

# Building an institution of ombudsman for migrant rights in host country for a secure and prosperous society

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## Abstract

*Migration is a complex and often disregarded process affecting the fates of people and states – in both countries of origin and destination countries. Russian society has been historically forming as a multi- ethnical country with diverse religions, languages and cultures. Due to various political and socio- economic turbulences, numerous wars and conflicts of the past, several waves of migration have taken place in the Eurasian region and shaped the modern Russia's migration face.*

*The Russian government recognized the importance of migration and liberalized its migration legislation towards citizens of the former USSR and to those who belong to the so-called “Russian world” – speak the Russian language and share Russian values. This was a prudent step to attract skilled and productive migrants and to improve the demographic situation in the country. However, uneven spatial development of the country served as an impediment to attract the best human resources from the CIS countries, as newcomers had to settle in far from major economic centers, such as Moscow and Saint-Petersburg. On the other hand, Russia experienced a big influx of labor migrants from the CIS countries right upon the dissolution of the Soviet Union. This sporadic and self-organized migration was and has been, conversely, directed to major economic centers, such as Moscow, Saint-Petersburg, Kazan, Kaliningrad, Yekaterinburg, etc.*

*Thus, Russia has been facing an interesting situation: it was able to attract more skilled migrants to remote areas, while self-governed labor migration streams ended up in major economic centers that created many challenges, such as escalating social tension, security concerns, economic disparities and political disagreements both within and outside the country. Therefore, the Russian experience is worth having a more detailed look and discussing at the global scale.*

## Challenge

In the modern political arena international migration turned to a matter of high concern mostly associated with the uncontrolled flow of refugees from the conflict areas to affluent states of the West and the tensions which arose in those societies. Given this experience, the developed world begins to close its boundaries and tighten up its legislation on immigration to prevent any. The upper-middle income but still developing countries, such as Russia, have more complex issues on migration policy as it has to deal not only with immigration and seasonal labor migration, but also with increasing emigration and domestic migration of population from less developed to more prominent regions.

The rate of natural population growth will barely be sufficient to provide the Russian economy with workforce in the upcoming decades and it significantly lags behind the demand for the future Russian industrialization plans. More attractive conditions in the high-income economies draw attention of highly skilled and educated Russian citizens in the search for higher salaries and better living conditions. This leads to a massive outflow of human capital. On the other hand, Russia is still a net recipient of regional labor migrants, however their number is slowly but steadily decreasing in the recent years, as conditions in the countries of origin of labor migrants are improving and new attractive destinations, such as the UAE, South Korea and Turkey, solidly establish themselves on labor migrants' map. Thus, Russia's experience with migration is rather sophisticated that requires complex solutions that might be useful for many migrant destination countries in the world.

## Proposal

### 1. Holistic approach to international migration

To attract and retain highly skilled labor force, reforms are needed to introduce sound policies and create functioning institutions to ensure inclusiveness of the immigrants. Russia abolished the Federal Migration Service in 2016, delegating its functions to the Ministry of Internal Affairs. This, in turn, has created a more security-based approach on migration, in which the economic component of migration plays a secondary role. In this regard, a new comprehensive strategy is necessary to disentangle migration from the domestic security threat. In addition, *the new strategy has to objectively assess the international migration ecosystem, the available pool of migrants, competitive advantages and disadvantages of Russia as a migration destination, potential economic benefits and risks inherent to accepting migrants, and ultimately to elaborate an informed and focused action plan to manage the entire process.*

It is important to note, that the data collection, registration, classification, assessment and allocation system should not pose any additional burden on migrants. The regulatory framework must be kept easy to comprehend, accessible, fast to process the data and take necessary decisions, and it does not have to be costly as the process of immigration is expensive per se.

**We propose that recipient countries establish an institution/government authority (ombudsman or minister) for migration in their country. The institution would handle all aspects of migration (economic, security, human capital development, integration and lawful treatment). Moreover the ombudsman would collaborate**

**with domestic stakeholders (governments authorities, industry associations, so forth) as well as establish constructive dialogue with the donor countries. Such institution in G20 countries would allow for harmonized approach to migration, enable exchange of data and best practices on the institutional level.**

## **2. Harmonization and unification with international standards, procedures, data collection on migration**

The exchange of experience and capacity building for national institutions is vital to build an efficient migration management system, which is compatible with and plugged into the corresponding global system. Competing for international migrants on the even playing field will substantially simplify and accelerate their stream to the donor countries. In this regard, *it is essential to adopt appropriate migrant targeting strategies, according to which, interests and needs of the country and potential migrants will be matched.*

Another important issue is that data collection in Russia and other CIS countries is not synchronized. Therefore, it is rather difficult to juxtapose national statistics of different countries and to arrive at valid results. For instance, Kazakhstan's statistics reflect crossing border facts, not accounting for individuals that may cross the border a few times in a day. Russia's statistics does not differentiate between seasonal and permanent migration. This has to be better reflected and streamlined to develop efficient migration programs.

Last but not least, all migration related activities have to be transparent. In 2013, Russia introduced the re-entry ban list for migrants, who committed any violation, even administrative. Currently, nine different agencies in Russia may place a migrant to the re-entry ban list. The issue is that this list is not synchronized across the agencies and often a migrant can be blacklisted on one list and not to be subject to a re-entry ban on the other ones. Also, the entity that decided to place a migrant on the re-entry ban list is not accountable and does not explain or issue any paperwork to a migrant on the reasons and duration of the ban. Any court hearings on the re-entry ban issue has to be proceeded in Russia, however, migrants cannot attend the hearing, as they cannot enter the territory of the Russian Federation. In other words, it creates a vicious circle and the court option remains largely unattainable for most blacklisted migrants. In this regard, it is essential to create a transparent and efficient mechanism for informing migrants on re- entry ban reasons, duration and procedures.

**We propose to create the office of the ombudsman for migrants rights to ensure lawful treatment of migrants based on the universally accepted Human Rights. The office should be run similarly to the office of the ombudsman for children's rights.**

**It is known that large number of children of migrants are suffering the migration process and are often subject to abusive and unlawful treatment in the destination countries and have problems in integrating into their new societies.**

### **3. Elevating general attractiveness of recipient countries for migrants**

The attractiveness of a given migration destination is defined by a number of factors including the difference in the level of income (defining the material gain for a migrant), the ease of legal employment, the risks of illegal or semi-legal employment, the level of satisfaction with the realistically accessible jobs, the degree of cultural, social and living comfort (defined by the levels of proactive friendliness and as opposed to xenophobia among the locals and by the living condition standards for migrants), and the perspective (legal and cultural) of long-term integration – all weighted against a set of possible alternatives. Overall migrants do make rather conscious choices of the countries of destination. There is hardly an ideal migration destination in the world (it would otherwise attract all of the world’s migrants), so each person follows a complex “customer journey”, starting from the very decision to leave the home country, which includes a number of trade-offs. To become an attractive migrant destination, the recipient country must ensure the above-mentioned conditions on a higher level in respect to its competitors for human capital.

The key advantage of Russia at the moment is its accessibility: the relatively liberal and transparent procedure of entering (visa free for most of the post-USSR states), extensive network of transportation links (e. g. the airport of Tashkent, Uzbekistan offers flights to 17 destinations in the Russian Federation, i.e. it is better connected to Russian regions than many of the major Russian domestic airports), and the effective set of financial instruments, including the ones for remittances. However, the rest of the factors has room for improvement, including the conditions for legal employment and further liberalization and simplification of immigration requirements and procedures.

It is also vital to distinguish between illegal and irregular migrants, as many public officials, law- enforcement representatives and even scholars label any migrants, who unofficially undertake employment in Russia, as illegal migrants. In fact, most of these migrants absolutely legally crossed the border (as there is no visa regime) and they legally reside in the Russian Federation. Once they decide to take up any unofficial

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<sup>1</sup>There is extensive literature on the issue which includes quantitative modelling, cf. [https://www.cesifo-group.de/portal/pls/portal/!PORTAL.wwpob\\_page.show?\\_docname=1090149.PDF](https://www.cesifo-group.de/portal/pls/portal/!PORTAL.wwpob_page.show?_docname=1090149.PDF), <https://openknowledge.worldbank.org/bitstream/handle/10986/6949/WPS4728.pdf?sequence=1&isAllowed=y>, <https://web.stanford.edu/~fafchamp/nepmig.pdf>

employment they become irregular migrants but in no case illegal. *Therefore, appropriate definitions have to be elaborated and circulated via media outlets to distinguish the set of problems and solutions for these two distinctive groups of migrants.*

The proposed office of the ombudsman for migrant rights would allow for centralized communication with the donor countries' government authorities for collaboration on migration information centers and services, language and legal training skills.

#### **4. Inclusiveness and adaptation of arrived migrants**

Integration of migrants in Russia, like elsewhere, is the issue which is hotly debated in society and media. On the one hand, Russia has the tradition of managing high degree of diversity within the society and providing opportunities for minorities, including certain experience with affirmative action in the Soviet period. On the other hand, the dissolution of the USSR, domestic conflicts (including the two Chechen conflicts), religious extremism and terrorism, etc. make prominent the anti-migration, anti-integration discourse. The recent European migration crisis sparked the wave in the Russian media of vocal criticism and safety, security concerns.

The discussions that focus on the immediate challenges of integration miss the strategic perspective of the integration process. The success of the process and the speed of gaining the possible social and economic benefits of immigration depend on three key factors:

- The readiness of migrants to integrate and their proactive efforts towards integration;
- The readiness of the host society to accommodate migrants;
- The existence and effectiveness of institutions of integration, both formal (e. g. special schools/language courses) and informal institutions (the ability of migrants and local to interact in everyday settings, learning to mutually understand and respect each other).

The first factor is rather difficult to achieve, as an adult migrant has already his set of beliefs and convictions that is hard to compromise with or adjust to the new setting. Therefore, the most efficient mechanism is to integrate children to the society and through them integrate their parents. In any case, these three factors has to be in a dynamic balance, constantly supporting each other, i.e. the readiness and the desire to integrate on the part of migrants depends on the personal assessment of the strategic feasibility of such integration, its costs and benefits, and the effectiveness of

the institutions that facilitate it. In its turn, the host society holds a set of assumptions regarding the desirability and feasibility of integration based on the current behavior of migrants it observes. It creates, promotes, develops or prohibits and dismantles the relevant institutes of integration.

In other words, the Russian example of migrant integration is similar to other countries - while the host society expects extra efforts from migrants to assimilate, migrants anticipate some benevolence from the host society and a number of integration opportunities.

**Therefore, a functional platform has to be created where local communities will be able to communicate with migrant communities to learn more about their reasons for migration, expectations from their new country of domicile and potential common denominators that may serve as an impetus for successful integration. Local diaspora can become an asset for this dialogue.**

## **5. Growing awareness to prevent and mitigate the resistance of locals to admit the migrants**

The soft policy and awareness must be given a proper attention in the countries of migrant destinations to reduce resistance to diversity and create more welcoming mood of its population. This goal can be reached only through demonstration of the benefits for the country's long-term development and contribution of migrants to the prosperity of the nation.

Currently, the media portrayal of migrants is far from positive. Even if the culprit has a Russian citizenship, the media focuses on his previous citizenship and, by doing that, they demonize intentionally or unintentionally all migrants coming from that particular country. The media rarely portrays positive deeds of migrants, shaping the public opinion that migrants are aliens and a source of criminal activities. This, in turn, creates a negative image of migrants and does not contribute to various integration initiatives. In this regard, media outlets have to employ a more balanced approach to reconcile opposing camps and to facilitate integration activities across the country. Also, the information on the opportunities in the recipient countries must be widely disseminated in the donor countries. In this regard, it is expedient to collaborate with foreign governments, conduct promotion arrangements and increase the access to necessary information through various channels to attract target migrant groups.

**The proposed ombudsman or ministerial office for migrants would have the capacity for media strategy that would translate accurate, balanced and consistent message of the migration role in the host country.**



G20 should promote the similar institution/government authority (ombudsman or minister) for migration in their countries. A unified approach would facilitate dialogue between countries, enable exchange of data, best practices as well as development of solutions to common problems. Migration ministerial meetings could further enhance the work of the United Nations in addressing the security, social and economic aspects of global migration.

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