

**T.C. KOCAELİ ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
KAMU HUKUKU ANABİLİM DALI
KAMU HUKUKU BİLİM DALI**

**HUMAN RIGHTS PROTECTION MECHANISM OF
MIGRANT WORKERS AS A VULNERABLE GROUP IN RUSSIA:
(The Case of Migrant Workers from Central Asia)**

(PH.D. THESIS)

ALISHER BAKHRONOV

KOCAELİ 2024

**T.C. KOCAELİ ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
KAMU HUKUKU ANABİLİM DALI
KAMU HUKUKU BİLİM DALI**

**HUMAN RIGHTS PROTECTION MECHANISM OF
MIGRANT WORKERS AS A VULNERABLE GROUP IN RUSSIA:
(The Case of Migrant Workers from Central Asia)**

(PH.D. THESIS)

ALISHER BAKHRONOV

Prof. Dr. Memduh ASLAN

KOCAELİ 2024

**T.C. KOCAELİ ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
KAMU HUKUKU ANABİLİM DALI
KAMU HUKUKU BİLİM DALI**

**HUMAN RIGHTS PROTECTION MECHANISM OF
MIGRANT WORKERS AS A VULNERABLE GROUP IN RUSSIA:
(The Case of Migrant Workers from Central Asia)**

(PH.D. THESIS)

Prepared by: ALISHER BAKHRONOV

**Decision and No. of the Board of Directors of the Institute where the thesis was
accepted: 28/06/2024 – 22**

Jury President: Prof. Dr. Memduh ASLAN

Jury Member: Prof. Dr. Ender Ethem ATAY

Jury Member: Doç. Dr. Fatih ÖZTÜRK

Jury Member: Dr. Öğr. Üyesi Zeynep ÖZKAN GÜNEŞ

Jury Member: Dr. Öğr. Üyesi Murat ESMER

KOCAELİ 2024

TABLE OF CONTENTS

TABLE OF CONTENTS.....	I
ABSTRACT	V
ÖZET	VI
ACRONYMS AND ABBREVIATIONS	VII
INTRODUCTION.....	1
CHAPTER ONE	7
1. THE CONCEPT, REASONS, AND PREREQUISITES FOR THE EMERGENCE OF LABOR MIGRATION	7
1.1. MODERN LABOR MIGRATION AND ITS TRENDS.....	7
1.1.1. The Concept, Causes, and Trends of Modern Labor Migration.....	7
1.1.1.1. <i>Origins of Modern Labor Migration</i>	7
1.1.1.2. <i>Economic Factor as the Main Cause of Modern Labor Migration</i>	8
1.1.1.3. <i>The Concept of Labor Migration</i>	9
1.1.1.4. <i>General Trends and Types of Labor Migration</i>	11
1.1.2. The Impact of Labor Migration on the Globalization Process	13
1.1.3. Problems Arising Due to Labor Migration	17
1.1.4. Illegal Labor Migration as an Unsettled Process	21
1.2. MIGRANT WORKERS AS A VULNERABLE GROUP	24
1.2.1. The Concept of Migrant Workers	24
1.2.2. Categorization of Migrant Workers	29
1.2.3. Differentiation between Refugees and Migrant Workers.....	32
1.2.4. Migrant Workers and their Vulnerability	38
1.3. CAUSES OF LABOR MIGRATION FROM CENTRAL ASIAN COUNTRIES TO RUSSIA.....	42
1.3.1. The Collapse of the USSR as the Main Factor in Mass Migration	42
1.3.2. Political and Economic Problems of the countries of Central Asia	44
1.3.3. Demographic Problems Contributing to Labor Migration	50

CHAPTER TWO	55
2. INTERNATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF THE RIGHTS OF MIGRANT WORKERS.....	55
2.1. MIGRANT WORKERS AND HUMAN RIGHTS	55
2.1.1. Universal International Human Rights Standards.....	55
2.1.2. Human Rights of all Migrants.....	58
2.1.3. Human Rights of Migrant Workers.....	61
2.2. INTERNATIONAL LEGAL NORMS REGULATING THE PROTECTION OF THE RIGHTS OF MIGRANT WORKERS	63
2.2.1. The Concept of International Labor Standards	64
2.2.2. Base and other International Labor Standards of the ILO Governing the Rights of Migrant Workers	66
2.2.3. Migration for Employment Convention (Revised), 1949 (No. 97).....	73
2.2.4. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	76
2.2.5. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	82
2.2.5.1. <i>Structure of the ICRMW</i>	82
2.2.5.2. <i>The principle of non-discrimination</i>	83
2.2.5.3. <i>Main Provisions of Parts III and IV of the ICRMW Concerning the Human Rights of Migrant Workers</i>	84
2.2.5.4. <i>Housing Rights of Migrant Workers</i>	87
2.2.5.5. <i>Family Members of Migrant Workers</i>	88
2.2.5.6. <i>Rights to Education</i>	90
2.2.5.7. <i>Political Rights</i>	92
2.2.5.8. <i>Right to Protection from Expulsion</i>	92
2.2.5.9. <i>Rights of Migrant Women</i>	94
2.2.6. Drawbacks of the UN Convention (ICRMW) in Relation to ILO Standards.....	94
2.3. THE ROLE OF ILO AND CMW IN THE FIELD OF HUMAN RIGHTS PROTECTION OF MIGRANT WORKERS.....	98
2.3.1. Influence features of ILO in relation to the rights protection of migrant workers.....	98
2.3.1.1. <i>Features and Properties of the ILO</i>	98
2.3.1.2. <i>ILO Bodies</i>	100
2.3.1.3. <i>Control Functions of the ILO</i>	101

2.3.1.4. <i>ILO Complaint Procedures</i>	102
2.3.2. Control functions of the CMW over compliance with the ICRMW	103
2.4. THE ROLE OF INTERNATIONAL LAW AND THE LAWS OF THE RUSSIAN FEDERATION	106
2.4.1. Influence of the norms of international law on the legal system of the Russian Federation.....	106
2.4.2. Ratified norms of International Law on the Protection of the Rights of Migrant Workers in Russia	111
2.4.3. Laws of the Russian Federation Defining the Legal Status of Migrant Workers	114
2.5. EURASIAN ECONOMIC UNION (EAEU) AND LABOR MIGRATION (ADVANTAGES AND DISADVANTAGES).....	116
2.5.1. Features of the EAEU Treaty in the Field of Labor Migration	116
2.5.2. Legal Problems of Labor Inequality in Russia within the framework of the EAEU.....	119
2.5.3. EAEU and CIS regarding the Free Movement of Migrant Workers from Central Asia	123
2.5.3.1. <i>Influence of the Eurasian Economic Commission (EEC) on the Labor Force Movement</i>	123
2.5.3.2. <i>The Role of the CIS in the Integration of Migrant Workers from Central Asia in Russia</i>	126
CHAPTER THREE	129
3. PROBLEMS OF LEGAL REGULATION OF MECHANISMS FOR PROTECTING THE RIGHTS OF MIGRANT WORKERS FROM CENTRAL ASIA IN THE RUSSIAN FEDERATION	129
3.1 MECHANISMS FOR PROTECTING HUMAN RIGHTS AND FREEDOMS	129
3.1.1..... Supranational Protection Mechanisms	130
3.1.2..... National Protection Mechanisms	139
3.2. PROBLEMS OF THE LEGAL STATUS OF MIGRANT WORKERS	147
3.2.1. CONSTITUTIONAL AND LEGAL STATUS OF FOREIGN CITIZENS AND STATELESS PERSONS IN THE RUSSIAN FEDERATION	147
3.2.1.1 <i>CONSTITUTIONAL RIGHTS OF FOREIGN CITIZENS AND STATELESS PERSONS</i>	147

3.2.1.2. <i>Constitutional Problems in the Regulation of the Human rights of Migrant Workers in Russia</i>	152
3.2.2. Issues of Legal Regulation of the Federal Law No. 115-FZ.....	156
3.2.3. Problems of the Legal Status of Migrant Workers from Central Asia in Russia	159
3.2.3.1. <i>Legal Status of Migrant Workers</i>	159
3.2.3.2. <i>Central Asian Migrant Workers</i>	161
3.3. PROBLEMS RELATED TO MECHANISMS FOR PROTECTING THE RIGHTS OF MIGRANT WORKERS.....	163
3.3.1. Negative Social Factors Affecting the Integration Process of Migrant Workers.....	163
3.3.2. Shortcomings of the System Mechanisms Obstructing the Protection of the Rights of Migrant Workers	171
3.3.2.1. <i>Main Categories of Shortcomings</i>	171
3.3.2.2. <i>Ineffective migration control system</i>	172
3.3.2.3. <i>Low level of protection for migrant workers</i>	176
3.3.2.4. <i>Lack of an effective judicial protection system</i>	178
3.3.2.5. <i>Lack of control mechanisms over the activities of employers</i>	179
3.3.3. Problems of Improving the Mechanisms for Protecting the Rights of Migrant Workers.....	182
3.3.3.1. <i>Ways of Improving Protection Mechanisms</i>	182
3.3.3.2. <i>Change and Improvement of the System of Migration Registration and Control</i>	183
3.3.3.3. <i>Strengthening the Legal Framework with the Help of International Conventions Protecting the Rights of Migrant Workers</i>	184
3.3.3.4. <i>Strengthening the Legal Protection of Migrant Workers</i>	185
3.3.3.5. <i>Strengthening Judicial Protection</i>	185
3.3.3.6. <i>Improvement of Law Enforcement Mechanisms</i>	187
3.3.3.7. <i>Interactions with Civil Society in the area of Labor Migration by Authorized State Bodies</i>	188
3.3.3.8. <i>Raising awareness of Russian Society about the Rights of Migrant Workers</i>	188
3.3.3.9. <i>Russia's Cooperation with International Organizations</i>	190
CONCLUSION	192
REFERENCES	198

ABSTRACT

This doctoral thesis addresses critical issues surrounding the human rights protection of migrant workers in Russia, with a specific focus on individuals from Central Asia. The study aims to achieve the following objectives: Investigate fundamental problems faced by migrant workers in Russia and identify deficiencies in the mechanisms that hinder the protection of their rights; Examine social and legislative challenges within the field of labor migration in the Russian Federation; Analyze the effectiveness of international organizations' actions and bilateral agreements in safeguarding the rights of migrant workers, while assessing legal gaps in the cooperation between host and origin countries. To achieve these objectives, the study employs a doctrinal qualitative legal research approach, which evaluates the alignment of existing international and domestic legal frameworks with the realities of migrant workers' experiences. Both primary sources, including laws and conventions, and secondary sources, such as academic publications, are utilized for data collection. Research methods for data analysis involves qualitative methods to reveal patterns and themes related to the human rights protection mechanisms for migrant workers in Russia. Additionally, the analysis considers the influence of social, economic, and political factors on the rights of migrant workers in the Russian context. This research offers valuable insights into the challenges and opportunities for enhancing the legal protection of human rights for migrant workers in Russia, providing a foundation for future policy improvements and international cooperation in this critical area.

Keywords: *Central Asia, Human Rights, Migrant Workers, Protection Mechanisms, Vulnerable Groups.*

ÖZET

Bu doktora tezi, özellikle Orta Asya'dan gelen bireylere odaklanarak Rusya'daki göçmen işçilerin insan haklarının korunmasına ilişkin kritik konuları ele almaktadır. Çalışma; Rusya'daki göçmen işçilerin karşılaştığı temel sorunları araştırmak ve haklarının korunmasını engelleyen mekanizmalardaki eksiklikleri tespit etme, Rusya Federasyonu'nda işgücü göçü alanındaki sosyal ve yasal zorlukları inceleme, ev sahibi ve menşe ülkeler arasındaki işbirliğindeki yasal boşlukları değerlendirirken, uluslararası kuruluşların eylemlerinin ve ikili anlaşmaların göçmen işçilerin haklarının korunmasındaki etkinliğini analiz etme hedeflerine ulaşmayı amaçlamaktadır. Bu hedeflere ulaşmak için çalışmada, mevcut uluslararası ve yerel yasal çerçevelerin göçmen işçilerin deneyimlerinin gerçekleriyle uyumunu değerlendiren doktriner niteliksel bir yasal araştırma yaklaşımı kullanılmıştır. Veri toplamak için hem yasalar ve sözleşmeler gibi birincil kaynaklardan hem de akademik yayınlar gibi ikincil kaynaklardan yararlanılmıştır. Veri analizi için kullanılan araştırma yöntemleri, Rusya'daki göçmen işçilere yönelik insan hakları koruma mekanizmalarıyla ilgili kalıpları ve temaları ortaya çıkarmak için nitel yöntemleri içermektedir. Buna ek olarak analiz, sosyal, ekonomik ve siyasi faktörlerin Rusya bağlamında göçmen işçilerin hakları üzerindeki etkisini de göz önünde bulundurmaktadır. Bu araştırma, Rusya'daki göçmen işçilerin insan haklarının korunmasının geliştirilmesine yönelik zorluklar ve fırsatlar hakkında değerli bilgiler sunmakta ve bu kritik alanda gelecekteki politika iyileştirmeleri ve uluslararası işbirliği için bir temel sağlamaktadır.

Anahtar Kelimeler: *Göçmen İşçiler, İnsan Hakları, Koruma Mekanizmaları, Orta Asya, Hassas Gruplar.*

ACRONYMS AND ABBREVIATIONS

ACHR: American Convention on Human Rights

AICHR: ASEAN Intergovernmental Commission on Human Rights

CAT: Committee Against Torture

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

CERD: Committee on the Elimination of Racial Discrimination

CIS: Commonwealth of Independent States

CMW: Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

CRC: Convention on the Rights of the Child

CSO: Civil Society Organizations

CSTO: Collective Security Treaty Organization

EAEU: Eurasian Economic Union

EoC: Council of Europe

ECHR: European Convention on Human Rights

ECSR: European Social Charter

ECtHR: European Court of Human Rights

EEC: Eurasian Economic Commission

ESC: The European Social Charter

EU: European Union

GATS: General Agreement on Trade in Services

GCM: Global Compact for Safe, Orderly and Regular Migration

GFMD: Global Forum on Migration and Development

HRC: Human Rights Council

HRW: Human Rights Watch

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social, and Cultural Rights

ICRMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

ILO C189: ILO Convention No. 189 on Domestic Workers

ILO Conventions: International Labor Organization Conventions (e.g., C97, C143, C181)

ILO Declaration: ILO Declaration on Fundamental Principles and Rights at Work

ILO: International Labor Organization

IOM: International Organization for Migration

MCW: Migrant Children's Workshop

NGO: Non-Governmental Organization

OHCHR: Office of the United Nations High Commissioner for Human Rights

OSCE: Organization for Security and Cooperation in Europe (has a human rights dimension)

RSD: Refugee Status Determination

UDHR: Universal Declaration of Human Rights

UN: United Nations

UNGA: United Nations General Assembly

UNHCR: United Nations High Commissioner for Refugees

WTO: World Trade Organization



INTRODUCTION

Along with the trade turnover, it is the vast flows of labor migration that can be called the most important reason for the creation of the Eurasian Economic Union (EAEU) in 2015, which included Russia, Belarus, Armenia, Kyrgyzstan, and Kazakhstan.¹ It is not always possible to calculate the accurate number of migrants in the Russian Federation, and different sources provide different information.

Russian business, making a profit from using the cheap power of labor migrants, with rare exceptions, does not invest in projects to integrate migrants into Russian society. Due to insufficient adaptation to life in Russian socio-cultural conditions, closed ethnic communities are often formed by migrants. The existence of such communities leads to an increase in the crime situation, as a rule, mainly migrants who have lost their jobs for any reason become members of such communities. Employers also bear almost no responsibility for the medical insurance of their subordinates and for their passing the medical examination, which is mandatory when they are hired in Russia.²

Currently, the problem of labor migration is one of the key issues for the entire international community. Almost all countries of the world today are involved in the exchange of labor as its importers or exporters, which indicate the global nature of labor migration. An example is the labor migration flow of post-Soviet countries.³ Especially this phenomenon intensified after the collapse of the Union of Soviet Socialist Republics (USSR), when residents of Central Asia, due to poor economic conditions, began to migrate en masse to Russia in search of work. Central Asia includes such countries as

¹ Roberts, Sean P. - Moshes, Arkady. «The Eurasian Economic Union: A Case of Reproductive Integration?» *Post-Soviet Affairs* 32/6 (2016), 543.
<https://doi.org/10.1080/1060586X.2015.1115198>

² Cook, Linda J. «CONSTRAINTS ON UNIVERSAL HEALTH CARE IN THE RUSSIAN FEDERATION: INEQUALITY, INFORMALITY AND THE FAILURES OF MANDATORY HEALTH INSURANCE REFORMS». *Journal of Self-Governance and Management Economics* 3/4 (2015), 38.
<https://www.ceeol.com/search/article-detail?id=418046>

³ Brunarska, Zuzanna and others. «Intra- vs. Extra-Regional Migration in the Post-Soviet Space». *Eurasian Geography and Economics* 55/2 (2014), 144.
<https://doi.org/10.1080/15387216.2014.948030>

Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. However, the bulk of migrant workers in Russia are citizens of Kyrgyzstan, Tajikistan and Uzbekistan.

According to the United Nations (UN), at present, approximately more than 258 million people worldwide work outside the country of their citizenship.⁴ In his message on International Migrant Day on December 18, 2005, former UN Secretary-General Kofi Annan noted that “the global economy is increasingly dependent on migrant workers” and that “migrant workers are essential for success in large sectors of the economy both developed and developing countries.” The former Secretary-General did, however, also highlight the numerous issues brought about by migration and emphasized the need for more action to guarantee the rights of migrants and their families are respected.⁵ The need to pay increased attention to those aspects of migration-related to human rights was also mentioned in the latest report of the Secretary-General on the work of the Organization at the 64th session of the UN, where, in particular, it was noted: “The aggravation of economic difficulties exacerbated by the global economic crisis has led in many countries of the world to increase xenophobia and discrimination against migrants.”⁶

Every year, the number of men and women traveling to other countries in search of work and a better life for themselves and their families is growing. At the same time, migrant workers remain a particularly vulnerable category of people whose rights are constantly violated. In many countries, migrant workers perform the hardest and lowest paid jobs, live under the threat of dismissal and deportation, are deprived of medical and social security, thereby together with members of their families remaining the most powerless and exploited part of the population.⁷ Sustainable labor migration has led to

⁴ Yang, Shangguang - Wang, Danyang. «Overview and Characteristics of International Urban Migration». *Urban Migration and Public Governance in China: A Case Study of Shanghai*. Ed. Shangguang Yang - Danyang Wang. 12. Public Economy and Urban Governance in China. Singapore: Springer Nature, 2023. https://doi.org/10.1007/978-981-99-4052-3_2

⁵ Chamie, Joseph - Mirkin, Barry. «Who's Afraid of International Migration in the United Nations?» *Global Mobility Regimes*. Ed. Rey Koslowski. 258. New York: Palgrave Macmillan US, 2011. https://doi.org/10.1057/9781137001948_13

⁶ Betts, Alexander. *Global Migration Governance*. Working Paper. GEG Working Paper, 2008. GEG Working Paper, www.econstor.eu. <https://www.econstor.eu/handle/10419/196305>

⁷ Heikkilä, Elli. «Mobile Vulnerabilities: Perspectives on the Vulnerabilities of Immigrants in the Finnish Labour Market». *Population, Space and Place* 11/6 (2005), 487. <https://doi.org/10.1002/psp.396>

the segmentation of labor markets in developed countries and the identification of sectors mainly occupied by migrants. These are primarily non-prestigious jobs that do not require high qualifications, with difficult working conditions and low pay, the most discriminated, informal or shadow sectors of employment.

In the Russian Federation, due to poorly developed mechanisms for protecting the rights of migrant workers as a vulnerable group, labor migration is one of the most significant problems.⁸ Social factors and legislative problems that Russia is experiencing create various obstacles to ensure the effective functioning of migration processes and the integration of migrant workers.

Based on the above problems, the following research questions were identified: Why is labor migration one of the most significant problems, and why are the mechanisms for protecting the rights of migrant workers as a vulnerable group so poorly developed in the Russian Federation? What social factors, as well as legislative problems, is Russia experiencing, which causes various obstacles to ensure the effective functioning of the migration process and the migrant workers' integration? What is the role and importance of international organizations for the protection of migrant workers' rights? What is the effectiveness of the mechanism for enforcing bilateral agreements? And why is the regulatory framework which regulates cooperation between the host country and the country of origin of migrant workers developed so weak?

This study aims to investigate the fundamental problems existing among migrant workers in Russia, and identify the shortcomings of the mechanisms of the system that to defend migrant workers' rights; to examine social and legislative problems in the field of labor migration existing in the Russian Federation; to analyze, based on international legal norms, the effectiveness of the actions of international organizations, examine the problems of bilateral agreements, and consider legal gaps existing in the course of cooperation between the host country and the country of origin of migrant workers.

⁸ Karpova, Galina G - Vorona, Maria A. «Labour Migration in Russia: Issues and Policies». *International Social Work* 57/5 (september 2014), 535. <https://doi.org/10.1177/0020872814536420>

Despite the fruitful work of Russian and foreign scholars in the field of labor migration, the problem of protecting the rights of labor migrants, as a vulnerable group in the Russian Federation, remain open and not fully understood. Many aspects protecting the basic and special rights of migrant workers have not been studied, or the implementation of legal norms in practice does not always correspond to the requirements of international law.

The relevance of this study lies in the fact that there is little or no work in this direction. Although a lot of research has been carried out in various aspects of labor migration, the problems of mechanisms for protecting the rights of migrant workers as a vulnerable group, especially from Central Asian countries, remain not studied, and the questions are open. Another relevant reason for this study is the increasing number of labor migrants from Central Asian countries (especially from Tajikistan, Uzbekistan, and Kyrgyzstan), while the problems of the regulatory framework that will support cooperation between the host country and the country of origin of labor migrants remain unresolved.

The study will help fill the existing critical gaps in this area. Based on the international experience of migration processes, the study will propose legal mechanisms within which the orderly movement of workers can take place while protecting their personal and social well-being. This study will not only protect the rights of migrant workers but will also become a helpful recommendation in the course of carrying out its activities, for the legislative authority (at all levels) of the Russian Federation, government bodies dealing with migration processes, human rights organizations in the field of labor migration, etc.

When conducting this study, the existing problems in the legislation of the Russian Federation were identified, which do not reflect the current state of the labor market and migration pressure. The study also revealed that Russia does not meet the modern challenges of the migration flow that ensures the normal functioning of the labor market.

Based on the existing problems in the field of labor migration, in course of conducting this research affecting the economic, social, cultural and legal aspects of migrant workers in Russia, goals have been developed that can improve the vulnerable

situation of migrant workers. The study also offers various options for improving Russian legislation based on existing international legal norms.

Bilateral issues frequently arise in relation to labor migration to Russia, and it is the duty of the participating States to resolve current issues in a way that benefits both parties.⁹ Every State party shall take action according to the requirements resulting from its socioeconomic circumstances while keeping in mind bilateral and multilateral accords (to which the State party is a party). The doctoral thesis aims to fill the existing gaps in the legislation in the field of labor migration, and bilateral and multilateral agreements, as well as improve the practical activities of the authorities dealing with the migration policy of both the receiving country of migrant workers and the donor country (embassy, consulate, etc.). The study assesses the appropriateness of internal and external legal mechanisms for cooperation between host and country of origin of migrant workers. Meanwhile, the study considers created conditions in which orderly movement of workers can take place while protecting their personal and social well-being, where appropriate, and basic linguistic and vocational training for migrant workers.

The study assesses the appropriateness of internal and external legal mechanisms for cooperation between host and country of origin of migrant workers. Meanwhile, the study considers created conditions in which orderly movement of workers can take place while protecting their personal and social well-being, where appropriate, and basic linguistic and vocational training for migrant workers.

Although Russia has not ratified the ICRMW, the study focuses on the conditions in which equality is ensured between migrant workers and citizens of the host country of migrant workers. Thus, conditions of employment and work, social security, and the creation of satisfactory living conditions are the area of this study.

The study focuses on the protection of the migrant workers' rights from Central Asia in Russia as a vulnerable group. Labor migrants can be permanent, temporary, and even illegal. Thus, the research will focus on such issues as labor rights, access to justice

⁹ COOK, LINDA J. «Implications of migration for the development of Russian social policy». *Migrant Workers in Russia*. Routledge, 2016.

(in particular, in the payment of wages in both the formal and informal sectors), power imbalances between employers and workers, restrictions on mobility, and document retention. This is especially true in high-risk sectors such as manufacturing, housework, construction, etc.

The doctoral thesis required the researcher to apply a doctrinal qualitative legal research methods for effective research, which made it possible to establish not only the mechanisms of proper execution of existing international and domestic regulatory legal acts but whether the existing regulatory legal acts correspond to reality and whether they meet the challenges of modern problems in this area. Qualitative methods of legal research involve the collection, analysis, and interpretation of non-numerical data to understand legal phenomena. Accordingly, this study employs a qualitative legal research method to investigate the human rights protection mechanism of migrant workers from Central Asia in Russia. The study used primary and secondary data sources to collect and analyze data.

The primary data sources for this study include laws, conventions, and other legislation related to the human rights protection of migrant workers in Russia. These sources provide a legal framework for understanding the rights of migrant workers in Russia. The secondary data sources for this study include books, journal articles, reports, and other academic publications related to the human rights protection of migrant workers in Russia. These sources provide a comprehensive understanding of the social, economic, and political factors that affect the human rights of migrant workers in Russia.

Doctrinal qualitative legal research analysis methods involve examining legal texts, such as statutes, cases, and regulations, to understand the development, interpretation, and application of law. Thus, the researcher has analyzed these texts using qualitative methods, which include critical reading, textual analysis, and interpretation. The legal analysis has been done to uncover patterns, themes, and trends in legal reasoning, as well as the broader social, political, and historical context that shapes legal regime for the protection of migrant workers in Russia. This approach aimed to provide insights into how the legal regime is understood, argued, and applied, helping to advance legal scholarship and inform legal practice.

CHAPTER ONE

1. THE CONCEPT, REASONS, AND PREREQUISITES FOR THE EMERGENCE OF LABOR MIGRATION

1.1. MODERN LABOR MIGRATION AND ITS TRENDS

1.1.1. The Concept, Causes, and Trends of Modern Labor Migration

1.1.1.1. *Origins of Modern Labor Migration*

The emergence of modern migration processes is associated with the era of the Great Geographical Discoveries (15-17 centuries) when the vast territories captured by European states had to be supported by the creation of wealth to maintain order and organize the exploitation of the natives.¹⁰ New lands began to be developed by voluntary migrants along with internally forced migrants (for example, exiled English convicts in Australia and New Zealand, African blacks forcibly brought to the USA, etc.).¹¹

The late 17th - early 19th centuries were marked not only by the creation of a new type of productive forces but by the emergence of new forms of international (external) migration of the population. With the development of economic relations, the migration of labor resources has lost the features of non-economic coercion.¹²

Currently, labor migration is determined by supply and demand in the international labor market. Migration at the end of the late 20th and early 21st centuries was caused mainly by the desire of those migrating to avoid religious, political, and

¹⁰ Norov, Sh.Sh. «MIGRATORY PROCEDURES HUMAN RESOURCES IN GLOBALIZATION PROCESS». *Теория и практика современной науки* 8 (74) (2021), 5.
<https://cyberleninka.ru/article/n/migratory-procedures-human-resources-in-globalization-process>

¹¹ «A history of migration | Striking Women». Accessed September 20, 2023. <https://www.striking-women.org/module/migration/history-migration>

¹² «Search Results history of property». Accessed September 20, 2023.
<https://www.eh.net/page/13/?s=history+of+property>

other repressions in their homeland.¹³ But with all this, the lion's share of international labor migration occurs based on the "desire" to get more pay for their work abroad. A connection is also established between waves of migration and fluctuations in business activity: during the crisis phase, as a rule, the flow of emigrants increases, and during the boom phase, immigration processes intensify.

1.1.1.2. Economic Factor as the Main Cause of Modern Labor Migration

The problems of external migration of labor resources have been most actively studied in theoretical terms since the late sixties of the twentieth century within the framework of economic growth models.¹⁴ According to these models, the international movement of labor (and labor was considered as a factor of production) has a significant impact on the rate of economic growth. The direction of migration processes is determined by the level of economic development of the state: labor resources move from "worse conditions" to "better".¹⁵ Objectively, the possibility of migration appears due to national differences in wage conditions. Also, a determining factor influencing migration is unemployment (the collapse of the Soviet Union, and the poor economic situation of the post-Soviet countries).

So, for example, T.A. Frolova identifies the following reasons for external labor migration:

- differences in income levels in different countries;
- uneven level of economic development between donor and recipient countries and in their various phases of the economic cycle;
- different levels of unemployment in countries;
- the specifics of the formation and development of labor resources in countries with different levels of economic growth;

¹³ Castles, Stephen. «International Migration at the Beginning of the Twenty-First Century: Global Trends and Issues». *International Social Science Journal* 52/165 (2000), 271. <https://doi.org/10.1111/1468-2451.00258>

¹⁴ Arango, Joaquín. «Explaining Migration: A Critical View». *International Social Science Journal* 52/165 (2000), 283. <https://doi.org/10.1111/1468-2451.00259>

¹⁵ Powell, Benjamin. *The Economics of Immigration: Market-Based Approaches, Social Science, and Public Policy*. Oxford University Press, 2015, 3.

- low pay for labor services, and social and legal protection in underdeveloped countries.¹⁶

One of the motives for participation in external labor migration may be the search for any job, so as not to "starve to death". This reason is most typical for the migration of low-skilled labor from countries with a low level of economic development and high unemployment. It takes place mainly from Asian and African countries to Russia and Western European countries, from Latin American countries to the USA and Canada, and from Southern and Eastern Europe to the more developed countries of Western Europe.

But, along with this, there is also migration in search of higher wages, and more comfortable working and living conditions. These circumstances are also associated with the uneven economic development of countries. This type of migration is associated primarily with the migration of qualified specialists and scientists.¹⁷

In the modern world, labor migration is becoming a significant factor in the economic development of an increasing number of countries, contributing to the formation of a flexible labor market, more rational use of labor resources, and the interaction of economic entities. The expansion of international and interregional ties defines new opportunities for migrants and determines migration processes. The number of people working outside their home country has almost tripled, over the past 50 years, according to the UN.¹⁸ In this context, labor migration processes are relevant for any national economy, including Central Asian and Russian economic processes.

1.1.1.3. The Concept of Labor Migration

To understand what "labor migration" is, first need to find out the meaning of this word itself - "migration". Migration is implied as "any territorial movement of the

¹⁶ «ТЕОРИЯ ТРУДОВОЙ МИГРАЦИИ - Вестник Алтайской академии экономики и права (научный журнал)». Accessed September 21, 2023. <https://vaael.ru/ru/article/view?id=304>

¹⁷ Chiswick, Barry R. *Immigration: High Skilled vs. Low Skilled Labor?* Working Paper. IZA Policy Paper, 2011. IZA Policy Paper, www.econstor.eu. <https://www.econstor.eu/handle/10419/91767>

¹⁸ «За последние 50 лет число международных мигрантов выросло в три раза | Новости ООН». 1 декабрь 2021 г. Accessed April 19, 2024. <https://news.un.org/ru/story/2021/12/1414772>

population associated with the crossing of both external and internal borders of administrative-territorial entities to change their permanent place of residence or temporary stay, regardless of the prevailing factor of influence under which it occurs (study, work, etc.).¹⁹ Accordingly, labor migration, like any type of migration, is characterized by territorial movement, which is emphasized in its definition. Labor migration is “the movement of the population due to the search for or change of place of work, both within the country and between countries”.²⁰

The crucial purpose of moving people is to carry out paid work based on a contract, agreement, or permit. Labor migration differs from other types of migration (religious, cultural, political, etc.) in its purpose of movement, which is labor activity. Thus, the migration of the labor force is not only the movement of the able-bodied population but the movement due to economic reasons. Since people of a certain age are engaged in labor activity, the distinguishing feature of labor migration is the working age of people who leave their permanent residence in search of more favorable working conditions.²¹

In the literature, the reasons for the phenomena of labor migration are socio-economic, legal, and political and are considered ambiguous in many works, which gives rise to some problems in the interpretation of this concept. So, T.M. Bezborodova interprets labor migration as a socio-economic phenomenon, which is carried out by the spatial movement of the able-bodied population for a certain period, without changing their permanent residence to receive income or earnings. Here the author emphasizes that labor migration is carried out only without changing the permanent residence, not taking into account the fact that there may be such types of labor migration as:

- for resettlement to another country permanently;
- obtaining a residence permit;

¹⁹ Kok, Pieter. «The Definition of Migration and Its Application: Making Sense of Recent South African Census and Survey Data». *Southern African Journal of Demography* 7/1 (1997), 24. <https://www.jstor.org/stable/20853242>

²⁰ «Labour Migration». Accessed September 25, 2023. https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/labour-migration_en

²¹ Philip L., Martin. «Managing International Labor Migration in the 21st Century». *South-Eastern Europe Journal of Economics* 1/1 (2003). <https://ojs.lib.uom.gr/index.php/seeje/article/view/5447>

- part-time students, etc.²²

Based on this, in general terms, we can say that labor migration is the territorial movement of the population capable of working to carry out labor activities.

1.1.1.4. General Trends and Types of Labor Migration

It should be noted that there is no generally accepted classification of types of labor migration. Some authors single out certain types of labor migration outside the classification criteria, which gives rise to the intersection of concepts. Other classifications cannot be recognized as correct, because, due to the combination of features, they cannot always remain the same.

Thus, the International Labor Organization (ILO) identifies the following types of subjects of international labor migration:

- migrants who move to another country for permanent residence (as a rule, this type of migrant focused on countries with a developed economy and a high standard of living);
- working under a contract with a specific period of stay in the country (seasonal workers, migrants who implement the project, contractors, migrants who enter the country for a limited period to perform a specific professional activity, with the possibility of changing employers and changing the length of stay, migrants who after several years of staying in the country, received a residence permit, highly skilled migrant workers);
- professionals with high qualifications, including students migrating into the global higher education system;
- illegal labor migrants;
- forced to leave their country of residence - refugees.²³

²² «ТЕОРИЯ ТРУДОВОЙ МИГРАЦИИ - Вестник Алтайской академии экономики и права (научный журнал)». Viewed September 21, 2023. <https://vaael.ru/ru/article/view?id=304>

²³ «ТЕОРИЯ ТРУДОВОЙ МИГРАЦИИ - Вестник Алтайской академии экономики и права (научный журнал)». Accessed September 21, 2023. <https://vaael.ru/ru/article/view?id=304>

To fully disclose the types of labor migration, it is necessary to determine the territorial (internal and external) and time criterion (permanent and temporary). The territorial criterion of internal labor migration can be called the population movement for employment within one state (between regions, cities, towns, etc.).²⁴ External (international) labor migration is the movement of the population across the state border, in other words, the emigration of the able-bodied population from one state to another to carry out labor activities.²⁵ As for the time criterion, permanent labor migration is generally considered to be migration when a person permanently changes his permanent place of residence and, accordingly, his place of work. In the case of temporary labor migration, the employee is resettled for a limited, as a rule, predetermined period.²⁶ An example of temporary labor migration is resettlement for several months or years to work under a contract, treaty, or agreement.

At the same time, temporary labor migration, in turn, is divided into short-term and long-term (more than a year) migration.²⁷ As a rule, a seasonal (short-term) type of migration is determined by the need to provide the labor force for a particular industry for a period (season); for example, the need for animators, sellers of drinks, ice cream, etc. during the summer period in the resort regions.²⁸

Taking into account the global economy, the following main labor migration flows can also be identified:

- from developing countries to developed ones;
- between developed countries;
- between developing countries;
- from post-socialist countries to developing and developed countries;

²⁴ Rees, Philip. «The Impact of Internal Migration on Population Redistribution: An International Comparison: The Impact of Internal Migration». *Population, Space and Place* 23/6 (2017), e2036. <https://doi.org/10.1002/psp.2036>

²⁵ Stahl, Charles W. «Theories of International Labor Migration: An Overview». *Asian and Pacific Migration Journal* 4/2–3 (june 1995), 232. <https://doi.org/10.1177/011719689500400203>

²⁶ Dustmann, Christian. «Differences in the labor market behavior between temporary and permanent migrant women». *Labour Economics* 4/1 (1997), 34. [https://doi.org/10.1016/S0927-5371\(96\)00025-5](https://doi.org/10.1016/S0927-5371(96)00025-5)

²⁷ Lenard, Patti Tamara. «Why Temporary Labour Migration Is Not a Satisfactory Alternative to Permanent Migration». *Journal of International Political Theory* 8/1–2 (2012), 183. <https://doi.org/10.3366/jipt.2012.0037>

²⁸ Panda, Shilpi Smita - Mishra, Nihar Ranjan. «Factors affecting temporary labour migration for seasonal work: a review». *Management Research Review* 41/10 (2018), 1178. <https://doi.org/10.1108/MRR-04-2017-0104>

- migration of scientists and qualified specialists from developed countries to developing ones.²⁹

Summing up the general trends of modern international migration, it can be concluded that it is becoming more intense and large-scale. Geographically, labor migration continues to cover all states, representing socio-economic, and political areas - both at the state level and in society. The legal systems of recipient and donor countries are also being modified, adjusting to the ongoing fundamental changes in international migration. The characteristics of migration flows are also undergoing significant changes, such as the composition of the flows, the reasons that caused them, as well as the concentration in certain states.

1.1.2. The Impact of Labor Migration on the Globalization Process

Constant waves of mass migration, becoming more and more global, vividly describe the picture of our days.³⁰ Labor becomes a global resource, the movement of which depends on various reasons. The bulk of migrants leaves their homeland for purely economic reasons, while the other part is refugees or forced migrants.³¹

However, the modern global labor market is formed precisely by various reasons for migration caused by labor flows. The emerging global labor market is associated with the emergence of a "new international division of labor" based on four types of labor:

- high-paid information labor for the production of high value;
- low-paid labor for the production of high volumes;

²⁹ Solimano, Andrés. *The International Mobility of Talent: Types, Causes, and Development Impact*. OUP Oxford, 2008.

³⁰ Eriksen, Thomas Hylland. *Globalization: The Key Concepts*. London: Routledge, 2-e Edition, 2020, 21. <https://doi.org/10.4324/9781003085492>

³¹ Niebuhr, Uri Dadush, Mona. «The Economic Impact of Forced Migration». *Carnegie Endowment for International Peace*. Accessed october 1, 2023. <https://carnegieendowment.org/2016/04/22/economic-impact-of-forced-migration-pub-63421>

- productive raw labor based on natural resources, the devalued labor of "superfluous" producers.³²

Labor as a global resource comes through three channels. The first includes firms that choose the location of their main offices and open branches in different parts of the world, depending on the quality of local labor resources (skills and professional qualifications). Firms also consider the social conditions and costs that can be incurred in connection with the use of these resources when choosing their location. The second includes firms that can recruit the most qualified and valuable personnel from different countries and parts of the world, offering them good working conditions, and high wages, encouraging them to migrate. And finally, people are driven by personal circumstances, such as wars, and their desire to leave their usual place of residence in search of a better life for themselves and their families.

Along with their movement, at the same time, labor migrants move events, knowledge, and culture. And this is no coincidence. After all, economic globalization is not an invention of the last quarter of the 20th century. It constantly accompanies the development of humankind, but its pace, intensity, and level of impact on the life of countries, people, and the individual have changed. The forms of migration largely reflect the dynamics of economic globalization.³³

The study of the forms of migration allows us to take a fresh look at the problem of periodization of history. Each form of migration is a special type of thinking of an individual, a particular way of transmitting information, and a condition for the peculiar formation of the globalization model. In each model of globalization, the place and role of economic entities are determined by their ability to generate, process, and effectively use information.

For Instance, a functional approach to the analysis of modern forms of migration adds specific characteristics to the study of globalization models. The reasons for changing place of residence are the basis for the functional definition of forms of migration and their types. According to this feature, one can distinguish between natural

³² Schaeffer, Peter V. - Mack, Richard S. «The Conceptual Foundations of the New International Division of Labor». *Journal of Planning Literature* 12/1 (1997), 7. <https://doi.org/10.1177/088541229701200101>

³³ Orozco, Manuel. «Globalization and Migration: The Impact of Family Remittances in Latin America». *Latin American Politics and Society* 44/2 (2002), 42. <https://doi.org/10.1111/j.1548-2456.2002.tb00205.x>

and forced migration of the labor force. In the economic literature, natural labor migration includes such types of movements that are not directly related to the socio-economic development of a country or region (for example, moving due to a change in marital status, obtaining a specialty, continuing education, etc.). Forced labor migration occurs mainly under the influence of both objective and subjective factors that do not depend on the migrants themselves (mass migration caused by military operations, the formation or collapse of a state, or a change in political regime).³⁴

However, it should be noted that not every change of place of residence leads to significant changes in the socio-economic situation of labor migrants. And what signs lead to practical changes? First of all, this is the place and working conditions of the migrant. Labor is the main sign both in terms of intensity and efficiency in the circumstances of the modern labor market among stimulating signs.³⁵ This sign, despite its importance, is not sufficient for a complete description. The second essential sign of the allocation of forms of migration is the benefit (commercial and non-commercial). If migration relations are presented in the form of a pyramid, then the migrant as a subject of labor will stand at the base. The benefit will be at the top of the pyramid as the initial motive and the final result of migration.

The challenges faced by the globalized economy - in terms of economic development, the labor market, and labor productivity - are largely related to the use of migrant labor. Migration today is becoming a tool that provides the necessary components of national and regional labor markets. With the help of migration, answers are found to the rapidly changing needs of labor markets for workers of various specialties, depending on the technological, market, and other transformations. For those countries facing an aging population, migration is becoming a resource that fills in labor shortages. The influx of young workers is provided by a lack of labor resources, which helps to increase dynamism, innovation, and mobility.

Closely connected with globalization processes, labor migration practically involves all regions and countries in migration processes. Throughout the 20th century,

³⁴ Ruiz, Isabel - Vargas-Silva, Carlos. «The Economics of Forced Migration». *Journal of Development Studies* 49/6 (2013), 774. <https://doi.org/10.1080/00220388.2013.777707>

³⁵ Bloemen, Hans G. «Job Search, Search Intensity, and Labor Market Transitions: An Empirical Analysis». *Journal of Human Resources* XL/1 (2005), 249. <https://doi.org/10.3368/jhr.XL.1.232>

the United States was the base importer of labor. At the end of the 90s. 660th thousand immigrants entered the country annually.³⁶ Europe, which had been a labor exporter for six decades, has become a net importer since the 1960s. The largest importers are Germany and France.³⁷

According to the ILO, as of 2019, there are 169 million migrant workers in the world.³⁸ The transformation of labor migration since the late 1990s was accelerated by several factors:

- computer technology and its applications;
- global competition;
- organization of flexible employment.

The mass dissemination of information technology, it should be noted, did not lead to a reduction in the direct job. On the contrary, the role of the direct job is increasing, as information technology gives a new level of power to each worker. Therefore, at present, highly qualified foreign workers employed in the most promising and dynamically developing sectors of the economy are of particular interest.³⁹

The emerging market of highly skilled labor has a positive effect on the demographic processes of developed countries. Attracting highly qualified human capital is the task of any state-importer migrants. The number of young people under the age of 25 by 2030 in the EU countries will decrease by 25 million people, and by 2050 the population of Italy will decrease by 28%, Spain - by 24% according to the forecasts of the European Commission. Germany, France, England, and Italy before the Arab Spring (revolutions) and the event in Ukraine (2014-2015 and 2022) accepted more than

³⁶ Johnson, Stephen - Muhlhausen, David B. «North American Transnational Youth Gangs: Breaking the Chain of Violence». *Trends in Organized Crime* 9/1 (2005), 52. <https://doi.org/10.1007/s12117-005-1003-2>

³⁷ Stalker, Peter. *Workers Without Frontiers: The Impact of Globalization on International Migration*. International Labour Organization, 2000.

³⁸ Salmen-Navarro, Acran. «Epidemiology of Migrant Workers' Occupational Health: A Perspective from Three Regions». *Current Opinion in Epidemiology and Public Health* 1/1 (2022), 26. <https://doi.org/10.1097/PXH.0000000000000007>

³⁹ Khadria, Binod. «Shifting Paradigms of Globalization: The Twenty-first Century Transition Towards Generics in Skilled Migration from India». *International Migration* 39/5 (2001), 61. <https://doi.org/10.1111/1468-2435.00171>

230 thousand labor immigrants per year.⁴⁰ According to experts from ILO, without immigrants, the European living standards level by 2050 will drop to 78% compared to today.⁴¹

After the collapse of the Soviet Union, Russia also became hostage to demographic problems, like European countries. Scientists call a realistic estimate of demographic losses in the amount of 25 million people over the past 30 years.⁴² External migration began to develop mainly after the 90s, due to the decline in the birth rate and open economic space. According to the Ministry of Interior of the Russian Federation, during the pandemic in 2020, the number of migrants in Russia amounted to more than 6 million people. Usually, according to the Migration service department, their number reaches 11 million people.⁴³

The formation of a certain segment of the labor market fully focused on foreign workers, confirms the fact of the stability of the "migration element" in the Russian economy. Such sectors create and maintain demand for new migrants, and therefore, soon, the dependence of the Russian economy on the influx of foreign labor will only increase. The shortage of skilled labor is a serious problem for Russia. Russia has not yet developed a mechanism for attracting highly qualified personnel - neither specialists in production processes nor scientific intelligentsia.⁴⁴

1.1.3. Problems Arising Due to Labor Migration

Migrants have contributed to the formation of many now prosperous states (USA, Canada, Australia). Europe also owes its economic miracle at the end of the 20th

⁴⁰ Черевичко, Т. В. «Глобализация и современная миграция трудовых ресурсов». *Известия Саратовского университета. Новая серия. Серия Экономика. Управление. Право* 9 (2009 г.), 18. <https://cyberleninka.ru/article/n/globalizatsiya-i-sovremennaya-migratsiya-trudovyh-resursov>

⁴¹ BREMNER, JASON. *WORLD POPULATION HIGHLIGHTS: KEY FINDINGS FROM PRB'S 2010 WORLD POPULATION DATA SHEET*. Washington, DC, USA: Population Reference Bureau, 2010. <https://grist.org/wp-content/uploads/2011/10/65.2highlights.pdf>

⁴² 'Lenta.RU. «Демографические потери России после распада СССР оценили в 25 миллионов человек». Accessed october 3, 2023. <https://lenta.ru/news/2021/12/27/demography/>

⁴³ РБК. «В МВД назвали количество мигрантов в России». 29 сентябрь 2021 г Accessed october 3, 2023. <https://www.rbc.ru/rbcfreenews/615481a49a7947237a4aa621>

⁴⁴ Khoreva, Ol'ga. «Attracting Skilled Labour to the North: Migration Loss and Policy Implications across Russia's Diverse Arctic Regions». *Polar Record* 54/5–6 (2018), 338. <https://doi.org/10.1017/S0032247419000019>

century to the labor of migrants from Türkiye, North Africa, Hindustan, and the former Yugoslavia. To the best of their ability, migrants ensured population growth in the host countries. Legally residing foreigners in Spain added 4.5 million in the first decade of this century, and their share in the population increased from 2.3 to 12%. In Switzerland, the proportion of foreigners with permanent residence is 22%. England and Wales in recent years have registered a record number of newborns in 40 years, while one in four mothers was not a subject of Her Majesty.⁴⁵

Despite the positive results in migration processes, there are also negative features that threaten the safety of labor migration. Labor migration and labor mobility, including refugee flows, are becoming an increasingly complex challenge. Many countries are failing to cope with this situation due to the poor functioning of the labor market and a weak system. Therefore, such problems give rise to:

- illegal migration;
- inexpedient use of qualified labor resources;
- inconsistency of qualifications with available vacancies;
- discrimination and exacerbation of inequality in employment.

If not properly regulated, labor migration can exacerbate decent work deficits and cause adverse, long-term socio-economic impacts in countries of origin and destination. Labor migration largely depends on the political system in countries of origin and destination, and the likelihood of benefits depends on bilateral, regional, and multilateral cooperation between them. No country can effectively solve the problem of labor migration on its own. Unaccepted policy measures to address the problems arising from the flow of labor migration can lead to specific economic consequences for both the recipient country and the donor country.⁴⁶

Negative economic consequences for recipient countries can be as follows:

- decrease in professions and sectors of the economy where migrant wage workers are employed;

⁴⁵ «Охота или неволя». 4 октябрь 2023 г. Accessed october 4, 2023. <https://www.pnp.ru/politics/okhotaili-nevolya.html>

⁴⁶ Ryazantsev, Sergey - Korneev, Oleg. «Russia and Kazakhstan in Eurasian Migration System: Development Trends, Socio-Economic Consequences of Migration and Approaches to Regulation». <https://cadmus.eui.eu/handle/1814/29930>

- increase in unemployment and, accordingly, social payments;
- transfer by migrants the lion's share of their income to their homeland (export of income abroad);

- increase in spending on language, social, training programs, etc.

The negative economic consequences of labor migration for donor countries are:

- monitoring the shortage of qualified and professional labor force;
- brain drain;
- loss of potential tax revenues;
- growth of inflation in case of significant external transfers, etc.

Another problem is that employers prefer to use cheap labor, which generates dumping in the labor market and reduces the motivation of those already employed. This approach forces workers to accept wage cuts or join the ranks of the unemployed. The appearance of an excess population increases the load on the infrastructures of the territory (transport, utilities, medical services, etc.), which causes additional costs.

For a distinct part of the people, the situation with migrants today has grown into big business, and they do not want to break it, and they are not going to put things in order either. For example, migrants from the CIS countries who come to Russia are actually in a powerless position, since they are directly dependent on the employer in the shadow sector of the economy.⁴⁷ The employer may not pay, leaving these persons with the only opportunity for survival - leading a criminal lifestyle.

Sociologists state that, compared to the end of the 20th century, today the world is facing a qualitatively new migration.⁴⁸ The new generation of migrants who have entered the working life immigrate to the recipient country mainly from poor and war-affected countries and have low educational characteristics.⁴⁹

⁴⁷ Kallaur, Valentina. «Social Aspects Of Labor Migration In Russia». *European Proceedings of Social and Behavioural Sciences* Social and Cultural Transformations in the Context of Modern Globalism (december 28, 2019). <https://doi.org/10.15405/epsbs.2019.12.04.268>

⁴⁸ Сергеевна, Жулева Мария. «ПРОБЛЕМЫ ТРУДОВОЙ МИГРАЦИИ В СОВРЕМЕННОЙ РОССИИ». *Известия высших учебных заведений. Социология. Экономика. Политика* 2 (2014 г.), 16. <https://cyberleninka.ru/article/n/problemy-trudovoy-migratsii-v-sovremennoy-rossii>

⁴⁹ Lohrmann, Reinhard. «Migrants, Refugees and Insecurity. Current Threats to Peace?» *International Migration* 38/4 (2000), 13. <https://doi.org/10.1111/1468-2435.00118>

Representatives of the new wave of migrants are finding it increasingly difficult to adapt to the labor market and working conditions. Usually, these migrants tend to carry out social interactions through informal connections (relatives, shadow intermediaries).⁵⁰ Due to the low legal culture, they prefer not to defend their rights or do it through unofficial agents in informal ways. Thus, the problem of social adaptation becomes acute: citizens who come to work in the recipient country do not know the language, do not understand, even sometimes do not want to understand local traditions and customs, and are not guided by the legislation of the host country.⁵¹

Based on the above, in the process of adaptation of migrants, recipient countries may face such problems as:

- low educational level;
- poor command or lack of command of the language of the recipient country;
- low professionalism of migrants;
- different mentality and peculiarities of national behavior;
- insufficient level of general culture;
- regulatory restrictions;
- difficulties of adaptation in a different socio-cultural environment, etc.

All the problems proposed for assessment related to the use of migrant labor are sufficiently relevant and indeed create certain difficulties for employers, as well as for citizens working together with migrants. It should be noted here that if the use of migrant labor in certain industries today is an objective necessity dictated by the need for the most complete supply of labor force (especially for unskilled types of labor), the state should develop mechanisms of personnel policy that ensure a sufficient level of socio-cultural integration of migrants without prejudice to domestic national interests.

The next problem is illegal labor migration, which can cause enormous damage to the recipient country. One of these damages is economical, in the form of non-

⁵⁰ Urinboyev, Rustamjon. *Migration and Hybrid Political Regimes: Navigating the Legal Landscape in Russia*. University of California Press, 2020. <https://doi.org/10.1525/luminos.96>

⁵¹ Priebe, Stefan. «Good Practice in Health Care for Migrants: Views and Experiences of Care Professionals in 16 European Countries». *BMC Public Health* 11/1 (2011), 187. <https://doi.org/10.1186/1471-2458-11-187>

payment of taxes and obligatory payments. Illegal Migration and all the resulting negative consequences are discussed in the next paragraph in more detail.

1.1.4. Illegal Labor Migration as an Unsettled Process

Instability in the economy, a significant scale of the shadow economy, and gaps in migration legislation often cause illegal labor migration. The shadow economy in developed countries, unlike developing countries, is observed much less frequently.⁵² For example, if the niches filled by migrants in developed countries are only partially in the shadow, but are generally included in the official economy, then in developing countries the activity of migrants for the most grows along with the shadow economy.⁵³

The cheap labor of migrants is widely used by unscrupulous entrepreneurs, who receive huge profits from savings on wages, insurance premiums, and taxes, which must be paid to the budget for each officially employed worker.⁵⁴ The disruption of relations between the state and migrants becomes the reason for the activation of the processes of shadow labor migration, which are practically unaccountable, within the framework of the emerging international labor market. In this connection, the degree of their negative impact on the economic security of the countries receiving labor migrants today is almost impossible to assess. Consequently, the problem of illegal employment of immigrants is exacerbated throughout the world.

Most illegal labor migrants enter the recipient country legally, but subsequently, their visas or permits expire. In other cases, foreign migrants reside legally but work without appropriate permits to carry out legal labor activities. All of these above

⁵² Goel, Rajeev K. - Nelson, Michael A. «Shining a light on the shadows: Identifying robust determinants of the shadow economy». *Economic Modelling* 58 (2016), 359. <https://doi.org/10.1016/j.econmod.2016.06.009>

⁵³ Schneider, Friedrich. *The Shadow Economy and Shadow Economy Labor Force: What Do We (Not) Know?* (SSRN Scholarly Paper, June 20, 2011). Social Science Research Network. Accessed October 5, 2023. <https://doi.org/10.2139/ssrn.1867038>

⁵⁴ Nagle, Luz Estella. «Selling Souls: The Effect of Globalization on Human Trafficking and Forced Servitude». *Wisconsin International Law Journal* 26 (2009-2008), 131. <https://heinonline.org/HOL/Page?handle=hein.journals/wisint26&id=133&div=&collection=>

methods of employment of foreign citizens or stateless persons, circumventing the laws of the recipient country, form illegal employment.⁵⁵

Illegal employment brings negative phenomena and causes many concerns even in developed European countries. There are especially concerns about cheap labor. Illegal labor migration forms a cheap labor force and displaces workers in the field of low-skilled labor. Another negative side is that illegal employment leads to enormous losses in national income due to non-payment of taxes or social security contributions.⁵⁶ Illegal employment is also politically sensitive, calling into question the ability of states to enforce their migration rules. And this raises several other economic, social, and humanitarian issues related to living conditions, legal protections, and integration of immigrants working illegally.⁵⁷

The main factors influencing the formation of illegal employment of labor migrants are:

- problems of a rule-making nature (legislative norms limiting the possibilities of legal labor migration);
- unscrupulous employers (to circumvent the cost of hiring legal labor, employers save on salaries, insurance contributions, and taxes).

Due to the current legal restrictions, the opportunities for legal labor migration in the recipient countries are narrowing. The lack of local workers willing to do low-status, low-wage, or seasonal work gives employers no choice but to hire illegal immigrants. In Europe, since the 1970s, an acute problem has been observed in the shortage of labor in such sectors as agriculture, construction, hospitality, catering, tourism, and cleaning.⁵⁸ The existing challenge can be to some extent advantage for employers. Thus, the

⁵⁵ Ruhs, Martin - Anderson, Bridget. «Semi-compliance and Illegality in Migrant Labour Markets: An Analysis of Migrants, Employers and the State in the UK». *Population, Space and Place* 16/3 (2010), 211. <https://doi.org/10.1002/psp.588>

⁵⁶ Boswell, Christina - Straubhaar, Thomas. *Boswell, Christina; Straubhaar, Thomas (2004) : The illegal employment of foreign workers: An overview*. Hamburg, Germany: Springer, Heidelberg, 2004. <https://www.econstor.eu/bitstream/10419/41823/1/37855980X.pdf>

⁵⁷ Буньковский , Д. В. . «Теневая экономика: анализ развития». *Вестник Восточно-Сибирского института МВД России* 4 (75) (2015 г.), 116. <https://cyberleninka.ru/article/n/tenevaya-ekonomika-analiz-razvitiya>

⁵⁸ Maroukis, Thanos. «Irregular Migration and Informal Economy in Southern and Central-Eastern Europe: Breaking the Vicious Cycle?: Breaking the Vicious Cycle?» *International Migration* 49/5 (2011), 146. <https://doi.org/10.1111/j.1468-2435.2011.00709.x>

employer reduces his costs by not paying social contributions and hiring workers who want to work with non-standard working conditions and lower wages. From an economic perspective, some scholars see this as a product of global competition, which is forcing many small and medium-sized firms to use cheap, flexible labor to stay competitive.⁵⁹ The legal approach focuses on such a problem as the inflexibility of labor markets in some European countries. Since the existing legal norms in these countries increase the cost of hiring workers twice as much as their real wages.⁶⁰ Therefore, the creation of effective legal mechanisms in the labor market would eliminate the need to hire people outside the common legal framework.

Regardless of the reasons, illegal employment creates many problems for governments. The economic benefit of employers can be a side effect for governments in the form of loss of public revenues or exploitation of workers. Thus, despite some controversial negative impacts, recipient governments may lose their legitimacy through ineffective law enforcement. Due to the conflict of interests, the Governments of many countries receiving labor migrants take an ambiguous position in the fight against illegal employment. Such an ambiguous position is manifested in public criticism and condemnation, but, in practice, they do not make sufficiently firm efforts to eliminate existing problems.

Unlike in European countries, illegal employment in Russia is a much more widespread problem. Almost half of the total number of employment migrants are illegal labor migrants, which is excessive and will cause significant economic and social damage.⁶¹ The Russian economy, taking into account several factors, in particular the decrease in the number of people of working age every year, needs additional labor

⁵⁹ Zhang, Xiao. «How Can Emerging Market Small and Medium-Sized Enterprises Maximise Internationalisation Benefits? The Moderating Effect of Organisational Flexibility». *International Small Business Journal: Researching Entrepreneurship* 32/6 (2014), 682. <https://doi.org/10.1177/0266242613503356>

⁶⁰ Siebert, Horst. «Labor Market Rigidities: At the Root of Unemployment in Europe». *Journal of Economic Perspectives* 11/3 (1997), 54. <https://doi.org/10.1257/jep.11.3.37>

⁶¹ «FinExpertiza составила рейтинг регионов РФ с самой высокой концентрацией трудовых мигрантов». Accessed october 5, 2023. <https://finexpertiza.ru/press-service/researches/2020/trud-migrant/>

resources.⁶² The scale of the demand for labor resources depends on the intensity of economic development, the renewal of fixed assets, and the increase in labor productivity, while it is also necessary to take into account the process of laying off workers in various sectors of the economy. Russia's losses from the vast export of financial flows from illegal labor migration amount to billions of US dollars. Due to illegal employment, the Russian budget annually loses large amounts of tax revenue.⁶³

Based on the above, it can be concluded that illegal employment for the recipient state does more harm than good, except for certain employers. Thus, for the full functioning of the state and ensuring its economic security, an effective system of control over tax revenues is necessary. The budget of the recipient country of migrants may lose large revenues due to non-payment of taxes. The foreign labor force should be selected taking into account the needs of the economy of the recipient country for certain professions and qualifications. The relevant authorities should provide information on the necessity of labor resources for certain professions based on state programs approved by the governments of countries receiving labor migrants.

1.2. Migrant Workers as a Vulnerable Group

1.2.1. The Concept of Migrant Workers

Migration is primarily a labor issue: it is the movement of workers, crossing borders in search of work, equal treatment for these workers, conditions for them, and their rights. Based on this, it can be argued that migrant workers make up the majority of all migrants who are outside their country around the world.⁶⁴

⁶² Topilin, A. V. - Vorob'eva, O. D. «The Demographic Situation and Features of the Formation of Labor Resources in Russia». *Herald of the Russian Academy of Sciences* 91/5 (2021), 564. <https://doi.org/10.1134/S1019331621050087>

⁶³ Зозуля, И. В. «ПРОБЛЕМНЫЕ ВОПРОСЫ ТРУДОВОЙ МИГРАЦИИ В РОССИЙСКИХ РЕАЛИЯХ». *Экономика и социум* 3 (34) (2017 г.), 673. <https://cyberleninka.ru/article/n/problemnye-voprosy-trudovoy-migratsii-v-rossiyskih-realiyah>

⁶⁴ Wickramasekara, Piyasiri. «Globalisation, International Labour Migration and the Rights of Migrant Workers». *Globalisation and Migration*. Routledge, 2009, 18.

A migrant worker is a person who stays outside their permanent place of residence to find work both within the country and abroad. Although they leave their place of permanent residence in search of work, they do not intend to stay in the region (if it is internal migration) or in the country in which they work.⁶⁵

Migrant workers, according to the type of spatial movement, can be divided into two types:

- internal migrant workers;
- external (international) migrant workers.⁶⁶

An internal migrant worker is a person who works outside his permanent place of residence, but inside the country of which he is a citizen.⁶⁷ An external migrant worker is a person who is outside their home country in search of work. An external migrant worker, depending on the context or occasion, is called: a foreign worker, an emigrant, or a guest worker.⁶⁸

According to various estimates by the ILO, some countries receive millions of migrant workers from all over the world.⁶⁹ However, in many countries hosting migrant workers, immigrants can also be found in large numbers illegally, undocumented, or as slaves. The United States of America is the largest host country for migrant workers. By various estimates, more than 18% of the U.S. labor force is foreign-born,⁷⁰ with the bulk of these migrant workers coming from Mexico.⁷¹ However, the number of

⁶⁵ Simon, Judit. «DEFINITIONS OF LABOUR MIGRANTS». *Public Health Aspects of Migrant Health: A Review of the Evidence on Health Status for Labour Migrants in the European Region*. WHO Regional Office for Europe, 2015. <https://www.ncbi.nlm.nih.gov/books/NBK379428/>

⁶⁶ King, Russell - Skeldon, Ronald. «'Mind the Gap!' Integrating Approaches to Internal and International Migration». *Journal of Ethnic and Migration Studies* 36/10 (2010), 1636. <https://doi.org/10.1080/1369183X.2010.489380>

⁶⁷ Bell, Martin. «Internal Migration and Development: Comparing Migration Intensities Around the World». *Population and Development Review* 41/1 (2015), 48. <https://doi.org/10.1111/j.1728-4457.2015.00025.x>

⁶⁸ Koser, Khalid. *International Migration: A Very Short Introduction*. OUP Oxford, 2007.

⁶⁹ ILO *Global Estimates on International Migrant Workers*. Executive summary - Third edition. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_808939.pdf

⁷⁰ «Immigrants Are Now a Record Share of U.S. Workers. Here's What to Know. - CBS News». May 26, 2023. Accessed October 10, 2023. <https://www.cbsnews.com/news/immigrants-record-share-of-u-s-workers-heres-what-to-know/>

⁷¹ Hanson, Gordon. «US Immigration from Latin America in Historical Perspective». *Journal of Economic Perspectives* 37/1 (February 2023), 222. <https://doi.org/10.1257/jep.37.1.199>

undocumented migrant workers is also significant. Migrant workers also live in large numbers in Northwestern Europe, Japan and Saudi Arabia.⁷²

According to the Department of the Migration Service of the Ministry of the Interior, before the pandemic, the number of legal and illegal migrant workers in the Russian Federation reached 11 million.⁷³ The current situation related to the Special Military Operation in Ukraine shows that it has become significantly difficult to track the specific number of migrant workers. Labor migrants working in Russia make up 10 percent of the labor force of the working population (77 million people), and most of them are from the countries of Central Asia.⁷⁴

The concept of a migrant worker is formally defined by the Convention of the ILO and ICRMW, one can also find definitions of other international and regional legal acts establishing the status of a migrant worker.⁷⁵ The first version of the definition of a migrant worker was proposed in 1939. However, in 1949 this concept was revised and the changes came into force in 1952. To further develop the mechanisms for protecting the rights of migrant workers, the ILO Convention No. 143 was adopted in 1975 and entered into force in 1978.⁷⁶

There is no legally agreed definition, but the UN defines a migrant as "a person residing in a foreign country for more than one year, regardless of the reasons for migration (voluntary or involuntary) and the methods of migration (legal or illegal)".⁷⁷ However, in general practice, this definition also includes certain types of short-term

⁷² Castles, Stephen. «International Migration at the Beginning of the Twenty-First Century: Global Trends and Issues». *International Social Science Journal* 52/165 (2000), 281. <https://doi.org/10.1111/1468-2451.00258>

⁷³ Коммерсантъ. «Мигранты не компенсируют убыль россиян». 2 июнь 2021 г. Accessed October 11, 2023. <https://www.kommersant.ru/doc/4838308>

⁷⁴ РБК. «Эксперты ВЭБа предложили привлекать мигрантов финансовыми надбавками». 10 май 2022 г. Accessed October 11, 2023.

<https://www.rbc.ru/economics/10/05/2022/62742d169a7947331f5f9a40>

⁷⁵ Pecoud, Antoine - Guchteneire, Paul de. «Migration, Human Rights and the United Nations: An Investigation into the Obstacles to the UN Convention on Migrant Workers' Rights». *Windsor Yearbook of Access to Justice* 24 (2006), 241.

<https://heinonline.org/HOL/Page?handle=hein.journals/windyrbj24&id=251&div=&collection=>

⁷⁶ Hasenau, Michael. «Part I: The Genesis of the Convention: ILO Standards on Migrant Workers: The Fundamentals of the UN Convention and Their Genesis». *International Migration Review* 25/4 (1991), 687. <https://doi.org/10.1177/019791839102500402>

⁷⁷ United Nations. «International Migration». *United Nations*. Accessed October 12, 2023. <https://www.un.org/en/global-issues/migration>

migrants, such as seasonal agricultural workers who come for a short time to work on planting or harvesting agricultural products.

In the International Conventions related to labor migration, there are different options for defining the concept of a migrant worker. Based on this, we will consider the definitions of the main conventions that explain the notion of a migrant worker. For example, the ILO Convention No. 97 on migrant workers, revised in 1949, in article 11, explains the concept of a “migrant worker” as follows: The term migrant for employment means a person who migrates from one country to another intending to be employed otherwise than on his account and includes any person regularly admitted as a migrant for employment.⁷⁸ The progressive form of labor relations with the participation of foreign citizens required new mechanisms of international legal regulation. Given the need, these were the first attempts to formulate the concept of a migrant worker into a definition. In 1975, a new ILO Convention No. 143 was adopted, which developed the concept of a migrant worker.⁷⁹

In the 60-and 70s of the 20th century, there was a significant increase in the foreign labor influx to such European countries as France, Great Britain, Germany, Austria, Belgium, Denmark, the Netherlands, Spain, and Italy.⁸⁰ Thus, there was a need to adopt a regional convention for European countries. In 1977, the European Convention on the Legal Status of Migrant Workers was adopted. The European Convention of 1977, in its first article, defined the concept of a migrant worker as follows: "Migrant worker" refers to a national of one Contracting Party who is permitted to live and work in another Contracting Party's territory.⁸¹

The UN General Assembly Resolution No. 45/158 of December 18, 1990 adopted an international instrument of universal character devoted to migrant workers

⁷⁸ «C097 - Migration for Employment Convention (Revised), 1949 (No. 97)». Accessed october 12, 2023. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C097,/Document

⁷⁹ «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed october 12, 2023. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

⁸⁰ Bonifazi, Corrado - Strozza, Salvatore . «*International migration in Europe in the last fifty years.*» *Contributions to international migration studies*. Roma: IRPPS, 2002. <http://www.irpps.cnr.it/e-pub/ojs/>

⁸¹ *European Convention on the Legal Status of Migrant Workers*. 1977. Reprint, Strasbourg, 24.XI., 1977. <https://rm.coe.int/1680077323>

and protection of their rights "ICRMW". The Convention essentially addresses every step of the migration process, from planning for departure and migrating to arriving in the host country, traveling there, working there for the duration of stay, and returning to one's home country or state of origin. A "migrant worker" is defined by the ICRMW as an individual who is engaged, has engaged, or will engage in compensated employment in a state in which they are not citizens.⁸²

Within the framework of the agreement of the member states of the CIS on Cooperation in the Field of Labor Migration and Social Protection of Migrant Workers of 1994 (with amendments and additions in 2005), for the first time in the post-Soviet space, the concept of a migrant worker was defined. Following Article 2 of the Agreement of the CIS Member States, a migrant worker is a person permanently residing in the territory (Party) of departure, legally engaged in paid activities in the Party of employment.⁸³

Later, in 2008, the Convention on Legal Status of Migrant Workers and Members of their Families of the State Parties of the Commonwealth of Independent States was adopted, in which the concept of a migrant worker received a more detailed definition. Article 1 of the Convention describes as follows: the migrant worker - a person who is the citizen of one of the Parties, and also the person without citizenship who is constantly living in the territory of one Party, legally being and legally engaged in paid labor activity in the territory of other Party which citizen it is not and in which constantly does not live.⁸⁴

It should be noted in mind that these international documents provide for the exclusion from the scope of their application of distinct categories of workers: employees of international organizations, entrepreneurs, investors who do not live in their country of origin, seafarers, short-term entry of freelancers and artists, students and

⁸² Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Просмотрено Accessed April 12, 2024. <https://www.refworld.org/legal/agreements/unga/1990/en/27627>

⁸³ «Соглашение от 15.04.1994 (ред. от 25.11.2005) „О сотрудничестве в области трудовой миграции и социальной защиты трудящихся-мигрантов“ \ КонсультантПлюс». Accessed october 12, 2023. https://www.consultant.ru/document/cons_doc_LAW_86989/

⁸⁴ «Конвенция о правовом статусе трудящихся-мигрантов и членов их семей государств - участников Содружества Независимых Государств (Кишинев, 14 ноября 2008 г.) | ГАРАНТ». Accessed october 12, 2023. <https://base.garant.ru/2567688/>

trainees, refugees and forced migrants. As well as legally, there is no scientifically agreed definition of the concept of a migrant worker. For example, labor migration specialist and author of a handbook on expanding social security coverage for migrant workers, Simon Brimblecombe, views a migrant worker as someone who works outside the country or geographic area of birth.⁸⁵ And according to the scientist Ivakhnyuk I.V., a migrant worker is a person who, to be hired by a foreign individual or legal entity, legally moves for a certain period to a country of which they are not a citizen.⁸⁶

Based on the examples given, it can be stated that there is no unified international legal and scientific approach to the definition of the concept of migrant worker. Despite the difference in approaches, almost all concepts in international law meet the basic criteria (citizenship and permanent residence) related to a labor migrant.

Based on the above, it can be concluded that “a migrant worker is a person who, for a certain period, moves from their permanent place of residence to another region, within their country, or legally leaves (migrates) to another country to carry out labor activity”. In addition, migrant laborers and their families are allowed to leave any state, even their home state. There should be no limitations on this privilege other than those imposed by the law.

1.2.2. Categorization of Migrant Workers

Depending on the type and form of labor activity, attempts to be differentiated the migrant worker into categories. Such a categorization, to a certain extent, helps to establish how the labor market of the recipient country is diversified for migrant workers of different levels and qualifications.

In the past, a common form of migration was the settlement of people, when the settlers populated different continents of the globe. Settlers are people who move to live

⁸⁵ Brimblecombe, Simon. «A Multivariable Definition of Adequacy: Challenges and Opportunities». *International Social Security Review* 66/3–4 (2013), 181. <https://doi.org/10.1111/issr.12023>

⁸⁶ Шапкина, А.Ю. «Международная миграция трудящихся: современные правовые проблемы». *Вестник Московского университета. Серия 11. Право* 3 (2011 г.), 67. <https://cyberleninka.ru/article/n/mezhdunarodnaya-migratsiya-trudyaschihsya-sovremennye-pravovye-problemy>

in another country permanently. There were times when mass people came to such countries as Australia, some countries of South America, and the USA.⁸⁷ For example, along with Spanish settlements in Argentina, Italian settlements are the backbone of Argentine society. Today, Argentines with some Italian roots, to some extent, make up about 62.5% of the total population of the country. The Italians who immigrated were mostly male between the ages of 14 and 50, of whom over 50% were literate. About 79% of the able-bodied population were unskilled or agricultural workers. Artisans accounted for about 11%, and persons engaged in the trade or professional activities for 3.7%.⁸⁸ In the modern world, such migration can be observed on a smaller scale.

After the end of World War II, Germany was in dire need of additional labor. In factories and plants, especially in the western part of the country, there were more jobs than people capable of doing it. It was decided to fill the ranks of the able-bodied population with foreigners. Consequently, in the 1950s and 1960s, was adopted a special temporary program to attract migrant workers. In the program for temporary migrants, foreign workers carried out their labor activities under a contract. Contract workers are individuals who have accepted an offer to work for a limited period to return to their country of origin. However, migrant workers in the 1960s could extend their contracts, stay for long periods, and become settlers. A similar thing happened to the Turkish workers in Germany. After the completion of the contract, three years later (in 1964), at the request of German employers, the contract concluded under the state program between Germany and Turkey was updated, and the length of stay in the country for Turkish guest workers was increased. As a result, they solved the problem of too high costs for the new workers' delivery to the country and training for their profession. Later, Turkish workers were allowed to transport their families to Germany.⁸⁹

Currently, can be found a significant number of migrant contract workers in the Middle East, especially in the construction industry and among the domestic workers. A

⁸⁷ Pellegrino, Adela. «Trends in Latin American Skilled Migration: “Brain Drain” or “Brain Exchange”?» *International Migration* 39/5 (2001), 122. <https://doi.org/10.1111/1468-2435.00174>

⁸⁸ Favero, Luigi V. «5: Mechanisms of Adaptation and Integration of Italian Immigrants in Argentina: From Social Spaces to the Interpretative Paradigms of Ethnic Identity». *Center for Migration Studies Special Issues* 11/3 (1994), 114. <https://doi.org/10.1111/j.2050-411X.1994.tb00757.x>

⁸⁹ Philip L., Martin. «Managing International Labor Migration in the 21st Century». *South-Eastern Europe Journal of Economics* 1/1 (2003). <https://ojs.lib.uom.gr/index.php/seeje/article/view/5447>

separate category of migrant workers is seconded employees. The employer sends a worker to another country, usually for a limited period, to perform a specific task. These are mostly skilled workers. Within the European Union, there are rules governing such seconded employees. This category of workers is also recognized under the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO).⁹⁰

The next category is professionals. Restrictions on this category of migrants are generally low. Professionals are usually a sought-after category of workers in the labor market of many countries due to their skills and high qualifications.

In addition, as indicated above, depending on the type and form of labor activity, the ICRMW conducts a peculiar categorization. Migrant workers who are legally in the territory (under the jurisdiction) of the host country, according to the ICRMW, are divided into the following categories:

- frontier worker (a migrant laborer who maintains his permanent address and makes daily or weekly returns);
- seasonal worker;
- seafarer or fisherman (migrant laborer working onboard a vessel of a state of which he is not a citizen);
- laborer on an offshore installation (a migrant employed by a state over which he does not hold citizenship);
- itinerant worker (whose work is associated with short-term travel);
- project-tied worker;
- workers on specified employment (migrant workers sent by employers to a state of employment for a set amount of time to carry out specific tasks requiring professional, commercial, technical, or other specialized skills; must depart state of employment upon completion of tasks or after stay period expires);
- self-employed worker.⁹¹

⁹⁰ Chaudhuri, Sumanta. «Moving People to Deliver Services: How Can the WTO Help». *Journal of World Trade* 38 (2004), 363.

<https://heinonline.org/HOL/Page?handle=hein.kluwer/jwt0038&id=365&div=&collection=>

⁹¹ Refugees, United Nations High Commissioner for. «Refworld | ICRMW». *Refworld*. Accessed october 12, 2023. <https://www.refworld.org/docid/3ae6b3980.html>

Part 5 of the ICRMW establishes the legal provisions applicable to these categories of migrant workers.⁹² The ICRMW does not consider irregular migrants and refugees, as a category of migrant workers, although in practice migrants engaged in labor activity with such a status are not uncommon. The International Labor Organization defines irregular migration as the movement of persons to a new place of residence or transit through irregular or illegal means, without valid documents or with an expired visa. It is essential to note that the refusal of the administrative authorities to renew a work or residence permit and the procedure for applying for an extension often leads to the deprivation of legal status for migrants, even if they initially entered the country with all the necessary documents.

Asylum seekers or refugees are people who have left their homes to escape the danger, most often associated with political, religious, or ethnic persecution. Usually, after a claim for refugee status is satisfied, they move to a permanent place of residence and work legally. But while waiting for a decision, some of them, to survive, take the initiative to work, even though this is illegal.

1.2.3. Differentiation between Refugees and Migrant Workers

In the modern period, the rapid increase in the scale of migration movements, and the complication of signs of identifying migrants for one reason or another have made the differentiation of types of migration a complex problem, especially when it comes to global movements. The approach is based on dividing international migrants into two broad groups: voluntary and forced migrants. The former includes people who move abroad for employment, education, family reunion, or other personal reasons. The latter leave their countries to avoid persecution, conflict, repression, environmental disasters, or other situations that endanger their lives or freedom. They also include

⁹² Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Просмотрено Accessed April 12, 2024.

individuals forced to move under pressure from governments or other power structures.

93

Recently, in the scientific literature, the concept of "forced migration" has been widely represented in both Russian and international studies.⁹⁴ This increased attention is based on the intensification of recent military-political conflicts. At the same time, it is worth noting that the basis for understanding forced migration is not necessarily a military-political conflict; a sufficient number of other factors shape this phenomenon. Forced migrants include refugees, asylum seekers, displaced persons, and environmental migrants.

The legal understanding of the concept of refugee, enshrined in the 1951 Convention, in the international arena significantly limits the circle of migrants who were forced to leave their country. The convention makes them migrants due to hostilities and civil disturbances. At the same time, population migration is also caused by other factors. According to Russian scholars, the causes of forced migration are civil wars, poverty and need, devastation and exile, difficult internal political situations, inter-ethnic and inter-national conflicts and confrontations, critical environmental situations, distress or disaster, state of fear and threat to life, genocide, etc. According to A. Yu. Yastrebova, the fundamental reasons for forced migration of the population include prolonged hostilities and lack of personal security, as well as the acquisition of the legal status of refugees as persons with fears of persecution.⁹⁵

As for the concept of refugeeism, Russian legislation considers it as one of the types of forced migration. The concept of "refugee" appeared as the signing result of the "Convention Relating to the Status of Refugees" in Geneva in 1951. Russia, having acceded to this Protocol on February 2, 1993, laid the foundations for the legal regulation and status of forced migrants on the territory of the Russian Federation.

⁹³ Marta Bivand Erdal - Ceri Oeppen, «Forced to leave? The discursive and analytical significance of describing migration as forced and voluntary», *Aspiration, Desire and the Drivers of Migration* (Routledge, 2019), 18.

⁹⁴ «Forced migration processes and global refugees at the borders of Europe in Ukraine - ProQuest» (2024), 27.

⁹⁵ А.Ю. Ястребова, «ЗАЩИТА ВЫНУЖДЕННЫХ МИГРАНТОВ В УСЛОВИЯХ ВООРУЖЕННЫХ КОНФЛИКТОВ: МЕЖДУНАРОДНО-ПРАВОВЫЕ АСПЕКТЫ», *Пути к миру и безопасности* 1 (56) (2019 г.), 75.

Refugeeism is 1) mass abandonment of residents of their hometowns due to conflicts or natural disasters; 2) a form of relocation when people are forced to leave their home due to military aggression, foreign occupation, natural and environmental emergencies that pose a danger to human health and life; 3) displacement of persons that are based on a rational fear of becoming a victim of an armed conflict and who cannot obtain protection from their country of nationality in connection with such a conflict.

The concept of “refugee” is enshrined in Art. 1 of the 1951 Refugee Convention and defines it as follows:

*.... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*⁹⁶

The notion of "refugee" as defined in the Federal Law No. 4528-I of February 19, 1993 "On Refugees" is defined as follows:

*A refugee is a person who is not a citizen of the Russian Federation and who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*⁹⁷

⁹⁶ UNHCR. «The 1951 Refugee Convention». Accessed April 1, 2024. <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>

⁹⁷ «Федеральный закон от 19.02.1993 N 4528-I „О беженцах“ (с изменениями и дополнениями) | ГАРАНТ». Accessed April 1, 2024. <https://base.garant.ru/10105682/>

One of the types of voluntary migrants, as noted above, is foreign workers (migrant workers). The concept of a foreign worker is used in Russian and international acts to designate subjects of external labor migration.

Thus, the legal status of foreign citizens on the territory of the Russian Federation is regulated by Federal Law No. 115-FZ. Article 2 of Federal Law No. 115-FZ defines a foreign worker as a foreign citizen temporarily staying in the Russian Federation and carrying out labor activities in the prescribed manner. It should be noted that there is some discrepancy between the current regulatory legal acts of the Russian Federation and international documents in the definition of the concept of migrant workers, the features of labor regulation which are the subject of consideration in this work. Various international documents use concepts such as migrant, migrant worker, labor migrant, illegal migrant, etc., which are not used in Russian legislation. At the same time, the concept of foreign worker used in the legislation of the Russian Federation can be considered as a synonym for the concept of migrant worker (employee) used in the Conventions and Recommendations of the ILO, as well as in other international documents that provide several definitions of migrant (employee) worker, since a legally precise description of this concept has not yet been developed. So, Art. 11 of the ILO Convention No. 143, not ratified by Russia, states that to apply this section of the Convention, the term “migrant worker” means a person who migrates or has migrated from one country to another to obtain any employment other than on his account, and includes any person who has lawfully entered the country as a migrant worker.⁹⁸ By Art. 2 ICRMW, *the term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.*⁹⁹ The emphasis is on its application solely to individuals who have entered the country legally as migrant workers, thereby excluding the possibility of

⁹⁸ «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed October 12, 2023.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

⁹⁹ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

ADOPTED 18 December 1990 BY General Assembly resolution 45/158

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>

applying it to illegal migrants. Besides, according to the Convention, migrant workers do not include persons coming to receive vocational training or education; persons who entered the country to perform certain functions for a limited period at the employer's request and are obliged to leave after completion. The term used about the concept of “migrant worker” in the CIS Agreement on Cooperation in the Field of Labor Migration and Social Protection of migrant workers of April 15, 1994, is practically no different from the above.¹⁰⁰ But in this document, a synonym for this concept is additionally used (in parentheses) - the term “employee”.

In European Union documents, the term “migrant worker” is used, as defined in Art. 1 of European Union Regulation 1612/68 of 15 October 1968, as “a person employed and having the nationality of another Member State.”¹⁰¹ The decisions of the Court of European Communities, which created the case law of the European Union, supplemented the above concept with several characteristics: 1) the person must carry out work for a certain time for which direct or indirect remuneration is expected; 2) the person must carry out real and effective activities, regardless of the conditions regarding wages or working hours; 3) the concept of “migrant worker” also includes persons who stopped working and remained in the territory of a Member State to find a new job, that is, who received the status of unemployed.

The concept of a migrant worker, given in ILO Recommendation No. 100, seems to be more complete in terms of content compared to the previously discussed concepts. According to Art. 1 of this document, for this Recommendation, the term *migrant worker means any worker participating in such migratory movements either within the countries and territories... or from such countries and territories into or through the countries and territories, whether he has taken up employment, is moving in search of employment or is going to arranged employment, and irrespective of whether he has*

¹⁰⁰ «Соглашение от 15.04.1994 (ред. от 25.11.2005) „О сотрудничестве в области трудовой миграции и социальной защиты трудящихся-мигрантов“ \ КонсультантПлюс». Accessed April 1, 2024. https://www.consultant.ru/document/cons_doc_LAW_86989/

¹⁰¹<https://webarchive.nationalarchives.gov.uk/eu-exit/https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01968R1612-20040430>. «Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on Freedom of Movement for Workers within the Community (Repealed)». Text. Accessed April 1, 2024. <https://www.legislation.gov.uk/eur/1968/1612/body/2004-04-30>

*accepted an offer of employment or entered into a contract.*¹⁰² Where applicable, the term migrant worker also means any worker returning temporarily or finally during or at the end of such employment. This term applies equally to both a worker who has already entered into work and a worker who is looking for work or is about to begin work for which he has already agreed, regardless of whether he has accepted an offer to take up work or has entered into a contract of employment. Where appropriate, the term also means any worker returning temporarily or permanently during or after a period of work. The ILO recognizes that labor migration is both an economic and a social phenomenon, impacting not only the individual worker but also their family members.¹⁰³

Based on the above, one can imagine that in one flow we have people fleeing life-threatening and people who would like to become labor migrants. But since the former do not have the opportunity to state themselves as migrant workers, they declare serious life threats, thereby fleeing from what hangs over them. However, in public discussion, this practice can easily lead to misconceptions, which can have negative consequences for the lives and safety of refugees. “Labor migration” is often understood as a voluntary process, for example, if a person crosses a border to search for better economic opportunities. The situation is quite different for refugees who cannot return home safely and therefore require special protection measures by international law. The vagueness of the terms refugee and migrant diverts attention from the special legal protections demanded by refugees, such as protection from refoulement and penalties for asylum-seekers who cross borders without permission.¹⁰⁴ There is nothing illegal about seeking asylum; on the contrary, it is a universal human right.¹⁰⁵ Identification of the concepts of refugees and migrants can undermine public support for refugees and the institution of asylum, at a time when more refugees need such protection than ever before.

¹⁰² «Recommendation R100 - Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)». Accessed April 1, 2024.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R100

¹⁰³ Juan M. Amaya-Castro, *Migration and the World of Work: Discursive Constructions of the Global in ILO Narratives About Migration* (SSRN Scholarly Paper, 1 май 2012 г.), Social Science Research Network, 5.

¹⁰⁴ Refworld. «Часто задаваемые вопросы на тему беженцев и мигрантов (FAQs)». Accessed April 19, 2024. <https://www.refworld.org/ru/reference/themreport/unhcr/2016/ru/109484>

¹⁰⁵ John Edwards, «Asylum Seekers and Human Rights», *Res Publica* 7/2 (2001), 161.

1.2.4. Migrant Workers and their Vulnerability

Speaking of the vulnerability of refugees and their legal status, we must not forget that migrant workers, despite their different status from refugees, are in the same vulnerable position and need the legal support of the host state. In many countries, migrant workers make up a much larger part of the labor force and make a significant contribution to the welfare of the society and economy of the recipient country. Migrant workers can be found among those with critical responsibilities in health care, transportation, services, construction, agriculture, and the food industry. Unfortunately, however, the majority are concentrated in sectors of the economy where temporary, informal, unprotected forms of work characterized by low pay and lack of social protection are widespread. It also includes jobs that are predominantly performed by female migrant workers.¹⁰⁶

Although some highly skilled industries such as information technology (IT) and health care need skilled workers from other countries to fill the labor shortage, many migrants work in low-skilled jobs with poor or difficult working conditions. In particular, migrant workers are mostly found in the following industries:

- Agriculture;
- hotel or restaurant business;
- public catering;
- provision of cleaning services;
- production and construction.¹⁰⁷

The hallmarks of high-skilled and low-skilled migrant workers are evident in the hotel business. As a rule, migrant workers from developed countries occupy managerial or highly skilled positions, while migrant workers from poor states perform unskilled jobs. In many cases, according to human rights organizations, the nature of the migrant workers' jobs is assessed as unstable. A high level of insecurity is also observed in their

¹⁰⁶ Rodríguez-Modroño, Paula. «Platform Work in the Domestic and Home Care Sector: New Mechanisms of Invisibility and Exploitation of Women Migrant Workers». *Gender & Development* 30/3 (2022), 625. <https://doi.org/10.1080/13552074.2022.2121060>

¹⁰⁷ Fudge, Judy - Tham, Joo-Cheong. «Dishing up Migrant Workers for the Canadian Food Services Sector: Labor Law and the Demand for Migrant Workers». *Comparative Labor Law & Policy Journal* 39 (2018 2017), 1. <https://heinonline.org/HOL/Page?handle=hein.journals/cllpj39&id=13&div=&collection=>

employment and restricted entitlements. Migrants have temporary jobs more often than local workers. Migrant workers are hired mainly to perform low-profile, heavy, and hard jobs that affect the condition and harm human health.

Thus, it can be concluded that such workers have a low level of employment protection, and may even be at risk of exploitation and abuse. There is a possibility that migrants may suffer from poor psychosocial working conditions. Unlike local workers, migrant workers complain more often about the undesirable elements of the monotony of work and the heavy rhythm of work. In addition, low-skill jobs are often characterized by low levels of control and autonomy. Many migrant workers are more qualified for the low-skilled work they do, which can lead to job dissatisfaction and frustration, which is associated with an increased risk of work stress.¹⁰⁸ In addition to work stress, migrants are subject to discrimination and bullying in the workplace. Compared with their local counterparts, migrant workers are more likely to report negative work experiences such as verbal abuse, unwanted sexual attention, threats, and derogatory behavior, which are associated with various potential health and productivity implications for workers. Discrimination, regardless of its form (based on nationality, gender, or religion), seriously hinders the migrant worker's attempts to enter the labor market or obtain a more promising position.¹⁰⁹

Migrant workers, due to many factors, are more likely to be exposed to hazardous substances. Since they are more likely to work in high-risk sectors (such as agriculture, construction, etc.), exposure to harmful substances naturally increases (such as pesticides). Due to longer working hours or overtime work, the length of time they are exposed to such substances increases. In addition, migrant workers often receive poor-quality or no personal protective equipment, and they are less likely to receive proper safety training. Language barriers can make it much more difficult for migrant workers to communicate safety and health information to migrant workers, and cultural differences can mean they are accustomed to different or lower standards of safety and health at work. Moreover, due to the precariousness of their employment status, they

¹⁰⁸ Zhongmin Wang - Xinlin Jing, «Job Satisfaction Among Immigrant Workers: A Review of Determinants», *Social Indicators Research* 139/1 (2018), 382.

¹⁰⁹ Victoria M. Esses, «Prejudice and Discrimination Toward Immigrants», *Annual Review of Psychology* 72/1 (2021), 506.

often do not have enough time for either an introductory safety briefing or for receiving safety information.

The accumulated experience in the field of labor migration indicates that in the event of any problems, migrant workers begin to face growing discrimination, xenophobia, dismissals, and worsening working conditions, including the reduction or non-payment of wages, cramped or inadequate housing conditions. Practice shows that in some cases - migrant workers may be subjected to more stringent measures to restrict movement or forced to return to their homeland, as well as suffer from food shortages (for example, quarantine measures due to Covid-19).

During the pandemic, human rights organizations have been most concerned about the rise in violence, especially against domestic workers, who are predominantly women.¹¹⁰ During life emergencies such as COVID-19, migrant workers have been the first candidates for layoffs, but the last in line for anti-crisis steps taken (wage subsidies, unemployment benefits, social security, and social protection measures), testing and treatment, where preference was given to local citizens.¹¹¹ In some cases, when the opportunity arose to at least get tested for COVID19 or receive medical care, they did not always respond to it, for fear of being detained or deported, especially illegal migrants.¹¹²

For example, in Russia, due to quarantine measures, according to the National Research University Higher School of Economics, in the spring of 2020, about 10% of people in Russia lost their jobs, and almost 40% had their salaries reduced after the start of the pandemic.¹¹³ During this period, migrant workers were much more vulnerable, and they suffered the most. Although it was allowed to stay without renewal for those whose permits had expired, this did not help migrant workers to get a job during the

¹¹⁰ BBC News Русская служба. «Дом - опасное место. Российские правозащитники говорят о росте домашнего насилия на карантине». Accessed April 19, 2024. <https://www.bbc.com/russian/news-53442825>

¹¹¹ Красинец Евгений Семёнович, «ТРУДОВАЯ ИММИГРАЦИЯ В ПЕРИОД ПАНДЕМИИ КОРОНАВИРУСА И ЕЁ ПОСЛЕДСТВИЯ В СОЦИАЛЬНО-ЭКОНОМИЧЕСКОМ РАЗВИТИИ СОВРЕМЕННОЙ РОССИИ», *Уровень жизни населения регионов России* 17/1 (2021 г.), 24.

¹¹² Нелегальные мигранты снова оказались под угрозой высылки из России. «Нелегальные мигранты снова оказались под угрозой высылки из России». Accessed April 19, 2024. <https://regnum.ru/news/3387503>

¹¹³ Такие Дела. «Опрос ВШЭ: у 40% россиян с начала пандемии сократились зарплаты», 1 июнь 2020 г. <https://takiedela.ru/news/2020/06/01/zarplaty-pandemiya/>

epidemic. Despite the adopted decree of the President of the Russian Federation (No. 274 “On Temporary Measures to Regulate the Legal Status of Foreign Citizens and Stateless Persons in the Russian Federation in connection with the threat of the further spread of a new coronavirus infection”), many migrants, having lost their jobs and not finding a new one, decided to return to the homeland.¹¹⁴ However, here, too, migrant workers faced a two- to three-fold increase in airfare.¹¹⁵

In the second half of March 2020, the borders were completely closed and international transport links stopped. These measures found the citizens of Tajikistan, Uzbekistan, and Kyrgyzstan in the buildings of the airports, railway stations, and the border areas. This situation forced the Russian authorities to create tent camps in the regions, unfortunately, at the risk of spreading the disease.¹¹⁶

What is happening is evidenced by the fact that migrant workers remain partially or not protected at all, and the issue of their vulnerability remains open. For example, the marginalization problems of domestic workers, homeworkers, agricultural workers, and other workers in the informal economy can be explained by the fact that the legislation of the recipient country does not always consider such migrants as workers. Despite real difficulties, the state receiving labor migrants needs to find a balance between stability and legality, on the one hand, and the protection of the rights of "vulnerable" categories of migrants, on the other.

¹¹⁴ РБК. «Эксперты оценили последствия оттока мигрантов из России». 3 ноябрь 2020 г. Accessed October 15, 2023. <https://www.rbc.ru/economics/03/11/2020/5f9bf5269a794771485ceb51>

¹¹⁵ Рязанцев, Сергей Васильевич и др. «ВЛИЯНИЕ ПАНДЕМИИ COVID-19 НА ПОЛОЖЕНИЕ МИГРАНТОВ НА РЫНКАХ ТРУДА СТРАН СНГ». *Балтийский регион* 12/4 (2020 г.), 18. <https://cyberleninka.ru/article/n/vliyanie-pandemii-covid-19-na-polozhenie-migrantov-na-rynках-truda-stran-sng>

¹¹⁶ Рязанцев, Сергей Васильевич и др. «ВЛИЯНИЕ ПАНДЕМИИ COVID-19 НА ПОЛОЖЕНИЕ МИГРАНТОВ НА РЫНКАХ ТРУДА СТРАН СНГ». *Балтийский регион* 12/4 (2020 г.), 28. <https://cyberleninka.ru/article/n/vliyanie-pandemii-covid-19-na-polozhenie-migrantov-na-rynках-truda-stran-sng>

1.3. Causes of Labor Migration from Central Asian countries to Russia

1.3.1. The Collapse of the USSR as the Main Factor in Mass Migration

The migration corridor between Russia and the countries of the Central Asia region is one of the most stable in the world. It appeared with the collapse of the Soviet Union and has been accompanying the country since the emergence of Russia as an independent state. However, the nature of migration has undergone definite changes. In the 1990s, there was a vast influx of so-called forced migration to Russia from countries that experienced an unstable political situation, oppression of certain ethnic groups, and civil wars, for example, in Tajikistan. Also, in the 90s of the 20 century, most of the migrants were Russian-speaking population, returning, in fact, to their historical and cultural homeland. The huge flow of migrants after the collapse of the USSR caused the creation of the Federal Migration Service of Russia in 1992 (abolished on April 5, 2016) and laid the foundation for the development of migration legislation that would in any way determine the status and rights of migrants, in particular, one of the first in 1993 were adopted laws On Refugee and about the forced migrants. Currently, the Head Office for Migration of the Ministry of the Interior of the Russian Federation, created by the decree of the President of the Russian Federation on April 5, 2016, is dealing with migration issues in the territory of the Russian Federation, as well as the fight against illegal migration.

Currently, a significant part of the migration flow is labor migration. Migrants from Central Asian countries provide Russia with labor resources for various sectors of the economy. In the republics of Central Asia, the decline in economic growth after the collapse of the Soviet Union with a rapidly growing population in the countries of this region led to unemployment and the depreciation of labor. The main factors stimulating labor migration are the difficult economic situation of Central Asian countries, the widening gap in living standards from other countries, unclear prospects for the development of the region's economy, and the low average monthly wage, according to data provided by the CIS Interstate Statistical Committee.

The main source countries for the flow of labor migrants to the Russian Federation from the Central Asian region are Tajikistan, Uzbekistan, and Kyrgyzstan. According to some estimates, from 2.5 to 4.3 million people or 10-15% of the economically active population of Central Asia take part in labor migration annually.¹¹⁷ Given the significant volume of migration, the political, demographic, and economic consequences for both sides that it entails cannot be ignored.

Among the factors that determine the scale and structure of labor migration, the authors of the chapter M. Denisenko and O. Chudinovskikh single out not only differences in the economic and demographic indicators of the countries of the region, but also the migration policy of the host state, noting that over the past twenty-five years it has been possible to observe examples of liberalization or tightening of migration legislation, leading to a decrease or increase in illegal migration.¹¹⁸

As many studies show, in general, labor migration in the post-Soviet space is characterized by the continued attractiveness of Russia as the center of the migration system, the predominance of labor migrants from Central Asian countries (mainly young men without professional training), as well as a significant proportion of migrants with an irregular status or working without permits. At the same time, the data show that the post-Soviet space is no longer a closed system, and the increasing number of migrants from countries located in the European part of the former USSR are oriented toward employment in the European Union.

After the collapse of the Soviet Union, external migration processes in the states of Central Asia underwent fundamental changes twice. In the first half of the 1990s, one could observe mainly huge flows of forced migration. Later, as the potential for forced migration (which was based on the migration of the Russian-speaking population) was exhausted, the scale of legal and illegal labor migration of the people of Central Asian countries began to grow. At present, labor migration of the indigenous population of the

¹¹⁷ Чеховских, Т.Д. «Миграция населения стран Центральной Азии в Россию: проблемы и пути решения». *Международный научно-исследовательский журнал* 4-2 (82) (2019 г.), 132. <https://cyberleninka.ru/article/n/migratsiya-naseleniya-stran-tsentralnoy-azii-v-rossiyu-problemy-i-puti-resheniya>

¹¹⁸ Денисенко, М.Б и др. «Иммиграционная политика в Российской Федерации и странах Запада». *Научные труды Фонда «Институт экономической политики им. Е. Т. Гайдара»* 61 (2003 г.), 8. <https://cyberleninka.ru/article/n/immigratsionnaya-politika-v-rossiyskoy-federatsii-i-stranah-zapada>

countries of Central Asia has assumed a large-scale character. At the same time, the consequences are considered both for donor countries example as Tajikistan, Kyrgyzstan, and Uzbekistan, and for Russia, which receives the bulk of labor migration flows from this region. Since international migration depends on the links between sending and receiving countries, and in itself is a means of interaction between countries, its determinants and consequences cannot be considered from the point of view of only one country.

According to official data from the Ministry of the Interior, as of September 2021, the number of legal migrants was 7 million.¹¹⁹ It is safe to say that 9/10 of the arrivals are labor migrants from Central Asian countries.

After the collapse of the USSR, when the influx of migrants from the former republics to the Russian Federation intensified, the state ignored the policy of integration of migrants, and non-state bodies assumed this role. All this led to the alienation of migrants in Russian society, a decrease in tolerance, interethnic tension, and open resistance between migrants and the local population. The state seeks to resolve this problem because it has become quite visible that in the conditions of a massive influx of migrants, their integration should be an integral element of migration policy.

1.3.2. Political and Economic Problems of the countries of Central Asia

The collapse of the USSR radically changed the migration situation in the world. Such traditional reasons for migration as the state of the labor market, differentiation of living standards, and education lost their former importance for some time, and stress factors such as armed conflicts, nationalism, and separatism came to the fore in terms of impact. The collapse of the USSR was accompanied by large-scale armed conflicts, which resulted in massive flows of refugees and internally displaced persons, a significant part of whom rushed to the Russian Federation.

From 1990-to 2010, the reason for labor migration to the Russian Federation from the countries of Central Asia could be a whole group of ethno-political factors.

¹¹⁹ РБК. «В МВД назвали количество мигрантов в России». 29 сентябрь 2021 г Accessed october 3, 2023. <https://www.rbc.ru/rbcfreenews/615481a49a7947237a4aa621>

These political facts became predetermining not only for the emigration of Russians but also for other nationalities living in these countries. The political situation in Central Asia also caused the emigration of the local population. For example, the civil war (1992-1997 in Tajikistan), interethnic conflicts, domestic nationalism of the 90s, the reduction in the use of the Russian language, the impossibility of career growth, and the lack of prospects made the situation unbearable.¹²⁰

After the collapse of the Soviet Union, the Central Asian economies experienced a sharp drop in GDP. According to the World Bank, from 1990-to 1999. The GDP of Kyrgyzstan decreased by 4.2 times, Tajikistan, Kazakhstan, and Turkmenistan - by 2.3 - 2.7 times, and Uzbekistan - by 1.4 times.¹²¹ The economic decline occurred against the backdrop of continued population growth. According to the statistics committee of the CIS, only from 1991 to 2005. the number of residents of Central Asia (excluding Kazakhstan) increased by 28%.¹²² If we consider the main donor countries of labor migrants from Central Asia separately, Tajikistan is the leader in population growth. As of January 1, 2021, the population of Tajikistan amounted to 9 million and 504 thousand people. In terms of population growth over 30 years, Tajikistan ranked first not only among the republics of Central Asia but also among the former USSR. At the beginning of 1991, the population was 5.3 million people, and by 2021 its growth was about 80%. More than 20 million people lived in Uzbekistan at the time of the collapse of the USSR, and today this number reaches about 34 million. The total population of Kyrgyzstan, as of January 1, 2021, is more than 6.5 million inhabitants, and for comparison, it was about 4.5 million in 1991.

¹²⁰ Моённо Шодмонович Махмадбеков, «Миграционные процессы: сущность, основные тенденции и их особенности в современном обществе: опыт Таджикистана - Махмадбеков, Моённо Шодмонович - 23.00.02 - Политические институты, процессы и технологии» (Просмотрено 19 апрель 2024 г.), 13.

¹²¹ Эргешбаев, У.Ж. «Современная трудовая миграция населения стран Центральной Азии в Россию». *Экономика. Информатика* 10–1/7 (62) (2009 г.). <https://cyberleninka.ru/article/n/sovremennaya-trudovaya-migratsiya-naseleniya-stran-tsentralnoy-azii-v-rossiyu>

¹²² Жаркынбаева, Роза. «Особенности демографического развития Центрально-Азиатского региона в период независимости». *Центральная Азия и Кавказ* 14/4 (2011 г.), 82. <https://cyberleninka.ru/article/n/osobennosti-demograficheskogo-razvitiya-tsentralno-aziatskogo-regiona-v-period-nezavisimosti>

The current economic situation requires the Central Asian countries to take measures to find additional sources of socio-economic development, both endogenous and exogenous. Otherwise, serious internal shocks are possible. The particular danger of the 1990s lies in the fact that both the material and cultural levels of the youth, who make up the majority of the population, dropped sharply.

In the post-Soviet period, de-urbanization intensified in all Central Asian countries. It has assumed especially significant proportions in Tajikistan, Uzbekistan, and Kyrgyzstan. For example, most of the population of these republics live in rural areas. The degradation of the education system has led to the fact that the majority of the indigenous population has a low educational level. At the same time, the Central Asian population has a favorable age structure of labor resources - more than 1/3 are children under the age of 14 and about 60% are people of working age.¹²³

The departure of a significant number of the able-bodied population from the countries of Central Asia was stimulated by such factors as a decline in production, low wages, high unemployment, lack of jobs, the spread of poverty, and an excess of labor resources. The Russian Federation, as a host country, attracted migrant workers with higher wages, the need for workers in many industries in the regions, a large labor market, a diversified economy, and a better quality of life. As a result, a large migration subsystem has developed in Eurasia, the center of which is Russia and Kazakhstan, which attract labor migrants from Central Asia. The situation is most clearly illustrated by the difference in the wages level that has developed in the countries of this migration subsystem. In US currency, the average salary at the beginning of the second half of 2023 in Russia is more than \$780, and in Kazakhstan - more than \$760, respectively. The minimum wage in the labor market in Tajikistan is just over \$200, in Kyrgyzstan - about \$352, in Uzbekistan - \$358.¹²⁴

¹²³ Ивановский, А.В. «Дифференцирование и подбор иностранной рабочей силы в строительной отрасли Иркутской области». *Экономика и управление в XXI веке: тенденции развития* 9 (2013 г.), 138. <https://cyberleninka.ru/article/n/differentsirovanie-i-podbor-inostrannoy-rabochey-sily-v-stroitelnoy-otrosl-i-irkutskoy-oblasti>

¹²⁴ «Разрыв между высокими и низкими зарплатами в Таджикистане увеличился до 8 раз | Новости Таджикистана ASIA-Plus». Accessed October 15, 2023. <https://asiaplus.tj.info/ru/news/tajikistan/society/20230824/razriv-mezhdu-visokimi-i-nizkimi-zarplatami-v-tadzhikistane-dostig>

Practically no research has been carried out in Russia to determine the economic effect of labor migration or to assess the contribution of migrants to the Russian economy. Nevertheless, there is no doubt that:

- foreign workers generate some of the GDP;
- they allow many Russian companies, small and medium-sized enterprises, to remain competitive due to the low cost of foreign labor;
- they increase the availability of goods and services for the relatively poor part of the population of Russia.

The stability of the migration element in the Russian economy is confirmed by the fact that a specific segment of the labor market has been formed, fully focused on foreign workers. Such sectors of employment creation support the demand for new migrants, and therefore, soon, the dependence of the Russian economy on the influx of foreign labor will only increase. The lack of skilled labor is a serious problem for Russia. In Russia, a mechanism for attracting highly qualified personnel has not been developed yet - either specialists in production processes or scientific intelligentsia.

This problem remains a serious challenge to migration policy soon. One of such mechanisms could be the creation of favorable migration conditions for the admission of foreign students to higher and professional educational institutions with the aim of their subsequent employment in Russia.

Migrants, whose dependents have remained at home, send them, on average, a certain amount of money for a living (depending on inflation, it varies from \$ 200-350 per month). This money is spent on food, medical care, and education (i.e., for the development of the country).¹²⁵ For about a quarter of families, this income is the only means of subsistence. Thus, migration is a powerful factor supporting social stability in the region.

Today, the development of labor migration in the Russian Federation depends on numerous factors associated with both migration pressure from neighboring poorer countries and an excess of labor (primarily in Central Asia) and the demand for foreign

¹²⁵ Российская газета. «Мигранты пересылают домой миллиарды долларов в год». 19 декабрь 2021 г. Accessed April 19, 2024. <https://rg.ru/2021/12/19/migranty-peresylaiut-domoj-milliardy-dollarov-v-god.html>

labor in Russia. The main reason for the growth of labor migration in the region is the unfavorable economic situation, which affected almost all CIS countries and led to a significant decrease in the standard of living of the majority of the population, poverty, unemployment, as well as a reduction in economic opportunities and prospects in the countries of origin. The second reason is the growing differentiation of economic development and living standards in different countries and individual regions. Despite internal socio-economic problems, the current level of economic development, wages, and opportunities for effective employment in Russia is much higher than in most of the CIS countries. The average salary in Russia is many times higher than that in many CIS countries. All these factors, along with the continuing cultural and historical commonality between Russia and the CIS countries, indicate the inevitability of large-scale labor migration to Russia.

As the region's largest host country, Russia has mixed socio-economic impacts due to labor migration. Migrants fill many non-prestigious niches in the labor market with difficult working conditions, which residents do not always agree with. Thanks to labor migrants, entire areas of the economy are developing in the host countries. A good example is the construction industry in large cities of Russia, the growth of which is associated with the use of cheap labor from abroad. According to various estimates by experts, migrant workers create 6% - 8% of Russia's GDP.¹²⁶ In addition, migrant workers leave part of their earnings in the Russian economy, paying for food, accommodation, and some services. Although, as polls show, to send money home, they are forced to save. First of all - on food: they buy the cheapest products (bread, milk, pasta, rice, etc.), rarely - meat, fruits, and vegetables. They cook for themselves, often eat on a bargain basis, practically do not spend money on entertainment, and buy clothes and shoes seldom. By working abroad, some migrants accumulate some capital to improve their economic situation within their country upon return. Migrants invest their start-up capital in small and medium-sized businesses. Therefore, such an approach can contribute to middle-class formation. Remittances from labor migrants are a significant source of foreign exchange. The incomes of labor migrants increase the living standard

¹²⁶ Yakovleva, Elena. «Economic Development of Russia under the Influence of Migration Processes». 85. Atlantis Press, 2019. <https://doi.org/10.2991/ies-18.2019.47>

of the population and improve the balance of payments of the countries of Central Asia. Remittances from migrants increase domestic demand at home and thus stimulate production growth and employment. Due to transfers, there is a tangible increase in the living standard, if not of the entire society, then at least part of it. Since the citizens of the Central Asian countries have been in Russia for a long time, a kind of deepening has taken place, trade and economic ties have expanded, business contacts are developing, various types of joint ventures have arisen, and trade between the countries has increased. Although there is a positive shift in economic changes, the quality of life of the mass sections of the population of the countries of Central Asia lags noticeably behind the indicators in other states of the post-Soviet space. Despite some reduction in poverty in recent years, Kyrgyzstan and Tajikistan continue to be the poorest countries in the Eastern European and Central Asian regions of the post-Soviet space.

Based on the above, for the countries of Central Asia, to a certain extent, labor migration is a real opportunity to improve the financial situation of hundreds of thousands of people, replenish budgets, and solve many social problems. Labor migration of the population is a significant way to avoid a social explosion due to the population impoverishment. For the time being, external labor migration remains the only possible solution to the problem of chronic labor surplus in the countries of Central Asia.

Thus, labor migration has many positive and negative consequences. Mass labor migration reduces tension in the national labor markets of the countries of Central Asia. Remittances from labor migrants are a significant source of foreign exchange. The incomes of labor migrants increase the living standard of the population and improve the balance of payments of the countries of Central Asia. At the same time, the best, most competitive, and enterprising part of the population is leaving the country, which weakens the national economy and reduces the working-age population. Nevertheless, modern external labor migration is generally beneficial to the countries of Central Asia and so far, remains the only possible solution to many acute socio-economic problems in the countries of Central Asia.

1.3.3. Demographic Problems Contributing to Labor Migration

In modern Russia, the main features of the current demographic situation are a significant reduction in the population, low birth rates, and the continuing population aging.¹²⁷ Currently, the Russian Federation is experiencing high mortality and low birth rates.¹²⁸ The country suffers huge losses from excess mortality of men, especially: from accidents, poisoning, injuries, and military conflicts (for example, with Ukraine).

Life expectancy is one of the most crucial characteristics of the level and quality of life. This indicator reflects a wide variety of factors, ranging from the effectiveness of the health care system to the psychological well-being of the population. In addition, life expectancy characterizes both the current state of affairs and the past quality of a generation's life. After all, the state of health of each person depends on the conditions of his existence from the very moment of birth. World experience shows that countries with a high level of maternal well-being have ten to fifteen years longer life expectancy than countries where poverty prevails.

In the 1990s–2010s, Russia experienced a reduction in the working-age population and aging. The situation that arose progressively aggravated the shortage of labor resources in the Russian labor market, intensified competition for labor resources, and intensified labor migration from other countries.¹²⁹

Thus, the main features of the current demographic situation in modern Russia are: Significant scale of population decline; the low birth rate of ethnic Russians; mass distribution of one-child families; not ensuring the reproduction of the population; the continuing aging of the population; changing the ratio between employees and pensioners; exacerbating the problems of pension provision; family crisis, high divorce rate; various military conflicts unleashed by Russia; and forced emigration of highly qualified specialists.

¹²⁷ Браткова Валерия Валентиновна и др., «АНАЛИЗ ДЕМОГРАФИЧЕСКОЙ СИТУАЦИИ В СОВРЕМЕННОЙ РОССИИ», *Вестник экспертного совета* 1 (24) (2021 г.), 78.

¹²⁸ «Современная демографическая ситуация в Российской Федерации». Accessed April 19, 2024. https://rosstat.gov.ru/bgd/regl/b10_04/isswww.exe/stg/d06/3-demogr.htm

¹²⁹ А.В. Кашепов, «Перспективные позиции России в мире в демографическом и трудовом измерениях», *Контуры глобальных трансформаций: политика, экономика, право* 3/3 (2010 г.), 47.

The demographic situation in the Central Asian republics, the crucial donors of labor migrants for Russia, looks radically opposite. Forecasts indicate that by 2050 the working-age population will increase in Uzbekistan - by 6.4 million, Tajikistan - by 2.8 million, Turkmenistan - by 900 thousand, and Kyrgyzstan - by 600 thousand people. Even with the accelerated development of the economies of these states, the entire able-bodied population will not be able to be employed there.¹³⁰

Migration activity in the countries of the former USSR from the 2000–to the 2010s increased and transformed. In the mass consciousness of the population, stereotypes of behavior have formed, focused on the strategy of success in life exclusively through labor migration to Russia. Many young and middle-aged people in Tajikistan, Uzbekistan and Kyrgyzstan find it preferable to work abroad. Additional factors stimulating migration are examples of the success of their relatives, neighbors, and acquaintances who worked abroad and were able to buy a house, car, necessary things, and so on. The social base of labor migration has also expanded: new socio-demographic groups of the population (residents of rural areas, small towns, women, youth) have joined the migration flows.

Over 20 years from 1991-to 2010, after the collapse of the USSR, more than half of the population loss was compensated by migrants.¹³¹ According to human rights activist Svetlana Gannushkina, the authorities in Russia are beginning to view migration as a positive phenomenon, and all developed countries need an influx of new human resources.¹³² According to experts, Russian laws today are aimed at ensuring that foreigners come to work in Russia for a short period, and this approach only temporarily helps to solve the problem of a shortage of labor resources. Until now, Russia has tried to solve demographic problems mainly by providing material incentives for children's birth. Sociologist Anatoly Antonov believes that this approach is typical for the countries of Eastern Europe, while the Western countries of Europe, such as Germany, where

¹³⁰ «ТРУДОВАЯ МИГРАЦИЯ КАК ФАКТОР РЕЛИГИОЗНОЙ НЕСТАБИЛЬНОСТИ В РЕГИОНАХ РОССИИ: УГРОЗЫ И РИСКИ». Accessed october 18, 2023. <http://rrsociology.ru/journal/article/1216/>

¹³¹ Lokosov, V. V. «Population Change in Russia: Dynamics and Socioeconomic Risks». *Herald of the Russian Academy of Sciences* 90/2 (2020), 171. <https://doi.org/10.1134/S1019331620020033>

¹³² «Мигранты решат демографические проблемы России?» 15 июнь 2012 г. Accessed october 17, 2023. <https://tverigrad.ru/publication/migranty-reshat-demograficheskie-problemy-rossii/>

depopulation has been going on for 30 years, are solving this problem by compensating for the declining population through migration.¹³³

The Russian authorities pin distinct hopes on specific regions of Russia - primarily Siberia and the Far East. For the stable maintenance of the population in the existing number, attempts are being made to stop the migration outflow and ensure the planned population inflow there. According to Russian experts, the government should not count on migrants in this matter. They replenish labor resources, as a rule, in large cities of central Russia. In their opinion, one should not expect from labor migrants that they will raise the Far East and Siberia in the absence of appropriate conditions and infrastructure. Immigrants "do not want to break new ground" and tend to go where there is a guarantee that they will find work. The migration attractiveness of Russia is "low" and applies mainly to citizens of the CIS. The Russian authorities should realistically assess the attractiveness of the country for migrants. Highly qualified people from Russia go to the West, where they are ready to receive them and provide them with better conditions, and there is no such favorable treatment in Russia itself for skilled migrants. Therefore, the new generations of labor migrants coming to Russia from the CIS, especially from Central Asia, are less educated than their predecessors and have less knowledge of the Russian language.

Russian sociologist Vladimir Mukomel notes that the reaction to initiatives to integrate migrants in Russia by groups focused on "preserving the Russian-Orthodox cultural core" is negative.¹³⁴ While according to a survey by the Levada Center, 68% of Russians believe that the Russian government should strive to limit the number of visitors.¹³⁵ Sociologists explain the xenophobia of Russians for a complex of reasons, and the main one is that many foreigners work in Russia illegally. According to various estimates, the number of illegal labor migrants in Russia reaches from 3 to 5 million

¹³³ ИноСМИ, Русская служба ВВС. «Мигранты решат демографические проблемы России?» *ИноСМИ*. 20120615T0040 г. Accessed October 17, 2023. <https://inosmi.ru/20120615/193621094.html>

¹³⁴ Mukomel', Vladimir. «Xenophobia as a Basis of Solidarity». *Russian Social Science Review* 56/4 (2015), 51. <https://doi.org/10.1080/10611428.2015.1074011>

¹³⁵ Новая газета. «„Левада“: 68% россиян считают необходимым ограничивать приток трудовых мигрантов». 1643032860000 г. Accessed October 17, 2023. <https://novayagazeta.ru/articles/2022/01/24/levada-68-rossiian-schitaiut-neobkhodimym-ogranichivat-pritok-trudovykh-migrantov-news>

people¹³⁶. Human rights activists argue that the main reason is the numerous legislative obstacles forcing migrants to find themselves in an illegal situation. This path is chosen mainly by unskilled migrants, while professional workers, faced with obstacles, leave.

As a positive consequence of the influx of population into Russia from neighboring countries, researchers note the mitigation of the demographic crisis in the country. As a result of depopulation, in many ways, the migration influx from the former republics of the USSR compensates for the decline in the population of the Russian Federation. In some sectors of the Russian economy, there is a shortage of labor, especially in jobs that do not require high qualifications and low pay. Labor migrants partially make up for this shortcoming. The foreign labor force often fills vacancies that are not prestigious for Russian citizens and therefore are not in demand by the local population. The efficiency and quality of labor of the foreign labor force are high, and competition from its side provides perspective guidance and incentives for the local population. Labor migrants from Central Asia occupy those niches in the labor market that are not attractive to the local Russian population. In general, this contributes to the development of the service sector and has a positive effect on the quality of life of the entire population. Central Asian migrants are not so burdensome for the Russian budget. Russia spends much less money on social benefits for migrants than, for example, Western Europe.

Russia, in turn, is experiencing an essential demographic crisis, and its population is declining. At the same time, Russia has vast underpopulated territories with great natural wealth. For their development, an influx of people is needed. Russia prefers migrants from the CIS countries, most of which are concentrated in the countries of Central Asia. The influx of labor migrants from the countries of Central Asia does not contradict the interests of Russia, since cheap labor is pouring into the country's economy. Migrants from Central Asia are preferable, based on geopolitical considerations, since the countries of the regions do not have a common border with

¹³⁶ Forbes.ru. «ФМС насчитала в России более 3 млн нелегальных трудовых мигрантов». 25 ноября 2010 г. Accessed April 19, 2024. <https://www.forbes.ru/news/60211-fms-naschitala-v-rossii-bolee-3-mln-nlegalnyh-trudovyh-migrantov>

Russia. Labor migrants from Central Asia are relatively easy to integrate into the Russian ethnocultural environment. Demographic problems are also solved at the expense of migrants. At the same time, illegal labor migration leads to an increase in crime and corruption. A big problem is the non-payment of taxes by irregular migrants and unrecorded remittances of labor migrants. The influx of labor migrants from Central Asia generally has more positive aspects for Russia than negative ones. The ongoing changes in the ethnic and genetic make-up of the population of Central Asia and Russia make the study of migration, including labor migration, relevant in the future.



CHAPTER TWO

2. INTERNATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF THE RIGHTS OF MIGRANT WORKERS

2.1. MIGRANT WORKERS AND HUMAN RIGHTS

2.1.1. Universal International Human Rights Standards

In the literature, the concept of international human rights standards has a practical orientation and is often used as customary law. International human rights standards are considered among the mandatory rules contained in international instruments.¹³⁷ Thus, the concept of international standards comprises not only the norms of international convention law but also universally recognized norms, that is, norms recognized by a sufficiently representative majority of states.

Also, international human rights standards can be considered as the foundations of international law¹³⁸, or rather their varieties. The foundations of international law are universal, representing the foundation of the international legal order. The implementation of the fundamentals extends to any activity of states in the international arena. They generally determine the direction, essence, and nature of legal regulation in international law. Standards are based on principles and accumulate these principles to a particular branch of law, setting specific parameters.

Sometimes universally recognized norms are interpreted as the basic principles of international law. Such norms constitute the normative basis of the entire system of international law, serve as its foundation, and reflect the fundamental interests of states and peoples. The universally recognized norms of international law are endowed with the property of imperativeness, which means that deviation from these norms is

¹³⁷ Cassel, Douglass. «Does International Human Rights Law Make a Difference». *Chicago Journal of International Law* 2/1 (2001). <https://chicagounbound.uchicago.edu/cjil/vol2/iss1/8>

¹³⁸ Shestack, Jerome J. "The Philosophic Foundations of Human Rights." *Human Rights Quarterly* 20/2 (1998), 226. <https://www.jstor.org/stable/762764>

recognized by the international community as unacceptable. Since such a deviation can lead to damage to the interests of all states. Based on this, some authors consider standards as legal provisions-principles that determine the status position of an individual, as principles of international law related to a particular area of legal regulation.

For example, O. N. Malinovsky believes that international human rights standards expand the boundaries of universal principles, thereby creating a higher threshold for the degree of protection of the individual and protecting the sphere of its interests from uncontrolled interference by the state.¹³⁹ Retired Judge of the European Court of Human Rights A.I. Kovler interprets standards as a universal scale of values, with which national legal realities are correlated.¹⁴⁰ He is known for interpreting international human rights standards as a universal scale of values that can be used to assess and compare the legal realities of different nations. In his view, these standards serve as a reference point for evaluating how well a country's legal system aligns with the fundamental human values enshrined in international human rights law. This perspective highlights the role of international human rights standards in guiding and evaluating the legal practices and norms of individual nations in the context of human rights protection.

Many authors reveal international human rights standards as principles and norms of international law that carry fundamental human values and significantly influence the development of state legal systems.¹⁴¹ As a rule, the universally recognized principles of international human rights law oblige states to create a legal, political and social regime for ensuring human rights.¹⁴² Common to all the above points of view is an indication of the system-forming nature of international standards, their determining

¹³⁹ Малиновский, Олег Николаевич. *К ПРОБЛЕМЕ АБСОЛЮТИЗАЦИИ ПРАВ ЧЕЛОВЕКА И ИХ ОГРАНИЧЕНИЙ В КОНТЕКСТЕ КОНВЕНЦИИ О ЗАЩИТЕ ПРАВ ЧЕЛОВЕКА И ОСНОВНЫХ СВОБОД 1950 Г. И РОССИЙСКОГО ЗАКОНОДАТЕЛЬСТВА*. <https://doi.org/10.24158/pep.2018.9.11>

¹⁴⁰ Kovler, Anatoly I. "European convention on human rights in Russia." *L'Europe en Formation* 374/4 (2014), 125. <https://doi.org/10.3917/eufor.374.0116>

¹⁴¹ Henry J. Steiner., Alston Philip., Goodman Ryan. *International Human Rights in Context: Law, Politics, Morals : Text and Materials* (Oxford University Press, 2008), 151.

¹⁴² Hannum, Hurst. «The Status of the Universal Declaration of Human Rights in National and International Law». *Georgia Journal of International and Comparative Law* 25 (1996 1995), 287. <https://heinonline.org/HOL/Page?handle=hein.journals/gjicl25&id=295&div=&collection=>

impact on the system of ensuring the rights of the individual in all areas of law, and their priority over state legislation.

International standards include fundamental human rights, enshrined in the most important international legal acts, establishing “the bar below which the state should not fall.”¹⁴³ In turn, international standards in terms of ensuring the protection of human rights already, as a rule, have legal force - but on the condition that the sources of law in which they are enshrined are ratified by certain states. Such normative acts may be conventions, covenants, international protocols, or treaties. In some cases, the condition for the ratification of an agreement may be state participation in a particular international association. For example, if we consider such structures, the Council of Europe can be such an association.

Human rights contained in the constitutions of states and international legal instruments, in particular in the International Bill of Human Rights (UDHR of 1948, ICCPR of 1966 and its protocols, ICESCR 1966), as well as the ECHR of 1950, the European Social Charter of 1961, constitute, in fact, international human rights standards. These standards, expressed in the form of universally recognized principles and norms of international law in the field of human rights, legally oblige the state to create a legal, political and social regime for ensuring human rights and freedoms.¹⁴⁴

International standards of behavior of states in the field of human rights, outlined in a general form in the UN Charter, are specified in the documents that make up the International Bill of Human Rights, and in several UN conventions.¹⁴⁵ In particular, international standards are contained in the 1965 ICERD, the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid, the 1979 CEDAW, the 1989 Convention on the Rights of the Child, 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2006 Convention on the Rights of Persons with Disabilities, 1984

¹⁴³ Meron, Theodor. “On a Hierarchy of International Human Rights.” *American Journal of International Law* 80/1 (1986), 13. <https://doi.org/10.2307/2202481>

¹⁴⁴ Weissbrodt, David S. - Vega, Connie de la. *International Human Rights Law: An Introduction*. University of Pennsylvania Press, 2007.

¹⁴⁵ Goodman, Ryan - Jinks, Derek. “How to Influence States: Socialization and International Human Rights Law.” *Duke Law Journal* 54 (2005 2004), 621.
<https://heinonline.org/HOL/Page?handle=hein.journals/dukclr54&id=635&div=&collection=>

UNCAT. A significant contribution to the codification of international legal norms in the field of human rights is made by specialized UN agencies, primarily the ILO, which has adopted more than 170 conventions in the employment field, occupational health, and the protection of labor rights of workers.¹⁴⁶

International standards vary by sphere of life, providing democratic standards in personal, political, economic, social, and cultural life.

The above international legal documents that establish international standards in the field of human rights also enshrine legal principles that are important for every person and are binding on all states that are parties to these international legal acts. These principles include 1) Basic and natural rights and freedoms of a person, which belong to everyone from birth, which are inherent and inalienable; 2) Fundamental rights and freedoms recognized and guaranteed by international treaties to every person under the jurisdiction of the respective state and within its territory.

The official authorities of the states - parties to international treaties in the field of human rights are obliged to observe the rule of law and the rules of law provided for in the treaties. Ensuring rights and freedoms is incompatible with discrimination on any grounds. Fundamental rights and freedoms must be uniform throughout the state, and their provision and protection are the subject of national legislation and the normative legal acts of local authorities. Fundamental rights and freedoms must be respected in any situation, including during a state of emergency or war.

2.1.2. Human Rights of all Migrants

The issue of alien admission and immigration control as such is recognized as one of the state's sovereign rights and lies beyond the obligations of states to ensure human rights.¹⁴⁷ The 1985 Declaration on the Human Rights of Individuals who are not

¹⁴⁶ Politakis, George. «THE RECOGNITION OF OCCUPATIONAL SAFETY AND HEALTH AS A FUNDAMENTAL PRINCIPLE AND RIGHT AT WORK». *International & Comparative Law Quarterly* 72/1 (2023), 232. <https://doi.org/10.1017/S0020589322000446>

¹⁴⁷ Bogusz, Barbara et al. (eds.). "Human Rights, State Sovereignty and the Protection of Undocumented Migrants under the International Migrant Workers' Convention." *Irregular Migration and Human Rights:*

nationals of the country in which they live states "Nothing in this Declaration shall be interpreted as legitimizing the illegal entry into and presence in a State of any alien, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay (...)" (part 1, article 2).

Not every foreigner entering a country in which he does not have citizenship is a migrant in the proper sense of the word. In the most general sense, migrants are people who have changed their place of usual residence.¹⁴⁸ The UN Recommendations on International Migration Statistics propose to distinguish migrants from international visitors, i.e. tourists, defined as people who arrive in a state other than their state of nationality for up to one year and who do not intend to engage in a remunerated activity from the sources in the host state.¹⁴⁹ Thus, a migrant is a person who has lived for more than a year in the territory of a state to which the person does not belong (long-term migrant), or who has lived in the territory of a foreign state for more than three months, but less than a year, except cases of arrival for vacation, visiting friends or relatives, on business, for treatment or pilgrimage (short-term migrant).

The problem of the international legal protection of human rights comes into contact with the regulation of migration in the exercise by people of the right to freedom of movement, the prohibition of expulsion (non-refoulement), discrimination, as well as the exercise of the right to appeal against decisions and family reunification. Article 13 of the UDHR, for instance, states that everyone has the right to live and move freely within the borders of any state, as well as the freedom to leave and return to any country, including his own. Article 12 of the ICCPR lays out principles that are similar to those of the UDHR in that everyone who is legally on State territory has the freedom to move

Theoretical, European and International Perspectives. 331. Brill | Nijhoff, 2004. https://doi.org/10.1163/9789047406051_018

¹⁴⁸ Pijnenburg, Annick - Rijken, Conny. "Moving beyond Refugees and Migrants: Reconceptualising the Rights of People on the Move." *Interventions* 23/2 (2021), 283. <https://doi.org/10.1080/1369801X.2020.1854107>

¹⁴⁹ *Recommendations on Statistics of International Migration.* Department of Social and Economic Affairs, Series M., No 58, Rev.1. Reprint, United Nations. New York: 1998, 28. https://unstats.un.org/unsd/publication/seriesm/seriesm_58rev1e.pdf

about freely and choose where to live; they also have the freedom to leave any country, including their own.

The right to freedom of movement is also established by other acts of a universal and regional nature. Article 5 of the ICERD, adopted by the UN General Assembly on December 21, 1965, contains a rule on ensuring the equality of every person in the exercise of some rights, including the right to freedom of movement. Apartheid is defined as an inhuman act or any legislative measure intended to restrict the access to freedom of movement for certain racial groups in Article 2 of the International Convention on the Suppression and Punishment of the Crime of Apartheid, which was adopted by the UN General Assembly on November 30, 1973. Everyone who is legally on a State's territory has the right to freedom of movement within that territory as well as the ability to choose where to live, according to Article 2 of Protocol No. 4 to the ECHR 1950. A similar right is enshrined in Art. 22 of the Convention of the Commonwealth of Independent States on Human Rights and Fundamental Freedoms, signed in Minsk on May 26, 1995, art. 22 of the 1969 American Convention on Human Rights, art. 12 ACHPR 1981.

The prohibition of discrimination also applies to the regulation of migration issues. Discrimination is the different treatment of persons under similar circumstances or the same treatment of persons under different circumstances.¹⁵⁰ The wording of the principle of protecting human rights under the UN Charter already contains a prohibition of discrimination based on race, sex, language, and religion (part 3 of article 1). The 1948 UDHR elaborates on this idea in Article 2: Everyone is entitled to all the freedoms and rights outlined in this Declaration, without distinction of any kind, including race, color, sex, language, religion, political opinion, national or social origin, property, birth, or other status. In addition, no distinction shall be established based on the political, jurisdictional, or international status of the nation or territory to which an individual belongs, regardless of whether such nation or territory is independent, a trust, non-self-governing, or subject to any other kind of sovereignty limitation.

¹⁵⁰ McKean, W. A. "The Meaning of Discrimination in International and Municipal Law." *British Yearbook of International Law* 44 (1970), 177.
<https://heinonline.org/HOL/Page?handle=hein.journals/byrint44&id=183&div=&collection=>

Concerning the right of an individual to enter a State other than the State of nationality, the prohibition of discrimination means the legitimacy of such a restriction on entry, which is dictated by considerations of morals, public health, public order, and national security. Other criteria for restricting entry for population groups violate the principle of non-discrimination.¹⁵¹

Among the non-specialized human rights mechanisms that migrants can use to protect their rights are the Human Rights Committee, established by the ICCPR of 1966, which considers individual complaints of violations of the rights of individuals by states, as well as prepares comments of a general order, expanding and clarifying in the dynamics of developing the content of the ICCPR of 1966, as well as regional courts, such as the ECtHR.¹⁵²

2.1.3. Human Rights of Migrant Workers

As noted above, the UDHR, ICCPR, and ICESCR protect all people regardless of their citizenship and legal status.¹⁵³ Consequently, migrant workers who are not citizens of a country are generally entitled to the same human rights as citizens. Although the ICRMW is the only UN instrument specifically relevant to migrant workers, there are also several other UN instruments. Other human rights instruments relevant to migrant workers include the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT),¹⁵⁴ and the 1989 Convention on the Rights of the Child (UNCRC).¹⁵⁵

There are fundamental rights that affect migrant workers and are often violated. These rights are established in general international human rights instruments and are

¹⁵¹ Ellermann, Antje - Goenaga, Agustín. «Discrimination and Policies of Immigrant Selection in Liberal States». *Politics & Society* 47/1 (2019), 116. <https://doi.org/10.1177/0032329218820870>

¹⁵² Philip Alston - Ryan Goodman, *International Human Rights* (OUP Oxford, 2013), 687.

¹⁵³ Olivier De Schutter, *International Human Rights Law* (Cambridge University Press, 2019), 14.

¹⁵⁴ UNHCR. «Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)». Accessed April 19, 2024. <https://www.unhcr.org/media/convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment-1984>

¹⁵⁵ Refworld. «Convention on the Rights of the Child». Accessed April 19, 2024. <https://www.refworld.org/legal/agreements/unga/1989/en/18815>

also protected by most national constitutions.¹⁵⁶ These rights include the right to freedom from slavery, forced labor, inhuman or degrading treatment, or punishment. Without any doubt, the living and working conditions of many migrant workers in some regions of the world resemble the situations described in the cases of rights violations listed. Such treatment is often evident to migrant workers who have been trafficked or exploited, are in debt bondage, and are unable to escape forced labor until the debt is paid to the employer, agent, or recruiter, and in other illegal situations. Migrant women, due to gender-specific work or employment in sectors dominated by female labor, are particularly vulnerable to such illegal situations.¹⁵⁷ Slavery and forced or compulsory labor of migrant workers are prohibited by international human rights standards, specific international instruments against slavery and slavery-like phenomena, and ILO standards.

Once only a small share of clandestine migration, labor trade, and smuggling has been greatly affected by the changing nature of international migration.¹⁵⁸ If this situation is not brought under control, it may become one of the dominant forms of irregular migration soon. Recognizing that such measures require a comprehensive international approach, the UN General Assembly in 2000 adopted the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the Convention UN against transnational organized crime.¹⁵⁹ The wide range of measures required to prevent or reduce irregular migration, including its most irregular forms, is dealt with in Chapter VIII of this Convention.

All migrant workers and their families, regardless of legal status, also have the right to be free from arbitrary arrest or detention, which is protected by international

¹⁵⁶ Jean-Bernard Marie, «National Systems for the Protection of Human Rights», *Human Rights: International Protection, Monitoring, Enforcement* (Routledge, 2003), 24.

¹⁵⁷ Palumbo, Letizia - Scirba, Alessandra. «The Vulnerability to Exploitation of Women Migrant Workers in Agriculture in the EU: The Need for a Human Rights and Gender Based Approach». <https://cadmus.eui.eu/handle/1814/55444>

¹⁵⁸ Gabriella Sanchez, «Critical Perspectives on Clandestine Migration Facilitation: An Overview of Migrant Smuggling Research», *Journal on Migration and Human Security* 5/1 (2017), 27.

¹⁵⁹ UNHCR. «Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime». Accessed April 19, 2024. <https://www.unhcr.org/media/protocol-prevent-suppress-and-punish-trafficking-persons-especially-women-and-children-1>

human rights standards against deprivation of liberty, such as those contained in the ICCPR (art. 9). Many migrants, including those with work permits, in countries of destination, in particular the Russian Federation, are often detained and harassed by border officials and police.

For migrant workers, the ability to travel freely within the country and the freedom to leave it are especially crucial.¹⁶⁰ Unfortunately, it is not uncommon for employers, employment agents, and even government officials in some countries to confiscate passports from migrant workers to ensure they do not leave before the work is completed. While these rights may legitimately be restricted for reasons such as maintaining public order and safeguarding national security, provided that the measures taken are consistent with the intended purpose, the confiscation of a passport to ensure that a migrant worker completes work cannot be a legitimate goal of the states.¹⁶¹

In addition, a special place is also given to provide migrant workers and their families with sufficient protection against violence, threats, coercion, xenophobia, and discrimination on the part of officials, individuals, or organizations (in particular, employers), as well as on the part of the population as a whole.¹⁶² From this point of view, the right to equal access to courts (including labor courts or justice bodies) is significant so that migrant workers can seek redress in court for violations of their rights in the country of employment. It would be necessary to simplify the observance of this right and include the provision of free legal support, especially for migrants who do not have funds.

2.2. International Legal Norms Regulating the Protection of the Rights of Migrant Workers

¹⁶⁰ Pisillo Mazzeschi, Riccardo. "Protection of Freedom of Movement." *International Human Rights Law: Theory and Practice*. ed. Riccardo Pisillo Mazzeschi. 462. Cham: Springer International Publishing, 2021. https://doi.org/10.1007/978-3-030-77032-7_24

¹⁶¹ Rochelle Ball - Nicola Piper, *The Geopolitics of Migration*, «Globalisation and regulation of citizenship—Filipino migrant workers in Japan», *Political Geography* 21/8 (2002), 1034.

¹⁶² Kuznetsova, Irina - Round, John. "Postcolonial Migrations in Russia: The Racism, Informality and Discrimination Nexus." *International Journal of Sociology and Social Policy* 39/1/2 (2018), 67. <https://doi.org/10.1108/IJSSP-08-2018-0131>

2.2.1. The Concept of International Labor Standards

International Labor Standards are legal instruments that establish fundamental principles and rights at work. International labor standards are contained in numerous documents that are the result of cooperation between states to improve working conditions and protect the labor rights of migrant workers. These documents serve as sources of international labor law and exist as a separate branch or sub-branch of international law.¹⁶³ International labor standards, like any other legal norms, are created by states to achieve definite goals. The purpose of legal regulation, carried out through international labor standards, is to protect the labor rights of migrant workers by establishing certain legal and factual guarantees of these rights and improving the working and living conditions in different countries.¹⁶⁴ International labor standards can be expressed in different forms. These can be treaties, agreements, conventions, declarations, pacts, charters, programs, model acts, and model laws. In many cases, the convention lays down the basic principles that countries that ratify it must follow, and the corresponding recommendation supplements the document with more detailed instructions for its application.¹⁶⁵ Recommendations can also be autonomous, that is, not associated with the convention.

An international treaty is the most common form of expressing international norms. International norms on specific labor issues and labor relations are contained in large numbers in international multilateral and bilateral treaties, as well as acts of a recommendatory nature. The international regulatory framework on labor issues, first of all, are more than 300 ILO conventions and recommendations, and essential documents

¹⁶³ Brudney, James J. "The Internationalization of Sources of Labor Law." *University of Pennsylvania Journal of International Law* 39 (2018 2017), 1.

<https://heinonline.org/HOL/Page?handle=hein.journals/upjil39&id=7&div=&collection=>

¹⁶⁴ Rombouts, S. J. «The International Diffusion of Fundamental Labour Standards: Contemporary Content, Scope, Supervision and Proliferation of Core Workers' Rights under Public, Private, Binding, and Voluntary Regulatory Regimes». *Columbia Human Rights Law Review* 50 (2019 2018), 78. <https://heinonline.org/HOL/Page?handle=hein.journals/colhr50&id=862&div=&collection=>

¹⁶⁵ Sohn, Louis B. «Generally Accepted International Rules». *Washington Law Review* 61 (1986), 1073. <https://heinonline.org/HOL/Page?handle=hein.journals/washlr61&id=1085&div=&collection=>

adopted by the UN or on its initiative in the field of protecting the rights of migrant workers and human rights in general.¹⁶⁶

International labor standards are also contained in many multilateral documents adopted within the framework of regional international organizations. For example, the countries of the former Soviet Union have adopted their regional CIS Migrant Workers Convention (2008). The countries represented in the European Council have adopted the European Social Charter (1961), the European Convention on Human Rights (1950), the European Convention on Social and Medical Assistance (1953), the European Code of Social Security (1952), which regulates some issues of labor and labor relations. Several articles relating to the harmonization of social legislation, equal pay for men and women, paid holidays, occupational safety and health, employment and treatment of migrants, etc., are included in the Treaty of Rome establishing the EEC (1967). The Organization of American States (OAS) also adopted the American Declaration of the Rights and Duties of Man (ADRDM) (1948) (1978 was superseded by the American Convention on Human Rights) and the Covenant of San Jose (1969), which deal in whole or in part with labor and labor relations.

Of all the sources of international labor regulation listed above, the most universal in terms of the problems covered and taking into account the number of countries involved are the ILO conventions and recommendations. ILO has accumulated the most significant experience in international labor standards implementation.¹⁶⁷

Based on the above, we can come to the following definition: International labor standards are rules designed to regulate relations in the field of labor, adopted by States within the framework of international organizations or based on interstate agreements, in a strictly defined order (procedure), in the form of binding international treaties, establishing rights and obligations for the States that have adopted them, the

¹⁶⁶ Tapiola, Kari. "What Happened to International Labour Standards and Human Rights at Work?" *International Labour Organization and Global Social Governance*. ed. Tarja Halonen - Ulla Liukkunen. 68. Cham: Springer International Publishing, 2021. https://doi.org/10.1007/978-3-030-55400-2_3

¹⁶⁷ Heintz, James. «Global Labor Standards: Their Impact and Implementation». *The Handbook of Globalisation, Second Edition*. Edward Elgar Publishing, 2011. <https://www.elgaronline.com/edcollchap/edcoll/9781849803694/9781849803694.00022.xml>

implementation of which is ensured by the control mechanism of international organizations (international treaty).

2.2.2. Base and other International Labor Standards of the ILO Governing the Rights of Migrant Workers

The ILO was founded in 1919 to regulate international labor relations.¹⁶⁸ Regulation at the international level was seen as necessary to meet the demand for better working conditions that had been prevalent in many countries since the late 19th century and to compensate for any economic and competitive disadvantages that might arise in those states that sought to deal with these problems alone.¹⁶⁹

From the outset, the ILO has characterized human rights as the core of its mission.¹⁷⁰ The founding documents that protect and promote human rights testify to the ILO's commitment to encouraging this approach. The founding principles and purposes of the Organization are set out in Part XIII of the Treaty of Versailles, the original ILO Constitution of 1919, and the Declaration of Philadelphia adopted by the International Labor Conference in 1944 and incorporated into the Constitution in 1946. For example, Part II paragraph (a) of the Declaration contains the following principle:

*"all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity"*¹⁷¹

Although human rights are an integral aspect of the ILO's program, the protection, and promotion of economic and social rights or social justice, due to the Organization's primary concern for work, constitutes its main focus. The emphasis of

¹⁶⁸ Library (Susana), I. L. O. «ILO Research Guides: History of the ILO: ILO between the Two World Wars (1919-1939) ». Accessed November 10, 2023. <https://libguides.ilo.org/c.php?g=657806&p=4636553>

¹⁶⁹ Lenard R. Berlanstein, *The Industrial Revolution and Work in Nineteenth Century Europe* (Routledge, 2003), 46.

¹⁷⁰ Macnaughton, Gillian - Frey, Diane. «Challenging Neoliberalism». *Health and Human Rights* 20/2 (2018), 43. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293342/>

¹⁷¹ *ILO DECLARATION OF PHILADELPHIA*, <https://www.ilo.org/static/english/inwork/cb-policy-guide/declarationofPhiladelphia1944.pdf>

the ILO on the general areas of economic and social policy has become noticeable over time.¹⁷² It is generally recognized that all ILO standards relate to the protection and promotion of human rights in a broad sense. Even the most technical documents of the ILO, proclaimed by the UDHR and recognized by the ICESCR, can be seen as measures to realize the right to fair and favorable work conditions. However, some ILO standards are more specifically focused on human rights.¹⁷³ These standards are aimed at those concerned with fundamental freedoms and rights such as freedom of association, freedom from forced labor, and equitable access to opportunities and treatment in the workplace, as well as those who direct their attention to the protection of social groups such as women, children and certain categories of workers, including migrant workers.¹⁷⁴ The built-in flexibility of ILO instruments allows members to join according to their level of economic development, and the standards themselves are strictly universal.

One of the main concerns of the ILO since its inception has been the protection of migrant workers. Indeed, it has traditionally been the international organization that has cared the most for this particular group. The ILO's constitutional texts deal more specifically with the defense of migrant workers' rights than with human rights in general. The Preamble and Article 427 of Part XIII of the Treaty of Versailles include the following statements:

.... conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example... protection of the interests of workers when employed in countries other than their own.

¹⁷² Deacon, Bob. *Globalization and Social Policy: The Threat to Equitable Welfare*. Working Paper. Geneva 2000 Occasional Paper, 2000. Geneva 2000 Occasional Paper, www.econstor.eu. <https://www.econstor.eu/handle/10419/148809>

¹⁷³ Muhammad Azizul Islam - Ken McPhail, *Accounting For Human Rights*, «Regulating for corporate human rights abuses: The emergence of corporate reporting on the ILO's human rights standards within the global garment manufacturing and retail industry», *Critical Perspectives on Accounting* 22/8 (2011), 790.

¹⁷⁴ Taran, Patrick A. "Human Rights of Migrants: Challenges of the New Decade." *International Migration* 38/6 (January 2001), 21. <https://doi.org/10.1111/1468-2435.00141>

*The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.*¹⁷⁵

The ILO was founded on a number of fundamental concepts, two of which are that "poverty anywhere is a danger to prosperity everywhere" and that "labor is not a commodity."¹⁷⁶ These statements are confirmed in the Declaration of Philadelphia. For over 100 years, the ILO has added substance to the above principles by adopting standards relating to many issues affecting migrant workers, such as reciprocity of treatment, unemployment, discrimination in employment, social security, housing, and dismissal. However, the most significant ILO standards about migrant workers and concerning their protection are contained in comprehensive documents as a separate group.¹⁷⁷

In June 1939, the International Lahore Conference adopted Convention No. 66 concerning labor migration and two accompanying recommendations. The 1939 Convention never entered into force, as no state has ratified the document. These instruments were revised and eventually received the status of Migration for Employment Convention (Revised), 1949 (No. 97) and Labor Migration (Revised) Recommendation No. 86, 1949 (R86). Another comprehensive document endorsed by the International Labor Conference concerning migrant workers was the Recommendation, 1955 (R100).

In the early 1970s, when many industrialized countries were experiencing the effects of the recession and the subsequent deterioration of the labor market, the ILO turned again to the problem of migrant workers, which had been exacerbated by the

¹⁷⁵ «Papers Relating to the Foreign Relations of the United States, The Paris Peace Conference, 1919, Volume XIII - Office of the Historian». Accessed April 8, 2024.

<https://history.state.gov/historicaldocuments/frus1919Parisv13/ch22subch2>

¹⁷⁶ Subramaniam, Vijayalakshmi. «Early Theories of Labor and ILO's Decent Work Agenda: Lessons for the Digital Age. | IUP Law Review | EBSCOhost». 2022. Accessed April 8, 2024. <https://openurl.ebsco.com/contentitem/gcd:159776744?sid=ebsco:plink:crawler&id=ebsco:gcd:159776744>

¹⁷⁷ Lönnroth, Juhani. "The ICRMW in the Context of International Migration Policies: An Analysis of Ten Years of Negotiation." *International Migration Review* 25/4 (1991), 726. <https://doi.org/10.1177/019791839102500404>

unfavorable economic climate.¹⁷⁸ The International Labor Conference adopted three resolutions relating to migrant workers, bringing the issue back onto the agenda of the ILO. Finally, in 1975, the 1949 instruments were supplemented by Convention No. 143 and Migrant Workers Recommendation No. 151. The ILO was asked to pay attention to the following issues: the need to create jobs in the countries of origin of migrants, in particular through international cooperation and investment in the industrialization of these countries; the danger of prioritizing short-term economic needs without examining the long-term consequences of migration; and the need to make efforts to ensure full employment in the host country before hiring foreign labor. The ILO has advocated a coherent international migration policy that takes into account all the elements mentioned. Ultimately, the ILO's new migration policy crystallized in paragraph I R151:

*Members should apply the provision of this Recommendation within the framework of a coherent policy on international migration for employment. That policy should be based upon the economic and social needs of both countries of origin and countries of employment; it should take account not only of short-term manpower needs and resources but also of the long-term social and economic consequences of migration for migrants as well as for the communities concerned.*¹⁷⁹

This provision should be read in conjunction with the fourth paragraph of Preamble C143:

Considering that in order to overcome underdevelopment and structural and chronic unemployment, the governments of many countries increasingly stress the desirability of encouraging the transfer of capital and technology rather than the

¹⁷⁸ Hoeven, Rolph van der. "Labour Markets Trends, Financial Globalization and the Current Crisis in Developing Countries." <https://repub.eur.nl/pub/22372/>

¹⁷⁹ «Recommendation R151 - Migrant Workers Recommendation, 1975 (No. 151)». Accessed April 3, 2024.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312489

*transfer of workers in accordance with the needs and requests of these countries in the reciprocal interest of the countries of origin and the countries of employment...;*¹⁸⁰

In addition to the desirability of economic investment in developing countries, another aspect of migration policy, in the previous preambular paragraph of C143, also emphasizes "the need to avoid excessive and uncontrolled or unaccompanied increases in migratory movements because of their negative social consequences". The ILO therefore recognizes the link between the lack of economic opportunities in the country of origin and the illegal labor migration.¹⁸¹ It should be emphasized that this new policy approach originated in a harsh economic climate. Whether the same concern would have been shown for migrant-sending countries if labor demand in industrialized countries remained strong is a matter of debate. The Employment Policy (Supplementary Provisions) Recommendation No. 169 of 1984 places particular emphasis on promoting employment in the countries of origin of potential migrants. This policy encourages industrialized countries to invest, transfer technical knowledge, and expand trade with developing countries to create an effective alternative to labor migration and help the economic and employment situation in these countries.

Arranging for return migration and reintegration of migrants to the countries from which they came, which is a direct consequence of the adverse economic climate, is also part of the current ILO approach to the issue of labor migrants and is manifested in several policy declarations.¹⁸² The ILO's current migration policy cannot be seen in isolation from international efforts to reduce the gap between rich and poor states.¹⁸³ However, real progress in this regard lies in fundamentally changing the current global economic order through a redistribution system and compensation.

¹⁸⁰ «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed April 1, 2024.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

¹⁸¹ W. R. Böhning, «The ILO and Contemporary International Economic Migration», *International Migration Review* 10/2 (1976), 148.

¹⁸² Oladele O. Arowolo, «Return Migration and the Problem of Reintegration», *International Migration* 38/5 (december 2000), 61.

¹⁸³ James A. Banks, «Citizenship Education and Global Migration : Implications for Theory, Research, and Teaching», (2017), 8.

Another principle of the current ILO migration policy argues that those who benefit most from migration should pay for its social costs. Paragraph 11 of R151 (1975) supports this approach about the obligation of receiving countries to formulate and apply social policies on behalf of migrant workers and their families:

*The policy should take account of the need to spread the social cost of migration as widely and equitably as possible over the entire collectivity of the country of employment, and in particular over those who profit most from the work of migrants.*¹⁸⁴

The history of the development of this provision shows that its crucial purpose was to guarantee the financing of social policies regarding migrant workers. The ILO is of the view that these policies should, as far as possible, be financed by host countries and that the distribution of social costs should be determined by national circumstances. In addition, there is general agreement that some of these costs should also be borne by employers of migrant workers.

It is widely accepted that most ILO labor standards, with some exceptions, apply equally to foreign migrant workers and nationals.¹⁸⁵ Several more general ILO conventions define standards as applicable to “all workers”, “every person employed” or to workers “without distinction as to nationality” or “without distinction of any kind”. Notable exceptions to this principle are the 1958 Discrimination (Employment and Occupation) Convention No. 111 and Recommendation No. 111 of the same title and year. The non-discrimination provision in Article 1 (1) (a) of both instruments does not include “nationality” among the prohibited grounds of discrimination, although Article 1(1)(b) provides that additional grounds may be added after consultation with workers and employers' organizations and other relevant authorities.

¹⁸⁴ «Recommendation R151 - Migrant Workers Recommendation, 1975 (No. 151)». Accessed April 3, 2024.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312489

¹⁸⁵ Lance Compa, «Migrant Workers in the United States: Connecting Domestic Law with International Labor Standards», *Chicago-Kent Law Review* 92 (2017), 211.

The most significant instruments relating to the protection and promotion of the rights of migrant workers and their families are those adopted by the International Labor Conference in 1949 and 1975. However, these instruments cannot solve all the rights problems of this group, since the ILO's competence to protect human rights in general is limited. Strictly speaking, the ILO is primarily concerned with the economic and social rights of workers relating to labor issues. Issues of immigration, expulsion, political rights, and educational and cultural rights are essentially outside the jurisdiction of the ILO. However, the interdependence of civil and political rights with economic and social rights makes it difficult to separate labor issues from the broader context of economic, social, cultural, and political rights in which migrant workers and their families find themselves.¹⁸⁶ Indeed, to do so would be to treat migrants as objects of labor rather than as fully integrated social beings. The ILO interprets its protective function about migrant workers very broadly.¹⁸⁷ The measures provided for in instruments on migrant workers cover a wide range of issues beyond the employment situation and include general living conditions.

There are other ILO instruments that also apply to migrant workers and should be applied equally regardless of their status. The main ones are Convention CO87, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced or Compulsory Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Equal Remuneration Convention, 1951 (No. 100); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Private Employment Agencies Convention, 1997 (No. 181); Employment Relationship Recommendation, 2006 (No. 198).

While the standards set out in the ILO's comprehensive instruments on migrant workers constitute the ILO's essential method of protecting this group, they are only part of the ILO's broader migrant worker-centered program, which includes the collection

¹⁸⁶ Lyutov, Nikita. «The ILO System of International Labour Standards and Monitoring Procedures: Too Complicated to Be Effective». *Zbornik Pravnog Fakulteta u Zagrebu* 64 (2014), 255.

<https://heinonline.org/HOL/Page?handle=hein.journals/zboprpfaz64&id=251&div=&collection=>

¹⁸⁷ Francis Maupain, «Revitalization Not Retreat: The Real Potential of the 1998 ILO Declaration for the Universal Protection of Workers' Rights » (*European Journal of International Law*, Volume 16, Issue 3, June 2005, Pages 439–465,) (2005), 440.

and dissemination of information, studies and research, and the provision of technical assistance to developing countries.

2.2.3. Migration for Employment Convention (Revised), 1949 (No. 97)

The basis for the formation of international legal regulation of labor migration is associated with the adoption of the ILO Convention (Revised), 1949 (No. 97), which entered into force in 1952.¹⁸⁸ In time, this event coincided with the activities of the International Refugee Organization (IRO - founded on April 20, 1946), which met the needs of Western countries in attracting foreign labor from war-torn states. Art. 4, which requires States Parties to take action within their jurisdiction to assist migrant workers' departure, mobility, and reception, contains the fundamental provisions of the Convention. The guarantee for the application of national treatment to migrant workers in the host country is provided by Article 6 in such areas as wages; allowances; working time; vacations; home work; the age of employment; professional education; membership in trade unions; participation in collective agreements; housing and social security; taxation and litigation.

The Migrant Workers Convention (Revised), 1949 (No. 97) (ratified by 45 Member States) provides for equality of treatment and non-discrimination on grounds of nationality, race, religion, or sex between migrant workers lawfully in the territory of a State and its nationals. This approach derives from legislation, regulations or administrative practices in four areas: living and working conditions, social protection, payroll taxes and access to justice. These provisions include, inter alia, equal pay for work of equal value, union membership and the benefits of collective bargaining.¹⁸⁹

The Convention and its Recommendation (No. 86) set out the details of the contractual conditions for migrants' participation in training, promotions, family

¹⁸⁸ «Ratifications of ILO conventions: Ratifications by Convention». Accessed April 8, 2024. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312242

¹⁸⁹ Blackett, Adelle - Sheppard, Colleen. «Collective Bargaining and Equality: Making Connections». *International Labour Review* 142 (2003), 419. <https://heinonline.org/HOL/Page?handle=hein.journals/intlr142&id=429&div=&collection=>

reunification, appeals against unjustified dismissals or expulsions, and other measures to regulate the entire migration process.

Notwithstanding the above exceptions, the equal treatment principle applies to all workers in countries that have ratified the Convention. Equal treatment of migrant workers is a central element of Convention No. 97.¹⁹⁰ It has an article that states that discrimination against lawfully resident migrant workers and domestic workers is prohibited with regard to the following: wages, including family allowances when they are part of wages; working hours; overtime; paid holidays; prohibitions on working from home; employment age; apprenticeship and vocational training; women's and adolescent labor; union membership and benefits from collective bargaining agreements; housing issues; and social security (including accidents at work, maternity protection, illness, disability, old age, death, unemployment, and family responsibilities, as well as all other cases that, in accordance with national legislation, are covered by the scheme).

Article 3, paragraph 2, of Convention No. 97 calls upon ratifying States to cooperate in the fight against all misleading propaganda on emigration and immigration issues. The ILO Committee of Experts clarified that misleading propaganda means not only information that migrants can receive before their departure and which is given to deceive them into some country, but also racist propaganda in the countries of destination.¹⁹¹

Article 4 of the Convention requires the State to take steps, as appropriate, to provide adequate and free-of-charge departure, transfer, and reception services for migrant workers. Article 7 requires a State Party to provide free public employment services to migrant workers. Similar requirements apply to private employment agencies and are reflected in ILO Convention No. 181. Convention No. 97 contains important provisions protecting migrant workers.¹⁹² For example, they must have access to

¹⁹⁰ Olsson, Petra Herzfeld. «The Role of Effective Enforcement in International Law on Labour Migration». *International Organizations Law Review* 17/1 (2020), 206. <https://doi.org/10.1163/15723747-01701009>

¹⁹¹ Nafees, Seenii Mohamed M; Masum, Ahmad; Nor, Mohd Zakhiri Md; Ahmed, Kyaw Hla WinaMd Hassan; Noura, Cherifi . «Migrant Workers in Malaysia and the Role of the International Labour Organization's Conventions». *Advanced Science Letters* 23/9 (2017), 8979. <https://doi.org/10.1166/asl.2017.10007>

¹⁹² «International and European Labour Law» (Nomos Verlagsgesellschaft mbH & Co. KG, 2018), 8.

essential health care (art. 5); they should be allowed to convert into foreign currency any part of their earnings or savings that they wish to convert (Article 9).

Article 8 of Convention No. 97 prohibits the expulsion of migrants who have been admitted to the country for permanent residence because the migrant in question is unable to continue his work. This provision is significant to influence the State Parties to maintain an adequate level of health and safety at work or residence of a migrant worker.

As per Article 14, nations that ratify this convention may choose to omit all or some of its Annexes from ratification. The first two annexes relate to organized labor migration. They contain, however, significant provisions. For example, Article 5 of Annex 1 and Article 6 of Annex 2 require migrant workers to enter into a written contract containing provisions defining working conditions and, in particular, remuneration, before leaving their origin country. And Article 3 of Annex 1 speaks of the need for state control over the activities of agencies and individuals engaged in recruitment to ensure compliance with the law. The third Annex is more general and refers to any type of labor migration (organized or spontaneous migration).

Convention No. 97 is also accompanied by Recommendation No. 86. Recommendations are not subject to ratification and are not, as such, legally binding instruments.¹⁹³ But still, when they come in the package with the Convention, they can give helpful instructions on how to implement the Convention or how to understand some specific provisions of the Convention.¹⁹⁴

For example, Recommendation No. 86, in addition to Article 8 of the Convention, contains provisions aimed at protecting migrant workers admitted to permanent residence from expulsion due to a shortage of funds or lack of employment. Paragraph 18 of the Recommendation states:

¹⁹³ Wisskirchen, Alfred. «The Standard-Setting and Monitoring Activity of the ILO: Legal Questions and Practical Experience». *International Labour Review* 144 (2005), 253. <https://heinonline.org/HOL/Page?handle=hein.journals/intlr144&id=263&div=&collection=>

¹⁹⁴ Cholewinski, Ryszard. «The ILO and the Global Compact for Safe, Orderly and Regular Migration: Labour Migration, Decent Work and Implementation of the Compact with Specific Reference to the Arab States Region». *International Journal of Law in Context* 16/3 (2020), 320. <https://doi.org/10.1017/S1744552320000336>

*“When a migrant for employment has been regularly admitted to the territory of a Member, the said Member should, as far as possible, refrain from removing such person or the members of his family from its territory on account of his lack of means or the state of the employment market, unless an agreement to this effect has been concluded between the competent authorities of the emigration and immigration territories concerned.”*¹⁹⁵

2.2.4. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Convention No. 143 represents the first attempt by the international community to address the problems that arise in connection with illegal migration and the illegal employment of migrants, which became especially acute in the early 1970s.¹⁹⁶

After the adoption of the documents of 1949, in 1975, when the Conference adopted a new Convention that affected the situation of migrant workers, there were fundamental changes in the international, economic and social context of the last quarter of the twentieth century.¹⁹⁷ It was no longer about facilitating the movement of surplus labor, but about establishing control over migration flows and, consequently, focusing on the elimination of illegal migration and the suppression of the activities of the organizers of the underground movements of migrants and their accomplices.¹⁹⁸

The full name of Convention No. 143 is the “Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of

¹⁹⁵ «Recommendation R086 - Migration for Employment Recommendation (Revised), 1949 (No. 86)». Accessed April 8, 2024.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312424

¹⁹⁶ Castles, Stephen. “International Migration at the Beginning of the Twenty-first Century: Global Trends and Issues.” *International Social Science Journal* 52/165 (2000), 271. <https://doi.org/10.1111/1468-2451.00258>

¹⁹⁷ Pécoud, Antoine. «The UN Convention on Migrant Workers’ Rights and International Migration Management». *Global Society* 23/3 (2009), 340. <https://doi.org/10.1080/13600820902958741>

¹⁹⁸ Charlie , Fanning - Nicola , Piper. *Global Labor Migration: Shifting Governance Mechanisms, Rights Deficits, and the Search for Order*, 2021. 68. <https://doi.org/10.1215/15476715-8767350>

Migrant Workers”. The document consists of three parts, and countries may decide to exclude the first or second part from ratification.¹⁹⁹

Part I consists of 9 articles and represents the first attempt by the international community to define the issue of irregular migration from a human rights perspective. All migrant workers have fundamental human rights, and ratifying states are required to uphold these rights, according to Article 1. In other words, the rights of all labor migrants, regardless of their status, must be respected. The intention expressed in this article is, without challenging the right of States to regulate migration flows, to reaffirm the right of migrants to protection, regardless of whether they entered the country and remained in it regularly or not, whether they have official documents or not. This article refers to the fundamentals of human rights contained in the international instruments adopted by the UN in this field and covers the fundamental rights of workers, as provided for in the ILO Declaration on Fundamental Principles and Rights at Work, adopted by the International Labor Conference on June 18, 1998. The ILO Declaration lists these rights in paragraph 2 as follows: “a) association freedom and the effective recognition of collective bargaining right; (b) the elimination of all forms of forced or compulsory labor; (c) the effective abolition of child labor; and (d) the elimination of discrimination in employment and occupation respect.”

Articles 2 and 3 of Convention No. 143 encourage States that have acceded to it to act and, if possible, cooperate in combating the illegal movement of migrants. At the same time, the Convention draws attention to the fact that recruiters or employers of illegal workers can be held liable, but not migrant workers themselves. ILO Committee of Experts, however, determined that, contrary to the spirit of the Convention, “sanctions against irregular migrants are widespread in both sending and receiving countries”. In addition, it can be argued that effective sanctions against employers are actually quite rare compared to deportations or other measures taken against migrant workers. Accordingly, it is worth remembering Articles 2 and 3.

¹⁹⁹ Baccini, Leonardo - Koenig-Archibugi, Mathias. «Why Do States Commit to International Labor Standards? Interdependent Ratification of Core ILO Conventions, 1948–2009». *World Politics* 66/3 (2014), 446. <https://doi.org/10.1017/S0043887114000124>

Part I of the Convention also provides for certain protective measures for migrants who have lost their jobs. In this regard, Article 8 states:

"1. On condition that he has resided legally in the territory for the purpose of employment, the migrant worker shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment, which shall not in itself imply the withdrawal of his authorisation of residence or, as the case may be, work permit.

And further:

2. Accordingly, he shall enjoy equality of treatment with nationals in respect in particular of guarantees of security of employment, the provision of alternative employment, relief work and retraining."

Concerning migrant workers in an irregular situation, article 9 says the following:

*"Without prejudice to measures designed to control movements of migrants for employment by ensuring that migrant workers enter national territory and are admitted to employment in conformity with the relevant laws and regulations, the migrant worker shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularized, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits."*²⁰⁰

In other words, a migrant worker who has performed any work, even in an irregular situation, is entitled to wages and is subject to social protection and other benefits in the same way as a worker in a regular one.

²⁰⁰ «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed April 8, 2024.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

Part II of Convention No. 143 applies only to migrants who entered the country as migrant workers on legal grounds. While Convention No. 97 seeks to prohibit inequality of treatment between migrant workers and local workers, Part II of Convention No. 143 aims to ensure equality of opportunity and eradicate practical discrimination through specific measures to guarantee equality.²⁰¹ Such measures are social security, trade union, and cultural rights, which are reflected in Article 10 of Convention No. 143. Article 14 on the employment contract establishes a limited period, not exceeding two years, for a migrant worker to have the opportunity to change employers, at least after two years. Such an approach, from the point of view of the Convention, is a significant peculiarity of avoiding situations of ill-treatment, since the obligation to stay with the same employer for a longer period may give the employer undesirable opportunities to pressure the employee through the threat of terminating or not renewing the employment contract (In this case, the worker may lose his residence permit and be forced to leave the country or even be deported).

States Parties to the Convention are required by Article 13 to assist migrant workers who are lawfully residing in their country in reuniting with their families. However, part 4 of Article 9 of Convention No. 143 also establishes:

*"Nothing in this Convention shall prevent Members from giving persons who are illegally residing or working within the country the right to stay and to take up legal employment."*²⁰²

When it comes to taking any action that could legitimize the status of irregular migrant workers, states are typically exceedingly cautious.²⁰³ One way or another, the

²⁰¹ Bosniak, Linda S. «Human Rights, State Sovereignty and the Protection of Undocumented Migrants under the International Migrant Workers Convention». *International Migration Review* 25 (1991), 737. <https://heinonline.org/HOL/Page?handle=hein.journals/imgratv25&id=700&div=&collection=>

²⁰² «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed April 8, 2024.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

²⁰³ Boswell, Christina. "Theorizing Migration Policy: Is There a Third Way?" *International Migration Review* 41/1 (March 2007), 92. <https://doi.org/10.1111/j.1747-7379.2007.00057.x>

above provision of Convention No. 143 is declarative, not requiring specific measures from the states that have ratified it. However, the decision on whether the position of the worker will be settled or not, following Recommendation No. 151 to this Convention, must be taken immediately. In the case of an immediate settlement, the migrant should enjoy all the rights that migrant workers have legally admitted within the State Party's borders.

Recommendation No. 151 has three parts. Part I looks at practical measures to ensure that the equality principle of opportunities and treatment are respected. It reaffirms the rights of migrant workers, including workers in irregular situations, to join trade unions and exercise their rights. Recommendation No. 151 calls on the authorities to ensure that irregular migrants are informed as soon as possible whether their status can be regularized or not. In the event of deportation, the migrant should not be charged the costs of its implementation.

Part II of Recommendation No. 151 deals with social policy, in particular occupational safety and health. This part is meaningful because, among the 6,000 workers who die every day from work accidents and occupational diseases, many are likely to be migrant workers, including irregular migrants. At the same time, migrant workers fill those sectors where the danger of working conditions in terms of percentages is the highest. Paragraphs 21 and 22 of the recommendation elaborate on the preventive aspects of labor protection. Paragraph 21, for example, reads:

“1) Every effort should be made to ensure that migrant workers receive training and instruction in occupational safety and occupational hygiene in connection with their practical training or other work preparation, and, as far as possible, as part thereof.”²⁰⁴

A few steps should be taken, according to Part III of the recommendation, to guarantee the bare minimum of protection in the case of job loss, expulsion, or departure from the nation of employment. Paragraphs 33 and 34 are self-evident in this sense and

²⁰⁴ «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed April 8, 2024.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

provide interesting indications for action. Paragraph 33 of the Recommendation reads as follows:

*“A migrant worker who is the object of an expulsion order should have a right of appeal before an administrative or judicial instance, according to conditions laid down in national laws or regulations. This appeal should stay the execution of the expulsion order, subject to the duly substantiated requirements of national security or public order. The migrant worker should have the same right to legal assistance as national workers and have the possibility of being assisted by an interpreter.”*²⁰⁵

Paragraph 34 reads:

(1) A migrant worker who leaves the country of employment should be entitled, irrespective of the legality of his stay therein--

a) to any outstanding remuneration for work performed, including severance payments normally due;

b) to benefits which may be due in respect of any employment injury suffered;

c) in accordance with national practice--

i) to compensation in lieu of any holiday entitlement acquired but not used;

(ii) to reimbursement of any social security contributions which have not given and will not give rise to rights under national laws or regulations or international arrangements: Provided that where social security contributions do not permit entitlement to benefits, every effort should be made with a view to the conclusion of bilateral or multilateral agreements to protect the rights of migrants.

*(2) Where any claim covered in subparagraph (1) of this Paragraph is in dispute, the worker should be able to have his interests represented before the competent body and enjoy equal treatment with national workers as regards legal assistance.*²⁰⁶

²⁰⁵ «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed April 8, 2024.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

²⁰⁶ «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed April 8, 2024.

As has been shown, these two ILO Conventions and their respective Recommendations cover many issues related to labor migration and provide sound answers to many of the concerns expressed by trade union organizations. At the same time, of course, they require the initiative of governments.²⁰⁷

The lack of ratification of these documents is more a result of the weakness of efforts to promote them than the reluctance of governments to develop a sound migration policy.²⁰⁸ However, some provisions seem to present some difficulties for governments. In Convention No. 97, the most cited provision in this sense is Article 6 on equal treatment (especially concerning social security) and Article 8 on the residence maintenance rights in case of inability to work. Articles 8 (protection in the event of loss of employment), 10 (equality of opportunity and treatment) and 14(a) (right of migrant workers to geographic and occupational mobility) of Convention No. 143 present the greatest challenges for governments.

2.2.5. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)

2.2.5.1. Structure of the ICRMW

The ICRMW was developed at the initiative of the UN and adopted by the UN General Assembly Resolution No. 45/158 of December 18, 1990.²⁰⁹ The elaborated convention became an international treaty of universal character, dedicated to the rights of a specific vulnerable group in need of protection.²¹⁰ The framework of the Convention encompasses all aspects of the migration process, including planning, departure, transit,

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

²⁰⁷ Hughes, Steve. «The International Labour Organisation». *New Political Economy* 10/3 (2005), 416. <https://doi.org/10.1080/13563460500204324>

²⁰⁸ Baccini, Leonardo - Koenig-Archibugi, Mathias. “Why Do States Commit to International Labor Standards? Interdependent Ratification of Core Ilo Conventions, 1948–2009.” *World Politics* 66/3 (July 2014), 490. <https://doi.org/10.1017/S0043887114000124>

²⁰⁹ Ryszard Cholewinski, Paul F. A. *Migration and Human Rights: The United Nations Convention on Migrant Workers' Rights* (Cambridge University Press, 2009), 1.

²¹⁰ Lesser Taryn , *The Role of United Nations Special Procedures in Protecting the Human Rights of Migrants* (Refugee Survey Quarterly, Volume 28, Issue 4, 2009, 2010), 155.

employment for the full stay and duration in the recruiting state, and return to the home state or place of origin.

The ICRMW entered into force on July 1, 2003, under Article 87. As of January 10, 2024, 59 States have ratified the Convention.²¹¹ The international convention consists of nine parts: Scope and definitions; Non-discrimination with Respect to Rights; Human Rights of All Migrant Workers and Members of their Families; Other Rights of Migrant Workers and Members of their Families who are Documented or in a Regular Situation; Provisions Applicable to Particular Categories of Migrant Workers and Members of their Families; Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families; Application of the Convention; General provisions; Final provisions.

From the preamble, three objectives of the ICRMW can be identified: improving the migrant worker's situation, building on existing international standards and recognizing the contribution of other international organizations in the field of migration; highlighting the link between the importance and magnitude of the phenomenon of migration and the hardship it causes for people; and preventing clandestine migration, while at the same time recognizing the base human rights of irregular migrants.

As an example, such a feature of ICRMW as a delicate balance between the protection of the rights of migrants and the principle of state sovereignty can be cited.²¹² Such content is absent in the preamble, although the meaning of this principle is fundamental and covers the entire convention.

2.2.5.2. The principle of non-discrimination

²¹¹ «United Nations Treaty Collection». Accessed January 10, 2024. https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=_en&mtsg_no=IV-13&src=TREATY

²¹² Pécoud, Antoine. *The Politics of the UN Convention on Migrant Workers' Rights* (SSRN Scholarly Paper, 2017). Social Science Research Network. Accessed April 9, 2024. <https://papers.ssrn.com/abstract=3054664>

Under Article 7 (Part II) of the ICRMW, migrant workers' rights are protected from discrimination.²¹³ Following the terms of the article, States Parties are required to protect the rights of migrant workers and their families "without distinction of any kind, including but not limited to sex, race, color, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic status, property status, marriage status, birth or other status." The anti-discrimination clause is not substantive as it applies only to the rights listed in the ICRMW.²¹⁴ Article 7 of the ICRMW resembles in content Article 1(1), which also links non-discrimination to the rights listed therein. The difference between the two provisions is that Article 7 is an obligation specifically placed on States, while Article 1(1) is more general and may also cover companies and private employers. Both provisions, however, appear to prohibit distinctions only between different migrant workers and their families. Thus, this definition of Article 7 excludes any form of discrimination and prohibits discrimination on national grounds. The purpose of this approach is to provide migrant workers, on an equal basis with citizens, with the opportunity to apply for the rights considered by the ICRMW.

2.2.5.3. Main Provisions of Parts III and IV of the ICRMW Concerning the Human Rights of Migrant Workers

The rights of migrant workers and their families are safeguarded in Parts III and IV of the ICRMW. Part IV (Articles 36–56) is restricted to these migrant workers and their families who are registered or in the documented position, while Part III (Articles 8–35) deals with the protection of the human rights of all migrant workers and members of their families, including irregular migrants.

The rights that apply to all migrant workers and their families are listed in Part III of the ICRMW. Many provisions relate to civil and political rights, but most of them can be classified as fundamental rights. Equality in respect of these rights is absolute, except

²¹³ Grant Stefanie - Lyon Beth , *INDIRECT SUCCESS? THE IMPACT AND USE OF THE ICRMW IN OTHER UN FORA.*, 111. <https://osf.io/preprints/lawarchive/chdap>

²¹⁴ Farahat, Anuscheh. "Discrimination inside: Non-Discrimination as a Tool of Migrant Integration" 115 (January 2021), 355. <https://doi.org/10.1017/aju.2021.55>

for any limitation clause that applies to both nationals and foreign migrant workers.²¹⁵ The approach set out in Part III is consistent with the principle of non-discrimination concerning the rights of citizens and aliens enshrined in general international human rights treaties, and with Article 1 of ILO Convention No. 143, which guarantees equal treatment concerning fundamental human rights between all migrant workers and citizens of the country, regardless of their status.

Concerning economic, social, and cultural rights, Part III provides for equal treatment between migrant workers and citizens of the country regarding remuneration, labor and conditions of employment (Article 25), social security (Article 27), emergency medical care (Article 28), and access to education (art. 30).

In addition to extending some of the rights of Part III, but already with regular migrant workers and their families, especially in the field of employment (articles 54 and 55), Part IV, in articles 43 and 45, also considers two general provisions on equality, which resemble the provisions of two ILO conventions concerning migrant workers. In terms of housing, social and health services, cooperatives, self-managed businesses, educational institutions and services, career counseling and training, and access to and participation in cultural life, Article 43(1) ensures that migrant workers will receive the same treatment as citizens. States Parties are required by Article 43(2) to establish measures to guarantee effective equality of treatment, allowing migrant workers to exercise the rights mentioned in this article's first paragraph in all situations where the conditions of their stay set by the State of employment satisfy the necessary criteria.

Article 25(1) of Part III of the ICRMW provides that all migrant workers and nationals will be treated equally with regard to compensation, other work conditions, and other employment conditions specified in this section. Article 25(1)(a)) and (b)) include overtime, working hours, weekly rest, paid leave, safety, health and dismissal, the minimum age for admission to work, and limitation of home work. Both of these clauses are open in the sense that they can be "extended" by national legislation.

²¹⁵ Sheetal Sheena Sookrajowa - Michael Bernard Claudius Joson, «An Analysis of the Challenges and Implications of the UN Migrant Workers Convention: The Case of Mauritius», *Migration and Development* 7/2 (2018), 269.

Article 25(2) prohibits derogation from the equal treatment principle in private employment contracts. Since article 25 is in Part III of the ICRMW, it applies to both irregular and regular migrant workers, as emphasized in article 25(3):

*States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity.*²¹⁶

The broad application list of rights in Article 25 to both regular and irregular migrants concerning social conditions and working life met with some resistance from the representatives of Germany and Austria during drafting.²¹⁷

Additional rights regarding work and conditions of employment are granted to lawful migrant workers in Part IV following articles 54 and 55. Article 55 guarantees equal treatment on an equal footing with citizens in paid activities for those migrant workers who are allowed to engage in such paid activities. Although this provision at first glance seems to fall within the scope of Article 25, the drafting history shows that those migrant workers who exercise their professional activities on an independent basis are not subject to Article 25, which applies only to employees. Thus, in this sense, Article 55 supplements the provisions of Article 25.

The ICRMW, on an equal basis with the citizens of the country, ensures the the rights of families and migrant workers to equal treatment in terms of access to health care, occupational health, and safety. Article 28, located in Part III of the ICRMW, reads as follows:

²¹⁶ Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Accessed April 9, 2024.
<https://www.refworld.org/legal/agreements/unga/1990/en/27627>

²¹⁷ MacDonald, Euan - Cholewinski, Ryszard . *The Migrant workers convention in Europe: obstacles to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; EU/EEA perspectives*, 2007.
<https://unesdoc.unesco.org/ark:/48223/pf0000152537>

*Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment.*²¹⁸

In terms of health care access, migrant workers and family members in permanent status are likewise entitled to complete equality with citizens of the State of employment under Part IV of the ICRMW (Articles 43(I)(e) and 45(I)(c)).²¹⁹ The preparatory materials contain little detail on the possible interpretation of this text.

The ICRMW only mentions this topic briefly in Article 25(1)(a), which deals with equal treatment about compensation and, in particular, other work circumstances, when it comes to migrant workers and natives regarding occupational health and safety disparities.²²⁰ Under this provision, "other working conditions" are expressly defined as including safety and health.

2.2.5.4. Housing Rights of Migrant Workers

In the third chapter, it is emphasized how crucial it is for migrant workers to have proper housing, not only to help with family reunion but also, and perhaps more crucially, as a prerequisite for their successful integration into the State of employment and the enjoyment of other rights by themselves and their families. However, the ICRMW contains only passing references to the housing rights of ordinary migrant workers.²²¹ Irregular migrant workers do not have a direct right to housing. Permanent

²¹⁸ Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Accessed April 9, 2024.

<https://www.refworld.org/legal/agreements/unga/1990/en/27627>

²¹⁹ RAZAK, MUHAMMAD FALIQ ABD - ROHAIDA, NORDIN. *The Right to Health: Discriminatory Treatment against Migrant Workers in Malaysia*, 2018.

<https://www.academia.edu/download/91700075/200250854.pdf>

²²⁰ Michele, LeVoy - Eve, Geddie. *Irregular Migration: Challenges, Limits and Remedies*. 2010. Reprint, Refugee Survey Quarterly, 2010. <https://doi.org/10.1093/rsq/hdq010>

²²¹ M. Arthur Robinson Diakit , «11. A Brief Look At The International Convention On The Protection Of The Rights Of All Migrant Workers And Members Of Their Families», *International Human Rights Monitoring Mechanisms* (Brill Nijhoff, 2009), 118.

status migrant workers are entitled to the same treatment as citizens in terms of housing access, including social housing programs, and protection against exploitation when renting, as stated in section 43(1)(d) of the ICRMW. Article 43(1)(d) also expressly prohibits discrimination against migrant workers by private householders. States of employment may not ban an employer of migrant workers from providing "housing or social or cultural facilities" for them, as stated in Article 43(3).

2.2.5.5. Family Members of Migrant Workers

Family members of migrants may need to be permitted to enter and remain in the country of destination under international human rights law to uphold the right to respect family life. The concept of family within the ICRMW has two different meanings. Article 4 of the ICRMW as a whole defines a migrant worker's family as follows:

*...persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.*²²²

A similar definition of the family is contained in article 44(2), dealing exclusively with family reunification, except that the provision refers specifically to underage unmarried dependents and omits the reference to other dependents. These definitions represented a compromise between Western countries and third-world countries, especially third-world countries with Islamic roots. The desire to limit the definition of the “nuclear” family was mainly attempted by the States of employment, while the third countries preferred that this definition cover a wider group of persons to account for the “extended” family.²²³ Muslim countries also opposed the definition of

²²² Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Accessed April 9, 2024.

²²³ Wojciech Burek, «Family Reunification Regulations and Women: The Perspective of International Law», *Polish Yearbook of International Law* 36 (2016), 108.

the family, which includes relations producing "effects equivalent to marriage", since this definition is incompatible with the concept of the family, as defined by the legislation of these countries, and therefore recorded their official reservation to provision. Although it is not clear what other relationships can be covered in this way, except common-law marriages. However, in essence, the general definition in Article 4 is extremely flexible, as relationships producing effects equivalent to marriage and dependent children and other dependent family members are determined according to the applicable law and, in the latter case, applicable bilateral and multilateral agreements. This flexibility creates favorable conditions for States of employment to decide for themselves who is a family member of a migrant worker.²²⁴

Article 44(1) of the ICRMW requires States Parties to acknowledge the family as the natural and fundamental unit of society in order to protect migrant workers' families. As a cell of society, they have the right to state and public protection, and the task of the participating states is the right to provide.²²⁵ The basis for the wording of Part 1 of Article 44 is the UDHR (Part 3 of Article 16).

Having achieved relatively stable living conditions in a foreign country, migrants may want to bring their family members there. Family reunification and the right to respect for family life are rights that are linked to the migration of family members.²²⁶ Part II of article 44 of the ICRMW examines the potential for support from the States Parties to the problem of reunifying migrant workers with their wives (or individuals who are equal to them) and their minor children who are not married.

According to Ryszard I. Cholewinski, article 44 applies only to those labor migrants who are regular in the country of employment. Since chapter 4 of the ICRMW

²²⁴ Ruth Gavison, «Immigration and the Human Rights Discourse: The Universality of Human Rights and the Relevance of States and of Numbers», *Israel Law Review* 43/1 (2010), 23.

²²⁵ Lori A. Nessel, «Human Dignity or State Sovereignty? The Roadblocks to Full Realization of the UN Migrant Workers Convention», *Research Handbook on International Law and Migration* (Edward Elgar Publishing, 2014), 330.

²²⁶ Reinhard Schweitzer, «A Stratified Right to Family Life? On the Logic(s) and Legitimacy of Granting Differential Access to Family Reunification for Third-Country Nationals Living within the EU», *Journal of Ethnic and Migration Studies* 41/13 (2015), 2139.

is dedicated to migrant workers who have documents or legal status.²²⁷ Extending family reunification rights to an irregular is not practical and will result in a substantial flow of other people into the country of employment.²²⁸ This approach is consistent with the national sovereignty argument in Chapter 2 that restrictions on uncontrolled immigration are justified if such immigration threatens the physical security of the state. On the other hand, the family, from a communitarian point of view, is of the most significant and fundamental importance both for each person and for society as a whole.

2.2.5.6. Rights to Education

The ICRMW expressly guarantees migrant workers' and their families' right to an education, particularly for their children.²²⁹ Equality of migrant workers and nationals about access to vocational guidance and employment services, institutions, and institutions for vocational training and retraining is guaranteed by Articles 43(1)(b) and (c). Because they are in Part IV of the ICRMW, these provisions of Article 43 only apply to regular migrant workers. However, under article 25, all migrant workers are accorded equal treatment with national workers in respect, in particular, to other conditions of work and employment. Thus, if a State Party considers vocational guidance and training to be a necessary component of its labor legislation, irregular migrant workers may be covered by such legislation, although this is unlikely in practice. The idea of equitable access to vocational advice and training institutions and services is extended to family members of legal migrant workers by Article 45(1)(b). The direct application of equality in this area to families of migrant workers is an

²²⁷ Cholewinski, Ryszard . *Protection of the Human Rights of Migrant Workers and Members of their Families under the UN Migrant Workers Convention as a Tool to Enhance Development in the Country of Employment*. <https://www2.ohchr.org/english/bodies/cmw/docs/cholewinski.doc>

²²⁸ Anna Paraskevopoulou, «Undocumented worker transitions: family migration», *International Journal of Sociology and Social Policy* 31/1/2 (2011), 112.

²²⁹ Cholewinski, Ryszard. «Human Rights of Migrants: The Dawn of a New Era». *Georgetown Immigration Law Journal* 24 (2010 2009), 585.
<https://heinonline.org/HOL/Page?handle=hein.journals/geoimlj24&id=593&div=&collection=>

important addition, as young migrants, especially second and third-generation migrants in Western Europe, face significant difficulties in advancing through the ranks.²³⁰

Article 30 of Part III of the ICRMW guarantees migrant children the fundamental right of access to education based on equal treatment with the citizens of the country. This right applies to all such children, whether or not they or their parents are in an irregular situation. This article is limited to access only to public educational institutions and applies to children in preschool and school education. Despite widespread support for the inclusion of the fundamental right to education in the ICRMW, some States of employment were in favor of this provision being limited to regular migrants and placed in Part IV of the convention. However, in practice, the widespread implementation of the right to education for the children of irregular migrants is unlikely due to the reluctance to contact the state bodies.²³¹ Following Articles 43(1)(a) and 45(1)(b) of Part IV of the ICRMW, migrant workers and their permanent family members have the right to "access to educational institutions and services" on the same terms as citizens. This right extends not only to children but also to migrant workers in general, "subject to compliance with the requirements for admission and other rules of the relevant institutions and services."²³² The inclusion of migrant worker children in the educational system was a crucial consideration in the convention's development.²³³ It was also recognized that the wording "*if necessary in collaboration with the States of origin*" (Article 45(4)) does not imply a duty to collaborate; rather, it gives the State of employment the authority to initiate any form of cooperation.

Part III of the ICRMW requires States Parties to guarantee migrant workers' and their families' cultural identity be respected (Article 31(1)). This provision also includes a corresponding obligation not to prevent migrants from maintaining their cultural ties with their State of origin. Article 31 applies to all migrant workers and their families, but

²³⁰ Paola Dusi - Inmaculada González-Falcón, «Second-Generation Youth in Italy and Their Path to Adulthood. Who Is Supporting Them?», *Journal of Adult and Continuing Education* 27/1 (2021), 65.

²³¹ Fortuin, Rowan Victor. «Undocumented and Invisible: Are SADC Member States Implementing the Rights to Birth Registration and Nationality for Migrant Children?» <http://hdl.handle.net/11427/36626>

²³² Daniel Leitch. «Increasing Social Inclusion for the Children of Migrant Workers in Shanghai, China: A Four-Year Longitudinal Study of a Non-Governmental, Volunteer-Led, After-School Program», *Frontiers of Education in China* 11/2 (2016), 219.

²³³ Song, Yue. *Children of Migrant Workers in Urban High Schools: An Analysis of the Dual Role of Education*. University of Glasgow, PhD, 2018. <https://eleanor.lib.gla.ac.uk/record=b3312960>

as with the fundamental right to education, some States of employment wanted this provision moved to Part IV of the ICRMW.

2.2.5.7. Political Rights

Unlike other international standards relating to the protection of migrant workers, the political rights of migrant workers are more specifically defined in the ICRMW.²³⁴ In order to safeguard their economic, social, cultural, and other interests, migrant workers and their families are recognized to have the right to attend trade union meetings and activities as well as those of any other legally organized associations (Article 26(1)). Article 40(1) expands and specifies this right for permanent migrants. According to this article, regular migrant workers can organize trade unions and associations in their place of employment to advance and safeguard their rights. The reference to "other interests" in both provisions appears to cover political activity. On the other hand, many countries, both sending and receiving states, wanted to exclude migrants from participating in political activities in the host country.²³⁵ However, states are allowed to restrict the rights of migrants in articles 26 and 40 on the grounds of public order or national security. Article 52(2) (a) stipulates that such a restriction must be established by law by the State of employment, apply to restricted employment categories, and be necessary for the interests of that State.

2.2.5.8. Right to Protection from Expulsion

The provisions of the ICRMW protecting migrant workers from unfair and arbitrary removal are extensive.²³⁶ For an expulsion decision to be valid and enforceable, Article 22 of Part III of the ICRMW lists several procedural guarantees that must be

²³⁴ Pécoud, Antoine. *The Politics of the UN Convention on Migrant Workers' Rights* (SSRN Scholarly Paper, 2017). Social Science Research Network. Accessed April 9, 2024. <https://papers.ssrn.com/abstract=3054664>

²³⁵ Østergaard-Nielsen, Eva. «The Politics of Migrants' Transnational Political Practices». *International Migration Review* 37/3 (2003), 760. <https://doi.org/10.1111/j.1747-7379.2003.tb00157.x>

²³⁶ Weissbrodt, David. «Chapter 1. Human Rights of Noncitizens». *Chapter 1. Human Rights of Noncitizens*. 24. University of Pennsylvania Press, 2015. <https://www.degruyter.com/document/doi/10.9783/9780812291421-002/pdf?licenseType=restricted>

observed. Since this provision applies to both regular and irregular migrants, it is, therefore, broader in content than the corresponding procedural guarantees against the expulsion of aliens contained in Article 13 of the ICCPR and Article 1 of Protocol No. 7 to the ECHR, which apply only to aliens residing in legal grounds in the territory of States Parties. Article 22(1) prohibits collective expulsion, adding that *"each case of expulsion shall be examined and decided individually"*.²³⁷ Article 22(2) states that the decision on expulsion must be taken by "the competent authority in accordance with law". Article 22(3) requires that concerned migrant workers receive notification of the decision in a language they understand. Such a decision must be communicated to them in writing, together with the reasons for the decision. For reasons of national security, the provision of the article allows, in exceptional circumstances, States Parties to refrain from providing information in this form. In our opinion, the attempt to grant rights to illegal migrants in such a universal multilateral document is a significant step forward in protecting such a vulnerable group. However, to alleviate practical problems during the exercise of rights, ICRMW solves little.²³⁸

States Parties are required under the ICRMW to take the necessary actions to guarantee that the situation in which irregular migrants are present on their territory does not persist, as stated in Article 69(I) of Part VI. However, this provision is countered by Article 69(2), which provides that whenever States Parties consider the possibility of resolving the situation of such persons, they must take into account *"the circumstances of their entry, the duration of their stay in the States of employment and other relevant considerations, in particular those relating to their family situation"*.²³⁹ Some States considered that this provision might imply an obligation to legalize irregular migrant workers. However, such a strict commitment is not intended. The regulation requires that definite issues be taken into account only after a State Party has decided to proceed with

²³⁷ Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Accessed April 9, 2024. <https://www.refworld.org/legal/agreements/unga/1990/en/27627>

²³⁸ «The international convention on the protection of the rights of all migrant workers and members of their families: A new human rights instrument». Accessed April 9, 2024. https://ibn.idsi.md/vizualizare_articol/15836

²³⁹ Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Accessed April 9, 2024. <https://www.refworld.org/legal/agreements/unga/1990/en/27627>

a regularization or amnesty program for irregular migrants. This split is a direct consequence of the ICRMW compromise between human rights protection and the principle of state sovereignty, which is most prevalent in the irregular migration area.

2.2.5.9. Rights of Migrant Women

The next problem is the specific group, namely migrant women, who are not given due attention by ICRMW. It is undeniable that the ICRMW explicitly protects women as migrant workers and as family members of migrant workers. It uses inclusive language throughout and applies equally to both male and female migrant workers.²⁴⁰ The Article 45 of the ICRMW deals with the rights to equality and article 50 allows women who are family members of migrant workers to stay in the State in the case of their divorce or death. These two articles also contain particular provisions safeguarding women as family members. Nonetheless, there are a lot of concerns that are not specifically addressed that affect women who work as migrants and their families. The ICRMW does not protect the particular vulnerability of migrant women as victims of prostitution and sexual violence, as well as other forms of physical violence.²⁴¹

2.2.6. Drawbacks of the UN Convention (ICRMW) in Relation to ILO Standards

The provisions of the ICRMW governing equal conditions of work and employment are very advanced compared to other international standards in this area.²⁴²

²⁴⁰ S., Brahma - S., Paul . *Human Rights of Women Migrants*. 2020. Reprint, © Springer Nature Switzerland AG 2020: W. Leal Filho et al. (eds.), Gender Equality, Encyclopedia of the UN Sustainable Development Goals, 2020.

[https://www.researchgate.net/profile/Salvin-](https://www.researchgate.net/profile/Salvin-Paul/publication/348842963_Human_Rights_of_Women_Migrants/links/602230fe4585158939902558/Human-Rights-of-Women-Migrants.pdf)

[Paul/publication/348842963_Human_Rights_of_Women_Migrants/links/602230fe4585158939902558/Human-Rights-of-Women-Migrants.pdf](https://www.researchgate.net/profile/Salvin-Paul/publication/348842963_Human_Rights_of_Women_Migrants/links/602230fe4585158939902558/Human-Rights-of-Women-Migrants.pdf)

²⁴¹ Jangavadze, Meri. «Gender Dimension of Migration: The Key Challenges Faced by Migrant Women». *Levan Alexidze Journal of International Law (LAJIL)* 1/1 (2020). <https://laf.ge/journals/index.php/test/article/view/10>

²⁴² Majcher, Izabella. «GCM Objective 13: In Search of Synergies with the UN Human Rights Regime to Foster the Rule of Law in the Area of Immigration Detention». *Laws* 11/4 (2022), 52. <https://doi.org/10.3390/laws11040052>

They are broader in scope than equivalent ILO standards because they guarantee the rights of migrant workers directly in relation to their employers as well as in relation to the State. Thus, rights are paramount, as opposed to public duties of preventing discriminatory practices by public authorities or promoting equal employment opportunities and employment conditions, as provided in ILO regulations.

In definite details, the provisions of the ICRMW are most similar to those of the European Community, but in general, the scope of the ICRMW is broader, as it also covers the situation of illegal migrant workers.²⁴³ However, there are some shortcomings and omissions in ICRMW that could be supplemented by specific provisions or addressed in light of experience gained and ILO standards.

For example, provisions for free choice of work in the ICRMW are unlikely to improve the economic and social situation of labor migrants in the host country.²⁴⁴ On the contrary, the progress made in this area by article 14(a) of ILO Convention No. 143 may become a particular problem. Since this article of the Convention grants migrant workers free access to most categories of employment after two residence and employment years, whether for an indefinite or temporary period. The right to seek alternative employment, to take part in public works projects, and to get retraining is guaranteed to migrant workers in the State who are not permitted to freely choose paid activities under Article 51 of the ICRMW. These rights, however, can only be exercised *"during the remaining period of their authorization to work, subject to such conditions and limitations as are specified in the authorization to work."*²⁴⁵ The rights granted to migrant workers in Articles 49 and 51 about dismissal should be read in conjunction with Article 52, which regulates the free access of migrant workers to employment in the host country. The effect of this provision limits the ability of migrant workers to find alternative employment. On the contrary, ILO standards, in particular Article 8 of

²⁴³ Michele, LeVoy - Eve , Geddie. *Irregular Migration: Challenges, Limits and Remedies* . 2010. Reprint, Refugee Survey Quarterly, 2010. <https://doi.org/10.1093/rsq/hdq010>

²⁴⁴ Arowolo, Grace Ayodele. «Protecting the Rights of Migrants: The Challenges and the Prospects». *Journal of Law, Policy and Globalization* 105 (2021), 92. <https://heinonline.org/HOL/Page?handle=hein.journals/jawpglob105&id=93&div=&collection=>

²⁴⁵ Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Accessed April 9, 2024. <https://www.refworld.org/legal/agreements/unga/1990/en/27627>

Convention No. 143, provide migrant workers in the host country with more opportunities to seek alternative employment. Since, following Article 14 (a), the Convention limits the employment contract to a period of two years and can be terminated after this period.

Unfortunately, the importance of the ILO Convention was greatly downplayed by several government delegations in the development of the ICRMW. As a result, the restrictions on access to employment contained in Articles 52 and 53 of the ICRMW are more reminiscent of the intricate approach taken in some Council of Europe instruments such as the European Convention on Establishment (ETS No. 019) than an evolution of the simplicity exhibited under Article 14(a) ILO Convention No. 143.

Concerning equality of rights to social security, article 27 of the ICRMW, as a general principle of the provision, differs somewhat from other similar international standards in the absence of a specific reference point. The equality principle with regard to social security rights stated in article 27(1) is contingent upon migrant workers meeting the standards stipulated in applicable State law as well as applicable bilateral and multilateral treaties. No specific multilateral treaty is mentioned. On the contrary, Article 10 of ILO Convention No. 143, which provides equality concerning social security rights, could well be supplemented by more precise ILO standards on social rights. Consequently, the level of social security that migrant workers can expect can only be established based on international social security treaties, if any.²⁴⁶

The issue of the regularization of migrant workers requires special attention. Article 9(4) of ILO Convention No. 143 declares:

*"Nothing in this Convention shall prevent Members from giving persons who are illegally residing or working within the country the right to stay and to take up legal employment."*²⁴⁷

²⁴⁶ Teklè Tzehainesh , *The Contribution of the ILO's International Labour Standards System to the European Court of Human Rights' Jurisprudence in the Field of Non-Discrimination* (2019; repr., Industrial Law Journal, Volume 49, 2020).

²⁴⁷ «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed April 14, 2024.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

Whereas paragraph 8(1) of ILO Recommendation No. 151 urges the Member States to decide as soon as possible whether the status of an undocumented migrant can be regularized or not. None of these provisions implies an obligation to address the situation of irregular migrants and is thus similar to Article 69(2) ICRMW. Article 69(2) can also be contrasted with Articles 35 of Part III of the ICRMW, which provides that:

*“Nothing in the present part of the Convention shall be interpreted as implying the regularization of the situation of migrant workers or members of their families who are non-documented or in an irregular situation or any right to such regularization of their situation, nor shall it prejudice the measures intended to ensure sound and equitable-conditions for international migration as provided in part VI of the present Convention”.*²⁴⁸

The reference in this article to Part VI clearly shows that this provision is in no way inconsistent with Article 69(2). The lack of a clear commitment by the ICRMW to address the issue of the irregular status of migrant workers so that they can exercise their rights, especially those who have resided and contributed to the economy of the employment state for a certain period, undermines their already vulnerable situation.

In contrast to, say, European instruments and ILO norms, the ICRMW marks a substantial advancement in the protection of migrant workers' and their families' human rights, notwithstanding the aforementioned drawbacks. Indeed, this represents a significant effort, although by no means entirely successful given the limitations of state sovereignty, to implement universal principles for human rights protection. Despite this, ICRMW's protection mechanisms regarding the rights of migrant workers are a significant step towards the development of human rights in general.

²⁴⁸ Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Accessed April 14, 2024. <https://www.refworld.org/legal/agreements/unga/1990/en/27627>

2.3. The role of ILO and CMW in the Field of Human Rights Protection of Migrant Workers

2.3.1. Influence features of ILO in relation to the rights protection of migrant workers

2.3.1.1. Features and Properties of the ILO

As the oldest active organization concerned with human rights protection, the ILO is widely recognized as playing a leading role in this regard. Moreover, ILO standards have inspired the economic articulation and social rights in universal and regional human rights instruments.²⁴⁹ Although the oversight mechanism of the ILO cannot easily be transferred to other systems of human rights protection due to the special conditions of its formation, the procedures of the ILO are at the forefront of attempts to monitor the implementation of human rights. The oversight mechanism applies uniformly to all member states and, in general, to all ILO standards.²⁵⁰ In addition, no reservations may be made about the standards (Conventions).

Despite its age, the ILO has retained some unique and innovative features that continue to generate interest. The ILO has developed informal methods that complement formal arrangements. For example, the system of "direct contacts" with governments is based on detailed discussions between ILO representatives and the government, usually initiated by the latter, to obtain technical assistance, establish facts or resolve differences between the government concerned and the ILO's oversight body.²⁵¹ The ILO is in a unique position to address the human rights of migrant workers and their families because of its history of upholding and advancing the dignity of human labor and its concern for workers' rights. Indeed, the plight of this group has received particular attention from the ILO.

²⁴⁹ Clapham, Andrew. "Sanctions and Economic, Social and Cultural Rights." *United Nations Sanctions and International Law*. 132. Brill Nijhoff, 2001. https://doi.org/10.1163/9789004502871_014

²⁵⁰ Maupain, Francis. «The ILO Regular Supervisory System: A Model in Crisis?» *International Organizations Law Review* 10/1 (2013), 117. <https://doi.org/10.1163/15723747-01001004>

²⁵¹ Lars Thomann, «The ILO and Compliance», *Steps to Compliance with International Labour Standards: The International Labour Organization (ILO) and the Abolition of Forced Labour*, под ред. Lars Thomann (Wiesbaden: VS Verlag für Sozialwissenschaften, 2012), 183.

The issues of migration for employment and its relationship with development problems have become global today and affect most states of the world. Migrant workers contribute to economic growth and development in the countries where they are employed.²⁵² Countries of origin also benefit, as migrant workers send remittances and apply skills acquired during migration upon return.²⁵³ However, the migration process poses complex challenges. Many migrant workers, especially low-skilled workers, are seriously abused and exploited.²⁵⁴ Increasingly self-migrating and now accounting for nearly half of all international migrants, women are in particular need of protection. As labor migration expands and becomes more complex, the international community needs new regulatory instruments to complement the international standards developed over the past decades.

The ILO, through its tripartite structure (governments, employers, and workers), labor force mandate, standard-setting competence, and long experience, contributes to social justice in the labor sphere. Through labor relations, the ILO has an obligation and is called upon in other areas to play a pivotal role for governments, social partners, and other stakeholders in developing principles and guidelines for labor migration policy and practice. It is in this context that the ILO has promoted a broad dialogue in recent years. For example, the World Commission on the Social Dimension of Globalization formed by the ILO, which includes eminent figures from various fields, noted that the lack of a multilateral framework for regulating international migration has given rise to some related problems, including exploitation of migrant workers, an increase in illegal migration, increased human trafficking and brain drain from developing countries.²⁵⁵ In 2004, the 92nd session of the International Labor Conference held a general debate on

²⁵² Noja, Grațela Georgiana et al. "Migrants' Role in Enhancing the Economic Development of Host Countries: Empirical Evidence from Europe." *Sustainability* 10/3 (March 2018), 894. <https://doi.org/10.3390/su10030894>

²⁵³ Azam, Muhammad. "The Role of Migrant Workers Remittances in Fostering Economic Growth: The Four Asian Developing Countries' Experiences." *International Journal of Social Economics* 42/8 (January 1, 2015), 702. <https://doi.org/10.1108/IJSE-11-2013-0255>

²⁵⁴ Gimpelson, Vladimir - Kapeliushnikov, Rostislav. *Age and Education in the Russian Labour Market Equation* (SSRN Scholarly Paper, November 15, 2017). Social Science Research Network. Accessed October 16, 2023. <https://papers.ssrn.com/abstract=3212682>

²⁵⁵ Likić-Brborić, Branka. "Global Migration Governance, Civil Society and the Paradoxes of Sustainability." *Globalizations* 15/6 (September 19, 2018), 768. <https://doi.org/10.1080/14747731.2018.1503841>

migrant workers and unanimously adopted a resolution concerning a fair deal for migrant workers in a global economy, calling for the ILO plan of action for migrant workers.²⁵⁶

2.3.1.2. ILO Bodies

The ILO procedures and bodies established to ensure human rights protection as outlined in the Constitution and the Conventions and Recommendations have a dual objective: to ensure compliance with the obligations of States under ratified Conventions and to promote the application of ILO standards irrespective of any official commitments. The second objective is illustrated in the discussion of the ILO's attempts to control the actions of states to non-ratified Conventions and Recommendations.²⁵⁷

The main organs of the ILO are the General Conference, the Governing Body, and the International Labor Office. The General Conference (or the International Labor Conference) is the supreme body of the ILO.²⁵⁸ The functions of the Governing Body include: setting the agenda for the sessions of the General Conference and other bodies of the ILO; appointment of the Director General of the International Labor Office; activities coordination of the ILO with the activities of other international organizations. The International Labor Office is the permanent secretariat of the ILO. The ILO also forms various committees, commissions, and regional conferences. The bodies of the ILO should be formed taking into account the fair geographical distribution of posts, and the equality of socio-economic systems. However, this principle is not always observed de facto.

The ILO is unique among intergovernmental human rights organizations in that its decision-making bodies are composed not only of government representatives but

²⁵⁶ «Resolution Concerning a Fair Deal for Migrant Workers in a Global Economy». Document. 2012. Accessed April 19, 2024. http://www.ilo.org/global/topics/labour-migration/WCMS_178658/lang-en/index.htm

²⁵⁷ Swepston, Lee. «Human Rights Law and Freedom of Association: Development through ILO Supervision». *International Labour Review* 137 (1998), 169. <https://heinonline.org/HOL/Page?handle=hein.journals/intlr137&id=178&div=&collection=>

²⁵⁸ Steve Charnovitz, «The International Labour Organization in Its Second Century», *Max Planck Yearbook of United Nations Law Online* 4/1 (2000), 148.

also of workers' and employers' representatives, who participate on an equal footing.²⁵⁹ International labor standards are brought to life as a result of discussions and negotiations at the annual International Labor Conference and in the Committee established by the Conference at the beginning of each session. Both of these forums are tripartite, as is the Governing Body of the ILO (the executive body of the ILO). The Governing Body and the Conference Committee also participate in the oversight process and discuss the findings of the Committee of Experts.²⁶⁰ As a result, groups with a genuine interest in the topics covered by the ILO can effectively participate in and contribute to international labor standards development and the mechanisms established to protect and implement them.

2.3.1.3. Control Functions of the ILO

States that have ratified ILO Conventions are required to submit annual reports following Article 22 of the ILO Constitution. The governing body may periodically request more detailed reports, especially those relating to fundamental human rights. The reports are considered by the Committee of Experts on the Application of the Conventions and Recommendations. The governing body may also request reports on individual non-ratified Conventions and Recommendations.

The ILO reporting system contains only two forms of "sanctions" that can be applied to a state. The first involves the publication of significant inconsistencies between the obligations of states under ratified conventions and national law and practice in the Committee of Experts' annual reports. The second is imposed by the tripartite conference Commission considering the report of the Committee of Experts. The Conference Committee selects approximately a quarter of the last Committee's comments for public discussion. They constitute the most significant cases.

²⁵⁹ Boockmann, Bernhard. *Decision-Making on ILO Conventions and Recommendations: Legal Framework and Application*. Research Report. ZEW-Dokumentation, 2000. ZEW-Dokumentation, www.econstor.eu. <https://www.econstor.eu/handle/10419/39114>

²⁶⁰ Lee Swepston, «Chapter 6. Human Rights Complaint Procedures of the International Labour Organization», *Chapter 6. Human Rights Complaint Procedures of the International Labour Organization* (University of Pennsylvania Press, 2016), 104.

Representatives of criticized governments have the opportunity to respond during these discussions. The Conference Committee then submits a report to the Plenary of the Conference, which includes a special list of States that either has not complied with reporting requirements or whose legislation or practices are not in conformity with the Conventions they have ratified. This "special measure" has been described as the most severe moral censure available under the relevant oversight system of the ILO.²⁶¹

2.3.1.4. ILO Complaint Procedures

In addition to reporting requirements, the ILO has clear dispute procedures in place to allow complaints that a State has failed to comply with its obligations under the Convention or Conventions that it has violated. Employers' or Employees' Organizations may make representations to the Governing Body of the ILO. A representation is sent to the relevant government for a response. If the government does not respond, the Governing Body of the ILO decides to publish the representation.

The complaints procedure is the most formal and far-reaching procedure in the ILO's oversight arsenal.²⁶² A State may file a complaint against another State for breach of its obligations under the Convention, which both States have ratified. The complaint procedure may also be initiated by the Governing Body or by a complaint from a delegate of the International Labor Conference. Thus, in the latter case, the procedure can be started by employers or employees who are represented at the Conference. Governing Body may file a complaint with the designated government agency and invite the government to issue a statement. If Governing Body considers that the response received is insufficient, it may appoint a Commission of Inquiry to consider the complaint, consisting of three experts. The investigation is carried out in court and includes the collection of relevant documents, the hearing of participants and witnesses,

²⁶¹ Anner, Mark - Caraway, Teri. "International Institutions and Workers' Rights: Between Labor Standards and Market Flexibility." *Studies in Comparative International Development* 45/2 (June 1, 2010), 159. <https://doi.org/10.1007/s12116-010-9064-x>

²⁶² Tapiola, Kari - Swepston, Lee. "The Ilo and the Impact of Labor Standards: Working on the Ground after an Ilo Commission of Inquiry." *Stanford Law and Policy Review* 21 (2010), 513. <https://heinonline.org/HOL/Page?handle=hein.journals/stanlp21&id=519&div=&collection=>

and field visits. Upon completion of the investigation, the Director-General shall forward the report of the Commission of Inquiry to the Governing Body and the Governments concerned for the organization of its publication.

Representation and complaints procedures are rarely used, but there are still cases, specifically when it affects fundamental human rights principles.²⁶³ Among such cases alleging violations of ILO labor standards and involving migrant workers, can be stood out two complaints. In the first case, the ratified conventions were violated by the host state. Ultimately, the problem between states was settled (complaint 1985, Tunisia v. Libya).²⁶⁴ The second was initiated by the Workers' delegates to the International Labor Conference and led to the appointment of a Commission of Inquiry (1983 complaints, v. Haiti, and the Dominican Republic).²⁶⁵

Practice shows that the absence of sanctions in the ILO Constitution for violation of the obligations assumed by states indicates that the ILO control mechanism is aimed more at encouraging than at censure.²⁶⁶ In general, the ILO defines its position in this way. The ILO appeals to the conscience of governments, relying on the power of public opinion, and the influence of other governments and social partners, and actively provides technical assistance to solve problems identified during the implementation of the monitoring mechanism. In the work of the ILO, it can be assumed that such trends will persist for a long time.

2.3.2. Control functions of the CMW over compliance with the ICRMW

²⁶³ De Stefano, Valerio. "Not as Simple as It Seems: The ILO and the Personal Scope of International Labour Standards." *International Labour Review* 160/3 (September 2021), 396. <https://doi.org/10.1111/ilr.12201>

²⁶⁴ «Judgment of 10 December 1985 | INTERNATIONAL COURT OF JUSTICE». Accessed April 14, 2024. <https://www.icj-cij.org/node/103145>

²⁶⁵ «Article 24/26 cases». Accessed April 14, 2024. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50012:0::NO::P50012_COMPLAINT_PROCE DURE_ID,P50012_LANG_CODE:3058940,en

²⁶⁶ Clapham, Andrew. "Sanctions and Economic, Social and Cultural Rights." *United Nations Sanctions and International Law*. 141. Brill Nijhoff, 2001. https://doi.org/10.1163/9789004502871_014

Migrant workers and their families often face marginalization, xenophobia, psychological and health problems, and harsh living and working conditions.²⁶⁷ In more cases, they are exploited, isolated, and at risk of their lives. The CMW monitors the implementation of the ICRMW and the protection of the human rights of migrants by states. Article 72 of the ICRMW establishes that the CMW oversees the implementation of the Convention. The CMW is composed of 14 experts elected by the participating States and serving in their capacity.²⁶⁸ The major legal systems of the world are represented on the Committee, and members are chosen by secret ballot by States Parties taking into account a fair geographic distribution that takes into account migrant workers' places of employment and origin. Members serve in their capacity for a term of four years.

States Parties accept the obligation under Article 73 to report on the steps they have taken to implement the Convention, initially within one year of its entry into force and thereafter every five years for the State concerned. It is also anticipated that the reports will give information on migratory flows and highlight issues that arose during the Convention's implementation. The Committee will forward to the State party concerned such comments as it may deem appropriate after consideration of the reports.²⁶⁹

Close cooperation between the Committee and international institutions, in particular the International Labor Office, is provided for by the Convention (arts. 74(2) and (5)). For example, the Committee invites the Office to nominate representatives to act as advisers at its meetings and considers such comments and inputs as the Office can provide during the discussions.

Under article 77:

²⁶⁷ Zotova, Natalia et al. "Worry, Work, Discrimination: Socioecological Model of Psychological Distress among Central Asian Immigrant Women in Russia." *SSM - Mental Health* 1 (December 1, 2021), 100011. <https://doi.org/10.1016/j.ssmmh.2021.100011>

²⁶⁸ International Justice Resource Center. «Committee on Migrant Workers», 2014. <https://ijrcenter.org/un-treaty-bodies/committee-on-migrant-workers/>

²⁶⁹ Flynn, Michael . *Externalisation, immigration detention and the Committee on Migrant Workers*, 2021. <https://www.globaldetentionproject.org/wp-content/uploads/2022/03/Flynn-Forced-Migration-Review-Nov-2021.pdf>

*"A State Party to the present Convention may at any time declare under the present article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the present Convention have been violated by that State Party. No communication shall be received by the Committee if it concerns a State Party that has not made such a declaration."*²⁷⁰

The Committee may request written explanations and provide an opinion after taking into account all relevant information if it is satisfied that the matter has not been and is not being considered under another procedure of international investigation or settlement and that all domestic remedies have been exhausted. Ten declarations by States Parties are required for the individual communication procedure to enter into force.

In March 2004, the Committee on Migrant Workers held its first session and adopted its first provisional rules and procedures.²⁷¹ In October 2004, the Committee held informal meetings to develop guidelines for the initial preparation reports of States Parties. It formally adopted these guidelines at its second session in April 2005. At that session, the Committee also discussed its working methods for the consideration of reports from States parties.

The tasks of the CMW include: Considering reports from States Parties and making recommendations concerning labor migrants and their families in those States (Articles 73 and 74 of the Convention); Organization days of general discussion; Interpretation of the content of the main provisions of the Convention (common remarks) and publication of statements, information notes or recommendations on matters relating to its mandate; Consideration of interstate or individual complaints or communications from States Parties or individuals who assert their legal rights enshrined

²⁷⁰ Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Accessed April 14, 2024. <https://www.refworld.org/legal/agreements/unga/1990/en/27627>

²⁷¹ Pawlak, Anna . "The Rights of Migrant Workers in the United Nations System," 142. <https://eurofur.eu/wp-content/uploads/2020/10/tr9.pdf>

in the Convention have been violated, with the approval of 10 States Parties (Articles 76 and 77 ICRMW).

The CMW is also mandated to oversee how States Parties protect and ensure the rights of irregular labor migrants and their families, as the Convention recognizes the rights of these migrants, who often face exploitation and serious human rights violations.

Although the Committee devotes all its efforts to improving the lives of labor migrants and their families, such tasks are unlikely to be achieved under the current conditions. Since, many developing and developed countries, which are the main importers of migrant workers, are in no hurry to sign and ratify the ICRMW.²⁷²

2.4. The role of international law and the laws of the Russian Federation

2.4.1. Influence of the norms of international law on the legal system of the Russian Federation

The modern Russian theory of international law emphasizes the essential role and influence of international treaties on the internal law of the Russian Federation in their interaction process.²⁷³ Although such a close connection confirms the fact of influence, however, these two systems of law are not in hierarchical subordination to each other. In fact, after carrying out some legal procedures, international treaties, including those on migrant workers and their protection, according to the Constitution of the Russian Federation, should become a source of international law for Russia. Consequently, any international treaty ratified by Russia should affect the national law sources.

The link between domestic and international law is essential in the field of human rights protection, especially for the vulnerable group, where migrant workers are no exception. International human rights law is largely shaped by the most successful

²⁷² Clíodhna Murphy, «THE ENDURING VULNERABILITY OF MIGRANT DOMESTIC WORKERS IN EUROPE», *International & Comparative Law Quarterly* 62/3 (2013), 601.

²⁷³ Danilenko, Gennady M. "The New Russian Constitution and International Law." *American Journal of International Law* 88/3 (July 1994), 470. <https://doi.org/10.2307/2203713>

examples of domestic law.²⁷⁴ Nevertheless, the influence of international law on domestic legislation for the protection of human rights is considerably more evident when examining a particular national system for the defense of foreign workers' labor rights.

The mechanisms for the implementation of legal procedures for the inclusion of international treaties in the internal law of Russia will be determined by the Constitution of the Russian Federation and the Federal Law of July 15, 1995, N 101-FL (as amended on December 8, 2020) "On International Treaties of the Russian Federation". In Russia, international treaties are signed mainly by the President of the Russian Federation (Article 86 of the Constitution of the Russian Federation). After signing, the agreement goes through the procedure of ratification in the State Duma of the Federal Assembly (the lower house of the Parliament of the Russian Federation). The ratification procedure is carried out in the form of a federal law (Articles 14 and 16 of the Federal Law "On International Treaties of the Russian Federation").

In Russian law, there are two main ways of interacting with international law that affect domestic legislation. The first is the implementation of the norms of international law in domestic law, the second is the adoption of domestic legislation, taking into account ratified international treaties. The most obvious way of influencing the norms of international law on domestic legislation is their implementation in domestic law. Part 4 of Art. 15 of the Constitution of the Russian Federation states that *universally-recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system*.²⁷⁵ The resolution of the Plenum of the Supreme Court of the Russian Federation of October 10, 2003 No. 5 "On the application by courts of general jurisdiction of generally recognized principles and norms of international law and international treaties of the Russian Federation" explains that international treaties with the participation of the Russian Federation can be directly applied by courts of general jurisdiction if this does not contradict the meaning of the treaties themselves, for example, if they do not indicate that their implementation

²⁷⁴ Ruhs, Martin. "The Human Rights of Migrant Workers: Why Do so Few Countries Care?" *American Behavioral Scientist* 56/9 (September 2012), 1283. <https://doi.org/10.1177/0002764212443815>

²⁷⁵ «Chapter 1. The Fundamentals of the Constitutional System | The Constitution of the Russian Federation». Accessed April 22, 2024. <http://www.constitution.ru/en/10003000-02.htm>

requires the adoption of domestic legislation.²⁷⁶ Thus, self-executing, i.e., not requiring the adoption of domestic legislation for execution, international treaties of the Russian Federation have a direct effect on the territory of Russia. In the history of the ILO, there have been many cases when states considered their obligations to apply a particular convention fulfilled after they had ratified and incorporated it into their domestic legislation, however, the ILO supervisory bodies pointed to the insufficiency of ratification for the effective implementation of the conventions.²⁷⁷

At this stage, Russian statehood, due to its foreign policy, as well as some economic factors, such as sanctions, is experiencing a complex economic stagnation.²⁷⁸ The country, being in political isolation, tendencies towards a more rigid form of government appear more often, and thus the movement towards the restriction of instruments for the defense of freedoms and human rights is accelerating at a rapid pace. A good example is the amendments made in 2020 to the Constitution of the Russian Federation. Although the main purpose of these amendments was to reset the terms of Russian President V.V. Putin, also of particular importance were issues regarding international treaties, where special powers are allocated to the Constitutional Court of the Russian Federation regarding the execution of decisions of International Courts on the territory of Russia.²⁷⁹ Thus, these powers were fixed: in Clause b, part 5.1, article 125 of the Constitution of the Russian Federation; in Article 3 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation"; in Article 34 of the Federal Law "On International Treaties of the Russian Federation"; in article 10 of the Labor Code of the Russian Federation, etc.

²⁷⁶ «Постановление Пленума Верховного Суда РФ от 10.10.2003 N 5 (ред. от 05.03.2013) „О применении судами общей юрисдикции общепризнанных принципов и норм международного права и международных договоров Российской Федерации“ \ КонсультантПлюс». Просмотрено 22 апрель 2024 г. https://www.consultant.ru/document/cons_doc_LAW_44722/

²⁷⁷ Д Зарубин , «О НЕПОСРЕДСТВЕННОМ ДЕЙСТВИИ КОНВЕНЦИЙ МОТ В ПРАВОВОЙ СИСТЕМЕ РОССИЙСКОЙ ФЕДЕРАЦИИ», *Электронное приложение к Российскому юридическому журналу* 1 (2022 г.), 13.

²⁷⁸ Sonnenfeld, Jeffrey et al. *Business Retreats and Sanctions Are Crippling the Russian Economy* (SSRN Scholarly Paper, July 19, 2022). Social Science Research Network. Accessed October 16, 2023. <https://doi.org/10.2139/ssrn.4167193>

²⁷⁹ Государственная Дума. «Полный текст поправок к Конституции: что меняется?» 14 март 2020 г. Accessed March 14, 2024. <http://duma.gov.ru/news/48045/>

Clause b, part 5.1, article 125 of the Constitution of the Russian Federation reads:

Constitutional Court of the Russian Federation:

.....

in the order established by the federal constitutional law, resolves the issue of the possibility of execution of decisions of interstate bodies, adopted on the basis of the provisions of international treaties of the Russian Federation in their interpretation contrary to the Constitution of the Russian Federation, as well as the possibility of execution of a decision of a foreign or international (interstate) court, foreign or international arbitral tribunal (arbitration), imposing obligations on the Russian Federation, if this decision contradicts the foundations of the Constitution of the Russian Federation,²⁸⁰

In the formulation of this provision, it is necessary to take into account the paradoxical fact that the constitutional court is empowered to resolve the issue of *the possibility of execution (non-execution) of decisions of interstate bodies (adopted based on the provisions of international treaties of the Russian Federation) and the possibility of execution (non-execution) of a decision of a foreign or international (interstate) court, imposing obligations on the Russian Federation*, while Part 4 of Art. 15 of the Constitution gives priority to the norms of international law. This contradiction lies in the fact that Part 4 of Art. 15 of the Constitution states: *“If an international treaty of the Russian Federation establishes rules other than those provided for by law, then the rules of the international treaty apply.”* Thus, in the case of signature and ratification, the state assumes obligations, and the international document becomes an integral part of the domestic legal system, which takes precedence over domestic norms.²⁸¹

²⁸⁰ «Статья 125 \ КонсультантПлюс». Accessed, April 6, 2024.

https://www.consultant.ru/document/cons_doc_LAW_28399/af8d726b0c367d7c0c191c947cfb161464a01cd7/

²⁸¹ Галина Геннадьевна Фастович, «К ВОПРОСУ О ЗАЩИТЕ ПРАВ ЧЕЛОВЕКА (НА ПРИМЕРЕ АНАЛИЗА ПОСТАНОВЛЕНИЙ КОНСТИТУЦИОННОГО СУДА РОССИЙСКОЙ ФЕДЕРАЦИИ)», *Аграрное и земельное право* 4 (172) (2019 г.), 34.

In the provision of clause b, part 5.1 of Art. 125 of the Constitution of the Russian Federation, *on the possibility of executing decisions of interstate bodies or on the possibility of executing decisions of interstate courts that impose obligations on the Russian Federation*, we are talking specifically about *ratified norms of international law*. Since interstate bodies or international (interstate) courts make *certain decisions regarding the Russian Federation or impose obligations on the Russian Federation only based on treaties ratified by Russia*.

In general, world practice shows that if an international treaty violates the basic norms of the constitutional system, then in this case the state abstains and does not enter into the treaty.²⁸² In the Russian Federation, there is a particular norm concerning this procedure. For example, by clause d of Part 2 of Article 125 of the Constitution of the Russian Federation, the Constitutional Court resolves the issue of compliance of international treaties that have not entered into legal force with the Constitution of the Russian Federation.²⁸³ This is the very norm that prevents and restrains the Russian Federation from signing contradictory provisions of international treaties. And if Russia, with the permission of the Constitutional Court itself, signs and ratifies an international treaty, then, according to the fundamentals of the constitutional system (Chapter 1 of the Constitution of the Russian Federation), the Russian Federation assumes responsibility to comply with the norms of an international treaty in case of contradiction with domestic legislation. The provisions of Chapter 1 (Fundamentals of the Constitutional System) of the Constitution of the Russian Federation, according to Article 135, cannot be revised by the Federal Assembly.²⁸⁴ If the proposal to revise the provisions of Chapter 1 of the Constitution of the Russian Federation is supported by three-fifths of the total number of members of the Federation Council and deputies of the State Duma, then, following the federal constitutional law, a Constitutional Assembly is convened, which either confirms the immutability of the Constitution of the Russian Federation or

²⁸² Borgen, Christopher J. «Resolving Treaty Conflicts». *George Washington International Law Review* 37 (2005), 573. <https://heinonline.org/HOL/Page?handle=hein.journals/gwlr37&id=583&div=&collection=>

²⁸³ «Official Website of the Government of the Russian Federation / The Russian Government». Accessed March 14, 2024. <http://archive.government.ru/eng/gov/base/54.html>

²⁸⁴ Toma Birmontienė, «2020 Amendments to the Russian Constitution – Change of the Constitution or Its Collapse?», *Gdańskie Studia Prawnicze* 4/48 (2020), 134.

develops a draft of a new one Constitution of the Russian Federation, which is adopted by the Constitutional Assembly by two-thirds of the votes of the total number of its members or submitted to a popular vote. Legal norms of the Fundamentals of the Constitutional System are the fundamental principles based on which all other norms of the Constitution are based. Consequently, all changes and additions to Chapters 3-8 by the Federal Assembly of the Russian Federation (members of the Federation Council and deputies of the State Duma) must be made taking into account Chapter 1 of the Constitution of the Russian Federation. Thus, the amendment made in Clause b of Part 5.1 of Article 125 of Chapter 7 of the Constitution of the Russian Federation does not take into account the specific provisions of Part 4 of Article 15 of Chapter 1 of the Constitution of the Russian Federation.

2.4.2. Ratified norms of International Law on the Protection of the Rights of Migrant Workers in Russia

There are many international treaties in the field of human rights protection, which also concern migrant workers, with the participation of Russia. The two UN Covenants of 1966 on human rights are fundamental international treaties. In addition, Russia has ratified the 1989 UN Convention on the Rights of the Child, and the 2006 UN Convention on the Rights of Persons with Disabilities, which also affect the content of domestic legal norms for the defense of the rights of labor migrants and their families.

ILO standards are significant. Russia has ratified more than 50 of the 188 ILO conventions.²⁸⁵ In recent years, public associations have been trying to include the issue of ratifying the most important ILO conventions, especially those related to the defense of the rights of labor migrants, on the agenda, but are constantly being postponed by the Russian authorized bodies.²⁸⁶ In particular, the General Agreements several times

²⁸⁵ Государственная Дума. «В Госдуме прошли парламентские слушания, посвященные перспективам дальнейшей ратификации конвенций МОТ». 7 октябрь 2009 г. Accessed March 14, 2024. <http://duma.gov.ru/news/3458/>

²⁸⁶ Pecoud, Antoine - Guchteneire, Paul de. "Migration, HR and the UN: An Investigation into the Obstacles to the Un Convention on Migrant Workers' Rights." *Windsor Yearbook of Access to Justice* 24 (2006), 241.
<https://heinonline.org/HOL/Page?handle=hein.journals/windyrbaj24&id=251&div=&collection=>

included lists of conventions for ratification between all-Russian associations of trade unions, all-Russian associations of employers, and the Government of the Russian Federation.

The list of ILO conventions on which the parties agreed to hold consultations on the preparation of proposals for possible ratification by the Russian Federation also included ILO documents in the field of protecting the migrant workers' rights (Convention No. 97 and Convention No. 143). However, essential ILO standards on the protection of the rights of migrant workers have not yet been ratified by the Russian Federation.

The European Social Charter (ESC), ratified by Russia in 2009, is also important among regional international treaties. Russia has ratified 19 articles out of 31 of the significant part and some separate paragraphs of other articles since this is allowed by the ESC itself. The choice of some articles or provisions was carried out mainly taking into account that the existing Russian legislation does not contradict the relevant ESC norms.²⁸⁷

Additionally, in 1998, Russia ratified the ECHR of 1950 under the framework of the Council of Europe (CoE). General rules about freedom of association and the ability to form trade unions are included, along with prohibitions against slavery and forced labor. However, on February 25, 2022, following Russia's full-scale military invasion of Ukraine, the Council of Europe suspended Russia's membership to the Council.²⁸⁸ On March 15, 2022, Russia began the process of withdrawing from the CoE. On the same day, the Parliamentary Assembly of the CE adopted a resolution recommending that the Committee of Ministers of the CoE exclude Russia from the CoE because of the aggression against Ukraine. Russia, with its application, decided to get ahead of the Committee of Ministers of the CoE, but already on March 16, 2022, the Committee of Ministers decided to immediately expel Russia from the CoE. This decision greatly affected one of the main instruments for human rights protection in the Russian

²⁸⁷ «Министерство труда и социальной защиты РФ: Официальный сайт | Ратифицирована Европейская социальная хартия». Accessed April 15, 2024. <http://mintrud.gov.ru/social/social/100>

²⁸⁸ Drzemczewski, Andrew - Lawson, Rick. *Exclusion of the Russian Federation from the Council of Europe and the Echr: An Overview* (SSRN Scholarly Paper, December 30, 2022). Social Science Research Network. Accessed October 16, 2023. <https://papers.ssrn.com/abstract=4458281>

Federation, which are already limited. After the exclusion of Russia from the CoE and the loss of such a protection mechanism for human rights as the ECtHR, the already vulnerable position of migrant workers from Central Asian countries has worsened.²⁸⁹ Complaints considered against Russia based on the ECHR, the ECtHR was based not only on the application of the ECHR itself but also on the ILO and ESC conventions, as well as acts of their authentic interpretation.

Of the legally binding acts of the CIS on labor for Russia, one can single out the Convention on Human Rights and Fundamental Freedoms of May 26, 1995, as well as the Agreement on the Regulation of Social and Labor Relations in Transnational Corporations Operating on the Territory of the States Members of the Commonwealth of Independent States of October 9, 1997, and the Agreement of 15.04.1994 "On cooperation in the field of labor migration and social protection of migrant workers".²⁹⁰ The CIS Convention of Migrant Workers (2008), which protects the fundamental rights of migrant workers, has not been ratified by the Russian Federation.²⁹¹

An important document affecting cooperation in the field of labor migration is the "Treaty on the Eurasian Economic Union" (EAEU) (Signed in Astana on May 29, 2014). On January 1, 2015, the signed agreement entered into force between the countries-participants of this agreement (the Republic of Belarus, the Republic of Kazakhstan, and the Russian Federation). On January 2 and August 12, 2015, the Republic of Armenia and Kyrgyzstan joined the agreement. The EAEU Treaty includes provisions that ensure freedom of movement within the Union of citizens in their labor activity course. For labor migrants within the EAEU, it is stipulated that they will not be affected by the restrictions established by law to protect the national labor market. For

²⁸⁹ Гайворонская, Л. В. «ИСТОРИЧЕСКИЙ АНАЛИЗ ВЗАИМООТНОШЕНИЙ С ЕСПЧ | German International Journal of Modern Science / Deutsche Internationale Zeitschrift für Zeitgenössische Wissenschaft | EBSCOhost». 2023. Accessed March 16, 2024. <https://doi.org/10.5281/zenodo.7541078>

²⁹⁰ «Соглашение от 15.04.1994 (ред. от 25.11.2005) „О сотрудничестве в области трудовой миграции и социальной защиты трудящихся-мигрантов“ \ КонсультантПлюс». Accessed April 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_86989/

²⁹¹ ТАСС. «Россия уведомит СНГ, что не станет участником конвенции о статусе трудящихся-мигрантов - ТАСС». Accessed April 15, 2024. <https://tass.ru/ekonomika/12717455>

migrant workers from Central Asian countries who are not members of the EAEU, such legal privileges do not apply.²⁹²

As a rule, international treaties relating to labor issues that establish minimum universally recognized standards that protect the fundamental rights of migrant workers should be the usual practice for Russia as a country receiving labor migrants.²⁹³ However, the essential documents of the ILO (Convention No. 97 and Convention No. 143) and the UN (ICRMW), which directly affect the human rights of migrant workers and create tools for protecting these rights, have not been ratified by the Russian Federation.

2.4.3. Laws of the Russian Federation Defining the Legal Status of Migrant Workers

The legal status of a migrant worker is not formally enshrined in the legislation of the Russian Federation. Federal Law No. 115-FZ of July 25, 2002 "On the Legal Status of Foreign Citizens in the Russian Federation", proposes the term "foreign worker", and Article 2 gives the following definition:

*" foreign worker - a foreign citizen temporarily staying in the Russian Federation and performing a labour activity in the established order."*²⁹⁴

The proposed definition is a kind of interpretation of the concept of "migrant worker", however, there are no such reservations regarding the specified circle of persons in the Federal Law "On the Legal Status of Foreign Citizens in the Russian Federation". Thus, it can be concluded that the concept of "foreign worker" is much broader than the concept of "migrant worker". In Russian legal science, a migrant

²⁹² «Affecting International Migration Trends through a Multi-Faceted Policy: Kazakhstan within Central Asia and the EAEU», *Studia Politica. Romanian Political Science Review* 20/2 (2020), 224.

²⁹³ Belozerova, Olga A. et al. "International Legal Regulation of Labor on the Territory of the Russian Federation." *Growth Poles of the Global Economy: Emergence, Changes and Future Perspectives*. ed. Elena G. Popkova. 967. Lecture Notes in Networks and Systems. Cham: Springer International Publishing, 2020. https://doi.org/10.1007/978-3-030-15160-7_95

²⁹⁴ «Статья 2. Основные понятия \ КонсультантПлюс». Accessed April 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_37868/b698269155bb4233fb310d9c514ff51f1b8fd1ba/

worker is any person who legally carries out an economic activity or works for remuneration in a foreign country. Given the above, we can only talk about the international legal status of migrant workers (Russia is a party to the Agreement on cooperation in the field of labor migration and social protection of migrant workers of April 15, 1994).²⁹⁵

Relations arising from the registration of movements of foreign citizens (including foreign workers) and stateless persons are regulated by the Federal Law “On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation” dated July 18, 2006, No. 109-FZ. The legal field of regulation of Law No. 109-FZ includes entry into the Russian Federation, transit travel when choosing and changing the place of stay or residence, movement through the territory, and exit from the Russian Federation.

Based on documents issued or executed under the Federal Law No. 115-FZ, foreign citizens have the right to freedom of movement for personal or business purposes within the Russian Federation. Visiting territories for entry into which, under federal laws, requires special permission is an exception. The Government of the Russian Federation approves the list of territories where special facilities or organizations are deployed.²⁹⁶

Temporarily residing foreign citizens are not entitled, at their request, to change their place of residence within the constituent entity of the Russian Federation, on whose territory they are allowed to temporarily reside or to choose their place of residence outside the boundaries of the specified constituent entity of the Russian Federation. In matters of employment, foreign citizens enjoy the right to use their abilities for work, choose the type of activity and profession, as well as the right to freely use their abilities

²⁹⁵ «Соглашение от 15.04.1994 (ред. от 25.11.2005) „О сотрудничестве в области трудовой миграции и социальной защиты трудящихся-мигрантов“ \ КонсультантПлюс». Accessed April 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_86989/

²⁹⁶ «ПРАВИТЕЛЬСТВО РОССИЙСКОЙ ФЕДЕРАЦИИ ПОСТАНОВЛЕНИЕ от 11 октября 2002 г. N 754 ОБ УТВЕРЖДЕНИИ ПЕРЕЧНЯ ТЕРРИТОРИЙ, ОРГАНИЗАЦИЙ И ОБЪЕКТОВ, ДЛЯ ВЪЕЗДА НА КОТОРЫЕ ИНОСТРАННЫМ ГРАЖДАНАМ ТРЕБУЕТСЯ СПЕЦИАЛЬНОЕ РАЗРЕШЕНИЕ \ КонсультантПлюс». Accessed April 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_39083/92d969e26a4326c5d02fa79b8f9cf4994ee5633b/

and property for entrepreneurial and other economic activities not prohibited by law, subject to the restrictions provided for by federal law.

An employer of a foreign citizen may be an individual or legal entity that has received, following the established procedure, permission to attract and use foreign workers and uses the labor of foreign workers based on employment contracts concluded with them. A foreign citizen registered as an individual entrepreneur can also act as an employer.

Based on the above, in the course of determining the legal status of a migrant worker, it can be revealed that the legal system of the Russian Federation, unfortunately, does not contain the concept of "migrant worker" as such. Instead, when defining legal status, such concepts as "foreign citizen" or "foreign worker" are used. This existing legal problem is considered in more detail in the next chapter, as it implies the need for a special legal status.

2.5. Eurasian Economic Union (EAEU) and labor migration (advantages and disadvantages)

2.5.1. Features of the EAEU Treaty in the Field of Labor Migration

In the previous part of this thesis, the EAEU Treaty was mentioned as an agreement affecting the situation of migrant workers and labor migration in general for the member countries of this organization. The emergence of the Eurasian model of international legal regulation of labor began in 1991 with the creation of the CIS, whose member states formed a coordinating regional model of international legal regulation of labor.²⁹⁷

In 2000, Russia, Belarus, Kazakhstan, Kyrgyzstan, and Tajikistan united into the Eurasian Economic Community (EurAsEC), which adopted more than 100 international treaties in the trade and economic fields. In 2014, after the establishment of the Eurasian

²⁹⁷ Kirkham, Ksenia. «The Formation of the Eurasian Economic Union: How Successful Is the Russian Regional Hegemony?» *Journal of Eurasian Studies* 7/2 (july 2016), 117. <https://doi.org/10.1016/j.euras.2015.06.002>

Economic Union, EurAsEC ceased to exist.²⁹⁸ There was a regional model optimization of international legal regulation of labor. The signing of the Treaty on the Eurasian Economic Union took place on May 29, 2014, between the Republic of Belarus, the Republic of Kazakhstan, and the Russian Federation. Also later, the Republic of Armenia and the Kyrgyz Republic joined this Treaty. According to the terms of the Treaty on the EAEU, citizens of the Republics of Belarus, Kazakhstan, Armenia, and the Kyrgyz Republic (hereinafter referred to as the Member States), when they are employed in the territory of Russia, are equated to citizens of the Russian Federation.²⁹⁹

Since the entry into force of the Treaty on the EAEU, the "Agreement on the legal status of migrant workers and members of their families" (St. Petersburg, November 19, 2010), between the governments of the Republic of Belarus and the Russian Federation based on the EurAsEC, has lost its legal force, in connection with this, the content of the concept of labor activity and the name of the citizen of the EAEU member state engaged in labor activity has changed. In the Treaty on the EAEU, labor activity is employment based on an employment agreement or a civil law contract, carried out under state legislation. A citizen of a member state of the EAEU who legally carries out labor activity is referred to as a worker of a member state, which emphasizes the special legal status of a foreign worker.

All citizens of the EAEU member states carry out visa-free entry to the territory of the Russian Federation. When entering another member state territory of the EAEU, a foreign citizen draws up a migration card, which contains personal information for recording and monitoring temporary stay in the state territory of entry. The Treaty on the EAEU contains two conditions under which a migration card is not issued. It is the simultaneous observance of the period of stay in the state territory no more than 30 days from the date of entry and the affixing possibility of a border control mark on the corresponding document of a foreign citizen (paragraph 8 of article 97).

²⁹⁸ Vicari, Madalina Sisu. «The Eurasian Economic Union- Approaching the Economic Integration in the Post-Soviet Space by EU-Emulated Elements». *Revue Interventions Économiques. Papers in Political Economy* 55 (June 29, 2016). <https://doi.org/10.4000/interventionseconomiques.2823>

²⁹⁹ Geddes, Andrew. *Regional Migration Governance in the Eurasian Migration System/The Dynamics of Regional Migration*. Edward Elgar Publishing, 2019.

Except for citizens of the Republic of Belarus, who have 90 days to register, workers from EAEU member states who arrive in Russia and their family members are free from immigration registration within 30 days of the enrollment date. Then they are obliged by paragraph 6 of Art. 97 of the Treaty on the EAEU and paragraph 20 of Chapter III of the Decree of the Government of the Russian Federation dated January 15, 2007, No. 9 (as amended on October 28, 2022) "On the Procedure for the Implementation of Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation", to register for migration. In addition, the period of temporary stay in the Russian Federation of a worker from the EAEU member states is determined by the duration of the employment agreement or civil law contract. If an employment agreement or civil law contract is terminated ahead of schedule after the expiration of 90 days from the date of entry, the worker has the right to sign a new employment agreement or civil law contract within 15 days without leaving the country of employment.

According to paragraph 1, article 97 of the Treaty on the EAEU, employers are free to engage workers who are citizens of the EAEU member states in labor activities without considering limitations on the domestic labor market preservation, i.e., without the need for additional documentation granted by law.³⁰⁰ Citizens of the EAEU Member States are not required to obtain a work permit or a patent and are not subject to restrictions regarding the use of the maximum allowable share of foreign workers in distinct sectors of the economy, annually established by the Government of the Russian Federation (Article 18.1 of Federal Law No. 115-FZ).

To form a common labor market, Section XXVI of the Treaty on the EAEU formulated a general policy in the labor migration field, including social security, medical care for working citizens of the Union, export of pensions, and crediting of seniority. Issues of medical support are regulated by Annex No. 30 of the protocol to the Treaty. The norms of this Annex provide an opportunity to ensure free emergency

³⁰⁰ «Статья 97. Трудовая деятельность трудящихся государств-членов \ КонсультантПлюс». Accessed April 29, 2024.
https://www.consultant.ru/document/cons_doc_LAW_163855/fcf2c38d3616dbe10077fe0638a3c0583855f5cd/

medical care (in emergency and emergency forms) to laborers and their families, regardless of the availability of a medical insurance policy, as well as medical evacuation to save and preserve the health of the patient, reimbursement of the costs of a medical organization for the provision of ambulance assistance to the workers of the member states and their families at the expense of the budget of the employment state.

2.5.2. Legal Problems of Labor Inequality in Russia within the framework of the EAEU

The EAEU is considered an economic union, and some leaders, such as the former president of Kazakhstan, Nursultan Nazarbayev, strongly opposed the politicization of the Union.³⁰¹ However, initially, in its place, a much broader integration entity was conceived, having supranational political bodies, comparable in political weight to the European Union or the Council of Europe.³⁰² Orientation only to economic issues is expressed, in particular, in the fact that the Treaty on the EAEU does not contain separate human rights provisions - in matters of protecting the rights of migrant workers. The Treaty only refers to the legislation of the country of employment, although earlier, before the formation of the EAEU, there were even discussions in the Parliament of the Russian Federation (in the Federation Council) on the creation of a Human Rights Court within the framework of the EurAsEC, as an alternative to the ECtHR.³⁰³

In terms of an attempt to ensure equality between the labor rights of citizens of the country and foreigners, the Treaty on the EAEU is an undoubted step forward. However, paradoxically, the principles of the EAEU on equal access to labor markets contradict the principles and practices of parallel existing structures in which national labor markets are protected “for their own” (the priority of “indigenous people” is stated

³⁰¹ Saltybayev, Yerzhan - Parkhomchik, Lidiya. «The Eurasian Idea of Nursultan Nazarbayev». *Regional Integration and Future Cooperation Initiatives in the Eurasian Economic Union*. 198. IGI Global, 2020. <https://doi.org/10.4018/978-1-7998-1950-9.ch011>

³⁰² Vinokurov, Evgeny. «Eurasian Economic Union: Current state and preliminary results». *Russian Journal of Economics* 3/1 (march 1, 2017), 70. <https://doi.org/10.1016/j.ruje.2017.02.004>

³⁰³ Ispolinov, Alexei S. «First Judgments of the Court of the Eurasian Economic Community: Reviewing Private Rights in a New Regional Agreement». *Legal Issues of Economic Integration* 40/3 (august 1, 2013). <https://kluwerlawonline.com/api/Product/CitationPDFURL?file=Journals\LEIE\LEIE2013012.pdf>

in much more numerous CIS documents and domestic legislations). In the sources that popularize the EAEU, in general, they talk about equal access for citizens of the EAEU states to the labor market of the member states. Although objective research, containing an analysis of the labor and legal status of workers in the EAEU Member States, shows that the position of workers in the Member States in comparison with local workers is far from equal.³⁰⁴ First of all, the Treaty on the EAEU needs the principle of non-discrimination based on citizenship, since this issue is significant for the workers of the Member States.

According to paragraph 2 of Art. 97 of the Treaty on the EAEU, the Member States have the right to restrict the access of workers of the Member States to the national labor market in cases where this is justified by the interests of national security, the needs of strategic sectors of the economy or the need to maintain public order, as well as in other cases expressly provided for by the Treaty on the EAEU. The Treaty does not list the criteria by which one can objectively judge the validity of certain restrictions.

The Treaty on the EAEU does not guarantee to a citizen of a Member State who intends to work in any of the EAEU states assistance in finding a job. Moreover, the Treaty obliges a Member State citizen to leave the employment state within 15 days from the date of termination of employment (if the period of stay exceeded 90 days), unless a new employment agreement or civil law contract is signed during this period. A worker of a member state of the EAEU can count on assistance in finding a job only if the legislation of the state of employment guarantees such promotion to a foreigner. Thus, the Law of the Russian Federation of April 19, 1991, No. 1032-1 “On Employment in the Russian Federation” applies to both Russian citizens and foreigners. However, even if the national legislation in the field of employment promotion gives the right to apply to the employment service to find a suitable job, the status of unemployed does not give the foreigner the right to remain in the member state of EAEU for more than 15 days. In this regard, paragraph 9 of Article 97 of the Treaty on the EAEU should

³⁰⁴ Izbienova, T. A. «Features of Legal Regulation of Labor in the Member States of the Eurasian Economic Union». *SHS Web of Conferences* 128 (2021), 06010. <https://doi.org/10.1051/shsconf/202112806010>

be revised. Member State workers should have time to find decent work that matches their skills or is better than their previous employment. The period of stay of the EAEU Member State worker after the termination of the employment relationship in the state of employment should be substantially increased.

When signing the Treaty on the EAEU, individual national lists of restrictions in the sphere of labor were agreed upon between the member states. By decision of the Supreme Eurasian Economic Council dated December 23, 2014 No. 112, the parties agreed on the types of economic and labor activities that workers of the Member States are not entitled to engage in. Individual lists of restrictions do not contain exhaustive information about the types of work activities that are inaccessible to workers of the Member States. At the same time, the individual list does not include types of labor activity that, by Federal Law No. 115-FZ are only allowed for Russian citizens. These include municipal service, work in the crew of a ship or warship flying the flag of the Russian Federation, the crew of an aviation aircraft, the work of a civil aircraft crew commander, work at facilities and organizations whose activities are related to ensuring the security of Russia, the work of an official, responsible for accounting. In addition, by certain regulatory acts of Russia, foreigners, including citizens of the EAEU countries, further to the above positions of state civil servants, cannot hold the positions of an employee of the prosecutor's office, a judge, employees of internal affairs bodies, an expert of a state forensic expert institution, chairman of the Accounts Chamber, a member of the election commission with a decisive vote, a private detective, and as an architect, a foreigner should only work together with an architect-citizen of the Russian Federation.

The restrictions listed above are not specified in the Treaty on the EAEU. To eliminate labor inequality, citizens of the Member States should have access to those professions for which there is a requirement for citizenship of employment, except those related to state secrets or state security. A worker of a Member State must have equal employment opportunities with citizens of a Member State based on the principle of professionalism (qualification, education, experience). The State of employment should be interested in qualified personnel, regardless of the nationality of which Member State they have.

Although the EAEU regime was supposed to improve the situation of labor migrants in Russia, their expectations cannot be considered justified either.³⁰⁵ However, migrant workers from the EAEU countries still received preferences in the field of work: they are relieved of the need to issue and pay for a patent every month, and for legal stay and employment they need to sign an employment agreement with an employer. Family members of migrant workers must have the legal right to remain in the Russian Federation throughout their employment agreement term. The children the of Member States workers received the right to attend Russian schools.

In general, there has been no cardinal change for the better in the situation of migrant workers within the EAEU, and many risks have not been overcome. Thus, in Kyrgyzstan, joining the EAEU was supported at the state level, but this did not meet the expectations of migrant workers. Before the country joined the EAEU, migrant workers were promised unhindered entry to Russia, the abolition of all restrictions, and the solution to the problem of “black lists”.³⁰⁶ As a result, the effect of deceived expectations turned out to be very strong. To enter Russia, citizens of Kyrgyzstan fill out migration cards, which are valid for a certain amount of time. Moreover, in Russia, citizens of Kyrgyzstan, even after joining the EAEU, were still included on the “black list” for an administrative offense, falling into which they are deprived of the opportunity to enter Russia for a period of three to five years.³⁰⁷

In the beginning and middle of 2015, after the accession of Kyrgyzstan to the EAEU, due to the lack of proper information from the state, there was a massive violation of migration rules by the citizens of Kyrgyzstan. Migrants who arrived in Russia at the beginning of 2015, believing that the registration rules no longer apply to them, did not issue permits and did not register, as a result becoming violators of the

³⁰⁵ Patalakh, Artem. «Economic or Geopolitical? Explaining the Motives and Expectations of the Eurasian Economic Union’s Member States». *Fudan Journal of the Humanities and Social Sciences* 11/1 (march 1, 2018), 38. <https://doi.org/10.1007/s40647-017-0191-x>

³⁰⁶ Korneev, Oleg - Leonov, Andrey. «‘Home-Grown’ vs. ‘Imported’ Regionalism? Overlapping Dynamics of Regional Migration Governance in Post-Soviet Eurasia». *Journal of Ethnic and Migration Studies* 48/12 (september 10, 2022), 2891. <https://doi.org/10.1080/1369183X.2021.1972566>

³⁰⁷ Nicharapova, Jildiz. «Eurasian Economic Union: Integration Organization or Tool for Russian Regional Hegemony? The Case of Participation of the Kyrgyz Republic in the EAEU since 2015». *Świat Idei i Polityki* 19/1 (2020), 146. <https://www.ceeol.com/search/article-detail?id=922619>

migration regime, which, paradoxically, joining the EAEU even increased the number of migrants who are banned entry.³⁰⁸

Improving legal conditions for migrants from EAEU countries in Russia is extremely slow. It requires additional agreements between the Union member countries. Also, articles 18.8 and 18.10 of the Code of Administrative Offenses of the Russian Federation, which do not highlight the distinct situation of citizens of the EAEU member states, should be revised. Otherwise, the existing accusatory bias of justice, which has been radically accepted by the Russian courts, will not change the established practice of mass expulsion for the slightest violation of the migration regime.

2.5.3. EAEU and CIS regarding the Free Movement of Migrant Workers from Central Asia

2.5.3.1. Influence of the Eurasian Economic Commission (EEC) on the Labor Force Movement

For the effective functioning and development of the Union, the Eurasian Economic Commission (EEC) was established. The Commission is a permanent supranational regulatory body of the Union. The Commission consists of the Council of the Commission and the Collegium of the Commission. The procedure for the work of these bodies is carried out by the relevant Regulations. The EEC adopts decisions of a regulatory nature that are binding on the Member States, orders of an organizational and administrative nature, and recommendations that are not binding. The Commission's decisions are included in the law of the Union and are subject to direct application in the Member States territories. The most important feature of the work of the Collegium of the Commission is that all decisions are made on a collegiate basis. Decisions, orders, and recommendations of the Council of the Commission are adopted by consensus, which should exclude the possibility of domination by any state. Since in case of disagreement on the part of at least one state, a decision is not made.³⁰⁹

³⁰⁸ «Миграция в ЕАЭС: Увеличился ли поток кыргызстанцев после вступления в Союз?» Accessed october 23, 2023. <http://kg.akipress.org/news:1327830>

³⁰⁹ Pivovar, E. I. «The Eurasian Economic Commission: From Its Origins to the Present». *Herald of the Russian Academy of Sciences* 92/9 (december 1, 2022), 838. <https://doi.org/10.1134/S1019331622150084>

Each direction is a block of industries and areas of economic activity. The issues of the movement of labor resources fall within the competence of the Labor Migration Division of the EEC Business Development Department. The department monitors and controls the implementation by the member states of the Treaty in the field of labor migration, the Agreement on cooperation to combat illegal labor migration from third countries of November 19, 2010, as well as control over the development of bilateral agreements. To identify obstacles to the free movement of the labor force, the Labor Migration Division analyzes the existing barriers. The division also organizes and conducts meetings of the Advisory Committees, and prepares preliminary proposals from working groups for the Advisory Committees.³¹⁰

Following the meeting of the Council of the Eurasian Economic Commission on November 12, 2014, Decision No. 103 approved the Concept of the International Treaty on Cooperation in the Field of Pensions.³¹¹ And from January 1, 2021, the Agreement on Pension Provision for Workers of the EAEU Member States dated December 20, 2019, concluded in St. Petersburg between the Republics of Armenia, Belarus, Kazakhstan, the Kyrgyz Republic, and the Russian Federation, came into force.³¹² The agreement provides for the appointment of a pension for the length of service acquired in the territory of one of these states after January 1, 2021, according to the principle of proportionality. It means that for the length of service after January 1, 2021, a pension is assigned and paid by the state on whose territory such length of service was worked out. At the same time, for the periods of service until January 1, 2021, the previous procedure for pension provision was in force, provided for by the Agreement on Guarantees of the Rights of Citizens of the States Members of the Commonwealth of Independent States in the field of pension provision dated March 13, 1992.

³¹⁰ Molchanov, Mikhail. *The Eurasian Economic Union* (SSRN Scholarly Paper, march 20, 2018). Social Science Research Network. Accessed october 20, 2023. <https://papers.ssrn.com/abstract=4110166>

³¹¹ Альта-Софт. «Решение Совета ЕЭК от 12.11.2014 № 103 „О Концепции международного договора о сотрудничестве в области пенсионного обеспечения“. Таможенные документы». Accessed April 29, 2024. <https://www.alt.ru/tamdoc/14sr0103/>

³¹² «„Соглашение о пенсионном обеспечении трудящихся государств - членов Евразийского экономического союза“ (Заключено в г. Санкт-Петербурге 20.12.2019) \ КонсультантПлюс». Accessed April 29, 2024. https://www.consultant.ru/document/cons_doc_LAW_342834/

In addition, the commission also interacts with key international organizations in the migration field. In 2013 memorandums of cooperation between the EEC and the International Organization for Migration and the General Confederation of Trade Unions were signed. The Eurasian Economic Commission has the status of an observer in the Council of Heads of Migration Authorities of the CIS Member States and takes part on an ongoing basis in events held by the ILO and the Coordinating Council of the Heads of Competent Authorities of the CSTO Member States on Combating Illegal Migration.

Although the EEC in the field of labor migration, as part of the Eurasian integration process, achieved definite results in ensuring the freedom of movement of labor resources and establishing cooperation with world and regional organizations, however, the main tasks remain unresolved. To implement the three articles of the Treaty on the EAEU, dedicated to labor migration, a rather great bureaucratic body of the EEC is still experiencing problems. The sluggishness and slowness in resolving the issues of migration within the EAEU in general and labor migration, in particular, creates an obstacle to achieving the set goals.³¹³ From session to session of the Advisory Committee on Migration Policy under the EEC Board, the same issues are discussed. For example, not such a seemingly essential problem at first glance, as the possibility of organizing separate booths for citizens of the EAEU member states at passport control, does not find its solution.³¹⁴ And significant issues regarding proposals to establish a 90-day deadline for registering migrants (instead of 30 days) are being blocked.³¹⁵

With the general restrictive approach on the part of Russia as the pivotal recipient country of workers from the EAEU member countries, one should note the passive attitude or weak influence of the EEC towards such a problem as a massive ban on the entry of migrants into the country (black lists). All this is broken down by the situation

³¹³ Dragneva, Rilka - Hartwell, Christopher A. «The Eurasian Economic Union: Integration without Liberalisation?» *Post-Communist Economies* 33/2–3 (april 3, 2021), 221. <https://doi.org/10.1080/14631377.2020.1793586>

³¹⁴ «Права Трудовых Мигрантов Из Стран Бывшего СССР: Реальные Проблемы и Невыполненные Обязательства by Adcmemorial - Issuu». 18 декабрь 2016 г. Accessed october 24, 2023. <https://issuu.com/adcmemorial1/docs/migrationruswww>

³¹⁵ Российская газета. «В РФ вступили в силу новые правила въезда и нахождения иностранцев». 12 январь 2022 г. Accessed october 21, 2023. <https://rg.ru/2022/01/12/v-rf-vstupili-v-silu-novye-pravila-vezda-i-nahozhdeniia-inostrancev.html>

in the recipient country of migration - Russia, which, while being a member of the EAEU, declares the priority of the national labor market.³¹⁶

An important constraint on the freedom of movement of labor is the content of the terms of the Treaty on the EAEU. It has an impact on both the duties of the employment state and the rights of workers in the Member States. Treaty narrows the scope of migrants' rights in comparison with local workers, hindering the freedom of labor movement in the EAEU. To ensure the freedom of movement of the labor force, the analysis of the Treaty on the EAEU and some norms of Russia's domestic legislation indicates that the necessary changes and additions should also be made to the Treaty.

2.5.3.2. The Role of the CIS in the Integration of Migrant Workers from Central Asia in Russia

The CIS is chronologically the first integration association that arose immediately after the collapse of the Soviet Union (1991 - the Alma-Ata Declaration; 1993 - the adoption of the Charter) and the most numerous in terms of membership. The current members of the CIS are Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan and Uzbekistan. As for the declared benefits that migrant workers from the CIS countries have, they are either at variance with reality or doubtful (safe working conditions, equal remuneration for work of equal value, use of housing, social security (except for pensions), and compulsory social insurance against accidents).³¹⁷ Of the CIS documents on labor migration, we should mention the rather constructive Concept for the phased formation of a common labor market and the regulation of labor migration of the CIS member states (2000), which implies: ensuring guarantees in the field of labor and employment for labor migrants and their families on conditions no less favorable than for citizens of the host country; implementation of an agreed system of measures in the field of conditions and labor protection; the adoption of national programs for teaching migrant workers the language of the host country; creation based

³¹⁶ Nikita, Lyutov - Svetlana, Golovina. «DEVELOPMENT OF LABOR LAW IN THE EU AND EAEU: HOW COMPARABLE?» *Russian Law Journal* 6/2 (2018), 107.

<https://cyberleninka.ru/article/n/development-of-labor-law-in-the-eu-and-eaeu-how-comparable>

³¹⁷ Портал СНГ. «Перечень документов, принятых на заседаниях Консультативного Совета по труду, миграции и социальной защите населения государств – участников СНГ». Accessed April 29, 2024. <https://e-cis.info/cooperation/3807/>

on interstate agreements of general mechanisms for exercising control over the use of the labor of migrant workers and protecting their rights in the field of social and labor relations; and naccession of CIS countries to international conventions on labor migration.

However, the vast majority of CIS documents relating to labor migration are formal recommendations. They are called "legislative acts", although they have no direct effect, but only contribute to the gradual convergence of the regulatory framework of the CIS member states in the social and labor sphere. CIS bodies are continuously engaged in model lawmaking. Within the framework of the CIS Inter-Parliamentary Assembly, draft recommendations were developed on the development of migration carried out for training and internships for citizens of the CIS member states, the model law "On Migration", the model law "On Migration of Labor Resources" (new edition), the model agreement "On the organized recruitment of citizens for the implementation of temporary labor activity on the territory of the CIS", the model agreement "On information interaction in the field of migration", etc.³¹⁸

The freedom of movement of the labor force is expanding at every integration stage. Within the framework of the Commonwealth of Independent States, the issues of access for workers of the Union to the common labor market remain unsettled. For example, within the framework of CIS, to work in the Russian Federation, you need to purchase medical insurance, undergo a medical examination, and pass an exam in the knowledge of the Russian language, history, and legislation. The restrictive approach to labor migration in the CIS also lies in the fact that the national legislations and multilateral agreements of the CIS countries declare the protection of the national labor market from foreigners, which contradicts such international documents as ICRMW (2003), ILO Convention No. 97 (1949), ILO Convention No. 143 (1975), proclaiming the equality of labor migrants and citizens - permanent residents of certain countries. The Russian Federation has not ratified not only the most human rights of the listed international documents on labor migration, the UN ICRMW, but even the CIS

³¹⁸ Czerewacz-Filipowicz, Katarzyna - Konopelko, Agnieszka. *Regional Integration Processes in the Commonwealth of Independent States*. Cham: Springer International Publishing, 2017. <https://doi.org/10.1007/978-3-319-47563-9>

Convention of Migrant Workers, which preserves the priority of labor rights of citizens of the Russian Federation. In practice, the “priority of national personnel” means the possibility of sudden and arbitrary decisions by local authorities to restrict the work of migrants, which has a very detrimental effect on the lives of specific people. An example of an arbitrary, albeit permissible by the law of the Russian Federation, restriction on the labor of migrants is the decree of the Governor of the Novosibirsk Region, which prohibited migrants from working based on a patent (citizens of Tajikistan and Uzbekistan) from working, including in such areas of employment familiar to migrants as public transport (regular buses and taxis).³¹⁹ The decree is dated August 2016, but established a ban “for 2016”, i.e. violated the plans of those migrants who had already paid for their patents, who counted on earnings in this particular area, and who may have brought a family. In addition, such bans create opportunities for reprisals against migrants (raids to check whether a migrant works in the right area), risks of extortion of bribes, and other corrupt actions of law enforcement agencies and inspection organizations.

Comparing the position of labor migrants in Russia from countries belonging to different interstate formations, it should be concluded that formal citizens of Belarus, who can register in the Russian Federation within 90 days, are in the most “privileged” position. The citizens of Belarus, along with the Russians, had equal rights to work formally back in 1998.³²⁰ Due to the lack of border control, they are not subject to a ban on entry into the Russian Federation. In second place are citizens of the EAEU countries who have received the benefits described in the Treaty on the EAEU. In the worst situation are labor migrants from the CIS countries that are not members of the EAEU (Tajikistan, Uzbekistan). They do not have employment privileges and must register within seven days. Family members of migrant workers from Uzbekistan and Tajikistan can live with migrant workers for a limited time. Educational opportunities for children are also limited.

³¹⁹ Газета.Ру. «Мигрантам меняют профессию». 15 август 2016 г. Accessed October 21, 2023. <https://www.gazeta.ru/social/2016/08/15/10130321.shtml>

³²⁰ ‘Российская газета. «Почта „СОЮЗа“: Есть ли отличия в процедуре приема на работу в России россиянина и белоруса». 23 март 2022 г. Accessed October 21, 2023. <https://rg.ru/2022/03/23/pochta-soiuza-est-li-otlichiia-v-procedure-priema-na-rabotu-v-rossii-rossiianina-i-belorusa.html>

CHAPTER THREE

3. PROBLEMS OF LEGAL REGULATION OF MECHANISMS FOR PROTECTING THE RIGHTS OF MIGRANT WORKERS FROM CENTRAL ASIA IN THE RUSSIAN FEDERATION

3.1 MECHANISMS FOR PROTECTING HUMAN RIGHTS AND FREEDOMS

The mechanism for human rights protection and freedoms has two levels: national and supranational. National includes judicial and non-judicial means of protection. The supranational includes universal (worldwide) and regional methods.³²¹ A particular citizen can use any of these mechanisms. However, the nature of their action and the procedure for gaining access to these mechanisms are different, which affects their effectiveness and a person's willingness to turn to one or another method of protection.

The problem of the present time for Russian citizens is the "loss" of a significant element in the system of protection of human rights and freedoms - the ECHR of 1950.³²² Since the need to protect human rights has not disappeared, it is necessary to assess the potential and effectiveness of the protection instruments remaining at the disposal of citizens of the Russian Federation.

The system of human rights protection was formed gradually. The "first generation" rights include civil and political rights, which now form the core of most human rights treaties. "Second-generation" human rights typically address social and economic issues such as the right to work, the right to security, the right to an adequate standard of living, and the right to education. "Third-generation" rights may include the

³²¹ Hamad, Ahmed M. A. «Mechanisms of the Legal Protection of Human Rights in Global Regulation». *Human Rights in the Global South (HRGS)* 1/2 (2022), 146. <https://doi.org/10.56784/hrgs.v1i2.31>

³²² Гарифуллин, Р. - Аминов, И. «ПОСЛЕДСТВИЯ ВЫХОДА РОССИИ ИЗ СОВЕТА ЕВРОПЫ». *Образование и право* 5 (2022 г.), 41. <https://cyberleninka.ru/article/n/posledstviya-vyhoda-rossii-iz-soveta-evropy>

concept of rights such as the right to development, the right to environmental protection, the right to peace, and the broad right to self-determination.³²³

The advancement of globalization has changed the concept of a clear separation between the jurisdiction of a state based on its sovereignty and what is beyond its borders. International law is no longer limited to interstate relations concerning topics such as territory, war, and peace; it also regulates legal relations that until recently were considered to fall under the exclusive competence of states and their legal orders: health, economy, labor standards, and environmental protection. The development of international law has led to the inclusion of individuals and legal entities as subjects.³²⁴

The convergence of national and supranational systems of legal regulation of public life should serve the purpose of establishing the most reliable guarantees of ensuring, observing, and protecting human and civil rights and freedoms. The supranational system for the protection of rights is intended only to supplement or, where necessary, correct the national system, but not to be a means of exerting political pressure on a State.

3.1.1 Supranational Protection Mechanisms

The adoption after the Second World War of a large number of acts, primarily the UDHR of 1948, which proclaimed human rights and fundamental freedoms as the basis of modern international law, produced a genuine revolution: for the first time in history, human becomes a “universal being” (*homo universalis*), possessing international legal personality, breaking thereby the shackles that chained the State. A similar thing happened, perhaps, in the prehistoric era, when a person broke blood ties with a clan or tribe, becoming a “state man” who finally had a legal dimension to his existence.³²⁵

In addition, the responsibility of the State, and its duties are regulated by international public relations, the principles of the relationship between a person and

³²³ Hannan, Mohammad Abdul. *Third Generation Human Rights and the Good Governance* (SSRN Scholarly Paper, 2010). Social Science Research Network. Accessed March 9, 2024. <https://papers.ssrn.com/abstract=1717075>

³²⁴ Kate Parlett, *The Individual in the International Legal System: Continuity and Change in International Law* (Cambridge University Press, 2011), 465.

³²⁵ ARTHUR KEITH, «A New Theory of Human Evolution», *Arthurkeith* (blog), 2010, 46.

public authority, formulated in the essential documents on human rights. This “supranationality” of this type of responsibility makes it possible to protect a person whose rights are violated, with the help of (including) institutions of international jurisdiction. The peculiarity of supranational legal regulation "consists in the fact that the legal norms established by supranational bodies are addressed to the member States of the relevant organization, but at the same time directly create rights and obligations for individuals under their jurisdiction, who can invoke them in national courts and supranational judicial bodies".³²⁶ Thus, the principles of the UDHR, adopted in 1948 by the United Nations, are an indispensable part of all democratic constitutions, including the Constitution of the Russian Federation. Although the Declaration itself has only the status of a recommendation, on its basis two treaties binding on the parties were adopted: ICCPR and ICESCR. It should also be borne in mind that the UDHR itself, while not being an international treaty, is now, by virtue of custom, widely disseminated, recognized, and has acquired binding force. The provisions of the Declaration were further developed in the ECHR 1950, which not only proclaims fundamental human rights and freedoms but also enshrines a particular mechanism for their protection, which is the most progressive system in the world.

In addition, the peculiarity of the use of supranational institutions for the protection of human rights and freedoms is expressed in the fact that the State, acting as a defendant, bears international legal responsibility even in cases where the proceedings are initiated by a private individual. This provision follows from the general principle underlying the law of international responsibility of States (Article 1 of the Articles of the UN International Law Commission on Responsibility of States for Internationally Wrongful Acts), according to which any act of a State that violates an international legal obligation assumed by it entails international responsibility. One of the supranational mechanisms for the protection of human rights is the UN Human Rights Committee,

³²⁶ Milena I. Neshkova, «The Impact of Subnational Interests on Supranational Regulation», *Journal of European Public Policy* 17/8 (2010), 1194.

established in 1976 by Article 28 of the ICCPR.³²⁷ The ECtHR is considered the second mechanism.

The UN Human Rights Committee was not automatically vested with the right to consider individual complaints about the actions of the authorities - its main functions were to consider reports of States parties "on the measures they have taken to give effect to the rights recognized in the present Covenant and on the progress made in the enjoyment of those rights" (Article 40(1) of the ICCPR) and to submit general comments containing interpretations of individual articles of the Covenant and measures recommended to States for the implementation of the said articles. The Committee is also empowered to consider complaints by parties to the Covenant of non-compliance with obligations assumed by other parties.³²⁸

The possibility of examining individual complaints was assigned to the Committee by the Optional Protocol adopted with the ICCPR. To submit a complaint to the Committee, it is necessary that the State under whose jurisdiction the individual wishing to submit the complaint is located is a party to the ICCPR and has recognized the competence of the Committee. In addition, the Committee does not consider a complaint if domestic remedies have not been exhausted or if the matter has already been the subject of proceedings at the supranational level under another procedure of international investigation. It should be noted, however, that the Committee's decisions and observations are not legally binding.³²⁹

The Russian Federation assumed obligations under the ICCPR and the Optional Protocol on October 1, 1991. According to published data from the Supreme Court of the Russian Federation, as of January 1, 2023, the Human Rights Committee considered 102 communications filed against the Russian Federation. Of these, 62 communications were considered on the merits with the Committee establishing the fact of a violation of

³²⁷ Jackie Dugard, «The International Human Rights System», *Research Handbook on Economic, Social and Cultural Rights as Human Rights* (Edward Elgar Publishing, 2020), 5.

³²⁸ Anja Seibert-Fohr - Christine Weniger, «Compliance Monitoring under the International Covenant on Civil and Political Rights», *Research Handbook on Compliance in International Human Rights Law* (Edward Elgar Publishing, 2021), 426.

³²⁹ Klein, Eckart - Kretzmer, David. «The UN Human Rights Committee: The General Comments - The Evolution of an Autonomous Monitoring Instrument». *German Yearbook of International Law* 58 (2015), 189. <https://heinonline.org/HOL/Page?handle=hein.journals/gyl58&id=190&div=&collection=>

the provisions of the Covenant and/or the absence of a violation of the provisions of the said treaty, 36 communications were declared inadmissible and proceedings were terminated for 4 communications.³³⁰

Based on the available data, the subject of these communications were issues of alleged violation by the Russian Federation of the following rights: the right to life; the right not to be subjected to torture or other inhuman treatment, including when resolving the issue of administrative expulsion of a person from the Russian Federation (which often happens with migrant workers from Central Asia), as well as in aspects of failure to conduct an effective investigation into cases of inhuman treatment, failure to provide adequate conditions being in places of forced detention; the right to liberty and security of person; the right to a fair trial, including in terms of the inadmissibility of incitement to commit a crime by law enforcement officers, non-compliance with the right to the participation of a defense lawyer in criminal cases, the right to an impartial trial, the right to a trial within a reasonable time, non-compliance with the principle of the presumption of innocence; the right to respect for family life; the right to respect for private life; right to respect for home; the right to freedom of expression; right to freedom of assembly; the right to freedom of religion; prohibition of discrimination.

Taking into account the current practice of the Committee on cases regarding the Russian Federation, it seems appropriate to pay attention to the protection of the following rights that have become the focus of the Committee's attention:

- the right not to be subjected to torture;
- right to freedom and personal security;
- the right of a person deprived of liberty to be treated humanely and with respect for the inherent dignity of the human person;
- right to a fair trial;
- the right to respect for private life.

³³⁰ Центр международного права - помощь обращения суд по правам человека и подача жалоб. «Обзор практики Комитета ООН по правам человека по рассмотрению индивидуальных сообщений , поданных в отношении Российской Федерации». 6 март 2023 г. Accessed March 9, 2024. <https://european-court-help.ru/obzor-praktiki-komiteta-onn-po-pravam-cheloveka-po-rassmotreniju-individualnyh-soobshhenij-podannyh-v-otnoshenii-rossijskoj-federacii/>

By becoming a party to the Optional Protocol to the ICCPR, the Russian Federation recognized the competence of the Committee to receive and consider communications from individuals who claim to be victims of a violation by the Russian Federation of any of the rights outlined in the Covenant.³³¹

When considering communications filed both about the Russian Federation and third states, the Human Rights Committee, to argue its position, refers not only to its previous views (decisions) on individual complaints but also to the general comments it adopted, containing clarifications on the interpretation of distinct provisions of the Covenant.

Another supranational mechanism for human rights and freedoms protection - the ECtHR - was created in 1959. Russia joined the Council of Europe on February 28, 1996. At the same time, the ECHR was signed, which became effective on the territory of the Russian Federation on May 5, 1998. By article 1 of the Federal Law of March 30, 1998, No. 54-FZ "On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols," Russia recognized the jurisdiction of the ECHR as obligatory on issues of interpretation and application of the norms of the Convention.³³² Thus, the Convention and its Protocols became, according to part 4 of article 15 of the Constitution of the Russian Federation, an integral part of the legal system of Russia. However, after the Special Military Operation in Ukraine, the Committee of Ministers of the Council of Europe, on February 25, 2022, decided to suspend the Russian representation right in the Committee of Ministers and the Parliamentary Assembly. On March 14-15, 2022, the Parliamentary Assembly of the Council of Europe gathered for an extraordinary plenary session to discuss the situation. On March 15, the Parliamentary Assembly of the Council of Europe voted in favor of Russia's withdrawal from the Council of Europe. On March 16, 2022, the Russian

³³¹ Callahan, Thomas M. «Cauldron of Unwisdom: The Legislative Offensive on Insidious Foreign Influence in the Third Term of President Vladimir v. Putin, and ICCPR Recourse for Affected Civil Advocates». *Fordham International Law Journal* 38 (2015), 1219. <https://heinonline.org/HOL/Page?handle=hein.journals/frdint38&id=1239&div=&collection=>

³³² Bowring, Bill. *Russian Cases in the ECtHR and the Question of Implementation* (SSRN Scholarly Paper, 2018). Social Science Research Network. Accessed March 9, 2024. <https://doi.org/10.2139/ssrn.3099544>

Federation's membership in the Council of Europe terminated – the Committee of Ministers of the Council of Europe voted for this decision.³³³

In turn, on May 16, 2022, a draft law was introduced to the State Duma of the Federal Assembly of the Russian Federation on the cessation of execution of the ECtHR judgments issued after March 15, 2022, payment of compensation for the judgments already issued until January 1, 2023 and exclusion from the Civil Procedure Code, the Criminal Procedure Code, the Arbitration Procedure Code and the Code of Administrative Procedure of the decision of the European Court from the list of grounds for review of the case by Russian courts.³³⁴ On June 7, 2022, the draft law was adopted and the procedural codes were amended, according to which the ECtHR decisions, which entered into force on March 16, 2022, are not enforceable in Russia and the fact of the ECtHR ruling is no longer a ground for case review.³³⁵ In addition, suspects and accused persons held in Federal Penitentiary Service institutions will no longer be granted visits from their representatives in the ECtHR and persons providing them with legal assistance in connection with their intention to apply to the European Court of Human Rights (the relevant amendments were made to the Law "On Detention in Custody" and "Criminal-Executive Code of the Russian Federation").³³⁶ Also, from the Federal Law "on Compensation for Violation of the Right to Legal Proceedings within a Reasonable Time or the Right to Execution of a Judicial Act within a Reasonable Time"

³³³ James L. Bischoff, «Documents on Russia's Exclusion from Council Eur. & U.N.H.R.C.», *International Legal Materials* 62/2 (2023), 297.

³³⁴ «Обращения в ЕСПЧ после исключения России из Совета Европы». Accessed March 10, 2024.. https://ilpp.ru/echr_denunciation

³³⁵ Гайворонская, Л. В. «ИСТОРИЧЕСКИЙ АНАЛИЗ ВЗАИМООТНОШЕНИЙ С ЕСПЧ | German International Journal of Modern Science / Deutsche Internationale Zeitschrift für Zeitgenössische Wissenschaft | EBSCOhost». 1 январь 2023 г. Accessed March 10, 2024. <https://doi.org/10.5281/zenodo.7541078>

³³⁶ «Федеральный закон „О содержании под стражей подозреваемых и обвиняемых в совершении преступлений“ от 15.07.1995 N 103-ФЗ (последняя редакция) \ КонсультантПлюс». Accessed March 10, 2024. https://www.consultant.ru/document/cons_doc_LAW_7270/
«„Уголовно-исполнительный кодекс Российской Федерации“ (УИК РФ) от 08.01.1997 N 1-ФЗ (последняя редакция) \ КонсультантПлюс». Accessed March 10, 2024. https://www.consultant.ru/document/cons_doc_LAW_12940/

reference to the standards developed by the European Court on this issue was removed.³³⁷

Thus, on September 5, 2022, the ECtHR adopted a resolution formally informing that after September 16, 2022, there would be no judge from Russia (at that time it was Mikhail Lobov).³³⁸ On September 16, 2022, Russia's participation in the European Convention on Human Rights ended, and it became technically impossible to complain even formally to the ECtHR about violations committed by the Russian Federation after that date. The ECtHR noted at that time that it would continue to consider complaints from Russians about violations that took place before September 16, 2022.

The effectiveness of the human rights and freedoms protection mechanism could be judged by statistical data - annually more than 10 thousand complaints were filed with the ECtHR only about alleged violations of rights and freedoms by the Russian Federation.³³⁹

The incorporation of the ECHR into the legal system of the Russian Federation and the need for national courts to apply both the provisions of the Convention itself and the case law of the ECtHR were confirmed by the decrees of the highest courts of the Russian Federation. First of all, these are numerous decrees of the Constitutional Court of the Russian Federation, which reflected the practice of application of the Convention on the widest range of legal problems.

The Supreme Arbitration Court of the Russian Federation (ceased to operate on 6.08.2014) in its information letter of December 20, 1999, and in a number of its decrees obliged arbitration courts to take into account the requirements of Article 6 of the ECHR (right to a fair trial) and Article 1 of Protocol 1 (protection of property) when considering claims.³⁴⁰ Thereby, the principle of legal certainty was consistently

³³⁷ «Федеральный закон „О компенсации за нарушение права на судопроизводство в разумный срок или права на исполнение судебного акта в разумный срок“ от 30.04.2010 N 68-ФЗ (последняя редакция) \ КонсультантПлюс». Accessed March 11, 2024. https://www.consultant.ru/document/cons_doc_LAW_99919/

³³⁸ Jakub J. Czepek, «ECtHR Case-Law Concerning Russian Aggression on Ukraine and the Events Taking Place after 2014», *International Community Law Review* 25/6 (2023), 574.

³³⁹ Верховный Суд Российской Федерации. «Причины роста числа жалоб в отношении России в ЕСПЧ». 29 май 2018 г. Accessed March 9, 2024. https://vsrf.ru/press_center/mass_media/26825/

³⁴⁰ Георгий Сергеевич Патюлин, «Наднациональные механизмы защиты прав человека», *Труды Института государства и права Российской академии наук* 2 (2014 г.), 8.

enshrined in the system of arbitration courts by building a clear system of appeal and cassation courts, as well as establishing a single supervisory instance - the Supreme Arbitration Court, which allowed the ECtHR to recognize arbitration supervision in Russia as an effective remedy in the sense of Article 35 of the Convention.³⁴¹

The Plenum of the Supreme Court, in turn, pointed out to the courts of general jurisdiction that their application of the Convention is obligatory and should be carried out taking into account the practice of the European Court to avoid any violations of the Convention.³⁴² It seems important to note that the ECtHR also took into account the legal positions of the Constitutional Court of the Russian Federation in its decrees and decisions on complaints against Russia.

Russia's membership in the Council of Europe and its participation in the European Convention on Human Rights have made it possible to carry out many essential reforms in various areas of Russian legislation, as well as to highlight other systemic problems that need to be solved.³⁴³ Russia's withdrawal from the Council of Europe is a great tragedy for the Russian legal system and the entire Russian society. It means not only the impossibility of seeking justice in the ECtHR soon but also the termination of cooperation with European states in many areas.

The Council of Europe is not only the European Convention on Human Rights and the Court of Justice. It has more than two hundred international agreements in a wide range of areas, including combating corruption crimes, money laundering, financing of terrorism, cybercrime, torture and inhuman or degrading treatment or punishment, domestic violence, and violence against women. It is a multitude of

³⁴¹ Елена Евгеньевна Юркина, «ЕВРОПЕЙСКИЙ СУД ПО ПРАВАМ ЧЕЛОВЕКА О НОВОЙ КАССАЦИИ В ГРАЖДАНСКОМ ПРОЦЕССЕ -НОВЫЙ ВЗГЛЯД СУДА НА СТАРЫЕ ВОПРОСЫ? РЕШЕНИЕ ЕВРОПЕЙСКОГО СУДА ПО ПРАВАМ ЧЕЛОВЕКА ПО ДЕЛУ АБРАМЯН И ЯКУБОВСКИЕ ПРОТИВ РОССИИ В ОТНОШЕНИИ ИСЧЕРПАНИЯ ВНУТРЕННИХ СРЕДСТВ ПРАВОВОЙ ЗАЩИТЫ», *Международное правосудие* 4 (16) (2015 г.), 13.

³⁴² Красиков, Дмитрий Владимирович. «Практика Европейского Суда по правам человека в Российской правовой системе». *Вестник Саратовской государственной юридической академии* 6 (101) (2014 г.), 219. <https://cyberleninka.ru/article/n/praktika-evropeyskogo-suda-po-pravam-cheloveka-v-rossiyskoy-pravovoy-sisteme>

³⁴³ Bowring, Bill. *Russian Cases in the ECtHR and the Question of Implementation* (SSRN Scholarly Paper, 2018). Social Science Research Network. Accessed March 10, 2024. <https://doi.org/10.2139/ssrn.3099544>

different bodies and committees that develop pan-European standards and rules. There is constant contact between representatives of member states at various levels, exchange of information and experience, and support for systemic reforms. All these advantages and opportunities have been lost, and the country has been isolated from pan-European cooperation for an indefinite period. At the same time, given the different historical and political contexts, it is currently impossible to predict when and with what losses a return for Russia will be possible.

The European Convention was one of the few internationally effective protection mechanisms that Russian citizens or foreign nationals living in Russia could afford. For many, it was something of a "last resort", a last chance to get justice and at least receive compensation from the state. In addition, until recently Russia remained among the leading "suppliers" of complaints to the ECtHR, which already speaks of the importance of the Convention, the withdrawal from which is a statement that Russians are left alone with themselves and their problems.

In the situation of Russia's withdrawal from the Council of Europe and its disconnection from the ECtHR, the place of the Convention and the ECtHR will be empty, and it will be impossible to replace these instruments. The Russian Federation has given up a very effective tool. This instrument was efficient and convenient not only for the citizens of the Russian Federation but also for the state, allowing to reform of the Russian legislation in the direction of general progress. In the current situation, the only hope is that the very concept of human rights is nevertheless accepted by Russian judges and they will remember these rights when considering specific cases.

One can only hope for other supranational mechanisms of protection, which have not been used so often by the Russian human rights community, such as the UN mechanisms: the Human Rights Committee, the Office of the High Commissioner for Human Rights, the Committee against Torture and the Subcommittee on Prevention of Torture, the Committee on Enforced Disappearances, and others.

3.1.2 National Protection Mechanisms

This part deals with the national system of mechanisms for the protection of migrants' rights at the level of legislative, executive, and judicial authorities. Considering the peculiarities of the legal status of migrants, joint efforts of the state and civil society are necessary for better observance and protection of rights in the Russian Federation.

The Constitution of the Russian Federation devotes Ch. 2 to Rights and Freedoms of Man and Citizen, and part 1 of Article 55 of the Constitution stipulates that *the listing in the Constitution of the Russian Federation of the fundamental rights and freedoms shall not be interpreted as a rejection or derogation of other universally recognized human rights and freedoms*. Thus, the Constitution does not diminish or exclude the application of other acts for human rights protection.³⁴⁴

The guarantor of the Constitution, human and civil rights and freedoms is the President of the Russian Federation. The realization of these powers of the head of State is entrusted to the Office of the President of the Russian Federation for ensuring the constitutional rights of citizens.³⁴⁵ To consider written and oral appeals from citizens of the Russian Federation, foreign citizens, and stateless persons, the Office of the President of the Russian Federation for handling appeals from citizens (transformed into the Office of the President of the Russian Federation for handling appeals from citizens and organizations) was established.³⁴⁶ Another institution designed to protect human rights and freedoms is the Presidential Council for the Development of Civil Society and Human Rights, which replaced the former Presidential Commission on Human Rights.³⁴⁷

³⁴⁴ Ягофарова, Инара Дамировна. «Императивный характер положений ст. 55 Конституции РФ при установлении ограничений прав и свобод человека и гражданина в РФ». *Вестник Омского университета. Серия «Право»* 1 (50) (2017 г.), 65. <https://cyberleninka.ru/article/n/imperativnyy-harakter-polozeniy-st-55-konstitutsii-rf-pri-ustanovlenii-ogranicheniy-prav-i-svobod-cheloveka-i-grazhdanina-v-rf>

³⁴⁵ Алексей Борисович Блинов, «Администрация Президента Российской Федерации», *Труды Института государства и права Российской академии наук* 5 (2011 г.), 58.

³⁴⁶ Антон Владимирович Зуйков, «О ПРОШЛОМ ДЛЯ БУДУЩЕГО: СТАНОВЛЕНИЕ АДМИНИСТРАЦИИ ПРЕЗИДЕНТА РОССИИ», *Сравнительное конституционное обозрение* 6 (85) (2011 г.), 35.

³⁴⁷ Алексей Юрьевич Кирсанов, «ИНСТИТУТЫ ГРАЖДАНСКОГО ОБЩЕСТВА В РОССИЙСКОЙ ФЕДЕРАЦИИ», *Вестник Московского университета МВД России* 8 (2020 г.), 30.

The Council is an advisory body that allows, to a certain extent, to balance the representation of state interests, individuals, and society in the legislative process.

To this end, it organizes expert examination of draft laws in the ensuring and protecting human rights and freedoms area. The President of the Russian Federation also has a Council on Inter-Ethnic Relations, which includes a Commission on Migration Issues. Representatives of voluntary organizations are actively involved in its activities.

The Scientific and Expert Council attached to the Chairman of the Federation Council (the upper house of parliament) of the Federal Assembly of the Russian Federation devotes considerable attention to migration policy and the protection of migrants' rights. It recommended that the Russian Government give priority (up to the point of granting equal rights with citizens of the host country in employment, taxation, education, and health care) to highly qualified foreign workers engaged in the implementation of investment projects in the real sector of the economy, large infrastructure projects, for the period of the labor contract, as well as strengthen control over the implementation of humanitarian obligations about forced migrants.³⁴⁸

The Government of the Russian Federation implements measures to ensure the principle of guaranteed state protection of human rights and freedoms by Part 1, Article 114 of the Constitution of the Russian Federation. All federal executive authorities and executive authorities of the constituent entities of the Russian Federation form a unified system of executive activity in the state-legal protection field of human rights and freedoms. Their activities in this area are quite broad: from rule-making to consideration of appeals (complaints) about various human rights violations. Specifically on migration policy, a Government Commission has been recreated and operates, which comprehensively considers different aspects of protecting the rights of migrants.³⁴⁹ The powers of the Government of the Russian Federation in the sphere of migration policy are defined, first of all, by Federal Constitutional Law No. 2-FKZ of December 17,

³⁴⁸ Н.А. Воронина, «Правовые механизмы защиты прав мигрантов в Российской Федерации», *Труды Института государства и права Российской академии наук* 3 (55) (2016 г.), 173.

³⁴⁹ Минакова, Ксения Владимировна. «Правовые механизмы защиты прав мигрантов органами публичной власти Российской Федерации». *Baikal Research Journal* 9/4 (2018 г.), 21. <https://cyberleninka.ru/article/n/pravovye-mehanizmy-zaschity-prav-migrantov-organami-publichnoy-vlasti-rossiyskoy-federatsii>

1997, which places the implementation of a unified state migration policy within the competence of the supreme body of state power of the country (Article 16). The Federal Migration Service (FMS of Russia) was the federal executive body responsible for the state policy development and implementation and normative-legal regulation in the migration field. The FMS was established in 1992 based on the Committee on Migration under the Ministry of Labor and Employment, then in 2004 it was transferred to the Ministry of Interior, and in 2012 it became directly subordinate to the government. On April 5, 2016, by presidential decree, the FMS was abolished and its functions and powers were returned to the Main Directorate for Migration Issues of the Ministry of Interior of the Russian Federation.³⁵⁰

The FMS of Russia was also vested with law enforcement functions, functions of federal state control (supervision), and provision (execution) of state services (functions) in the field of migration. About foreign citizens and stateless persons, the FMS of Russia exercised federal state control (supervision) over their stay and residence in the Russian Federation and the labor activity of foreign workers. As part of such control, the FMS, in the last year of its existence, as an independent body reporting directly to the government of the Russian Federation, 2015 carried out over 600 thousand inspections to identify facts of violation of migration legislation. During the inspections, over 700 thousand reports of administrative offenses were drawn up. Compared with 2014, the number of detected administrative offenses for illegal labor activity of foreign citizens in 2015 was 22.7% lower (Article 18.10 of the Code of Administrative Offenses of the Russian Federation).³⁵¹

The Office of the Prosecutor of the Russian Federation plays a significant role in the constitutional rights and freedoms protection and defense, including the rights of migrants. Prosecutorial bodies systematically conduct inspections of compliance with migration legislation, the results of which are followed up by procuratorial response measures. An essential area of prosecutorial activity is oversight of regional and local

³⁵⁰ Mikkel Berg-Nordlie - Olga Tkach, «“You are Responsible for Your People”: The Role of Diaspora Leaders in the Governance of Immigrant Integration in Russia», *Demokratizatsiya: The Journal of Post-Soviet Democratization* 24/2 (2016), 175.

³⁵¹ Н.А. Воронина, «Правовые механизмы защиты прав мигрантов в Российской Федерации», *Труды Института государства и права Российской академии наук* 3 (55) (2016 г.), 178.

law-making. For example, a large number of federal migration legislation violations were revealed during inspections organized in 1996 in 20 constituent entities of the Russian Federation. It was found that most of the constituent entities of the Russian Federation had adopted normative acts on the registration of citizens at the place of stay and the place of residence, providing additional conditions for the registration of forced migrants, which did not comply with federal legislation. These acts were aimed at reducing the number of migrants in the relevant territory and restricting their rights, including property rights. At the initiative of the Prosecutor's Office, such regulations were canceled, and ways and means of ensuring proper prosecutorial supervision over the observance of the rights of citizens and persons located on the territory of the Russian Federation were outlined. Currently, the Prosecutor's office pays considerable attention to the supervision of compliance with legislation on the recruitment and use of foreign labor, as well as the use of illegal migrant labor.³⁵²

Active and consistent prosecutor supervision and the activities of prosecutors to strengthen the rules in the field of migration relations should become a reliable shield for illegal migration, State violence and arbitrariness, social irresponsibility, and dishonesty of employers to foreign workers.³⁵³ Migration policy in a rule-of-law democratic State must necessarily include respect for the rights and legitimate interests of migrant workers as a component. Researchers have always noted the low effectiveness of legal mechanisms to ensure and protect rights: The state often shows its inability and unpreparedness for strategic migration planning, acting ad hoc, closing the resulting social "holes" and gaps with hasty laws that immediately become ineffective or inefficient.³⁵⁴

The right to legal proceedings for the protection of human rights and freedoms, which by the Constitution and international treaties of the Russian Federation belongs to

³⁵² Владимир Григорьевич Бессарабов, «Деятельность Российской прокуратуры по осуществлению прокурорского надзора в сфере миграции», *Вестник Российского университета дружбы народов. Серия: Юридические науки* 1 (2013 г.), 48.

³⁵³ Wadhia, Shoba Sivaprasad. «The Role of Prosecutorial Discretion in Immigration Law». *Connecticut Public Interest Law Journal* 9 (2010 2009), 243.

<https://heinonline.org/HOL/Page?handle=hein.journals/cpilj9&id=249&div=&collection=>

³⁵⁴ Stefania Panebianco, «The EU and Migration in the Mediterranean: EU Borders' Control by Proxy», *Journal of Ethnic and Migration Studies* 48/6 (2022), 1399.

any person on the territory of the Russian Federation, including foreigners and stateless persons, is one of the mechanisms by which people can protect their right from violations, restore it or seek compensation for damage caused as a result of an offense. The universal nature of human rights also implies their universal State protection. According to Decree No. 8 of the Plenum of the Supreme Court of the Russian Federation of October 31, 1995, if an international treaty of the Russian Federation establishes rules other than those provided for by law, the court applies the norms of the international treaty.³⁵⁵ In doing so, the Court referred to part 3 of Article 5 of the Federal Law of July 15, 1995 № 101-FZ "On International Treaties of the Russian Federation". The preamble to this Federal Law states that the Russian Federation advocates strict compliance with the treaty and customary norms and reaffirms its commitment to the fundamental principle of international law - the conscientious fulfillment of international obligations. Thus, the judicial system of the Russian Federation currently has the opportunity to proceed from the full volume of precedent international legal norms created within the framework of both European and international judicial jurisdiction, a definite part of which directly relates to the protection of migrants' rights.³⁵⁶ However, the process of assimilation and application by Russian courts of the precedent norms of international migration law needs further development.

In today's Russia, the role of the Constitutional Court of the Russian Federation is increasing. According to parts 1 and 2 of Article 79 of the Federal Constitutional Law of July 21, 1994, No. 1-FKZ "On the Constitutional Court of the Russian Federation", the Decrees of the Constitutional Court are final, are not subject to appeal, come into force immediately after their proclamation, act directly and do not require confirmation by other bodies and officials.³⁵⁷ Although the Court has the last word in interpreting the

³⁵⁵ «Постановление Пленума Верховного Суда РФ от 31.10.1995 N 8 (ред. от 03.03.2015) „О некоторых вопросах применения судами Конституции Российской Федерации при осуществлении правосудия“ \ КонсультантПлюс». Accessed March 10, 2024. https://www.consultant.ru/document/cons_doc_LAW_8847/

³⁵⁶ Peter B. Maggs. *Law and Legal System of the Russian Federation - Sixth Edition* (Juris Publishing, Inc., 2015), 156.

³⁵⁷ «Федеральный конституционный закон от 21.07.1994 N 1-ФКЗ (ред. от 31.07.2023) „О Конституционном Суде Российской Федерации“ \ КонсультантПлюс». Accessed March 11, 2024. https://www.consultant.ru/document/cons_doc_LAW_4172/

Constitution, it is obliged to realize the principle of the supremacy of the Constitution by adhering to the Constitution and the fundamental values underlying it.³⁵⁸

Article 96 of the said Law enshrines the right of citizens to file a complaint about a violation of constitutional rights and freedoms. Interpreting this norm in its interrelation with Articles 46, 17 (part 2), 62 (part 3), and 125 (part 4) of the Constitution of the Russian Federation, the Constitutional Court stated that "the opportunity to protect rights and freedoms through constitutional justice must be provided to everyone, including foreign citizens and stateless persons."³⁵⁹

The decision of the Constitutional Court of the Russian Federation was also required to solve the problem of pension provision for foreign citizens and stateless persons living in Russia but not registered at their place of residence. In its ruling No. 146-O of March 4, 2004, it confirmed the right of the above category of persons to a pension if the court establishes the fact of their permanent residence in Russia. According to part 1, Article 3 of the Federal Law No. 166-FZ "On State Pension Provision in the Russian Federation" dated December 15, 2001, foreign citizens and stateless persons permanently residing in the territory of the Russian Federation have the right to a pension.³⁶⁰ Thus, persons falling under this category, but residing in Russia in the absence of a residence permit, have to establish (confirm) the fact of their permanent residence in Russia in court. Unfortunately, the existing law enforcement practice, including judicial practice, links the permanent residence of foreign citizens and stateless persons not with their actual permanent residence on the territory of the Russian Federation (as explained in the decision of the Constitutional Court of the Russian Federation), but with their residence permit, as provided for in Article 2 of the Federal Law No. 115-FZ. It follows that foreign citizens and stateless persons are required to

³⁵⁸ Özkan, Zeynep . Rusya Federasyonu Anayasa Mahkemesinin Temel Hakların Korunmasındaki İşlevi. 2019. Reprint, Yayınevi : Karahan Kitabevi, 2019., 217.

³⁵⁹ В.А Лебедев, *Конституционные права и свободы человека и гражданина в современной России: концепция, ограничения, механизм охраны и защиты. Монография* («Издательство „Проспект“», 2016), 154.

³⁶⁰ «Федеральный закон „О государственном пенсионном обеспечении в Российской Федерации“ от 15.12.2001 N 166-ФЗ (последняя редакция) \ КонсультантПлюс». Accessed March 11, 2024. https://www.consultant.ru/document/cons_doc_LAW_34419/

have a residence permit in the Russian Federation as a prerequisite for the assignment of pensions. However, according to the legal position of the Constitutional Court of the Russian Federation, expressed in its ruling of March 4, 2004, No. 146-О, the provisions of the above Law and the Law "On Labor Pensions in the Russian Federation" challenged in the applicant's complaint do not contain direct indications on the connection between the emergence of the right to pension provision for foreign citizens and stateless persons and the presence or absence of their registration at the place of residence.³⁶¹

The share of appeals to the court regarding violations of labor rights of migrants remains extremely low. At the same time, a study conducted by the labor market research laboratory of the National Research University Higher School of Economics revealed discrimination against foreign workers: their working day was on average five hours longer and their wages 20% less than those of Russian workers.³⁶² A significant part of the labor relations that migrants enter into is not contractual. It means that migrant employment is embedded in shadow sectors of the economy, which makes workers more vulnerable and radically reduces the possibilities of their social protection. As a consequence - slaves and forced labor, people in servitude, etc. As noted in the International Labor Organization's study on migrant employment and forced labor in modern Russia, the lack of faith of workers subjected to labor exploitation in the possibility of receiving help from the authorities is accompanied by their lack of desire to achieve fair punishment and justice for the criminals.³⁶³ This is characteristic of the Russian population as a whole and reflects both distrust of the authorities, especially law enforcement agencies, and the low level of legal consciousness of citizens, as well as the objective weakness of victim and witness protection mechanisms in the Russian legal system. For the constitutional rights of foreign citizens in the Russian Federation to be

³⁶¹ ««Определение Конституционного Суда РФ от 04.03.2004 N 146-О "Об отказе в принятии к рассмотрению жалобы гражданки Адамян Жульетты Семеновны на нарушение ее конституционных прав положениями Федеральных законов "О трудовых пенсиях в Российской... \ КонсультантПлюс». Accessed March 11, 2024. https://www.consultant.ru/document/cons_doc_LAW_4903/

³⁶² Н.А Воронина, «Правовые механизмы защиты прав мигрантов в Российской Федерации», *Труды Института государства и права Российской академии наук* 3 (55) (2016 г.), 193.

³⁶³ Е.В. Тюрюкапова, *Принудительный труд в современной России: нерегулируемая миграция и торговля людьми* (Женева: Международное бюро труда, 2006), 148.

fully realized, it is necessary to provide them with qualified legal assistance. As a rule, migrants are not fully oriented in the current legal framework and need assistance in applying to various administrative and judicial bodies (drafting complaints, observing the procedure and deadlines for filing them, etc.). Civil society structures should be involved in this work. This conclusion was reached, for example, by the participants of the round table of the Public Chamber of Kabardino-Balkaria, held on February 28, 2016. In their opinion, to solve problems in the migration sphere, it is necessary to develop public-state partnerships, provide information and legal services to migrants to adapt them to the host society, and create social infrastructure, including networks of socially oriented non-profit organizations.³⁶⁴ Definite steps in this direction are already being taken. Russian non-profit and public organizations, often based on the diaspora principle, are creating centers for the social adaptation of migrants. The range of services provided is quite broad: advice on Russian migration and labor legislation; assistance in migration registration, document registration, medical examination, accommodation (based on contracts with hostels), and language training for migrant workers. It seems that today the main attention should be paid to the more complete use of all existing legal mechanisms to ensure and protect the rights of the individual, to ensure their genuine guarantee to all branches of the authorities and the structures of civil society.

Despite the wide range of guaranteed rights, not all problems in this area have been solved. As researchers note, "the existing mechanism of the constitutional and legal status of migrant workers does not ensure the realization of their rights, freedoms and legitimate interests guaranteed by the State. The inefficiency of legal regulation and state management of external labor migration is expressed in violations of the rights of migrant workers, in the growth of illegal labor migration and shadow employment".³⁶⁵ It seems necessary to give a broader legal interpretation of the institute of responsibility of employers using foreign labor, to provide for the social responsibility of the employer for foreign workers hired. In particular, employers who hire migrant workers should be obliged to provide them with proper living conditions (hostel or simplified hotel),

³⁶⁴ И.В. Фадеева, *Государственное регулирование миграционных процессов в Российской Федерации* (Москва, ЮНИТИ-ДАНА. : Международный журнал конституционного и государственного права, 2020), 117.

³⁶⁵ Stephen Castles, «Migration, Crisis, and the Global Labour Market», *Globalizations* 8/3 (2011), 313.

medical guarantees, and minimum social protection. The Constitution of the Russian Federation (Article 45) guarantees the right of everyone, regardless of citizenship, to protect their rights and freedoms in all ways not prohibited by law, using all institutions specially created for these purposes.

3.2. Problems of the Legal Status of Migrant Workers

3.2.1. Constitutional and Legal Status of Foreign Citizens and Stateless Persons in the Russian Federation

3.2.1.1 Constitutional Rights of Foreign Citizens and Stateless Persons

The foundations of the legal status of foreign citizens and stateless persons are enshrined in the Constitution of the Russian Federation, according to which these categories of persons enjoy rights and bear responsibilities on an equal footing with Russian citizens, except in cases established by federal laws or international treaties of the Russian Federation (Part 3, Article 62).³⁶⁶ At the constitutional level, it is guaranteed that foreign citizens are subject to the principles of equality regardless of nationality and the country of origin of the person (state affiliation).³⁶⁷ The protection of migrants' rights under the migration legislation of the Russian Federation is based on the principles and norms of international law concerning migration legal relations.

The established limits of the legal capacity of foreign citizens and stateless persons ("foreigners' regime") are a reflection of various socio-economic and political factors: the need and interest of the state in the inflow of labor force from outside; the ability to ensure decent working and living conditions for foreigners (foreign workers) on its territory, etc. The higher the degree of economic and democratic development, the less the differences in the legal status of foreigners and citizens. The legal regime of foreigners determines the totality and scope of their rights and obligations on the host

³⁶⁶ «Chapter 2. Rights and Freedoms of Man And Citizen | The Constitution of the Russian Federation». Accessed March 12 2024. <http://www.constitution.ru/en/10003000-03.htm>

³⁶⁷ Cristiano Codagnone - Vassily Filippov, «Equity, Exit and National Identity in a Multinational Federation: The 'multicultural Constitutional Patriotism' Project in Russia», *Journal of Ethnic and Migration Studies* 26/2 (2000), 265.

state territory. Russian legal science distinguishes the following types of regimes of foreigners: national regime, special regime, most-favored-nation regime, and preferential regime.³⁶⁸

The national regime provides for granting foreign citizens in one or another area the same rights and obligations as citizens of the host state. In the Russian Federation, the national regime of foreigners is basic and enshrined in the legislation. For example, according to Article 1196 of the Civil Code of the Russian Federation, foreign citizens and stateless persons enjoy civil legal capacity on an equal footing with Russian citizens (except for cases established by law).³⁶⁹

Special regime means granting foreigners in a particular area certain right and (or) establishing for them obligations and prohibitions that differ from those provided in this area for their citizens.³⁷⁰ The special regime may be expressed in the exclusion from the legal capacity of foreigners of certain rights (as a rule, in the political sphere) or in the imposition of additional obligations on them. Thus, by part 2 of Article 32 of the Constitution of the Russian Federation, the right to elect and be elected to state and local government bodies and to participate in referendums is granted only to citizens of the Russian Federation. At the same time, foreign citizens permanently residing in the country have the right to elect and be elected to local self-government bodies, as well as to participate in local referendums (part 2 of article 12 of the Law of July 25, 2002 No. 115-FZ). A similar norm is contained in the electoral legislation.³⁷¹ The most-favored-nation regime is expressed in granting to foreigners in any area such rights and (or) establishment of such obligations, which are provided for citizens of any third state, who

³⁶⁸ И.А. Побережная - Ю.А. Нечипас, «РЕЖИМЫ ИНОСТРАННЫХ ГРАЖДАН», *Вестник Университета мировых цивилизаций* 10/3 (24) (2019 г.), 132.

³⁶⁹ «ГК РФ Статья 1196. Право, подлежащее применению при определении гражданской правоспособности физического лица \ КонсультантПлюс». Accessed March 12, 2024. https://www.consultant.ru/document/cons_doc_LAW_34154/822ceb984a9ce2a65753b2b18609cb1e56199126/

³⁷⁰ Lea Ypi, «A Permissive Theory of Territorial Rights», *European Journal of Philosophy* 22/2 (2014), 290.

³⁷¹ «Часть 2. Статья 12. Отношение иностранных граждан к избирательному праву \ КонсультантПлюс». Accessed March 12, 2024. https://www.consultant.ru/document/cons_doc_LAW_37868/0176637ec9b67591b03168efa033e0322080c864/

are in the most favorable position in legal terms on the territory of this state.³⁷² The most-favored-nation regime is provided for by international treaties and agreements containing special provisions on the obligations of one state to provide such a regime to another state. The object of the most-favored-nation regime may be the occupation of certain types of labor activity, visa regime, social security, pension provision, etc.

The preferential regime provides for granting to citizens (in some cases - residents) of certain states advantages and benefits in comparison with the general legal position of foreigners. In practice, this usually means extending the national regime to foreigners in cases where a special regime in its restrictive form is usually provided. The granting of a preferential regime may take place either under an international treaty or under domestic law.³⁷³ An example of such a regime is the granting to citizens of the states that have acceded to the EAEU Treaty the right to work in any EAEU member state by the labor legislation of the host country without registration of permits. At the same time, different categories of foreigners have specifics of their legal status. It manifests itself in the procedure for entry into the Russian Federation, conditions of employment, terms of stay, etc. Thus, a foreign citizen temporarily staying in the country is not entitled to carry out labor activities outside the limits of a constituent entity of the Russian Federation, on the territory of which he issued a work permit (and 4.2 of article 13 of the Law of July 25, 2002 No. 115-FZ).

Foreign workers are subject to the general provisions of labor legislation: the right to remuneration, the right to rest, the right to labor protection, the right to social benefits, etc. On general grounds, they may freely dispose of their abilities to work, choose their occupation and profession, and freely use their abilities and property for entrepreneurial and other economic activities not prohibited by law, subject to the restrictions established by federal legislation.

Migrant workers in Russia enjoy social insurance and social security (except pensions) by Russian legislation unless otherwise provided for by a special agreement

³⁷² Gowa, Joanne - Hicks, Raymond. «The Most-Favored Nation Rule in Principle and Practice: Discrimination in the GATT». *The Review of International Organizations* 7/3 (2012), 248. <https://doi.org/10.1007/s11558-011-9141-6>

³⁷³ Oybek Yakubov, «Significance And Principles Of The Trips Agreement In The Legal System Of World Trade Organization Agreements», *The Peerian Journal* 9 (2022), 66.

(for example: "Agreement between the Russian Federation and the Republic of Tajikistan on cooperation in the field of pension provision" dated September 15, 2021).³⁷⁴ Russian legislation guarantees foreign workers medical care at the expense of the employer (tenant) at the same level as Russian citizens.³⁷⁵

It should be said that Federal Law No. 115-FZ regulates the issues of attracting and using foreign labor in the Russian Federation, which was initially not adapted to solve problems related to the labor activity of migrants in Russia.³⁷⁶ Therefore, it had to include a significant number of procedural rules and norms that go beyond the scope of the subject of regulation indicated in its name. It still does not provide comprehensive regulation of relations related to the recruitment and use of foreign labor. The regulation of several issues was left for subordinate regulation. According to the legal definition given in this Law, a foreign citizen is an individual who is not a citizen of the Russian Federation and has proof of citizenship (citizenship) of a foreign state. A stateless person is an individual who is not a citizen of the Russian Federation and does not have proof of nationality (citizenship) of a foreign state (Part 1 of Article 2). At the same time, the vast majority of norms concerning the legal status of foreign citizens and stateless persons proceed from the premise (condition) that these persons are legally present in the country. In many cases, the legal status of foreign citizens and stateless persons is similar. However, there are some differences, which are indicated by Part 2 of Art. 2 of the Law in question: "The concept of a foreign citizen includes the concept of a stateless person, except in cases where federal law establishes special rules for stateless persons that differ from the rules established for foreign citizens."

The Concept of the State Migration Policy of the Russian Federation for the period up to 2025 and the Strategy of the State National Policy of the Russian Federation for the period up to 2025 identify areas of activity in the adaptation field and integration

³⁷⁴ «Ратифицирован Договор между Россией и Республикой Таджикистан о сотрудничестве в области пенсионного обеспечения \ КонсультантПлюс». Accessed March 12, 2024. <https://www.consultant.ru/law/hotdocs/76285.html>

³⁷⁵ Rocheva, Anna - Varshaver, Evgeni. *Gender Dimension of Migration from Central Asia to the Russian Federation* (SSRN Scholarly Paper, 2017). Social Science Research Network. Accessed March 12, 2024. <https://doi.org/10.2139/ssrn.3502749>

³⁷⁶ Н.А Воронина, «Правовые механизмы защиты прав мигрантов в Российской Федерации», *Труды Института государства и права Российской академии наук* 3 (55) (2016 г.), 181.

of migrants.³⁷⁷ However, the current legislation in the field of labor migration, from the point of view of the possibilities of providing foreign workers with social assistance, assisting them in socio-cultural adaptation and integration into the host society, remains imperfect. So far, the problem of adaptation and integration of migrants in the Russian Federation has not been legislated. The President of the Russian Federation, formulating purposes of the Council on Interethnic Relations, proposed "to specify the tasks for the government and regional leaders to create a network of state adaptation courses for migrant workers and their children".³⁷⁸ President assigned a particular role in the migrants' adaptation to national communities, which could take patronage over their compatriots. The authors of a comparative study on immigration policy draw attention to the downside of adaptation processes — that government agencies should not provide exceptional advantages and privileges to foreigners. In their opinion, based on the lessons of the past and the experience of other countries of the world, Russia's immigration policy should meet the following requirements-principles: the goals and directions of policy should be fully and in an accessible form presented in the media; the selection criteria should be clear to the immigrant; the relocation and legitimization of an immigrant should not be overloaded with unnecessary procedures, measures, conditions; the rules of immigration policy should not change too often; immigration policy should be provided with financial and material resources, professional personnel. In addition, studies have shown that violations of migrant labor rights are closely linked to abuses by officials and unscrupulous intermediaries.³⁷⁹ Such violations are classified into four main groups. The first two predominant groups, and by an immense margin, are bribes and extortion by officials (mainly the police). Illegal detentions and seizure of documents, money, etc., are also significant violations by officials.³⁸⁰

³⁷⁷ «Концепция государственной миграционной политики Российской Федерации на период до 2025 года (утв. Президентом РФ 13 июня 2012 г.) (утратила силу) | ГАРАНТ». Accessed March 12, 2024. <https://base.garant.ru/70188244/>

³⁷⁸ Президент России. «Заседание Совета по межнациональным отношениям». 22 октябрь 2013 г. March 12, 2024. <http://kremlin.ru/events/president/news/19475>

³⁷⁹ I.Y Samokhvalov , «COUNTERING MIGRATION LEGISLATION VIOLATIONS AS A MODERN THREAT O NATIONAL SECURITY», *Пенитенциарная наука* 15/1 (2021), 165.

³⁸⁰ John Round - Irina Kuznetsova-Moreno, «Necropolitics and the Migrant as a Political Subject of Disgust: The Precarious Everyday of Russia's Labour Migrants», *Politics of Precarity* (Brill, 2017), 199.

Thus, it should be noted that the level of guarantees actually provided for the observance of rights for certain groups of the population is determined not only and not so much by the legal norms and economic capabilities of the state, but also by the state of society — the extent to which human rights are mastered by public consciousness. Since the tasks of the state can be realized in full only with the support and tireless attention of society and its civil structures.

3.2.1.2. Constitutional Problems in the Regulation of the Human rights of Migrant Workers in Russia

Legal science gives the term "constitutional problems of legal regulation" a broad definition that encompasses both the features stated in the Constitution and additional standards of the right to responsibility and freedom. However, in our opinion, the Russian Federation's use of the category of constitutional foundations of human rights of foreign workers involves a synthesis of normative and non-normative regulation, with an emphasis on the Constitution's preeminent position.

Thus, in accordance with the generally accepted principles and standards of international law, Russia acknowledges and guarantees human rights and freedoms as well as the rights of its citizens under Article 17 of the Constitution of the Russian Federation.³⁸¹ Everyone is born with unalienable fundamental rights and freedom that they are entitled. As a result, the idea that illegal migrants can be found outside of the legal system appears to be quite contentious. The problem is that migrant workers without an appropriate legal status will not be able to exercise additional rights and freedoms that belong to them by international law and national legislation. In addition, in case of confirmation of the violation fact of the procedure for entry or stay in the state territory, a person may be banished from its borders.

The next issue, in our opinion, is the application of Article 22 of the Russian Federation's Constitution, which ensures that all people, including migrant workers, have

³⁸¹ «Chapter 2. Rights and Freedoms of Man And Citizen | The Constitution of the Russian Federation». Accessed March 12, 2024. <http://www.constitution.ru/en/10003000-03.htm>

the same rights to freedom and personal integrity as Russian Federation citizens.³⁸² For foreign citizens and stateless persons who have committed administrative offenses and are facing administrative expulsion from the Russian Federation and deportation, there is currently a concern with respect for their right to freedom and personal integrity. The current Code of Administrative Offenses of the Russian Federation establishes the process for carrying out a decision on administrative expulsion of foreign citizens or stateless persons from the Russian Federation, in the form of a controlled independent exit from the Russian Federation within five days after the day the judge's decision comes into force. This procedure is outlined in Article 32.10 of the Code.³⁸³ Foreign citizens who are in the country illegally or who have committed an administrative violation may be held in special facilities in the absence of options for independent departure until they are forcibly administratively expelled from the Russian Federation by a court order. At the same time, the period of detention of a foreign citizen (in most cases these are illegal migrant workers or migrant workers who have committed an administrative offense) in a special premise has not been established. Thus, in practice, there were cases of detention of migrant workers in special institutions for six months or more before the execution of a decision on administrative expulsion from the Russian Federation in respect of them. At one time, before the exclusion of Russia from the Council of Europe, in its decision on the Complaint No. 66373/13 "KHALIKOV VS. RUSSIAN FEDERATION" (issued on 26.02. 2015, entered into force on 6.07.2015), the ECtHR, drew attention to the fact that the Russian authorities must ensure that a mechanism is established in their domestic legal order to enable individuals to initiate a review of the lawfulness of their detention pending expulsion based on the course of the deportation process. As the applicant did not have at his disposal a procedure enabling a judicial review of the lawfulness of his detention, the Court finds a violation of Article 5 paragraph 4 of the ECHR (paragraphs 65-66 of the judgment).

³⁸² «Chapter 2. Rights and Freedoms of Man And Citizen | The Constitution of the Russian Federation». Accessed March 12, 2024. <http://www.constitution.ru/en/10003000-03.htm>

³⁸³ «КоАП РФ Статья 32.10. Порядок исполнения постановления об административном выдворении за пределы Российской Федерации иностранных граждан или лиц без гражданства \ КонсультантПлюс». Accessed March 12, 2024. https://www.consultant.ru/document/cons_doc_LAW_34661/a75ce841b805346ed23f44fb4fcc8a405c2c144f/

As regards the violation of Article 5 paragraph 1 (f) of the ECHR in respect of the applicant's complaint about the period during which he had been detained in connection with his administrative expulsion, the Court noted that "Before the authorities decided to place the applicant in a distinct institution for expulsion, he had already been detained for six months for extradition. When deciding to place the applicant in a distinct institution pending removal, the courts did not set a precise period of his detention. Thus, after the expiration of this period, the detainee must be released" (paragraph 73 of the judgment).

The European Court concluded that there is no provision in Russian law which would allow the applicant to initiate proceedings for judicial review of his detention before expulsion, nor does it apply a procedure for automatic review of his detention at regular intervals [accordingly] there has been a violation of Article 5 paragraph 1 (f) of the Convention (paragraphs 75 and 76 of the judgment).³⁸⁴

Thus, it can be concluded that to eliminate cases of violation of the rights of migrant workers, it is advisable for Russia to fix at the legislative level the maximum period of detention of foreign citizens in special institutions, by analogy with the maximum period of administrative arrest.

Also, when foreign nationals exercise their constitutional rights to freedom of movement and place of abode, issues with constitutional regulation come up. When exercising this right, there is also a definite inequality in comparison with the citizens of the Russian Federation. In particular, Article 27 of the Constitution of the Russian Federation guarantees the right to free movement and the opportunity to choose a place of residence to "everyone" who is legally present on the Russian territory. Article 11 of Federal Law No. 115-FZ of the Russian Federation contains provisions that are in contradiction with the Russian Federation Constitution and are intended to limit the

³⁸⁴ КонсультантПлюс. «Постановление ЕСПЧ от 26.02.2015 "Дело „Халиков (Khalikov) против Российской Федерации“ (жалоба N 66373/13) По делу обжалуются предполагаемая высылка заявителя в иностранное государство, в результате которой он подвергнется реальной угрозе пыток и жестокого обращения, и содержание под стражей в рамках разбирательства о высылке, которое было несовместимо с требованиями Конвенции о защите прав человека и основных свобод. По делу допущены нарушения требований статьи 3, пункта 4 статьи 5, подпункта „f“ пункта 1 статьи 5 Конвенции о защите прав человека и основных свобод.» Accessed May 9, 2024. <https://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=ARB&n=425409#bTnWv8U4GjRac9yC2>

freedom of movement of foreign citizens who are temporarily staying on Russian Federation territory. Moreover, Federal Law No. 115-FZ in the Russian Federation itself enshrines the right of foreign citizens to freedom of movement within the territory of the Russian Federation in a general provision and cancels it in the specific regulation. This article of the law is contrary to Article 12 of the ICCPR of 1966, which states: "everyone who is legally on state property has the right to be free to movement within that territory, as well as the right to establish his place of residence."³⁸⁵ Other than those imposed by law and required to preserve public health, morality, public order, or national security, these rights may not be restricted in any way." Consequently, one of the categories of restrictions is codified in paragraph 1 of Article 11 of the Federal Law on the Legal Status of Foreign Citizens. Visits to places, businesses, and facilities that demand a special permit under federal law are prohibited by Federal Law No. 115-FZ. The Constitutional Court, assessing this article, refers to the Decree of the Government of the Russian Federation of October 11, 2002 No. 754, which approved the list of territories, organizations, and objects for entry into which foreign citizens require special permission.³⁸⁶ This decree is a clear example that confirms the wording of part 3 of Article 62 of the Constitution *"except for cases envisaged by the federal law or the international agreement of the Russian Federation"*.³⁸⁷ Part 3 of Article 62 of the Constitution restricts foreign citizens only in specific cases established by law, and in all other cases, foreign citizens lawfully present on the territory of Russia enjoy in the Russian Federation the rights of an equal footing with citizens of the Russian Federation, including the right to free movement, free choice of place of stay and residence. The above list also does not establish a specific composition of territories with regulated

³⁸⁵ Refworld. «International Covenant on Civil and Political Rights». Accessed April 24, 2024. <https://www.refworld.org/legal/agreements/unga/1966/en/17703>

³⁸⁶ «Определение Конституционного Суда РФ от 9 марта 2017 г. № 497-О "Об отказе в принятии к рассмотрению жалобы гражданина Республики Армения Худояна Овакима на нарушение его конституционных прав частью 3 статьи 18.8 Кодекса Российской Федерации об административных правонарушениях, пунктом 1 статьи 11 Федерального закона „О правовом положении иностранных граждан в Российской Федерации“ и пунктом 13 Перечня территорий Российской Федерации с регламентированным посещением для иностранных граждан" | ГАРАНТ.РУ». Accessed April 24 2024. <http://www.garant.ru/products/ipo/prime/doc/71546524/>

³⁸⁷ «Статья 62 \ КонсультантПлюс». Accessed March 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_28399/a62def841e40a234f1b3e1d602e6285f161db249/

visits for foreign citizens and does not describe their borders, but only defines (names) territories of this type as a separate category for visiting which special permission is required not only for foreign but also for Russian citizens. Thus, this restriction, according to the interpretation of the Constitutional Court, extends its effect not only to foreign citizens but also to citizens of the Russian Federation and finds its effect only in individual cases.

The main problem of the constitutional regulation of labor relations with the participation of foreign citizens is the presence of a pronounced contradiction between its constitutional and administrative aspects. The essence lies in the fact that the constitutional aspect considers migrant workers as general subjects of labor relations. It means that in the field of labor relations, the principle of the national regime is applied, which is based on the fact that foreign citizens enjoy rights and bear obligations on an equal basis with Russian citizens, and all general provisions of the labor legislation of the Russian Federation apply to them. It is not allowed to discriminate against foreign citizens based on gender, race, nationality, language, religion, etc.³⁸⁸ At the same time, the administrative-legal aspect establishes for foreign citizens their special legal personality within the framework of labor relations, respectively limiting their legal capacity. Thus, the noted contradiction at the legislative level in the framework of labor relations with the participation of foreign workers is the main problem in regulating this area, which determines the emergence of other problematic issues.

3.2.2. Issues of Legal Regulation of the Federal Law No. 115-FZ

Federal Law "On the Legal Status of Foreign Citizens and Stateless Persons" - No. 115-FZ regulates legal relations not only with foreign workers but also with foreign citizens and stateless persons with different legal statuses. Federal law - no. 115 FZ

³⁸⁸ Nikita, Lyutov. «Russian law on discrimination in employment: can it be compatible with international labor standards?» *Russian Law Journal* 4/3 (2016), 33. <https://cyberleninka.ru/article/n/russian-law-on-discrimination-in-employment-can-it-be-compatible-with-international-labor-standards>

covers a wide range of legal relations related to foreign citizens.³⁸⁹ However, within the framework of this work, in this paragraph, it is necessary to take into account those provisions of the law that regulate relations related to the labor activity of foreign citizens in the Russian Federation who are not subject to the visa regime, especially foreign citizens staying on the territory of the Russian Federation from Central Asia.

The basis for the stay of foreign citizens, not requiring a visa, on the territory of the Russian Federation is a migration card with a certain period of stay (the period of stay in the Russian Federation should not exceed 90 days in total).³⁹⁰ By Article 2 of the Federal Law - no. 115 FZ, a migration card is a document containing information about a foreign citizen or stateless person entering or arriving in the Russian Federation and about the period of their temporary stay in the Russian Federation, confirming the right of a foreign citizen or stateless person who arrived in the Russian Federation in a manner that does not require obtaining a visa for temporary stay in the Russian Federation. In addition, foreigners or stateless persons who will be temporarily staying in the Russian Federation are required to carry an immigration card indicating their legal status and places of temporary stay in the Russian Federation.³⁹¹

If the purpose of the temporary stay is work, then based on a migration card (the purpose of the stay is indicated), foreign citizens staying on the territory of the Russian Federation from Central Asia in a manner that does not require a visa must obtain a patent.³⁹² By Article 2 of Federal Law No. 115 FZ, a patent is a legal document attesting to the right of a foreign national who entered the Russian Federation without a visa, except for a few specific categories of foreign citizens in the circumstances specified by

³⁸⁹ Tetrushvili, Esther. «How Did We Become Illegal?: Impacts of Post-Soviet Shifting Migration Politics on Labor Migration Law in Russia». *Region: Regional Studies of Russia, Eastern Europe, and Central Asia* 1/1 (march 19, 2012), 63. <https://doi.org/10.1353/reg.2012.0008>

³⁹⁰ Chudinovskikh, Olga - Denisenko, Mikhail. «Labour Migration on the Post-Soviet Territory». *Migration from the Newly Independent States: 25 Years After the Collapse of the USSR*. Edited by Mikhail Denisenko. 72. Societies and Political Orders in Transition. Cham: Springer International Publishing, 2020. https://doi.org/10.1007/978-3-030-36075-7_4

³⁹¹ Özkan, Zeynep . Rusya Federasyonu Anayasa Mahkemesinin Temel Hakların Korunmasındaki İşlevi. 2019. Reprint, Yayınevi : Karahan Kitabevi, 2019., 96.

³⁹² Nikiforova, Elena - Brednikova, Olga. «On labor migration to Russia: Central Asian migrants and migrant families in the matrix of Russia's bordering policies». *Political Geography* 66 (september 1, 2018), 146. <https://doi.org/10.1016/j.polgeo.2018.04.006>

this Federal Law, to temporarily engage in labor activities on the territory of a Russian Federation constituent entity.

Temporarily staying foreigners have the right to apply for a job only in the constituent entity of the Russian Federation and in the profession specified in the patent (Part 2 of Article 11 and Part 16 Article 13.3 of Federal Law No. 115 FZ). Employers, however, do not need to get approval to occupy "visa-free" foreigners from Central Asia, but they must notify the relevant authorities (Article 13 of Federal Law No. 115-FZ).

Foreign citizens of the Eurasian Economic Union member states are exempt from the patent application procedures. The same hiring criteria as for Russians apply to foreign citizens of EAEU states.³⁹³ They can be employed and live on the territory of the Russian Federation during the entire period of validity of the employment contract concluded with them (Article 97 of the Treaty on the Eurasian Economic Union. Astana, May 29, 2014). But in any case, the employer must notify the authorized body of the Ministry of Interior of Russia about the employment of a foreign citizen of the EAEU country. Thus, among the citizens of the countries of Central Asia, only citizens of Kazakhstan and Kyrgyzstan can use these privileges in the Russian Federation. For example, such Central Asian countries as Uzbekistan and Tajikistan, which are the crucial importers of labor in Russia, are not parties to the Treaty on the Eurasian Economic Union, and citizens of these countries carry out labor activities with a patent. The labor activity of foreign citizens in the Russian Federation is carried out according to the general rule, upon reaching the age of 18.³⁹⁴

According to Federal Law No. 115-FZ, the conditions for obtaining a patent, in the course of employment, also do not apply to:

- permanently or temporarily residing in the Russian Federation (at the same time, as a general rule, an employee temporarily residing in the Russian Federation has the right to work only on the territory of a constituent entity of the Russian Federation that has the right to temporary residence);

³⁹³ Sagynbekova, Lira. *International Labour Migration in the Context of the Eurasian Economic Union: Issues and Challenges of Kyrgyz Migrants in Russia* (SSRN Scholarly Paper, 2017). Social Science Research Network. Accessed October 18, 2023. <https://doi.org/10.2139/ssrn.3023259>

³⁹⁴ Чечурин, Н.А. «АДМИНИСТРАТИВНО-ПРАВОВОЙ СТАТУС ИНОСТРАННЫХ ГРАЖДАН». *Вестник науки* 2/6 (51) (2022 г.), 182. <https://cyberleninka.ru/article/n/administrativno-pravovoy-status-inostrannyh-grazhdan>

- who are participants in the State Program to Assist Voluntary Resettlement in the Russian Federation of Compatriots Living Abroad and Their Family Members Relocating Together with them to the Russian Federation;

- studying in the Russian Federation in professional educational organizations and educational organizations of higher education and performing work (providing services) during vacations or working in their free time from the study, in particular, in these educational organizations;

- invited to the Russian Federation as scientific and pedagogical workers;

- recognized as refugees on the territory of the Russian Federation (until they lose or are deprived of their refugee status);

- those who have received temporary asylum on the territory of the Russian Federation, - until they lose or are deprived of their temporary asylum.

The above list is not exhaustive but reflects the main provisions of Part 4 of Article 13 of Federal Law No. 115-FZ.

In the current legislation, there are numerous gaps in the regulation of issues one way or another related to the labor activity of foreign citizens. Over the past period after the adoption of Federal Law No. 115-FZ, prerequisites have developed for the revision and further optimization of some legislative provisions, clarification of old, and introduction of new procedures and requirements when resolving issues by both internal political, legal, socioeconomic, and international realities.

3.2.3. Problems of the Legal Status of Migrant Workers from Central Asia in Russia

3.2.3.1. Legal Status of Migrant Workers

The legal status of a person is the main category based on which the rights and obligations are specified with definite groups of the population. Speaking about the peculiarities of the legal status of migrant workers, it is necessary to mention the problem of determining the legal status of the so-called illegal migrant workers, i.e., persons who arrived or are on the territory of the Russian Federation in violation of the

rules of entry or stay. In some sources, they are called persons with an unsettled legal status.³⁹⁵

There are two main approaches to determining the legal status of this category of migrants. According to the first of them, persons who arrived or are on the territory of the Russian Federation in violation of the established procedure are outside the legal field. Based on the second approach, they still have rights and obligations, with certain exceptions.

Migrant workers who arrived or stay on the territory of the Russian Federation in violation of the established procedure have a set of universal rights, freedoms, and obligations enshrined in international law, as well as rights and freedoms contained in the Constitution of the Russian Federation and other regulatory legal acts and applicable to every person.

The problems of the legal status of migrant workers in Russia are currently being actively discussed by both scientists and practitioners. Disputes are ongoing about the specific content of the legal status of this category of migrants. The problematic aspects include, first of all, the inconsistency of the content of the definition of a foreign worker, contained in the Federal Law No. 115-FZ, with the provisions of the current Labor Code of the Russian Federation, which implement a differentiated approach with foreign workers, depending on the time and grounds their location on the territory of the Russian Federation. It should also be noted that despite the appearance in the structure of the Labor Code of the Russian Federation of codified legal material devoted to regulating the implementation of labor relations complicated by a foreign element, many conceptual aspects have not received their regulation. In particular, the rules of Ch. 50.1 of the Labor Code of the Russian Federation did not touch upon the problems of exercising the rights and obligations of foreign citizens as participants in labor relations. In other words, the legislator ignored the fact that the subjective rights and legal obligations of a foreign worker as a participant in an employment relationship cannot be implemented in a general manner under administrative and legal restrictions. Thus, legal

³⁹⁵ Jilkin, Vladimir A. «Legal basis for the performance of international obligations on readmission in the Russian federation and the republic of Finland». *Russian Journal of Legal Studies (Moscow)* 6/1 (december 15, 2019), 131. <https://doi.org/10.17816/RJLS18481>

problems in regulating the legal status of a foreign worker begin with the presence of gaps, contradictions, and inaccuracies in the legislation of the Russian Federation.

However, if the situation of the legal status of migrant workers in Russia is analyzed, at the legislative level, it can be generally observed little progress. Due to changes and additions to Federal Law No. 115-FZ, there is a gradual development of the definition of the legal basis for the status of a foreign worker and the establishment of principles for relations with the state and the employer (hirer). It must be recognized that such an approach is insufficient to solve significant problems in the field of protecting the human rights of migrant workers. There is no systematic approach to the regulation of these relations. The subject of legal regulation of Federal Law No. 115-FZ does not provide adequate protection for the legal status of foreign workers. It is not uncommon for existing gaps in legislation to be filled by norms of by-laws. However, since we are talking about human rights, this does not quite correspond to the nature and content of the regulation that requires a legislative level. The most justified measure, in this case, would be the development and adoption of not only a separate chapter (50.1), but an entire part or section in the Labor Code of the Russian Federation, dedicated to the specifics of labor relations with foreign workers.

Another way to solve this problem could be a special federal law adoption, the subject of which would be exclusively legal regulation of the attraction and use of foreign labor as an independent category of migrants. The set of norms of this law would make it possible to ensure the regulation of the legal status of foreign workers in the Russian Federation.

3.2.3.2. Central Asian Migrant Workers

Among migrant workers in Russia, the largest share (75% in 2020) are migrants from Central Asia.³⁹⁶ That is why, speaking about the legal status of migrant workers in Russia, it is advisable to focus primarily on migrant workers from Uzbekistan,

³⁹⁶ Дмитрий Полетаев, *Жизнь и здоровье трудовых мигрантов из Средней Азии в России в условиях пандемии COVID-19* (2022; репр., Региональная общественная организация «Центр миграционных исследований», Москва, 117418, Россия, 2022), 84.

Tajikistan, and Kyrgyzstan. The migrant workers' majority from these countries work in hazardous conditions, live in poor housing, are subject to labor exploitation, and have limited access to quality health care.³⁹⁷ Studies show that the number of work accidents among migrant workers is about twice as high as among local workers.³⁹⁸

In current Federal Law no. 115-FZ and Federal Law No. 109-FZ, regulating relations with foreign citizens, there are significant problems determining the legal status of migrant workers from Central Asia and the procedures for implementing migration registration. For example, to determine the legal status of non-citizens, the legislation of the Russian Federation uses the concepts of "foreign citizens and stateless persons", and this also applies to citizens of the states of the former USSR. Although the visa-free regime and various simplified programs for obtaining citizenship of the Russian Federation (Program for Assistance in Voluntary Resettlement to the Russian Federation of Compatriots) for former citizens of the USSR is good support from Russia, in the legislation of the Russian Federation the term foreign citizen is applied to almost everyone. Along with foreign citizens, migrant workers of Central Asia have the same status in the legislation of the Russian Federation defining the concept - a foreign citizen or a foreign worker.

For migrant workers from the countries of the former Soviet Union, especially citizens of Central Asia, a special legal status and simplified paperwork procedures are needed at the legislative level. Since there is a mutual economic, social, cultural, and historical benefit for both the donor country and the recipient country of migrant workers. Uzbekistan, Tajikistan, and Kyrgyzstan were subsidized republics of the former USSR. After the collapse of the Soviet Union, due to dependence on Moscow, the socio-economic situation of the citizens of these countries deteriorated greatly.³⁹⁹ In turn, due to demographic and several other social problems, Russia needs a workforce. Thus, this

³⁹⁷ Critelli, Filomena M. «Labor Migration and Its Impact on Families in Kyrgyzstan: A Qualitative Study». *Journal of International Migration and Integration* 22/3 (september 1, 2021), 918. <https://doi.org/10.1007/s12134-020-00781-2>

³⁹⁸ Poletaev, D.V. . *Life and health of labor migrants from Central Asia in Russia in the context of the COVID-19 pandemic* //Population and Economics., 2022. <https://populationandconomics.pensoft.net/article/90370/download/pdf/>

³⁹⁹ Batsaikhan, Uriintuya - Dabrowski, Marek. «Central Asia — twenty-five years after the breakup of the USSR». *Russian Journal of Economics* 3/3 (september 1, 2017), 318. <https://doi.org/10.1016/j.ruje.2017.09.005>

demographic hole is filled mainly by migrant workers from Central Asia, who are citizens of the countries of the former Soviet Union.⁴⁰⁰

To a certain extent, the above problem for citizens of the participating countries is mitigated by the EAEU Treaty. Citizens of countries that have acceded to the Treaty can take advantage of the employment opportunities provided by the EAEU Treaty.⁴⁰¹ The features of the Treaty in regulating the issues of the legal status of migrant workers of the EAEU member states are discussed in more detail in the next section.

3.3. Problems related to mechanisms for protecting the rights of migrant workers

3.3.1. Negative Social Factors Affecting the Integration Process of Migrant Workers

The International Organization for Migration defines integration as a process of transition of migrants into society (both individuals and groups), as a two-way process of adaptation of migrants and host societies.⁴⁰² Integration involves considering the rights and obligations of migrants and host societies, access to various types of services, and the labor market, as well as identifying a set of values that bind migrants and host communities to a common goal.⁴⁰³

The integration of migrants is divided into economic and socio-cultural. Economic integration considers issues such as employment, occupational status, and income.⁴⁰⁴ Socio-cultural integration, in turn, is divided into social and cultural integration. The social integration of migrants includes the interaction between migrant

⁴⁰⁰ Heusala, Anna-Liisa - Aitamurto, Kaarina. *Migrant Workers in Russia: Global Challenges of the Shadow Economy in Societal Transformation*. Taylor & Francis, 2016.

⁴⁰¹ Tsibulina, Anna N. «Labour Mobility in the Eurasian Economic Union: New Opportunities and Challenges». *The Economic Dimension of Eurasian Integration*. под ред. Natalia A. Piskulova. 188. Cham: Springer International Publishing, 2021. https://doi.org/10.1007/978-3-030-59886-0_9

⁴⁰² Fargues, Philippe. «International Migration and the Demographic Transition: A Two-Way Interaction». *International Migration Review* 45/3 (september 2011), 594. <https://doi.org/10.1111/j.1747-7379.2011.00859.x>

⁴⁰³ Penninx, R - Garcés-Mascareñas, B. *The concept of integration as an analytical tool and as a policy concept //Integration processes and policies in Europe: Contexts, levels and actors.*, 2016.

⁴⁰⁴ Kushnirovich, Nonna. «Economic Integration of Immigrant Entrepreneurs». *Entrepreneurial Business and Economics Review* 3/3 (2015), 17. <https://www.ceeol.com/search/article-detail?id=305119>

workers and indigenous people, while cultural integration determines the level at which migrants and locals share cultural values and patterns.⁴⁰⁵ Indicators of socio-cultural integration are contacts with the local population (friendships and marriages), membership in organizations, and knowledge of the host country's language.⁴⁰⁶

In Uzbekistan, Tajikistan, and Kyrgyzstan, a situation has developed when the main able-bodied population is included in the process of legal, and more often illegal, labor migration. The developing labor market in Russia, the development of business, and the service sector allowed people from these republics to receive sources of livelihood.

As the researchers note, unlike Western countries, where fierce discussions are now raging about what to do with such migrants, in Russia the first waves of migration were almost painless against the backdrop of severe economic problems at the end of the last century. The main reason for this was the common past and the common language of the local population and immigrants.⁴⁰⁷ On the other hand, along with the growth of general well-being, social tensions associated with mass migration have also increased. Now the majority of migrants move to Russia for labor reasons, not for humanitarian or political reasons. It causes serious friction in society and problems among migrants themselves.

Thus, Elena Nikiforova and Olga Brednikova from the Center for Independent Sociological Research in St. Petersburg, in 2018, tried to uncover the roots of these social difficulties by interviewing migrants themselves, officials who work directly with them, as well as employees of various non-governmental organizations and social care agencies. As the analysis of these data showed, almost all social problems associated with migrants turned out to be the products of two interrelated phenomena. The first of these is the lack of mechanisms for integrating migrant workers and their family members into the public life of Russia, which forces migrant workers to transport their

⁴⁰⁵ Toruńczyk-Ruiz, Sabina - Brunarska, Zuzanna. «Through Attachment to Settlement: Social and Psychological Determinants of Migrants' Intentions to Stay». *Journal of Ethnic and Migration Studies* 46/15 (september 17, 2020), 3209. <https://doi.org/10.1080/1369183X.2018.1554429>

⁴⁰⁶ Daskalopoulou, Irene. «Socio-Cultural Integration of First Generation Immigrants in Greece». *Migration Letters* 18/6 (2021), 658. <https://www.cceeol.com/search/article-detail?id=998697>

⁴⁰⁷ Новости, Р. И. А. «Ученые из России раскрыли корни социальных проблем мигрантов из Азии». *ПИА Новости*. 20180705T1125 г. Accessed october 21, 2023. <https://ria.ru/20180705/1523987524.html>

families to a new country illegally, turning to corrupt officials and shadow intermediaries from the criminal world for help. The second source of difficulty is the migrants themselves. According to sociologists, the first representatives of new generations of Central Asians, born after the collapse of the USSR, who do not speak Russian and do not know the culture as well as their predecessors, are now penetrating the country's territory. It makes them "strangers" in the eyes of Russians and creates a lot of friction on a personal level.⁴⁰⁸

In this regard, there was a need to consider the processes of integration of migrants and the host environment, the conditions for adaptation and the factors that determine the adaptation course, the problems of tolerance and conflict, and the degree and adaptation conditions in various situations. At the same time, it should be emphasized that by integration we mean the unification of representatives of different countries and confessions into one society, but we are not talking about their assimilation.⁴⁰⁹

Acute problems of socio-cultural adaptation of migrant workers from Central Asia in Russia are xenophobia and discrimination, language barriers, cultural differences, limited access to education and training, poor living and working conditions, social exclusion, lack of access to health care, lack of appropriate legal protection, etc. Among Russians, there is a sharp rejection of integration, especially of migrant workers from the Central Asian region, into Russian society.⁴¹⁰ It should be noted that the degree of tolerance towards migrants depends on the socio-economic situation in the host societies. In December 2021, according to a poll by the Levada Center, 26% of Russians were in favor of not letting migrant workers from Central Asia into Russia. By

⁴⁰⁸ Nikiforova, Elena - Brednikova, Olga. «On labor migration to Russia: Central Asian migrants and migrant families in the matrix of Russia's bordering policies». *Political Geography* 66 (september 1, 2018), 150. <https://doi.org/10.1016/j.polgeo.2018.04.006>

⁴⁰⁹ Ryabichenko, Tatiana - Lebedeva, Nadezhda. «Assimilation or integration: similarities and differences between acculturation attitudes of migrants from Central Asia and Russians in Central Russia». *Psychology in Russia: State of the art* 9/1 (2016), 111. <https://cyberleninka.ru/article/n/assimilation-or-integration-similarities-and-differences-between-acculturation-attitudes-of-migrants-from-central-asia-and-russians-in>

⁴¹⁰ Morrison, Claudio. «Migration, Ethnicity and Solidarity: 'Multinational Workers' in the Former Soviet Union». *British Journal of Industrial Relations* 58/4 (december 2020), 774. <https://doi.org/10.1111/bjir.12518>

comparison, for example, this figure in August 2010 was 29%, and a decrease in xenophobic sentiment by only 3% over 11 years is not significant.⁴¹¹

The population of Tajikistan, Uzbekistan, and Kyrgyzstan (it is from these countries that the main flow of labor migration to the Russian Federation comes) differs significantly from the indigenous population of Russia in the ethnocultural sense. Russians perceive these people as a numerous, outwardly, and culturally alien element of society, which hardly makes contact with the host society.⁴¹² The low number of migrant workers who consider staying in Russia for permanent residence is explained by the presence of a family left in their homeland. In addition, it narrows the usual social circle, which consists of a group of relatives formed in their country before departure. All this also reinforces the strong rejection from the local population and the often-unjustified bureaucratic hurdles for issuing official documents.⁴¹³

Half to two-thirds of the money earned by migrants goes to their families who remain in their homeland. Relatives spend the money sent on food and save some for future large purchases. Remittances to these Central Asian countries make up a significant part of their GDP. According to World Bank data for 2022, in the percentage of remittances to GDP, Tajikistan and Kyrgyzstan are leading - 32% and 31%, respectively (34% and 33% - in 2021). The ratio of remittances to GDP in Uzbekistan in 2022 is estimated at 17% (13% in 2021). After the full-scale Russian military invasion of Ukraine, World Bank analysts predicted a sharp decline in remittances to these countries. However, their forecasts did not come true. The inflow of remittances as of

⁴¹¹ «Ксенофобия и мигранты», 24 января 2022 г. <https://www.levada.ru/2022/01/24/ksenofobiya-i-migranty/>

⁴¹² Dyatlov, Victor I. - Dyatlova, Elena V. «From the “Influx of the Yellow Race” to “Migrant Workers”»: Dynamics of the Languages for Describing Cross-Border Migrations in Russia». *Журнал Сибирского федерального университета. Гуманитарные науки* 13/5 (2020), 638. <https://cyberleninka.ru/article/n/from-the-influx-of-the-yellow-race-to-migrant-workers-dynamics-of-the-languages-for-describing-cross-border-migrations-in-russia>

⁴¹³ Абдурахманова, Дадабаева Зарина. «Особенности интеграции трудовых мигрантов из Средней Азии в современное российское общество». *Россия и современный мир* 2 (79) (2013 г.), 126. <https://cyberleninka.ru/article/n/osobennosti-integratsii-trudovyh-migrantov-iz-sredney-azii-v-sovremennoe-rossiyskoe-obschestvo>

December 2, 2022 amounted to \$3.2 billion to Tajikistan, \$13.5 billion to Uzbekistan and \$3.1 billion to Kyrgyzstan.⁴¹⁴

Some experts consider this approach to be an indicator that migrants do not intend to integrate into the host society, as they do not build the necessary material base. They also strongly link fate and well-being to returning to their homeland. The population of Central Asia continues to live in a traditional society (especially in rural areas, where about 70% live), which is characterized by a collective group consciousness, where strong cultural and religious values have been preserved. Of particular influence is the opinion of fellow countrymen, and relatives with whom the migrant is in close social and material interaction. According to the fair remark of O.I. Brusina, "One of the main elements of the value system of such a person is his activity for the benefit of his community, in which he can count on respect and unconditional support, which is perceived as elements of his prosperity."⁴¹⁵ Of course, in the newly settled place of residence, migrants try to form the same communities that are closed and impenetrable to the outside world. Such an approach against the backdrop of direct threats, physical violence, and constant reminders from locals that they are "strangers" deprives them of the opportunity to integrate into modern Russian society. At the same time, representatives of the southern and northern regions, for example, Tajikistan, have a sharp difference in behavior and readiness for adaptation and integration. Thus, immigrants from the Sughd region (north) are more educated, know Russian, and have established direct contracts with employers in the Russian Federation. People from large cities are more adapted and ready to adapt to new conditions, unlike representatives of the rural hinterland.

The vast majority of migrant workers are in an irregular situation, not because they do not want to formalize their stay, but because of the difficulties they face. The

⁴¹⁴ «Денежные переводы в Таджикистан в 2022 году, возможно, станут рекордно высокими, - Всемирный банк | Новости Таджикистана ASIA-Plus». Accessed october 23, 2023. <https://asiaplus.tj.info/ru/news/tajikistan/economic/20221202/denezhnie-perevodi-v-tadzhikistan-v-2022-godu-vozmozhnost-stant-rekordno-visokimi-vsemirnyi-bank>

⁴¹⁵ Абдурахманова, Дадабаева Зарина. «Особенности интеграции трудовых мигрантов из Средней Азии в современное российское общество». *Россия и современный мир* 2 (79) (2013 г.), 116. <https://cyberleninka.ru/article/n/osobennosti-integratsii-trudovyh-migrantov-iz-sredney-azii-v-sovremennoe-rossiyskoe-obschestvo>

difficulties of the migration legislation encourage them to turn to employers or unscrupulous countrymen to obtain documents. Sometimes migrant workers themselves do not know whether their documents are fictitious or real. Illegal status for migrants creates a vulnerable position in front of employers, problems with law enforcement agencies and the migration department of the Main Directorate of the Ministry of Interior, unsanitary living conditions, and low wages. Thus, the social environment of labor migrants has limitations (employers, sellers of nearby shops, apartment owners, representatives of law enforcement agencies) and does not contribute to their adaptation.

Language differences are becoming another obstacle to the integration of migrants into Russian society. These factors create different conditions for the adaptation of migrants. Relatively fluent command of the Russian language, knowledge of Russian culture and many traditions, and adherence to the norms and rules of hostel life in Russian cities make it easier for some migrants to integrate into Russian society. In Tajikistan, the Russian language is the language of interethnic communication (Article 2 of the Constitution of the Republic of Tajikistan), and in Kyrgyzstan, the Russian language has official status at the legislative level (Article 13 of the Constitution of the Kyrgyz Republic). Despite the measures taken by the above republics regarding the Russian language at the level of the country's fundamental law, many migrants from Central Asia, especially those born after the collapse of the USSR, hardly or do not speak Russian at all, which creates an obstacle for them to adapt and integrate to Russian society.⁴¹⁶

Considering the health problems of migrant workers, we note that for migrant workers from Central Asia in Russia, given the vulnerabilities to their health, the COVID-19 pandemic has become a severe test. The results of various studies show that, according to the surveyed migrant workers among men and women, their access to health services decreased slightly (Tajikistan 3% and 1%, Kyrgyzstan 2% and 4%, Uzbekistan 3% and 2%), but precisely wage cuts and psychological stress (especially for

⁴¹⁶ King, Elizabeth J. - Dudina, Victoria I. «The Health Needs of Female Labor Migrants from Central Asia in Russia». *Journal of Immigrant and Minority Health* 21/6 (december 1, 2019), 1406. <https://doi.org/10.1007/s10903-019-00889-3>

women) as a result of the pandemic have become the most significant difficulties for them in the context of the pandemic⁴¹⁷.

As we can see, migrant workers from Central Asia face particular challenges in integrating into Russian society. Thus, in the course of the above examples from various studies, it is possible to establish the following main negative social factors affecting integration processes:

- Xenophobic and discriminatory attitudes of residents towards migrant workers from Central Asia with suspicion or prejudice, regarding them as uneducated or dangerous;
- Language problems of migrant workers (non-knowledge or poor knowledge of the Russian language by migrant workers makes it difficult to communicate with residents and creates barriers to accessing services);
- Cultural differences between migrant workers (different social norms that can lead to misunderstandings and conflicts with residents);
- Possible lack of access to education and training for migrant workers from Central Asia in Russia (limited access to advanced training and ability to integrate into the workforce);
- Poor living and working conditions for migrant workers from Central Asia (exploitation and abuse in the workplace, cramped living conditions, or unsanitary conditions);
- Social isolation and difficult communication in a new country;
- Obstacle to access to health care (lack of access to health care and its impact on the physical and mental health of migrant workers for integration into society);
- Limited access to legal protection for migrant workers from Central Asia in Russia.

All these factors are not exhaustive, but the main ones that can create significant barriers for labor migrants from Central Asia when integrating into Russian society.

⁴¹⁷ Mikhail, Denisenko - Vladimir, Mukomel. «LABOR MIGRATION IN RUSSIA DURING THE CORONAVIRUS PANDEMIC». *Демографическое обозрение* 7/5 (2020), 62. <https://cyberleninka.ru/article/n/labor-migration-in-russia-during-the-coronavirus-pandemic>

As a result, the lack of mechanisms for the integration of migrant workers and the unwillingness of the migrants themselves to adapt to Russian society led to the fact that migrant workers are perceived by both the state and society as something "temporary" that does not have the right to permanent residence. This "temporality" opens up the scope for corruption and hinders the integration of migrants into society, even in cases where migrant workers want to integrate into Russian society.⁴¹⁸ If Russia, to eliminate these two main problems identified in the course of the study, adopts appropriate programs and solutions, the state will immediately receive two benefits- it will eliminate social tension associated with migrant workers in Russia and will come closer to eliminating demographic crisis in the country.

Russian politicians and society must work towards creating a more inclusive and hospitable environment for migrant workers from Central Asia. It may include language training, improving living and working conditions, and increasing awareness and tolerance for different cultures.

At the forefront, in our opinion, is the problem of not only preparing foreign citizens for new conditions but also determining the level of readiness of Russian society for the perception of migrants with a different cultural component, considering the social aspects of the migrant workers' integration aimed at strengthening their adaptive resources and behavioral modification. It requires a legal position and free contractual relations with employers. The legal status will allow migrant workers to live openly, relatively adhere to their life principles, and follow their ethnocultural customs and norms of behavior without entering into grave contradictions with the host society. Such an achievement can be facilitated by pre-migration legal, philological, and professional training. By investing in the training of migrant workers in certain professions, the Russian Federation will invest in its own country.

⁴¹⁸ Татьяна Анатольевна Прудникова, «Адаптация и интеграция мигрантов в российское общество как фактор предупреждения незаконной миграции», *Вестник экономической безопасности* 1 (2016 г.), 204.

3.3.2. Shortcomings of the System Mechanisms Obstructing the Protection of the Rights of Migrant Workers

3.3.2.1. Main Categories of Shortcomings

Throughout almost the entire recent history, Russian migration policy has been subject to fair criticism from Russian and foreign experts since systemic mechanisms are imperfect and do not correspond to modern demographic and socio-economic realities, as well as to the foreseeable prospects for the development of the country. Despite the simplification of the procedure for entry and exit for citizens of Central Asia since the collapse of the USSR, many restrictive regulations and practices remain that hinder the defense of migrant workers' rights. Such obstacles harm the socio-economic development of the country through migration flows. In Russian reality, a clear gap has ripened, characterized by a discrepancy between theoretical messages and the practice of implementing the crucial ideas of migration policy. Among them are a strict system of registration of visitors at the place of stay and numerous artificial barriers that create serious obstacles for migrant workers. In order to overcome the existing contradictions, it is necessary to eliminate regulatory and legal shortcomings in the system mechanism for resolving labor migration issues. Executive authorities also play a significant role in overcoming drawbacks. The state power executive bodies ensure the implementation of normative legal acts that have entered into force, the management of state property, public security, and human rights protection and freedoms.⁴¹⁹

Thus, the systemic mechanisms designed to protect the rights of migrant workers in Russia, on the contrary, hinder their protection. As previously said, system mechanisms have numerous shortcomings, all of which can be classified into four main categories: 1) Ineffective migration control system; 2) Low level of protection for migrant workers; 3) Lack of an effective judicial protection system; and 4) Lack of control mechanisms over the activities of employers.

⁴¹⁹ Bakurova, N. N. «The system of federal bodies of executive power in Russia». *Вестник Университета имени О. Е. Кутафина* 6 (58) (2019), 86. <https://cyberleninka.ru/article/n/the-system-of-federal-bodies-of-executive-power-in-russia>

3.3.2.2. Ineffective migration control system

Migration flows caused by globalization processes are forcing states to keep registration records, which allow us to determine the trend in the development of the labor market by industry and reduce the crime rate. So according to Federal Law "On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation" dated July 18, 2006, No. 109-FZ" migration registration of foreign citizens and stateless persons is a state activity for recording and summarizing information about foreign citizens and stateless persons and the movements of foreign citizens and stateless persons (Art. 2 Federal Law No. 109-FZ). Under Federal Law no. 109-FZ, there are two types of migration registration: at the place of residence and the place of stay. Among other things, the legislation also contains the concept of permanent residence.

A considerable number of negative aspects of the legislation gave rise to changes and additions that were made in the recent past. An innovation in this regard was the concept of a place of residence, which is set out in the following edition (clause 4, article 2 of Federal Law No. 109-FZ):

“the place of stay of a foreign citizen or stateless person in the Russian Federation is a dwelling that is not a place of residence, or other premises in which a foreign citizen or stateless person lives (regularly uses it for sleep and rest), or an organization at the address of which a foreign citizen or stateless person is subject to registration at the place of stay in the case provided for by Part 2 of Article 21 of this Federal Law”

This interpretation of the concept of a place of residence is restrictive, requiring higher standards of residence for persons that restrict registration at the place of employment since most employers do not have such a convenient material base for employees to live.

The concept of migration registration, in modern Russian conditions, will cause fear among the majority of migrant workers.⁴²⁰ The presence of such a state of affairs is explained, for the most part, by economic reasons, as well as the unwitting thought of a migrant worker about compulsory residence in a registered place. It is no secret that the owner does not want to reduce property value and minimize risks. These risks include, among others, migration registration.

One of the shortcomings of the legislation is the registration period for migrants, which is seven days after crossing the border (art. 16 Federal Law No. 109-FZ). In case of violation of this rule, the violator faces a fine of 5,000 thousand rubles (Russian currency) with deportation and a ban on entry into the territory of the Russian Federation for a period established by the court (Article 18.8 "Code of the Russian Federation on Administrative Offenses" dated December 30, 2001, N 195-FZ). Sanctions of this kind negatively affect both the migrant worker and the budget symmetrically. A migrant worker loses the opportunity to file a patent and carry out labor activities on time, and the budget receives less tax revenue. This problem is also reflected in the number of persons registered in one apartment. Due to the limited time frame, migrant workers resort to illegal methods to solve the problem related to migration registration. Migrant workers, for registration, often turn to their acquaintances who have apartments. In turn, migrant workers who have registered with their acquaintances for registration often do not live at the registered address and violate the registration rules at the place of stay or residence.⁴²¹ Such a violation creates even more problems for both the owner of the apartment and the tenant (migrant worker). Since fictitious registration of a foreign citizen or stateless person in a residential area is considered a crime in Russia. It provides for up to three years in prison (Article 322.2 of the Criminal Code of the Russian Federation).

⁴²⁰ Викторова, Полякова Наталья. «МИГРАЦИОННЫЙ УЧЕТ ИНОСТРАННЫХ ГРАЖДАН И ЛИЦ БЕЗ ГРАЖДАНСТВА В РОССИЙСКОЙ ФЕДЕРАЦИИ: ПРОБЛЕМЫ И ПЕРСПЕКТИВЫ ПРАВОВОГО РЕГУЛИРОВАНИЯ». *Вестник Воронежского института МВД России* 2 (2022 г.), 238. <https://cyberleninka.ru/article/n/migratsionnyy-uchet-inostrannyh-grazhdan-i-lits-bez-grazhdanstva-v-rossiyskoy-federatsii-problemy-i-perspektivy-pravovogo>

⁴²¹ Demintseva, Ekaterina. «The Infrastructure Created by Migrants: The Case of Migrants from Kyrgyzstan in Moscow». *Migration from the Newly Independent States: 25 Years After the Collapse of the USSR*. Edited by Mikhail Denisenko 222. Societies and Political Orders in Transition. Cham: Springer International Publishing, 2020. https://doi.org/10.1007/978-3-030-36075-7_10

Also, an essential fear among persons who own real estate arises before the tax authorities, since the residence of other persons who are not related by family ties raises questions about obtaining income from hiring. Tax evasion is also a very negative factor for the economy.

Citizens of the Russian Federation, who have rented premises to foreigners and not provided them with migration registration, should be subject to sanctions. As well as for fictitious registration, Russian Federation citizens must be held accountable for inaction in registration provisions. Foreigners, in order not to violate the rules of migration registration, within seven working days are forced to turn to outside illegal organizations or citizens of the Russian Federation for assistance in processing migration registration documents (fictitious registration).

The increase in problems in the aggregate continues to generate more and more violations on the part of persons who are interested in the lack of proper legal regulation. The presence of such a state of affairs provides an opportunity for illicit enrichment, expansion of the market for illegal services and increased levels of corruption. A direct example is the procedure for issuing a patent. As we know, according to Federal Law - no. 115 FZ, the following documents are required to apply for a patent: payment for migration registration services, passport translation services, insurance policy, a certificate of passing an exam in the Russian language and history of Russia, fingerprinting and medical analysis. To carry out all these mandatory procedures, migrant workers often resort to intermediaries or acquaintances for help.

In April 2023, on its Telegram channel, the Federation of Migrants of Russia (liquidated by the decision of the Supreme Court of the Russian Federation on December 20, 2022) surveyed its subscribers, and more than 1.5 thousand people took part. Among the respondents who took part, 40% said that they pay intermediaries or acquaintances for processing and submitting documents to the migration register. At the beginning of 2023, the Ministry of Interior of the Russian Federation published data that in 2022, 16 million 870 thousand 94 times the state service was provided for migration registration to foreign citizens. Although it is difficult to determine a specific amount, considering the average cost of these services (30-40 US dollars), money earned by unknown people in a criminal way amounts to hundreds of millions of US dollars.

According to the data of the Migration Department of the Main Directorate of the Ministry of Interior, the number of patents issued in 2022, compared to 2021, decreased by 160 thousand. The main reason is that migrant workers could not register for migration on time. Since all the existing mechanisms are outdated long ago and reforms are required for the transition to modern methods of conducting migration registration. An essential condition for reducing illegal actions in the field of migration registration and protecting the rights of migrant workers is also the implementation of effective methods by the state.

Most of the above problems with migration registration can be solved by introducing electronic registration. Electronic registration provides the migration registration system in order. It saves time for the Migration Service employees of the Ministry of Interior and affects the number of patents. Electronic registration relieves Ministry of Interior employees from manually entering data into the system. It increases the number of patents, respectively, and personal income tax. In general, automation and digitalization of migration registration will help create a unified registration database in Russia. With the introduction of a single registration base, the patent will lose its regional binding. This approach reduces the workload and time for regional employees of the Migration Service of the Ministry of Interior.

To improve the system's efficiency, in addition to the introduction of electronic registration, it is necessary to abolish repeated language proficiency exams. Since there is no need to pass an exam every five years, which the migrant worker has already passed. To prevent corruption, only state institutions should be delegated to administer language examinations to migrant workers, and in special cases to abolish the examination altogether. In cases where the migrant worker has definite professional skills and suits the employer, then in such a situation, there is no need to pass a language proficiency test, and this should be purely an employer-employee relationship.

3.3.2.3. Low level of protection for migrant workers

Migrant workers from Central Asia, especially from countries such as Kyrgyzstan, Tajikistan, and Uzbekistan, often face significant problems and poor protection of their rights in Russia. Regulation and enforcement of labor laws relating to migrant workers in Russia may be inadequate. Insufficient control mechanisms for compliance with law enforcement contribute to violations of the labor rights of migrant workers since some employers use the situation without fear of consequences.⁴²²

Central Asian migrant workers often face difficulty in seeking legal protection for labor violations or abuses. Barriers such as language difficulties, ignorance of legal procedures, and fear of reprisals hinder their ability to access justice and remedies for their complaints.⁴²³ In turn, the dominant position of Russia in the region, the weak development of bilateral agreements on the control and migrant workers protection rights, and the dependent condition do not allow the Central Asian countries to demand equal partnerships.⁴²⁴ A striking example is the previously mentioned "blacklists" as a restrictive migration policy by Russia. Blacklists are a long-term ban or non-permission to enter the Russian Federation for administrative offenses. Not allowing entry is a measure that is applied to a foreign citizen in response to his illegal actions on the territory of Russia. Entry and exit from the Russian Federation are regulated by the Federal Law "On the Procedure for Departure from the Russian Federation and Entry into the Russian Federation" dated 15.08.1996 N 114-FZ.

Since 2013, when the migration legislation of the Russian Federation began to tighten, "blacklists" have become an immense problem for migrant workers from Central Asia.⁴²⁵ Removing such restrictions is not easy, and in some cases even impossible. The issue of lifting the ban is decided by the court. The boom in bans came

⁴²² Ivakhnyuk, Irina. «Russian Migration Policy and Its Impact on Human Development». MPRA Paper. april 1, 2009. Accessed october 24, 2023 r. <https://mpra.ub.uni-muenchen.de/19196/>

⁴²³ Kubal, Agnieszka. «Spiral Effect of the Law: Migrants' Experiences of the State Law in Russia – a Comparative Perspective». *International Journal of Law in Context* 12/4 (december 2016), 468. <https://doi.org/10.1017/S1744552316000215>

⁴²⁴ Trenin, Dmitri. «Russia and Central Asia: Interests, Policies, and Prospects». *Central Asia: Views from Washington, Moscow, and Beijing*. Routledge, 2007.

⁴²⁵ Bahovadinova, Malika. «Tajikistan's Bureaucratic Management of Exclusion: Responses to the Russian Reentry Ban Database». *Central Asian Affairs* 3/3 (june 28, 2016), 226. <https://doi.org/10.1163/22142290-00303002>

in the early years of tightening laws for migrant workers. So, for example, in 2015, according to official data, about 333,000 citizens of Tajikistan and 110,000 citizens of Kyrgyzstan were banned from entering Russia. In 2016, for the citizens of Kyrgyzstan, this number increased to 116,000 people. The least clear situation was with the citizens of Uzbekistan since there were no official statistics for 2015, but according to various sources, the number of citizens banned from entering Russia was up to 500,000.⁴²⁶

Administrative offenses for which migrants are expelled from Russia with a subsequent ban on entry, relate not only to violations of the migration regime. Decisions on administrative expulsion from the Russian Federation can also be made for such violations as traffic rules, lack of documents during a police or migration service raid (despite all documents being in order), and living and working outside the place of registration.⁴²⁷ Periodic arbitrary interpretation of the normative act makes the system of getting into the "blacklists" absurd.

Russia's repressive policy towards migrant workers, experts say, contradicts both the EAEU Treaty's proclaimed "freedom of movement of the labor force" and much earlier agreements within the CIS.⁴²⁸ The very decision to tighten the laws, which not only fines but also expels for any violations, contradicts the principles of integration and the visa-free regime of the EAEU treaty and the main goals of the CIS charter. Of course, for the Russian Federation, the "Blacklists" and the expulsion of migrants are a lever of pressure on the countries of Central Asia. Solving these problems requires efforts from both donor countries and international organizations. It is essential to strengthen the legal framework and enforcement mechanisms at the level of bilateral agreements to protect the migrant workers' rights. Donor countries of migrant workers, through their representations (embassies and consulates), should facilitate and ensure the provision of accessible information, legal aid, and support services to migrant workers.

⁴²⁶ Human rights report of ADC Memorial. 2016. «The Rights of Migrant Workers from Former Soviet Countries: Real-Life Challenges and Unfulfilled Obligations | ADC „Memorial“», 2016. <https://adcmemorial.org/en/publications/the-rights-of-migrant-workers-from-former-soviet-countries-real-life-challenges-and-unfulfilled-obligations/>

⁴²⁷ Kubal, Agnieszka. «Entry Bar as Surreptitious Deportation? Zapret Na v'ezd in Russian Immigration Law and Practice: A Comparative Perspective». *Law & Social Inquiry* 42/3 (july 2017), 744. <https://doi.org/10.1111/lsi.12232>

⁴²⁸ Abdurakhimov, Abdurasul. «Migration Policy in Russia and Its „Domino Effect“ Towards Migrants». *L'Europe Unie* 15/15 (2019), 72. <https://www.ceeol.com/search/article-detail?id=796752>

Where necessary, provide migrant workers with the assistance they need to claim their rights and seek redress.

3.3.2.4. Lack of an effective judicial protection system

The right to legal proceedings to protect human rights and freedoms, which, by the Constitution and international treaties of the Russian Federation, belongs to any person located on the territory of the Russian Federation, including foreigners and stateless persons, is one of the mechanisms by which people can protect their rights, restore it or seek compensation for the damage caused as a result of the violation.⁴²⁹ By the provisions of the Constitution of the Russian Federation on guarantees of judicial protection and the granting of national treatment to foreign citizens and stateless persons, as well as other laws, foreign citizens enjoy access to court in the Russian Federation.⁴³⁰ The fundamental guarantee of the right to a fair trial is that people do not bear unfair punishments.⁴³¹ According to the Code of Civil Procedure of the Russian Federation, foreign citizens and stateless persons have the right to apply to the courts in the Russian Federation to protect their violated or disputed rights, freedoms, and legitimate interests (Article 398 "Civil Procedure Code of the Russian Federation" dated 11/14/2002 N 138-FZ). Under the law, migrants can take cases in court in person or through a representative. Representatives of foreign citizens in court can be any Russian or foreign citizens who have a properly executed power of attorney.

The judicial system in the Russian Federation is not regarded as a reliable state institution by either the Russian population or migrant workers. Numerous surveys show low public confidence in this institution. In practice, migrant workers face various

⁴²⁹ Marochkin, Sergei Yu - Popov, Vladimir A. «International Humanitarian and Human Rights Law in Russian Courts*». *Journal of International Humanitarian Legal Studies* 2/2 (1 January 1, 2011), 219. <https://doi.org/10.1163/187815212X624247>

⁴³⁰ «Implementation of the constitutional right to judicial protection in the state languages of the subject so the Russian Federation - ProQuest». Accessed October 25, 2023. <https://www.proquest.com/openview/25f4d679956a1fe90ccb74b1ee9256e4/1?pq-origsite=gscholar&cbl=4400984>

⁴³¹ Fichtelberg, Aaron. «Fair Trials and International Courts: A Critical Evaluation of the Nuremberg Legacy». *Criminal Justice Ethics* 28/1 (May 2009), 14. <https://doi.org/10.1080/07311290902831268>

procedural obstacles.⁴³² During legal proceedings, the complexities of legal terminology lead to gross violations of the rights of migrant workers. By law, all stages of production must be carried out with respect for the constitutional right of everyone to use their native language. Courts sometimes allow a case to be heard without the participation of a qualified interpreter. Concerning migrants, judges rarely take into account extenuating circumstances, and therefore the degree and penalties in administrative cases can be as severe as possible. Courts in the Russian Federation, as practice shows, issue a lot of “determinations” on administrative expulsion with a subsequent ban on entry into the Russian Federation for many years. Sometimes such judicial determinations are issued even for legally staying migrants based on incorrect information provided.⁴³³

Today, although the ECtHR accepts for consideration any complaint against Russia, after the expulsion of Russia from the Council of Europe, the authorities in the Russian Federation refuse to execute, without exception, all decisions of the ECtHR that entered into force after March 15, 2022.⁴³⁴ Before the expulsion of Russia from the Council of Europe, while not all ECtHR judgments were implemented by Russia or executed with reservations, migrant workers had at least some hope of international judicial protection.

3.3.2.5. Lack of control mechanisms over the activities of employers

Although the number of guest workers arriving in Russia has dropped sharply since February 24, 2022, according to international rankings, Russia still ranks in the top five for the number of foreign workers.⁴³⁵ According to the Russian federal news agency TASS, citing a survey by the most popular recruiting service Headhunter, each sixth

⁴³² Hendley, Kathryn. «The Puzzling Non-Consequences of Societal Distrust of Courts: Explaining the Use of Russian Courts». *Cornell International Law Journal* 45 (2013), 517. <https://heinonline.org/HOL/Page?handle=hein.journals/cintl45&id=527&div=&collection=>

⁴³³ «Нелегальных мигрантов от выдворения могут „спасти“ их семьи». Accessed October 25, 2023. <http://www.garant.ru/article/1104106/>

⁴³⁴ Drzemczewski, Andrew - Lawson, Rick. *Exclusion of the Russian Federation from the Council of Europe and the ECHR: An Overview* (SSRN Scholarly Paper, December 30, 2022). Social Science Research Network. Accessed October 25, 2023. <https://papers.ssrn.com/abstract=4458281>

⁴³⁵ Российская газета. «Откуда уезжают и куда стремятся мигранты: ситуация в мире». 30 август 2023 г. Accessed October 25, 2023. <https://rg.ru/2023/08/30/gosti-dorogie.html>

employer surveyed hires migrant workers. The conducted research, among employers in Russia, employing migrant workers, amounted to 16% of the respondents. According to the Headhunter service, most Russian employers who hire migrant workers prefer citizens of Uzbekistan. As a percentage, in the course of company surveys, it was 56%. Also, employers in Russia are actively hiring employees from Tajikistan (55% of organizations) and Kyrgyzstan (53%). The survey was conducted from March 18 to April 3, 2023.⁴³⁶

Speaking about labor migration, it is also worth noting that one of the negative manifestations in Russia concerning foreign workers is also unscrupulous and slavish restriction of freedom, and in some cases, with the seizure of passports by employers.⁴³⁷ Unprofessionalism and financial situations force migrant workers to agree to such harsh conditions. Today it is practically impossible in Russia to determine specific statistics of migrant workers who face violations of their labor rights by unscrupulous employers. However, the main problems faced by migrant workers are usually employment without an employment contract, delayed and non-payment of wages, illegal fines, and dismissals.⁴³⁸ Illegal recruitment of migrant workers and their exploitation provide the employer with enhanced business flexibility and reduce the cost of obtaining work permits (patents) for a foreign worker.⁴³⁹ This approach allows the employer to avoid paying taxes.

As practice shows, there are cases when employers deceive migrant workers by underpaying for work, forcing them to work overtime, resorting to threats, and not providing normal living conditions and safety at the workplace.⁴⁴⁰ As is usually the case, the employer, in violation of Russian law, refuses to conclude an employment contract

⁴³⁶ ТАСС. «Каждый шестой работодатель в России принимает на работу трудовых мигрантов». Accessed April 29, 2024. <https://tass.ru/ekonomika/17461955>

⁴³⁷ Абдулхаким, Р - Шовалиевич, С. «Основная проблема трудовых мигрантов в России - невыплата заработной платы работодателем». *Евразийская интеграция: экономика, право, политика* 15 (2014 г.), 86. <https://cyberleninka.ru/article/n/osnovnaya-problema-trudovyh-migrantov-v-rossii-nevyplata-zarabotnoy-platy-rabotodatelem>

⁴³⁸ «Эксплуатация трудовых мигрантов в российском строительном секторе». *Human Rights Watch*. <https://www.hrw.org/ru/report/2009/02/10/255854>

⁴³⁹ Iontsev, Vladimir - Ivakhnyuk, Irina. «Role of International Labour Migration in Russian Economic Development». <https://cadmus.eui.eu/handle/1814/23479>

⁴⁴⁰ Ollus, Natalia. «Forced Flexibility and Exploitation: Experiences of Migrant Workers in the Cleaning Industry». *Nordic Journal of Working Life Studies* 6/1 (march 25, 2016), 25. <https://doi.org/10.19154/njwls.v6i1.4908>

with a migrant, which makes migrants more vulnerable and limits their ability to seek legal protection from official authorities.

In particular, about penalties, one of the main problems here is that the punishment for offenders is applied unfairly. In Russia, organizations, enterprises, and various production factories are systematically discovered in which migrant workers illegally carried out or are carrying out labor activities.⁴⁴¹ When it comes to punishment, vulnerable migrants usually suffer in such cases. Due to the illegal involvement by the employer of a foreign citizen or stateless person, the law only provides for administrative liability (Article 18.15 of the Code of Administrative Offenses of the Russian Federation). In such situations, the employers, in search of solutions to their problems, try to pay off law enforcement agencies and forgets about the workers. But in most cases, employers involve migrant workers in such illegal activities.

Based on the above, the responsibility of the employer before the law must be strengthened so that the employer is interested in legally attracting a foreign labor force. Therefore, it would be advisable, along with Article 18.15 of the Code of Administrative Offenses, to adopt a new article in the Criminal Code for the illegal exploitation of foreign labor force. For the proposed changes, independent research is required to develop appropriate sanctions. The new article addition “On the illegal exploitation of foreign labor force” to the Criminal Code of the Russian Federation will not only help strengthen the image of migrant workers but also at the international arena may affect the image of Russia as a country receiving migrant workers. Strengthening penalties, through criminal prosecution, against unscrupulous employers automatically improve the situation of migrant workers. And finally, the addition to the Criminal Code of the Russian Federation in the future may help reduce the number of illegal migrants.

⁴⁴¹ Шевченко, Н. «Особенности внешней трудовой миграции на территории Белгородской области». *Вестник Воронежского государственного университета инженерных технологий* 2 (68) (2016 г.), 339. <https://cyberleninka.ru/article/n/osobennosti-vneshney-trudovoy-migratsii-na-territorii-belgorodskoy-oblasti>

3.3.3. Problems of Improving the Mechanisms for Protecting the Rights of Migrant Workers

3.3.3.1. Ways of Improving Protection Mechanisms

The mechanisms for attracting and regulating foreign labor forces in Russia at present, as known, have certain shortcomings. The solution to existing problems lies on the way to the legal improvement of mechanisms for the migrant workers' protection rights. Before revealing these mechanisms, it is necessary to note the significant postulate that migrant workers must also, in turn, know their labor rights. According to the Russian Labor Code, everyone has equal opportunities to exercise labor rights, and discrimination against citizens based on their racial, ethnic, national, and social affiliation is prohibited (Article 3 of the Labor Code of the Russian Federation). Knowledge of their labor rights and readiness to defend them provides migrant workers with at least some guarantee against arbitrariness both on the part of employers and on the part of certain unscrupulous officials. Although the law in the Russian Federation offers various ways for legally working migrants to protect their rights, the existing problems in the mechanism for protecting rights do not allow a foreign worker from Central Asia to fully exercise these rights.⁴⁴²

Labor migration brings undoubted benefits to both the countries of Central Asia and Russia.⁴⁴³ However, the dominant role of Russia in this process does not allow the countries of Central Asia to have equal partnerships.⁴⁴⁴ Despite the initiatives of labor migrant donor countries to improve the situation with the migrant workers' rights (e.g., ratification of the ICRMW by Kyrgyzstan and Tajikistan), it is futile without essential steps on the part of Russia as a host country. Therefore, to implement a correct migration policy at the legislative level, which is largely aimed at creating the security nature of

⁴⁴² Mirzazada, Ruslan. *Whether Employment Rights Are Adequately Protected Among The Former Soviet Countries: Eastern Europe, The Caucasus And Asia?* Vytauto Didžiojo universitetas, 2016. <https://gs.elaba.lt/object/elaba:16078776/>

⁴⁴³ Marat, Erica, Central Asia-Caucasus Institute and Silk Road Studies Program. *Labor Migration in Central Asia: Implications of the Global Economic Crisis*. Washington, D.C.: Central Asia-Caucasus Institute & Silk Road Studies Program, 2009.

⁴⁴⁴ Peyrouse, Marlene Laruelle, Sebastien. *Globalizing Central Asia: Geopolitics and the Challenges of Economic Development*. New York: Routledge, 2015. <https://doi.org/10.4324/9781315704036>

the regime of stay in the Russian Federation of legally staying foreign citizens, it is necessary to improve the mechanisms for protecting the rights of migrant workers. And for the improvement of these mechanisms, in turn, it is proposed: 1) change and improvement of the system of migration registration and control; 2) strengthening the legal framework with the help of international conventions protecting the rights of migrant workers; 3) strengthening the legal protection of migrant workers; 4) strengthening judicial protection; 5) improvement of law enforcement mechanisms; 6) interactions with civil society in the area of labor migration by authorized state bodies; 7) raising awareness of Russian society about the rights of migrant workers and; 8) Russia's cooperation with international organizations.

3.3.3.2. Change and Improvement of the System of Migration Registration and Control

The system of migration registration and control in Russia is a significant and integral basis for the effective regulation of migration processes in the country.⁴⁴⁵ Changing and improving the migration registration system and control can increase the efficiency of the work of the Ministry of Interior employees in the field of migration, ensure security, and prevent illegal migration.

To ensure more efficient registration of migrants, it is essential to create and centralize a unified database system that will contain information on all registered migrants. A unified database will help prevent shortcomings in the registration process and ensure the data's availability for various government authorities. Thus, appropriate changes and additions should be made to the Federal Laws. On this basis, the technical infrastructure of the migration registration system should be updated and improved. The introduction of modern technologies, such as biometric identification, electronic accounting, and control systems, can significantly improve the accuracy and speed of information processing.

Conducting information campaigns and educational programs for migrant workers from Central Asia is another way to improve the efficiency of the migration

⁴⁴⁵ Heusala, Anna-Liisa. «The Soviet Legacy of ‘National Security’ in Russian Migration Policy». *Russian Politics* 3/3 (september 29, 2018), 446. <https://doi.org/10.1163/2451-8921-00303006>

registration and control system in Russia. Information companies or educational programs will help migrant workers to better understand the requirements and rules of migration registration, as well as provide them with information about their rights and obligations. Education and awareness of migrants will help prevent illegal migration and reduce the risk of exploitation and violation of their rights.

Also, the Russian authorities should take strict measures to curb corrupt practices in the migration field. Corruption can seriously undermine the effectiveness of the migration registration and control system. To prevent corruption, it is necessary to introduce transparent procedures, toughen penalties for mediation in processing and submitting documents, and ensure fair treatment of migrants.

Based on this, it can be said that to develop and improve the system of migration registration and control in Russia, an integrated approach is required, which includes technical, organizational, informational, and legislative measures. These improvements will help ensure more efficient and safer migration, address deficiencies in legal mechanisms (art. 16 Federal Law No. 109-FZ, Article 18.8 "Code of the Russian Federation on Administrative Offenses" dated December 30, 2001, N 195-FZ), and protect national interests, primarily Russia itself.

3.3.3.3. Strengthening the Legal Framework with the Help of International Conventions Protecting the Rights of Migrant Workers

Strengthening the legal framework in Russia with the help of international conventions is a significant step toward ensuring the fair and humane treatment of migrants. To date, such essential documents protecting migrant workers' rights as ICRMW and ILO Conventions No. 97 and No. 143 have not been ratified by Russia. In addition, Russia has not even ratified the regional CIS convention of Migrant Workers.

The ratification and application of such conventions help to guarantee the protection of the rights of migrants, prevent exploitation and violation of their rights, and promote their social integration. The ICRMW and the ILO conventions can help ensure that migrants have equal opportunities in the labor market, social protection from discrimination, and access to base services.

It is important to note that the ratification of international conventions of migrant workers' protection rights is only the first step. Russia should also develop appropriate national legislation, effective control mechanisms, and sanctions, as well as provide training and information on the rights of migrants, both for migrants themselves and for government officials working in the field of migration. This is the only way to ensure effective protection of migrant workers' rights and fair conditions for their work and stay in Russia.

3.3.3.4. Strengthening the Legal Protection of Migrant Workers

To ensure fair working conditions in Russia, strengthening the legal protection of migrant workers from Central Asia is a necessary task. Establishing effective mechanisms to enable migrants to complain about violations of their rights and receive fair compensation is essential. The creation of specialized services for the reception and consideration of complaints and services for the provision of legal assistance as well as translation services is an important step to improve the effectiveness of the mechanisms for protecting the rights of migrant workers. Russia should actively conduct information campaigns and educational programs for migrant workers so that they know their rights and obligations. Educational programs should cover knowledge of Federal Law No. 109-FZ, Federal Law No. 115-FZ, the basics of labor legislation, the language and culture of the host country, as well as job search and adaptation skills. The information campaign may include the distribution of information brochures, seminars, online resources and telephone hotlines for consultations.

3.3.3.5. Strengthening Judicial Protection

Strengthening judicial protection of the rights of migrant workers in Russia plays an essential role in ensuring their rights and justice.⁴⁴⁶ To ensure access to legal aid,

⁴⁴⁶ Smirnova, Maria. «The Role of International Human Rights Mechanisms in Strengthening Justiciability of the Right to Education in the Russian Federation». *International Journal for Education Law and Policy (IJELP)* 11 (2015), 81.

Russia needs to develop mechanisms that provide migrant workers with free or low-cost legal services, organize counseling centers and hotlines, and train lawyers working with migrants.

Russia may consider setting up specialized judicial bodies or departments dealing with cases related to the rights of migrant workers. It can contribute to a better understanding of the specific issues faced by migrants and better protection of their rights. The training and development of judges in the field of migration and the rights of migrant workers is an essential step to change the situation for the better. Such an approach can contribute to a fairer trial and reduce the number of decisions made on the expulsion of foreign citizens from the Russian Federation with a subsequent ban on entry into the Russian Federation for many years.

Making court processes accessible and understandable to migrant workers means providing interpreters to migrants who do not speak the country's language, simplifying procedures and forms, and conducting information campaigns for migrants about the rules of the legal proceedings. Information campaigns should not be conducted in a discriminatory manner. In turn, the judicial system, to strengthen the legal protection of migrant workers from discrimination based on nationality, race, citizenship, or migration status, must take all necessary measures.

To avoid erroneous deportation decisions, Russian courts should improve cooperation with migration authorities to exchange information and coordinate actions. It will help to deal more effectively with cases related to migrant workers' rights and ensure their protection. In addition to the migration authorities, Russia must establish cooperation with international courts and restore relations with the European Council in order to reinstate the jurisdiction of the ECtHR on its territory.

Strengthening judicial protection of the rights of migrant workers in Russia requires an integrated approach and joint efforts of various stakeholders.⁴⁴⁷ The judicial system must guarantee fairness, equality, and access to justice for everyone, regardless of their migration status.

⁴⁴⁷ IVANCHAK , A - PALKINA , T. *PROBLEMS OF JUDICIAL DEFENCE OF MIGRANTS' LABOUR RIGHTS IN THE RUSSIAN FEDERATION* . Moscow : Moscow Journal of International Law., 2017.

3.3.3.6. Improvement of Law Enforcement Mechanisms

Russia must improve the system of monitoring and surveillance of migrant workers' rights. Surveillance of the rights of migrant workers includes regular inspections of workplaces carried out by the relevant government agencies, as well as the creation of mechanisms for obtaining feedback from migrants on working conditions and possible violations of rights.⁴⁴⁸

Russian legislation should establish tough penalties for employers who violate the rights of migrant workers. It may include fines, revocation of licenses, prohibition of public contracts, and criminal prosecution. Regarding criminal liability, as noted earlier, it is necessary to supplement the Criminal Code of the Russian Federation with a new article (322.4) - "Illegal Exploitation of Foreign Labor Force". The disposition (content) of this article is proposed in the following form:

"Exploitation of foreign labor force, expressed in the involvement of a foreign worker to work more than 40 hours a week, non-payment of wages, as well as the seizure of documents proving the identity of a foreign citizen or stateless person and other violations of the labor rights of a foreign worker or stateless person..."

In the second part of the proposed article, it can be added:

"The same acts committed with the use of violence dangerous to life and health or with the threat of such violence, as well as by deceiving or misleading a foreign worker..."

The legislator may establish sanctions against the employer, depending on the severity of the crime committed. The fine and the minimum or maximum term of imprisonment will be set considering mitigating and aggravating circumstances.

⁴⁴⁸ Moyce, Sally C. - Schenker, Marc. «Migrant Workers and Their Occupational Health and Safety». *Annual Review of Public Health* 39/1 (april 1, 2018), 361. <https://doi.org/10.1146/annurev-publhealth-040617-013714>

3.3.3.7. Interactions with Civil Society in the area of Labor Migration by Authorized State Bodies

Interaction with civil society is a significant aspect of strengthening the legal protection of migrant workers in Russia.⁴⁴⁹ To establish the effectiveness of the mechanisms, public authorities should consult and dialogue with civil society representatives, including non-governmental organizations, trade unions, community groups, heads of diasporas in the regions (from donor countries), and activists. This approach provides valuable feedback, opinions, and suggestions for improving legislation, policies, and practices for the migrants' protection. The inclusion of civil society representatives in the process of developing and discussing legislation and policies related to labor migration ensures that various opinions and interests are taken into account and contributes to the creation of more fair and effective protection mechanisms.

Cooperation with non-governmental organizations and public groups to monitor and control the situation with the rights of migrant workers allows to receive information about violations and problems and also ensures transparency and accountability in the activities of state bodies in the field of labor migration.⁴⁵⁰ For monitoring by state bodies in the labor migration, Russia, as a host country, can provide financial support to non-governmental organizations and public groups working in the field of protecting the rights of migrant workers to strengthen their ability to conduct information campaigns, legal assistance, consultations, and other activities. Such support can also help in investigating violations of the rights of migrant workers.

3.3.3.8. Raising awareness of Russian Society about the Rights of Migrant Workers

⁴⁴⁹ Boer, Victor M. «Migrant Right Protection in the Context of National Security in the Eurasian Space: Problems of Legal Regulation in Russia». *Advances in Natural, Human-Made, and Coupled Human-Natural Systems Research: Volume 3*. Edited by Svetlana G. Maximova. 273. Lecture Notes in Networks and Systems. Cham: Springer International Publishing, 2023. https://doi.org/10.1007/978-3-030-78105-7_27

⁴⁵⁰ Taran, Patrick A. «Human Rights of Migrants: Challenges of the New Decade». *International Migration* 38/6 (january 2001), 31. <https://doi.org/10.1111/1468-2435.00141>

To reduce xenophobia in Russia towards migrants from Central Asia, it is necessary to raise Russian society's awareness about migrant workers' rights.⁴⁵¹ A significant step towards improving migrant workers' protection rights is the conduct of information campaigns at the national and local levels. Conducting a Campaign to educate and enlighten the public about migrant workers' rights may include information preparation materials, the creation of commercials, publications in the media, the use of social media, and the organization of educational events.

To form, among the young generation of Russia, a tolerant and inclusive attitude towards migrants in society, it is essential to include information about the rights of migrant workers in the educational programs of universities, colleges, and schools. During training, information should cover the rights, procedures, and resources for advocating the interests of migrant workers. In parallel with educational programs, conducting training and seminars for government officials, law enforcement agencies, and employers who are directly related to the rights of migrant workers is also a crucial step to improve the quality of implementation of legal norms.

For interaction and support between the local population and migrant workers, it is significant to encourage intercultural interactions, festivals, and fairs, where migrants from Central Asia can present their culture, traditions, and art. Such events contribute to the development of mutual understanding, the reduction of prejudices, and the formation of a friendly atmosphere.

To identify the most pressing issues, stereotypes, and problems, as well as to adapt information campaigns and awareness-raising measures to the needs of society, it is necessary to regularly monitor public opinion and analyze its changes concerning migrant workers from Central Asia. Raising Russian society's awareness about the rights of migrant workers is a long-term process that requires the joint efforts of state bodies, non-governmental organizations, educational institutions, and the public. It will help create a more inclusive and tolerant environment where the rights of all people, including migrant workers, are respected and protected in Russia.

⁴⁵¹ Alexseev, Mikhail A. «Majority and Minority Xenophobia in Russia: The Importance of Being Titulars». *Post-Soviet Affairs* 26/2 (april 2010), 95. <https://doi.org/10.2747/1060-586X.26.2.89>

3.3.3.9. Russia's Cooperation with International Organizations

Russia cooperates with various international organizations in the field of protecting the rights of migrant workers. This cooperation enables the sharing of knowledge, encouragement, and direction as well as the creation of cooperative projects to enhance the rights and living circumstances of migrants.⁴⁵² Russia is a member and actively cooperates with the IOM and the ILO in the field of migration management and protection of the rights of migrants.⁴⁵³ IOM and ILO provide support and advice on labor migration issues, develop integration programs and provide technical assistance to strengthen the migration registration system and control.⁴⁵⁴ Although Russia's cooperation with international organizations, at first glance, is a good step, however, the failure to sign important ILO documents (ILO Conventions No. 97 and No. 143) hinders productive cooperation in the field of protecting the rights of migrant workers and the development of common strategies and agreements.

To actively participate in the developing process and discuss international standards and documents related to migrant workers' protection rights, Russia must ratify not only ILO Conventions No. 97 and No. 143 but also the UN ICRMW Convention. Joining such agreements can help Russia establish clear relations with the ILO and form new ones with CMW. This approach will contribute to the improvement of the domestic legal framework. If the above conventions are ratified, Russia will be forced to fulfill the necessary international obligations in the field of protecting the rights of migrant workers, which are enshrined in the conventions (Part 4, Article 15 of the Constitution of the Russian Federation). Therefore, ratification, especially ICRMW, will allow the Russian Federation to share experience and knowledge with CMW in labor migration and migrant workers' protection rights. Such interaction helps build mutual trust and share best practices through joint research and analysis of data on labor

⁴⁵² Petrovskaya, N. E. «The Position and Tasks of International Organizations in the Labor Migration Management». <https://www.um.edu.mt/library/oar/handle/123456789/51567>

⁴⁵³ Molodikova, Irina. «One Step Forward and Two Steps Back: Migration Policy and Human Trafficking in the Russian Federation since the Palermo Protocol of 2020». *Journal of Human Trafficking* 6/2 (march 14, 2020), 155. <https://doi.org/10.1080/23322705.2020.1690101>

⁴⁵⁴ Piper, Nicola - Foley, Laura. «Global Partnerships in Governing Labour Migration: The Uneasy Relationship between the ILO and IOM in the Promotion of Decent Work for Migrants». *Global Public Policy and Governance* 1/3 (september 1, 2021), 256. <https://doi.org/10.1007/s43508-021-00022-x>

migration and the rights of migrant workers. Thus, the signing of the ICRMW and Russia's cooperation with the CMW may improve the effectiveness of the mechanisms for monitoring and controlling the observance of the rights of migrant workers from Central Asia. Developing and improving the data collection system will help identify problem areas. On this basis, effective measures can be developed to eliminate these problems.

In general, the development of cooperation between Russia and international organizations in the field of protecting the rights of migrant workers requires active participation, improved communication, and coordination of actions, financial support, exchange of experience and training, as well as harmonization of legislation and policies with international standards. It is also important to encourage dialogue and partnership between Russia and international organizations to develop and implement joint initiatives aimed at protecting the rights of migrant workers.

CONCLUSION

Labor migration in the post-Soviet space for millions of people from the post-Soviet countries of Central Asia (Kyrgyzstan, Tajikistan, Uzbekistan) has become a familiar way of life. Against the backdrop of the economic and political situation, the countries of Central Asia, as donors of the labor force, are driven more by the desire to receive income from labor migration than by the strategic improvement of migrant workers' legal status. Focusing on migrant workers as a priority source of national income and denying the existing gross violations of migrant workers' rights is the main problem today.⁴⁵⁵

With a strict approach to migrant workers' status in the employment country (Russia), donor countries (Kyrgyzstan, Tajikistan, Uzbekistan) protect their citizens abroad rather weakly. The lack of support from diplomatic missions and the disregard for even the most egregious human rights violations stems from a reluctance to spoil relations with Russia.⁴⁵⁶ In turn, Russia is continuously reforming its migration authorities (for example, the abolition of the Federal Migration Service in 2016) to the detriment of the competence of its employees, transparency, and quality of work.

Thus, in the course of the study, within the framework of the set goals, the legislative and social problems in the field of labor migration existing in the Russian Federation were studied.

Of the negative social factors affecting the integration process of migrant workers, the main ones are the following:

⁴⁵⁵ Hess, Maximilian. «Russia and Central Asia: Putin's Most Stable Region?» *Orbis* 64/3 (january 1, 2020), 421. <https://doi.org/10.1016/j.orbis.2020.05.005>

⁴⁵⁶ BBC News Русская служба. «„Как рабов, на убой“. Мигранты из Центральной Азии погибают на войне в Украине». 14 июнь 2023 г. Accessed october 28, 2023. <https://www.bbc.com/russian/articles/ce417zgy2g5o>

- Xenophobic and discriminatory attitude of residents towards migrant workers from Central Asia with suspicion or prejudice, regarding them as uneducated or dangerous;

- Language problems of labor migrants (ignorance or poor knowledge of the Russian language by migrant workers makes it hard to communicate with residents and creates barriers to access to services);

- Cultural differences between migrant workers (different social norms that can lead to misunderstandings and conflicts with residents);

- Possible lack of access to education and training for migrant workers from Central Asia in Russia (limited access to advanced training and opportunities for integration into the labor force);

- Poor living and working conditions for migrant workers from Central Asia (exploitation and abuse in the workplace, cramped living conditions or unsanitary conditions);

- Social isolation and difficult communication in a new country;

- Barriers to access to medical care (lack of access to medical care and its impact on the physical and mental health of migrant workers for integration into society);

- Limited access to legal protection for migrant workers from Central Asia in Russia.

These factors are the main aspects that can cause significant difficulties for migrant workers from Central Asia in their integration into Russian society.

Legislative problems that harm the integration process of migrant workers in Russia are as follows:

- the absence in the legislation of the Russian Federation of the concept of “migrant worker” (there is the concept of “foreign worker” in Article 2 of Federal Law No. 115-FZ) and weak protection of their legal status;

- the absence in Chapter 50.1 of the Labor Code of the Russian Federation, dedicated to “Features of labor regulation of workers who are foreign citizens or stateless persons,” of a section or article concerning the rights and obligations of foreign workers as participants in labor relations;

- availability of acquisition of a patent and conditions of employment based on a patent for a foreign worker from Uzbekistan and Tajikistan (Part 2 of Article 11 and Part 16 of Article 13.3 of Federal Law No. 115 FZ);

- the presence of a pronounced contradiction between the fundamental law (the Constitution) and the Federal Law of the Russian Federation (Article 27 of the Constitution of the Russian Federation and Article 11 of Federal Law No. 115-FZ).

Despite the simplified procedure for entry and exit of Central Asian citizens, there are still many problems in Russia that hinder the migrant workers' protection rights.⁴⁵⁷ Having studied the essential restrictive legal norms and existing problems from practice among migrant workers in Russia, the following shortcomings of the system mechanisms that impede the migrant workers' protection rights were identified:

- Ineffective migration control system;
- Low level migrant workers' protection rights;
- Lack of an effective judicial protection system;
- Lack of control mechanisms over the activities of employers.

International legal norms protecting the fundamental rights of migrant workers for Russia, as a country receiving migrant workers in large numbers, should become ordinary practice. However, Russia has not only not ratified the fundamental documents on migrant workers, but also does not fully comply with the treaties that Russia has ratified. As noted in Chapter Two, the paradox is that both the Constitution and the current federal laws of the Russian Federation place the value of ratified international treaties above national law (Article 15 of the Constitution of the Russian Federation), while at the same time granting the Constitutional Court of the Russian Federation the right to decide on the possibility of enforcing or not enforcing the decisions of interstate bodies adopted on the basis of international treaties. Such a reason may be a contradiction between an international treaty and the Constitution of the Russian Federation. Although before the ratification of clause a part 1 of art. 34 of the Federal Law "On International Treaties of the Russian Federation" gives the Constitutional

⁴⁵⁷ Shlapentokh, Dmitry. «Tajikistan, Russia and Migrant Workers». <https://scholarworks.iu.edu/dspace/handle/2022/20574>

Court the right to review international treaties or individual provisions that have not yet entered into force for compliance with the Constitution of the Russian Federation.

Based on the above, within the framework of this doctoral thesis, having examined the problems of international legal norms, and analyzing the effectiveness of regional international organizations and regional Treaties, it was found that:

- Russia has not ratified the crucial ILO documents protecting the rights of migrant workers (ILO Conventions No. 97 and No. 143), the CIS Convention of Migrant Workers, and ICRMW;

- The Treaty on the EAEU, in the field of labor relations with the participation of foreign citizens, has gaps and shortcomings (Article 97);

- The CIS, as a regional interstate organization, is a weak union, and the overwhelming majority of its documents relating to labor migration are formal recommendations.

Labor migration in the post-Soviet space, which numbers many millions, is an already established phenomenon that cannot be abolished. However, to humanize the situation and improve the migrant workers legal status, the following measures can be taken:

- to change and improve the system of migration registration and control using technical, information, and organizational approaches, and eliminating shortcomings in legal mechanisms (Article 16 of Federal Law No. 109-FZ, Article 18.8 of the “Code of the Russian Federation on Administrative Offenses” dated December 30, 2001 city, N 195-FZ);

- to make changes and additions to Article 97 of the EAEU Treaty and additional agreements between member countries of the Union;

- to revise, taking into account the distinct position of citizens of the EAEU member states, Articles 18.8 and 18.10 of the Code of Administrative Offenses of the Russian Federation;

- to adopt a separate part in the Labor Code of the Russian Federation or a special law dedicated to the specifics of labor relations with foreign workers, the subject of which would be exclusively the legal regulation of the attraction and use of foreign labor as an independent category of migrants;

- to fix in the Code of Administrative Offenses of the Russian Federation the maximum period of detention of a foreign citizen in special institutions, by analogy with the maximum period of administrative arrest, if the foreign citizen is unable to leave the territory of the Russian Federation in the form of a controlled independent departure, in the event of a court decision on deportation (Article 18.10 of the Code of Administrative Offenses);

- to strengthen the legislation of the Russian Federation through the ratification of international conventions in the field of protecting the rights of migrant workers;

- to exclude, contradicting Article 27 of the Constitution of the Russian Federation, Part 2, Article 11 of Federal Law No. 115-FZ;

- to consolidate at the legislative level a special legal status and simplified procedures for processing documents for migrant workers from Central Asia;

- to extend the period of stay in the Russian Federation for persons who arrived in a manner that does not require a visa to 180 days (Article of Federal Law No. 115-FZ);

- to improve, for Russian courts, cooperation with migration authorities and renew relations with the European Council to restore the jurisdiction of the ECtHR on the territory of the Russian Federation;

- to establish strict penalties for employers who violate the rights of migrant workers by introducing amendments and additions to the Criminal Code of the Russian Federation;

- to provide financial support to non-governmental organizations and public groups working in the field of protecting the rights of migrant workers, to strengthen their ability to conduct information campaigns, legal assistance, consultations, and other activities;

- to encourage intercultural interactions, festivals, and fairs with the participation of migrant workers from Central Asia to develop mutual understanding, reduce prejudice, and create a friendly atmosphere.

Despite the freedom of movement and labor declared in various agreements, the approach to labor migration in the interstate entities in the post-Soviet space remains restrictive. Repressions against migrant workers from Central Asia, who even slightly

violated migration rules and lost their “regularized status,” resulted in expulsions and long-term bans on entry into Russia. Entry into interstate unions, lobbied by Russia, does not give migrant workers the expected benefits. Easing the migration regime is happening extremely slowly and requires, in addition to membership in such entities as the CIS and the EAEU, additional agreements of individual countries. Regardless of the entry of labor migration donor countries into such unions as the CIS and the EAEU, the problems of protecting the rights of migrant workers remain unresolved.

To take the first steps to improve the situation of migrant workers, Russia not only must ratify the Conventions of the post-Soviet Interstate Union - CIS related to migration and human rights, but also sanction mechanisms must be developed through which it will be possible to monitor the proper implementation of international legal norms within the CIS. In the EAEU, at the initial stage, it is necessary to avoid the inequality between the parties to the Treaty and the political pressure from Russia as the most influential party to the Treaty, which is contrary to the declared exclusively economic nature of the EAEU.

REFERENCES

1. Books

- Alston, Philip - Goodman, Ryan. *International Human Rights*. OUP Oxford, 2013.
- Berlanstein, Lenard R. *The Industrial Revolution and Work in Nineteenth Century Europe*. Routledge, 2003.
- Chamie, Joseph - Mirkin, Barry. «Who's Afraid of International Migration in the United Nations?» *Global Mobility Regimes*. Rey Koslowski. 241–258. New York: Palgrave Macmillan US, 2011. https://doi.org/10.1057/9781137001948_13
- Chamie, Joseph - Mirkin, Barry. «Who's Afraid of International Migration in the United Nations?» *Global Mobility Regimes*. Edited by Rey Koslowski. 241–258. New York: Palgrave Macmillan US, 2011. https://doi.org/10.1057/9781137001948_13
- Cholewinski, Ryszard. *Migration and Human Rights: The United Nations Convention on Migrant Workers' Rights*. Cambridge University Press, 2009.
- Eriksen, Thomas Hylland. *Globalization: The Key Concepts*. London: Routledge, 2nd edition, 2020. <https://doi.org/10.4324/9781003085492>
- Heintz, James. «Global Labor Standards: Their Impact and Implementation». *The Handbook of Globalisation, Second Edition*. Edward Elgar Publishing, 2011. <https://www.elgaronline.com/edcollchap/edcoll/9781849803694/9781849803694.00022.xml>
- Kremyanskaya, Elena A. *Russian Constitutional Law*. Cambridge Scholars Publishing, 2014.
- Maggs, Peter B. *Law and Legal System of the Russian Federation - Sixth Edition*. Juris Publishing, Inc., 2015.
- McKean, W. A. “The Meaning of Discrimination in International and Municipal Law.” *British Yearbook of International Law* 44 (1970), 177. <https://heinonline.org/HOL/Page?handle=hein.journals/byrint44&id=183&div=&collection=>
- Nessel, Lori A. «Human Dignity or State Sovereignty? The Roadblocks to Full Realization of the UN Migrant Workers Convention». *Research Handbook on International Law and Migration*. 329–345. Edward Elgar Publishing, 2014. <https://www.elgaronline.com/edcollchap/edcoll/9780857930040/9780857930040.00021.xml>
- Özkan, Zeynep. Rusya Federasyonu Anayasa Mahkemesinin Temel Hakların Korunmasındaki İşlevi. 2019. Reprint, Yayınevi: Karahan Kitabevi, 2019.
- Parlett, Kate. *The Individual in the International Legal System: Continuity and Change in International Law*. Cambridge University Press, 2011.
- Pecoud, Antoine - Guchteneire, Paul de. “Migration, Human Rights and the United Nations: An Investigation into the Obstacles to the Un Convention on Migrant Workers' Rights.” *Windsor Yearbook of Access to Justice* 24 (2006), 241. <https://heinonline.org/HOL/Page?handle=hein.journals/windyrbaj24&id=251&div=&collection=>

- Peyrouse, Marlene Laruelle, Sebastien. *Globalizing Central Asia: Geopolitics and the Challenges of Economic Development*. New York: Routledge, 2015.
<https://doi.org/10.4324/9781315704036>
- Powell, Benjamin. *The Economics of Immigration: Market-Based Approaches, Social Science, and Public Policy*. Oxford University Press, 2015.
- Powell, Benjamin. *The Economics of Immigration: Market-Based Approaches, Social Science, and Public Policy*. Oxford University Press, 2015.
- Schutter, Olivier De. *International Human Rights Law*. Cambridge University Press, 2019.
- Simon, Judit. «DEFINITIONS OF LABOUR MIGRANTS». *Public Health Aspects of Migrant Health: A Review of the Evidence on Health Status for Labour Migrants in the European Region*. WHO Regional Office for Europe, 2015.
<https://www.ncbi.nlm.nih.gov/books/NBK379428/>
- Steiner, Henry J. *International Human Rights in Context: Law, Politics, Morals : Text and Materials*. Oxford University Press, 2008.
- Swepton, Lee. «Chapter 6. Human Rights Complaint Procedures of the International Labour Organization». *Chapter 6. Human Rights Complaint Procedures of the International Labour Organization*. 99–116. University of Pennsylvania Press, 2016. <https://www.degruyter.com/document/doi/10.9783/9781512802047-008/pdf?licenseType=restricted>
- Urinboyev, Rustamjon. *Migration and Hybrid Political Regimes: Navigating the Legal Landscape in Russia*. University of California Press, 2020.
<https://doi.org/10.1525/luminos.96>
- Urinboyev, Rustamjon. *Migration and Hybrid Political Regimes: Navigating the Legal Landscape in Russia*. University of California Press, 2020.
<https://doi.org/10.1525/luminos.96>
- Weissbrodt, David S. - Vega, Connie de la. *International Human Rights Law: An Introduction*. University of Pennsylvania Press, 2007.
- Weissbrodt, David. «Chapter 1. Human Rights of Noncitizens». *Chapter 1. Human Rights of Noncitizens*. 21–30. University of Pennsylvania Press, 2015.
<https://www.degruyter.com/document/doi/10.9783/9780812291421-002/pdf?licenseType=restricted>

2. Articles, Proceedings, and Other Publications

- Abdurakhimov, Abdurasul. «Migration Policy in Russia and Its „Domino Effect” Towards Migrants». *L'Europe Unie* 15/15 (2019), 64–72.
<https://www.cceol.com/search/article-detail?id=796752>
- Alexseev, Mikhail A. «Majority and Minority Xenophobia in Russia: The Importance of Being Titulars». *Post-Soviet Affairs* 26/2 (april 2010), 89–120.
<https://doi.org/10.2747/1060-586X.26.2.89>
- Amaya-Castro, Juan M. *Migration and the World of Work: Discursive Constructions of the Global in ILO Narratives About Migration* (SSRN Scholarly Paper, 2012). Social Science Research Network. Accessed April 1, 2024.
<https://papers.ssrn.com/abstract=2060845>

- Amorosi, Virginia. «Daniel Maul, The International Labour Organization: 100 years of global social policy, Berlin, 2019». *Quaderni fiorentini per la storia del pensiero giuridico moderno* 49/1 (2020), 576–580.
<https://dialnet.unirioja.es/servlet/articulo?codigo=7825178>
- Anner, Mark - Caraway, Teri. “International Institutions and Workers’ Rights: Between Labor Standards and Market Flexibility.” *Studies in Comparative International Development* 45/2 (June 1, 2010), 151–169. <https://doi.org/10.1007/s12116-010-9064-x>
- Arango, Joaquín. «Explaining Migration: A Critical View». *International Social Science Journal* 52/165 (september 2000), 283–296. <https://doi.org/10.1111/1468-2451.00259>
- Arowolo, Grace Ayodele. «Protecting the Rights of Migrants: The Challenges and the Prospects». *Journal of Law, Policy and Globalization* 105 (2021), 92.
<https://heinonline.org/HOL/Page?handle=hein.journals/jawpglob105&id=93&div=&collection=>
- Arowolo, Oladele O. «Return Migration and the Problem of Reintegration». *International Migration* 38/5 (2000), 59–82. <https://doi.org/10.1111/1468-2435.00128>
- Azam, Muhammad. “The Role of Migrant Workers Remittances in Fostering Economic Growth: The Four Asian Developing Countries’ Experiences.” *International Journal of Social Economics* 42/8 (January 1, 2015), 690–705.
<https://doi.org/10.1108/IJSE-11-2013-0255>
- Baccini, Leonardo - Koenig-Archibugi, Mathias. “Why Do States Commit to International Labor Standards? Interdependent Ratification of Core Ilo Conventions, 1948–2009.” *World Politics* 66/3 (July 2014), 446–490.
<https://doi.org/10.1017/S0043887114000124>
- Bahovadinova, Malika. «Tajikistan’s Bureaucratic Management of Exclusion: Responses to the Russian Reentry Ban Database». *Central Asian Affairs* 3/3 (june 28, 2016), 226–248. <https://doi.org/10.1163/22142290-00303002>
- Bakhronov, Alisher - Çelik, Seydi. «LEGAL ANALYSIS ON THE DECREE (JULY 14, 2015 NO. 21-P) OF THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION RELATED TO THE ENFORCEMENT OF DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS». *Journal of Justice (Journalofjustice.Org)* 4/2 (2020). <https://avesis.kocaeli.edu.tr/yayin/f5b326c8-ce27-4958-8f19-df6208830a43/legal-analysis-on-the-decree-july-14-2015-no-21-p-of-the-constitutional-court-of-the-russian-federation-related-to-the-enforcement-of-decisions-of-the-european-court-of-human-rights>
- Bakurova, N. N. «The system of federal bodies of executive power in Russia». *Вестник Университета имени О. Е. Кутафина* 6 (58) (2019), 81–86.
<https://cyberleninka.ru/article/n/the-system-of-federal-bodies-of-executive-power-in-russia>
- Ball, Rochelle - Piper, Nicola. *The Geopolitics of Migration*. «Globalisation and regulation of citizenship—Filipino migrant workers in Japan». *Political Geography* 21/8 (2002), 1013–1034. [https://doi.org/10.1016/S0962-6298\(02\)00084-7](https://doi.org/10.1016/S0962-6298(02)00084-7)

- Banks, James A. «Citizenship Education and Global Migration : Implications for Theory, Research, and Teaching», 1–572.
<https://www.torrossa.com/en/resources/an/5328006>
- Batsaikhan, Uriintuya - Dabrowski, Marek. «Central Asia — twenty-five years after the breakup of the USSR». *Russian Journal of Economics* 3/3 (september 1, 2017), 296–320. <https://doi.org/10.1016/j.ruje.2017.09.005>
- Bell, Martin. «Internal Migration and Development: Comparing Migration Intensities Around the World». *Population and Development Review* 41/1 (march 2015), 33–58. <https://doi.org/10.1111/j.1728-4457.2015.00025.x>
- Belozerova, Olga A. et al. “International Legal Regulation of Labor on the Territory of the Russian Federation.” *Growth Poles of the Global Economy: Emergence, Changes and Future Perspectives*. ed. Elena G. Popkova. 957–967. Lecture Notes in Networks and Systems. Cham: Springer International Publishing, 2020. https://doi.org/10.1007/978-3-030-15160-7_95
- Berg-Nordlie, Mikkell - Tkach, Olga. «“You are Responsible for Your People”: The Role of Diaspora Leaders in the Governance of Immigrant Integration in Russia». *Demokratizatsiya: The Journal of Post-Soviet Democratization* 24/2 (2016), 173–198. <https://muse.jhu.edu/pub/280/article/619860>
- Betts, Alexander. *Global Migration Governance*. Working Paper. GEG Working Paper, 2008. GEG Working Paper, www.econstor.eu.
<https://www.econstor.eu/handle/10419/196305>
- Birmontienė, Toma. «2020 Amendments to the Russian Constitution – Change of the Constitution or Its Collapse?» *Gdańskie Studia Prawnicze* 4/48 (2020), 130–149. <https://www.cceeol.com/search/article-detail?id=932599>
- Bischoff, James L. «Documents on Russia’s Exclusion from Council Eur. & U.N.H.R.C.» *International Legal Materials* 62/2 (2023), 295–322. <https://doi.org/10.1017/ilm.2022.57>
- Blackett, Adelle - Sheppard, Colleen. «Collective Bargaining and Equality: Making Connections». *International Labour Review* 142 (2003), 419.
<https://heinonline.org/HOL/Page?handle=hein.journals/intlr142&id=429&div=&collection=>
- Bloemen, Hans G. «Job Search, Search Intensity, and Labor Market Transitions: An Empirical Analysis». *Journal of Human Resources* XL/1 (january 1, 2005), 232–269. <https://doi.org/10.3368/jhr.XL.1.232>
- Boer, Victor M. «Migrant Right Protection in the Context of National Security in the Eurasian Space: Problems of Legal Regulation in Russia». *Advances in Natural, Human-Made, and Coupled Human-Natural Systems Research: Volume 3*. Edited by Svetlana G. Maximova. 269–278. Lecture Notes in Networks and Systems. Cham: Springer International Publishing, 2023. https://doi.org/10.1007/978-3-030-78105-7_27
- Bogusz, Barbara et al. (eds.). “Human Rights, State Sovereignty and the Protection of Undocumented Migrants under the International Migrant Workers’ Convention.” *Irregular Migration and Human Rights: Theoretical, European and International Perspectives*. 311–341. Brill | Nijhoff, 2004.
https://doi.org/10.1163/9789047406051_018

- Böhning, W. R. «The ILO and Contemporary International Economic Migration». *International Migration Review* 10/2 (1976), 147–156.
<https://doi.org/10.1177/019791837601000201>
- Bonifazi, Corrado - Strozza, Salvatore . «*International migration in Europe in the last fifty years.*» *Contributions to international migration studies*. Roma: IRPPS, 2002. <http://www.irpps.cnr.it/e-pub/ojs/>
- Boockmann, Bernhard. *Decision-Making on ILO Conventions and Recommendations: Legal Framework and Application*. Research Report. ZEW-Dokumentation, 2000. ZEW-Dokumentation, www.econstor.eu.
<https://www.econstor.eu/handle/10419/39114>
- Borgen, Christopher J. «Resolving Treaty Conflicts». *George Washington International Law Review* 37 (2005), 573.
<https://heinonline.org/HOL/Page?handle=hein.journals/gwlr37&id=583&div=&collection=>
- Bosniak, Linda S. «Human Rights, State Sovereignty and the Protection of Undocumented Migrants under the International Migrant Workers Convention». *International Migration Review* 25 (1991), 737.
<https://heinonline.org/HOL/Page?handle=hein.journals/imgratv25&id=700&div=&collection=>
- Boswell, Christina - Straubhaar, Thomas. *Boswell, Christina; Straubhaar, Thomas (2004) : The illegal employment of foreign workers: An overview*. Hamburg, Germany: Springer, Heidelberg, 2004.
<https://www.econstor.eu/bitstream/10419/41823/1/37855980X.pdf>
- Boswell, Christina. «Theorizing Migration Policy: Is There a Third Way?» *International Migration Review* 41/1 (March 2007), 75–100. <https://doi.org/10.1111/j.1747-7379.2007.00057.x>
- Bowring, Bill. «Russia and the Council of Europe: An Incompatible Ideology, and a Transplanted Legal Regime?» *Russian Discourses on International Law*. Routledge, 2018.
- Bowring, Bill. *Russian Cases in the ECtHR and the Question of Implementation* (SSRN Scholarly Paper, 10 январь 2018). Social Science Research Network. Accessed March 10, 2024 г. <https://doi.org/10.2139/ssrn.3099544>
- Brabandere, Eric De. «OAO Neftyanaya Kompaniya Yukos v. Russia (Eur. Ct. H.R.)». *International Legal Materials* 55/3 (2016), 474–495.
<https://doi.org/10.5305/intelegamate.55.3.0474>
- BREMNER, JASON. *WORLD POPULATION HIGHLIGHTS: KEY FINDINGS FROM PRB'S 2010 WORLD POPULATION DATA SHEET*. Washington, DC, USA: Population Reference Bureau, 2010. <https://grist.org/wp-content/uploads/2011/10/65.2highlights.pdf>
- Brimblecombe, Simon. «A Multivariable Definition of Adequacy: Challenges and Opportunities». *International Social Security Review* 66/3–4 (july 2013), 171–191. <https://doi.org/10.1111/issr.12023>
- Brownbridge, Martin - Canagarajah, Sudharshan. *Migration and Remittances in the Former Soviet Union Countries of Central Asia and the South Caucasus: What Are the Long-Term Macroeconomic Consequences?* (SSRN Scholarly Paper,

- january 15, 2020 r.). Social Science Research Network. Accessed october 18, 2023. <https://papers.ssrn.com/abstract=3520277>
- Brudney, James J. "The Internationalization of Sources of Labor Law." *University of Pennsylvania Journal of International Law* 39 (2018 2017), 1.
<https://heinonline.org/HOL/Page?handle=hein.journals/upjil39&id=7&div=&collection=>
- Brunarska, Zuzanna. «Intra- vs. Extra-Regional Migration in the Post-Soviet Space». *Eurasian Geography and Economics* 55/2 (march 4, 2014), 133–155.
<https://doi.org/10.1080/15387216.2014.948030>
- Burek, Wojciech. «Family Reunification Regulations and Women: The Perspective of International Law». *Polish Yearbook of International Law* 36 (2016), 83–108.
<https://www.ceeol.com/search/article-detail?id=568519>
- Callahan, Thomas M. «Cauldron of Unwisdom: The Legislative Offensive on Insidious Foreign Influence in the Third Term of President Vladimir v. Putin, and ICCPR Recourse for Affected Civil Advocates». *Fordham International Law Journal* 38 (2015), 1219.
<https://heinonline.org/HOL/Page?handle=hein.journals/frdint38&id=1239&div=&collection=>
- Cassel, Douglass. "Does International Human Rights Law Make a Difference." *Chicago Journal of International Law* 2/1 (April 1, 2001).
<https://chicagounbound.uchicago.edu/cjil/vol2/iss1/8>
- Cassel, Douglass. «Does International Human Rights Law Make a Difference». *Chicago Journal of International Law* 2/1 (april 1, 2001).
<https://chicagounbound.uchicago.edu/cjil/vol2/iss1/8>
- Castles, Stephen. "International Migration at the Beginning of the Twenty-first Century: Global Trends and Issues." *International Social Science Journal* 52/165 (September 2000), 269–281. <https://doi.org/10.1111/1468-2451.00258>
- Castles, Stephen. «International Migration at the Beginning of the Twenty-First Century: Global Trends and Issues». *International Social Science Journal* 52/165 (september 2000), 269–281. <https://doi.org/10.1111/1468-2451.00258>
- Charlie , Fanning - Nicola , Piper. *Global Labor Migration: Shifting Governance Mechanisms, Rights Deficits, and the Search for Order*, 2021.
<https://doi.org/10.1215/15476715-8767350>
- Charnovitz, Steve. «The International Labour Organization in Its Second Century». *Max Planck Yearbook of United Nations Law Online* 4/1 (2000), 147–184.
<https://doi.org/10.1163/187574100X00061>
- Chaudhuri, Sumanta. «Moving People to Deliver Services: How Can the WTO Help». *Journal of World Trade* 38 (2004), 363.
<https://heinonline.org/HOL/Page?handle=hein.kluwer/jwt0038&id=365&div=&collection=>
- Chiswick, Barry R. *Immigration: High Skilled vs. Low Skilled Labor?* Working Paper. IZA Policy Paper, 2011. IZA Policy Paper, www.econstor.eu.
<https://www.econstor.eu/handle/10419/91767>
- Cholewinski, Ryszard . *Protection of the Human Rights of Migrant Workers and Members of their Families under the UN Migrant Workers Convention as a Tool*

- to Enhance Development in the Country of Employment.
<https://www2.ohchr.org/english/bodies/cmw/docs/cholewinski.doc>
- Cholewinski, Ryszard. «Human Rights of Migrants: The Dawn of a New Era». *Georgetown Immigration Law Journal* 24 (2010 2009), 585.
<https://heinonline.org/HOL/Page?handle=hein.journals/geoimlj24&id=593&div=&collection=>
- Cholewinski, Ryszard. «The ILO and the Global Compact for Safe, Orderly and Regular Migration: Labour Migration, Decent Work and Implementation of the Compact with Specific Reference to the Arab States Region». *International Journal of Law in Context* 16/3 (2020), 304–320.
<https://doi.org/10.1017/S1744552320000336>
- Chudinovskikh, Olga - Denisenko, Mikhail. «Labour Migration on the Post-Soviet Territory». *Migration from the Newly Independent States: 25 Years After the Collapse of the USSR*. Edited by Mikhail Denisenko. 55–80. Societies and Political Orders in Transition. Cham: Springer International Publishing, 2020.
https://doi.org/10.1007/978-3-030-36075-7_4
- Clapham, Andrew. “Sanctions and Economic, Social and Cultural Rights.” *United Nations Sanctions and International Law*. 131–141. Brill Nijhoff, 2001.
https://doi.org/10.1163/9789004502871_014
- Clapham, Andrew. “Sanctions and Economic, Social and Cultural Rights.” *United Nations Sanctions and International Law*. 131–141. Brill Nijhoff, 2001.
https://doi.org/10.1163/9789004502871_014
- Codagnone, Cristiano - Filippov, Vassily. «Equity, Exit and National Identity in a Multinational Federation: The ‘multicultural Constitutional Patriotism’ Project in Russia». *Journal of Ethnic and Migration Studies* 26/2 (2000), 263–288.
<https://doi.org/10.1080/13691830050022802>
- Compa, Lance. «Migrant Workers in the United States: Connecting Domestic Law with International Labor Standards». *Chicago-Kent Law Review* 92 (2017), 211.
<https://heinonline.org/HOL/Page?handle=hein.journals/chknt92&id=225&div=&collection=>
- Connor, Phillip. «International Migration: Key Findings from the U.S., Europe and the World». *Pew Research Center* (blog). Accessed september 25, 2023.
<https://www.pewresearch.org/short-reads/2016/12/15/international-migration-key-findings-from-the-u-s-europe-and-the-world/>
- Cook, Linda J. «CONSTRAINTS ON UNIVERSAL HEALTH CARE IN THE RUSSIAN FEDERATION: INEQUALITY, INFORMALITY AND THE FAILURES OF MANDATORY HEALTH INSURANCE REFORMS». *Journal of Self-Governance and Management Economics* 3/4 (2015), 37–60.
<https://www.ceeol.com/search/article-detail?id=418046>
- COOK, LINDA J. «Implications of migration for the development of Russian social policy». *Migrant Workers in Russia*. Routledge, 2016.
- Critelli, Filomena M. «Labor Migration and Its Impact on Families in Kyrgyzstan: A Qualitative Study». *Journal of International Migration and Integration* 22/3 (september 1, 2021 г.), 907–928. <https://doi.org/10.1007/s12134-020-00781-2>

- Czepek, Jakub J. «ECtHR Case-Law Concerning Russian Aggression on Ukraine and the Events Taking Place after 2014». *International Community Law Review* 25/6 (2023), 573–588. <https://doi.org/10.1163/18719732-bja10115>
- Czerewacz-Filipowicz, Katarzyna - Konopelko, Agnieszka. *Regional Integration Processes in the Commonwealth of Independent States*. Cham: Springer International Publishing, 2017. <https://doi.org/10.1007/978-3-319-47563-9>
- Danilenko, Gennady M. “The New Russian Constitution and International Law.” *American Journal of International Law* 88/3 (July 1994), 451–470. <https://doi.org/10.2307/2203713>
- Daskalopoulou, Irene. «Socio-Cultural Integration of First Generation Immigrants in Greece». *Migration Letters* 18/6 (2021), 649–658. <https://www.ceeol.com/search/article-detail?id=998697>
- De Stefano, Valerio. “Not as Simple as It Seems: The ILO and the Personal Scope of International Labour Standards.” *International Labour Review* 160/3 (September 2021), 387–406. <https://doi.org/10.1111/ilr.12201>
- Deacon, Bob. *Globalization and Social Policy: The Threat to Equitable Welfare*. Working Paper. Geneva 2000 Occasional Paper, 2000 r. Geneva 2000 Occasional Paper, www.econstor.eu. <https://www.econstor.eu/handle/10419/148809>
- Demintseva, Ekaterina. «The Infrastructure Created by Migrants: The Case of Migrants from Kyrgyzstan in Moscow». *Migration from the Newly Independent States: 25 Years After the Collapse of the USSR*. Edited by Mikhail Denisenko 209–222. Societies and Political Orders in Transition. Cham: Springer International Publishing, 2020. https://doi.org/10.1007/978-3-030-36075-7_10
- Diakité, M. Arthur Robinson. «11. A Brief Look At The International Convention On The Protection Of The Rights Of All Migrant Workers And Members Of Their Families». *International Human Rights Monitoring Mechanisms*. 117–131. Brill Nijhoff, 2009. https://brill.com/display/book/edcoll/9789004180710/Bej.9789004162365.i-728_012.xml
- Dragneva, Rilka - Hartwell, Christopher A. «The Eurasian Economic Union: Integration without Liberalisation?» *Post-Communist Economies* 33/2–3 (april 3, 2021), 200–221. <https://doi.org/10.1080/14631377.2020.1793586>
- Drzemczewski, Andrew - Lawson, Rick. *Exclusion of the Russian Federation from the Council of Europe and the ECHR: An Overview* (SSRN Scholarly Paper, december 30, 2022 r.). Social Science Research Network. Accessed october 25, 2023. <https://papers.ssrn.com/abstract=4458281>
- Drzemczewski, Andrew - Lawson, Rick. *Exclusion of the Russian Federation from the Council of Europe and the ECHR: An Overview* (SSRN Scholarly Paper, December 30, 2022). Social Science Research Network. Accessed October 16, 2023. <https://papers.ssrn.com/abstract=4458281>
- Dugard, Jackie. «The International Human Rights System». *Research Handbook on Economic, Social and Cultural Rights as Human Rights*. 2–13. Edward Elgar Publishing, 2020. <https://www.elgaronline.com/edcollchap/edcoll/9781788974165/9781788974165.00008.xml>

- Dusi, Paola - González-Falcón, Inmaculada. «Second-Generation Youth in Italy and Their Path to Adulthood. Who Is Supporting Them?» *Journal of Adult and Continuing Education* 27/1 (2021), 63–83.
<https://doi.org/10.1177/1477971418810945>
- Dustmann, Christian. «Differences in the labor market behavior between temporary and permanent migrant women». *Labour Economics* 4/1 (1997), 29–46.
[https://doi.org/10.1016/S0927-5371\(96\)00025-5](https://doi.org/10.1016/S0927-5371(96)00025-5)
- Dustmann, Christian. «Differences in the labor market behavior between temporary and permanent migrant women». *Labour Economics* 4/1 (march 1, 1997), 29–46.
[https://doi.org/10.1016/S0927-5371\(96\)00025-5](https://doi.org/10.1016/S0927-5371(96)00025-5)
- Dyatlov, Victor I. - Dyatlova, Elena V. «From the “Influx of the Yellow Race” to “Migrant Workers”: Dynamics of the Languages for Describing Cross-Border Migrations in Russia». *Журнал Сибирского федерального университета. Гуманитарные науки* 13/5 (2020), 623–638.
<https://cyberleninka.ru/article/n/from-the-influx-of-the-yellow-race-to-migrant-workers-dynamics-of-the-languages-for-describing-cross-border-migrations-in-russia>
- Edwards, John. «Asylum Seekers and Human Rights». *Res Publica* 7/2 (2001), 159–182.
<https://doi.org/10.1023/A:1011951915924>
- Ellermann, Antje - Goenaga, Agustín. «Discrimination and Policies of Immigrant Selection in Liberal States». *Politics & Society* 47/1 (2019), 87–116.
<https://doi.org/10.1177/0032329218820870>
- Epstein, Lee - Martin, Andrew D. *An Introduction to Empirical Legal Research*. OUP Oxford, 2014.
- Erdal, Marta Bivand - Oeppen, Ceri. «Forced to leave? The discursive and analytical significance of describing migration as forced and voluntary». *Aspiration, Desire and the Drivers of Migration*. Routledge, 2019.
- Eriksen, Thomas Hylland. *Globalization: The Key Concepts*. London: Routledge, 2-е Издание, 2020. <https://doi.org/10.4324/9781003085492>
- Esses, Victoria M. «Prejudice and Discrimination Toward Immigrants». *Annual Review of Psychology* 72/1 (2021), 503–531. <https://doi.org/10.1146/annurev-psych-080520-102803>
- Farahat, Anuscheh. “Discrimination inside: Non-Discrimination as a Tool of Migrant Integration” 115 (January 2021), 350–355. <https://doi.org/10.1017/aju.2021.55>
- Fargues, Philippe. «International Migration and the Demographic Transition: A Two-Way Interaction». *International Migration Review* 45/3 (september 2011), 588–614. <https://doi.org/10.1111/j.1747-7379.2011.00859.x>
- Favero, Luigi V. «5: Mechanisms of Adaptation and Integration of Italian Immigrants in Argentina: From Social Spaces to the Interpretative Paradigms of Ethnic Identity». *Center for Migration Studies Special Issues* 11/3 (may 1994), 113–124. <https://doi.org/10.1111/j.2050-411X.1994.tb00757.x>
- Fichtelberg, Aaron. «Fair Trials and International Courts: A Critical Evaluation of the Nuremberg Legacy». *Criminal Justice Ethics* 28/1 (may 2009), 5–24.
<https://doi.org/10.1080/07311290902831268>
- Fleig-Goldstein, Rachel M. «The Russian Constitutional Court versus the European Court of Human Rights: How the Strasbourg Court Should Respond to Russia’s

- Refusal to Executive ECtHR Judgments». *Columbia Journal of Transnational Law* 56 (2018 2017), 172.
<https://heinonline.org/HOL/Page?handle=hein.journals/cjtl56&id=176&div=&collection=>
- Flynn, Michael . *Externalisation, immigration detention and the Committee on Migrant Workers*, 2021. <https://www.globaldetentionproject.org/wp-content/uploads/2022/03/Flynn-Forced-Migration-Review-Nov-2021.pdf>
- Fortuin, Rowan Victor. «Undocumented and Invisible: Are SADC Member States Implementing the Rights to Birth Registration and Nationality for Migrant Children?» <http://hdl.handle.net/11427/36626>
- Fudge, Judy - Tham, Joo-Cheong. «Dishing up Migrant Workers for the Canadian Food Services Sector: Labor Law and the Demand for Migrant Workers». *Comparative Labor Law & Policy Journal* 39 (2018 2017), 1.
<https://heinonline.org/HOL/Page?handle=hein.journals/cllpj39&id=13&div=&collection=>
- Gavison, Ruth. «Immigration and the Human Rights Discourse: The Universality of Human Rights and the Relevance of States and of Numbers». *Israel Law Review* 43/1 (январь 2010), 7–48. <https://doi.org/10.1017/S0021223700000030>
- Geddes, Andrew. *Regional Migration Governance in the Eurasian Migration System//The Dynamics of Regional Migration* . Edward Elgar Publishing, 2019.
- Ghoshal, Animesh - Crowley, Thomas M. «Political Versus Economic Refugees». *Review of Social Economy* 41/2 (october 1983), 124–135.
<https://doi.org/10.1080/003467683000000015>
- Gimpelson, Vladimir - Kapeliushnikov, Rostislav. *Age and Education in the Russian Labour Market Equation* (SSRN Scholarly Paper, November 15, 2017). Social Science Research Network. Accessed October 16, 2023.
<https://papers.ssrn.com/abstract=3212682>
- Goel, Rajeev K. - Nelson, Michael A. «Shining a light on the shadows: Identifying robust determinants of the shadow economy». *Economic Modelling* 58 (november 1, 2016), 351–364. <https://doi.org/10.1016/j.econmod.2016.06.009>
- Goodman, Ryan - Jinks, Derek. “How to Influence States: Socialization and International Human Rights Law.” *Duke Law Journal* 54 (2005 2004), 621.
<https://heinonline.org/HOL/Page?handle=hein.journals/duklr54&id=635&div=&collection=>
- Gowa, Joanne - Hicks, Raymond. «The Most-Favored Nation Rule in Principle and Practice: Discrimination in the GATT». *The Review of International Organizations* 7/3 (2012), 247–266. <https://doi.org/10.1007/s11558-011-9141-6>
- Hamad, Ahmed M. A. «Mechanisms of the Legal Protection of Human Rights in Global Regulation». *Human Rights in the Global South (HRGS)* 1/2 (23 декабрь 2022 г.), 145–157. <https://doi.org/10.56784/hrgs.v1i2.31>
- Hannan, Mohammad Abdul. *Third Generation Human Rights and the Good Governance* (SSRN Scholarly Paper, 2010). Social Science Research Network. Accessed March 9, 2024. <https://papers.ssrn.com/abstract=1717075>
- Hannum, Hurst. «The Status of the Universal Declaration of Human Rights in National and International Law». *Georgia Journal of International and Comparative Law* 25 (1996 1995), 287.

- <https://heinonline.org/HOL/Page?handle=hein.journals/gjicl25&id=295&div=&collection=>
- Hanson, Gordon. «US Immigration from Latin America in Historical Perspective». *Journal of Economic Perspectives* 37/1 (february 2023), 199–222.
<https://doi.org/10.1257/jep.37.1.199>
- Hasenau, Michael. «Part I: The Genesis of the Convention: ILO Standards on Migrant Workers: The Fundamentals of the UN Convention and Their Genesis». *International Migration Review* 25/4 (december 1991), 687–697.
<https://doi.org/10.1177/019791839102500402>
- Heikkilä, Elli. «Mobile Vulnerabilities: Perspectives on the Vulnerabilities of Immigrants in the Finnish Labour Market». *Population, Space and Place* 11/6 (november 2005), 485–497. <https://doi.org/10.1002/psp.396>
- Hendley, Kathryn. «The Puzzling Non-Consequences of Societal Distrust of Courts: Explaining the Use of Russian Courts». *Cornell International Law Journal* 45 (2013), 517.
<https://heinonline.org/HOL/Page?handle=hein.journals/cintl45&id=527&div=&collection=>
- Herod, Andrew. *Labor*. John Wiley & Sons, 2017.
- Hess, Maximilian. «Russia and Central Asia: Putin’s Most Stable Region?» *Orbis* 64/3 (january 1, 2020), 421–433. <https://doi.org/10.1016/j.orbis.2020.05.005>
- Heusala, Anna-Liisa - Aitamurto, Kaarina. *Migrant Workers in Russia: Global Challenges of the Shadow Economy in Societal Transformation*. Taylor & Francis, 2016.
- Heusala, Anna-Liisa. «The Soviet Legacy of ‘National Security’ in Russian Migration Policy». *Russian Politics* 3/3 (september 29, 2018 r.), 430–450.
<https://doi.org/10.1163/2451-8921-00303006>
- Hoeven, Rolph van der. “Labour Markets Trends, Financial Globalization and the Current Crisis in Developing Countries.” <https://repub.eur.nl/pub/22372/>
- Hughes, Steve. «The International Labour Organisation». *New Political Economy* 10/3 (2005), 413–425. <https://doi.org/10.1080/13563460500204324>
- Iontsev, Vladimir - Ivakhnyuk, Irina. «Role of International Labour Migration in Russian Economic Development». <https://cadmus.eui.eu/handle/1814/23479>
- Islam, Muhammad Azizul - McPhail, Ken. *Accounting For Human Rights*. «Regulating for corporate human rights abuses: The emergence of corporate reporting on the ILO’s human rights standards within the global garment manufacturing and retail industry». *Critical Perspectives on Accounting* 22/8 (2011), 790–810.
<https://doi.org/10.1016/j.cpa.2011.07.003>
- Ispolinov, Alexei S. «First Judgments of the Court of the Eurasian Economic Community: Reviewing Private Rights in a New Regional Agreement». *Legal Issues of Economic Integration* 40/3 (august 1, 2013).
<https://kluwerlawonline.com/api/Product/CitationPDFURL?file=Journals\LEIE\LIE2013012.pdf>
- Ivakhnyuk, Irina. «Russian Migration Policy and Its Impact on Human Development». MPRA Paper. april 1, 2009. Accessed october 24, 2023 r. <https://mpra.ub.uni-muenchen.de/19196/>

- IVANCHAK, A - PALKINA, T. *PROBLEMS OF JUDICIAL DEFENCE OF MIGRANTS' LABOUR RIGHTS IN THE RUSSIAN FEDERATION*. Moscow: Moscow Journal of International Law., 2017.
- Izbienova, T. A. «Features of Legal Regulation of Labor in the Member States of the Eurasian Economic Union». *SHS Web of Conferences* 128 (2021), 06010. <https://doi.org/10.1051/shsconf/202112806010>
- Jangavadze, Meri. «Gender Dimension of Migration: The Key Challenges Faced by Migrant Women». *Levan Alexidze Journal of International Law (LAJIL)* 1/1 (2020). <https://laf.ge/journals/index.php/test/article/view/10>
- Jilkinе, Vladimir A. «Legal basis for the performance of international obligations on readmission in the Russian federation and the republic of Finland». *Russian Journal of Legal Studies (Moscow)* 6/1 (december 15, 2019), 126–131. <https://doi.org/10.17816/RJLS18481>
- Johnson, Stephen - Muhlhausen, David B. «North American Transnational Youth Gangs: Breaking the Chain of Violence». *Trends in Organized Crime* 9/1 (september 1, 2005), 38–54. <https://doi.org/10.1007/s12117-005-1003-2>
- Kallaur, Valentina. «Social Aspects Of Labor Migration In Russia». *European Proceedings of Social and Behavioural Sciences Social and Cultural Transformations in the Context of Modern Globalism* (december 28, 2019). <https://doi.org/10.15405/epsbs.2019.12.04.268>
- Karpova, Galina G - Vorona, Maria A. «Labour Migration in Russia: Issues and Policies». *International Social Work* 57/5 (september 2014), 535–546. <https://doi.org/10.1177/0020872814536420>
- KEITH, ARTHUR . «A New Theory of Human Evolution». *Arthurkeith* (blog), 2010. <https://arthurkeith.wordpress.com/a-new-theory-of-human-evolution/>
- Khadria, Binod. «Shifting Paradigms of Globalization: The Twenty-first Century Transition Towards Generics in Skilled Migration from India». *International Migration* 39/5 (january 2001), 45–71. <https://doi.org/10.1111/1468-2435.00171>
- Khoreva, Ol'ga. «Attracting Skilled Labour to the North: Migration Loss and Policy Implications across Russia's Diverse Arctic Regions». *Polar Record* 54/5–6 (september 2018), 324–338. <https://doi.org/10.1017/S0032247419000019>
- King, Elizabeth J. - Dudina, Victoria I. «The Health Needs of Female Labor Migrants from Central Asia in Russia». *Journal of Immigrant and Minority Health* 21/6 (december 1, 2019), 1406–1415. <https://doi.org/10.1007/s10903-019-00889-3>
- King, Russell - Skeldon, Ronald. «‘Mind the Gap!’ Integrating Approaches to Internal and International Migration». *Journal of Ethnic and Migration Studies* 36/10 (december 2010), 1619–1646. <https://doi.org/10.1080/1369183X.2010.489380>
- Kirkham, Ksenia. «The Formation of the Eurasian Economic Union: How Successful Is the Russian Regional Hegemony?». *Journal of Eurasian Studies* 7/2 (july 2016), 111–128. <https://doi.org/10.1016/j.euras.2015.06.002>
- Klein, Eckart - Kretzmer, David. «The UN Human Rights Committee: The General Comments - The Evolution of an Autonomous Monitoring Instrument». *German Yearbook of International Law* 58 (2015), 189. <https://heinonline.org/HOL/Page?handle=hein.journals/gyl58&id=190&div=&collection=>

- Kok, Pieter. «The Definition of Migration and Its Application: Making Sense of Recent South African Census and Survey Data». *Southern African Journal of Demography* 7/1 (1997), 19–30. <https://www.jstor.org/stable/20853242>
- Korneev, Oleg - Leonov, Andrey. «‘Home-Grown’ vs. ‘Imported’ Regionalism? Overlapping Dynamics of Regional Migration Governance in Post-Soviet Eurasia». *Journal of Ethnic and Migration Studies* 48/12 (september 10, 2022), 2873–2891. <https://doi.org/10.1080/1369183X.2021.1972566>
- Koser, Khalid. *International Migration: A Very Short Introduction*. OUP Oxford, 2007.
- Kovler, Anatoly I. “European convention on human rights in Russia.” *L’Europe en Formation* 374/4 (2014), 116–135. <https://doi.org/10.3917/eufor.374.0116>
- Kubal, Agnieszka. «Entry Bar as Surreptitious Deportation? Zapret Na v’ezd in Russian Immigration Law and Practice: A Comparative Perspective». *Law & Social Inquiry* 42/3 (july 2017), 744–768. <https://doi.org/10.1111/lsi.12232>
- Kubal, Agnieszka. «Spiral Effect of the Law: Migrants’ Experiences of the State Law in Russia – a Comparative Perspective». *International Journal of Law in Context* 12/4 (december 2016), 453–468. <https://doi.org/10.1017/S1744552316000215>
- Kushnirovich, Nonna. «Economic Integration of Immigrant Entrepreneurs». *Entrepreneurial Business and Economics Review* 3/3 (2015), 9–27. <https://www.ceeol.com/search/article-detail?id=305119>
- Kuznetsova, Irina - Round, John. “Postcolonial Migrations in Russia: The Racism, Informality and Discrimination Nexus.” *International Journal of Sociology and Social Policy* 39/1/2 (January 1, 2018), 52–67. <https://doi.org/10.1108/IJSSP-08-2018-0131>
- Leitch, Daniel. «Increasing Social Inclusion for the Children of Migrant Workers in Shanghai, China: A Four-Year Longitudinal Study of a Non-Governmental, Volunteer-Led, After-School Program». *Frontiers of Education in China* 11/2 (2016), 217–249. <https://doi.org/10.3868/s110-005-016-0016-9>
- Lenard, Patti Tamara. «Why Temporary Labour Migration Is Not a Satisfactory Alternative to Permanent Migration». *Journal of International Political Theory* 8/1–2 (april 2012), 172–183. <https://doi.org/10.3366/jipt.2012.0037>
- Library (Susana), I. L. O. «ILO Research Guides: History of the ILO: ILO between the Two World Wars (1919-1939)». Accessed November 10, 2023. <https://libguides.ilo.org/c.php?g=657806&p=4636553>
- Likić-Brborić, Branka. “Global Migration Governance, Civil Society and the Paradoxes of Sustainability.” *Globalizations* 15/6 (September 19, 2018), 762–778. <https://doi.org/10.1080/14747731.2018.1503841>
- Lohrmann, Reinhard. «Migrants, Refugees and Insecurity. Current Threats to Peace?» *International Migration* 38/4 (september 2000), 3–22. <https://doi.org/10.1111/1468-2435.00118>
- Lokosov, V. V. «Population Change in Russia: Dynamics and Socioeconomic Risks». *Herald of the Russian Academy of Sciences* 90/2 (march 1, 2020), 165–171. <https://doi.org/10.1134/S1019331620020033>
- Lönnroth, Juhani. “The International Convention on the Rights of All Migrant Workers and Members of Their Families in the Context of International Migration Policies: An Analysis of Ten Years of Negotiation.” *International Migration*

- Review 25/4 (December 1991), 710–736.
<https://doi.org/10.1177/019791839102500404>
- Lyutov, Nikita. «The ILO System of International Labour Standards and Monitoring Procedures: Too Complicated to Be Effective». *Zbornik Pravnog Fakulteta u Zagrebu* 64 (2014), 255.
<https://heinonline.org/HOL/Page?handle=hein.journals/zboprpfaz64&id=251&div=&collection=>
- MacDonald, Euan - Cholewinski, Ryszard . *The Migrant workers convention in Europe: obstacles to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; EU/EEA perspectives*, 2007. <https://unesdoc.unesco.org/ark:/48223/pf0000152537>
- Macnaughton, Gillian - Frey, Diane. «Challenging Neoliberalism». *Health and Human Rights* 20/2 (2018), 43–55.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293342/>
- Majcher, Izabella. «GCM Objective 13: In Search of Synergies with the UN Human Rights Regime to Foster the Rule of Law in the Area of Immigration Detention». *Laws* 11/4 (2022), 52. <https://doi.org/10.3390/laws11040052>
- Mälksoo, Lauri. «Russia’s Constitutional Court Defies the European Court of Human Rights: Constitutional Court of the Russian Federation Judgment of 14 July 2015, No 21-II/2015». *European Constitutional Law Review* 12/2 (2016), 377–395. <https://doi.org/10.1017/S1574019616000237>
- Marat, Erica, Central Asia-Caucasus Institute and Silk Road Studies Program. *Labor Migration in Central Asia: Implications of the Global Economic Crisis*. Washington, D.C.: Central Asia-Caucasus Institute & Silk Road Studies Program, 2009.
- Marie, Jean-Bernard. «National Systems for the Protection of Human Rights». *Human Rights: International Protection, Monitoring, Enforcement*. Routledge, 2003.
- Marochkin, Sergei Yu - Popov, Vladimir A. «International Humanitarian and Human Rights Law in Russian Courts*». *Journal of International Humanitarian Legal Studies* 2/2 (1 January 1, 2011), 216–249.
<https://doi.org/10.1163/187815212X624247>
- Maroukis, Thanos. «Irregular Migration and Informal Economy in Southern and Central-Eastern Europe: Breaking the Vicious Cycle?: Breaking the Vicious Cycle?» *International Migration* 49/5 (October 2011), 129–156.
<https://doi.org/10.1111/j.1468-2435.2011.00709.x>
- Martin, Philip L. *The Unfinished Story: Turkish Labour Migration to Western Europe : With Special Reference to the Federal Republic of Germany*. International Labour Organization, 1991.
- Maupain, Francis . «Revitalization Not Retreat: The Real Potential of the 1998 ILO Declaration for the Universal Protection of Workers’ Rights ». *European Journal of International Law*, Volume 16, Issue 3, June 2005, Pages 439–465., 2005. Accessed April 3, 2024. <https://academic.oup.com/ejil/article/16/3/439/431329>
- Maupain, Francis. «The ILO Regular Supervisory System: A Model in Crisis?» *International Organizations Law Review* 10/1 (2013), 117–165.
<https://doi.org/10.1163/15723747-01001004>

- Meron, Theodor. "On a Hierarchy of International Human Rights." *American Journal of International Law* 80/1 (January 1986), 1–23. <https://doi.org/10.2307/2202481>
- Michele, LeVoy - Eve , Geddie. *Irregular Migration: Challenges, Limits and Remedies* . 2010. Reprint, Refugee Survey Quarterly, 2010. <https://doi.org/10.1093/rsq/hdq010>
- Mikhail, Denisenko - Vladimir, Mukomel. «LABOR MIGRATION IN RUSSIA DURING THE CORONAVIRUS PANDEMIC». *Демографическое обозрение* 7/5 (2020), 42–62. <https://cyberleninka.ru/article/n/labor-migration-in-russia-during-the-coronavirus-pandemic>
- Mirzazada, Ruslan. *Whether Employment Rights Are Adequately Protected Among The Former Soviet Countries: Eastern Europe, The Caucasus And Asia?* Vytauto Didžiojo universitetas, 2016. <https://gs.elaba.lt/object/elaba:16078776/>
- Molchanov, Mikhail. *The Eurasian Economic Union* (SSRN Scholarly Paper, march 20, 2018 г.). Social Science Research Network. Accessed october 20, 2023. <https://papers.ssrn.com/abstract=4110166>
- Molodikova, Irina. «One Step Forward and Two Steps Back: Migration Policy and Human Trafficking in the Russian Federation since the Palermo Protocol of 2020». *Journal of Human Trafficking* 6/2 (march 14, 2020), 141–155. <https://doi.org/10.1080/23322705.2020.1690101>
- Morrison, Claudio. «Migration, Ethnicity and Solidarity: 'Multinational Workers' in the Former Soviet Union». *British Journal of Industrial Relations* 58/4 (december 2020), 761–784. <https://doi.org/10.1111/bjir.12518>
- Moyce, Sally C. - Schenker, Marc. «Migrant Workers and Their Occupational Health and Safety». *Annual Review of Public Health* 39/1 (april 1, 2018), 351–365. <https://doi.org/10.1146/annurev-publhealth-040617-013714>
- Mukomel', Vladimir. «Xenophobia as a Basis of Solidarity». *Russian Social Science Review* 56/4 (july 4, 2015), 37–51. <https://doi.org/10.1080/10611428.2015.1074011>
- Murphy, Clíodhna. «THE ENDURING VULNERABILITY OF MIGRANT DOMESTIC WORKERS IN EUROPE». *International & Comparative Law Quarterly* 62/3 (2013), 599–627. <https://doi.org/10.1017/S0020589313000195>
- Nafees, Seeni Mohamed M. «Migrant Workers in Malaysia and the Role of the International Labour Organization's Conventions». *Advanced Science Letters* 23/9 (2017), 8979–8983. <https://doi.org/10.1166/asl.2017.10007>
- Nagle, Luz Estella. «Selling Souls: The Effect of Globalization on Human Trafficking and Forced Servitude». *Wisconsin International Law Journal* 26 (2009 2008), 131. <https://heinonline.org/HOL/Page?handle=hein.journals/wisint26&id=133&div=&collection=>
- Nations, United. «International Migration». *United Nations*. Просмотрено 12 октябрь 2023 г. <https://www.un.org/en/global-issues/migration>
- Neshkova, Milena I. «The Impact of Subnational Interests on Supranational Regulation». *Journal of European Public Policy* 17/8 (2010), 1193–1211. <https://doi.org/10.1080/13501763.2010.513572>
- Nicharapova, Jildiz. «Eurasian Economic Union: Integration Organization or Tool for Russian Regional Hegemony? The Case of Participation of the Kyrgyz Republic

- in the EAEU since 2015». *Świat Idei i Polityki* 19/1 (2020), 122–146.
<https://www.ceeol.com/search/article-detail?id=922619>
- Niebuhr, Uri Dadush, Mona. «The Economic Impact of Forced Migration». *Carnegie Endowment for International Peace*. Accessed october 1, 2023.
<https://carnegieendowment.org/2016/04/22/economic-impact-of-forced-migration-pub-63421>
- Nikiforova, Elena - Brednikova, Olga. «On labor migration to Russia: Central Asian migrants and migrant families in the matrix of Russia's bordering policies». *Political Geography* 66 (september 1, 2018), 142–150.
<https://doi.org/10.1016/j.polgeo.2018.04.006>
- Nikita, Lyutov - Svetlana, Golovina. «DEVELOPMENT OF LABOR LAW IN THE EU AND EAEU: HOW COMPARABLE?» *Russian Law Journal* 6/2 (2018), 93–117. <https://cyberleninka.ru/article/n/development-of-labor-law-in-the-eu-and-eaeu-how-comparable>
- Nikita, Lyutov. «Russian law on discrimination in employment: can it be compatible with international labor standards?» *Russian Law Journal* 4/3 (2016), 7–50.
<https://cyberleninka.ru/article/n/russian-law-on-discrimination-in-employment-can-it-be-compatible-with-international-labor-standards>
- Noja, Grația Georgiana et al. «Migrants' Role in Enhancing the Economic Development of Host Countries: Empirical Evidence from Europe.» *Sustainability* 10/3 (March 2018), 894. <https://doi.org/10.3390/su10030894>
- Norov, Sh.Sh. «MIGRATORY PROCEDURES HUMAN RESOURCES IN GLOBALIZATION PROCESS». *Теория и практика современной науки* 8 (74) (2021), 3–5. <https://cyberleninka.ru/article/n/migratory-procedures-human-resources-in-globalization-process>
- Ollus, Natalia. «Forced Flexibility and Exploitation: Experiences of Migrant Workers in the Cleaning Industry». *Nordic Journal of Working Life Studies* 6/1 (march 25, 2016), 25–45. <https://doi.org/10.19154/njwls.v6i1.4908>
- Olsson, Petra Herzfeld. «The Role of Effective Enforcement in International Law on Labour Migration». *International Organizations Law Review* 17/1 (2020), 206–232. <https://doi.org/10.1163/15723747-01701009>
- Orozco, Manuel. «Globalization and Migration: The Impact of Family Remittances in Latin America». *Latin American Politics and Society* 44/2 (july 2002), 41–66.
<https://doi.org/10.1111/j.1548-2456.2002.tb00205.x>
- Østergaard-Nielsen, Eva. «The Politics of Migrants' Transnational Political Practices». *International Migration Review* 37/3 (2003), 760–786.
<https://doi.org/10.1111/j.1747-7379.2003.tb00157.x>
- Palumbo, Letizia - Sciurba, Alessandra. «The Vulnerability to Exploitation of Women Migrant Workers in Agriculture in the EU : The Need for a Human Rights and Gender Based Approach». <https://cadmus.eui.eu/handle/1814/55444>
- Panda, Shilpi Smita - Mishra, Nihar Ranjan. «Factors affecting temporary labour migration for seasonal work: a review». *Management Research Review* 41/10 (january 1, 2018), 1176–1200. <https://doi.org/10.1108/MRR-04-2017-0104>
- Panebianco, Stefania. «The EU and Migration in the Mediterranean: EU Borders' Control by Proxy». *Journal of Ethnic and Migration Studies* 48/6 (2022), 1398–1416. <https://doi.org/10.1080/1369183X.2020.1851468>

- Panizzon, Marion. «Introduction: Conceptualizing a Pluralist Framework for Labour Migration». *The Palgrave Handbook of International Labour Migration: Law and Policy Perspectives*. 1–14. London: Palgrave Macmillan UK, 2015.
https://doi.org/10.1057/9781137352217_1
- Paraskevopoulou, Anna. «Undocumented worker transitions: family migration». *International Journal of Sociology and Social Policy* 31/1/2 (2011), 110–122.
<https://doi.org/10.1108/01443331111104832>
- Patalakh, Artem. «Economic or Geopolitical? Explaining the Motives and Expectations of the Eurasian Economic Union’s Member States». *Fudan Journal of the Humanities and Social Sciences* 11/1 (march 1, 2018), 31–48.
<https://doi.org/10.1007/s40647-017-0191-x>
- Pawlak, Anna . “The Rights of Migrant Workers in the United Nations System,” 129–142. <https://eurofur.eu/wp-content/uploads/2020/10/tr9.pdf>
- Pecoud, Antoine - Guchteneire, Paul de. «Migration, Human Rights and the United Nations: An Investigation into the Obstacles to the UN Convention on Migrant Workers’ Rights». *Windsor Yearbook of Access to Justice* 24 (2006), 241.
<https://heinonline.org/HOL/Page?handle=hein.journals/windyrbaj24&id=251&div=&collection=>
- Pécoud, Antoine. «The UN Convention on Migrant Workers’ Rights and International Migration Management». *Global Society* 23/3 (2009), 333–350.
<https://doi.org/10.1080/13600820902958741>
- Pécoud, Antoine. *The Politics of the UN Convention on Migrant Workers’ Rights* (SSRN Scholarly Paper, 2017). Social Science Research Network. Просмотрено 9 апрель 2024 г. <https://papers.ssrn.com/abstract=3054664>
- Pellegrino, Adela. «Trends in Latin American Skilled Migration: “Brain Drain” or “Brain Exchange”?» *International Migration* 39/5 (january 2001), 111–132.
<https://doi.org/10.1111/1468-2435.00174>
- Penninx , R - Garcés-Mascreñas, B. *The concept of integration as an analytical tool and as a policy concept //Integration processes and policies in Europe: Contexts, levels and actors.*, 2016.
- Petrovskaya, N. E. «The Position and Tasks of International Organizations in the Labor Migration Management».
<https://www.um.edu.mt/library/oar/handle/123456789/51567>
- Peyrouse, Marlene Laruelle, Sebastien. *Globalizing Central Asia: Geopolitics and the Challenges of Economic Development*. New York: Routledge, 2015.
<https://doi.org/10.4324/9781315704036>
- Philip L., Martin. «Managing International Labor Migration in the 21st Century». *South-Eastern Europe Journal of Economics* 1/1 (2003).
<https://ojs.lib.uom.gr/index.php/seeje/article/view/5447>
- Pijnenburg, Annick - Rijken, Conny. “Moving beyond Refugees and Migrants: Reconceptualising the Rights of People on the Move.” *Interventions* 23/2 (February 17, 2021), 273–293. <https://doi.org/10.1080/1369801X.2020.1854107>
- Piper, Nicola - Foley, Laura. «Global Partnerships in Governing Labour Migration: The Uneasy Relationship between the ILO and IOM in the Promotion of Decent Work for Migrants». *Global Public Policy and Governance* 1/3 (september 1, 2021), 256–278. <https://doi.org/10.1007/s43508-021-00022-x>

- Pisillo Mazzeschi, Riccardo. "Protection of Freedom of Movement." *International Human Rights Law: Theory and Practice*. ed. Riccardo Pisillo Mazzeschi. 445–472. Cham: Springer International Publishing, 2021. https://doi.org/10.1007/978-3-030-77032-7_24
- Pivovarov, E. I. «The Eurasian Economic Commission: From Its Origins to the Present». *Herald of the Russian Academy of Sciences* 92/9 (december 1, 2022), 838–851. <https://doi.org/10.1134/S1019331622150084>
- Poletaev, D.V. . *Life and health of labor migrants from Central Asia in Russia in the context of the COVID-19 pandemic //Population and Economics.*, 2022. <https://populationandconomics.pensoft.net/article/90370/download/pdf/>
- Politakis, George. «THE RECOGNITION OF OCCUPATIONAL SAFETY AND HEALTH AS A FUNDAMENTAL PRINCIPLE AND RIGHT AT WORK». *International & Comparative Law Quarterly* 72/1 (2023), 213–232. <https://doi.org/10.1017/S0020589322000446>
- Priebe, Stefan. «Good Practice in Health Care for Migrants: Views and Experiences of Care Professionals in 16 European Countries». *BMC Public Health* 11/1 (december 25, 2011), 187. <https://doi.org/10.1186/1471-2458-11-187>
- Pufong, Marc G. «State Obligation, Sovereignty, and Theories of International Law». *Politics & Policy* 29/3 (2001), 478–519. <https://doi.org/10.1111/j.1747-1346.2001.tb00600.x>
- RAZAK, MUHAMMAD FALIQ ABD - ROHAIDA, NORDIN. *The Right to Health: Discriminatory Treatment against Migrant Workers in Malaysia*, 2018. <https://www.academia.edu/download/91700075/200250854.pdf>
- Rees, Philip. «The Impact of Internal Migration on Population Redistribution: An International Comparison: The Impact of Internal Migration». *Population, Space and Place* 23/6 (august 2017), e2036. <https://doi.org/10.1002/psp.2036>
- Roberts, Sean P. - Moshes, Arkady. «The Eurasian Economic Union: A Case of Reproductive Integration?» *Post-Soviet Affairs* 32/6 (november 2016), 542–565. <https://doi.org/10.1080/1060586X.2015.1115198>
- Rocheva, Anna - Varshaver, Evgeni. *Gender Dimension of Migration from Central Asia to the Russian Federation* (SSRN Scholarly Paper, 2017 r.). Social Science Research Network. Accessed March 12, 2024. <https://doi.org/10.2139/ssrn.3502749>
- Rodríguez-Modroño, Paula и др. «Platform Work in the Domestic and Home Care Sector: New Mechanisms of Invisibility and Exploitation of Women Migrant Workers». *Gender & Development* 30/3 (september 2, 2022), 619–635. <https://doi.org/10.1080/13552074.2022.2121060>
- Rombouts, S. J. «The International Diffusion of Fundamental Labour Standards: Contemporary Content, Scope, Supervision and Proliferation of Core Workers' Rights under Public, Private, Binding, and Voluntary Regulatory Regimes». *Columbia Human Rights Law Review* 50 (2019 2018), 78. <https://heinonline.org/HOL/Page?handle=hein.journals/colhr50&id=862&div=&collection=>
- Round, John - Kuznetsova-Morenko, Irina. «Necropolitics and the Migrant as a Political Subject of Disgust: The Precarious Everyday of Russia's Labour Migrants».

- Politics of Precarity*. 198–223. Brill, 2017.
https://doi.org/10.1163/9789004329706_011
- Ruhs, Martin - Anderson, Bridget. «Semi-compliance and Illegality in Migrant Labour Markets: An Analysis of Migrants, Employers and the State in the UK». *Population, Space and Place* 16/3 (may 2010), 195–211.
<https://doi.org/10.1002/psp.588>
- Ruhs, Martin. “The Human Rights of Migrant Workers: Why Do so Few Countries Care?” *American Behavioral Scientist* 56/9 (September 2012), 1277–1293.
<https://doi.org/10.1177/0002764212443815>
- Ruiz, Isabel - Vargas-Silva, Carlos. «The Economics of Forced Migration». *Journal of Development Studies* 49/6 (june 2013), 772–784.
<https://doi.org/10.1080/00220388.2013.777707>
- Ryabichenko , Tatiana - Lebedeva , Nadezhda. «Assimilation or integration: similarities and differences between acculturation attitudes of migrants from Central Asia and Russians in Central Russia». *Psychology in Russia: State of the art* 9/1 (2016), 98–111. <https://cyberleninka.ru/article/n/assimilation-or-integration-similarities-and-differences-between-acculturation-attitudes-of-migrants-from-central-asia-and-russians-in>
- Ryazantsev, Sergey - Korneev, Oleg. «Russia and Kazakhstan in Eurasian Migration System : Development Trends, Socio-Economic Consequences of Migration and Approaches to Regulation». <https://cadmus.eui.eu/handle/1814/29930>
- S., Brahma - S., Paul . *Human Rights of Women Migrants*. 2020. Reprint, © Springer Nature Switzerland AG 2020; W. Leal Filho et al. (eds.), Gender Equality, Encyclopedia of the UN Sustainable Development Goals, 2020.
https://www.researchgate.net/profile/Salvin-Paul/publication/348842963_Human_Rights_of_Women_Migrants/links/602230fe4585158939902558/Human-Rights-of-Women-Migrants.pdf
- Sagynbekova, Lira. *International Labour Migration in the Context of the Eurasian Economic Union: Issues and Challenges of Kyrgyz Migrants in Russia* (SSRN Scholarly Paper, 2017 г.). Social Science Research Network. Accessed october 18, 2023. <https://doi.org/10.2139/ssrn.3023259>
- Salmen-Navarro, Acran. «Epidemiology of Migrant Workers’ Occupational Health: A Perspective from Three Regions». *Current Opinion in Epidemiology and Public Health* 1/1 (november 2022), 25–31.
<https://doi.org/10.1097/PXH.0000000000000007>
- Saltybayev, Yerzhan - Parkhomchik, Lidiya. «The Eurasian Idea of Nursultan Nazarbayev». *Regional Integration and Future Cooperation Initiatives in the Eurasian Economic Union*. 193–208. IGI Global, 2020.
<https://doi.org/10.4018/978-1-7998-1950-9.ch011>
- Samokhvalov , I.Y. «COUNTERING MIGRATION LEGISLATION VIOLATIONS AS A MODERN THREAT O NATIONAL SECURITY». *Пениitenciарная наука* 15/1 (2021), 162–170. <https://cyberleninka.ru/article/n/countering-migration-legislation-violations-as-a-modern-threat-o-national-security>
- Sanchez, Gabriella. «Critical Perspectives on Clandestine Migration Facilitation: An Overview of Migrant Smuggling Research». *Journal on Migration and Human Security* 5/1 (март 2017), 9–27. <https://doi.org/10.1177/233150241700500102>

- Schaeffer, Peter V. - Mack, Richard S. «The Conceptual Foundations of the New International Division of Labor». *Journal of Planning Literature* 12/1 (august 1997), 3–15. <https://doi.org/10.1177/088541229701200101>
- Schneider, Friedrich. *The Shadow Economy and Shadow Economy Labor Force: What Do We (Not) Know?* (SSRN Scholarly Paper, june 20, 2011). Social Science Research Network. Accessed october 5, 2023. <https://doi.org/10.2139/ssrn.1867038>
- Schweitzer, Reinhard. «A Stratified Right to Family Life? On the Logic(s) and Legitimacy of Granting Differential Access to Family Reunification for Third-Country Nationals Living within the EU». *Journal of Ethnic and Migration Studies* 41/13 (2015), 2130–2148. <https://doi.org/10.1080/1369183X.2015.1037256>
- Servais, Jean-Michel. «International Labour Law», 1–416. <https://www.torrossa.com/en/resources/an/5393272>
- Shestack, Jerome J. «The Philosophic Foundations of Human Rights.» *Human Rights Quarterly* 20/2 (1998), 201–234. <https://www.jstor.org/stable/762764>
- Shlapentokh, Dmitry. «Tajikistan, Russia and Migrant Workers». <https://scholarworks.iu.edu/dspace/handle/2022/20574>
- Shlapentokh, Dmitry. «Tajikistan, Russia and Migrant Workers». <https://scholarworks.iu.edu/dspace/handle/2022/20574>
- Siebert, Horst. «Labor Market Rigidities: At the Root of Unemployment in Europe». *Journal of Economic Perspectives* 11/3 (1997), 37–54. <https://doi.org/10.1257/jep.11.3.37>
- Siebert, Horst. «Labor Market Rigidities: At the Root of Unemployment in Europe». *Journal of Economic Perspectives* 11/3 (september 1997), 37–54. <https://doi.org/10.1257/jep.11.3.37>
- Simon, Judit и др. «DEFINITIONS OF LABOUR MIGRANTS». *Public Health Aspects of Migrant Health: A Review of the Evidence on Health Status for Labour Migrants in the European Region*. WHO Regional Office for Europe, 2015. <https://www.ncbi.nlm.nih.gov/books/NBK379428/>
- Smirnova, Maria. «The Role of International Human Rights Mechanisms in Strengthening Justiciability of the Right to Education in the Russian Federation». *International Journal for Education Law and Policy (IJELP)* 11 (2015 г.), 81. <https://heinonline.org/HOL/Page?handle=hein.journals/ijelp11&id=81&div=&collection=>
- Sohn, Louis B. «Generally Accepted International Rules». *Washington Law Review* 61 (1986), 1073. <https://heinonline.org/HOL/Page?handle=hein.journals/washlr61&id=1085&div=&collection=>
- Solimano, Andrés. *The International Mobility of Talent: Types, Causes, and Development Impact*. OUP Oxford, 2008.
- Song, Yue. *Children of Migrant Workers in Urban High Schools: An Analysis of the Dual Role of Education*. University of Glasgow, PhD, 2018. <https://eleanor.lib.gla.ac.uk/record=b3312960>

- Sonnenfeld, Jeffrey et al. *Business Retreats and Sanctions Are Crippling the Russian Economy* (SSRN Scholarly Paper, July 19, 2022). Social Science Research Network. Accessed October 16, 2023. <https://doi.org/10.2139/ssrn.4167193>
- Sookrajowa, Sheetal Sheena - Josen, Michael Bernard Claudius. «An Analysis of the Challenges and Implications of the UN Migrant Workers Convention: The Case of Mauritius». *Migration and Development* 7/2 (2018), 262–281. <https://doi.org/10.1080/21632324.2017.1419544>
- Stahl, Charles W. «Theories of International Labor Migration: An Overview». *Asian and Pacific Migration Journal* 4/2–3 (june 1995), 211–232. <https://doi.org/10.1177/011719689500400203>
- Stalker, Peter. *Workers Without Frontiers: The Impact of Globalization on International Migration*. International Labour Organization, 2000.
- Stefanie , Grant - Beth , Lyon. *INDIRECT SUCCESS? THE IMPACT AND USE OF THE ICRMW IN OTHER UN FORA*, 6. д. <https://osf.io/preprints/lawarchive/chdap>
- Stephen, Castles. «Why Migration Policies Fail». *Ethnic and Racial Studies* 27/2 (march 2004), 205–227. <https://doi.org/10.1080/0141987042000177306>
- Subramaniam, Vijayalakshmi. «Early Theories of Labor and ILO’s Decent Work Agenda: Lessons for the Digital Age. | IUP Law Review | EBSCOhost». 2022. Accessed April 8, 2024. <https://openurl.ebsco.com/contentitem/gcd:159776744?sid=ebsco:plink:crawler&id=ebsco:gcd:159776744>
- Swepston, Lee. «Human Rights Law and Freedom of Association: Development through ILO Supervision». *International Labour Review* 137 (1998), 169. <https://heinonline.org/HOL/Page?handle=hein.journals/intlr137&id=178&div=&collection=>
- Tapiola, Kari - Swepston, Lee. “The Ilo and the Impact of Labor Standards: Working on the Ground after an Ilo Commission of Inquiry.” *Stanford Law and Policy Review* 21 (2010), 513. <https://heinonline.org/HOL/Page?handle=hein.journals/stanlp21&id=519&div=&collection=>
- Tapiola, Kari. “What Happened to International Labour Standards and Human Rights at Work?” *International Labour Organization and Global Social Governance*. ed. Tarja Halonen - Ulla Liukkunen. 51–78. Cham: Springer International Publishing, 2021. https://doi.org/10.1007/978-3-030-55400-2_3
- Taran, Patrick A. “Human Rights of Migrants: Challenges of the New Decade.” *International Migration* 38/6 (January 2001), 7–51. <https://doi.org/10.1111/1468-2435.00141>
- Taran, Patrick A. «Human Rights of Migrants: Challenges of the New Decade». *International Migration* 38/6 (january 2001), 7–51. <https://doi.org/10.1111/1468-2435.00141>
- Taryn , Lesser. *The Role of United Nations Special Procedures in Protecting the Human Rights of Migrants*. Refugee Survey Quarterly, Volume 28, Issue 4, 2009, 2010. <https://doi.org/10.1093/rsq/hdq007>
- Tetruashvily, Esther. «How Did We Become Illegal?: Impacts of Post-Soviet Shifting Migration Politics on Labor Migration Law in Russia». *Region: Regional Studies*

- of Russia, Eastern Europe, and Central Asia 1/1 (march 19, 2012), 53–73.
<https://doi.org/10.1353/reg.2012.0008>
- Thomann, Lars. «The ILO and Compliance». *Steps to Compliance with International Labour Standards: The International Labour Organization (ILO) and the Abolition of Forced Labour*. Lars Thomann. 65–183. Wiesbaden: VS Verlag für Sozialwissenschaften, 2012. https://doi.org/10.1007/978-3-531-93124-1_4
- Topilin, A. V. - Vorob'eva, O. D. «The Demographic Situation and Features of the Formation of Labor Resources in Russia». *Herald of the Russian Academy of Sciences* 91/5 (september 1, 2021), 557–564.
<https://doi.org/10.1134/S1019331621050087>
- Toruńczyk-Ruiz, Sabina - Brunarska, Zuzanna. «Through Attachment to Settlement: Social and Psychological Determinants of Migrants' Intentions to Stay». *Journal of Ethnic and Migration Studies* 46/15 (september 17, 2020), 3191–3209.
<https://doi.org/10.1080/1369183X.2018.1554429>
- Trenin, Dmitri. «Russia and Central Asia: Interests, Policies, and Prospects». *Central Asia: Views from Washington, Moscow, and Beijing*. Routledge, 2007.
- Tsibulina, Anna N. «Labour Mobility in the Eurasian Economic Union: New Opportunities and Challenges». *The Economic Dimension of Eurasian Integration*. под ред. Natalia A. Piskulova. 175–188. Cham: Springer International Publishing, 2021. https://doi.org/10.1007/978-3-030-59886-0_9
- Tzehainesh , Teklè. *The Contribution of the ILO's International Labour Standards System to the European Court of Human Rights' Jurisprudence in the Field of Non-Discrimination* . 2019. Reprint, Industrial Law Journal, Volume 49, 2020.
<https://academic.oup.com/ilj/article-abstract/49/1/86/5553843>
- Usenkov, Ivan - Morozov, Igor. «Enforceability of ECtHR Judgements in Russia: Alternatives of Interaction Between Jurisdictions». *SHS Web of Conferences* 50 (2018), 01192. <https://doi.org/10.1051/shsconf/20185001192>
- Vicari, Madalina Sisu. «The Eurasian Economic Union- Approaching the Economic Integration in the Post-Soviet Space by EU-Emulated Elements». *Revue Interventions Économiques. Papers in Political Economy* 55 (june 29, 2016).
<https://doi.org/10.4000/interventionseconomiques.2823>
- Vinokurov, Evgeny. «Eurasian Economic Union: Current state and preliminary results». *Russian Journal of Economics* 3/1 (march 1, 2017), 54–70.
<https://doi.org/10.1016/j.ruje.2017.02.004>
- Wadhia, Shoba Sivaprasad. «The Role of Prosecutorial Discretion in Immigration Law». *Connecticut Public Interest Law Journal* 9 (2010 2009), 243.
<https://heinonline.org/HOL/Page?handle=hein.journals/cpilj9&id=249&div=&collection=>
- Wang, Zhongmin - Jing, Xinlin. «Job Satisfaction Among Immigrant Workers: A Review of Determinants». *Social Indicators Research* 139/1 (2018), 381–401.
<https://doi.org/10.1007/s11205-017-1708-z>
- Wickramasekara, Piyasiri. «Globalisation, International Labour Migration and the Rights of Migrant Workers». *Globalisation and Migration*. Routledge, 2009.
- Wickramasekara, Piyasiri. *Labour Migration in South Asia: A Review of Issues, Policies and Practices* (SSRN Scholarly Paper, 2011). Social Science Research Network. Accessed April 3, 2024. <https://doi.org/10.2139/ssrn.1913316>

- Wisskirchen, Alfred. «The Standard-Setting and Monitoring Activity of the ILO: Legal Questions and Practical Experience». *International Labour Review* 144 (2005), 253.
<https://heinonline.org/HOL/Page?handle=hein.journals/intlr144&id=263&div=&collection=>
- Yakovleva, Elena и др. «Economic Development of Russia under the Influence of Migration Processes». 77–85. Atlantis Press, 2019. <https://doi.org/10.2991/ies-18.2019.47>
- Yakubov, Oybek. «Significance And Principles Of The Trips Agreement In The Legal System Of World Trade Organization Agreements». *The Peerian Journal* 9 (2022), 65–69. <https://peerianjournal.com/index.php/tpj/article/view/299>
- Yang, Shangguang - Wang, Danyang. «Overview and Characteristics of International Urban Migration». *Urban Migration and Public Governance in China: A Case Study of Shanghai*. Edited by Shangguang Yang - Danyang Wang. 9–22. Public Economy and Urban Governance in China. Singapore: Springer Nature, 2023. https://doi.org/10.1007/978-981-99-4052-3_2
- Ypi, Lea. «A Permissive Theory of Territorial Rights». *European Journal of Philosophy* 22/2 (2014), 288–312. <https://doi.org/10.1111/j.1468-0378.2011.00506.x>
- Zhang, Xiao. «How Can Emerging Market Small and Medium-Sized Enterprises Maximise Internationalisation Benefits? The Moderating Effect of Organisational Flexibility». *International Small Business Journal: Researching Entrepreneurship* 32/6 (september 2014), 667–692. <https://doi.org/10.1177/0266242613503356>
- Zotova, Natalia et al. “Worry, Work, Discrimination: Socioecological Model of Psychological Distress among Central Asian Immigrant Women in Russia.” *SSM - Mental Health* 1 (December 1, 2021), 100011. <https://doi.org/10.1016/j.ssmmh.2021.100011>

3. Electronic Sources

- «A history of migration | Striking Women». Просмотрено 20 сентябрь 2023 г.
<https://www.striking-women.org/module/migration/history-migration>
- «Affecting International Migration Trends through a Multi-Faceted Policy: Kazakhstan within Central Asia and the EAEU». *Studia Politica. Romanian Political Science Review* 20/2 (2020 г.), 223–243. <https://www.ceeol.com/search/article-detail?id=900200>
- «Article 24/26 cases». Accessed April 14, 2024.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50012:0::NO::P50012_COMPLAINT_PROCEDURE_ID,P50012_LANG_CODE:3058940,en
- «C097 - Migration for Employment Convention (Revised), 1949 (No. 97)». Accessed october 12, 2023 г.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C097,/Document

- «Chapter 1. The Fundamentals of the Constitutional System | The Constitution of the Russian Federation». Accessed April 22, 2024.
<http://www.constitution.ru/en/10003000-02.htm>
- «Chapter 2. Rights and Freedoms of Man And Citizen | The Constitution of the Russian Federation». Accessed March 12, 2024. <http://www.constitution.ru/en/10003000-03.htm>
- «Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)». Accessed October 12, 2023.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143
- «Forced migration processes and global refugees at the borders of Europe in Ukraine - ProQuest». Accessed April 1, 2024.
<https://www.proquest.com/openview/93e996dfddb2db16b3b68ab941f67596/1?pq-origsite=gscholar&cbl=18750>
- «Immigrants Are Now a Record Share of U.S. Workers. Here's What to Know. - CBS News». May 26, 2023. Accessed October 10, 2023.
<https://www.cbsnews.com/news/immigrants-record-share-of-u-s-workers-heres-what-to-know/>
- «Implementation of the constitutional right to judicial protection in the state languages of the subject so the Russian Federation - ProQuest». Accessed October 25, 2023.
<https://www.proquest.com/openview/25f4d679956a1fe90ccb74b1ee9256e4/1?pq-origsite=gscholar&cbl=4400984>
- «International Organizations - European Convention on the Legal Status of Migrant Workers.» Accessed October 12, 2023.
https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=67235&p_country=ORG&p_count=228
- «Judgment of 10 December 1985 | INTERNATIONAL COURT OF JUSTICE». Просмотрено 14 апрель 2024 г. <https://www.icj-cij.org/node/103145>
- «Labour Migration». Accessed September 25, 2023. https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/labour-migration_en
- «Labour Migration». Accessed September 25, 2023. https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/labour-migration_en
- «Official Website of the Government of the Russian Federation / The Russian Government». Accessed March 14, 2024.
<http://archive.government.ru/eng/gov/base/54.html>
- «Papers Relating to the Foreign Relations of the United States, The Paris Peace Conference, 1919, Volume XIII - Office of the Historian». Accessed April 8, 2024. <https://history.state.gov/historicaldocuments/frus1919Parisv13/ch22subch2>
- «Ratifications of ILO conventions: Ratifications by Convention». Accessed April 8, 2024.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312242
- «Recommendation R086 - Migration for Employment Recommendation (Revised), 1949 (No. 86)». Accessed April 3, 2024.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312424

«Recommendation R100 - Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)». Accessed April 1, 2024.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R100

«Recommendation R151 - Migrant Workers Recommendation, 1975 (No. 151)». Accessed April 3, 2024.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312489

«Resolution Concerning a Fair Deal for Migrant Workers in a Global Economy». Document. 2012. Accessed April 19, 2024.
http://www.ilo.org/global/topics/labour-migration/WCMS_178658/lang-en/index.htm

«Search Results history of property». Accessed September 20, 2023.
<https://www.eh.net/page/13/?s=history+of+property>

«Search Results history of property». Accessed September 20, 2023.
<https://www.eh.net/page/13/?s=history+of+property>

«Suspension and Expulsion of States from International Organisations: Analysis of the Vienna Convention on the Law of Treaties and of the Practice at the United Nations and the Council of Europe | Think Tank | European Parliament». Accessed March 14, 2024.
[https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2023\)751410](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2023)751410)

«The international convention on the protection of the rights of all migrant workers and members of their families: A new human rights instrument». Accessed April 13, 2024. https://ibn.idsi.md/vizualizare_articol/15836

«United Nations Treaty Collection». Accessed April 1, 2024.
https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=_en&mtdsg_no=IV-13&src=TREATY

«What Is a Refugee? Definition and Meaning | USA for UNHCR». Accessed october 14, 2023. <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>

European Convention on the Legal Status of Migrant Workers. 1977. Reprint, Strasbourg, 24.XI., 1977. <https://rm.coe.int/1680077323>

<https://webarchive.nationalarchives.gov.uk/eu-exit/https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01968R1612-20040430>. «Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on Freedom of Movement for Workers within the Community (Repealed)». Text. Accessed April 1, 2024.
<https://www.legislation.gov.uk/eur/1968/1612/body/2004-04-30>

Human rights report of ADC Memorial. 2016. «The Rights of Migrant Workers from Former Soviet Countries: Real-Life Challenges and Unfulfilled Obligations | ADC „Memorial“», 2016. <https://adcmemorial.org/en/publications/the-rights-of-migrant-workers-from-former-soviet-countries-real-life-challenges-and-unfulfilled-obligations/>

ILO DECLARATION OF PHILADELPHIA,.
<https://www.ilo.org/static/english/inwork/cb-policy-guide/declarationofPhiladelphia1944.pdf>

- ILO Global Estimates on International Migrant Workers*. Executive summary-Third edition. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_808939.pdf
- International Justice Resource Center. «Committee on Migrant Workers», 2014. <https://ijrcenter.org/un-treaty-bodies/committee-on-migrant-workers/>
- Recommendations on Statistics of International Migration*. Series M., No 58, Rev.1. 1998. Reprint, United Nations. New York: Department of Social and Economic Affairs, 1998. https://unstats.un.org/unsd/publication/seriesm/seriesm_58rev1e.pdf
- Refugees, United Nations High Commissioner for. «Refworld | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». *Refworld*. Accessed october 12, 2023. <https://www.refworld.org/docid/3ae6b3980.html>
- Refugees, United Nations High Commissioner for. «Refworld | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». *Refworld*. Accessed October 12, 2023. <https://www.refworld.org/docid/3ae6b3980.html>
- Refworld. «Convention on the Rights of the Child». Accessed April 19, 2024. <https://www.refworld.org/legal/agreements/unga/1989/en/18815>
- Refworld. «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families». Accessed April 9, 2024. <https://www.refworld.org/legal/agreements/unga/1990/en/27627>
- Refworld. «International Covenant on Civil and Political Rights». Accessed April 24, 2024. <https://www.refworld.org/legal/agreements/unga/1966/en/17703>
- UNHCR. «Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)». Accessed April 19, 2024. <https://www.unhcr.org/media/convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment-1984>
- UNHCR. «Global Trends». Accessed April 19, 2024. <https://www.unhcr.org/global-trends>
- UNHCR. «Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime». Accessed April 19, 2024. <https://www.unhcr.org/media/protocol-prevent-suppress-and-punish-trafficking-persons-especially-women-and-children-1>
- UNHCR. «The 1951 Refugee Convention». Accessed April 1, 2024. <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>
- United Nations. «International Migration». *United Nations*. Accessed october 12, 2023. <https://www.un.org/en/global-issues/migration>

4. Laws, Treaties, and Other Legislation

- African Charter on Human and Peoples' Rights (1981)
- Agreement between the Russian Federation and the Republic of Belarus on ensuring equal rights of citizens of the Russian Federation and the Republic of Belarus to

freedom of movement, choice of place of stay and residence in the territories of the States members of the Union State (2006)

C181 -Private Employment Agencies Convention, 1997(No.181)

Charter of the Collective Security Treaty Organization (2002)

Charter of the Commonwealth of Independent States (1993)

CIS Agreement on Cooperation in the Field of Labor Migration and Social Protection of Migrant Workers of 1994 (with amendments and additions in 2005)

Code of Administrative Offenses of the Russian Federation (2001)

Constitution of the Kyrgyz Republic (2021)

Constitution of the Republic of Tajikistan (1994)

Constitution of the Republic of Uzbekistan (1992)

Constitution of the Russian Federation (1993)

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

Convention on Legal Status of Migrant Workers and Members of their Families of the State Parties of the Commonwealth of Independent States (2008)

Convention on the Elimination of All Forms of Discrimination Against Women (1979)

Convention on the Prevention and Punishment of the Crime of Genocide (1948)

Convention on the Rights of Persons with Disabilities (2006)

Convention on the Rights of the Child (1989)

Convention Relating to the Status of Refugees (1951)

Criminal Code of the Russian Federation (1996)

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)

Declaration on the Protection of All Persons from Enforced Disappearance (2006)

Declaration on the Right to Development (1986)

Declaration on the Rights of Indigenous Peoples (2007)

European Code of Social Security (1952)

European Convention on Establishment (ETS No. 019) (1955)

European Convention on Human Rights (1950)

European Convention on Social and Medical Assistance (1953)

European Convention on the Legal Status of Migrant Workers (1977)

Federal Law On International Treaties of the Russian Federation (1995)

Federal Law On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation (2006)

Federal Law On the Legal Status of Foreign Citizens in the Russian Federation (2002)

Global Compact for Safe, Orderly, and Regular Migration (2018)

ILO . 1919. " Recommendation No. 2 “On Reciprocity in the Field of Attitudes towards Foreign Workers” ." The ILO General Conference in 1919. International Labour Organization.

ILO Convention No. 100 - Equal Remuneration Convention (1951)

ILO Convention No. 105 - Abolition of Forced Labor Convention (1957)

ILO Convention No. 111 - Discrimination (Employment and Occupation) Convention (1958)

ILO Convention No. 138 - Minimum Age Convention (1973)

ILO Convention No. 143 - Migrant Workers (Supplementary Provisions) Convention (1975)
 ILO Convention No. 182 - Worst Forms of Child Labor Convention (1999)
 ILO Convention No. 189 - Domestic Workers Convention (2011)
 ILO Convention No. 29 - Forced Labor Convention (1930)
 ILO Convention No. 87 - Freedom of Association and Protection of the Right to Organise Convention (1948)
 ILO Convention No. 97 - Migration for Employment Convention (Revised) (1949)
 ILO Declaration on Fundamental Principles and Rights at Work (1998)
 ILO Multilateral Framework on Labor Migration (2006)
 Instrument for the Amendment of the Constitution of the International Labor Organization (1946)
 International Convention for the Protection of All Persons from Enforced Disappearance (2006)
 International Convention on the Elimination of All Forms of Racial Discrimination (1965)
 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
 International Covenant on Civil and Political Rights (1966)
 International Covenant on Economic, Social and Cultural Rights (1966)
 Labor Code of the Russian Federation (2001)
 Protocol on the provision of medical care to workers of member states and family members (Annex 30 to the Treaty on the Eurasian Economic Union)
 Recommendation of the EEC Board on ensuring freedom of movement of labor in the Eurasian Economic Union in the context of pandemics dated December 21, 2021 No. 31
 Recommendation of the EEC Board on improving the approaches of member states of the Eurasian Economic Union in the field of regulating labor migration within the Union dated February 14, 2023 No. 5
 Recommendation of the EEC Board on some issues of cooperation in the field of regulating labor migration within the Eurasian Economic Union dated June 29, 2021 No. 14
 Recommendation of the EEC Board on the conclusion of bilateral international treaties in the field of migration between member states of the Eurasian Economic Union dated October 25, 2016 No. 18
 Rome Statute of the International Criminal Court (1998)
 The American Declaration of the Rights and Duties of Man (1948)
 Treaty of Rome establishing the European Economic Community (1967)
 Treaty on the Eurasian Economic Union (2014)
 United Nations Charter (1945)
 Universal Declaration of Human Rights (1948)
 Vienna Declaration and Programme of Action (1993)

5. Russian Sources

- Абдулхакимов, Р. - Шовалиев, С. «Основная проблема трудовых мигрантов в России - невыплата заработной платы работодателем». *Евразийская интеграция: экономика, право, политика* 15 (2014 г.), 83–86.
<https://cyberleninka.ru/article/n/osnovnaya-problema-trudovyh-migrantov-v-rossii-nevyplata-zarabotnoy-platy-rabotodatelem>
- Абдурахманова, Дадабаева Зарина. «Особенности интеграции трудовых мигрантов из Средней Азии в современное российское общество». *Россия и современный мир* 2 (79) (2013 г.), 115–126.
<https://cyberleninka.ru/article/n/osobennosti-integratsii-trudovyh-migrantov-iz-sredney-azii-v-sovremennoe-rossiyskoe-obschestvo>
- Буньковский, Д. В. . «Теневая экономика: анализ развития». *Вестник Восточно-Сибирского института МВД России* 4 (75) (2015 г.), 107–116.
<https://cyberleninka.ru/article/n/tenevaya-ekonomika-analiz-razvitiya>
- Викторова, Полякова Наталья. «МИГРАЦИОННЫЙ УЧЕТ ИНОСТРАННЫХ ГРАЖДАН И ЛИЦ БЕЗ ГРАЖДАНСТВА В РОССИЙСКОЙ ФЕДЕРАЦИИ: ПРОБЛЕМЫ И ПЕРСПЕКТИВЫ ПРАВОВОГО РЕГУЛИРОВАНИЯ». *Вестник Воронежского института МВД России* 2 (2022 г.), 238–243.
<https://cyberleninka.ru/article/n/migratsionnyy-uchet-inostrannyh-grazhdan-i-lits-bez-grazhdanstva-v-rossiyskoy-federatsii-problemy-i-perspektivy-pravovogo>
- Денисенко, М.Б и др. «Иммиграционная политика в Российской Федерации и странах Запада». *Научные труды Фонда «Институт экономической политики им. Е. Т. Гайдара»* 61 (2003 г.), 1–309.
<https://cyberleninka.ru/article/n/immigratsionnaya-politika-v-rossiyskoy-federatsii-i-stranah-zapada>
- Жаркынбаева, Роза. «Особенности демографического развития Центрально-Азиатского региона в период независимости». *Центральная Азия и Кавказ* 14/4 (2011 г.), 75–82. <https://cyberleninka.ru/article/n/osobennosti-demograficheskogo-razvitiya-tsentralno-aziatskogo-regiona-v-period-nezavisimosti>
- Зозуля, И. В. «ПРОБЛЕМНЫЕ ВОПРОСЫ ТРУДОВОЙ МИГРАЦИИ В РОССИЙСКИХ РЕАЛИЯХ». *Экономика и социум* 3 (34) (2017 г.), 660–673.
<https://cyberleninka.ru/article/n/problemnye-voprosy-trudovoy-migratsii-v-rossiyskih-realiiyah>
- Ивановский, А.В. «Дифференцирование и подбор иностранной рабочей силы в строительной отрасли Иркутской области». *Экономика и управление в XXI веке: тенденции развития* 9 (2013 г.), 134–140.
<https://cyberleninka.ru/article/n/differentsirovanie-i-podbor-inostrannoy-rabochey-sily-v-stroitelnoy-otrosl-irkutskoy-oblasti>
- Пехтерева, Елена Александровна. «ПАССАЖИРСКИЕ АВИАПЕРЕВОЗКИ В ПЕРИОД ПАНДЕМИИ COVID-19». *Экономические и социальные проблемы России* 3 (47) (2021 г.), 13–36.
<https://cyberleninka.ru/article/n/passazhirskie-aviaperevozki-v-period-pandemii-covid-19>
- Рязанцев, Сергей Васильевич и др. «ВЛИЯНИЕ ПАНДЕМИИ COVID-19 НА ПОЛОЖЕНИЕ МИГРАНТОВ НА РЫНКАХ ТРУДА СТРАН СНГ». *Балтийский регион* 12/4 (2020 г.), 10–38.

- <https://cyberleninka.ru/article/n/vliyanie-pandemii-covid-19-na-polozhenie-migrantov-na-rynkah-truda-stran-sng>
- Сергеевна, Жулева Мария. «ПРОБЛЕМЫ ТРУДОВОЙ МИГРАЦИИ В СОВРЕМЕННОЙ РОССИИ». *Известия высших учебных заведений. Социология. Экономика. Политика* 2 (2014 г.), 14–16.
<https://cyberleninka.ru/article/n/problemey-trudovoy-migratsii-v-sovremennoy-rossii>
- Черевичко, Т. В. «Глобализация и современная миграция трудовых ресурсов». *Известия Саратовского университета. Новая серия. Серия Экономика. Управление. Право* 9 (2009 г.), 16–22.
<https://cyberleninka.ru/article/n/globalizatsiya-i-sovremennaya-migratsiya-trudovyh-resursov>
- Чеховских, Т.Д. «Миграция населения стран Центральной Азии в Россию: проблемы и пути решения». *Международный научно-исследовательский журнал* 4-2 (82) (2019 г.), 128–132. <https://cyberleninka.ru/article/n/migratsiya-naseleniya-stran-tsentralnoy-azii-v-rossiyu-problemy-i-puti-resheniya>
- Чечурин, Н.А. «АДМИНИСТРАТИВНО-ПРАВОВОЙ СТАТУС ИНОСТРАННЫХ ГРАЖДАН». *Вестник науки* 2/6 (51) (2022 г.), 171–182.
<https://cyberleninka.ru/article/n/administrativno-pravovoy-status-inostrannyh-grazhdan>
- Шапкина, А.Ю. «Международная миграция трудящихся: современные правовые проблемы». *Вестник Московского университета. Серия 11. Право* 3 (2011 г.), 65–75. <https://cyberleninka.ru/article/n/mezhdunarodnaya-migratsiya-trudyaschihsya-sovremennye-pravovye-problemy>
- Шевченко, Н и др. «Особенности внешней трудовой миграции на территории Белгородской области». *Вестник Воронежского государственного университета инженерных технологий* 2 (68) (2016 г.), 339–345.
<https://cyberleninka.ru/article/n/osobennosti-vneshney-trudovoy-migratsii-na-territorii-belgorodskoy-oblasti>
- Эргешбаев, У.Ж. «Современная трудовая миграция населения стран Центральной Азии в Россию». *Экономика. Информатика* 10–1/7 (62) (2009 г.).
<https://cyberleninka.ru/article/n/sovremennaya-trudovaya-migratsiya-naseleniya-stran-tsentralnoy-azii-v-rossiyu>
- Бессарабов, Владимир Григорьевич. «Деятельность Российской прокуратуры по осуществлению прокурорского надзора в сфере миграции». *Вестник Российского университета дружбы народов. Серия: Юридические науки* 1 (2013 г.), 47–55. <https://cyberleninka.ru/article/n/deyatelnost-rossiyskoy-prokuratury-po-osuschestvleniyu-prokurorskogo-nadzora-v-sfere-migratsii>
- Блинов, Алексей Борисович. «Администрация Президента Российской Федерации». *Труды Института государства и права Российской академии наук* 5 (2011 г.), 57–66. <https://cyberleninka.ru/article/n/administratsiya-prezidenta-rossiyskoy-federatsii>
- Валентиновна, Браткова Валерия и др. «АНАЛИЗ ДЕМОГРАФИЧЕСКОЙ СИТУАЦИИ В СОВРЕМЕННОЙ РОССИИ». *Вестник экспертного совета* 1 (24) (2021 г.), 76–81. <https://cyberleninka.ru/article/n/analiz-demograficheskoy-situatsii-v-sovremennoy-rossii>

- Воронина, Н.А. «Правовые механизмы защиты прав мигрантов в Российской Федерации». *Труды Института государства и права Российской академии наук* 3 (55) (2016 г.), 171–195. <https://cyberleninka.ru/article/n/pravovye-mehanizmy-zaschity-prav-migrantov-v-rossiyskoy-federatsii>
- Гайворонская, Л. В. «ИСТОРИЧЕСКИЙ АНАЛИЗ ВЗАИМООТНОШЕНИЙ С ЕСПЧ | German International Journal of Modern Science / Deutsche Internationale Zeitschrift für Zeitgenössische Wissenschaft | EBSCOhost». 1 январь 2023 г. Просмотрено 10 март 2024 г. <https://doi.org/10.5281/zenodo.7541078>
- Галушкин, Александр Александрович - Илда, Каса. «Актуальные вопросы правового положения иностранных граждан в Российской Федерации». *Вестник Российского университета дружбы народов. Серия: Юридические науки* 4 (2013 г.), 125–133. <https://cyberleninka.ru/article/n/aktualnye-voprosy-pravovogo-polozheniya-inostrannyh-grazhdan-v-rossiyskoy-federatsii>
- Гарифуллин, Р. - Аминов, И. «ПОСЛЕДСТВИЯ ВЫХОДА РОССИИ ИЗ СОВЕТА ЕВРОПЫ». *Образование и право* 5 (2022 г.), 36–41. <https://cyberleninka.ru/article/n/posledstviya-vyhoda-rossii-iz-soveta-evropy>
- Зарубин, Д. «О НЕПОСРЕДСТВЕННОМ ДЕЙСТВИИ КОНВЕНЦИЙ МОТ В ПРАВОВОЙ СИСТЕМЕ РОССИЙСКОЙ ФЕДЕРАЦИИ». *Электронное приложение к Российскому юридическому журналу* 1 (2022 г.), 12–20. <https://cyberleninka.ru/article/n/o-neposredstvennom-deystvii-konventsiiy-mot-v-pravovoy-sisteme-rossiyskoy-federatsii>
- Зуйков, Антон Владимирович. «О ПРОШЛОМ ДЛЯ БУДУЩЕГО: СТАНОВЛЕНИЕ АДМИНИСТРАЦИИ ПРЕЗИДЕНТА РОССИИ». *Сравнительное конституционное обозрение* 6 (85) (2011 г.), 33–53. <https://cyberleninka.ru/article/n/o-proshlom-dlya-buduschego-stanovlenie-administratsii-prezidenta-rossii>
- Кашепов, А.В. «Перспективные позиции России в мире в демографическом и трудовом измерениях». *Контуры глобальных трансформаций: политика, экономика, право* 3/3 (2010 г.), 45–56. <https://cyberleninka.ru/article/n/perspektivnye-pozitsii-rossii-v-mire-v-demograficheskom-i-trudovom-izmereniyah>
- Кирсанов, Алексей Юрьевич. «ИНСТИТУТЫ ГРАЖДАНСКОГО ОБЩЕСТВА В РОССИЙСКОЙ ФЕДЕРАЦИИ». *Вестник Московского университета МВД России* 8 (2020 г.), 29–31. <https://cyberleninka.ru/article/n/instituty-grazhdanskogo-obschestva-v-rossiyskoy-federatsii>
- Красиков, Дмитрий Владимирович. «Практика Европейского Суда по правам человека в Российской правовой системе». *Вестник Саратовской государственной юридической академии* 6 (101) (2014 г.), 218–224. <https://cyberleninka.ru/article/n/praktika-evropeyskogo-suda-po-pravam-cheloveka-v-rossiyskoy-pravovoy-sisteme>
- Лазутин, Л.А - Лихачев, М.А. *Права человека: единство российского и международного права, конкуренция решений судов*. (3): Том. Московский журнал международного права, 2021. <https://doi.org/10.24833/0869-0049-2021-3-31-44>

- Лебедев, В.А. *Конституционные права и свободы человека и гражданина в современной России: концепция, ограничения, механизм охраны и защиты. Монография.* «Издательство „«Прспект»“», 2016.
- Малиновский, Олег Николаевич. *К ПРОБЛЕМЕ АБСОЛЮТИЗАЦИИ ПРАВ ЧЕЛОВЕКА И ИХ ОГРАНИЧЕНИЙ В КОНТЕКСТЕ КОНВЕНЦИИ О ЗАЩИТЕ ПРАВ ЧЕЛОВЕКА И ОСНОВНЫХ СВОБОД 1950 Г. И РОССИЙСКОГО ЗАКОНОДАТЕЛЬСТВА*, б. д.
<https://doi.org/10.24158/per.2018.9.11>
- Махмадбеков, Моёншо Шодмонович. «Миграционные процессы: сущность, основные тенденции и их особенности в современном обществе : опыт Таджикистана - Махмадбеков, Моёншо Шодмонович - 23.00.02 - Политические институты, процессы и технологии». Просмотрено 19 апрель 2024 г. https://freereferats.ru/product_info.php?products_id=485414
- Минакова , Ксения Владимировна. «Правовые механизмы защиты прав мигрантов органами публичной власти Российской Федерации». *Baikal Research Journal* 9/4 (2018 г.), 21. <https://cyberleninka.ru/article/n/pravovye-mehanizmy-zaschity-prav-migrantov-organami-publichnoy-vlasti-rossiyskoy-federatsii>
- Новости, Р. И. А. «Ученые из России раскрыли корни социальных проблем мигрантов из Азии». *РИА Новости*. 20180705T1125 г. Просмотрено 21 октябрь 2023 г. <https://ria.ru/20180705/1523987524.html>
- Патюлин , Георгий Сергеевич. «Наднациональные механизмы защиты прав человека». *Труды Института государства и права Российской академии наук* 2 (2014 г.), 7–17. <https://cyberleninka.ru/article/n/nadnatsionalnye-mehanizmy-zaschity-prav-cheloveka>
- Побережная, И.А - Нечипас, Ю.А. «РЕЖИМЫ ИНОСТРАННЫХ ГРАЖДАН». *Вестник Университета мировых цивилизаций* 10/3 (24) (2019 г.), 129–136. <https://cyberleninka.ru/article/n/rezhimy-inostrannyh-grazhdan>
- Полетаев, Дмитрий. *Жизнь и здоровье трудовых мигрантов из Средней Азии в России в условиях пандемии COVID-19*. 2022. Reprint, Региональная общественная организация «Центр миграционных исследований», Москва, 117418, Россия, 2022.
[file:///C:/Users/Alisher/Downloads/POPECON_article_90370_ru_1%20\(2\).pdf](file:///C:/Users/Alisher/Downloads/POPECON_article_90370_ru_1%20(2).pdf)
- Прудникова , Татьяна Анатольевна. «Адаптация и интеграция мигрантов в российское общество как фактор предупреждения незаконной миграции». *Вестник экономической безопасности* 1 (2016 г.), 203–206.
<https://cyberleninka.ru/article/n/adaptatsiya-i-integratsiya-migrantov-v-rossiyskoe-obschestvo-kak-faktor-preduprezhdeniya-nezakonnoy-migratsii>
- Семёнович, Красинец Евгений. «ТРУДОВАЯ ИММИГРАЦИЯ В ПЕРИОД ПАНДЕМИИ КОРОНАВИРУСА И ЕЁ ПОСЛЕДСТВИЯ В СОЦИАЛЬНО-ЭКОНОМИЧЕСКОМ РАЗВИТИИ СОВРЕМЕННОЙ РОССИИ». *Уровень жизни населения регионов России* 17/1 (2021 г.), 21–31.
<https://cyberleninka.ru/article/n/trudovaya-immigratsiya-v-period-pandemii-koronavirusa-i-eyo-posledstviya-v-sotsialno-ekonomicheskom-razvitii-sovremennoy-rossii>

- Тюрюкапова, Е.В. *Принудительный труд в современной России: нерегулируемая миграция и торговля людьми*. Женева: Международное бюро труда, Издание второе, Переработанное и Дополненное,., 2006.
- Фадеева, И.В. *Государственное регулирование миграционных процессов в Российской Федерации*. Москва, ЮНИТИ-ДАНА. : Международный журнал конституционного и государственного права, 2020.
- Фастович, Галина Геннадьевна. «К ВОПРОСУ О ЗАЩИТЕ ПРАВ ЧЕЛОВЕКА (НА ПРИМЕРЕ АНАЛИЗА ПОСТАНОВЛЕНИЙ КОНСТИТУЦИОННОГО СУДА РОССИЙСКОЙ ФЕДЕРАЦИИ)». *Аграрное и земельное право* 4 (172) (2019 г.), 32–35. <https://cyberleninka.ru/article/n/k-voprosu-o-zaschite-prav-cheloveka-na-primere-analiza-postanovleniy-konstitutsionnogo-suda-rossiyskoy-federatsii>
- Худолей, М.К. «КОНСТИТУЦИОННЫЙ СУД РФ И ЕСПЧ: ИСТОРИЯ РАЗВИТИЯ ОТНОШЕНИЙ». *Ex jure* 1 (2022 г.), 48–63. <https://cyberleninka.ru/article/n/konstitutsionnyy-sud-rf-i-espch-istoriya-razvitiya-otnosheniy>
- Шапиро, Ирина Валерьевна. «ПРАВО ИНОСТРАННЫХ ГРАЖДАН НА СВОБОДУ ПЕРЕДВИЖЕНИЯ, ВЫБОР МЕСТА ПРЕБЫВАНИЯ И ЖИТЕЛЬСТВА В РФ: ПРОБЛЕМЫ ПРАВОВОГО РЕГУЛИРОВАНИЯ». *Гуманитарные, социально-экономические и общественные науки* 12–2 (2020 г.), 160–163. <https://cyberleninka.ru/article/n/pravo-inostrannyh-grazhdan-na-svobodu-peredvizheniya-vybor-mesta-prebyvaniya-i-zhitelstva-v-rf-problemy-pravovogo-regulirovaniya>
- Юркина, Елена Евгеньевна. «ЕВРОПЕЙСКИЙ СУД ПО ПРАВАМ ЧЕЛОВЕКА О НОВОЙ КАССАЦИИ В ГРАЖДАНСКОМ ПРОЦЕССЕ -НОВЫЙ ВЗГЛЯД СУДА НА СТАРЫЕ ВОПРОСЫ? РЕШЕНИЕ ЕВРОПЕЙСКОГО СУДА ПО ПРАВАМ ЧЕЛОВЕКА ПО ДЕЛУ АБРАМЯН И ЯКУБОВСКИЕ ПРОТИВ РОССИИ В ОТНОШЕНИИ ИСЧЕРПАНИЯ ВНУТРЕННИХ СРЕДСТВ ПРАВОВОЙ ЗАЩИТЫ». *Международное правосудие* 4 (16) (2015 г.), 11–23. <https://cyberleninka.ru/article/n/evropeyskiy-sud-po-pravam-cheloveka-o-novoy-kassatsii-v-grazhdanskom-protsesse-novyy-vzglyad-suda-na-starye-voprosy-reshenie>
- Ягофарова, Инара Дамировна. «Императивный характер положений ст. 55 Конституции РФ при установлении ограничений прав и свобод человека и гражданина в РФ». *Вестник Омского университета. Серия «Право»* 1 (50) (2017 г.), 64–72. <https://cyberleninka.ru/article/n/imperativnyy-harakter-polozheniy-st-55-konstitutsii-rf-pri-ustanovlenii-ogranicheniy-prav-i-svobod-cheloveka-i-grazhdanina-v-rf>
- Ястребова, А.Ю. «ЗАЩИТА ВЫНУЖДЕННЫХ МИГРАНТОВ В УСЛОВИЯХ ВООРУЖЕННЫХ КОНФЛИКТОВ: МЕЖДУНАРОДНО-ПРАВОВЫЕ АСПЕКТЫ». *Пути к миру и безопасности* 1 (56) (2019 г.), 74–82. <https://cyberleninka.ru/article/n/zaschita-vynuzhdennyh-migrantov-v-usloviyah-vooruzhennyh-konfliktov-mezhdunarodno-pravovye-aspekty>

Electronic Sources (Russian)

- «FinExpertiza составила рейтинг регионов РФ с самой высокой концентрацией трудовых мигрантов». Accessed october 5, 2023. <https://finexpertiza.ru/press-service/researches/2020/trud-migrant/>
- «Денежные переводы в Таджикистан в 2022 году, возможно, станут рекордно высокими, - Всемирный банк | Новости Таджикистана ASIA-Plus». Accessed october 23, 2023. <https://asiaplustj.info/ru/news/tajikistan/economic/20221202/denezhnie-perevodi-v-tadzhikistan-v-2022-godu-vozmozhno-stanut-rekordno-visokimi-vsemirnii-bank>
- «Конвенция о правовом статусе трудящихся-мигрантов и членов их семей государств - участников Содружества Независимых Государств (Кишинев, 14 ноября 2008 г.) | ГАРАНТ». Accessed october 12, 2023. <https://base.garant.ru/2567688/>
- «Ксенофобия и мигранты», 24 январь 2022 г. <https://www.levada.ru/2022/01/24/ksenofobiya-i-migranty/>
- «Мигранты решат демографические проблемы России?» 15 июнь 2012 г. Accessed october 17, 2023. <https://tverigrad.ru/publication/migranty-reshat-demograficheskie-problemy-rossii/>
- «Миграция в ЕАЭС: Увеличился ли поток кыргызстанцев после вступления в Союз?» Accessed october 23, 2023. <http://kg.akipress.org/news:1327830>
- «Нелегальных мигрантов от выдворения могут „спасти“ их семьи». Accessed october 25, 2023. <http://www.garant.ru/article/1104106/>
- «Охота или „неволя“». 4 октябрь 2023 г. Accessed october 4, 2023. <https://www.pnp.ru/politics/okhota-ili-nevolya.html>
- «Права Трудовых Мигрантов Из Стран Бывшего СССР: Реальные Проблемы и Невыполненные Обязательства by Adcmemorial - Issuu». 18 декабрь 2016 г. Accessed october 24, 2023. <https://issuu.com/adcmemorial1/docs/migrationruswww>
- «Практика Европейского Суда по правам человека \ КонсультантПлюс». Accessed october 18, 2023. https://www.consultant.ru/document/cons_doc_LAW_192264/44c6be7c1f8d8b85aab067ee3e13c8ca39602676/
- «Разрыв между высокими и низкими зарплатами в Таджикистане увеличился до 8 раз | Новости Таджикистана ASIA-Plus». Accessed october 15, 2023. <https://asiaplustj.info/ru/news/tajikistan/society/20230824/razriv-mezhdu-visokimi-i-nizkimi-zarplatami-v-tadzhikistane-dostig>
- «Соглашение от 15.04.1994 (ред. от 25.11.2005) „О сотрудничестве в области трудовой миграции и социальной защиты трудящихся-мигрантов“ \ КонсультантПлюс». Accessed october 12, 2023. https://www.consultant.ru/document/cons_doc_LAW_86989/
- «ТЕОРИЯ ТРУДОВОЙ МИГРАЦИИ - Вестник Алтайской академии экономики и права (научный журнал)». Accessed october 21, 2023. <https://vaael.ru/ru/article/view?id=304>
- «ТРУДОВАЯ МИГРАЦИЯ КАК ФАКТОР РЕЛИГИОЗНОЙ НЕСТАБИЛЬНОСТИ В РЕГИОНАХ РОССИИ: УГРОЗЫ И РИСКИ». Accessed october 18, 2023. <http://rrsociology.ru/journal/article/1216/>

- «Эксплуатация трудовых мигрантов в российском строительном секторе». *Human Rights Watch*. <https://www.hrw.org/ru/report/2009/02/10/255854>
- BBC News Русская служба. «„Как рабов, на убой“. Мигранты из Центральной Азии погибают на войне в Украине». 14 июнь 2023 г. Accessed october 28, 2023. <https://www.bbc.com/russian/articles/ce417zgy2g5o>
- Lenta.RU. «Демографические потери России после распада СССР оценили в 25 миллионов человек». Accessed october 3, 2023. <https://lenta.ru/news/2021/12/27/demography/>
- ТАСС. «СМИ: косовские албанцы проникают в Западную Европу под видом сирийских беженцев - ТАСС». Accessed october 14, 2023. <https://tass.ru/mezhdunarodnaya-panorama/2272147>
- Газета.Ru. «Мигрантам меняют профессию». 15 август 2016 г. Accessed October 21, 2023. <https://www.gazeta.ru/social/2016/08/15/10130321.shtml>
- ИноСМИ, Русская служба BBC. «Мигранты решат демографические проблемы России?» *ИноСМИ*. 20120615T0040 г. Accessed October 17, 2023. <https://inosmi.ru/20120615/193621094.html>
- Коммерсантъ. «Мигранты не компенсируют убыль россиян». 2 июнь 2021 г. Accessed October 11, 2023. <https://www.kommersant.ru/doc/4838308>
- Новая газета. «„Левада“: 68% россиян считают необходимым ограничивать приток трудовых мигрантов». 1643032860000 г. Accessed october 17, 2023. <https://novayagazeta.ru/articles/2022/01/24/levada-68-rossiian-schitaiut-neobkhodimym-ogranichivat-pritok-trudovykh-migrantov-news>
- Новости, Р. И. А. «Ученые из России раскрыли корни социальных проблем мигрантов из Азии». *РИА Новости*. 20180705T1125 г. Accessed october 21, 2023. <https://ria.ru/20180705/1523987524.html>
- РБК. «В МВД назвали количество мигрантов в России». 29 сентябрь 2021 г. Accessed october 3, 2023. <https://www.rbc.ru/rbcfreenews/615481a49a7947237a4aa621>
- РБК. «Эксперты ВЭБа предложили привлекать мигрантов финансовыми надбавками». 10 май 2022 г. Accessed october 11, 2023. <https://www.rbc.ru/economics/10/05/2022/62742d169a7947331f5f9a40>
- РБК. «Эксперты оценили последствия оттока мигрантов из России». 3 ноябрь 2020 г. Accessed October 15, 2023. <https://www.rbc.ru/economics/03/11/2020/5f9bf5269a794771485ceb51>
- Российская газета. «В РФ вступили в силу новые правила въезда и нахождения иностранцев». 12 январь 2022 г. Accessed october 21, 2023. <https://rg.ru/2022/01/12/v-rf-vstupili-v-silu-novye-pravila-vezda-i-nahozhdeniia-inostrancev.html>
- Российская газета. «Откуда уезжают и куда стремятся мигранты: ситуация в мире». 30 август 2023 г. Accessed October 25, 2023. <https://rg.ru/2023/08/30/gosti-dorogie.html>
- Российская газета. «Почта „СОЮЗа“: Есть ли отличия в процедуре приема на работу в России россиянина и белоруса». 23 март 2022 г. Accessed october 21, 2023. <https://rg.ru/2022/03/23/pochta-soiuza-est-li-otlichii-v-procedure-priema-na-rabotu-v-rossii-rossiianina-i-belorusa.html>

- Такие Дела. «Опрос ВШЭ: у 40% россиян с начала пандемии сократились зарплаты», 1 июнь 2020 г. <https://takiedela.ru/news/2020/06/01/zarplaty-pandemiya/>
- Совет Федерации Федерального Собрания Российской Федерации. «А.ТОРШИН: ЗАКОНОПРОЕКТ ДОЛЖЕН ПРЕДОТВРАТИТЬ ИСПОЛЬЗОВАНИЕ ЕСПЧ КАК ИНСТРУМЕНТА ДАВЛЕНИЯ НА ВНУТРЕННЮЮ ПОЛИТИКУ РФ». 20 июнь 2011 г. Accessed March 13, 2024. <http://council.gov.ru/events/news/16967/>
- Государственная Дума. «В Госдуме прошли парламентские слушания, посвященные перспективам дальнейшей ратификации конвенций МОТ». 7 октябрь 2009 г. Accessed April 15, 2024. <http://duma.gov.ru/news/3458/>
- Российская газета. «В РФ вступили в силу новые правила въезда и нахождения иностранцев». 12 январь 2022 г. Accessed October 21, 2023. <https://rg.ru/2022/01/12/v-rf-vstupili-v-silu-novye-pravila-vezda-i-nahozhdeniia-inostrancev.html>
- «ГК РФ Статья 1196. Право, подлежащее применению при определении гражданской правоспособности физического лица \ КонсультантПлюс». Accessed March 12, 2024. https://www.consultant.ru/document/cons_doc_LAW_34154/822ceb984a9ce2a65753b2b18609cb1e56199126/
- BBC News Русская служба. «Дом - опасное место. Российские правозащитники говорят о росте домашнего насилия на карантине». Accessed April 19, 2024. <https://www.bbc.com/russian/news-53442825>
- «За последние 50 лет число международных мигрантов выросло в три раза | Новости ООН». 1 декабрь 2021 г. Accessed April 19, 2024. <https://news.un.org/ru/story/2021/12/1414772>
- Президент России. «Заседание Совета по межнациональным отношениям». 22 октябрь 2013 г. Accessed April 12, 2024. <http://kremlin.ru/events/president/news/19475>
- «К вопросу об основных проблемах законодательства о правовом положении иностранных граждан и лиц без гражданства в Российской Федерации». Accessed March 15, 2024. <https://cyberleninka.ru/article/n/k-voprosu-ob-osnovnyh-problemah-zakonodatelstva-o-pravovom-polozhenii-inostrannyh-grazhdan-i-lits-bez-grazhdanstva-v-rossiyskoy-1/viewer>
- ТАСС. «Каждый шестой работодатель в России принимает на работу трудовых мигрантов». Accessed April 29, 2024. <https://tass.ru/ekonomika/17461955>
- «КоАП РФ Статья 32.10. Порядок исполнения постановления об административном выдворении за пределы Российской Федерации иностранных граждан или лиц без гражданства \ КонсультантПлюс». Accessed April 24, 2024. https://www.consultant.ru/document/cons_doc_LAW_34661/a75ce841b805346ed23f44fb4fcc8a405c2c144f/
- «Концепция государственной миграционной политики Российской Федерации на период до 2025 года (утв. Президентом РФ 13 июня 2012 г.) (утратила силу) | ГАРАНТ». Accessed March 12, 2024. <https://base.garant.ru/70188244/>

- Российская газета. «Мигранты пересылают домой миллиарды долларов в год». 19 декабрь 2021 г. Accessed April 19, 2024. <https://rg.ru/2021/12/19/migranty-peresyaiut-domoj-milliardy-dollarov-v-god.html>
- «Министерство труда и социальной защиты РФ: Официальный сайт | Ратифицирована Европейская социальная хартия». Accessed April 15, 2024. <http://mintrud.gov.ru/social/social/100>
- Нелегальные мигранты снова оказались под угрозой высылки из России.
«Нелегальные мигранты снова оказались под угрозой высылки из России». Accessed April 19, 2024. <https://regnum.ru/news/3387503>
- Центр международного права - помощь обращения суд по правам человека и подача жалоб. «Обзор практики Комитета ООН по правам человека по рассмотрению индивидуальных сообщений, поданных в отношении Российской Федерации». 6 март 2023 г. Accessed March 10, 2024. <https://european-court-help.ru/obzor-praktiki-komiteta-oon-po-pravam-cheloveka-po-rassmotreniju-individualnyh-soobshhenij-podannyh-v-otnoshenii-rossijskoj-federacii/>
- «Обращения в ЕСПЧ после исключения России из Совета Европы». Accessed March 10, 2024. https://ilpp.ru/echr_denunciation
- «Общероссийское голосование в условиях пандемии: как будет обеспечена безопасность здоровья участников?» Accessed March 14, 2024. <http://www.garant.ru/news/1381208/>
- «Определение Конституционного Суда РФ от 04.03.2004 N 146-О "Об отказе в принятии к рассмотрению жалобы гражданки Адамян Жульетты Семеновны на нарушение ее конституционных прав положениями Федеральных законов "О трудовых пенсиях в Российской... \ КонсультантПлюс». Accessed March 11, 2024. https://www.consultant.ru/document/cons_doc_LAW_4903/
- «Определение Конституционного Суда РФ от 9 марта 2017 г. № 497-О “Об отказе в принятии к рассмотрению жалобы гражданина Республики Армения Худояна Овакима на нарушение его конституционных прав частью 3 статьи 18.8 Кодекса Российской Федерации об административных правонарушениях, пунктом 1 статьи 11 Федерального закона „О правовом положении иностранных граждан в Российской Федерации“ и пунктом 13 Перечня территорий Российской Федерации с регламентированным посещением для иностранных граждан” | ГАРАНТ.РУ». Accessed April 24, 2024. <http://www.garant.ru/products/ipo/prime/doc/71546524/>
- Такие Дела. «Опрос ВШЭ: у 40% россиян с начала пандемии сократились зарплаты», 1 июнь 2020 г. <https://takiedela.ru/news/2020/06/01/zarplaty-pandemiya/>
- Портал СНГ. «Перечень документов, принятых на заседаниях Консультативного Совета по труду, миграции и социальной защите населения государств – участников СНГ». Accessed April 29, 2024. <https://e-cis.info/cooperation/3807/>
- Государственная Дума. «Полный текст поправок к Конституции: что меняется?» 14 март 2020 г. Accessed March 14, 2024. <http://duma.gov.ru/news/48045/>

- Президент России. «Послание Президента Федеральному Собранию». 15 январь 2020 г. Просмотрено 14 март 2024 г.
<http://kremlin.ru/events/president/news/62582>
- КонсультантПлюс. «Постановление ЕСПЧ от 26.02.2015 "Дело „Халиков (Khalikov) против Российской Федерации“ (жалоба N 66373/13) По делу обжалуются предполагаемая высылка заявителя в иностранное государство, в результате которой он подвергнется реальной угрозе пыток и жестокого обращения, и содержание под стражей в рамках разбирательства о высылке, которое было несовместимо с требованиями Конвенции о защите прав человека и основных свобод. По делу допущены нарушения требований статьи 3, пункта 4 статьи 5, подпункта „f“ пункта 1 статьи 5 Конвенции о защите прав человека и основных свобод.» Accessed May 9, 2024.
<https://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=ARB&n=425409#bTnWv8U4GjRac9yC2>
- «Постановление Конституционного Суда РФ от 14.07.2015 N 21-П "По делу о проверке конституционности положений статьи 1 Федерального закона „О ратификации Конвенции о защите прав человека и основных свобод и Протоколов к ней“, пунктов 1 и 2 статьи 32... \ КонсультантПлюс». Accessed March 13, 2024.
https://www.consultant.ru/document/cons_doc_LAW_182936/
- «Постановление Конституционного Суда РФ от 19.07.2017 N 22-П "По делу о проверке конституционности положений части 1 и пункта 2 части 2 статьи 20 Федерального закона "О миграционном учете иностранных граждан и лиц без гражданства в Российской... \ КонсультантПлюс». Accessed March 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_220701/
- «Постановление Пленума Верховного Суда РФ от 10.10.2003 N 5 (ред. от 05.03.2013) „О применении судами общей юрисдикции общепризнанных принципов и норм международного права и международных договоров Российской Федерации“ \ КонсультантПлюс». Accessed April 22, 2024.
https://www.consultant.ru/document/cons_doc_LAW_44722/
- «Постановление Пленума Верховного Суда РФ от 31.10.1995 N 8 (ред. от 03.03.2015) „О некоторых вопросах применения судами Конституции Российской Федерации при осуществлении правосудия“ \ КонсультантПлюс». Accessed March 11, 2024.
https://www.consultant.ru/document/cons_doc_LAW_8847/
- «ПРАВИТЕЛЬСТВО РОССИЙСКОЙ ФЕДЕРАЦИИ ПОСТАНОВЛЕНИЕ от 11 октября 2002 г. N 754 ОБ УТВЕРЖДЕНИИ ПЕРЕЧНЯ ТЕРРИТОРИЙ, ОРГАНИЗАЦИЙ И ОБЪЕКТОВ, ДЛЯ ВЪЕЗДА НА КОТОРЫЕ ИНОСТРАННЫМ ГРАЖДАНАМ ТРЕБУЕТСЯ СПЕЦИАЛЬНОЕ РАЗРЕШЕНИЕ \ КонсультантПлюс». Accessed March 15, 2024.
https://www.consultant.ru/document/cons_doc_LAW_39083/92d969e26a4326c5d02fa79b8f9cf4994ee5633b/
- Верховный Суд Российской Федерации. «Причины роста числа жалоб в отношении России в ЕСПЧ». 29 май 2018 г. Accessed March 10, 2024.
https://vsrf.ru/press_center/mass_media/26825/

- «Ратифицирован Договор между Россией и Республикой Таджикистан о сотрудничестве в области пенсионного обеспечения \ КонсультантПлюс». Accessed March 12, 2024. <https://www.consultant.ru/law/hotdocs/76285.html>
- Альта-Софт. «Решение Совета ЕЭК от 12.11.2014 № 103 „О Концепции международного договора о сотрудничестве в области пенсионного обеспечения“. Таможенные документы». Accessed April 29, 2024. <https://www.alt.ru/tamdoc/14sr0103/>
- ТАСС. «Россия уведомит СНГ, что не станет участником конвенции о статусе трудящихся-мигрантов - ТАСС». Accessed April 15, 2024. <https://tass.ru/ekonomika/12717455>
- «Современная демографическая ситуация в Российской Федерации». Просмотрено 19 апрель 2024 г. https://rosstat.gov.ru/bgd/regl/b10_04/isswww.exe/stg/d06/3-demogr.htm
- «„Соглашение о пенсионном обеспечении трудящихся государств - членов Евразийского экономического союза“ (Заключено в г. Санкт-Петербурге 20.12.2019) \ КонсультантПлюс». Accessed April 29, 2024. https://www.consultant.ru/document/cons_doc_LAW_342834/
- «Статья 2. Основные понятия \ КонсультантПлюс». Accessed April 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_37868/b698269155bb4233fb310d9c514ff51f1b8fd1ba/
- «Статья 11. Передвижение иностранных граждан в пределах Российской Федерации \ КонсультантПлюс». Accessed March 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_37868/5921d9d3a7b901a3455f0d53224623dd0cbd6021/
- «Статья 27 \ КонсультантПлюс». Accessed March 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_28399/1a349c9b47bf7c4104137be732fbc8640d1b81de/
- «Статья 34. Соответствие международных договоров Конституции Российской Федерации \ КонсультантПлюс». Accessed April 22, 2024. https://www.consultant.ru/document/cons_doc_LAW_7258/a2a5e37374f3002c807ab8ac90046950c483ee45/
- «Статья 62 \ КонсультантПлюс». Accessed March 15, 2024. https://www.consultant.ru/document/cons_doc_LAW_28399/a62def841e40a234f1b3e1d602e6285f161db249/
- «Статья 97. Трудовая деятельность трудящихся государств-членов \ КонсультантПлюс». Accessed April 29, 2024. https://www.consultant.ru/document/cons_doc_LAW_163855/fcf2c38d3616dbe10077fe0638a3c0583855f5cd/
- «Статья 125 \ КонсультантПлюс». Accessed April 6, 2024. https://www.consultant.ru/document/cons_doc_LAW_28399/af8d726b0c367d7c0c191c947cfb161464a01cd7/
- «„Уголовно-исполнительный кодекс Российской Федерации“ (УИК РФ) от 08.01.1997 N 1-ФЗ (последняя редакция) \ КонсультантПлюс». Accessed March 10, 2024. https://www.consultant.ru/document/cons_doc_LAW_12940/
- «Федеральный закон „О государственном пенсионном обеспечении в Российской Федерации“ от 15.12.2001 N 166-ФЗ (последняя редакция) \

- КонсультантПлюс». Accessed March 11, 2024.
https://www.consultant.ru/document/cons_doc_LAW_34419/
- «Федеральный закон „О компенсации за нарушение права на судопроизводство в разумный срок или права на исполнение судебного акта в разумный срок“ от 30.04.2010 N 68-ФЗ (последняя редакция) \ КонсультантПлюс». Accessed March 10, 2024. https://www.consultant.ru/document/cons_doc_LAW_99919/
- «Федеральный закон „О содержании под стражей подозреваемых и обвиняемых в совершении преступлений“ от 15.07.1995 N 103-ФЗ (последняя редакция) \ КонсультантПлюс». Accessed March 10, 2024.
https://www.consultant.ru/document/cons_doc_LAW_7270/
- «Федеральный закон от 19.02.1993 N 4528-I „О беженцах“ (с изменениями и дополнениями) | ГАРАНТ». Accessed April 1, 2024.
<https://base.garant.ru/10105682/>
- «Федеральный конституционный закон от 14.12.2015 N 7-ФКЗ "О внесении изменений в Федеральный конституционный закон „О Конституционном Суде Российской Федерации“ \ КонсультантПлюс». Accessed March 14, 2024. https://www.consultant.ru/document/cons_doc_LAW_190427/
- «Федеральный конституционный закон от 21.07.1994 N 1-ФКЗ (ред. от 31.07.2023) „О Конституционном Суде Российской Федерации“ \ КонсультантПлюс». Accessed March 11, 2024.
https://www.consultant.ru/document/cons_doc_LAW_4172/
- Forbes.ru. «ФМС насчитала в России более 3 млн нелегальных трудовых мигрантов». 25 ноябрь 2010 г. Accessed April 19, 2024.
<https://www.forbes.ru/news/60211-fms-naschitala-v-rossii-bolee-3-mln-nelegalnyh-trudovyh-migrantov>
- Refworld. «Часто задаваемые вопросы на тему беженцев и мигрантов (FAQs)». Accessed April 19, 2024.
<https://www.refworld.org/ru/reference/themreport/unhcr/2016/ru/109484>
- «Часть 2. Статья 12. Отношение иностранных граждан к избирательному праву \ КонсультантПлюс». Accessed April 12, 2024.
https://www.consultant.ru/document/cons_doc_LAW_37868/0176637ec9b67591b03168efa033e0322080c864/
- «Эксплуатация трудовых мигрантов в российском строительном секторе». *Human Rights Watch*. <https://www.hrw.org/ru/report/2009/02/10/255854>