

Mechanism of Labour Migration Management, Proposed for Use In Targeted Regions

Tatyana Nikolayevna Vitsenets

Far Eastern Federal University, Vladivostok City, Russia

Abstract: Article is devoted to the description of the mechanism of management by labor migration in certain regions of our country. The author proves that realization of migratory policy in the Russian Federation is provided by active interaction of the Government of the Russian Federation, federal executive authorities, authorities of territorial subjects of the Russian Federation. The state migratory policy is based on norms of international law, provisions of the Constitution of the Russian Federation, federal laws and regulations. This mechanism is based on use of the migratory labor exchange. Main goal of creation of this exchange - extrabudgetary funds and public efforts to create in the region system of non-state support of migrant workers for rendering to them the humanitarian, legal and financial assistance, consulting services. The mechanism of management is urged to provide with labor migration the rights of migrants in interface to economic interests of the Russian employers and the public services regulating migratory processes. The author of article step by step describes the mechanism of management of labor migration in the region. He offers model of management of a manpower on Distant the East, describes actions which will be carried out during management of migratory processes in the region.

Key words: mechanism of management of labor migration • Illegal migrants • Foreign labor • Commission on migratory policy • Improvement of the migratory legislation • Migratory policy

INTRODUCTION

The peculiarities of development of migration situation in the Russian Federation during the last decade are caused by political, social and economic changes. The government of Russia in these conditions forms active migration policy, implementation of which includes adopted in our country "Conception of migration processes regulation in the Russian Federation [1]. The initiator of its development was the Federal migration service under Ministry of Internal Affairs of the Russian Federation. According to the Decree of the President of the Russian Federation of February 23, 2002 the functions of federal body of the Executive authorities on migration service were delivered to the Ministry of internal affairs of the Russian Federation. A new department was created in its structure – the Federal migration service under MIA of Russia. One of its main objectives is to regulate migration processes in the Russian Federation and the fight against illegal migration.

Most of the work on the identification of illegal migrants and the application to them of the norms of administrative responsibility is entrusted with the subdivision of the migration of Ministry of Internal Affairs, main departments, departments of Internal Affairs of subjects of the Russian Federation. The structure of management of migration flows at the Federal and regional levels (by the example of Stavropol territory) is shown in Annex 2.

For identification of violations of order of stay in the Russian Federation by foreign citizens and stateless people and of rules of attraction and use of foreign labour force in the Russian Federation officials of Department on migration tightly cooperate with other services and subdivisions of Department of internal affairs [2].

For implementation of regular inspections of the places of probable gathering of illegal migrants, such as station-houses, markets, building area, there are formed groups of officials of the Department of migration affairs,

the Department of fight against economic crimes, the passport and visa Department, patrol service, district inspectors.

For implementation of state migration policy, forming drafts of the Federal budget the Government of the Russian Federation annually provides funds for the financing of such activities.

The terms “refugee” and “forced migrant” are mentioned in texts of 210 legal or other normative acts of the Russian Federation. However the basic legislative acts in the field of forced migration are the Federal law “On refugees” and the law of the Russian Federation “On forced migrants [3].

The Federal law “On refugees” presupposes the implementation of international obligations of Russia after joining to the Convention and Protocol, related with refugee status. The law of the Russian Federation “On forced migrants” is oriented to establish specific legal regime and rendering governmental support to the citizens of the Russian Federation in social and politic situations that arose due to the foundation of new states on the territory of the former USSR.

Both laws are based on the principles, laid in the Convention of the UNO (1951) and Protocol (1967), related with refugee status. However the Federal law “On refugees” doesn’t correspond with international liabilities of the Russian Federation to full extent. Under the Convention and Protocol, related with refugee status, while joining any state can make reservations, except article 1, 3 and 4, para. 1 of the art. 16 and art. 33, as well as declaration of territorial appliance according to article 1B(1) and 40. These articles determine a list of conditions, under which a person is recognized as a refugee and cases, when the positions of the Convention do not extend. The lists are exhaustive and can’t be added [4]. Also there are determined minimal norms of obligations of the state giving asylum to a refugee: inadmissibility of discredit, freedom of religion, the right to appeal to the court, the non-refoulement principle.

The Federal law “On refugees” includes departure from peremptory rules of the Convention and the Protocol, related with refugee status. For example, it doesn’t include the norm that is contained in the second part of the section A of the article 1 of the Convention on automatic recognition as a refugee of those mentioned in this article. It concerns the cases when the UNO establishments are forced to stop the assistance to certain categories of people.

Sub-item 1 of the item 1 of the article 9 of the Law partially does not comply with section C of the article 1 of the Convention. Obtaining a refugee permit for the permanent residence on the territory of the Russian Federation can not serve as grounds for the loss of refugee status, as the section C of the article 1 of the Convention contains an exhaustive list of the grounds for termination of refugee status. However, the text of the Law makes it impossible to determine what this resolution constitutes and what its legal nature is, because of the absence of the definition of this term in the Law [5].

Sub-item 1 of the item 2 of the art. 9 does not comply with section C of the article 1 of the Convention. Conviction of a refugee for committing a crime on the territory of Russia cannot serve as grounds for deprivation of a person of refugee status, as the section C of the article 1 of the Convention contains an exhaustive list of the grounds for termination of refugee status.

Positions of sub-item 1 of the item 6 of the art. 12 and the item 3 of the art. 13 of the Law, according to which a person, convicted for committing a crime on the territory of the Russian Federation, is deprived of temporary asylum or subject to expulsion (deportation) after serving its sentence from the territory of the Russian Federation, are not consistent with the constitutional principles of equal protection of the law and the court and the state guarantee of the equality of rights of migration freedoms of man and citizen, regardless of their legal status (art. 19 of the Constitution of the Russian Federation). Conviction of a refugee for committing a crime cannot serve as a ground for deprivation of a person of refugee status or deportation from the country. For the committing a criminal offence the Federal criminal law does not impose such type of punishment as expulsion from the country. The article 44 of the Criminal code of the Russian Federation includes an exhaustive list of the types of punishment.

The article 42 of the Convention on refugee status prohibits willfully reservations to art. 1 of the Convention. The sub-item “d” of the item 1 of the art. 2 of The Vienna Convention on the law of treaties of 1969 says: “reservation means a unilateral statement, phrased or named in any way, made by a state, when signing, ratification, acceptance or approval of or accession to the treaty, whereby it purports to exclude or modify the legal effect of certain provisions in their application to this state”. Therefore, art. 1, 2, 3, 9 of the Federal law

“On refugees” include statements, partially excluding or partially modifying the legal effect of the art. 1 of the Convention on refugee status.

Article 19 of the Federal law “On forced migrants” has declarative character, because the liability for the breaking of statements, pointed in the law, is not created by administrative and criminal legislative [6].

Attempt to solve all the diversity of migration issues by the introduction of changes and additions in laws of the Russian Federation “On refugees” and “On Forced migrants” completely failed. The laws are not the acts of the direct action, but they stipulate the adoption of a whole series of normative legal acts, concretizing their essence. Particularly the Federal law “On refugees” stipulates the issue of 11 by-laws. Since the moment of entry into the force of this Law it has taken almost six years and up to the present time the Government of the Russian Federation adopted just 7 normative legal acts, other legal acts of the Government of the Russian Federation are not adjusted to the law “On refugees”. The law “On forced migrants” is in the similar situation.

So, migration policy serves for ensuring stable social, economic and demographic development of the country, national security of the Russian Federation, satisfaction of needs in labour resources for growing Russian economy, rational allocation of population over the territory of the country, use of intellectual and labour potential of migrants for achievement of welfare and prosperity of Russia.

Implementation of migration policy is provided by cooperation of the Government of the Russian Federation, the Federal Executive authorities and bodies of the subjects of the Russian Federation. The governmental migration policy is based on the norms of international legislation, positions of the Constitution of the Russian Federation, the federal laws and normative legal acts.

Controllable migration of the labour force contains a huge potential for economic growth of the regions. It is impossible to foresee the labour force requirement in advance with absolute accuracy. That is why suggested mechanism provides flexible and controlled system of labour migration, which considers qualified development of the demand and supply on the labour market [6].

The base of suggested mechanism is technological scheme of the work, made in 2002 by the public corporation “Russian Migration Labour Exchange” (RMLE) and established on its base the Association of Migration Exchanges of EuroAsEC (AME of EuroAsEC).

In contrast to personnel agencies, consulting and jural companies, labour exchanges solve the issues in full mode. They cooperate tightly with professional unions of migrants and employees, insurance agents, attendant workers-migrants, groups of the cooperation with ethnic migrants, employed in Russia. Partners of migration labor exchange can be legal entities, commercial and public organizations, able to contribute to the realization of the goals and objectives of migration labor exchange.

It is necessary to establish subdivisions of the public corporation “RMLE” in every target region. Organizational-legal form of the Migration labour exchanges can vary (commercial or non-commercial). Representative of MLE should be a member of Public consulting Council that is created on the territory of the FEFD.

On the Primorye territory the subdivision of RMLE is created – **“Far Eastern Regional Migration Labour Exchange” (FERML)**, representing non-governmental component of the mechanism of migration regulation, forming of the recruiting and selective system for attraction of foreign specialists of eligible qualification from abroad.

The MLE has to work in tight cooperation with departments of Executive authorities of the subjects of the Russian Federation, administrations of municipal formations, territorial subdivisions of the FMS of Russia and other interested people.

With a view to ensure the controllability of given mechanism it is purposeful to create MLE as non-commercial enterprise with inclusion Administration of the subject to the list of founders or to give it the status of Unitary enterprise, based on the fact that since 2007, according to the FZ-199 functions of employment of the population are transferred into the jurisdiction of the subjects of the Russian Federation. The main idea and objective of the MLE is to create the system of non-governmental support for migrants-workers, target rendering of humanitarian, legal and financial assistance, consulting services in the region by off-budget funds and public efforts for the greatest relevance of migrants’ potential, as it allows to improve relationship between the Russians and migrants, ensure harmonic integration of migrants to the Russian society.

One of the MLE tasks is ensuring the rights of migrants-workers in compliance with economic interests of Russian employers and governmental services, regulating migration processes.

The MLE undertakes the functions of coordinating center for creating the network of organizations on the territory of the subject that solve the problems of labour migration on the regional (city) level, working as legal entities, but cooperating tightly with the “united center” – RMLE. The exchange has no task to monopolize the market, its main benefit is that it gives a complex of qualified services.

Mechanism of realization of the main task is the following:

Under the auspices of the municipal administration bodies the territories of a municipal district are provided with Brokerage firm, for example, the “FERMLE – Vladivostok” for employment and legalization of migrants, pretending to work places of the enterprises of Municipal district (MD). The activity of Brokerage firms is based on the principles of full self-financing, using the obtained profit for creation of its own resource base and replenishment of the budget of the MD.

The brokerage firms are independent brokers and brokerage houses of any pattern of ownership. In this organization structure they ought to be created under the control and with participation of Municipal districts (MD). Such Brokerage firms should be founded in those municipal districts, where it is planned the implementation of appropriate economic investment projects, requiring attraction of additional resources, as temporary (guest migrants) as well as permanent from the number of compatriots, living abroad.

Broker, located at any distance from the MLE, has the possibility to make a request to any broker of exchange network, to obtain more specific information, to conclude the contract, provide with the necessary legal support for applicants of migrant workers, the agreements on the conditions of resettlement and it can do this not only for «his» territory. If a vacancy exists in another city, broker goes beyond the field of activity in his region and, cooperating with brokers-partners, manages the process of employment exactly as in his region.

One of the key places in the organizational scheme belongs to the current total for the whole network database of migration exchanges, which allows to combine coming from brokers personal data of applicants with the existing demands of enterprises. The employer has the possibility to conduct an interview with the applicant for the job in the form of the Internet conference. This is an important part of the process of employment when you receive requests from remote settlements. Placement of information about the necessary labour resources in the database of RMLE allows to

implement quickly existing proposals on labour resources, as well as the proposals immediately find themselves in a field of view of the other brokers. Functioning of total structure of RMLE, including all its regional subdivisions, including MLE, is provided by specially made vertically integrated network system on the basis of original software and automatic control system.

Accommodation of the migrants-workers requires the creation of **Social adaptation Migration centers** in the places of the mass arrival of migrants, including relatively cheap hostels, where along with housing appropriate governmental and municipal services can be placed that would ensure the order, keeping the sanitary-epidemiological norms, registration and medical examination, insurance of arriving migrants etc. Nowadays the FERMLE has appropriate developmental works, including financing of the construction of the Migration Center (MC). (The conception of Migration Center is included). It is supposed to open departments of migration services, where people can obtain permits for work and make Russian citizenship in the simplified order. The centers of professional education will also be organized.

The **Center of professional training** (upgrading, testing of migrants - citizens of the CIS) of appropriate specialties will be located in the Migration Center.

Similar centers (representative offices of the exchange) are founded in frontier provinces of China (Hailudzyan and Jilin) and countries of the CIS. In the present time agencies of the public corporation are opened in Kyrgyzstan, Tadzhikistan, Uzbekistan and Kazakhstan. There a foreign citizen will undergo a selection in compliance with the request of Russian employer, training (retraining) for the profession (or a special test), will get a certain level of knowledge in the field of Russian language, Russian legislation, entrepreneurship and so on. He will be acquainted with his rights and liabilities on the territory of Russia, will have appropriate diploma, license for work and work place, given to him on the base of appropriate permitting documents.

Cooperation with MLE Can Be Not Bad Support for Regional Authorities in reducing of illegal sector of migration on the territory (it is especially actual in the conditions of strengthening of the migration legislation of the Russian Federation); adjustment of the supply and demand on the regional labour market; increase in tax flow to budget; improvement of criminal situation on the territory.

In a certain degree mechanism of regulation of the labour migration suggested above is a basis for creation of the system of selective recruitment of foreign specialists, necessary for development of the regional economy, adapted to Russian situation and loyal to Russian society.

Economic progress of different states becomes more and more dependent on the international trends and social development, active cooperation of separate national economics with each other [7]. Today any country can't exist isolated from world community.

More and more countries are involved into orbit of international migration and participate in international exchange of labour resources. In 90-s almost two-thirds countries of the world sent their workers abroad or received foreign labour force in large scale.

Trends to expansion of external labour migration, which have clearly revealed themselves in the last decades, are observed in modern Russia already for a long time. One of the results of politic and socio-economic changes in the Russian Federation was conversion it into center of attraction of labour migrants from former soviet republic as well as from the countries of the far abroad.

For the beginning of reforms the Russian Federation has about 100 thousand workers-migrants from near and far abroad.

Transformation of politic and economic system, making the Russian society more open in a certain degree, promoted the increase of inflow of the foreign labor force to the country by the natural way.

Expansion of foreign labor force use in the economy of Russia is caused by a variety of factors. In the point of economic view the reasons of international labour migration in Russia can be divided into two basic – inter-stated differences into earning rates and conditions of labour market.

The first important factor of labour immigration to Russia is its relatively attraction in the view of life standard, ability of higher earnings. In the last decade in Russia GDP per person significantly exceeds similar index of main countries-exporters of labour force into Russia, firstly countries of the CIS. According to Rosstat data it accounted to 6 742 dollars in 1996 in Russia, i. e. it was twice higher than in Ukraine (3 325) and in 3,2 times higher in comparing with Moldova (2 100 dollars). At the beginning of the 1996 annual average earnings (in dollar equivalent) in Kazakhstan was in 1,7 times lower than in Russia, in Ukraine in 2,1 times relatively, in Kyrgyzstan – in 3,8 times, in Moldova – in 4,5 times, in Armenia – in

6,6 times, in Azerbaijan – in 9,4 times, in Tadzhikistan – in 30 times. The second important factor, determining the inflow of labour migrants, is situation on the labour market, stable demand in foreign labour force in Russia, possibilities for employment of foreigners in formal and informal branches of the economy. In 1999 the index of registered unemployment in Russia was 1,7%, in Armenia – 11,5, in Georgia – 5,6, in Kazakhstan – 3,9, in Kyrgyzstan – 3,0, in Moldavia – 2,1, in Tadzhikistan – 3,1, in Ukraine – 4,3.

As the data shows, professional structure of labour migrants, arriving to Russia, in general, corresponds with the structure of requirements in labour force of enterprises and organizations. Nowadays on Russian labour market current structure of vacancies is firstly oriented to workers, engaged in physical labour. In the last years the share of branches of material production exceeds 60% of total amount of workers in structure of requirement in workers for employment. Significant part of flows of foreign workers is directed exactly to material production industry.

As in the majority of countries of the world, the most important reason, generating the engagement of foreign labour force, is the lack of it on single branches of economy and regions, in separated professions and kinds of work[8]. Primarily, it said about those spheres of employment that are characterized by low earnings rate, large amount of non-appreciating work places, remoteness of regions [9 - 10].

As a result, inability and reluctance of internal labour resources to get these jobs and to provide high productivity and necessary quality of labour the spheres of the labour market and of population employment cause objective prerequisites for migration inflow of foreign workers.

REFERENCES

1. Zaripov, P.N., 2005. Migrations in Russia: social and legal aspects of the problem. [Migratsii v Rossii: sotsial'nye i pravovye aspekty problemy]. Zakon., 5: 179.
2. Kapitsa, S.P., S.P. Kurd'umov and G.G. Malinetskiy, 2011. Synergy and forecasts of future. [Sinergetika i prognozy budush'ego].
3. Krasinets, E., 2011. Van is coming to Ivan [Van edet k Ivanu]. Migratsia i grajdanstvo, pp: 2.
4. Kirillov, I.R., 2005. What migration policy does Russia need? [Kakaya migratsionnaya politika nujna Rossii?]. Rossiyskaya Federatsia segodnya, 11: 138.

5. Kokov, V.A., 2005. How to manage migration in Russia [Kak upravlyat migratsiey v Rossii]. Economist, 2: 182.
6. Kostakov, V.A., 2004. Migrations: harm or benefit? [Migratsii: beda ili blago?]. Economist, 2: 129.
7. Harris, A., 2013. Why the world's best and brightest struggle to find jobs in Canada // www2macleans.ca/2013/04/24/land-of-misfortune.
8. Taylor, F., 2005. What became of the second generation? The children of European immigrants in France between the world wars. The History of the Family, Volume 10(Issue 1).
9. Tsuda, T., 2002. Reluctant Hosts: The Future of Japan as a Country of Immigration. Tokio, pp: 15-23.
10. Kondo, A., 2004. Development of immigration Policy in Japan. Токио, pp: 22-27.