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Russia’s Changing Migration Policies

The following analysis seeks to locate Russia’s immigration regime in a broader theoretical framework. First it seeks to generally assess a state’s ability to regulate immigration and how nationalism and/or liberalism are used as justificatory discourses. Migration literature is ample in its discussion of the relationship between liberalism and various immigration regimes. It falls silent, however, on the relationship between nationalism and border control. Second, the paper will use the Russian case to fill this gap. The case is particularly appropriate because of the state’s use of nationalism as a justification for restrictive immigration policies. The primary hypothesis in the Russian case is that nationalism has both necessitated and justified changes in the current immigration regime despite the current demographic crisis and consequent need for increasing numbers of migrant workers.

Introduction

New migration rules in Russia, enacted on January 15, 2007, are among a package of legislation that are touted as streamlining a cumbersome and overly bureaucratic administrative process. The new legislation is part of a broader thrust to address the current demographic crisis, which has been given top priority under the Putin administration. In a period of massive population decline, the state has sought to reduce disease and mortality, increase birth rate and regulate migration. While a program has been instituted that will provide monetary incentives to Russian “compatriots” returning to the Russian Federation, non-Slavic labor migrants from the Commonwealth of Independent States were limited to six million per year, according to the January 2007 legislation. CIS labor permits are expected to be further limited in 2008. In the sector of retail trade (almost exclusively manned by immigrants), foreign workers are banned altogether as of April 2007. Some fear the new procedures will make it difficult for workers from the CIS to find legal employment, and will thus contribute to growing numbers of illegal immigrants.

Why would Russia, whose population is decreasing by 700,000 per year and needs one million immigrants per year to maintain economic growth (Dmitriyev 2007; Andrienko & Guriev 2005, 8), completely ban foreign workers in a particular sector dominated by immigrants? Projections indicate that the period from 2006-2015 will see a decrease in working age population by 10 million, or 1% per year (Voronina 2006, 71). In fact, many believe immigration is the only source of population growth in Russia (Korobkov & Zaionchkovskia 2004, 501). In the current state of impending demographic crisis, it is counterintuitive that Russia would restrict immigration as it has.

The aim of this article is twofold. First, it seeks to create a theoretical context in which to understand the Russian case specifically, and immigration policy more generally. Toward this aim, the article will review of important theoretical issues in the available literature. Specifically, it assess the ability of states to regulate immigration in an increasingly globalized world. It then addresses the possibility of nationalism and/or liberalism to supply an adequate justification for chosen policies.

Second, the article seeks to fill in a gap in the literature, using the Russian case as an example of a state that uses restrictive policies and nationalist discourse as the key components of its immigration regime. The case study advances the hypothesis that
rising nationalist tides in Russia necessitated the new migration rules. Nationalism and xenophobia have two primary sources in Russia today. The state directs the formation of Russian identity through the media, which contributes to xenophobic tendencies that focus on migrant (specifically non-Russian) populations. Further, right wing nationalist groups have been rising in influence, and have met little resistance from the state. The state acts as both cause and solution, stepping in with immigration restrictions that purport to protect Russian nationals (RFE/RL 2006). The result is a shoring up of state power by demonstrating the capacity to provide solutions to security and identity threats.

**Review of migration theory and literature**

*The general situation created by immigration*

The situation created by immigration in the current era is one that calls into question how rights and identity can be ensured and who is responsible (or best suited) to ensure that identity and rights are guaranteed, the state or some super-state force/institution? (Figure 1) Immigration concerns the rights and identity of two groups: those moving across borders and those who are traditional denizens or long-term citizens of the destination. Currently immigration regulation falls within the domain of state politics as it involves an individual crossing sovereign borders from one state to another. Yet the source of immigrant rights and identity, whether the country of origin, country of residence or some supra-state process, is hotly debated. This tension begs several important questions: Are states capable of controlling their borders, or are there larger global processes working against the desires of the state? If states are not in control, how can they deal with the rights and identity of their own citizens as well as those of the unwanted immigrants?

The literature on migration generally and immigration policy more specifically is vast. An exhaustive review of relevant scholarly views here would detract from the case at hand. However, a theoretical foundation must be laid in order to place the Russian case into a context relevant for advancing the scholarship on migration studies as well as that on Russian politics and society. The most important questions in this context are: a) does the state have control over the immigration process or are the forces of globalization wresting power from the state, and b) in the formation of immigration policy, would liberalism or nationalism be a more effective tool for regulating borders and public responses to immigrant populations.

*A theoretical matrix of immigration responses*

There are several processes that are relevant to the study of immigration policies (a state’s response to the general situation created by immigration). Two sets of processes lay on intersecting continuums: on one continuum are state capacity and globalization (with a devalued view of the state), on the second continuum lay nationalism (which pulls toward exclusion) and liberalism in the classical sense (pulling toward inclusion based on

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1 Diaspora communities are included in the second of these two categories, as they retain the identity of their country of origin. Diaspora migrants are not considered in this analysis, except to the extent that they are allowed preferential immigration in the Russian case, which provides an interesting exception in an otherwise restrictive immigration regime.
universal rights). (Figure 2) Of first order is to define these processes before proceeding to explore the interactions.

Delineating the processes
Stateness
The process of state building has as its end result the institutionalization of relationships between government and citizenry. A common explanation is that given by Charles Tilly, which frames the process of state building as an extractive process wherein resources needed for war making (i.e. troops or revenue) are exchanged for protection of the population. Over time, the relationships between protection, war making, state making and extraction create mutual constraints that become formalized institutions (Tilly 1985, 181). Stateness is the resultant health and strength of the relationship between ruler/ruled and can be measured by the Weberian notion of a monopoly of violence within a given territory, defined as the ruled ceding the right of violence to the state in exchange for other benefits (i.e. social order, infrastructure, etc.). From this territorially bounded definition, it is possible to draw the conclusion that the management of borders is essential for providing such a monopoly (both internally and externally) and thus assert that a state’s capacity to control its borders, and thus immigrant flows, is a measure of stateness.²

Nationalism
Nationalism defines the criteria for belonging to a particular ethno-cultural or political group. Though there is significant debate within the community of scholars studying nationalism as to the origins and functions of nations and nationalism, there is sufficient consensus to assert that nationalism is a boundary-creating/maintaining process. It is a process where the boundaries of identity defining a particular group establish how and to whom rights are conferred. Boundaries may be physical (when attached to a state or territorial demarcation) or non-physical (relying on a more abstract sense of cultural unity). Immigration is a process that confounds nationalist desires to maintain homogeneity of cultural identity within physical boundaries. Nationalism is a visible force that fights against unbridled immigration in the current era, nationalists calling for restrictive immigration policies to preserve cultural heritage of a dominant nation within a state or to limit the strain immigrants place on the job market and social welfare services (education, health care, police services etc.) (Smith 1995, 46; Seglow 2005, 319). Nationalist voices argue that jobs and welfare benefits are the right of national members, and should not be extended to those outside the identity boundaries. Whether nationalism is defined as ethnic or political, it can manifest itself as ethnic conflict surrounding questions of immigration due to the ability of ethnic demarcations to act as powerful symbols of the divide between indigenous and imported populations.

Liberalism

² This assertion does not deny that state capacity varies across issue areas, and that the aggregated capacities create a more complete measure of stateness. Yet for the purpose of this analysis, the focus of stateness and state capacity will be limited to border control and the immigration regime as a regulatory tool.
Classical liberalism rests on universal moral equality, individual autonomy, and equal capacity for rationality (Cole 2000, 2-5; Lichtenberg 1996, 54). In contrast to nationalism, where identity is the basis for rights, liberalism creates a system that attributes rights universally, not allowing for subdivisions based on identity. Liberal theory is a borderless force, and is thus limited in its universality by modern territorial divisions. The attempt to regulate population flows along a hierarchy of those who have greater claims to belonging within particular borders thus becomes a distinctly illiberal endeavor. Consequently a political entity that labels itself liberal must wrestle with this tension between promoting rights and protecting boundaries around the community. In an argument for open borders as an option consistent with liberal theory, Joseph Carens asserts that an attempt by a liberal state to restrict internal mobility would be widely seen as a violation of human freedoms; the freedom of movement as a liberal principle overrides any interests of a local political community to restrict new arrivals (1987, 267). In the same way, Carens argues, states have little moral ground on which to restrict freedom of movement across national borders.

*Globalization*

Globalization has been described variously as a compression of time and space, an international expansion of trade, finance, travel and communication, and movement toward a global economy, culture and society (Smith 1995, 1, Tonnesson 2004, 179, Sklair 1999, 146). Advocates of globalization argue for a decay of, or at least a progressive irrelevance of, state capacity (its monopoly of violence) and territoriality (Sassen 1996; Guibernau 2001). Territoriality is attenuated by supra-state organizations such as the EU and processes of devolution of central power to national minorities (Guibernau 2001, 254). The external monopoly of violence is threatened by nuclear weapons and increasing interconnectedness of militaries, while the internal monopoly is subject to international human rights regimes over and above national laws or volition (Guibernau 2001, 255). Some globalization advocates argue that international human rights regimes are creating a situation where access to rights is no longer state-imbued, but is available regardless of residence or citizenship in a particular state (Soysal 1994, Jacobson 1996).

*How the processes interact*

When beginning a discussion on immigration policies, one quickly realizes that any of the above-stated processes can be difficult to talk about in isolation. Each of the processes of state building, globalization, liberalism and nationalism is either intimately related to the others or creates a tension upon which the other processes must find balance. Due to the limitlessness of possible combinations, this discussion focuses on state capacity to regulate immigration and the utility of nationalism and liberalism to justify regulating borders as the two most important theoretical issues.

*State v. Globalization*

Immigration (especially illegal immigration) is perceived by some as weakness of state sovereignty, in that the state is unable to control its borders or the populations crossing those borders (Alexseev 2006, 40). Migrant flows are often offered as proof of the process of globalization, in that international migration creates national populations that
span multiple states and can lead to renegotiations of borders in a circumstance of eroded notions of state sovereignty (Weiner 1995, 128-129). Some argue that this process threatens international security and will inevitably lead to xenophobic and nationalistic backlash (Hollifield 2000, 140).

Others who argue for the dominance of global processes focus not on issues of security, but rather on how international human rights norms penetrate domestic immigration regimes and constrain states’ abilities to control immigration (Soysal 1994, Sassen 1996, Hollifield 1992, 578). Whereas rights traditionally originated in the nation-state, they are now of a more universalistic nature, based on individual personhood rather than national membership (Soysal 1994, 164). As international human rights law develops and states subject themselves to it, domestic laws follow suit in a manner that undermines the exclusive authority of the state over those within its borders (Sassen 1996, 60-89).

Yet it can be stated just as convincingly that the domestic norms and values of liberal democracies spill over into the international arena: that state values penetrate the international system rather than vice-versa (Hollifield 1992, 587-590). Yet many scholars agree that it is difficult for liberal states to regulate immigration because the acceptance of unwanted migration is inherent in a state that functions according to the rule of law and human rights norms (Hollifield 1992, 578; Joppke 1998, 292; Freeman 1995, 882).

Not all scholars accept difficulty regulating immigration and lack of state capacity as co-variant phenomena. Those who argue for enduring state capacity in the immigration realm do not deny that some domestic constraints cause states to under-utilize their capacity (Joppke 1998, 270). Constraints originate from interest groups (i.e. migrant employers, ethnic groups and human rights groups), the constitution and legal system, and are affected by historical legacies (Joppke 1998, 16, 270-271; Freeman 1995, 886-8). Therefore, despite increasing potential for state capacity to control immigration, liberal states do not utilize the capacity because of domestic issues (Joppke 1998, 270).

However, aside from human rights issues (which invariably pull toward inclusiveness regardless of the origin of rights), domestic interests that constrain immigration regimes tend to do so because of the economic incentives of globally integrated markets. It can be argued that the state has shifted its focus from territorial control to the establishment of non-concrete boundaries and that states are therefore able to manipulate the flow of migrants (rather than rely on border control) in order to place their economy in a competitive global position (Cohen 2001, 79, 88). Consequently, domestic and global constraints on border control can be collapsed into a category that pulls states away from sovereign control toward global processes.

Thus in answer to the question of the state’s control over immigration, there is sufficient indication in the literature that if any entity has control over the immigration process it is the state, though states vary in their individual actualized capacities. Since the capacity to control borders is a measure of stateness, whether states choose global integration over
restricted borders or whether they are simply unable to logistically control borders, the result is a lack of actualized capacity.

Without states, there would be no immigration, both because the state produces immigration, and because border crossing is a transfer of jurisdiction from one sovereign entity to another (Joppke 1998, 5-6). This is a given. Yet states are capable of moving along the state-global continuum, which could also be labeled more-less sovereign or more-less stateness according to actualized capacity.\(^3\) It is logical to assume that as a state moves towards globalization, its immigration policies will become more open, whereas a state that retains capacity over its borders will have a more restrictive immigration regime (Figure 3).\(^4\)

**Liberalism v. Nationalism**

Traditionally, both nationalism and liberalism are linked to the state. Liberalism is a theory that emerged alongside the modern state and thus presupposes the context of a state within which to operate (Carens 1987, 265). Nationalism also, according to Gellner, is “parasitic on a prior and assumed definition of the state,” (1983, 4). Linz and Stepan argue that a nation has no organizational component to equal the bureaucracy of a state, and therefore depends on the resources of the state to achieve national goals (1996, 22).

As states decided if or how they will control borders, they must contend with the tension created by liberalism and nationalism. Those who hold to liberalism speak of immigration largely in terms of justice for citizens and immigrants alike. Nationalist voices, on the other hand, speak of immigration in terms of security of the state and citizens. Democratic states often work to reconcile their chosen policies with liberal theory. States less concerned with the processes or appearance of democracy will be freer to justify their policies in terms of preventing security threats (economic, social, etc.) by restricting the immigration of non-nationals.

Even democratic forms of state building necessitate the creation of political community, an inherently boundary-setting endeavor that relies on definitions of in-groups and out-groups. Some scholars, most famously Michael Walzer, justify this process of defining membership as necessary in order to create bounded communities within which equality can be distributed justly (Walzer 1983). To the contrary, Philip Cole argues that the concepts of membership and equality are contradictory because equality is not extended to non-members (i.e. immigrant non-citizens). Rather insiders and outsiders are determined in a way that is both morally arbitrary from a liberal standpoint and not far removed from the logic that defines nationalism (Cole 2000, 9-13, 87).

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\(^3\) Scholars of comparative politics will of course prefer the concept of stateness, while IR scholars will prefer sovereignty. For this analysis, the terms are adequately synonymous. If a difference is to be noted, it is that stateness describes the internal contours of how a state is able to cohesively accomplish its goals without interference from non-state actors, while sovereignty describes the external contours of how a state is able to accomplish its goals without the interference of international actors from outside its borders.

\(^4\) An immigration regime includes policies, political rhetoric and actual enforcement results (or, how closely policy and rhetoric match reality).
The literature does not use nationalism as a direct counterpoint to liberal philosophy. Rather, Walzer’s communitarian explanation of the boundary creating process of membership is most often treated as a counterpoint to liberalism (Cole 2000, Carens 2003, Seglow 2005). Perhaps it is most appropriate to see Walzer’s argument as one step along the continuum from liberalism toward nationalism as the most exclusive type of membership. That Walzer argues for the right of current members of a political community to choose who may or may not be admitted as immigrants distinguishes his analysis from pure liberalism (1983, 32). Yet, Walzer also argues against the idea that inhabitants of a country should be denied citizenship based on their nationality, a distinction that places his argument at a midpoint between liberalism and nationalism (1983, 43).

That Walzer qualifies the boundaries of membership calls for a distinction between political communities and nations, which can be found in the work of Max Weber. The political community, in this case the members of a state, should not be seen as identical with the nation (Weber 1978, 922). Whereas state membership is territorially delineated, national membership is “a specific sentiment of solidarity in the face of other groups,” and can be based on language, religion, ethnicity, political destiny or some other unifying value (Weber 1978, 922-923). Within the concept of political community, nationalism can be more or less exclusive, as Weber observes: “within the same nation the intensity of a solidarity felt toward the outside is changeable and varies greatly in strength,” (1978, 925).

Unlike those who call for open borders as a realization of liberalism, one would be hard pressed to find similar scholarly advocacy for closed borders on the basis of nationalism. Certainly there are studies describing the effects of nationalism on immigration policies (i.e. Gijsberts, Hagendoorn and Scheepers 2004, Alexseev 2006). We must rely on accounts such as these as well as theoretical accounts of nationalism and its goals to derive an argument for whether or not nationalism is an effective tool to justify particular immigration policies. Russia is one such case that speaks to the effectiveness of using nationalism as a justification for restrictive immigration policies.

Immigration is a violation of the nationalist principle as defined by Ernest Gellner because it allows non-nationals to be included within political boundaries that, according to nationalism, should not cut across ethnic boundaries (1983, 1). Further, “nationalism is a theory of political legitimacy,” according to Gellner (1983, 1). According to this logic, the state cannot violate the nationalist principle (in this case by allowing immigrants) and remain legitimate. A non-liberal state is not constrained in pursuing restrictive immigration policies, because it is not rooted in ideas of equality over and above the national identity of an individual.

Liberalism calls for open borders. Nationalism calls for borders that are closed to all non-members of the national group.5 The current states system is based on borders,

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5 Nationalism clearly allows for unfettered immigration of ethnic or diaspora groups that for a number of reasons have come to be located outside the political boundaries of their national state. The Russian case
which immediately limits liberalism; these dilemmas are well documented in the literature. Nationalism in the current era is often described as primitive or overly restrictive, placing limits on its use as a method of acceptable modern state policy. Yet moralistic restrictions are not always heeded, as we will see in the case of Russia. The remainder of this article analyzes the dynamics of combining a restrictive immigration regime with nationalist legitimization. (Figure 4) In doing, it will explore whether nationalism is an effective tool for justifying a given set of immigration policies apart from its reputation as illegitimate.

The Russian case
Post-Soviet immigration regime
During the Soviet period, any migration (immigration, emigration, and internal migration) was regulated by the propiska system, which required the registration of each person at a particular address and required permission to settle in large cities such as Moscow and St. Petersburg (Chudinovskikh 2006, 2). In order to move residence, a person would first have to obtain a propiska, or permission slip, from the government; without it, a person would not be able to find housing or work and would be unable to register a marriage (Rubins 1998).

In 1993, laws were adapted to reflect the new post-Soviet era, granting the right of free movement, choice of residence and obviating government-approved permits for residence changes. Further changes in 1995 established two options for registration, either at the place of residence or place of stay (for periods of ten days or longer), each of which required passport identification and proof of legal residence (UNHCR 2000).

Throughout the 1990s, immigration laws were made in an ad hoc manner (mostly by presidential decree) and did not truly dismantle the propiska system (Voronina 2006, 73; Andrienko & Guriev 2005, 23). Rules and laws were at times contradictory (some were deemed unconstitutional by the Constitutional Court) and left wide latitude for administrative discretion, leaving ample room for corruption (Rubins 1998, 551; Katanian 1998).

The Federal Migration Service was created in 1992 to oversee the development and implementation of migration policy (Voronina 2006, 72; Gavrilova 2001, 261; Pilkington 1998, 60). The FMS was primarily concerned with protecting the rights of migrants and refugees yet it failed to attract migrants to regions deemed appropriate for migration and proved ineffective at assisting with housing and employment (Voronina 2006, 74; Gavrilova 2001, 279; Pilkinton 1998, 70). Under the Putin administration the agency shifted focus to combating illegal immigration and regulating labor migration, effectively securitizing the migration regime (Voronina 2006, 75; Pilkington 1998, 70; Gavrilova

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*Law on the Right of Russian Citizens to Move Freely and Choose their Place of Sojourn and Domicile within the Borders of the Russian Federation (June) and Constitution of the Russian Federation (December).*

*Rules on the Registration of Citizens of the Russian Federation and their Removal from the Roster According to Place of Sojourn and Residence within the Russian Federation*
The FMS was created as an independent body of the executive branch, but is now a part of the Ministry of the Interior, is staffed with police officers and acts as a law enforcement agency (Light 2005, 6; Korobkov & Zaionchkovskaia 2004, 502).

Though by 1996 the FMS had regional branches in all regions and republics that were to report directly to Moscow, branches had dual loyalties that typically favored regional issues (Pilkinton 1998, 60). Thus in the 1990s, regional governments dealt with migration issues depending on their own needs; regions experiencing demographic decline were more open to immigration than were those saturated with immigrants (Voronina 2006, 73).

As late as 2003, several regions had either retained propiska or established new rules to officially restrict registration based on social status, the presence of relatives in the area, age and health regulations (Rubins 1998, 556; Open Society 2006, 39). Ethnic minorities are refused registration on a regular basis (Voronina 2006, 74; Open Society 2006, 39). The Moscow city government, acting in accordance with public opinion, has been adamantly opposed to dismantling restrictive propiska standards fearing a flood of migrants (Schaible 2001, 350). In Moscow and other regions, registration fees are set prohibitively high, a tactic that has been found unconstitutional by the Constitutional Court. The regions have done little to bring their laws into compliance with the court’s rulings (Katanian 1998).

Inflexible and overly bureaucratic registration processes at the regional and national level are often blamed for a rise in illegal immigration. Illegal employment provides a comparative economic advantage for both employers and workers who will work for lower wages (Andrienko & Guriev 2005; Krasinets 2005, 19). Landlords, too, prefer operating in the informal sector, since avoiding a formal leases allows them to evade taxes (UNHCR 2000, 24). Without a lease, however, a person cannot apply for the proper residence or stay paperwork. Furthermore, people who are unable to produce identity and residence documents have difficulty accessing constitutional rights (i.e. voting) or social services (i.e. pensions, education, medical care, etc.) (Desormeau 2005, 7; Katanian 1998; Rubins 1998, 557).

**Changes in 2007**

As of January 2007, a new package of laws was completed with the goal of simplifying previously cumbersome procedures. The new rules were intended to help protect the Russian labor market by streamlining administrative processes (Itar-Tass 2007). Additionally the laws seek to streamline registration processes for foreign workers, create

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a comprehensive database tracking all foreign workers within Russia, institute stiff penalties for workers and employers found in violation of laws, and institute a quota limiting the number of workers from the Commonwealth of Independent States.

Registration at the Place of Residence and Record at the Place of Stay. According to the new rules, a migrant worker must be recorded at his/her place of stay, whereas a more formal registration process is required for a place of residence. In some cases (in restricted-access areas, ecological disaster areas and other cases specified by federal law) preliminary approval for the registration/recording procedure is necessary (Baker & McKenzie 2007).

Registering at a place of residence requires identification, a residence permit and documents proving legal procurement of a dwelling place (109-FZ, Article 17). The migration officials are to record the residence information within one day and any necessary actions associated with the registration procedure is to be completed within a month (though the law does not specify what those actions might be) (Article 18). A person can only be registered at one place of residence within the Russian Federation at any given time (Article 4-2).

A foreign citizen who lives in Russia (i.e. is traveling in Russia but is registered in a place of residence elsewhere in Russia) must be recorded at a place of stay within seven working days of arrival (Article 20-2-1). Such person may independently contact migration officials in person or by mail to record their place of stay if they can provide written consent from their host (Baker & McKenzie 2007). A foreign citizen visiting Russia must be recorded at the place of stay within three business days of arrival (Article 20-2-2). Someone who has no residence, is in custody for administrative or criminal punishment, or is staying in a place that offers public health, social or hotel services must be registered by their host (i.e. hotel) within one day (Article 20). Registration at the place of stay typically lasts for 90 days, though under the new rules, the government can either extend the stay for visa-free CIS citizens by up to 180 days, or shorten it as they see fit. Foreign nationals are required to confirm their presence in Russia to the FMS on a yearly basis (Baker & McKenzie 2007).

Ten days after the institution of the new rules, 35,000 migrants in Moscow and nearly 2 million countrywide had registered. There is no indication as to how recently most of the migrants had come to Russia. Since new rules indicated that migrants must register their place of stay within a seven days of arrival, unless this volume of migrants arrived in Russia earlier that January, it is likely that migrants registering for the first time had questionable immigration status. Perhaps they were legal visitors, or perhaps they were illegal immigrants who had been in Russia for quite some time.

Work Permits. The new legislation states that no more than 6 million workers from visa-free CIS states and “more than” 300,000 workers with visas will be granted work permits yearly (Itar-Tass 2006; Itar-Tass 2007). For 2008 only 2 million permits will be issued to visa-free CIS workers (BBC 2008). Migrant workers can apply for a work permit directly
through migration services or through a host party (Baker & McKenzie 2007; VFBS 2007).

Direct applications should take as little as ten days to complete and can be done by mail or at a local police office. Applications require a border crossing stamp, a passport (or other ID acceptable to the government) and a 1000 rouble fee ($40) (Itar-Tass 2007; Adelaja 2007). If the work permit is for more than 90 days, the worker must submit clean bill of health within 30 days (Adelaja 2007; Itar-Tass 2007). The health certificate must declare that the worker is free of drug-related disease, leprosy, tuberculosis, syphilis, various venereal diseases and HIV. These diseases are typically associated with migrant populations, several being grounds for deportation (Butuzova 2007). The new health checks have been cast as a necessary measure for Russia’s “biological security,” (Itar-Tass 2007). In August, the Moscow city government announced that they would make high-tech identification cards, complete with medical histories, mandatory for migrants at a cost of a 12,200 rouble ($500) deposit to each migrant (Dmitriyev 2007).

6,500 work permits were issued in Moscow and 600,000 were issued countrywide within ten days of the January enactment. By July 2007, over 1.3 migrants had received work permits. Yet there were reports of administrative difficulties, as some registration locations did not have the proper forms, or forms were available in limited numbers. By September 2007, the Moscow branch of the FMS was backlogged, causing delays of several weeks (Arutunyan 2007).

There was no immediate indication of how previously illegal migrants could become registered under the new system. When the new rules went into effect, FMS Deputy Director Vyacheslav Postavnin claimed that a mechanism for legalization had been developed and was being assessed by the Prosecutor General’s Office. Only several days later was it announced that those with minor infractions of migration law (such as those incurred by migrants who were unable to legalize themselves) would receive assistance with legalization, in strict accordance with quotas. However, in May 2007 the FMS rejected a proposal that would grant amnesty to illegal workers (Itar-Tass 2007).

Ban on Foreign Workers. As of April 1, 2007, foreign workers were banned from working in retail (primarily outdoor markets). From the January 15 legislation, foreigners were to be reduced to 40% and were not allowed in retail sales of alcohol and pharmaceuticals (Kozhevnikova 2007). FMS officials were surprised to discover during inspections in January 2007 that there were virtually no violations, though they suspected many traders merely went underground (Alexandrova 2007). In reaction to the April 2007 ban, some traders have left Russia altogether, while others are have merely been promoted to managers of the markets in order to obviate their handling of goods or cash (Adelaja 2007, Butuzova 2007).

Some domestic sources feared a rise in prices for goods and services following the clampdown on cheap foreign labor (Nikitenko 2007; Alexandrova 2007). On April 2, 2007, state news agency RIA Novosti reported that top migration officials visited markets in Moscow and saw only 10-15 out of 300 retail outlets empty. Though there had been
reports of shortages and price increases, officials attributed these to seasonal trends rather than the new policies (RIA Novosti 2007). Officials dismissed the possibility that prices would increase in the future, claiming that market prices are driven primarily by goods transportation (Adelaja 2007). Non-state reports were less generous in their assessments. Some Far East markets experienced shortages and increased prices because Chinese traders had left prior to the April 1 ban (Gasperini 2007). Shoppers in Moscow reported that the cost of a kilogram of potatoes had doubled within four days of the ban (Gardner 2007). This is largely due to the fact that employers are now forced to hire Russians, who demand higher wages than their immigrant counterparts.

**Penalties.** Individuals found in violation of immigration regulations or found working without a work permit are subject to administrative fines up to 50 times the minimum monthly wage, (currently around 2300 roubles/month, or $95), or up to 115,000 roubles ($4700) (Baker & McKenzie 2007). Fines for employing an illegal worker (a worker without proper paperwork) range from 250,000-800,000 roubles ($10,000-32,000) (Itar-Tass 2007; RFE/RL 2007). In Moscow, fines of 2.7 million roubles ($108,000) were collected for violations following the January 15 deadline (Itar-Tass 2007). As of September 2 billion roubles ($82 million) had been collected nationwide for violations (Itar-Tass 2007).

**Demographic policy package**

The irony of the new restrictive policies is that they occur in the context of a demographic crisis in Russia. Russia’s population is decreasing by 700,000 per year (Dmitriyev 2007; Andrienko & Guriev 2005, 8). High mortality rates (stemming from problems including alcohol consumption and psychological stress) and falling birth rates are contributing factors (Gavrilova 2001, 281; Andrienko & Guriev 2005, 8). Projections indicate that the period from 2006-2015 will see a decrease in the working age population by 10 million, or 1% per year (Voronina 2006, 71). US Census bureau figures estimate that the overall Russian population will decrease by 0.5% per year in the same period, compared to a 0.1% yearly decrease in the EU population and a yearly increase of 1% in the US. In fact, many believe immigration is the only source of population growth in Russia, and that a million immigrants per year are needed to maintain economic growth (Korobkov & Zaionchkovskaia 2004, 501). Nevertheless, the state has embarked on a three-pronged approach to address the demographic crisis, that decidedly de-emphasizes the role non-Slavic immigration can play in correcting current trends. Instead, the policies focus on incentives for families (specifically mothers) to increase the birth rate, mortality reduction, and creating a balanced migration policy that emphasizes increasing immigration of Russian “compatriots”.

According to the Kremlin, birthrates have declined due to low incomes, inadequate housing and fear of losing employment all of which lead women to doubt their abilities to provide children with food, healthcare and education (Putin 2006). Increasing abortion rates are likely due to similar concerns (RFE/RL 2006). In order to encourage increased birthrates, Putin has pushed for housing and urban development projects that will accommodate larger families (Putin 2007). Childcare benefits to women who do not work have increased over recent years from 500 roubles ($20) per month to 1500 roubles
($60) per month for a first child and 3000 ($120) per month for a second child. Working women are entitled to take up to a year and a half of maternity and child care leave, and are compensated no less than 40% of their working wage by the state. The state also pays childcare for working women at the rate of 20% for the first child, 50% for the second child and 70% for the third child (Putin 2006).

Increased mortality has been attributed to the collapse of the state health care system after the Soviet Union and a consequent increase in disease (including HIV), as well as increased alcohol and drug use and death by unnatural causes such as suicide, traffic accidents and murder (Sakwa 2002, 308; RFE/RL 2006). Putin’s response has been to call for improvements in the healthcare system, preventative medicine and reduction of risk factors (Putin 2007). The government has taken measures to prevent the import and production of bootleg alcohol, which has been the culprit of several deaths by alcohol poisoning (Putin 2006, RFE/RL 2006).

In the sphere of migration policy, the goal of the state is to decrease non-Russian workers immigrating from abroad while encouraging Russians currently living abroad to repatriate. In a speech at the Council of Legislators Session, Putin declared that short-term labor migration (of non-Russians) was doing nothing to solve the demographic problem (Putin 2006). Rather ethnic Russians/Slavs and “compatriots” are being offered 40,000-60,000 roubles each ($1,600-2400) to return voluntarily to Russia. The effort is an attempt to fill the growing labor gap with ethnic Russians as opposed to labor migrants (Itar-Tass 2007). Return programs are implemented on a regional basis, depending on regional economic needs, which vary from industry to agriculture (Itar-Tass 2007). Each returnee is promised first a temporary, and then a permanent residence permit. Housing and medical services are provided on an interim basis (Itar-Tass, 2007).

The difference between compatriots and ethnic minorities from the CIS is unclear. The term compatriot can refer to a Russian citizen in the near abroad, a former Soviet citizen without citizenship, or a Soviet citizen who took citizenship in a newly established state, but wants to retain cultural ties (Zevelev 2001, 142). On the one hand Yevgeny Krasinyev, head of migration studies at the Institute of Social and Economic Population Studies (Moscow), states, “the only acceptable sources of immigrants for us are the Russian-speaking populations of former Soviet countries in the Commonwealth of Independent States,” (Wier 2002). Many labor migrants from CIS states (Central Asia and the Caucasus) speak Russian and are familiar with Russian culture from Soviet times (Mukomel 2006, 3). In this estimation, compatriot refers not to an ethnic classification, but a linguistic/cultural one. On the other hand, “compatriots” has a decidedly ethnic undertone, seeming to indicate Slavs only (RFE/RL 2007). Some see the term compatriots as a nationalistic category, including only foreign citizens who have Russian parents (Panfilov 2007). The latter definition seems in line with the state’s efforts to restrict immigrants from the CIS while encouraging the immigration of compatriots.

Explaining Russia’s Immigration Regime
In order to compensate for the gap between demographic realities and the new immigration laws, the state has employed decidedly nationalist rhetoric. Putin has stated...
directly that the immigration changes have been made to protect Russian nationals (Moscow Times 2006). The current nationalist climate is created and reinforced by the state-controlled media, government policy and through inappropriate law enforcement.

The state-controlled media is a mouthpiece of the government for what many identify as increasing nationalist ideology. The media fosters migrantophobia by focusing on negative aspects of immigration and creating hostile images of immigrants based on ethnic identities (Panfilov 2006; Badyshtova 2005, 33; Korobkov & Zaionchkovskaia 2004, 503). Ethnic minorities are commonly portrayed as criminals, terrorists or threats to Russian society; migrants are accused of taking Russian jobs (Open Society 2006, 47).

The state media has consistently cast the new migration policies in ethnic terms, as in this RIA Novosti report of April 2, 2007: “The ban on foreign market sellers follows an ethnic-related brawl in northern Russia, which left two people dead last year. The law is designed to open the way for Russian agricultural producers and vendors to the markets, which have been controlled mostly by migrants from the Caucasus republics, leading to xenophobic sentiments in society.” Through the media, the government maintains that the ban on foreign workers will allow Russian nationals economic opportunities that have previously been taken by migrants (Butuzova 2007). The FMS and Duma claim that the new migration rules are a response to the displeasure many Russians express at the disproportionate number of foreign workers in outdoor markets (Nikitenko, 2007).

In September 2007, the media reported FMS accolades of nationalist youth group Mestniye, which was responsible for rounding up dozens of illegal workers and delivering them to the authorities. Though the youth group was created as a pro-Kremlin group, it has since shifted its ideology to align with ultranationalist groups such as the Movement Against Illegal Immigration. The leader of Mestniye brags of close ties to the FMS and has assisted the government agency on several occasions (Moscow Times 2007).

Xenophobia is undoubtedly driven by state policy as well as media coverage and rhetoric, as seen by anti-Caucasian crusades initiated by federal and Moscow city government from 1995-2004 (Korobkov & Zaionchkovskaia 2004, 503). In the context of several terrorist attacks carried out by Chechens, minorities of Caucasian appearance have come under more scrutiny. Russian officials often use security language when justifying a restrictive immigration regime, casting arguments in terms of national threats to public order (Desormeau 2005, 7). Caucasian minorities have been the targets of mass deportations, including one following the Moscow apartment bombings of 1999 that were instrumental in bringing about the second Chechen war and Putin’s election as president (Open Society 2006, 48). Because of the Chechen wars, minorities of Caucasian appearance offer a convenient focus for the perpetuation of xenophobic attitudes. Many Russian citizens prefer barring Caucasians, and to a similar degree Central Asians, from Russia altogether or limiting their social integration (Mukomel 2006, 4; Badyshtova 2005, 35; Yudina 2005, 597).
Police have been instrumental in carrying out state discrimination by stopping, fining and detaining those (primarily of Caucasian features) who are suspected to be without proper paperwork, a phenomenon Mikhail Alexseev calls “quiet ethnic cleansing” (Alexseev 1998). Under Russian law, police are given wide discretion for random document checks if they suspect some sort of administrative or criminal violation, though it is illegal to levy immediate fines if a violation is discovered. Both the police and the FMS are housed within the Ministry of the Interior, and have somewhat overlapping jurisdictions in regard to immigrants. The Ministry of the Interior coordinates all immigration and migrant policies and procedures, an institutional structure that contributes to a securitized immigration regime. Ministry officials, despite official rhetoric, have explicitly directed police officers to use ethnic profiling in the course of their work. Thus it is not surprising that a recent study reports a non-Slav is 21.8% more likely to be stopped by police for a document check in the Moscow subway than a Slav (Open Society 2006, 41-53).

A recent example of state-driven ethnic profiling and migration crackdown is the Georgian spy debacle of September/October 2006. It began when several Russian military officers were arrested on September 28 in Tblisi on suspicion of espionage. Russia responded by recalling its ambassador and many diplomats and instituting a postal ban (RIA Novosti 2006). Transportation (air, rail, road and sea) was cut off to Georgia and Georgian nationals were refused visas (Kozhevnikova 2007; Bigg 2006). Despite the officers’ release on October 2, Russia went forward with sanctions.

On October 2, a Russian Duma official stated that of the 300,000 Georgians working in Russia, only 0.7% of them were legal workers (RIA Novosti 2006). Mikhail Tyurkin, deputy director of the FMS, announced court decisions to expel nearly 500 Georgian citizens, claiming that 1/100 Georgians violate Russian law, whereas only 1/1000 immigrants from other countries are violators (Alikina 2006). Police were explicitly directed to step up actions against Georgians (US Department of State 2007). Police checks ensued in the following days, including identification checks on worshippers at Georgian Orthodox churches on October 7. As a result hundreds of Georgians were deported via government or cargo plane between October 6 and 10, during which 3 died. Inspections of Georgian owned companies and demands by the Moscow police for lists of Georgian students targeted not only migrant workers but Russian citizens of Georgian descent (Kozhevnikova 2007).

Russian officials claim the deportations were a necessary response to longtime immigration and labor law violations (Petriashvili 2006). In reaction to Georgia’s lawsuit against Russia in the European Court of Human Rights, FMS spokesman Poltoranin argued that Russia had only detained and deported Georgians who had expired visas or no work permits. He said that Georgian citizens are the primary offenders of Russia’s migration laws because Georgia does not create normal conditions and jobs at home (Interfax 2007).

Though the Georgian crisis began as a political issue, it tapped into ethnic issues bubbling close to the surface. In the days after the capture of the Russian officers, the state media released many reports on Georgian “rascals”, highlighting criminal activities
(Kozhevnikova 2007). These reports, coupled with the statements by FMS and Duma officials couched their rhetoric in nationalistic terms.

Finally, nationalistic movements and activities that have arisen in recent years are encouraged by a lack of government crackdown (Korobkov & Zaionchkovskaia 2004, 503). An example is the Autumn 2006 events in Kondopoga, a town in the northern republic of Karelia, which are frequently cited as an impetus for the new migration policies, specifically the institution of CIS worker quotas (RFE/RL 2007; Kozhevnikova 2007). On August 30, 2006, a bar fight between locals and ethnic Chechens ended with the death of two ethnic Russians (Ivanov 2006; Yasmann 2006). Young Russian rioters burned down the Chechen-owned bar, and destroyed a nearby market and several stores owned by Caucasians (Bigg 2006, Ivanov 2006, RFE/RL 2006). Street demonstrations of over 2,000 residents demanded the deportation of immigrants; many Chechens left of their own accord (Bigg 2006; Yasmann 2006; RFE/RL 2006). According to some sources there were 20 arson attacks in and around Kondopoga in the week following the Russians’ deaths and that as many as eight Caucasians were injured in the protests that followed (Kozhevnikova 2007; Bigg 2006). Both the Movement Against Illegal Migration and the Liberal Democratic Party of Russia voiced support for the anti-migrant protests (Bigg 2006). Several reports indicate that the Movement Against Illegal Migration was instrumental in capitalizing upon the nationalist sentiment and using it to further their cause (Kozhevnikova 2007; Magomedova 2006).

The official message from RIA Novosti and Karelia Republic President Sergei Katanandov was that the riot was instigated by criminal elements, leading to the arrest and detainment of over 100 people of unidentified race (Ivanov 2006; RFE/RL 2006). Authorities promised to expel all Caucasians without proper paperwork from Russia (RFE/RL 2006). President Katanandov later blamed the authorities (including himself) for not taking action sooner against ethnic tensions that had been brewing for quite some time, though the report of his comments in Izvestia emphasized business and criminal motivations for the upheaval rather than his admission of ineptitude (RFE/RL 2006). It is not unlikely that corrupt members of the regional government and police were instrumental in delaying action to prevent hostilities, as police and bureaucrats are often paid for protection and privileges, a dynamic that breed resentment in local populations (Yasmann 2006, Riskin & Farutin 2006).

A speech by Putin on October 5, 2006 addressed the issue of protecting the interests of Russian populations. Official media sources rearranged the paragraphs of this speech to locate the comments about protecting Russians nearer the discussion of the Kondopoga events than their original context within a discussion on domestic agriculture, with the effect of making Putin’s speech more ethnically charged (Kozhevnikova 2007).

Most reports agree that the police did little to intervene in the crisis. Consequently, OMON (special riot police) from outside Kondopoga were deployed to quiet the turmoil (Ivanov 2006; RFE/RL 2006). 200 members of Nashi, a pro-Kremlin youth organization, were also brought to Kondopoga to help keep order (however, Nashi has been accused of using overly violent tactics in other cases, so it is questionable that their presence truly
helped to calm the chaos) (RFE/RL 2006; Nowak 2007). There is also general agreement that little will be done to prosecute crimes committed in the chaos. Since the crisis, Kondopoga has become synonymous with interethnic strife, and is used regularly in the media by reporters of a variety of ideological perspectives.

**Conclusion**

The Russian case illustrates that the combination of a restrictive immigration regime and nationalist justification is successful in garnering public support for a particular policy. This is particularly interesting when compared to the US case, in which the government is constrained from both sides: from its commitment to liberalism and democratic values on the one side, and domestic interests that clamor for protection from immigrant invasions in a securitized, nationalist tone on the other.

Yet the combination of a restrictive regime and nationalist justification are not successful in addressing the demographic crisis that Russia is experiencing. Efforts to increase birth rates, decrease death rates, and attract Russian nationals to immigrate, while consistent with nationalist rhetoric, will simply not be enough to reverse the crisis on their own. In the final analysis it is clear that Russia values national homogeneity over a solution to the demographic crisis. Whether these values will shift in time save Russia from economic and cultural collapse remains to be seen.

A crackdown on migration will likely not curb illegal immigration, and is rather likely to increase undocumented worker numbers to the degree that quotas limit official channels. On the other hand, a restrictive immigration regime is likely to deter highly skilled and educated immigrants that would be most beneficial for Russia’s future economic growth (Andrienko & Guriev 2005; Krasinets 2005). In the long run immigration controls will hurt the Russian labor market, though that may not impact the economy for quite some time due to available revenue from natural resources.9

Changes in the Russian political landscape may or may not change the state’s use of nationalism to justify a restrictive immigration regime. There is no indication that this will happen anytime in the near future. As nationalist sentiment increases, the Kremlin will continue to react to create a restrictive regime in order to appeal to public sentiment. Perhaps the most dangerous implication of these new laws is the potential for xenophobic and nationalist tendencies to be normalized and legitimized.

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9 The 2007 BP Statistical Review of World Energy reported that Russia produced 12% of the world oil, 26% of natural gas and 17% of coal, with reserves due to run out in 20, 78 and over 500 years, respectively.
Figure 1

THE STATE

RIGHTS ← → IDENTITY

SUPRA-STATE FORCES/INSTITUTIONS

Figure 2

STATE CAPACITY/STATENESS

LIBERALISM ← → NATIONALISM

GLOBALIZATION
Figure 3

Figure 4
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