

Information on progress in the implementation of the Global Compact for Safe, Orderly and Regular Migration

In the Russian Federation, steps are being taken at the legislative level to optimize migration processes. Mutually beneficial conditions for sustainable development of legal migration are being created and migration procedures are being simplified for the migrants wishing to reside in the territory of the Russian Federation.

An important milestone in the development of the Russian migration policy was the approval in 2018, by the President of the Russian Federation Vladimir Putin, of the new State Migration Policy Concept of the Russian Federation until 2025 (hereinafter – Concept), which guides the further activities of the state in the field of migration. This concept is a roadmap in the field of migration.

As part of the efforts to implement the Concept, large-scale comprehensive legislative work is being conducted to create effective mechanisms regulating legal relations in the field of migration.

The modernization of public administration in the field of migration will affect all aspects of legal relations in the field of migration, including the issues pertaining to the stay of foreign citizens and stateless persons in the Russian Federation, management of labour migration and exercise of control and supervision powers.

The Concept implementation plan provides for a fundamental change of migration legislation through its systematisation. During the course of this work, there will be substantially revised the regulatory and legal framework and informational and analytical support of migration policy (among other things, by accumulating more exhaustive and objective data on the migration situation), as well as the organisation of practical activities. Currently, a concept of a draft legal instrument on migration is being developed.

In order to achieve the migration situation which is in the interests of the Russian Federation, it is planned to introduce the institutes of short-term and long-term stay in the Russian Federation, to retain the institute of permanent residence and to abandon the institute of temporary residence.

Currently, work continues to update the laws on citizenship of the Russian Federation with the aim to simplify the procedure of acquisition of the Russian citizenship.

One of the Concept's main focus areas in the field of assisting foreign citizens seeking protection in the territory of the Russian Federation is the maintenance of high standards and further development of mechanisms of providing assistance to this category of foreign citizens in line with the international legal obligations of the Russian Federation and taking into account the interests of the Russian citizens.

As part of the implementation of the Concept, as well as the comprehensive update of the legislation in the field of migration, work is being done to improve the institution of asylum. As of now, a draft federal law “On granting asylum in the territory of the Russian Federation” has been developed. The provisions of the draft federal law set forth basic convention principles for protection of persons seeking asylum, such as the confidentiality of data on this category of persons, and the non-refoulement principle; they also set forth four types of asylum, including the new one that is planned to be introduced – “temporary protection”, which criteria are based on the international obligations of the Russian Federation.

The novelty of this draft law is the significant simplification of the current procedure of granting asylum, which entails submission of an application for asylum, during which review the relevant decisions on granting one of the types of asylum are made, as well as the shortening of the time limits for the application review and for the appeal procedure.

The draft law provisions retain the opportunity for foreign citizens and stateless persons illegally present in the territory of the Russian Federation to immediately apply for asylum, which precludes placing such seekers in special temporary detention facilities for foreign citizens (hereinafter – special facilities) for violating the rules of entry and stay in the territory of the Russian Federation.

There is also introduced the opportunity for foreign citizens detained in special facilities to submit applications for asylum, and the time limits for administrative procedures for review of such applications will be significantly shortened.

Therefore, the foreign citizens who have applied for asylum will be detained in special facilities for the minimum period necessary. If their applications are approved, such citizens will have the opportunity to exercise their right to be transferred to temporary accommodation centres.

It should be noted that there will be retained the provision of the current Law on refugees which, in line with the convention rules, sets forth that foreign citizens seeking asylum, who have been granted or have lost their refugee status or whose refugee status has been revoked, cannot be returned against their will to the territory of their state of citizenship (their former habitual residence) if the circumstances that are grounds for granting asylum still exist in this state.

Further, the Concept stresses, that in order to ensure the security of the Russian Federation in the field of migration, there need to be improved the special mechanisms that prevent violations of current rules and address other law enforcement issues, as well as the institutions that ensure the security and the rule of law, including improvement of the institution of re-entry ban to the Russian

Federation, the institution of undesirability of stay (residence) of foreign citizens in the territory of the Russian Federation and the procedure of refolement of foreign citizens from the Russian Federation.

It is planned to reconsider the approaches to legal regulation of stay of foreign citizens in the territory of the Russian Federation, to the current procedure of imposing on persons who have violated migration rules restrictive measures such as re-entry ban to the Russian Federation and the undesirability of stay in the country, as well as the institution of refolement (administrative expulsion, deportation, readmission). The introduction of institutions of “controlled stay” and so-called “migration search” of foreign citizens is being considered.

In 2019-2020, in order to improve the quality of data on migration processes and the systems of public administration of migration processes, work was carried out to determine the parameters for the analysis of the migration situation in the Russian Federation and to formulate proposals on the organisation of its monitoring and assessment.

For example, there were determined a number of parameters for the analysis of the migration situation, which reflect its effect on the economic, social, cultural, national, ethno-confessional and other aspects of the life of the Russian society. Based on these parameters, there was organized the monitoring of the migration situation, which enables the state authorities of the Russian Federation to obtain up-to-date and objective data that inform their management decisions in the field of migration. The monitoring data are published on the official website of the Ministry of Internal Affairs (MIA) of the Russian Federation on a monthly basis¹.

In addition, there have been prepared proposals to further organise such work, which provide for the improvement of parameters for the analysis of the migration situation and the procedure of monitoring.

The assessment of the analytical potential of the existing sources of data on the migration situation has shown that, based on the quality, reliability, frequency of updates and the level of information synthesis, the most objective are the administrative records of state authorities. The combination, in one dataset, of indicators with the similar level of detail, describing the economic, social, migration and other processes, makes it possible to conduct a much more comprehensive analysis of relationships between them and to predict more accurately the possible trends and scenarios of the situation’s development.

Based on the results of the inter-agency work, the phased establishment of a comprehensive system of monitoring and assessment of the migration situation was deemed the most optimal.

¹ <https://мвд.рф/Deljatelnost/statistics/migracionnaya>

During the first stage, the parameters for the analysis of the migration situation will include the data of the federal statistical observation of the population's migratory movement and the data of the state information system of migration registration on the foreign citizens and stateless persons.

These parameters contain such details as the region of the Russian Federation, state of citizenship, purpose of entry to the Russian Federation, sex and age, place of stay (residence) in the territory of the Russian Federation and other data describing the foreign citizens and stateless persons present in the territory of the Russian Federation. Subsequently, as the statistical tools improve, the parameters will be supplemented by other data on the migration processes and citizens, provided the exchange of relevant data among the state authorities is organised. Further, it seems possible to gradually expand the parameters for the analysis of the migration situation by supplementing them with data on the demographic situation, labour market situation, fiscal characteristics and tax payments, crime situation and status of the rule of law, results of sociological surveys of the population and other information from sample surveys.

Linking the monitoring of the migration situation with the chronological description of measures being implemented by the state authorities, will make it possible to conduct their regulatory impact assessment.

In order to collect, process and provide these data to all interested state authorities, it is proposed to create a system which will include monitoring, analysis and prediction of the migration situation, assessment of the impact of the migration situation on different fields of activity and of the effectiveness of measures implemented by the state authorities.

At the same time, the parameters for the analysis of the migration situation may be used when monitoring other fields of activity (public security, drug situation, inter-ethnic and inter-confessional relations, socio-economic development of the regions of the Russian Federation, etc.). The proposed approach to the establishment and development of the state system of monitoring and assessment of the migration situation in the Russian Federation will make it possible to objectively control the achievement of the goal of the state migration policy.

There will also be established the state system of planning and management of migration processes, which will ensure the linking of measures to implement the state migration policy with the main directions of the Spatial Development Strategy of the Russian Federation for the period until 2025, as well as with the socio-economic and investment needs of the regions of the Russian Federation.

For reference: within the framework of this system it is proposed to ensure:

- *improvement of statistical tools for the observation of migration processes;*
- *calculation of intersectoral differentiated parameters for the analysis of the migration situation, which reflect its impact on the population's quality of life, social development, national economy and the state of security;*
- *monitoring of the migration situation and application of its results in different fields of activity of the state authorities;*
- *development and modelling of management solutions in the field of migration, which are needed to address the challenges of the balanced spatial development of the Russian Federation, using mechanisms of electronic inter-agency cooperation;*
- *automation of the planning of socio-economic and investment needs of the regions of the Russian Federation in terms of staff resources registration, reallocation and filling in the gaps in different sectors of the economy and businesses;*
- *integrated calculation of the effectiveness of measures to implement the state migration policy and of the regulatory impact assessment.*

As part of the efforts to increase the accessibility of public services in the area of migration, measures are being implemented to make it possible to apply for such services via an integrated portal for state and local services.

The foreign citizens are being informed on the issues related to the provision of such public services – the information is published at the integrated portal for state and local services, the official website of the MIA of Russia and the official websites of the territorial divisions of the MIA of Russia at the regional level, posted on information stands of migration departments, or provided by employees over the phone or in person.

The Russian Federation takes steps to ensure that all migrants have proof of legal identity and adequate documentation.

In addition, it should be noted that measures have been implemented to enhance availability and flexibility of pathways for regular migration.

Over the past few years, the laws of the Russian Federation have been significantly amended in order to simplify the migration procedures, such as the issue of temporary residence permits and residence permits to foreign citizens, their migration registration.

For reference: On 1 November 2019, the Federal Law dated 2 August 2019 No. 257-FZ “On the amendments to the Federal Law “On the legal status of foreign citizens in the Russian Federation” simplifying the procedure of issuing temporary residence permits and residence permits to certain categories of foreign citizens” entered into force.

These amendments, *inter alia*, set forth that a residence permit is issued with no expiry date, except for the residence permit issued to a highly qualified specialist and his/her family members. The lists of foreign citizens who have the right to obtain a temporary residence permit outside of the quota set forth by the Government of the Russian Federation or to obtain a residence permit without a temporary residence permit have been expanded.

For reference: pursuant to the amendments, a temporary residence permit may be issued, outside of the quota, to:

- citizens of Ukraine and stateless persons permanently residing in the territory of Ukraine, which have been recognized as refugees or have been granted temporary asylum in the territory of the Russian Federation;*
- persons from states that used to be part of the USSR who have received vocational education at a state educational organisation of high education, a state vocational educational organisation or a state scientific organisation located in the territory of the Russian Federation under a state-accredited educational programme;*
- persons who relocate to the Russian Federation to take up permanent residence in accordance with the international agreements of the Russian Federation on the regulation of the relocation process and protection of the rights of resettlers.*

The new provisions also make it possible to obtain a residence permit through a simplified procedure, that is, without a temporary residence permit, inter alia, for:

- persons who were born in the territory of the Russian Soviet Federative Socialist Republic and used to be citizens of the USSR, as well as those whose children or parents are citizens of the Russian Federation;*
- qualified specialists who are employed in the Russian Federation in a profession (occupation, position) which has been included in the relevant list of professions by the Russian Ministry of Labour.*

Further, the Federal Law dated 8 June 2020 No. 18-FZ “On the amendments to the Federal Law “On the migration registration of foreign citizens and stateless persons in the Russian Federation” (entering into force on 7 September 2020) specifies that foreign citizens who own housing in the territory of the Russian Federation and have allowed a foreign citizen to use this housing for actual residence, may act as hosts.

Pursuant to this Federal Law, it will be possible to give notice of arrival of the foreign citizen to the place of stay electronically.

In the Russian Federations, steps are also being taken to facilitate fair and ethical recruitment and safeguard conditions that ensure decent work.

According to the provisions of the Russian laws, foreign citizens have the right to freely use their labour capabilities, to choose the type of activity and profession, as well as the right to freely use their capabilities and property to conduct business or any other economic activity that is not prohibited by law, subject to the restrictions imposed by federal law. Thus, a foreign citizen may engage in labour activity if he/she is at least 18 years old and has a work permit or a patent.

“Labour activity” of a foreign citizen means such foreign citizen’s employment under a labour contract or a civil law contract for the performance of works (services).

According to the provisions of the Labour Code of the Russian Federation, the following terms must be included in a labour contract: place of work, job description (specific type of work assigned), date when employment begins, pay conditions, working hours and rest hours, as well as the grounds for providing medical assistance to the employee during the effective term of the labour contract. The labour contract may also set forth additional conditions which do not make the employee’s position worse than that under the labour laws. Also, the employer is responsible for ensuring safe working conditions and occupational safety.

One of the main principles of the labour law of the Russian Federation is the ban on forced labour and labour discrimination. However, granting certain privileges to women in connection with maternity and fulfilment of family duties does not infringe on the rights of other employees, and thus is not discriminatory.

Russian laws contain provisions aimed at the reduction of statelessness. The reduction of statelessness is one of the principles of the Russian citizenship.

According to the Constitution of the Russian Federation, stateless persons shall enjoy in the Russian Federation the rights and bear the obligations of citizens of

the Russian Federation, except for cases envisaged by the federal law or the international agreement of the Russian Federation.

The Russian Federation encourages acquisition of the citizenship of the Russian Federation by stateless persons residing in its territory.

Another principle of the citizenship of the Russian Federation is the lack of restrictions – provisions that limit the rights of citizens based on social status, race, ethnicity, language or religion. The principles of the citizenship of the Russian Federation and the rules regulating the citizenship of the Russian Federation can not contain provisions that limit the citizen's rights based on social status, race, ethnicity, language or religion.

The federal laws of the Russian Federation contain a number of provisions simplifying the procedure of the acquisition of the Russian citizenship by stateless persons.

For example, stateless persons who are at least eighteen years old and have legal capacity can apply for the citizenship of the Russian Federation through a simplified procedure, if such persons used to be citizens of the USSR, resided or reside in states that used to be part of the USSR and did not acquire the citizenship of these states.

A child acquires the citizenship of the Russian Federation by birth, if on the day of the child's birth both of his/her parents or his/her only parent residing in the territory of the Russian Federation are stateless persons, provided that the child was born in the territory of the Russian Federation.

Stateless persons who used to be citizens of former USSR and who, due to a number of objective circumstances (lack of documents, housing, etc.), were not able to acquire official legal status of residents of the Russian Federation, may choose between acquiring the citizenship of the Russian Federation and a residence permit.

In accordance with the Tax Code of the Russian Federation, when persons who used to be citizens of the USSR, who resided or reside in states that used to be part of the USSR, but did not acquire the citizenship of these states and, as a result, are stateless, are granted the citizenship of the Russian Federation, no state duty is charged.

From 2014 to 30 June 2020, about 45,000 stateless persons were granted the citizenship of the Russian Federation. As of 30 June 2020, around 7,100 stateless persons, who are potential Russian citizenship applicants, reside in the territory of the Russian Federation under a temporary residence permit or a residence permit.

As a party to the UN Convention of 1951 and its 1967 Protocol, which regulate the status of refugees, as well as a number of other international instruments in the field of protection of human rights, the Russian Federation strictly fulfils its international humanitarian obligations to ensure the rights and protect persons who seek protection in the territory of the Russian Federation.

For reference: the grounds and procedure of granting refugee status and temporary asylum, as well as the economic, social and legal guarantees of the protection of rights and lawful interests of persons who have been granted asylum are governed by the Federal Law dated 19 February 2003 No. 4528-I "On refugees" (hereinafter – Law on refugees).

In accordance with the Law on refugees, the persons who have been granted refugee status and their family members who arrived with them, like the citizens of the Russian Federation, have the right, inter alia, to medical treatment and medicines; to assistance with referral to vocational education or with employment; and to social protection, including social services.

Asylum enables foreign citizens and stateless persons to engage in labour activity in the territory of the Russian Federation without obtaining the relevant permit.

The persons who have been granted asylum are provided with documents proving their identity in the territory of the Russian Federation. For the purpose of travel outside the territory of the Russian Federation, the persons who have been granted refugee status are issued a travel document containing an electronic chip in conformity with international standards.

In addition, the foreign citizens who have been granted refugee status or temporary asylum in the territory of the Russian Federation have the right to be transferred to a temporary accommodation centre for such persons, where housing and food are paid for by the state.

Under the Constitution of the Russian Federation, the rights and freedoms of human and citizen may be limited by the federal law only to such an extent to which it is necessary for the protection of the fundamental principles of the constitutional system, morality, health, the rights and lawful interests of other people, for ensuring defence of the country and security of the state.

As such, the detention of foreign citizens in special facilities limits the freedom of movement of the foreign citizens who are held there for the purpose of enforcement of court orders for administrative punishment in the form of forced expulsion outside the Russian Federation, decisions on deportation or decisions on

transfer of foreign citizens by the Russian Federation to another state pursuant to an international agreement of the Russian Federation on readmission.

The functioning of special facilities is governed by laws that, among other things, define the conditions of detention of foreign citizens, their rights and obligations, the organisation of medical and health care and provision of medication. Foreign citizens are held in special facilities in conformity with the principles of legality, humanism, respect of human dignity, personal security and healthcare. It is prohibited to discriminate against persons held in special facilities or grant them benefits and privileges based on sex, race, ethnicity, language, origin, property, official position, place of residence, attitude towards religion, beliefs, membership in public associations or other grounds.

A foreign citizen's detention (stay) at the special facility lasts until his/her departure from the Russian Federation as part of the enforcement of the decision on the administrative expulsion out of the Russian Federation, deportation or readmission.

The Russian Federation is continuously working with its partners from near and distant countries to use the institution of readmission as the most humane method of removal of foreign citizens from the territory of the country.

As of today, the geography of readmission agreements of the Russian Federation includes 17 international agreements with the following foreign partners: the European Community, Kingdom of Norway, Swiss Confederation, Principality of Liechtenstein, Iceland, Republic of Armenia, Socialist Republic of Viet Nam, Kingdom of Denmark, Republic of Uzbekistan, Republic of Turkey, Kyrgyz Republic, Republic of Kazakhstan, Ukraine, Republic of Belarus, Mongolia, Republic of Serbia, Bosnia and Herzegovina, and 41 implementing protocols on their execution. There have also been signed the Memorandum of Understanding on Countering Illegal Migration with the Republic of India, the Agreement on Cooperation in Countering Illegal Migration with the People's Republic of China, which contains provisions on the procedure of readmission of Russian and Chinese citizens, as well as the Agreement between Russia and China on the transfer and admission of persons who illegally entered and are illegally staying in the territory of these two countries.

The most effective in terms of implementation is the Agreement between the Russian Federation and the European Community on the readmission dated 25 May 2006, governing the admission of Russian citizens who are illegally present in the territory of the EU countries. At present, all 25 implementing protocols governing the execution of said Agreement are in force.

Currently, work is being done to prepare for the signing of international agreements on readmission with countries from Asia and the Pacific, Middle East and North Africa.

There continue to be drafted agreements on readmission and the implementing protocols on their execution with the People's Republic of Bangladesh, Hashemite Kingdom of Jordan, Lebanese Republic, Republic of North Macedonia, Kingdom of Morocco, Federal Republic of Nigeria, Islamic Republic of Pakistan, Syrian Arab Republic, Republic of the Philippines, Democratic Socialist Republic of Sri Lanka, United Arab Emirates and Japan.

The biggest priority remains the improvement of the legal framework with the former USSR countries: Turkmenistan, Republic of Abkhazia, Republic of Azerbaijan, Republic of Moldova and Republic of Tajikistan.

In order to strengthen the international cooperation on the issues of countering the illegal migration, the MIA of Russia actively collaborates with the competent authorities of other states.

As of now, in order to increase the effectiveness of cooperation with consular offices and to shorten the time needed to issue certificates of return to foreign citizens and stateless persons who are to be forcibly removed, the MIA of Russia has prepared a draft Agreement on Cooperation Among the Member States of the Commonwealth of Independent States on these issues. The draft Agreement was preliminarily approved by the representatives of the Ministries of Internal Affairs (the police) of the CIS member states and is planned to be presented at the next meeting of the Council of Ministers of Internal Affairs of the CIS Member States. If executed, this international agreement will make it possible to increase the effectiveness of cooperation among the countries of the Commonwealth in terms of preparation and issue of certificates of return to persons who are to be forcibly removed, to shorten the length of such persons' detention in special facilities and to facilitate the speedy return of citizens in difficult situations to the state of their citizenship.

One of the priorities of the Russian Federation is the strengthening of international cooperation and global partnership in order to ensure safe, orderly and regular migration.

The Russian Federation's international cooperation in the field of migration is in line with the universally recognised principles and standards of international law and with the migration policy principles set forth in the Concept.

The Russian Federation regularly participates in special meetings of the Standing Committee of the Executive Committee of the Programme of the UN High

Commissioner for Refugees, the Executive Committee of the Programme of the UN High Commissioner for Refugees and the events (seminars, conferences) of the joint project of UNHCR and OSCE on the exchange of best practices in addressing the issue of statelessness, during which the participants from different countries with different problems in the field of migration can share their experience and find the most effective solutions to the issues that exist in the field of migration.

Also, a wide range of migration issues are discussed at the events of the Global Forum on Migration and Development, the Prague Process, the Russia – EU dialogue on migration, the Joint Russia – EU Committee on Readmission and the Eurasian Economic Commission.

In addition, the Russian Federation cooperates internationally in the field of migration at the multilateral collaboration platforms within the CIS. The key international platforms in the field of migration where the Russian Federation plays a leading role are the Council of Heads of Migration Authorities of the Member States of the Commonwealth of Independent States, Coordination Council of Heads of Competent Authorities for Countering Illegal Migration of the Member States of the Collective Security Treaty Organisation, Joint Commission of the States Parties to the Agreement on Cooperation Among the CIS Member States for Countering Illegal Migration and the Interstate Inter-Agency Working Group for Preparation of Recommendations on Coordinated Migration Policy Implementation.

Traditionally, during the meetings, the participants elaborate on the migration situation in their states, review current trends, share experience of migration flows management and develop solutions on improving cooperation among migration authorities.

The Russian Federation is implementing bilateral international agreements in the field of labour migration with the Republic of Armenia, Republic of Tajikistan, Republic of Uzbekistan, Kyrgyz Republic, People's Republic of China, Democratic People's Republic of Korea, Socialist Republic of Viet Nam, Republic of Korea, Mongolia and French Republic, as well as agreements on countering illegal migration with the Socialist Republic of Viet Nam, People's Republic of China, Republic of Uzbekistan and Republic of Latvia.

In order to develop the legal framework in the field of external labour migration, the issue of entering into the relevant international agreements with the Republic of Serbia, Republic of Italy, Republic of Moldova, Republic of India, People's Republic of Bangladesh and Republic of Azerbaijan is currently being considered.

As part of the implementation of the international agreements in the field of labour migration and countering illegal migration, regular meetings of the relevant working groups are held, which participants consider problematic issues on an ongoing basis.

There are regularly held working meetings with representatives of competent authorities of other states, which participants consider the issues of foreign citizens' stay and engagement in labour activities in the territories of the participating states, explain the provisions of migration law in order to prevent their violation by the foreign citizens and discuss other matters related to migration.

As part of the emergency response to the COVID-19 pandemic, the Russian Federation implemented a number of measures to manage migration processes.

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