

Russian Immigration Control

SYMBOL OVER SUBSTANCE

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Russia's immigration system is consistently presented as draconian and inhumane. Human rights organizations, mass media, and scholars alike use labor slavery, violations of rights, and vulnerable migrants excluded from the formal labor market as common frames to conceptualize Russia's migration context. Discussions tend to focus on certain policy mechanisms and their implementation and enforcement, advancing the claim that the authoritarian state drives the exploitation of migrants through policies that are either too strict or arbitrarily enforced. These framings inadvertently present Russia as having more capacity to control immigration than it does, obscuring the largely symbolic nature of its policies. In fact, migration management in Russia depends on selective control in order to ensure a steady portion of the immigrant population will be located in the informal labor market. Yet, the projection of immigration control is a crucial part of managing societal anxieties. Symbolic policies also send important signals to migrants about how to navigate formal and informal processes.

As in many immigrant-receiving countries, multiple actors make conflicting demands of Russia's migration policy. Russian society's xenophobic and anti-immigrant [attitudes](#) are well documented, as is the government's [sensitivity](#) to public opinion. The domestic labor market is especially hard hit by demographic decline, and relies on major influxes of migrant workers, especially for low-skilled manual labor and service jobs, similar to segmented labor markets in other countries. State actors, for their part, must approach migration management in a way that balances not only social and economic demands but also prioritizes political goals such as producing the image of stability and state capacity all the while [adhering](#) to the patronage system's informal obligations and use of benefits. Symbolic control policies that produce visible displays for the public but are porous enough to allow sufficient workers to satisfy labor demand help decisionmakers balance disparate needs of various actors. These policies control the proportion of

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migrants who have access to legal documents and secure status but do little to reduce the numbers of immigrants in the country.

The More Things Change, the More They Stay the Same

Russia's immigration policy has experienced fundamental shifts in the past decade, as well as near-constant tinkering. Two major reforms, one in 2007 and another in 2015, promised some liberalization that was quickly overshadowed by accompanying control mechanisms. Migration policy choices often reflect complex processes of interest aggregation from the public, employers, ministries, and high-level decision-makers. Despite sometimes contradictory policies, the underlying mechanisms and outcomes remain: point of fact decision-making (i.e., determining which migrants will be given documents) is devolved to bureaucrats, who ensure fewer migrants legalize their status than are needed to fill labor gaps, and who at times use the proceeds of migration control for their own benefit.

The first major reform in 2007 promised that labor migrants from CIS countries could get a work permit independently of a specific employer and could move freely between employers on the same permit. Yet, accompanying bans on foreign workers in certain sectors, quotas or upper limits for all migrants, and bureaucratic rigidity that would not allow migrants to take advantage of the provisions promised by law prevented many foreign laborers from getting work documents. Bureaucrats at all levels acted on signals from political elites, ensuring that only a publicly acceptable number of migrants would be able to legalize their status. Nonetheless, the picture of control was a façade as policies did little to reduce the presence or number of illegal immigrants.

The second significant reform came in 2015, and was marked by several policies that could have made it easier for migrants to legally participate in the labor market. One was the expansion of pay-as-you-go work permits called "patents," allowing CIS migrants to work for any type of employer if monthly taxes were pre-paid. Another was the initiation of the Eurasian Economic Union, which allowed free labor movement (i.e. no work permits needed) for citizens of member countries. However, barriers such as language exams, higher document processing fees, work contract requirements, and the increasing use of blacklists or re-entry bans have worked in the opposite direction of eased restrictions. In particular, blacklists have become a lightning rod for criticism by scholars, activists, and international organizations.

Regardless of the policy mechanism or institutional framework in question, underlying practices do not change a great deal. Bureaucrats enforce rigidly, intermediaries and willing state actors create corruption schemes, and employers and migrants operate in the informal sector with relative impunity and with the knowledge that many problems can be solved with a bribe. All the while, the selective use of visible control mechanisms produces the illusion that the Russian government is serious about regulating migration.

Entry Bans: a Flimsy Control

Security-oriented control mechanisms such as migration raids, administrative expulsion or deportation, and large numbers of people added to re-entry ban lists are a visible and measurable way to present migration control to the public. These, coupled with the publication of low official numbers of legal migrants, another byproduct of control-oriented policies, are used by the government as important tools to project the image of immigration control.

The entry bans that have garnered so much attention in recent years are particularly interesting given similar types of restrictions in other immigrant-receiving countries, loudly heralded by leaders such as U.S. President Donald Trump. These bans are not only an issue of domestic policy or border control but are also [relevant](#) for foreign relations. Russia's entry bans have been salient in its discussions with CIS countries over entry into the Eurasian Economic Union. For instance, Kyrgyzstan successfully negotiated to remove a number of its citizens from the blacklist as a condition for the country's accession. The novelty of Russia's bans is that they are the first attempt to regulate CIS migrants' entry into Russia in the post-Soviet era, whereas prior efforts to manage migration flows have focused on entry into the labor market.

The increasing numbers of foreigners placed on the blacklist, from 65,000 in 2011 to a peak of 645,000 in 2014, is evidence of a dramatic change in migration officials' use of this mechanism. Since migrants typically remain on the list 3-5 years, as many as 1.9 million migrants have been on the list at one time. Yet, given that 20-30 million foreigners cross into Russia each year, the percentage of these migrants who are blacklisted within a given five-year period is only 1-2 percent. Furthermore, the numbers of foreigners crossing Russia's borders each year has remained resilient and even increased in recent years, showing entry bans do not have a marked impact on migration flows. It is also important to note that many banned migrants are placed on the list while in Russia (for various administrative violations). Those that remain in Russia cannot be counted among the foreigners who are prevented from entering (a separate statistic from the number of people added to the blacklist). To the degree that the blacklist encourages migrants to stay in Russia rather than risk not being permitted to re-enter, the mechanism serves to reinforce illegal migration rather than act against it.

Symbols Plus Fear: The Authoritarian Equation

In conversations with other experts, my assertion that policies like the entry ban are largely symbolic is often met with counter-assertions that they indeed have real power because they create undue anxiety and fear among migrants. It is difficult to weigh these effects against each other because fear is not as readily measurable as policy effectiveness. However, it is quite possible that in lieu of coherent implementation of migration laws, fear is the best mechanism that an authoritarian state has to manage

migration. But as migrants learn about weaknesses and gaps in the policies that can be exploited, fear gives way to agency through informal practices.

Research on the entry bans has shown that they [lack](#) institutional coordination, leaving government agencies with different lists that may or may not show up in the border agency's records. As migrants have tested and learned the system and its faults, some have taken their chances at border crossings, others make attempts to get new passports, and still others choose to remain in Russia as not to take the chance they will not be able to return. Furthermore, migrants in Russia can often (though not always) pay a bribe to law enforcement if they are caught violating any number of migration regulations.

The entry bans only have power to the extent that migrants fear they are absolute or non-negotiable. As migrants learn how to circumnavigate policies, the policies themselves become more flaccid. This policy cycle illustrates the benefit and weaknesses of authoritarian policymaking. While the overall policy landscape across major and minor reforms may seem arbitrary and incoherent, in fact policy mechanisms are put in place for a given effect, be it fear of punishment, populist appeal, etc., but as soon as they no longer meet that goal, new policies are needed to take their place. The goal then is not policy effectiveness in the traditional sense, but rather seeking short-term equilibria that balance a number of countervailing goals. Policymaking in this scenario is not the overarching plan of a mastermind authoritarian tsar. Neither is it the uncoordinated space of a weak state threatening to spin out of control. Rather it is a dynamic system of call and response that relies on a mix of formal policies and informal practices to manage the demands of different constituencies.

The benefit of this type of system is its flexibility. While different government agencies vie for policy control by crafting new laws and advocating them to the Presidential Administration, the non-deliberative adoption of these laws allows for dynamic policy change. Indeed, this adaptability gives the government the ability to respond quickly to public concerns related to migration. For example, as Russia was preparing for the free movement of labor that would come with the creation of the Eurasian Economic Union, there were a number of calls to move in the other direction toward the adoption of a visa regime. By strengthening the entry ban legislation, the government could go forward with plans for the EEU while still assuring the public that border control would be tightened, keeping out the "wrong kinds" of migrants (presumably criminals, though in actual fact many migrants are added to the blacklist for relatively minor administrative [violations](#)).

While policymaking of this sort is flexible, the system is also resilient in that those with insider knowledge or relationships with intermediaries or state officials can solve any problems that arise regardless of formal policies on the books. Yet herein lies a weakness of authoritarian policymaking since insider knowledge is *necessary* for the end-user to successfully navigate the informal possibilities of the system. In other words, it is

essential to know which policies or aspects of policies are merely symbolic and what mechanisms can be used to circumnavigate the formal procedures. Many migrants coming from other post-Soviet countries have the basic knowledge that informal networks are crucial for accomplishing bureaucratic tasks and engaging the state, which gives them significant agency despite their exclusion from many formal aspects of the law.

Conclusion

Focusing on the fear induced by entry bans, arbitrary bureaucratic procedures, or uneven enforcement by law enforcement, and assuming this translates into effective (albeit draconian) migration control, assigns the state more capacity than it actually exercises. In reality, immigration management relies more on demonstrations of selective control that produce official data (i.e. numbers of legal immigrants, raids, migrants on the entry ban list, etc.), which can be used to assuage anti-migrant voices in society. In this situation, immigration control in the sense of consistent enforcement of the laws on the books is less important than the symbolic role migration policies play as they send signals to interested actors at all levels.

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