” who settled in other countries long ago; fourth, migrants representing titular nations of other CIS countries including those who view themselves as part of their own diasporas residing on the territory of the Russian Federation, and those who do not join a diaspora. It is also important to see how migrant integration policy has developed in present-day Russia in the framework of national migration policy. More particularly, it is important to see how it appeared in the format of national policy with regards to the facilitation and relocation of fellow Russians to Russia; a special, preferential immigrant category. But before we start examining different migrant integration models in Russia, we would like first to review the conceptual framework explaining the essence and complex structure of the notion of “migrant integration”.

1. Understanding Migrant Integration: Conceptual Framework

Generally, integration can be classified into complete integration based on the assimilation of migrants, and partial integration including adaptation and survival processes. Classification of notions defining various degree of migrant integration is presented in Figure 1. Assimilation of migrants means the process by which migrants who differ from the population of the country where they are staying in terms of their values, traditions and culture, transform their self-identification. It is a question of how they adapt to the surrounding community, and to what extent they renounce their unique identity. The assimilation process can be universal or partial. For example, in the course of assimilation people may lose their language, self-definition, traditional structures, while maintaining, say, their religious views, and everyday traditions: this is the form of assimilation found in the United States. Migrant assimilation may come out in social, economic, political, and even demographic terms: the demographic behavior of assimilated migrants (marriage and birth rate models) becomes close, if not identical, to the behavior that is characteristic for the host society in general.

Figure 1. Classification of notions defining various degree of migrant integration



An important factor in assimilation is interethnic marriages: international marriages which are at the root of our conception of the fourth demographic transition (see Iontsev and Prokhorova 2011). At the same time we would like

to note that the ethnic self-identification of children born in such marriages depends, to a great extent, on the ethnicity of the leading spouse, as well as on a number of infrastructural factors: for example, policy with respect to ethnic minorities in a given country (Topilin 2010). Assimilation can be natural or forced. Natural assimilation is a result of objective processes of economic and political convergence of territories (separate regions and whole states). Here people serve as a strong impulse for cultural convergence: for example, integration processes within the European Union. Natural assimilation is

also characteristic of migrants who join the indigenous population in their new home country, and gradually become part of said population. Forced assimilation is national policy aimed at the destruction – though not the physical destruction – of the separate identity of a certain ethnicity. The following tools can be used as tools of forced assimilation: limiting language use with the subsequent withdrawal of a language from circulation altogether; eradication of national traditions (ban on celebration of national holidays, performance of national rituals); the promotion of the kinds of activities which are not characteristic for this or that ethnicity, etc. These kinds of policies often deform the system of values of both resident and migrant groups. These policies provoke resistance on the part of the assimilated nation, its tendency to show ethnic restraint and artificial emphasis for characteristic features. Forced assimilation is a potential source of interethnic conflicts. Forced assimilation should be distinguished from cultural survival. This is characteristic of, for example, migrants in developed Western countries, where the quick assimilation of new migrants is an essential condition for their successful social and economic adaptation. One nation can proactively assimilate several other nations: thus, Russians assimilated multiple Finnish and Turkish ethnic groups. But in certain cases, especially in the case of small groups residing on the territory of traditional settlements of other nations, it can become the object of assimilation. Assimilation strengthens in the period of stable public life. And, vice versa, economic and social instability is a serious impediment in assimilation processes. Thus, in modern Russia the development of assimilation processes is obviously slowed down by widely spread interethnic conflicts and a growing anti-immigrant spirit in society. Speaking of the partial integration of migrants (here we refer first of all to temporary labor migrants), we need to define two notions, such as adaptation and adaptability. As a matter of fact, the integration process starts with adaptation, i.e. a person adjusting to new life and labor conditions. The adaptability of migrants can, in its turn, be defined as a phenomenon which is composed of adaptation on one hand, and adjustment to living conditions, on the other, namely settlement in the new place. Essentially, this means the

process by which migrants achieve the same level of prosperity as the indigenous population. As a rule, a significant time is required for settling down, more than the time necessary for adaptation, without which, of course, adaptability cannot be achieved. Obviously, integration involves a totality of immigrant actions and beliefs as well as the actions and beliefs of the indigenous population. The actions of the latter group are especially important because they define and have a strong impact on the conditions of immigrant acceptance and the structural conditions of their stay. Therefore, they direct the national identification of immigrants either towards integration, or in the opposite direction, i.e. unwillingness to integrate. Thus, it is important to emphasize that the integration of migrants is a bilateral process aimed at the assimilation and adaptability of migrants in the host society. This may contribute to both the economic and demographic development of this society. This not only refers to the host society's attitude towards migrants, but also to the unwillingness of migrants to integrate in a given society. When this binarity is broken, it makes it impossible for migrants to integrate completely. A vivid example of this kind of failure is the statements made by European leaders, Angela Merkel and David Cameron about "the failure of multiculturalism" in Europe. They imply that migrants themselves were the ones to blame for this failure, as migrants could not, or were not willing to accept European norms and values. But how could these migrants, especially migrants from the Arab world, integrate in the Western society if they were subject to migrant enclaves, i.e. compact settlements of migrants, isolated from the indigenous population? We have to recognize that, in certain senses, Russia is repeating the sad experience of Western countries. It allows, certainly, the same kind of enclaves to form in Moscow, Saint Petersburg, and other large cities, and thus willingly or unwillingly creates impediments towards the complete integration of migrants.

2. Migrant Integration in Russian Migration Policy

Migrant integration is, as a subject of national policy, a relatively new issue for modern Russia, though there Russia has some experience in this sphere. In Soviet times population migration was almost exclusively internal. Given that the USSR was a multinational state, this internal migration created a "mix of nations". National policy favoured internationalism: the notion of "Soviet people" was full of real meaning something ensured by a common language, a single school curriculum across the whole country, not to mention equality of rights and living conditions for all citizens. With all the rigidness of the Soviet political system the state provided conditions for the social and economic

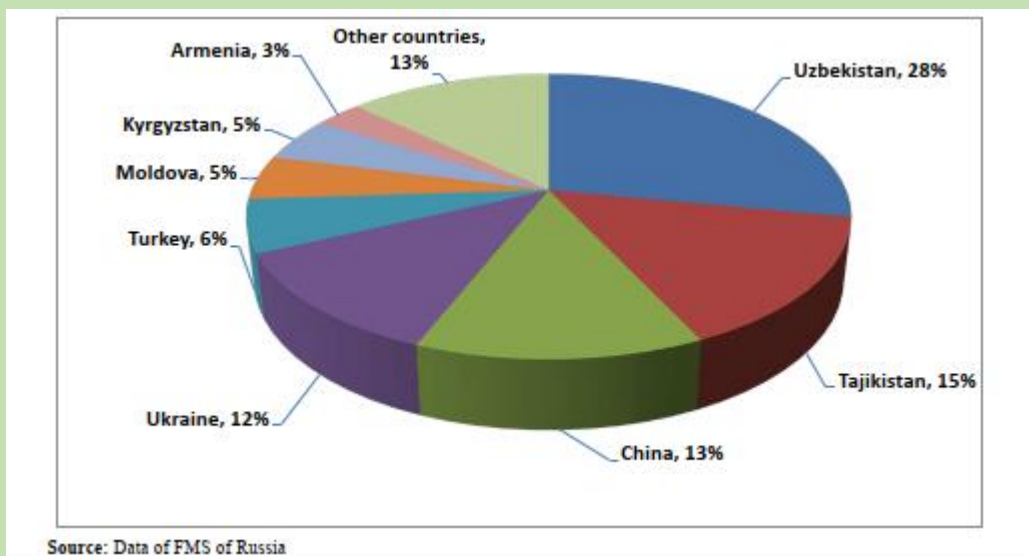
integration of migrants wherever they were relocated: they provided jobs, housing, education for migrants and their children, etc. The situation changed radically after the collapse of the Soviet Union. Policy related to the internal migration of the population in Russia was shelved. The government concentrated, instead, on the creation of a fundamentally new legislation and institutional structure for international migration. This was understood in very narrow terms, as the legal administrative regulation of migration processes. In the 1990s, despite the large-scale inflow of migrants from the former Soviet republics, there was no migrant integration policy in place. There was no mention of the integration of migrants relocating to Russia in national migration policy documents. And there were reasons for this. Initially the migration inflow to Russia (which in some years climbed as high as 1 million) included ethnic Russians and representatives of other ethnicities indigenous to Russia: these found themselves in the “wrong” Soviet republic, as the USSR came crashing down. Migrants with similar ethnic backgrounds did not, it was considered, need any special conditions for social and psychological adaptation: for example they did not need classes in Russian or Russian culture and history. Also, the conditions for the social and economic integration of migrants (not least, providing work and housing) were quite limited, due to the economic crisis Russia experienced at that point. Even when, at the beginning of the 2000s, titular nations of the CIS accounted for a significant share of migration flows directed towards Russia, migration policy did not touch on integration. For example, the “Concept of regulation of migration processes in the Russian Federation”, approved in 2003, does not mention integration issues. It was, only, in the 2000s that the notion of “integration” started to appear in Russian research literature (for example, Mukomel 2005, 2007; Pyadukhov 2003; Astvatsaturova 2002). Ignorance towards the need for integration policy resulted in a decreased level of tolerance in society, raising interethnic tension, migrants being alienated by Russian society, self-isolating, open conflicts between migrants and the local population. It became absolutely obvious that given the mass inflow of migrants – even if from historically close, newly independent states – integration should be an integral element of migration policy. This was also acknowledged in the new “Concept of national migration policy of the Russian Federation through to 2025” approved in June 2012. The Federal Migration Service of Russia elaborated and approved certain specific programs in the field ensuring the integration of migrants in Russian society. A Department for the facilitation of migrant integration was created in the structure of FMS. And it was planned that, by 2016, “an infrastructure for integration and adaptation of labor migrants” should be created. However for migrant integration policy to be efficient, there needs to be a clear

understanding of what integration really means. This includes various questions, inter alia: which tools can be implemented with regards to different groups of migrants; how big these groups are; and their specifics; and their social, economic, and demographic behavior. In other words, integration policy should have a reliable informational and conceptual foundation, something which is currently lacking in Russia. Research into migrant integration in Russia has only a short history. National statistics available on international migrants provides very little data in order to get a reliable estimation of their integration in the Russian society¹. Sociological surveys on this subject² In order to understand how the migrant integration process takes place, and whether, indeed, it takes place at all, and its depth in different migrant categories, we need a broad range of indicators. These indicators will characterize the degree of inclusion in various spheres of public life, as well as comparative analyses of indigenous people and migrants. They naturally include such key indicators as position in the labor market, accessibility of education, participation in public and political life and work against discrimination. For thirty states (European Union countries, Norway, Switzerland, the USA and Canada) information of this kind is calculated through MIPEX index (Migrant Integration Policy Index). This information allows scholars to evaluate the quality and level of integration policy and allows comparative analyses (Huddleston et al 2011). As has been noted above, obtaining this kind of information for Russia is not yet possible. are limited in number. They are not always representative, they are typically fragmented, and they do not allow systematic evaluation of the migrant integration process. Neither do they provide a general idea about the integration mechanisms that already exist in Russia, and about how they can be used/adapted/complemented by state policy measures for migrants integration in order to be truly efficient. The situation is complicated by the fact that the elaboration and implementation of migrant integration policy will take place in the context of established negative attitude towards migrants³ Given the absent and weak integration policies non-governmental structures take up the slack in terms of migrant adaptation and integration. These are civil-society institutions, human-rights organizations which provide different kinds of consultation and legal services to migrants, working groups, migrants and diaspora associations, not to mention ethnic businesses. Finally, there are shadow structures which mean that migration in Russia (primarily temporary labor migration) is overwhelmingly unregistered and illegal. and with the politicization of migration in Russia. There is no consensus in society regarding Russian migration strategy. Moreover, there are politicians' polarising opinions and questions in public opinion about whether Russia should or should not attract migrants in order to solve its demographic and economic problems

(Mukomel 2011). The subject of migration has become a political “hot potato”, something which creates xenophobia through mass media, speeches given by the public politicians, youth subculture, etc. The formation of migrant integration policy under these conditions, which, as has been mentioned before, implies a common, two-way movement of migrants and the local population towards each other, is no trivial task then. However, Russia confirms the way that the withdrawal of the state from this policy sphere can aggravate xenophobia and interethnic clashes. Despite the state’s increased interest in the subject of migrant integration in recent years, the weakness of integration policy in Russia remains. There is, above all, the lack of instruments for the coordination of different subjects: state authorities of different levels, including local self-government authorities, non-governmental organizations, employers, other business structures, diasporas and migrant associations.

3. Temporary Labor Migrant Adaptation Policy

The most numerous category of migrants arriving in the Russian Federation are temporary migrants seeking employment. In 2011, 1.2 million work permits were issued to foreign citizens, 80% of which were issued to CIS citizens. Besides this, 810,000 patents were issued to citizens of CIS countries. These patents grant holders the right to be employed by natural persons in Russia. Figure 2 presents the structure of the foreign labor force attracted to Russia, by countries of origin. Citizens of Central Asia states (Uzbekistan, Tajikistan, and Kyrgyzstan) account for almost two thirds of work permits issued in Russia.



As was mentioned above, the integration of temporary migrants is a question of partial integration. It is most often limited to the adaptation of the migrant

to working and living conditions which are new to him/her. An important condition for the successful adaptation of the labor migrant is his/her legalization i.e. registration with migration authorities and with proper permits as required by legislation (work permit or patent). Having legalized his/her stay in Russia the labor migrant receives certain rights, which contribute to his/her integration in the Russian society. The problem is that a significant proportion of labor migrants arriving in Russia, drop out of the legal sphere at this early stage and fail to legalize their stay in the country. According to estimates 70- 80% of labor migrants work in Russia illegally, without work permits, and without legally registering their labor relations with their employer. In other words, the real number of labor migrants staying in Russia may be as high as 5-6 million people. How can we explain the scale of illegal immigration? First, there are favorable conditions of visafree entry (in many cases just with "internal" national passports). Second, Russia has weak immigration control. But another important point is, third, underdeveloped official labor migration infrastructure: i.e. the public and non-public service institutions which ensure that migrants are legal, informed, and safe, at different stages of migration (information consulting centers, employment services, legal services, etc). And these are the services which represent a crucial condition for migrant's access to the legal (and not the shadow) labor market and his/her integration in Russia throughout his/her stay. The issue of integration becomes particularly important when the rural background of many migrants is considered. Certainly, migrants from Central Asia, arriving for work in Russia, are not typically from urban backgrounds. This is compounded by the fact that, very often, they have not studied Russian in their home country – as it was the case in the beginning of 2000s (Mukomel 2011). Currently, over 20% of citizens of CIS countries who come to Russia to work do not know any Russian at all; while 50% are not capable of filling out even the most basic questionnaire without help (Zayonchkovskaya and Tyuryukanova 2010).

Knowledge of the language of the country of stay, is likely to be the most essential condition of any migrant's adaptation. Knowledge of Russian lets migrants receive information about the rules of employment in Russia. Knowledge of Russian, likewise, maximizes chances of getting a legal job. It reduces dependence on one's compatriots in terms of employment and settlement. It expands the opportunities for networking with the local population. It ensures that migrants benefit from their rights to, inter alia, professional education and medical assistance. Probably due to these considerations, the issue of migrant's knowledge of Russian in Russia is set as the priority issue for integration. In accordance with Federal Law No. 185 of 12 November, 2012 amending the Law on the legal status of foreign citizens, as of

December 1, 2012, touches on the knowledge of Russian. Thanks to this law it is now mandatory for labor migrants employed in retail, municipal and household services to pass an exam on basic Russian . The exam takes place at special centers: currently there are 160 centers at Russian and foreign universities which are accredited by the state to perform Russian tests. The certificate confirming that the exam was passed is now a requirement for obtaining or extending a work permit in Russia. The certificate can be replaced by a foreign education credential confirming at least secondary education and the fact that the person had Russian classes in the home country, or education credentials issued by educational institutions in Russia or the USSR. Labor migrants from countries where Russian has the status of national language (Belarus) and from member countries of the Common Economic Space (again Belarus, and Kazakhstan) do not have to pass Russian language tests. If a migrant does not have sufficient knowledge of Russian, they are offered language learning services. The introduction of Russian language tests for temporary labor migrants caused disputes among Russian experts. Yes, learning Russian is an exceptionally important condition for labour migrants' access to the labor market, self-fulfillment and, indeed, the surrounding community. But it is the possibility of studying, and not the need to pass an exam as a prerequisite for obtaining a work permit, especially when the system of teaching Russian to foreign citizens arriving for work in Russia has not yet been created. Passing the exam will cost labor migrants 3,000-5,000 rubles (75-125 euro), and for a foreign citizen who has not started working, this is, very often, an impossible sum of money. Hence, experts acknowledge the fact that the state is paying attention to the language needs for labor migrants arriving in Russia to know Russian. However, many express their concerns that this legal norm, in its current form, might, in fact, result in corruption and the even greater illegality of migrants rather than successful integration. These concerns grew after the statement of the director of FMS of Russia Konstantin Romodanovskiy "the plan is to apply this norm to all categories of labor migrants by 2015".⁸ The Federal Migration Service (FMS) of Russia also undertake other steps to facilitate the successful adaptation of labor migrants arriving for work in Russia. It publishes handbooks and guides for migrants, explaining, inter alia: the basics of Russian migration legislation; the rules of registering with the migration authorities; application for extending work permits and patents; how to find an employer; the advantages of legal employment; liability for violating the rules of entry, stay, and work in Russia; not to mention useful addresses and phone numbers. A prospective form of FMS activity has been, in recent years, participation in the pre-departure orientation of migrants. The FMS has had offices in Kyrgyzstan and Tajikistan

since 2009. These, together with the national migration authorities, organize courses for potential labor migrants on professional training, Russian, cultural traditions and behavioral norms in Russia. At the end of training graduates who have been successfully trained as workers are supposed to benefit from targeted employment. This practice is called *orgnabor* (organized recruitment), and migrants arriving under organized recruitment programs naturally feel much more comfortable and confident in Russia than those who go to Russia at their own risk. However, the scale of organized recruitment is still quite modest. At FMS it is considered that more proactive involvement on the part of employers in labor migrant integration, and therefore, the expansion of the sphere of legal employment of foreign citizens, is a prerequisite for the improvement of collaboration between migrants and local employees.

4. Diasporas in Russia: Integration vs. Anti-Integration Potential

In the context of the discussion of migrant integration it is important to emphasize the importance of studying the formation of migrant communities and diasporas in modern Russia. After all, these can both serve as conductors of integration policy, and impede the same. First of all, definitions: diaspora is a part of a nation (ethnicity) or group of nations (for example, the Russian diaspora which includes ethnic Russians, but also representatives of many other nations which are indigenous to Russia), settled outside their country of origin. Diaspora growth can occur both on account of subsequent relocations (for economic, political, ethnic, and other reasons), and due to natural growth inside the diaspora itself. The primary indicators that determines the existence of a certain diaspora are knowledge of the native language, studying and preserving said language for communication with compatriots; exposure to ancestors' culture; unification based on self-identification as a part of a historical motherland (even if the diaspora member was born in another country); selfidentification of cultural affiliation; and a feeling of connection with the historical motherland. In Russia, which was part of a multinational country for centuries, numerous ethnic communities of nations from former Soviet Republics have resided and are still residing there: after the collapse of the USSR, in fact, these became foreign diasporas of Armenians, Ukrainians, Azeris, Kazakhs, etc. Today, migration has further diversified Russia's ethnic make up. Given this situation it is exceptionally important to remember how these communities can contribute to migrant integration and the preservation of civil peace. Table 1 employs data from the all-Russia population census, which took place in the Russian Federation in 2010. It gives a very approximate idea about the numbers of diaspora representative from former Soviet republics residing in Russia. It should be remembered that information

about ethnicity is based on the self-identification of respondents. A person can, should they want, evade the question about ethnicity. Thus, information about nationality is missing on 5.6 million respondent sheets. However, in the absence of other official information, we can use this source. It is important to remember that according to independent estimates of diasporas residing in Russia their population is several times larger than population census data. Thus, the Union of Armenians in Russia estimates that the number of persons in the Armenian diaspora in Russia to stand at 2.7 million people¹⁰, the Union of Georgians in Russia provides an estimate of 300,000 persons¹¹, the "Kazakhs of Russia" Association estimates the number of Kazakhs residing in Russia at 800,000.¹² The largest diaspora in Russia, the Ukrainian diaspora is estimated to stand at 4.5 - 5 million people. It is important to understand that ethnic diasporas in Russia represent a controversial and complex phenomenon in terms of structure (Ivakhnyuk 2008). Typically, each diaspora of titular nations of former Soviet republics can be subdivided into three groups. The first group is the "old diaspora", i.e. those who moved to Russia, most commonly from other republics, back in the Soviet times, and their descendants who were born in the Russian Federation, who are not just Russian citizens but who are completely integrated into Russian society. Generally these are intellectuals and public servants. The second group is the "new diaspora", those who moved to Russia after the collapse of the USSR, within the last 15-20 years, who acquired Russian citizenship or intend to do so, and who acquired, too, real estate. Most of these do not plan to return to their home country. They tend to integrate, but there are also those who perceive Russia as a place for temporary stay, and even with a Russian passport they will return to their home country if economic and political life were to become more stable. The third, most numerous group, includes labor migrants who can stay in Russia for years, but these do not tend to integrate, and they plan to return to their home country. This is a special part of the transnational ethnic community; adherers of a narrow definition of diaspora are not likely to consider them as part of diaspora. They live separately, as a rule, they do not take part in the activity of non-governmental organizations of "their" diaspora. But there is an entrepreneurial core which performs the function of intermediary between migrants arriving to seek employment, and employers, who often represent part of "the new diaspora". This structure has been directly or indirectly confirmed by the empirical data on Azeris, Armenians, Moldovans and Tajiks in Russia. Diasporas are not just social and cultural formations. Recently they have acquired a quite obvious economic meaning in Russia: formation of so-called "third sector" ethnic businesses has been observed. So far this has not been the subject of research in Russia, not

least because of the lack of reliable statistical data (one of the few research papers is Brednikova & Pachenkov 2002). This is in contrast to, for example, the United States, where this area has been e.g. the Cuban diaspora (see Portes and Bach 1985). Ethnic businesses stimulate the inflow of migrants, contribute to the integration of migrant labor in the structure of the economy, and thus become part of the general mechanism of stable migration interaction between countries. However, ethnic businesses play a dual role in migrant integration in the host society. Since they are mostly represented by enterprises/companies, which belong to the representative of a diaspora, and where compatriots are almost exclusively employed, Russian is not an issue. Likewise, education and qualifications are meaningful only inside the relevant ethnic business. Ethnic businesses need a constant inflow of migrants, as these are ready to work for low wages counting on future vertical mobility. This provides the companies with certain competitive advantages. Therefore, ethnic business often becomes a mechanism providing an inflow of illegal labor to Russia. Joining the diaspora in Russia may mean additional opportunities: help with adaptation; help with employment information; help with documents; receiving medical assistance, etc. Thus, the diaspora can act as an intermediary for adaptation and integration even for temporary labor migrants. It is important for diasporas to facilitate the adaptation of migrants, and to not replace the state regulation of migration processes. Experts note that “there is sometimes inverse proportion relationship between the efficiency of state regulation of migration processes and the participation of diasporas in such regulation” (Gaibnazarov 2012: 341). In other words, when the rules set by the state migration policy are non-transparent, and excessively complicated and artificially adjusted to corrupt schemes, the diaspora “takes up the slack”. It assumes a regulatory role in the information support provided to newly-arriving migrants; the creation of commercial employment organizations; the creation of a data bank for vacancies and employment conditions; help resolving everyday issues; working and living conditions, health care, etc. We can talk about the integration or anti-integration potential of diaspora activities. This will depend, of course, on how much diasporas contribute or hinder adaptation and integration in relations with the local population (Pyadukhov 2012). This potential is seen in the example of one of the regions of Russia – Penza oblast – based on the infrastructure in the framework of diasporas, providing services to labor migrants. In the collaboration with migrants compatriots-intermediaries normally provide reliable information about a specific region, possible risks, threats, and ways to minimize the same. Thus, they indirectly perform the role of social integrators for foreign workers, who contribute to successful adaptation in the foreign cultural environment,

something which becomes particularly important for newly-arrived migrants when official migration infrastructure is not properly developed. Certain activities performed by the diaspora intermediaries contribute to the formation of migrant integration settings. These are: explaining the requirements of Russian migration legislation to foreign workers; assisting in applying for proper permit documentation, and legalizing their status; assisting in learning Russian; using the resources of the diaspora social networks in order to solve the issues of migrant stay and employment; interacting with the leaders of migrant groups who provide control over their stay and activities; and providing informal patronage and protection to migrants. At the same time diasporas may undertake actions which contribute directly to formation of anti-integration tendencies among migrants. These may include: shadow services; underestimation of the importance of knowing Russian; tendency to organize migrant life within isolated micro-groups alienated from the host society; exaggerated tariffs for services; arranging for employment with employers who practice forced labor, deception and the illegal status of migrants; and psychological pressure on migrants (Pyadukhov 2012). We hope that some of the theoretical methodological approaches outlined by us will help give a better idea about the essence of Russian integration policy, and the possibilities for migrant integration in Russia. Ideally, they will be used for implementation of the new Concept of state migration policy of the Russian Federation in which, for the first time, migrant integration policy is to become an important component of migration policy.

5. Immigration policies to Russia

Immigration to Russia is an entry process of foreign citizens for permanent residence in the territory of the Russian Federation. The standard immigration procedure consists of the following steps: obtaining a temporary residence permit; obtaining a permanent residence permit and obtaining Russian citizenship. Under current law, the citizenship of Russia can be received after five years of residence and after passing an exam in Russian language. The immigration to Russia is regulated by the Main Directorate for Migration Affairs. The immigration plays an important role in modern Russian demographic processes, since it is the cause of the increase of the population from 2011.

Russia maintains one of the world's most liberal immigration policies; anyone who works in Russia for five years and develops fluency in the Russian language can become a citizen, provided he or she has not committed a crime. Almost anyone who is hired by a Russian firm can stay in the country and work indefinitely. This reflects a policy change on the part of the government of Vladimir Putin from the more restrictive policy enacted after the Dissolution of

the Soviet Union, in response to declining birth rates. The large non-Slavic immigrant populations arriving in response to Putin's liberal policy have sometimes been met with xenophobia. To counter this, the Russian state has shut down various anti-immigrant group pursuant to Russian hate speech laws, such as the Movement Against Illegal Immigration.

Russian language native speakers, those married to Russian citizens, highly qualified specialists, businessmen and refugees are eligible for a simplified immigration procedure. It allows to get citizenship in 3 years (instead of 5 under the standard procedure) or sometimes to skip temporary or permanent residency.

6. Migrants in Russia

During 2007-2008, migration trends in Russia were shaped by a continuing demographic decline and considerable economic growth, which resulted in an increasing demand for labour force. One of IOM's priorities is to sustain its activities supporting the harmonization of labour migration policies in the Commonwealth of Independent States (CIS) region. The need to enhance the systems of return and reintegration management in conjunction with the return of Russian nationals and the signing of the Readmission Agreement between the Russian Federation and the European Union (EU) in May 2006 is being addressed by IOM within the framework of the initiative funded by the European Commission (EC).

As for internal migration, focused effort has been underway to provide state support to those forcibly resettled as a result of the conflict in Ossetia-Ingushetia. Despite the reported steady decline in irregular migration, expert estimates of the number of irregular migrants in Russia range between five and six million. The need remains to enhance practical mechanisms to enforce compliance with the rules of entry and stay in Russia, as well as to ensure control over associated criminal activities (trafficking in humans, smuggling of migrants, etc.). Hence another focus of IOM is on programmes of technical cooperation in migration management and combating trafficking in human beings.

7. National Labour Law Profile: Russian Federation

The current Constitution of the Russian Federation (hereafter "the CRF") came into force on 12 December 1993, following its approval by nationwide referendum. It declares, inter alia, that the Russian Federation is a democratic, federal, multi-ethnic republic, based on the rule of law (Article 1). State power

is divided between three separate but equal branches of government - the legislature, the executive and the judiciary (Article 10).

According to Article 65 of the CRF, the Russian Federation is a federal State consisting of 21 autonomous republics and 68 autonomous territories and regions, including two federal cities, Moscow and St. Petersburg (89 constituents).

The President of the Russian Federation, who is Head of State and Commander-in-Chief of the Armed Forces, is elected to a term of four years by the citizens of the Russian Federation on the basis of general, equal and direct vote by secret ballot. The President may only be reelected to two consecutive terms (Article 81 of the CRF).

Supreme legislative power is vested in the bicameral Federal Assembly, which consists of two chambers - the Council of the Federation and the State Duma (Article 95 of the CRF). The Council of the Federation (178 seats) is filled by the appointed representatives from each of the 89 federal constituents. The members serve four-year terms. The State Duma consists of 450 deputies who are elected to four-year terms. Half of the seats in the State Duma are elected by proportional representation from party lists winning at least 5% of the vote. The other half is elected from single member constituencies by direct popular vote to serve four-year terms.

For a law to be adopted, it has to be approved by the State Duma. It is then submitted to the Council of the Federation. If the latter rejects the bill, a conciliatory commission is created to overcome the contradictions. The President may also reject the bill. His/her veto can, however, be overturned by a two thirds majority of the total membership of the Council of the Federation and the State Duma (Article 107 of the CRF).

The CRF explicitly defines the exclusive federal jurisdiction (Article 71 of the CRF). It also spells out the joint jurisdiction of the Federation and its constituents (Article 72 of the CRF). This joint jurisdiction also covers labour legislation (Article 72 (j) of the CRF). Outside of the exclusive jurisdiction of the Russian Federation and the joint jurisdiction of the Russian Federation and its constituents, the latter exercise the entire spectrum of state power (Article 73 of the CRF).

Executive power in the Russian Federation is vested in the Government of the Russian Federation which consists of the Chairman of the Government of the Russian Federation, Deputy Chairmen of the Government and federal ministers (Article 110 of the CRF). The Chairman of the Federal government is appointed

by the President with the consent of the State Duma. If the State Duma on three occasions rejects candidates proposed by the President, the President appoints a Chairman of the Government, dissolves the State Duma and calls a new election (Article 111 of the CRF).

The basic rights and liberties in conformity with the commonly recognized principles and norms of international law are recognized and guaranteed in the Russian Federation and by the Constitution. The basic rights and liberties of the human being shall be inalienable and shall belong to everyone from birth. The exercise of rights and liberties of a human being and citizen may not violate the rights and liberties of other persons (Article 17 of the CRF). The rights and liberties of human being and of the citizen shall have direct effect. They shall determine the meaning, content and application of the laws, and the activities of the legislative and executive branches and local self-government, and shall be secured by the judiciary (Article 18 of the CRF). All people shall be equal before the law and in the court of law. The state shall guarantee the equality of rights and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance. Any restrictions of the rights of citizens on social, racial, national, linguistic or religious grounds shall be forbidden. Man and woman shall have equal rights and liberties and equal opportunities for their implementation (Article 19 of the CRF).

According to Article 118 of the CRF, justice in the Russian Federation is administered only by courts of law. All trials in all courts of law have to be open and conducted on an adversarial and equal basis. (Article 123 of the CRF). Courts of law are financed only out of the federal budget and financing shall ensure full and independent administration of justice in accordance with federal law (Article 124 of the CRF).

The Constitutional Court of the Russian Federation, which consists of 19 judges, is empowered with the right of constitutional review: a) federal laws, normative acts of the President of the Russian Federation, the Federation Council, State Duma and the Government of the Russian Federation; b) republican constitutions, charters, as well as laws and other normative acts of subjects of the Russian Federation published on issues pertaining to the jurisdiction of bodies of state power of the Russian Federation and joint jurisdiction of bodies of state power of the Russian Federation and bodies of state power of subjects of the Russian Federation; c) agreements between bodies of state power of the Russian Federation and bodies of state power of subjects of the Russian Federation, agreements between bodies of state power

of subjects of the Russian Federation; d) international agreements of the Russian Federation that have not entered into force. It also resolves disputes over jurisdiction: a) between the federal state bodies; b) between state bodies of the Russian Federation and state bodies of the subjects of the Russian Federation; c) between supreme state bodies of subjects of the Russian Federation.

Complaints about violation of constitutional rights and freedoms of citizens can also be subject to constitutional review by the Constitutional Court of the Russian (Article 125 of the CRF).

8. Labour rights in the Constitution

According to Article 7 of the CRF, the Russian Federation is a social state, whose policies shall be aimed at creating conditions, which ensure a dignified life and the free development of man. It shall protect the work and health of its people, establish a guaranteed minimum wage, provide state support for family, motherhood, fatherhood and childhood, and also for the disabled and for elderly citizens, develop a system of social services and establish government pensions, benefits and other social security guarantees.

Article 37 of the CRF enumerates basic labour rights, including free choice of type of activity and profession, prohibition of forced labour, working conditions which meet safety and hygiene requirements, remuneration without any discrimination, minimum wage established by federal law, protection against unemployment, right to individual and collective labour disputes, right to strike, guaranteed statutory duration of work time, days off and holidays, and paid annual vacation. Article 30 of the CRF envisages that everyone shall have the right to association, including the right to create trade unions in order to protect one's interests.

According to Article 55 of the CRF, the listing of the basic rights and liberties in the CRF shall not be interpreted as the denial or belittlement of the other commonly recognized human and citizens' rights and liberties. No laws denying or belittling human and civil rights and liberties may be issued in the Russian Federation. Human and civil rights and liberties may be restricted by the federal law only to the extent required for the protection of the fundamentals of the constitutional system, morality, health, rights and lawful interests of

other persons, for ensuring the defense of the country and the security of the state.

9. Labour legislation

From its structural point of view, the system of labour legislation in the Russian Federation can be characterized as "codified-plus". Alongside the Labour Code which brings together in a systematic manner a significant number of statutory provisions concerning both the individual employment relationship and industrial relations, there are some other pieces of labour legislation which supplement and further develop the provisions contained in the Labour Code.

10. Labour Code

The history of Labour Codes in Russia goes back to the Labour Codes of 1918, 1922 and 1971. The later had been introduced on the basis of the USSR Fundamentals of Labour Legislation dated 15 July 1970, which had been created as a legislative framework for the entire Soviet Union. The current Labour Code of the Russian Federation of 30 December 2001 (hereafter "the LC") is in force from 1 February 2002. It consists of 6 parts, 62 chapters and 422 articles which deal, inter alia, with the following major labour law issues:

fundamentals of labour legislation (purposes of labour legislation; basic principles of regulation; non-discrimination; prohibition of forced labour; the system of labour legislation);

the respective competencies in labour law making of the Russian Federation and of its constituents;

-labour relations, their parties and grounds for establishment, including employee's and employer's basic rights and responsibilities;

-social partnership, including tripartite co-operation, collective bargaining and workers' participation;

contract of employment;

-protection of workers' personal data;

-conditions of work, including work time; rest time, including leave; remuneration;

labour discipline;

-health and safety;

-women's labour, including maternity protection;

-youth (under 18 years of age) labour;

-seasonal work, home work, domestic work, etc.;

- work in a number of specific sectors, including education and transportation;
- protection of workers' rights by the trade unions;
- labour disputes settlement.

Other Labour Law enactments

The following separate pieces of legislation (in their chronological order) supplemented or further developed provisions of the LC:

The Employment of Population Act, of 1991 in its edition of 20.04.96 (last amended on 7 August 2000);

The Collective Agreements and Accords Act, 1992 (last amended on 1 May 1999) ;

The Settlement of Collective Labour Disputes Act, 1995 (last amended on 6 November 2001);

The Trade Union Act, 1996 ;

The Russian Tripartite Commission for Regulation of the Socio-Labour Relations Act, 1999;

The Russian Tripartite Commission on Regulation of Socio-Labour Relations Act, 1 May 1999;

The Fundamentals of Health and Safety Act, 1999;

The Compulsory Social Insurance Against Occupational Accidents and Diseases Act, 1998 (last amended on 25 October 2001);

The Insolvency (Bankruptcy) Act, 1997;

The Minimum Wages Act, 2000;

The Fundamentals of Public Service Act, 1995 (last amended on 7 November 2000).

According to Article 422 of the LC, all other pieces of labour legislation have to be put in compliance with the LC.

Other sources of Labour Law

According to Article 90 of the CRF, the President of the Russian Federation issues decrees and executive orders, which are binding throughout the territory of the Russian Federation and may not contravene the CRF or federal laws. Such orders and decrees represent an important source of labour law in the Russian Federation.

Another important source of labour law in the Russian Federation is decrees and orders issued by the Government of the Russian Federation on the basis of and pursuant to the CRF, federal laws and normative decrees of the President of the Russian Federation. Should such decrees and orders contravene the CRF, federal laws and the decrees of the President of the Russian Federation, they may be repealed by the President of the Russian Federation (Article 115 of the CRF).

A further source of labour law in the Russian Federation is normative documents issued by the Ministry of Labour and Social Development with a view to implementing labour legislation in force in the Russian Federation. A number of other federal executive bodies are also empowered to issue normative acts within the powers given to them by federal legislation, decrees and orders of the President or of the Government of the Russian Federation.

Since, according to Article 72 (j) of the CRF, labour legislation falls within the joint jurisdiction of the Russian Federation and its constituents, the constituent level labour law regulation seems also to be a very important source. While listing matters falling within the exclusive federal jurisdiction, Article 6 of the LC empowers the constituents of the Russian Federation to legislate on any other matter that goes beyond this exclusive jurisdiction. In this case, a higher level of workers' rights and social guarantees (as compared with what has been established by federal laws) resulting in an increase of budget expenses or in a decrease of budget revenues has to be ensured at the expense of the budget of a respective constituent. The constituents of the Russian Federation can also legislate on matters that have not been regulated at the federal level. Upon the adoption of the federal level legislation on the same matter(s), the respective constituent level legislation has to be brought in compliance with the federal legislation. Should the constituent level labour law regulation contradict the LC and any other federal level regulation or diminish the level of workers' rights and social guarantees ensured at the federal level, the provisions of the LC or other federal level regulation supercede the respective constituent regulation (Article 6 of the LC).

Labour regulations of local (municipal) self-governing bodies issued within their competencies are also considered as a labour law source in the Russian Federation. Such regulations shall not contradict the LC and other federal and constituent level labour laws (Article 5 of the LC).

Bipartite or tripartite agreements at national, industry, regional or territorial level as well as enterprise level collective agreements also play an important role in labour regulation. National level «general accords» were introduced by the Presidential Decree on Social Partnership and Disputes Settlement of 15 November 1991 as a new instrument of labour policy. They are concluded on a tripartite and yearly basis between the Federal Government and the most representative organizations of employers and workers with a view to outlining the duties of the parties involved in such areas as employment, welfare levels, wage levels, etc. Together with one national general accord, 61 federal industry level accords, 77 regional level accords, 2293 regional industry level accords and 161,700 enterprise level collective agreements were

concluded in the Russian Federation in 2000 (See national weekly *Economika i Jizn*, March 2001 (No. 9)).

Case law has traditionally played a role in labour regulation in the Russian Federation. Constitutional reviews issued by the Constitutional Court of the Russian Federation and interpretation of labour law provisions given by the superior judicial bodies are not only binding on all lower judicial bodies in the country, but also play an important role in the process of labour law revision. Such reviews and interpretations assist the legislature to better understand where and how to adjust the existing system of labour regulation to make it more responsive to the newly emerging economic and social concerns and thus more applicable.

International law is also considered as a source of labour law in the Russian Federation. According to Article 15(4) of the CRF, the commonly recognized principles and norms of international law and international treaties signed by the Russian Federation constitute an integral part of its legal system. If an international treaty signed by the Russian Federation stipulates other rules than those stipulated by the labour law regulations of the Russian Federation, the rules of the international treaty apply (Article 10 of the CRF).

11. The scope of Labour Law

According to Article 11 of the LC, the labour law regulations in the Russian Federation are applicable to all workers who have entered into employment relationships with employers. The application of the LC and other labour laws and regulations is mandatory in the entire territory of the Russian Federation for all enterprises (legal and physical entities) irrespective of their legal status and form of ownership.

In the cases when it is established by a court of law that a civil law contract in fact regulates an employment relationship, provisions of labour law are applicable.

The labour law regulations in the Russian Federation are also applicable to employment relationships with foreigners and persons without citizenship, unless otherwise is provided by a federal law or an international treaty of the Russian Federation.

12. Contract of Employment

Article 56 of the LC defines “contract of employment” as an agreement between an employer and employee, according to which the employer undertakes:

- to provide the employee with the assigned work;
- to ensure conditions of work envisaged by labour law regulations or contained in collective agreements and agreed upon in the contract of employment; and
- to pay employees' wages timely and in fullband the employee undertakes:
- to perform personally the assigned work; and
- to follow the work rules existing at the enterprise.

Duration and form of contract of employment

According to Article 58 of the LC, contracts of employment can be concluded either without limit of time or for a specified period of time (hereafter “fixed-term contracts of employment”). If a contract of employment contains no provision on its validity period, this contract is deemed to be executed for an indefinite time period.

Fixed-term contracts of employment are concluded when an employment relationship may not be established for an indefinite duration due to the character of the anticipated work (e.g. seasonal work) or the conditions of its performance, unless otherwise envisaged by law. If none of the parties demands the termination of a fixed-term contract of employment due to its expiration and the employee continues to perform the same work, this contract of employment is deemed to be executed without limit of time.

Article 59 of the LC (i) limits the use of fixed-term contracts to the reasons specifically provided for in federal legislation and (ii) gives a non-exhaustive list of such reasons.

A fixed-term contract of employment concluded in the absence of satisfying reasons to do so is deemed to be executed without limit of time. It is also prohibited to conclude fixed-term contracts of employment with the aim of unwillingness to grant rights and guarantees envisaged by law for the employees being a party to a contract of employment concluded without limit of time (Article 58 of the LC).

All contracts of employment are required to be in writing (Article 67 of the RFLC).

13. Equality

The principle of equal treatment is laid down as a basic right in Article 19 of the CRF, according to which the state guarantees equality of rights and freedoms regardless of sex, race, nationality, language, origin, property and official position, place of residence, attitude to religion, convictions, membership in public associations, as well as of other circumstances. This basic constitutional right is also set forth in Article 3 of the LC: "Everyone has equal opportunities in exercising labour rights. No one shall be restricted in labour rights and freedoms or receive any privileges while exercising these rights and freedoms due to sex, race, color, nationality, language, origin, propertied or official status, age, place of residence, attitude to religion, political convictions, affiliation or non-affiliation to public associations, as well as other circumstances which are not associated with work qualities."

14. Pay issues

The right to be paid wages timely and in full in accordance with qualification, complexity of work and its quantity and quality is one of the basic rights of workers envisaged in Article 21 of the LC.

Wages are to be paid in the monetary form in the currency of the Russian Federation (rubles). Collective agreements or contracts of employment can envisage other forms of wage payments, if this does not contradict federal law or international treaties entered into by the Russian Federation. The amount of non-monetary wage payments cannot exceed twenty per cent of the total amount of wages (Article 131 of the LC).

According to Article 133 of the LC, the monthly wage of a worker having worked out the norm of working time and having fulfilled the labour standards (labour duties) for the given period of time, can not be lower than minimum wage established by federal law.

Article 134 of the LC provides for wage indexation. For budget financed enterprises the procedure of indexation is established by law; for profit financed enterprises this procedure is established in collective agreements and other enterprise level documents.

The wage systems, tariff rates, salaries, and various types of payments are set for:

employees of budget financed enterprises – by laws and other legal instruments;

employees of enterprises with combined (budget and profit) financing – by laws, other legal instruments, as well as by collective agreements and other enterprise level instruments;

employees of other enterprises – by collective agreements , collective contracts, local normative instruments of organizations, and other enterprise level instruments (Article 135 of the LC).

Wages are to be paid at least once every two weeks (Article 136 of the LC).

Deductions from wages can be made only in the cases envisaged in the LC and other federal laws. According to Article 137 of the LC, wage deductions with a view to setting off workers' indebtedness against the employer may be effectuated in the following cases:

to be paid back for an advance payment on work that the worker failed to perform;

to pay off an advance payment made to the worker going on a business trip or being transferred to another location, or for any economic expenses associated therewith, that was not spent or not returned in due time;

to return any extra amounts paid to the worker as a result of accounting mistakes;

to compensate for days taken as vacation, if worker is dismissal prior to the end of the working year and he or she has already used up his or her annual vacation leave. No money shall be withheld for these days if the employee is being dismissed for the reasons indicated in paragraphs (1), (2), (3-a), and (4) of Article 81 and paragraphs (1), (2), (5), (6), and 7 of Article 83 of the LC.

With each payment of wages the total of all deductions shall not exceed 20 percent, while in the cases specifically envisaged by federal law the latter may amount to 50 percent. If wage deduction is made according to several executive documents, the worker by all means retains 50 percent of his or her wage (Article 138 of the LC).

The employer delaying payment of wages or otherwise violating rules governing the payment of wages is to be held liable in accordance with the LC and other federal laws. In the event of a more than fifteen-day delay in the payment of wages, the worker is entitled to suspend work until payment of due wages is made, having notified the employer in writing (Article 142). In the

event of violation of the established procedures for the payment of wages, leave, severance allowance and other payments due to the worker, the employer shall be obliged to pay them with interest charged (monetary compensation) in the amount of no less than 1/300 of the currently existing re-financing rate of the Central Bank of the Russian Federation of the delayed sums for each day of such delay starting on the next to follow date as of the established payment date until the date of actual payments set off, inclusive Article 236 of the LC).

Web links to Labour Law

In Russian:

<http://www.mintrud.ru/>

<http://www.consultant.ru/>

<http://www.supcourt.ru/>

<http://www.usis.ru/>

<http://www.systema.ru/>

<http://law.optima.ru/>

In Russian and English:

<http://www.gov.ru/>

<http://garant.park.ru/>

<http://www2.kodeks.net/>

<http://ks.rfnet.ru/>

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