The Dynamics of Regional Migration
Governance

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Acknowledgements

12. Regional migration governance in the Eurasian migration system[1]

Andrey Leonov and Oleg Korneev

INTRODUCTION

This chapter explores dynamics of regional migration governance within the geographical limits of the former Soviet Union (USSR). We briefly describe the development and uniqueness of the Eurasian migration system, analyse the place of Russia in this system and its role in shaping key trends of migration governance in the post-Soviet (Eurasian) space. We show that disintegration of the post-Soviet space was never completed and this has had important consequences for regional migration governance and, hence, it would be more accurate to speak not about regional integration but rather about partial reintegration of this space, including in relation to population movements. Relatedly, we argue that continuous population movements and, specifically, labour migration have become simultaneously a catalyst and a mechanism for such reintegration because of both migration's economic significance for interdependent economies of newly independent states and for its social and cultural significance for common history and identity of this region. Most importantly, we examine relevant processes of inter-state cooperation and regional integration leading to the creation of the Eurasian Economic Union (EAEU). We argue that the EAEU Treaty since 1991 has constituted a new supranational model of interaction between several states of the post-Soviet region with unprecedented consequences for regional migration governance: it has provided conditions for basically unlimited labour migration of EAEU member states' citizens within its space and abolished important organizational boundaries in member states' welfare systems (see Chapter 1). We also identify certain parallels with the European Union (EU) and discuss whether migration governance within the EAEU borrows from EU experience. This chapter is based on analysis of relevant international agreements concluded within the post-Soviet region since 1991, national legislation, and secondary sources.

The rest of this chapter is structured in the following way. First, we provide a brief summary of main migration trends within the post-Soviet space. Second, we look at dynamics of regional migration governance both in the Eurasian migration system core (Russia) and beyond, through exploring various formats of inter-state cooperation in this field. Third, we analyse the legal framework of migration governance within one such format – the EAEU – assess implementation of the EAEU Treaty, and identify outcomes and current challenges of regional migration governance in this format. We conclude with a general reflection on the nature and dynamics of regional migration governance in the Eurasian migration system.

MIGRATION TRENDS IN THE POST-SOVIET SPACE

Until 1991, all countries of the post-Soviet region were part of the same state – the USSR. This meant that people were moving within the same state, so migration in this large space was internal from a legal perspective. The break-up of the USSR provoked the 'great migration' of the 1990s (de Tinguy 2004) that continues nowadays although in different forms and at different scales. First international migration waves in the post-Soviet region resulted from profound transformations of governance systems within the newly independent states as well as at inter-state level (Geddes and Korneev 2015). Although, from the point of view of their economies and political systems, the states of the post-Soviet region represent a mosaic, in the field of migration they (with the exception of the Baltic States) form a relatively unified space – the Eurasian migration system (Ivakhnyuk 2008). Building on studies of international migration systems (Kritz et al. 1992; Haas de 2007), Ivakhnyuk (2008) has demonstrated that a number of indicators allow the definition of a post-Soviet space as a single migration system with predominantly massive intra-regional migration and a relatively much less important pole of attraction for migrants from countries outside this region. Many years of maintenance of close ties between the former Soviet republics, the emergence of a new format for their coexistence in the form of the Commonwealth of Independent States (CIS) in the aftermath of the dissolution of the USSR, and the functioning of a visa-free regime between most of these states provided the possibility for soft disintegration. In fact, this disintegration was never completed (Molodikova 2017).

In the Eurasian migration system, Russia has been the centre of attraction for all other former Soviet republics. Since the break-up of the Soviet Union, there have been significant shifts in the nature of migration flows within this broad region. In 1992–97, as a result of forced – often in the context of civil wars – and voluntary emigration from other former Soviet republics, Russia admitted around 12 million permanent immigrants, whereas the total number

of migrant workers from these countries officially employed in Russia reached around 4 million people. By the end of the first decade of independence, forced migration and ethnic migration had decreased considerably while economic migration became more prominent (Korobkov 2007; Ryazantsev and Korneev 2013). Almost 20 years after the break-up of the USSR, 92 per cent of all migratory movements within the CIS involved citizens of CIS countries (Ivakhnyuk 2008) often defined as 'near abroad' (Molodikova 2017: 335). A number of factors contributed to Russia remaining such a centre of attraction for migrants from the post-Soviet region. These are kinship linkages, the Russian language as a *lingua franca*, an interconnected transportation system and geographical proximity, a commonality of educational systems, demographic problems as well as related high demand for cheap labour in Russia, and certainly, the visa-free regime (Ivakhnyuk 2008). Scholars sometimes see Russia as a 'metropolis' for the former Soviet republics (Molodikova 2017; Kembayev 2014). All these circumstances, as well as the role of Russia and subsequently also of Kazakhstan (Laruelle 2010) as the two major migration destinations, testify to the existence of a regional migration system. In a short period after the collapse of the USSR, post-Soviet states and their citizens have appreciated the economic rationality of visa-free travel within the former USSR. Moreover, labour migration has become simultaneously a catalyst and a driving mechanism for Eurasian integration or, in other terms, for the maintenance of Eurasia as a region.

DYNAMICS OF REGIONAL MIGRATION GOVERNANCE

Migration Governance Dynamics in the System Core

Acosta and Freier (2018) argue that there is no uniform way to explain how regional migration regimes emerge and develop. Dynamics of migration governance in the post-Soviet space were largely determined by the priorities of Russia's external policy that is considered one of the possible drivers of regional migration cooperation (Lavenex et al. 2016). Changes in the political climate in Russia as well as fluctuations in the state of its economy have generally led to legislative reforms in the field of Russian migration governance, which ultimately affected migration governance dynamics in the region. Between 1992 and 2004, the number of recognized refugees in Russia, most of whom were coming from the other former Soviet republics torn by intra- and inter-state conflicts and hit by economic crises, reached almost 1.7 million people (Mukomel 2005). Moreover, in the 1990s, citizens of the former Soviet republics could resettle in Russia and get Russian citizenship relatively easily. From 1992 to 2002, according to various estimates, around 5

million citizens of the newly independent states obtained Russian citizenship. Furthermore, until the simultaneous adoption of new laws 'On Citizenship of the Russian Federation' and 'On the Legal Status of Foreign Citizens in the Russian Federation' in 2002, Russian legislation did not consider citizens of the former USSR retaining their Soviet passports as foreigners in the Russian Federation. This meant that, despite the newly emerged state borders between the former Soviet republics, a significant part of migratory movements was still of *de facto* internal character. This liberal approach was finally given up after 2001 because of national security considerations very much in line with growing securitization of migration in the post-Soviet region as well as in the EU and the USA. The new Russian laws effectively abolished the system of free movement of citizens of CIS states to the territory of Russia, equating them to foreigners, and introducing a system of quotas for labour migration. There are different ways to describe these trends and changes through more or less identifiable periods in the development of Russian migration policy (Karachurina 2013; Mukomel 2014; Ryazantsev and Korneev 2013). Perhaps the most accurate description is given by Ivakhnyuk (2016). She identifies 'human rights' considerations and related 'open door' policies in the 1990s, 'national security' and the fight against irregular migration in 2002–07 and 'economic pragmatism' stimulating migration for Russia's economic needs in 2007–11. It is, thus, clear that in little more than 20 years since the break-up of the USSR, Russian migration policy has gone through a series of fluctuations from liberal to illiberal and to, once again, more open approaches (Geddes and Korneev 2015). Changes in Russia's approaches to migration have been key factors shaping dynamics of regional migration governance.

Multiple Formats of Inter-state Cooperation

More than 20 years of variegated integration efforts within the borders of the CIS have produced such organizations as the Union of Russia and Belarus (URB in 1996) with the highest degree of integration; the Eurasian Economic Community (EURASEC in 2000) that has provided organizational framework for the Customs Union (CU) and the Single Economic Space (SES) and, eventually, the EAEU (in 2015) that has absorbed EURASEC and its acquis.

In accordance with the Agreement Establishing the CIS (CIS Agreement 1991) and the Alma-Ata Declaration (1991) of 21 December 1991, the CIS member states agreed to cooperate in developing free movement of their citizens within the CIS and protection of their borders, as well as in combatting international organized crime, drug trafficking, money laundering and terrorism. The main achievement of the CIS constituent acts is the consolidation of the principle of freedom of movement[2] for citizens of the participating states. More specifically, the Bishkek Agreement (1992) established visa-free

movement of CIS citizens within the territory of its participants. Overall, the development of regional migration governance since the creation of the CIS until today is a complex and multi-layered combination of national legislative acts, and bilateral and multilateral agreements at various levels (Korneev and Leonov 2016; Ryazantsev and Korneev 2013) that fits the metaphor of a spaghetti bowl. This metaphor mostly remains an accurate description of the state of regional migration governance within the Eurasian migration system even today, after the several major changes in the regional integration landscape happened in the 2000s. One of the major trends that emerged in the 2000s was a shift from multilateral to bilateral interactions and agreements. In particular, seven years after the conclusion of the Bishkek Agreement, its signatory countries started exiting the Agreement. According to the Russian Ministry of Foreign Affairs, there were 'objective' reasons for this: the growth of irregular migration, organized crime, arms and drug smuggling, and, as a consequence, the inability to ensure, within the framework of the Agreement, the appropriate level of security for its participants (Kulmatov and Slastunina 2003: 14). Eventually, Russia concluded bilateral agreements on mutual visa-free travel for citizens with Uzbekistan, Armenia, Moldova, Ukraine, Azerbaijan and Turkmenistan. Molodikova (2018) notes that this transition from a multilateral to a bilateral format of regulation of relations among the CIS participating states was related to their desire to reduce their economic dependence on Russia. In her opinion, the bilateral format allowed them to articulate their positions in relation to each other more clearly, and also gave them greater flexibility in developing economic relations outside the CIS.

An important stage in the (re)creation of the single internal market within the post-Soviet space was the signing of the Treaty on the Customs Union and the Single Economic Space on 26 February 1999 (the CU and SES Treaty) between Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan. The envisaged regime would also provide for possibility of employment of citizens of participating states in any other participating state in accordance with the laws governing the employment of nationals of that state. Davletguildeev (2016) notes an interesting similarity of some provisions of this Treaty with the Treaty on the Functioning of the European Union (TFEU) regarding the regulation of labour migration, suggesting some borrowing of EU experience in this field in relation to length of service, retirement and other benefits, as well as single visa policy towards third countries, including with a view to preventing uncontrolled migration.

In October 2000, the State Parties of the CU and the SES created EURASEC,[3] which provided an organizational framework for the CU and the SES. In the same year, in the framework of this newly created economic community, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan concluded a multilateral intergovernmental agreement on mutual visa-free travel of their

citizens. However, during the next 10 years, integration dynamics were very low. This probably has to do with the fact that despite consistent movement towards the creation of the SES, only three countries – Belarus, Kazakhstan and Russia – were willing to implement the relevant provisions, which pointed to the need for a multi-speed integration in this field (Davletguildeev 2016), similar to certain periods of European integration when some EU members wanted to move forward more quickly in the hope that others would later join them. Eventually, in 2010, these three states approved the final list of 17 agreements creating the SES within their borders. Importantly, two agreements aimed at ensuring the implementation of the SES provisions in relation to the freedom of movement of labour: the 'Agreement on the Legal Status of Migrant Workers and Members of Their Families' and the 'Agreement on Cooperation in Countering Illegal Labour Migration from Third Countries'. Kyrgyzstan, Tajikistan and Uzbekistan remained outside these agreements, prioritizing bilateral channels of regulating these issues with Russia through special package deals such as in the cases of Uzbekistan and Kyrgyzstan (Korneev and Leonov 2016). These different paths taken by various post-Soviet countries have prevented development of a genuinely regional system of migration governance that would match the limits of the Eurasian migration system. Instead, they have contributed to development of several partially overlapping sub-regional regimes of migration governance within the post-Soviet space.

LEGAL FRAMEWORK OF MIGRATION GOVERNANCE IN THE EAEU

The Treaty on the Eurasian Economic Union (the EAEU Treaty) signed in Astana by the Presidents of Belarus, Kazakhstan and Russia on 29 May 2014 (which came into force on 1 January 2015) marked the transition of the Eurasian economic project to a fundamentally new format of integration. The EAEU Treaty is based on the legal framework of the CU and the SES (Voronina 2017). The EAEU Treaty replaces the agreements signed by the three states within the scope of CU and the SES, starting from 2007. The Agreement on the Eurasian Economic Community was terminated on 10 October 2014. Armenia and Kyrgyzstan joined the EAEU Treaty on 2 January 2015 and 12 August 2015 respectively. In this way, the 'Eurasian Troika' became the 'Eurasian Five'. Therefore, there was a foundation for creating 'a single (common) market' of five states, acting on the basis of uniform rules and norms.

The EAEU is an international organization of regional economic integration, which has an international legal personality. Unlike the CIS and all the other formats of cooperation within the post-Soviet space, the EAEU is characterized by supranationality, which reflects a higher level of integration

unprecedented for the post-Soviet space. The EAEU has a very complex institutional structure and some scholars argue that it is modelled on EU institutions (Delcour et al. 2015; Karliuk 2017; Schenk 2015).

The EAEU Treaty Novels in the Field of Migration Governance

We should start this section with two important comments. First, the EAEU Treaty regulates migration only in the context of the single labour market between EAEU member states. In other words, this regulation concerns only labour migration and freedom of movement of workers. The Treaty has not interfered with issues of visa-free regime between CIS countries but has created different labour migration regimes for citizens of EAEU member states and citizens of other CIS countries. Second, in the area of migration, the EAEU Treaty regulates relations between states within the Union, without affecting their relations with third countries. The EAEU Treaty replaces the Agreement on the Legal Status of Migrant Workers and Members of Their Families that has been in effect since 2010 within the framework of the EURASEC. The new relevant provisions are found in Section XXVI, 'Labour Migration', of the EAEU Treaty. The Agreement on Cooperation in Countering Illegal Labour Migration from Third Countries of 19 November 2010 remains in force in parallel with the EAEU Treaty.

Importantly, the EAEU Treaty does not use the term 'migrant worker', replacing it with 'worker of a member state'. This new terminology emphasizes the peculiarity of the regional model of free movement of labour, similar to the free movement of workers within the European Communities (Article 96 of the EAEU Treaty). However, despite the claim that the EAEU is modelled on the EU (Schenk 2015), there is a significant difference between the two with regards to labour migration dynamics and their regulation. In the case of the EU, norms on the freedom of movement – starting from their appearance in the first treaties in the 1950s – primarily aimed to stimulate labour migration between member states of the European Communities for the benefit of economic integration, namely for the development of a common market (De Bruycker 2017; Geddes 2000). In other words, they aimed to create a new migration reality in legal terms: they introduced provisions that made unlimited labour migration genuinely possible within the territory of the European Communities (De Bruycker 2017). The results of these attempts have been rather mixed, since decades after the development of the free movement regime in what is currently the EU, only around 3 per cent of EU citizens actively use this right (Boswell and Geddes 2011). In the case of the EAEU, the Treaty provisions regulating labour migration between EAEU member states actually reflect the reality on the ground – they recognize the fact that

labour migration between these countries is already very significant and create rules that facilitate these existing migration patterns described above.

With the EAEU Treaty, the understanding of the term 'labour activity', which now includes both activity on the basis of an employment contract and activity on the basis of a civil-law contract, has changed meaningfully. Employers can recruit workers from other member states without taking into account restrictions on the protection of the national labour market, and such workers are not required to obtain work permits in the member states (Article 97). Provisions of the EAEU Treaty (Article 96) refer to the principles on the need for organized recruitment, which have long been promoted in the region by international organizations such as the International Organization for Migration (IOM) and the World Bank (Korneev 2017). Although criticized on various grounds, in particular for incompatibility with existing migratory dynamics and networks in the Eurasian migration system, the principle of organized recruitment could potentially facilitate employment for workers within the EAEU. One of the most important achievements of the EAEU in terms of regional migration governance is the formal equalization of foreign citizens and citizens of the receiving state on many issues covered by labour law. Some even speak of the application of the national treatment principle to foreign workers on the territory of the member states of the EAEU (Ivanchak 2014). In our view, although the EAEU Treaty establishes clear preferences for workers from the EAEU member states in comparison with workers from other countries, it is impossible to speak of national treatment of labour migrants today because of the large number of exemptions from this principle. In fact, reciprocal national treatment applies only to workers of Russia and Belarus in the framework of their Union State. Moreover, the degree of unification of the legislation of the EAEU member states in the field of labour law is clearly inadequate. This issue can be most effectively resolved only at the supranational level, and the EAEU as a new regional norm-setter could play an important role in this process. The EAEU Treaty also contains the prohibition of discrimination against foreign workers on the basis of their citizenship in relation to the work they do, the type of occupation and the territory of their stay. This prohibition, which forms the basis of the single labour market regime, is not expressed in a separate norm and is not of a general nature, as, for example, in the TFEU (Article 18). However, the content of paragraph 2 of Article 97 of the EAEU Treaty cannot be interpreted otherwise than prohibiting discrimination on the basis of citizenship with respect to the employment of a worker from any EAEU Member State.

Several legislative (Treaty) provisions already testify to the considerable liberalization of the regulation of labour migration within the framework of the EAEU, which makes it a particularly advanced sub-system of migration governance within the Eurasian migration system. In particular, this relates

to the length of temporary stay of citizens and members of their families on the territory of the state of employment, registration rules, recognition of educational qualifications and the possibility of finalizing a new contract after the expiration of the initial one without leaving the country of employment (Article 97).

An important achievement of the EAEU Treaty is the establishment of a common taxation scheme for citizens of all EAEU member states, who are subject to national treatment. Their income from the first day of their work is taxed at the same rate that applies to the income of citizens of the state of employment, in the case of Russia, their income tax is, thus, only 13 per cent. This differs from the taxation regime established by Russia for migrant workers from other CIS countries: the income tax rate is set at 30 per cent during the first six months of their employment, the rate of 13 per cent applies only after this term. Citizens of all other countries are taxed at the rate of 30 per cent. Unification of taxation rules that cover the rights of labour migrants is an important step towards the creation of a genuine single labour market.

Importantly, through provisions guaranteeing a number of social and other rights of EAEU workers and members of their families, the EAEU Treaty has abolished major organizational boundaries for migration in member states' welfare systems. Social security of workers from EAEU member states is guaranteed on the same conditions and in the same manner as for citizens of the state of employment, including the length of service (seniority) and access to health care (Article 98). Due to the differences in retirement systems in the EAEU member states, it has so far not been possible to reach final agreements on this issue. At the time of writing this chapter in 2018, the Eurasian Economic Commission is working with member states to develop an agreement for the provision of retirement benefits for workers of the EAEU member states. Such an agreement would significantly increase the level of social security for EAEU workers. The EAEU Treaty also protects the right of the children of workers who live with them in the territory of the state of employment to attend pre-school institutions and receive education in accordance with the legislation of the state of employment (Article 98). Such guarantees function as an important driver of migration – they can partially solve the problem of irregular labour migration in the region, and also contribute to better integration of migrants. The provisions of Article 98 of the EAEU Treaty are formulated in accordance with the highest international standards for the protection of the human rights of migrant workers and fully comply with both the letter and the spirit of the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 18 December 1990 (Articles 15, 25, 26 (1), 28, 30, 32, 33 (1), 34). This is especially important since neither Russia nor Kazakhstan have joined this Convention. This indicates that states are more comfortable with

assuming obligations to guarantee certain rights of a narrow group of migrant workers within the framework of limited regional cooperation rather than adhering to such standards at the universal level. More generally, this shows the advantages of regional migration governance systems in the regulation of such sensitive issues as migration and welfare.

IMPLEMENTATION OF THE EAEU TREATY

Current Challenges

It has been noted that problems related to the implementation of the EAEU Treaty are due to the differences in levels and patterns of socio-economic development, scales of economies, and resource dependency between the partner-states (Voronina 2017). Belarus is a country with a large public sector and a low level of development of market relations, whereas Kazakhstan has a relatively well-developed market-oriented financial infrastructure, a high level of investment and a developed banking system. However, scholars also note that the main problems with the implementation arise in Russia, which remains the core destination for workers from EAEU countries, and Kazakhstan (Schenk 2015, 2017) – the second largest destination country in the region. Seen in this way, problems faced by EAEU workers are not related to the level and models of economic development, but have to do with the unpreparedness and, possibly, unwillingness of the state bureaucratic system to duly implement relevant provisions of the Treaty.

There are also problems inherent to the Treaty itself. Schenk (2015: 4), speaking specifically about the Russian labour market context, argues that its regulations 'do very little to encourage migrants working in the informal sector to legalize their status as signing a labour contract presents a barrier that many foreign workers will not be able to overcome'. Other researchers have noted a huge imbalance between the number of migrants from the EAEU member states who, on arrival, indicate 'work' as the purpose of their stay in Russia and the numbers of workers from the corresponding countries declared by employers (Ivakhnyuk 2016). For example, according to 2015 statistics, the number of workers from Kyrgyzstan was 512,400 while employers declared only 62,200. Similarly, while 70,100 workers arrived in Russia from Kazakhstan, employers declared only 17,900 Kazakhstani workers. This means that the number of people who entered Russia for work was four to eight times higher than the number of legally employed citizens of the relevant countries. In our view, this indicates an unwillingness by employers to enter into formal agreements with foreign workers, although the workers were intending to seek formal labour relations. With respect to Kyrgyz migrants, a recent study showed that 26 per cent of migrants were working in Russia without official contracts, and

most interviewees stated that Russian employers wished to avoid providing them with official contracts (Sagynbekova 2017). Such statistics are observed against the backdrop of high fines for employers for illegally attracting foreign labour (from 250,000 to RUR1 million for one person working without a labour contract). This situation is not necessarily due to the shortcomings of the EAEU Treaty itself, but to its implementation. The Treaty defines two possible legal options for hiring a foreign worker: a labour (employment) or civil-law agreement, which themselves do not represent obstacles to a migrant worker. The problem arises precisely from the unwillingness of the employer to formalize labour relations with foreign workers.

Some researchers also assert that the EAEU Treaty does not regulate cases related to the ban on entry to Russia for migrants who committed administrative violations on its territory – the so-called 'black lists' (Kluczewska 2014) – and speak of certain discrimination in such cases (Schenk 2015). Indeed, Russian legislation (FZ-114 1996; FZ-195 2001; FZ-115 2002) establishes administrative liability in the form of a ban on entry to the Russian Federation for a period of three to five years (and up to ten years in some cases of serious breach of migration legislation) for a foreign worker (migrant) if s/he commits two or more administrative violations during one year or three years (depending on the type of violation). It is clear that such a ban also denies a migrant in question access to the labour market in Russia. We agree that this problem inevitably affects the implementation of the EAEU Treaty with regard to labour migration governance, but it is not a problem created by the Treaty. Responding the thesis of Schenk (2015), we argue that this problem can only be solved through a change in the relevant Russian legislation, rather than through altering the provisions of the EAEU Treaty.

Outcomes of Regional Migration Governance within the EAEU

The entry into force of the EAEU Treaty coincided with the economic crisis of 2014 in the Russian Federation. This naturally distorted the picture of the real impact of the EAEU on labour migration in Russia and the other participating states. However, as noted by many researchers, negative consequences of the crisis were significantly mitigated by the integration processes in the EAEU (Gast 2018; Nasritdinov and Kozhoeva 2017; Sagynbekova 2017; Kubayeva 2015). Moreover, it is obviously difficult to assess the impact of the EAEU – as with any other regional integration organization – after only three years of its existence. It is, however, safe to say that the significance of the EAEU for its participating states is different. Within the framework of the EAEU, Russia represents the main engine of integration and all other countries support the idea of a strong Eurasian alliance (Kembayev 2014). In general, member states view Eurasian integration as an instrument for maintaining political stability

and economic growth. For smaller states such as Kyrgyzstan and Armenia, the economic contribution of the EAEU is considered to be of greatest importance (Roberts et al. 2014). For Belarus, with which Russia had already concluded an agreement on the Union State that is more advanced than the EAEU Treaty, the value of the latter is rather insignificant when it comes to Russia but is important in relation to all other participating states. Kazakhstan, thanks to the EAEU, is cementing its role as the second centre of gravity in the Eurasian migration system.

To date, there is a lack of comprehensive studies on the EAEU's impact on its member states at the micro and macro levels. Existing studies are mostly devoted to the impact of regional migration governance within the EAEU on Kyrgyz workers (Nasritdinov and Kozhoeva 2017; Sagynbekova 2017; Schenk 2017). Today, of all EAEU members, Kyrgyzstan is the most migration-dependent country[4] and, therefore, affected by membership of the Union providing its citizens with relatively unlimited possibilities in terms of employment in the Russian and Kazakhstani labour markets. Relevant studies show that of all the possible positive effects of participation in the EAEU, the most notable changes occurred in the field of labour migration (Gast 2018; Nasritdinov and Kozhoeva 2017). The EAEU is considered as a way to solve issues related to migrants' legal status that has consequences for ensuring their rights, health protection, adequate taxation and portability of benefits (Kubayeva 2015). Four specific outcomes are particularly worthy of mention.

First, three-quarters of the migrants surveyed in 2017 noted a significant simplification of employment procedures due to the abolition of 'patents' or 'licences' (special simplified type of labour permit for CIS citizens), as well as a significant reduction in the costs associated with their employment in Russia (Nasritdinov and Khozoeva 2017). According to various data (Sagynbekova 2017), a Kyrgyz labour migrant now saves on average RUR23,000–60,000 thanks to the abolition of work permits, language examinations and medical test requirements. Accession to the EAEU, thus, opened up opportunities for savings and can now lead to further growth of financial remittances that contribute to mitigation of the economic crisis (Sagynbekova 2017). Second, more than half of the migrants considered the new registration rules – the possibility of registration within 30 days from the entry into the Russian Federation – to be much simpler. Third, about half of the respondents noted a decrease in the level of 'partiality' of the police when checking documents (Nasritdinov and Kozhoeva 2017). In particular, a survey of Kyrgyz migrants in Russia showed that following the accession of Kyrgyzstan to the EAEU, the police are no longer interested in Kyrgyz migrants. This is significantly different from the results of the surveys conducted in 2007–08, when more than half of the surveyed Kyrgyz migrants reported illegal police actions against them such as provoking a bribe under threats of deportation (Sagynbekova 2017).

Fourth, the majority of Kyrgyz workers assess their position in Russia as more stable and protected if compared to Tajiks and Uzbeks, which is due to the non-participation of the respective countries in the EAEU.

In addition to the obvious primary changes related to the status of migrants, it is important to note that the participation of Kyrgyzstan in the EAEU helps to reduce unemployment in Kyrgyzstan and, as a result, to reduce the level of social tension and ensure stability in the country (Murzakulova et al. 2017). However, it is also important to mention the reverse side of the integration process within the framework of the EAEU, as seen by a number of experts. According to the Unified Report on Migration (RCE 2017), after the new provisions have entered into force, many employers do not perceive citizens of EAEU member states as persons who can be targeted by state law enforcement bodies and, eventually, become the reason for sanctions against employers. As a result, they tend to employ them without necessary labour or civil-law contracts. This way, the labour of migrants from the EAEU becomes 'delegalized' (RCE 2017: 58). Although this specific assessment relates to Armenian workers, similar conclusions could probably be drawn for workers from other EAEU countries.

Studies show that the highest level of support for integration within the EAEU exists in the Central Asian region: Kyrgyzstan, Kazakhstan, Tajikistan (Nasritdinov and Kozhoeva 2017), while the latter is not currently a member of the EAEU. Belarus and Armenia are least positive about integration within the EAEU framework, which is due to the availability of alternative integration scenarios (namely, special relations with the EU). In Russia, the situation is more complicated: the government supports and promotes the idea of deep Eurasian integration, while anti-migrant and xenophobic sentiments are often spread among the population (especially in large cities), which does not contribute to the positive perception of the EAEU (ICG 2016). However, it should be noted that the existence of the EAEU contributes to an increase in the number of legally working individuals from other EAEU member countries in Russia. This, in turn, has a positive effect in terms of taxes that end up in the state budget as well as serving other economic policy priorities identified earlier this chapter.

CONCLUSION

This chapter examined dynamics of migration governance in the post-Soviet space since the collapse of the USSR in 1991. The long-term visa-free coexistence within the framework of the former USSR was the central factor in the subsequent interdependence of most of its former republics. Moreover, the specifics of the development of the region covering the territory of the former USSR consisted precisely in the transformation of the state into a region in

which administrative borders became state ones overnight. In this sense, with regard to migration governance, the post-Soviet states cannot be described only from the point of view of their geographical proximity. It is important to understand that the starting point for all forms of cooperation in the field of migration governance between these states was their long-term existence as a single political, economic, cultural and ideological space within the borders of the USSR. Migration within this space was of an internal nature. In other words, the dynamics of relations between these states is a path from intra-state relations through rapid disintegration to new regional integration structures, such as the EAEU (2015) as the most advanced form of cooperation. From this point of view, the EAEU has passed a qualitatively different path of development from, for example, the European Communities and the EU, which emerged from sovereign states.

The cornerstone of the EAEU is a single market based on four freedoms: the free movement of goods, services, capital and labour. A separate place in the Treaty is occupied by the provisions on international labour migration. To date, there is a certain gap between the legal innovations formulated in the EAEU and their implementation. Liberalization of the labour market for citizens of the EAEU member states does not always lead to positive changes in the reduction of irregular labour migration to major host countries of the region. In order to achieve more tangible results from this new scheme of regional (labour) migration governance, it is necessary to further reform and harmonize the national legislation of the member states, tighten control over employers that facilitate illegal employment of foreign workers and continue developing supranational regulation in this field.

The EAEU does not envisage any cooperation with regard to migration of third country nationals. Still, some scholars argue that the EAEU Treaty has brought this sphere of relations to a new level (Voronina 2017), having reshaped the migration law of its member states. In general, this supports the idea of the existence of the Eurasian migration system and regional migration governance mechanisms within it. However, the EAEU legal framework applies only to a part of the Eurasian migration system that includes Armenia, Belarus, Russia and two states from the Central Asian migration sub-system. Within the Eurasian migration system with its relatively stable migration flows that function as an important driver of regional (re)integration, there are, thus, several sub-systems of migration governance: in other words, several sub-regional regimes for the legal regulation of migration. Ultimately, migration governance within the framework of the EAEU cannot be equated with migration governance at the regional scale that is at the level of the Eurasian migration system. Instead, the EAEU is a sub-regional integration framework that provides conditions for the development of a sub-regional migration regime. Overall, the Eurasian migration system is a good illustration of the

theoretical distinction between regionalism and regionalization formulated in Chapter 1 of this volume. We can speak of regionalism in relation to labour migration governance, since this area is directly regulated by the EAEU Treaty, it is fully institutionalized and, moreover, placed at the supranational level. Similarly, visa-free travel within the CIS and multilateral joint actions against irregular migration testify to some degree of regionalism. At the same time, the Eurasian migration system is prone to much weaker regionalization when it comes to issues such as protection of refugees, for which states are reluctant to develop common normative and institutional frameworks but are ready to discuss and tackle them more informally, mostly within various Regional Consultative Processes (RCPs) developing in the post-Soviet space (Korneev 2013, Orchard 2016).

NOTES

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2. We use this term in the meaning given to it by CIS documents and the legal doctrine that interprets them. There is a need to differentiate between 'free movement' (a Eurocentric term focused on specific processes and norms within the EU) and 'freedom of movement', which can have various meanings depending on the context, which in the case of the CIS is reflected already in the CIS Agreement (1991).
3. In 2006, Uzbekistan also joined this new regional organization.
4. In 2016, migrants' remittances to Kyrgyzstan equalled 34.5 per cent of its gross domestic product (GDP), making it the first remittance-dependent country in the world in relative terms (World Bank 2017).

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