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REGULATING MIGRATION: A KEY TO RUSSIA'S FUTURE

A Contribution to the Hearing on irregular migration and security:

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Migration represents a key policy challenge for the Russian Federation and neighbouring countries today. In the face of technological changes, an aging workforce and declining population, a well considered labour migration policy is required. As is true throughout the industrialized world, maintaining adequate numbers and skills in the labour force and ensuring advances in productivity depend on an internationalisation of the work force. A main challenge for Russia is to set a policy framework that can incorporate an increasing legal presence of foreign origin workers in the labour force while maintaining social cohesion and security in the country.

Figures supplied by the Government of the Russian Federation indicate that the national work force will decline by some 750,000 persons this year who retire not replaced by young nationals entering the work force, and that the cumulative reduction will be 5 million by 2010. Simultaneously, given existing needs for foreign labour, the estimates of foreign migrant workers in Russia start at 6 million and go much higher. Most foreign workers in Russia do not have regular migration status or employment authorization.

Studies done in other industrialized countries with similar circumstances such as the USA, show that the migrant labour force --including large numbers in irregular status-- contributes needed labour to the economy, pays into tax and social benefits systems far more than it receives, and is not significantly responsible for criminality. However, the situations of large numbers of workers in irregular status give rise to significant abuses and exploitation in workplaces, abuses generally in violation of national and international laws. In some cases, the absence of legal protections for these workers undermines working conditions and wages for both native and immigrant workers.

Drawing on the experience of many countries, ILO suggests that a primary step is putting in place mechanisms of orderly and regulated access to the labour market for foreign workers as well as adequate protection to ensure decent work conditions. These aspects are required to assure a functioning economy as well as social cohesion. In contrast, other experiences show that a reliance primarily on police control measures and immigration restriction is likely to be counterproductive.

Migrant labour will be essential for sustaining economic enterprises and sectors that face increasing international competition under globalization. The need to maintain productivity and economic competitiveness produces a continuous demand for cheap and low-skilled migrant labour. In many countries, migrant labour sustains agricultural production, services, construction, and other activity. As in other industrialized countries, the demand for foreign labour in Russia is becoming a permanent structural feature of the economy, one that must be managed judiciously.

When no options are available for legal immigration and employment in the face of strong pull-push pressures, irregular migration becomes the only alternative, one which presents lucrative "business" opportunities helping people arrange travel, obtain documents, cross borders and find jobs in destination countries. The flow of low-skilled migrants to more developed regions is channelled by

clandestine means precisely because of the non-existence of legal migration categories that would allow for their legal entry and employment in destination countries. ILO research underlines that legal labour migration channels contribute to both reducing trafficking in children and women and the smuggling of migrants. Contradicting labour supply and demand pressures with restrictions simply provides a lucrative business for intermediaries, thus providing a market for trafficking and smuggling operations, and expanding the number of migrants in irregular, unprotected situations.

PRINCIPLES FOR POLICY ON MIGRATION, SECURITY AND COHESION

Recognizing the urgency of labour migration policy dilemmas worldwide, the International Labour Conference in 2004 drew up adopted a Plan of Action on migrant workers. This plan, including now a published non-binding Multilateral Framework for Labour Migration, describe a comprehensive approach to regulating labour migration in the context of labour market considerations and sovereignty of States. This Framework lays out the essential principles and elements for a viable and effective national policy agenda to regulate labour migration. According to the best experience of ILO member countries, only implementation of this approach can achieve economic security and social cohesion in countries of immigration. Key elements include:

1) A standards-based foundation for comprehensive national migration policies and practices.

Migration policy and practice can only be viable and effective when they are based on a firm foundation of legal norms, and thus operate under the rule of law. The two ILO Conventions on migration, the ILO Migration for Employment Convention of 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), together with the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provide a broad legal framework for migration policy and practice. Together, these three instruments provide a normative framework on treatment of migrants and of inter-State cooperation on regulating migration. 76 different States have now ratified one or more of these three standards, including Armenia, Azerbaijan, Moldova, Kazakhstan, the Kirghiz Republic and Tajikistan among CIS member States. A main reason for setting legal rights and policy standards is to ensure social legitimacy and accountability for the State and law enforcement.

2) An informed and transparent migration policy and administration

Immigration practice must respond to measured, legitimate needs, taking into account domestic labour concerns as well. Such a system must rely on regular **labour market assessments** to identify and respond to current and emerging needs for workers, high and low skilled. Policy and practice will need to address such areas as awareness raising, supervision of recruitment, administration of admissions, training of public service and law enforcement officials, recognition of educational equivalencies, provision of social and health services, labour inspection, rights restoration and recovery for victims of trafficking, and other areas.

3) Institutional mechanisms for dialogue, consultation and cooperation

Migration policy can only be credible, viable and sustainable to the extent it takes into account the interests, concerns and experience of the most-directly affected stakeholders. Key stakeholders are the *social partners*: the employers and businesses that provide employment and the trade unions –worker organizations—representing the interests of workers, both migrants and nationals. Labour ministries need to have a key role. Consultation and policy-making must also take into account the multiple concerned ministries and agencies within government as well as concerned civil society bodies and migrants themselves.

4) Enforcement of minimum national employment conditions norms in all sectors of activity

Preventing exploitation of migrants, criminalizing abuse of persons that facilitates trafficking, and discouraging irregular employment requires enforcement of clear national minimum standards for protection of workers, national and migrant, in employment. ILO Conventions on occupational safety and health, against forced labour, and on discrimination provide minimum international norms for national legislation. A necessary complement is **monitoring and inspection** in such areas as

agriculture, construction, domestic work, and other sectors, to prevent exploitation, to detect forced labour, and to ensure minimal *decent work* conditions for all.

5) Gender sensitive migration measures

The feminization of migration and the predominance of abuse of women migrants require recognizing gender equality as integral to the process of policy-making, planning and programme delivery at all levels. This includes adoption and enforcement of specific measures to protect migrant women from abuse and discrimination.

6) A Plan of Action against discrimination and xenophobia

Discrimination and xenophobic hostility against migrants are serious challenges to governance and social cohesion. Unchecked, such violence represents a serious threat to social peace and stability. The 2001 World Conference in Durban defined a comprehensive and viable plan of action specifically to combat discrimination and xenophobia against migrants. Key elements in this agenda are enforcement of appropriate anti-racism and anti-discrimination laws, strong statements by political leaders and public authorities, law enforcement training, and dissemination of positive images of migration and diversity in communications media.

INTEGRATION

Managing migration today is about managing diversity. Russia already comprises broad diversity among the dozens of ethnic, linguistic and religious identities present on its territory. Legal protection and integration will be required to ensure productive participation of an internationalised work force.

Integrating migrant workers in the workplace and in communities where they reside will be essential to ensuring the economic future of the country, and with it the well being of its population. Integration means assuring that migrants have the skills, language abilities and social knowledge necessary to participate and interact responsibly in workplaces and host societies. At the same time, it means ensuring that migrants have basic protection for their rights and dignity as productive members of society. It also involves providing space for immigrants to retain core elements of social *identity* necessary for physical, social and psychological health and stability.

In ILO experience, security, social cohesion and reduction in criminality will be achieved by focusing on the policy priorities listed above. These concerns cannot be resolved without an adequately functioning economy that has the necessary labour force, where workers are treated with equality and where decent work conditions prevail.

Conclusion

Labour market and economic needs make increased migration inevitable today. Accommodating migration with the greater diversity it brings requires implementing law and policy that assure respect for migrants' rights, dignity and equality of treatment in the practice of States and societies.

In sum, this requires adhering to basic international human rights standards, deliberately linking migration to labour market needs and composition, ensuring *decent work* conditions and opportunities for all, and enacting legislation and measures to combat discrimination. These measures comprise the only approach capable of achieving respect for law, security and social cohesion.

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