

Chapter 11

Migration and bilateral agreements in the Commonwealth of Independent States

by

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The Commonwealth of Independent States (CIS) currently comprises 11 states with different demographic and migration trends, as well as economic situations. The historical period preceding its establishment, which began with the breakup of the former Soviet Union at the end of 1991, saw migration flows in practically all of these countries – and even at that time, these flows varied tremendously in terms of reasons, volumes and directions.

This chapter provides a description of the scale and characteristics of migration, focusing on labour mobility. It also gives a general picture of the co-operation among CIS states in the field of migration, and describes the main limitations on the free mobility of people and labour force in the region.

Introduction

The Commonwealth of Independent States (CIS¹) currently comprises 11 states with different demographic and migration trends, as well as economic situations. The historical period preceding its establishment, which began with the breakup of the former Soviet Union at the end of 1991, saw migration flows in practically all of these countries – and even at that time, these flows varied tremendously in terms of reasons, volumes and directions.

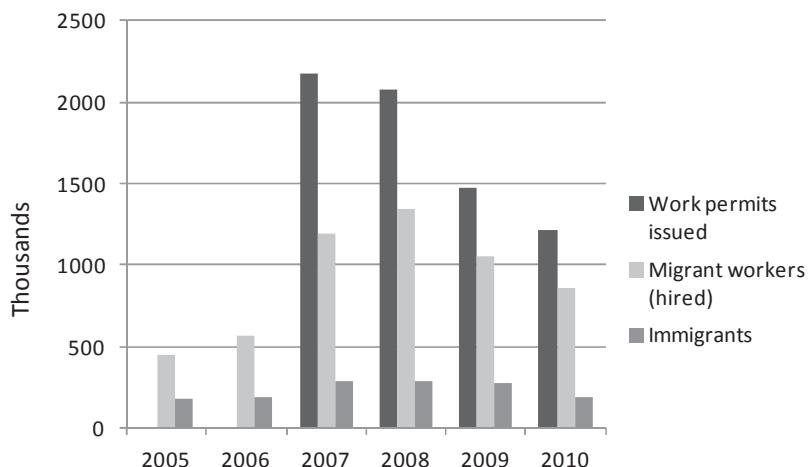
The development of institutes responsible for migration management and legislation as well as intergovernmental co-operation has also been fluctuating, in response to changing migration issues that the countries have experienced following the breakup of the former Soviet Union. During the first years, new rules of partnership were established among the former Soviet Union Republics, including in the field of migration. Chapter 19 of the CIS Charter (1994) stipulates that member states should co-operate in the economic and social spheres in order to establish a common economic space based on a market relationship and the free movement of goods, services, capital and labour.

The chapter provides a description of the scale and characteristics of migration in the CIS countries, focusing on labour mobility.² In addition, it gives a general picture of the co-operation among CIS states in the field of migration, and describes the main limitations on the free mobility of people and labour force in the region.

11.1. Overview of the situation in the CIS

Currently the situation in the CIS is characterised by a modest level of intraregional relocation significant volumes of temporary migration. The latter in some states is many times higher than the volume of permanent migration, which has tended to fall over the past decade (Figure 12.1). For example, the annual number of immigrants who arrived in the Russian Federation in 2007-09 was not more than 300 000 persons per year (in 2010 this number fell to 192 000), while the number of legal temporary labour migrants reached 2 million or more, in the pre-crisis period.

Although in Kazakhstan the size of registered labour migrant inflows may appear comparable to immigration (both are around 30 000-40 000 per year), most inflows of migrant workers are not recorded (Shokamanov, 2008). According to expert estimations, the average stock may be around 200 000-400 000 (Szalus, 2010), thus far exceeding migration for permanent residence. The scale of temporary out-migration from sending countries is also much larger than that of permanent emigration,³ although a considerable number of labour out-migrants in fact stay abroad for a long period of time, often exceeding the time formally allowed by their temporary permits.

Figure 11.1. Immigration and temporary labour migration in the Russian Federation, 2005–10

Source: Federal State Statistics Service and Federal Migration Service of the Russian Federation.

Such a state of affairs became typical only at the end of the 1990s. The first years following the breakup of the former Soviet Union were associated with a wave of massive forced migrations,⁴ mostly of Russian-speaking people from Central Asia and Transcaucasia to the European CIS countries, as well as recurrent outflow of representatives of different ethnic groups to the republics of the former Soviet Union where these groups were in the majority. Ethnic migration became massive and uncontrolled following the breakup of the former Soviet Union. In the 1990s the situation was complicated by armed conflict or wars in Abkhazia, Tajikistan, Transnistria and Chechnya, all of which also caused an increase in the flow of refugees and internally displaced persons.⁵

The breakup of the former Soviet Union and the subsequent geopolitical and economic changes have drastically affected the causes of migration and its volume. Emigration to the western countries – especially Germany, the United States, and Israel⁶ – has increased dramatically.⁷ Many scholars, from the west as well as from the Russian Federation, were anticipating a massive wave of emigration from the former Soviet Republics to the western countries, but that wave never came. The main area of migration flows in the region has for the most part remained unchanged.

The migration system established by the former Soviet Union continued to exist in the new CIS, and the Russian Federation became its focal point. By the early 2000s a migration subsystem, with its centre in Kazakhstan, had formed in the region (Ivakhnuk, 2008) and became very attractive as a destination for the flows of long-term and temporary labour migration from the neighbouring countries of Central Asia. Kazakhstan's development could indeed make this country a future competitor of the Russian Federation for migrants from other CIS countries – in particular from the Republics of Central Asia. Economic growth also gives Azerbaijan the potential to increase labour migration. Nevertheless, the volume of migratory movements, and primarily labour migration to the Russian Federation, is several times bigger than the flows to the new centres of attraction for migrants in the CIS region.

Given their respective economic conditions and demographic characteristics, the countries of this region began to play different roles in the migration process, mainly in

terms of temporary labour migration. The countries of Central Asia, namely Moldova, Ukraine and Armenia are considered suppliers of migrants; the Russian Federation and Kazakhstan meanwhile are receiving countries. In the 1990s Azerbaijan was a sending state, with almost all of its migrants – both temporary and permanent – moving to the Russian Federation;⁸ now it is actively positioning itself as a recipient country.

CIS countries can differ significantly in natural increase and migration trends. Table 11.1 shows the long-term population changes by component. Between 1991 and 2009, population growth was observed in only five countries in Transcaucasia and Central Asia. The population of the European part of the CIS was shrinking. Despite the positive demographic trends of recent years, Kazakhstan has not yet compensated its migration loss of the 1990s. On average, for a period of almost 20 years, the Russian Federation has been the only country to benefit from the migration exchange with other countries. This compensated for almost half the natural decrease in population.

Table 11.1. Population dynamics and components in the CIS countries

	Population change 1991-2009 (beginning of the year)	Natural increase /decrease 1991-2008	Estimated net migration 1991-2008	Population dynamics 2011 to 1991 (%)
		Millions		
Azerbaijan	1.659	1.741	-0.08	125.7
Armenia	-0.412	0.365	-0.78	91.4
Belarus	-0.75	-0.638	-0.11	92.7
Kazakhstan	-1.058	2.419	-3.48	97.3
Kyrgyzstan	0.847	1.477	-0.63	124
Moldova	-0.763	0.041	-0.8	82.5
Russia	-6.724	-12.899	6.18	96.2
Turkmenistan	1.27			134.7
Tajikistan	1.935	2.731	-0.8	139.1
Uzbekistan	6.542	8.793	-2.25	134.6
Ukraine	-6.001	-5.318	-0.68	87.7

1. The demographic situation in Armenia differs from that in the other countries of this group. The percentage of population 65+ is relatively high (13.5% in Armenia compared to 4.1% in Tajikistan and 7.8% in Kazakhstan). The country's total fertility rate (TFR) (1.6 in 2009) is decreasing and is close to the TFR values in the Russian Federation (1.5), Belarus (1.4), Ukraine (1.5) and Moldova (1.3). In the other CIS countries it is high: 2.3 in Azerbaijan, 2.7 in Kazakhstan, 2.8 in Kyrgyzstan, 2.6 in Uzbekistan and 3.3 in Tajikistan. *Source: Demographic Yearbook of the Russian Federation 2010*, Moscow, 2011.

Source: Estimations based on CISstat data for Turkmenistan – UNDESA database.

- Another aspect of changing migration patterns in the CIS region is a refocusing of Moldovan and Ukrainian labour migrants from destinations in the Russian Federation to Western and Central Europe. Nowadays the countries of the region could be divided into categories characterised by:
- Natural population increase combined with migration loss: Tajikistan, Kyrgyzstan, Uzbekistan, Turkmenistan and Armenia;
- Natural population decrease combined with migration gain: the Russian Federation, Ukraine, Belarus;⁹
- Natural population increase combined with migration gain: Kazakhstan and Azerbaijan;
- Natural population decrease combined with net emigration: Moldova.

Some countries have a rather young and growing population, while others already face population ageing and oncoming shortages in labour force availability. For the latter countries immigration appears to be the only way to smooth over negative trends in population dynamics. Some migrant sending countries have expressed their intention to reduce emigration (Strategy of the Demographic Policy of the Republic of Armenia, 2009), while others view emigration as a solution to internal demographic and economic problems.¹⁰

By the end of the past decade almost all countries experienced a decrease in the volume of in- and out-migration for residence (with the exception of Kyrgyzstan, characterised by growing emigration registered by national statistics – see Figure 11.2). Some countries reported net immigration (Kazakhstan, Ukraine and Azerbaijan) after years of migration losses. However, analysis of the recent trends in flows of permanent migration is hampered by the low quality of statistics. While Azerbaijan and Ukraine reported net immigration in exchange with the Russian Federation, Russian statistics also demonstrated net immigration from these countries.

Between 2000 and 2010, about 4 million immigrants (in total) arrived in different CIS countries for permanent residence; 91% of migrants came from other CIS countries and only 9% came from other states.¹¹ The percentage of immigrants from the CIS countries in certain states of the Commonwealth mostly ranges from 67% (Armenia) to 97% (Tajikistan). The lowest percentage of arrivals from CIS as opposed to elsewhere was observed in Moldova, but most likely that was connected with inadequate registration.

Table 11.2. Proportion of migration within the CIS and with countries outside the CIS

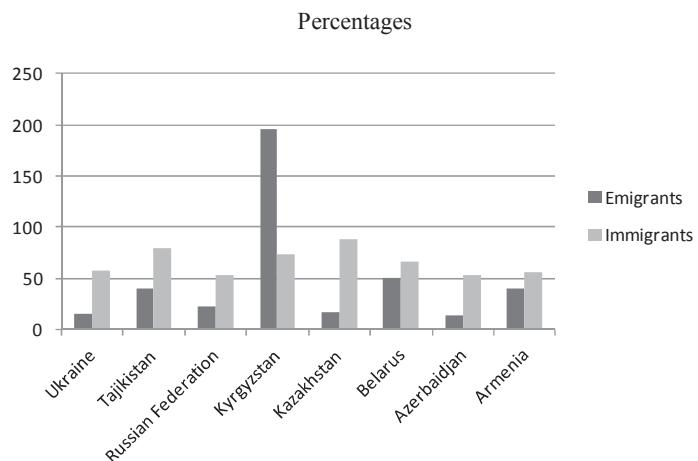
Percentages

Immigrants (arrived from)					Emigrants (moved to)				
Total share of immigrants from CIS	From the Russian Federation	From countries outside CIS	Total immigrants (column 2+4)		Total share of emigrants to CIS	To the Russian Federation	To the countries outside CIS	Total emigrants (column 6+8)	Reference period
1	2	3	4	5	6	7	8	9	10
Armenia	67.9	36.2 ¹	32.1	100	77.6	65.9 ¹	22.4	100	2000-2009
Azerbaijan	96	62.1	4	100	96.8	83.7	3.2	100	2000-2009
Belarus	86.6	55.6	13.4	100	65.4	55	34.6	100	2000-2010
Georgia	88.4	67.1	11.6	100					Census 2002
Kazakhstan	86.3	50.5	13.7	100	77	72.4	23	100	2000-2010
Kyrgyzstan	97.8	44.1	2.2	100	95.7	82.6	4.3	100	2000-2010
Moldova ²	52.2	28.2	47.8	100	70.4	42.5	29.6	100	2000-2006
Russian Fed.	95.1	-	4.9	100	54.7	-	45.3	100	2000-2010
Tajikistan	99.4	61.4	0.6	100	99.7	78	0.3	100	2000-2010
Ukraine	83	65.2	17	100	61.5	54.3	38.5	100	2000-2010
Uzbekistan	97.3	43.7	2.7	100	90.3	49.5	9.7	100	2000-2006

1. Information on migration from/to the Russian Federation relates to 2000-08, because data for 2009 could not be disaggregated by individual country.

2. National Bureau of Statistics data published on the website are different, as they include information on one more category of immigrants – “repatriates”. From 2002 to 2009, 51% of immigrants were from the Russian Federation, and 29% from Ukraine. The percentage of immigrants from other countries amounted to only 14%. This chapter utilises information collected by UNECE, an approach approved by Statistics Moldova.

Source: Estimated on the basis of data from the national statistical offices.

Figure 11.2. Migration flows in selected CIS countries in 2010 as a percentage of flow size in 2000

Source: Based on data from the national statistical offices.

Emigration from the CIS countries in 2000-10 was characterised by a relatively large percentage of departures for non-CIS countries: an average of 25%. Emigration to non-CIS countries comprised about half the flow from the Russian Federation and almost 40% from Belarus and Ukraine. The main destination countries for such emigrants are still Israel (see note 6), Germany and the United States, although the number of departures to those countries has been steadily declining. In recent years, there have been changes in migration directions: from Moldova less to the Russian Federation and more to Ukraine,¹² and from Uzbekistan increasingly to Kazakhstan.¹³ By 2010 registered emigration had decreased by several times the volume of 2000. In the past decade there has been a trend in the CIS towards lower migration in general except emigration from Kyrgyzstan; the figure there almost doubled from 2000 to 2010, probably because of political instability in the country (Figure 11.2).

11.2. Labour migration in the CIS countries

Flows of economic migration began to form in the CIS countries almost simultaneously with the flows of forced migration, but they became dominant by the mid-1990s.¹⁴ This was caused by a deep economic crisis and a sharp drop in living standards for all sectors of society. In the countries of Central Asia the situation was exacerbated by the relative overpopulation in rural areas and unemployment among the growing youth population.

Currently, maintenance of economic stability in the sending countries and the dynamics of economic growth in recipient countries of the CIS region depend on temporary labour migration. Tajikistan, Moldova and Kyrgyzstan are among the countries with the highest volume of remittances in relation to gross domestic product (35%, 23% and 15% in 2009, respectively¹⁵).

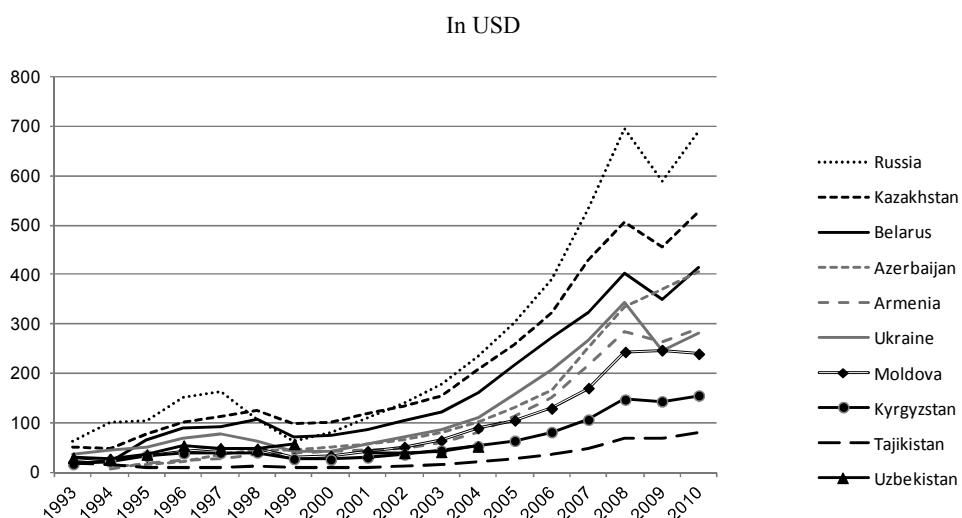
In turn, the Russian Federation ranked fourth (after Switzerland and before Germany) among the countries with the largest remittance outflows, amounting to USD 18.9 billion in 2009. Among the CIS countries, apart from the Russian Federation only Kazakhstan is listed among the leading source countries of remittances: USD 3.1 billion in 2009 (World Bank, 2008, 2011).

Temporary forms of labour (economic) migration in the CIS countries have been developing spontaneously, but acquiring certain organisational features over time (Pirozhkov and Malinovskaya, 2009); this has resulted in the formation of new diasporas and migration networks. The governments of the Commonwealth countries had no real means of controlling migration or ability to target it in a sensible fashion. In the late 1990s that led to the formation of large numbers of illegally employed migrants and widespread corruption in immigration control; migrants' human rights in the destination countries were virtually unprotected. Sending countries, unable to influence the situation and help their citizens leaving for work, mostly adopted a hands-off attitude.

Currently, the preferred destination for labour emigration appears to be the Russian Federation, with shares ranging from 50% (migrants from Moldova and Ukraine) to 99% (from Tajikistan). Russia's attractiveness for labour migrants looks set to continue, since even in times of crisis it enjoys a more favourable economic situation among CIS countries. Comparative wage levels and gross domestic product per capita are key factors here (Figures 11.3 and 11.4). Except for a brief period of crisis caused by the default of 1998, wages in the Russian Federation were much higher than in other CIS countries, including Kazakhstan, during the entire observation period. Besides, the salary received by migrants in the Russian Federation is often competitive with the salaries in some western countries.¹⁶ Higher salaries are crucial for most migrants, even given the vacancies in the sending country (ILO, 2009).

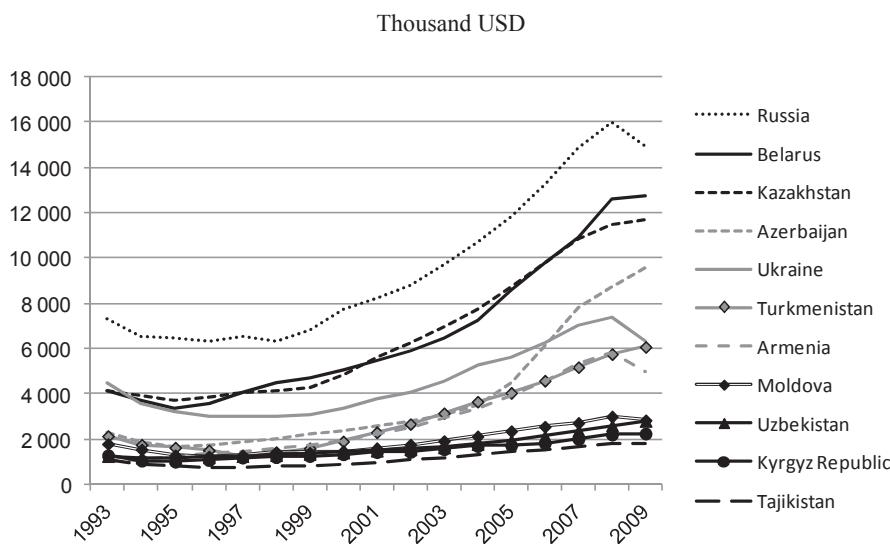
Experts believe that future trends in the CIS sending and receiving countries will depend on the development of the Russian Federation. There will be still considerable differences in living standards and wages between that country and the migrant sending states. And the Russian Federation will offer more and more vacant jobs and higher salaries because of the forthcoming rapid decline of the working-age population and high demand for labour. The country may itself broaden the area of migrants' origin (Denisenko, 2010).

Figure 11.3. Average nominal monthly wages in CIS countries



Note: Counted at average year courses of national currencies to the Russian rouble.

Source: Based on CIS Interstate Statistical Committee Data (information on Uzbekistan is available only for 1993-99 and 2001-04).

Figure 11.4. Gross domestic product based on purchase power parity per capita GDP, 1993-2009

Source: Based on International Monetary Fund (2010), *World Economic Outlook Database*, October, Salaries and remittances.

The scale of labour out-migration in the CIS area is difficult to estimate, as the measurements made by the countries are based on different definitions, criteria and sources. What estimates there are differ from the national survey data results, but often appear to be too high (they show that a significant portion of the working-age population of sending countries is working abroad – that is, from 11% in Ukraine up to 40% in Moldova (Abazov, 2009). The Russian Federation alone annually receives about one million legal labour migrants: the number of work permits issued in 2010 was 1.2 million and the number of employed was 863 000; the number of migrants employed illegally can be three to five times higher (nearly 4 to 5 million). Assuming that the Russian Federation may concentrate at least 70% of all labour out-migrants from CIS, its total stock may be over 7 million persons.

If not to the Russian Federation, labour migrants from Ukraine and Moldova move to EU member states (29% and over 40% of total out-migrants respectively, according to national surveys); and almost half of migrant workers from Uzbekistan choose Kazakhstan.

Comparison of data on temporary labour migrants from the sending countries to statistics on legally employed foreign workers from recipient countries furnishes approximate estimates of the proportion of illegal employment of migrants. Cross-country comparisons are a complex business due to the different definitions of a migrant used in national surveys or censuses. Some countries set time frames for absence;¹⁷ others register all those who, according to respondents remaining in the sending country, planned to return (regardless of period of absence). The survey data for the absent population are usually considered to be understated, not least because of missing households. But even these incomplete figures are several times bigger than the number of foreign workers registered by the migration service of the Russian Federation in the corresponding (to the survey) years: more than triple for Moldova (LFS, 2006-10) and Kyrgyzstan (LFS, 2006-08, census 2009), and more than double for Armenia (LFS, 2008).

Table 11.3. Stock of labour out-migrants from selected CIS countries

	Resident population in million (CIS Stat. 2011)	Total absent at the moment of survey/census (because of work)	In Russia	Source
Armenia	3.1	127 200 ¹	92%	Integrated Living Standards Survey (LSS) 2008
Azerbaijan	9.1	1-3.5 million	85%	Estimates ² , IOM 2008 ³
Belarus	9.5	41 800	90%	Census 2009 ⁴
Kyrgyzstan	5.5	222 400-500 000	89%	Census 2009 and estimates ⁵
Moldova	3.6	300 000	60%	LFS 2009-10 ⁶
Tajikistan	7.6	430-700 000	99%	LSS 2008 and estimates ⁷
Uzbekistan	28.5	Up to 1 million	50%	Estimates of national experts ⁸
Ukraine	45.6	1 476 000 (2005-08)	48%	National Survey of External Labour Migration ⁹

1. According to experts, in the early 2000s the total number of migrants from Armenia, both short and long term, was estimated at about 500 000, with 280 000 working in the Russian Federation (Mukomel, 2005, p. 328).

2. Aliyeva (2009) and Sudyn (2008).

3. Aliyev (2008).

4. Estimates by Belarus national experts of the volume of labour migration from the country differ considerably (Shakhotko, 2011).

5. In the pre-crisis period, estimates reached 500 000 (see ILO, 2008).

6. Labour force survey data showed dynamics in the stock of migrant workers from Moldova staying abroad (thousands): 2006, 310.1; 2007, 335.6; 2008, 309.7; 2009, 294.9 (*Source*: Statistical Bureau of Moldova).

7. Kuddusov (2010).

8. www.fergananews.com/article.php?id=5206 and Maksakova (2009).

9. Ukrainian External Labour Migration (2009).

In the CIS countries, there is also a system through which foreign workers are hired abroad prior to their departure through licensed organisations. However, data from reports based on this source cannot be used, because these workers represent a small percentage of the total flow. In 2008-09, about 2% of citizens of Ukraine and Kazakhstan and 6-8% of citizens of Tajikistan in the Russian Federation were employed through these channels.¹⁸ The Federation also keeps record of its citizens who have departed to work abroad through licensed recruiting agencies: their annual number is around 70 000 persons. But this is a highly specialised channel of employment. Eighty per cent of these labour migrants are employed on ships under foreign flags, and the other twenty per cent are mainly students working during the holidays. The actual number of Russians working abroad can only be assessed using the statistics of destination countries.

From the perspective of recipient countries, the main problems in labour migration are currently related to the large proportion of migrants with irregular status or working without permits, relatively poor housing conditions, a relatively high level of dangerous infections; and other risks associated with the lack of a social security system. So far, migrant workers are not allowed to join destination country trade unions that could protect their rights.

Table 11.4. Inflows of foreign workers into the Russian Federation, 2006-10

Country of citizenship	Thousands				
	2006	2007	2008	2009	2010
Azerbaijan	16.9	41.6	38.8	28	19.1
Armenia	22.6	52.2	51	37.3	30.7
Georgia	2.6	2.1	2.1	1.1	0.9
Kazakhstan	2.9	4.9	6.1	5.6	4.2
Kyrgyzstan	21.5	90.1	105.5	71.8	58.5
Moldova	28.8	65.6	60.5	48.1	34.9
Tajikistan	60.4	196.1	213	171.2	134.6
Turkmenistan	0.5	1.7	1.5	1.2	0.7
Uzbekistan	68.6	281	390.3	320.7	289.7
Ukraine	81.2	137.5	117.8	101.6	86.8
Total CIS countries (Georgia incl.)	306	872.8	986.5	786.5	660.3
Vietnam	37.9	40.4	48.7	44.2	17.8
China	109.9	131.9	168.8	128.8	117.8
North Korea	16.6	17.8	17.7	18.6	19.8
Turkey	59.6	78.5	67.1	30.8	25.1
Other (than CIS and selected four countries, and stateless)	40.1	52.4	54.8	43.4	22.2
Other countries total	264.1	321.1	357	265.8	202.7
Total foreign workers	570.1	1 194.00	1 343.60	1 052.30	863

Source: Federal Migration Service of the Russian Federation (FMS).

Inflows of labour migration into the Russian Federation and other CIS countries differ not only in scale, but also in structure (Table 11.4). Before 2006, the share of CIS citizens in the flow of labour migrants to the Russian Federation was about 55%. In 2007 changes in the Russian legislation simplified access of CIS¹⁹ citizens to the Russian labour market. They were able to obtain work permits independently, without the support of the employer or the availability of a contract. This measure allowed a huge number of migrants who had been “in the shadow” to legalise their status. A system of quotas for the number of work permits was introduced, although it was not initially a barrier to obtaining work permits. In the first year the quota was 6 million, which could hardly be considered a limitation. Compared with 2006, the number of migrants more than doubled to about more than 2 million persons. Included in that increase: the number of citizens of Uzbekistan and Kyrgyzstan quadrupled, tripled for Tajikistan, and increased by 2.5 times for Azerbaijan. The share of CIS citizens in the flow of labour migrants to the Russian Federation rose to 75%. This fact demonstrated the power of national legislation that eliminated barriers and facilitated access to the labour market for foreigners.

Introduction of the “patents” system in July 2010 further expanded this free access to the Russian labour market for citizens of CIS countries. Purchase of a patent for work in private households is not limited by quotas and costs the migrant RUB 1 000 (currently less than EUR 25). With a monthly bank payment of the same amount (it is actually a type of tax), the migrant acquires the right to legally reside and work in the Russian Federation. A bank receipt is the confirmation of a legal status. In 2010, more than 150 000 citizens of the CIS purchased patents, and over 400 000 did so in the first half of 2011. Clearly, this channel of admission to the Russian labour market is attracting more

and more migrants. By comparison, 1.2 million work permits were issued in the Russian Federation in 2010 and more than 700 000 for the first six months of 2011.

Another category of foreigners to have received preferential treatment in the Russian Federation is that of highly qualified specialists. The main criterion is currently an annual salary level of not less than RUB 2 million (about EUR 50 000). This amount is halved for teachers and researchers. These persons receive a special residence permit (for three years) immediately, and can bring their families. At present, over 90% of the Russian Federation's highly qualified specialists are citizens of other countries who have followed this visa entry procedure.²⁰ In 2010 (July to year-end), such work permits were received by over 3 000 persons, and by over 5 000²¹ more in the first half of 2011. Including all categories of foreign workers with ordinary work permits (excluding patent holders and highly qualified specialists), the main nationalities in 2010 were citizens of Central Asia – Uzbekistan (34%) and Tajikistan (16%). The flow of labour migrants from China is also significant (14%).

The economic crisis has caused the Russian government to drastically reduce work permit quotas for foreigners. The number of permits issued fell by 22% from 2008 to 2009 and by a further 18% between 2009 and 2010. The overall inflow of migrant workers was reduced by approximately the same percentages regardless of the availability of work permits. While free access of foreign workers to the Russian labour market provides advantages, during the crisis its shortcomings became more apparent. Lack of job security and lack of information for migrants regarding existing vacancies create a situation of uncertainty for both migrants and the recipient country. In order to avoid mass unemployment, in 2009 the Russian Federation changed the rules of work permit issuance. CIS citizens can obtain a work permit only for three months, and renewal is possible only if there is a job offer and a contract. To some extent, these changes also serve the interests of migrants, because they have a guarantee of legal employment on previously agreed terms; that is important in times of economic crisis.

According to data from the CIS Interstate Statistical Committee, the percentage of migrant workers from CIS in 2009 did not exceed 9% in Kazakhstan and Tajikistan, 22% in Moldova, 31% in Ukraine and 40% in Belarus. (Belarus' share has been gradually declining since 2006.) Most often, migrant workers come from China and Turkey. Kazakhstan also accepts a substantial amount of workers from India; Ukraine from Vietnam; and Azerbaijan from the United Kingdom.

11.3. Bilateral agreements on migration in the CIS

The establishment of migration regulation mechanisms and institutions in the CIS countries began almost immediately after the collapse of the former Soviet Union, taking place practically simultaneously in all of them. Massive forced migration necessitated a response (or at least attempts at one) to new and poorly controlled conditions, in the countries of origin but also and to a greater extent in the receiving countries. The first migration services were created specifically for the management of these flows, and the first national legislation focused on refugees and internally displaced persons. At the same time, the matters of crossing the border had to be solved (often there were no state borders between the CIS countries, or border crossing points were not equipped). In the second half of the 1990s, in light of national security considerations and the threat of terrorism, priority was accorded issues of illegal migration, due to its significant and uncontrollable volumes. The increase in the volume of labour migration (temporary forms) and the absence of mechanisms for its regulation have forced many

states to revise substantially the legal framework regarding the status of foreign citizens, external migration and population registration.

The new legislation was also necessary to resolve the status of thousands of migrants who had moved in the 1990s and were living either with old Soviet passports or with no documents whatever. This period was characterised by increasing interaction among the CIS countries in the area of labour migration, resulting in an increasing number of interstate bilateral agreements on social protection for migrant workers. Today, all the states have developed the legal framework in the form of laws, regulations, concepts and agreements at bilateral and multilateral levels. Since the breakup of the former Soviet Union, over 200 agreements in the field of migration were signed in the Russian Federation alone. Of course, these agreements apply to non-CIS countries as well.

Although bilateral agreements are not a comprehensive solution to the existing problems, experts consider them an effective measure when framework agreements concluded at a higher level cannot solve the problem, or do not regulate specific bilateral relations issues (Zayonchkovskaya, 2009). Multilateral and collective standard agreements in the CIS are in fact often excessively formal. The handful of documents signed “mostly provide for the common objectives not accompanied by the development of implementation mechanisms. This does not contribute to co-ordinated migration policy in the CIS” (Khabrieva, 2008). Some authors emphasise that collective agreements signed by a CIS country are not always ratified, and ratification is not always followed by execution (Mukomel, 2005). Very often the collective decision-making process is very slow; it is difficult to achieve consensus in discussion, as collective acts may often appear to contradict national legislation.

In fact international (bilateral and collective) agreements on migration among the countries of the CIS do not generally provide for significant liberalisation of the rules of stay or admission to the labour market. The restrictive nature of the CIS migration regime is indirectly linked to the desire to control migration as a potential source of danger. Among the documents signed by the Russian Federation, agreements on combating crime, including illegal migration (32 out of 212), take second place after agreements on mutual trips (53 out of 212), and are followed by agreements on labour migration (25 out of 212). In recent years, attention has focused on readmission matters: almost half of the agreements signed by the Russian Federation in 2005-11 deal with this subject.

CIS countries began to gain experience with bilateral co-operation in the first half of 1990s, when the lack of compliance with CIS-level documents became evident. This has become the main form of co-operation over time. Currently, 178 out of 212 agreements on migration signed by the Russian Federation are bilateral (with certain states – see Table 11.5). Forty-five of these are agreements with the CIS countries. Bilateral and collective agreements on migration regulate related issues, short-term movements and migration for permanent residence.

Permanent migration is directly and indirectly supported and regulated by the agreements (and national legislation) on a) citizenship matters, b) direct assistance with immigration and repatriation, and c) protection of the rights of foreign citizens residing in the states that are parties to such agreements. In creating a system of agreements granting preference with regard to obtaining citizenship, the country stimulates immigration. The process of nation building in several countries is accompanied by efforts to stimulate the repatriation of people belonging to the majority ethnic group of the destination country, or people having common cultural and linguistic roots with the majority population of this state. Social guarantees for foreigners living in another country can stimulate their

decision towards the acquisition of nationality. The Russian Federation is currently considering simplifying procedures for issuing residence permits, which is a step towards liberalisation of immigration rules, a measure that can eventually be reflected in agreements with other states.

Table 11.5. International agreements of the Russian Federation on migration, July 2011

Agreement type	Total	Bilateral	Multilateral
International agreements on mutual trips	53	50	3
International agreements on coping with crime including illegal migration	32	27	5
International agreements on labour migration	25	21	4
International agreements on readmission	25	24	1
International agreements on visa concerns	18	18	0
International agreements on border crossing points at the state border of the Russian Federation	13	12	1
International agreements on regulations of the voluntary resettlement process	11	11	0
International documents on human rights and basic freedoms in the area of migration	10	0	10
International agreements on citizenship matters	7	3	4
International agreements on legal status of foreigners residing in the Russian Federation (and Russian citizens residing in partner country)	6	6	0
International agreements on refugees and displaced persons protection	4	0	4
International agreements between different agencies on co-operation in the area of migration	4	4	0
International agreements on co-operation with international organisations	4	4	0
Total	212	180	32

Source: Information provided by the Federal Migration Service of the Russian Federation.

Agreements addressing visa concerns are an important part of bilateral co-operation between CIS countries. In 1992, the Agreement on the Visa-free Movement of Citizens of the Commonwealth of Independent States within the Territory of its Members was signed by the CIS countries in Bishkek (Kyrgyzstan). Article 1 of the agreement provided for the member states citizens' right to enter, exit and move through the territory of the Parties without visas if they are able to present documents proving their identity or their citizenship. Azerbaijan did not sign this agreement, and Georgia acceded only in 1995.

The establishment of bilateral agreements on visa issuance began in 1997, when the Russian-Ukrainian intergovernmental Agreement on Visa-free Travels of Citizens was signed in Moscow. On 3 July 1997 a similar Russian-Azerbaijani intergovernmental agreement was signed. In 2000, Uzbekistan signed an agreement on introduction of a visa regime with Tajikistan²² and Kyrgyzstan, but in 2007 a new agreement on visa-free travels with Kyrgyzstan was concluded. After the Nagorno-Karabakh conflict Azerbaijan introduced a visa regime with Armenia.²³

In 1999, Turkmenistan withdrew from the agreement signed in Bishkek, followed by the Russian Federation in 2000. In fact, this meant that the agreement was no longer in force. The main reason for the Russian Federation's withdrawal was that other CIS states had little control over the entry into their territory of third-country citizens. These people could then move freely to the Russian Federation, a situation that ran counter to the interests of the country's national security (Kozlov, 2000). In February 2000, Kazakhstan decided to suspend the agreement temporarily and passed on to the system of bilateral agreements with CIS countries.

Table 11.6. Bilateral agreements in the field of labour migration and protection of labour migrants' rights

	Azerbaijan	Armenia	Belarus	Kazakhstan	Kyrgyzstan	Moldova	Russian Fed.	Tajikistan	Uzbekistan	Ukraine
Azerbaijan		X	X	X		X	X			X
Armenia			X				X			X
Belarus	X	X		X		X	X			X
Kazakhstan	X		X		X			X	X	
Kyrgyzstan				X			X	X		
Moldova	X		X				X			
Russian Fed.	X	X	X		X	X		X	X	X
Tajikistan				X	X		X			
Uzbekistan				X			X			
Ukraine	X	X	X			X	X			

The Russian Federation has so far signed 53 agreements on mutual trips and visa issues. A visa-free regime was stipulated by its bilateral agreements with Azerbaijan, Armenia, Moldova, Uzbekistan and Ukraine (years of signing: 1997-2000) and the collective agreement between the Russian Federation, Belarus, Kazakhstan, the Kyrgyz Republic and Tajikistan. Of all the CIS countries, only Turkmenistan introduced a visa regime with all other countries, but certain categories of foreigners may travel without a visa if they have a passport of a special type.

Bilateral agreements on labour migration are mostly related to social protection of labour migrants. At present, almost all CIS countries have agreements on labour migration with other CIS countries (Table 11.6). These agreements are similar in nature and mainly address the following:

- Mutual recognition of rights and freedoms, including social and welfare rights;
- Admission to the social security system;
- Provision of equal rights like those of local workers in the sphere of payment for labour, working conditions, labour protection, working regime and other labour issues;
- Prevention of supplementary or double taxation;
- Mutual recognition of employment experience, experience in the same occupation, qualification degree, documents confirming education;
- Creation of conditions for informing labour migrants on the issues of labour migration;
- Exchange of information between the parties to the agreements.

These agreements do *not* provide for simplified access to the labour market; admission is provided in accordance with national legislation. It should be noted that these norms are applied only to legal migrant workers – those with a work permit and a

job contract. The remaining (majority of) migrants are not covered by the agreements. Unfortunately, many experts in CIS countries note that these agreements are being poorly implemented and are paper agreements only. Increasingly, CIS countries are conducting negotiations for regulating labour migration with countries outside the CIS. Armenia is in talks with Qatar, and Moldova is already in agreement with Italy, Belarus with Lithuania, Poland and Slovenia, Kazakhstan with Vietnam, the Russian Federation with North Korea, and Tajikistan with Kuwait. The agreement between Uzbekistan and South Korea works efficiently, but is limited to organised recruitment of labour migrants from Uzbekistan. In fact, organised recruitment is now considered to be a very promising basis for co-operation, because it allows for more effective labour migration from the perspective of both sending and recipient countries.

Bilateral agreements are currently part of the overall “big” policy of the CIS countries. Western-oriented Ukraine and Moldova are more interested in developing treaties with the countries receiving their labour migrants. For now, the countries of Central Asia and Armenia are attracted by the Russian Federation and Kazakhstan. Azerbaijan pursues a policy of strengthening its independence from CIS neighbours.

CIS states associate further activities in the sphere of labour migration with the development of the necessary infrastructure – including for example networks of consultative centres, governmental and non-governmental recruiting agencies, bilateral agreements and international co-operation in the region.²⁴ The Russian Federation and the main sending countries are now actively discussing implementation of an organised recruiting system. As mentioned above, this will allow a closer interrelation to be established between the estimated demand in the recruitment of foreign workers and their actual engagement, in this case foreign citizens arriving in the Russian Federation under visa-free terms.

On 1 October 2009, the Council of Heads of Migration Authorities of the CIS member states approved the General Principles and Mechanisms of Organised Recruitment of Migrant Workers for Employment in CIS member states. Currently the Federal Migration Service of the Russian Federation is working on improving the legal framework for such co-operation. The specific terms of organised recruitment are worked out in bilateral international agreements on external labour migration. Plans for implementation of these agreements on employment and civil rights protection are discussed in workshops; currently discussions are under way between the Russian Federation and the Republic of Tajikistan, the Republic of Uzbekistan, the Kyrgyz Republic and the Republic of Armenia.

Agreements on citizenship matters

One of the major incentives for the majority of migrants from the CIS to move to the Russian Federation (or Kazakhstan) is the simplified procedure for receiving citizenship, which removes all restrictions related to work and stay in the country. The most actively used channel in the Russian Federation now is acquisition of citizenship under the international agreement between Belarus, Kazakhstan and the Russian Federation (1999) and the bilateral agreement between Kyrgyzstan and the Russian Federation (1996). Following the change in legislation on citizenship in 2009, these agreements became the fastest and surest path to naturalisation.²⁵ In 2010, 54% of the 110 000 applicants received citizenship under international agreements, while in the previous years (2007-09) the figure was about 25%.²⁶ A similar agreement exists between Kyrgyzstan and Tajikistan

(on a simplified citizenship withdrawal procedure for citizens of the Republic of Tajikistan residing in the Kyrgyz Republic) and several other states.

Agreements on the permanent migration of certain categories of migrants and on repatriation

These agreements were concluded mostly in the 1990s and applied at the beginning of the 2000s, in fact to facilitate the repatriation flows of migrants who had moved from one country of the former Soviet Union to another. In addition, some CIS countries have attempted to encourage the repatriation of nationals of the majority ethnic group. Kazakhstan has had the most successful experience in implementing such a programme; officially begun in 1997, it established a system of privileges and preferences for ethnic Kazakhs who returned to their homeland. In 2008 a new programme for 2009-11, “Nurly-Kosh” was adopted by the government.²⁷ During the term of the programme, about 800 000 persons – “oralmans” (returnees) – have moved back to Kazakhstan.²⁸ Repatriation to Kazakhstan is based on bilateral agreements with the relevant country: Mongolia, China, Iran, etc.²⁹ Similar programmes have been developed by some of the other CIS countries, although (for the time being) without agreements with potential sending countries. In 2006 the Russian Federation began a programme to facilitate the voluntary return of its citizens³⁰ Kyrgyzstan has developed a programme to support the return of ethnic Kyrgyz – the “kayrylmans”.³¹ Armenia introduced a “Back to Armenia” project that furnished information for representatives of the Armenian diaspora interested in returning.³²

Agreements on the legal status of citizens of one country permanently residing in another country

This is a common form of agreement, which mainly contains rules granting citizens the constitutional rights to own property, to work and to have social security, and that provide for recognition of education and qualification documents, etc.³³ The Russian Federation has such agreements with Armenia, Georgia, Kazakhstan and Turkmenistan. A special relationship with the Republic of Belarus is regulated by the Treaty between the Republic of Belarus and the Russian Federation on Equal Rights for their Citizens. Most of such agreements were entered into during the second half of the 1990s.

11.4. Obstacles to development of free zones for labour force circulation in the CIS

In terms of expanding the free movement areas between the CIS countries, the main problems are currently the numerous and not always justified limitations that hinder the formation of a common labour market. These measures often fail to provide real control or management of migration processes, protection of the rights of permanent residents, etc. As noted, mutual access to national labour markets is, in fact, only simplified for citizens of the Russian Federation, Belarus and Kazakhstan (since January 2012), under the Customs Union. In this regard, bilateral and multilateral co-operation between states can improve the situation by gradually removing the existing barriers. Only in this way will citizens of countries in the region obtain preferential treatment. The main constraints for enlarging free mobility zones are as follows:

- To be eligible to work in the territory of another CIS country, citizens of partner countries must have a work permit. Only the Russian Federation introduced a new migration channel for owners of patents, in 2010. The number of work permits is

limited by quotas, which apply to all foreigners wishing to work in the CIS countries.³⁴

- In some countries there are restrictions on the movement of labour across the country, as quotas are distributed by regions. For example, if a foreigner in the Russian Federation wants to move to another region, he/she must obtain a new work permit. The same applies to the choice of an occupation, also stated on the permit.
- An employment ban is in effect, including occupations and sectors unrelated to elected positions or national security. In the Russian Federation, since 2007 foreigners have been prohibited from working as vendors in the retail trade in open markets, and from selling medicine and alcohol.³⁵ Kyrgyzstan immediately introduced the same limitations and also fixed the percentage of foreign entrepreneurs in shops and shopping malls (not more than 10%).³⁶

For long-term or permanent residence in any CIS country, foreigners need to obtain a residence permit, a task often fraught with complex and opaque bureaucratic procedures. In some CIS countries foreigners are faced with restrictions on where they can reside, temporarily or long term. In the Russian Federation, a foreign citizen with a temporary residence permit may not change place of residence within that region of the Russian Federation, or indeed choose his/her place of residence. Such restrictions are in fact at variance with the national constitution (Zaraeva *et al.*, 2010).

11.5. Conclusions

The information on migration stocks and flows in the CIS countries, combined with information on bilateral co-operation, demonstrates the importance of migration for both receiving countries and countries which supply migrants. Migration policy priorities obviously differ among countries, in relation to different demographic trends and economic interests.

Some countries are making efforts to encourage repatriation from other countries/stipulating the conditions for permanent residence of foreigners/creating preferences for naturalisation. Some states are trying to agree on guarantees of minimum social support and observance of rights of their citizens residing abroad as temporary labour migrants.

Temporary forms of migration are increasing in the CIS region; greater attention is being paid to this migration segment in order to reduce social and economic costs, especially in times of crisis. Sending and recipient countries are gradually reaching a consensus as to the need for organised forms of foreign labour recruitment. However, this process has not been elaborated in detail, the participants have not been determined, and their roles have not been distributed. Creating such programmes could take several years.

At present, despite the large number of bilateral and collective agreements on migration issues between CIS countries, it is still too early to talk about the formation of a common labour market and free movement between the countries. The CIS countries are using a whole system of tools designed just to restrict this freedom, which is not always justified by considerations of economic or other security. Given the ineffective control, restrictions only support the large scale of illegal employment of foreign workers in the CIS countries. The only really effective legal acts are those that remove bureaucratic barriers for certain categories of foreign citizens. The most striking example is the

Customs Union between the Russian Federation, Belarus and Kazakhstan, and arrangements within the Union State of the Russian Federation and Belarus. However, the workforce flows provided by the citizens of these countries are relatively small, and cannot fundamentally change the picture of the migration regime in the region.

There is some sign of change in the field of co-operation between sending and receiving countries as well as in their attitude towards migration in the CIS area. Receiving states have begun thinking about the benefits of migration rather than its threats, and are trying to better manage labour migration in a sensible manner. The sending countries have become more socially responsible, trying to obtain certain guarantees for their nationals moving or staying abroad and not just thinking about the remittances they bring home. This is a good basis for further negotiations and mutual efforts.

Notes

1. The Commonwealth of Independent States was formed in 1991 through an international treaty without supranational jurisdiction or immediate establishment of a common market of labour, goods, etc. Later, some countries of the region created other multinational entities, including those of political and economic nature. In 1996 the Russian Federation and Belarus formed the Union State, thereby immediately eliminating all restrictions on the presence of citizens of either country in a united labour market. In 2000 the Eurasian Economic Community (EurAsEC) was formed, which comprised Russia, Kazakhstan, Kyrgyzstan, Belarus and Tajikistan, as well as several countries and international organisations having the status of observers. The Common Economic Space (CES) covering Russia, Belarus and Kazakhstan was formed in 2003. Beginning in 2012, it will be linked to the Customs Union (established in 2007), which currently includes the same three countries. It should be stressed that the CES is most closely connected with the same intention of a common labour market for citizens of member states among all the regional unions.
2. Without detailed treatment of push and pull factors.
3. Direct comparisons appear problematic because data on labour out-migrants collected through surveys and censuses present stocks, while annual official statistics of emigration provide measures of flows.
4. It should be noted that for the first time the population of the multi-ethnic USSR Republics experienced a surge of ethnic conflicts followed by the first waves of massive forced migration in the late 1980s – in 1988 in Fergana (Uzbekistan), in 1989 in Sumgait (Azerbaijan) and in 1990 in Osh (Kyrgyzstan).
5. The maximum number of forced migrants registered in the Russian Federation was 323 000 persons in 1993, and in early 1998 the maximum cumulative number of forced migrants recorded was 1.192 million. After that, the number of displaced persons and refugees started to decrease due to the fact that the number of those newly registered each year was less than the number of people who lost their status.
6. The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.
7. For instance, outflow to the top three emigration countries – Germany, Israel and the United States – solely from the Russian Federation in 1991-2000 totalled 850 000 persons, while in 1981-90 it totalled only 179 000 and in 2001-10 about 250 000 (*Source:* Federal Statistics Service of the Russian Federation – Rosstat).
8. The economic and migratory relationship between Azerbaijan and the Russian Federation was developed during the Soviet period, when the Azerbaijani in the former Soviet Union developed areas of employment in trade (see Yunusov, 1999).
9. There is a certain amount of doubt as to migration gain in Belarus, Ukraine and Azerbaijan, because in all likelihood most emigration is not registered in these countries. However

- national experts believe that these countries do actually have migration gain (see for instance BMP, 2011).
10. There is a widespread opinion that it would be a benefit for Azerbaijan rather than an evil if a portion of the Azerbaijani population left the country to reside elsewhere (see Ali, 2011).
 11. Calculations were based on data for ten CIS countries. Data for Georgia were available only on the basis of the census 2002. Statistical Committee of Turkmenistan did not provide any information. But this fact can not affect the overall figures significantly.
 12. The proportion of migrants to the Russian Federation in the emigration flow from Moldova fell from 44% to 28% in the years 2002-09, and the proportion of migrants to Ukraine increased from 23% to 44%.
 13. The proportion of migrants to Kazakhstan in the emigration flow from Uzbekistan rose from 10% to 53% in the years 2000-06, while the flow to the Russian Federation fell from 63% to 35%.
 14. Economic migration took place in Tajikistan a little later, after the end of the civil war (1992-97) (see Olimova, 2009).
 15. Based on “Migration and Remittances Fact Book 2011”.
 16. In the mid-2000s, the salary of migrants in the Russian Federation from Moldova was not much lower than it was in the European countries of Italy, Portugal and Greece. The Russian Federation also boasted the advantages of familiar environment and language and low travelling costs (Chesnokova, 2006).
 17. For instance, the census of Kyrgyzstan (2009) applied a three-year threshold of absence, while in Tajikistan (2010) that threshold was only 12 months.
 18. Calculated according to the data of the Migration Service of the Russian Federation on the number of citizens of those states legally employed in the Russian Federation, and the data of the CIS Interstate Statistical Committee.
 19. This applies to countries with the right of visa-free entry for its citizens into Russia.
 20. This channel was used extensively by western companies wanting to transfer their employees to Moscow.
 21. At the beginning of October 2011, the number of highly qualified specialists with a work permit is estimated at 10 000 persons.
 22. This was also done for security reasons; see Gerasimov (2000).
 23. Armenia in turn does not require visas from citizens of Azerbaijan, although there is no bilateral agreement on this issue between the two countries. Diplomatic relations between the countries were ruptured by the conflict in Nagorno-Karabakh.
 24. Further details available on the website of the Executive Committee of the CIS, www.cis.minsk.by/page.php?id=13764 (in Russian).
 25. The citizens of these countries do not need to pre-apply for a residence permit and can reside in the country several years before obtaining citizenship. The application can be filed immediately upon arrival in the destination country, and the decision is made within a few months.
 26. Since 1991, more than 7 million persons have obtained Russian citizenship, including 5.4 million through the Federal Migration Service and 2.1 million through the Ministry of Foreign Affairs and its consular offices. Twenty-nine per cent were previously citizens of

Kazakhstan, nineteen per cent citizens of Ukraine, and eleven per cent citizens of Uzbekistan. An increase is expected in the number of applications for Russian Federation citizenship, because migrant workers have seen that being a citizen means being less vulnerable to economic crisis (see Umarov, 2010).

27. For details, go to the government website www.enbek.gov.kz/node/777 (in Russian).
28. This figure is confirmed by the migration police of the Ministry of the Interior, Republic of Kazakhstan: www.zakon.kz/201063-posobija-i-lgoty-dlya-oralmanov-budut.html (in Russian).
29. For example, one of the first intergovernmental agreements in the region was entered into between the Republic of Kazakhstan and Mongolia on the co-operation in attracting the citizens of Mongolia to work in Kazakhstan under the employment agreement of 2 December 1994.
30. The Federal Migration Service of the Russian Federation reported that since 2007 and until the middle of 2011, about 44 200 persons returned to the Russian Federation on the basis of this programme (Monitoring of Execution of the Federal Programme, 2011, www.fms.gov.ru/programs/fmsuds/files/Monitoring%20za%202011%20kvartal%202011%20go-da.pdf).
31. Some programmes are rather nominal. For instance, Kyrgyzstan cannot offer the financial support to these migrants that would encourage them to return to their countries of previous residence (mainly Tajikistan), www.centralasiaonline.com/ru/articles/caii/features/2009/01/29/feature-02.
32. This programme for repatriation to Armenia was introduced with financial assistance from the European Union, www.backtoarmenia.com/?l=eng.
33. See for example the Agreement between the Russian Federation and the Republic of Armenia on the Legal Status of Citizens, 1997.
34. The application of restrictive measures is sometimes *stipulated* in the bilateral agreements between countries, which seems a kind of paradox. For example, the agreement on labour activity and protection of the rights of labour migrants between Uzbekistan and the Russian Federation specifies that “Parties shall take measures to manage migration flows by setting quotas and other restrictions provided by the law” (Agreement between the Government of the Russian Federation and the Government of the Republic of Uzbekistan, 2007).
35. According to the Federal State Statistics Service, five months after the adoption of this resolution, up to 50% of positions in the markets were vacated. Migrants and entrepreneurs subsequently adapted to the situation: the market owners changed their legal status (reissued documents and converted open markets to shopping malls), and the migrants themselves received formal positions not as sellers, but as porters and other support staff. The measure was considered unfair and inefficient (Mikhailova and Tiuriukanova, 2009).
36. For more information go to www.zakon.kz/kazakhstan/80892-kyrgyzstan-s-1-aprelja-zapretit.html (in Russian).

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