

Open Borders, Closed Minds

Russia's Changing Migration Policies: Liberalization or Xenophobia?

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Abstract: Russia's choice to pursue restrictive immigration policies is counterintuitive, given the acute need for labor migrants. This analysis argues that in response to pervasive xenophobia, the state has embarked on a labor migration policy agenda that does not reflect the demographic reality of Russia's rapidly declining working age population. Institutional and societal manifestations of xenophobia work together to demand and justify restrictive immigration policies. The state provokes and reinforces these nationalist attitudes through the media and discriminatory policies and practices such as ethnic profiling and allowing extremist groups to operate with impunity. The literature on migration policy systematically neglects illiberal polities, making this discussion linking the policy input of xenophobia to restrictive policy outputs a unique contribution to the ongoing study of how states respond to immigration.¹

Keywords: demographic crisis, immigration policy, labor migration, nationalism, Russia, xenophobia

New migration rules in Russia, enacted on January 15, 2007, are part of an ongoing effort to address the current demographic crisis. In a period of massive population decline, the state has made policy efforts to create balanced immigration by enticing Russian "compatriots" while limiting migrants from the former Soviet countries of the Commonwealth of Independent States (CIS). While CIS citizens are not required to have visas to travel to the Russian Federation, the 2007 legislation introduced a quota system limiting the number of work permits available to these migrants.² Quota levels have decreased every year since their institution, shrinking incrementally from 6 million in 2007 to 1.3 million in 2010. Furthermore, in the sector of retail trade (almost exclusively manned by immigrants), foreign workers were banned altogether as of April 2007.

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Why would Russia, whose population is decreasing by 700,000 per year, institute restrictive immigration policies?³ In fact, many believe immigration is the only source of population growth in Russia.⁴ This article argues that in response to growing xenophobia in society, the state has embarked on a labor migration policy agenda that does not reflect the demographic realities present in Russia. Nationalism and xenophobia have a number of manifestations in both the state and society. The state continually reinforces nationalist attitudes through the media and discriminatory policies. These efforts resonate with the public, which passively supports xenophobia, and with nationalist actors who actively promote anti-migrant agendas. Pervasive institutional and societal manifestations of xenophobia work together to both demand and justify restrictive immigration policies.

By setting forth the Russian case as an example of a state that uses restrictive policies and nationalist discourse as key components of its immigration strategy, this article contributes to an understanding of how law is affected by the ideological constructs dominant in a state. Toward this goal, the article proceeds in two sections. First, a review of the literature creates a theoretical context for Russia as an immigrant receiving country. Second, an analysis of Russia's current policies and the xenophobia that demands them shows how nationalist sentiment trumps demographic realities in the process of policy formation.

Nationalism and Immigration

A look at current migration literature justifies the importance of the Russian case. Even though it is the second largest immigrant-receiving country after the United States, Russia does not fall neatly into the parameters of the existing literature. There is, therefore, an opportunity to advance the discourse by identifying gaps that the Russian case can fill. The literature relevant to immigration policy, especially that regulating labor migration, can be broadly categorized into inputs (factors that influence what types of policies will be chosen) and outputs (the policies themselves). The Russian case can inform each of these categories.

Policy inputs are either external (transnational) and/or internal (domestic) and can be conceptualized according to the ideological ethos of a country, either liberal or illiberal. Policy outputs create systems that can be classified as open or closed toward immigrants. The literature only comprehensively addresses liberal countries, however, leaving illiberal polities like Russia under analyzed. Nevertheless, by identifying the boundaries of the current literature, we can create theoretical space in which to analyze Russia and more broadly understand immigration policies in illiberal polities.

External Policy Inputs

The most commonly identified external policy inputs are those that come about as a result of globalization. Advocates of globalization argue for a decay of, or at least a progressive irrelevance of, state capacity.⁵ Decreased capacity comes from security threats, or those factors that require defensive maneuvers (i.e. transnational organized crime, trafficking, illegal immigration, separatist movements, nuclear weapons, etc.), and from international regimes, or those constructs that states voluntarily participate in (i.e. regional/transnational trade agreements, human rights mechanisms, etc.).⁶

Security issues are relevant to both liberal and illiberal states as policy inputs because every state in the international system must contend with potential threats to

sovereignty. Immigration is an example of increased human mobility associated with globalization, and is perceived by some as weakness of state sovereignty in that the state is unable to control its borders or the populations crossing those borders.⁷ As national populations move across borders to span multiple states, it is thought that they may make sovereignty claims that threaten existing states.⁸ Migrants are often seen as a threat to law and order, culture and economic security, and some scholars argue that the process of international migration will inevitably lead to xenophobic and nationalistic backlashes, which in turn can act as domestic policy inputs.⁹

How international regimes act as policy inputs is more variable according to whether a state embraces liberal or illiberal political ideology. For example, a number of migration scholars focus on how international human rights norms penetrate the domestic immigration policy-making agenda and constrain states' abilities to control immigration.¹⁰ Whereas rights traditionally originated in the nation-state, some contend they are now of a more universalistic nature, based on individual personhood rather than national membership.¹¹ As international human rights law develops and states subject themselves to it, domestic laws follow suit in a manner that undermines the exclusive authority of the state over those within its borders.¹² Some globalization advocates argue that international human rights regimes are creating a situation where access to rights is no longer state-imbued, but is available regardless of residence or citizenship in a particular state.¹³

However, other scholars focus on the voluntaristic aspect of these international regimes. After all, states still have ultimate discretion over the policies defining who is allowed to enter the country and under what circumstances; they are not required by international law or custom to accept unwanted immigrants. Furthermore, according to some scholars, liberal ideals are most relevant not at the point of border regulation, but rather in regard to how an immigrant will be treated and what rights will be extended upon entry.¹⁴ How an immigrant is treated upon entry is an issue of domestic policy and varies according to states' liberal or illiberal prerogatives. In the end, then, international human rights norms only impact states that embrace human rights norms derived from liberal political philosophies.

Internal Policy Inputs

Internal policy inputs are domestic responses to immigrant populations that vary according to whether or not a state embraces a liberal ethos. The literature focuses primarily on inputs that are manifestations of attempts by democratic polities to actualize underlying liberal political philosophies. Classical liberalism rests on universal moral equality, individual autonomy, and equal capacity for rationality.¹⁵ In contrast to nationalism, where identity is the basis for rights, liberalism creates a cosmopolitan system that attributes rights universally, not allowing for subdivisions based on identity (i.e. states).

In an argument for open borders, Joseph Carens asserts that any attempt by a liberal state to restrict internal mobility would be widely seen as a violation of human freedoms, and in the same way states have little moral ground on which to restrict freedom of movement across national borders.¹⁶ Other scholars, most famously Michael Walzer, argue that borders of political communities must be defined and enforced in order for equality to be distributed justly.¹⁷ To the contrary, Philip Cole argues that the concepts of membership and equality are contradictory because equality is not extended to non-members (i.e. immigrant non-citizens).

Rather, insiders and outsiders are determined in a way that is both morally arbitrary from a liberal standpoint and not far removed from the logic that defines nationalism.¹⁸

A political entity that labels itself liberal must wrestle with this tension between promoting rights and protecting boundaries around the community. Most scholars agree that it is difficult for liberal states to regulate immigration; the rejection of migrants is difficult to justify for states that function according to the rule of law and human rights norms.¹⁹ Many scholars, therefore, cite a gap between policy goals and outcomes in liberal states. On the one hand, public opinion at best deems migrant populations an undesirable permanent addition to society (often for reasons tending toward xenophobia). Yet in liberal democratic states, policies are often more liberal than public opinion, partly because of anti-populist norms that prevent politicians from mobilizing popular support around issues such as anti-immigrant phobia.²⁰ Furthermore, interest groups (i.e. migrant employers, ethnic groups and human rights groups) as actors in democratic politics, and liberally-based constitutions and legal systems create demand both for admitting migrants and extending rights to them upon entry.²¹

In an illiberal polity, there is no ideological impetus for admitting or extending rights to unwanted migrants, nor are there anti-populist norms. These states are freer to pursue the identity-based policies of nationalism. It is at this point that the current literature does not provide an adequate framework for understanding the Russian approach to immigration policies. Though the literature on nationalism is vast, it does not offer hypotheses on how nationalist ideology acts as an input for immigration policy. Unlike those who call for open borders as a realization of liberalism, one would be hard pressed to find similar scholarly advocacy for closed borders on the basis of nationalism. Nevertheless, it is possible to draw on theoretical accounts of nationalism and apply them to the Russian case in order to understand how nationalism can be used to justify certain immigration orientations.

Nationalism defines the criteria for belonging to a particular ethno-cultural or political group (nation) on the basis of either ethnic or civic ties. In the Russian case, nationalism is cast most frequently in ethnic, rather than civic, terms and this analysis will use the same focus. Nationalism is a boundary-creating/maintaining process that defines group identity in order to establish how and to whom rights should be conferred.²² Boundaries of the nation may be physical (when attached to a state or territorial demarcation) or non-physical (relying on a more abstract sense of cultural unity). According to Ernest Gellner, nationalism is a political principle that works to ensure that the borders of the nation are congruent with the borders of a state.²³

Immigration is a violation of the nationalist principle as defined by Gellner because it allows non-nationals to be included within political boundaries that, according to nationalism, should not cut across ethnic boundaries. Immigration confounds nationalist desires to maintain homogeneity of ethnic or cultural identity within physical boundaries. Nationalism reacts to this process by fighting against the unbridled immigration advocated by liberal and open border arguments. Nationalists frequently call for restrictive immigration policies in order to preserve the cultural heritage of a dominant nation or to limit the strain immigrants place on the job market and social welfare services (education, health care, police services etc.).²⁴ Nationalist voices argue that jobs and welfare benefits are the right of national members, and should not be extended to those outside the identity boundaries.

Gellner argues that “nationalism is a theory of political legitimacy, which requires that ethnic boundaries should not cut across political ones.”²⁵ This means that the state cannot violate the nationalist principle (in this case by allowing immigrants) and remain legitimate. The Russian case demonstrates the effectiveness of using national-

ism as a justification for restrictive immigration policies and shows how such policies can be used to increase state legitimacy.

Policy Outputs

Turning from external policy inputs of globalization and alternative internal inputs of liberalism and nationalism, a brief word about policy outputs is in order. As with inputs, the analysis of policy outputs in the literature is largely limited to liberal polities.²⁶ It seems logical that liberal polities would have more liberal policies than their illiberal counterparts. Yet immigration policies do not systematically vary according to regime type. As evidence of this idea, consider European Union countries that have virtually no immigration barriers for member states, yet maintain fortress-like barriers against certain non-EU citizens. That a country can have both liberal and restrictive policies indicates that liberal states do not necessarily have uniformly liberal immigration policy outputs. The literature supports this conclusion, as it analyzes various approaches to immigration policies in liberal states that range from relatively open to quite restrictive.²⁷

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Immigration policies are typically categorized according to entry, or border-control and visa policies, and incorporation, or integration and citizenship. Control of Russia’s immigrant labor population, however, does not focus on borders for labor migrants from visa-free CIS countries, which comprise the vast majority of immigrants. Rather, Russian immigration policy focuses on entry to the labor market, using work permits and quotas as the main control mechanisms. This confounds the emphasis in the literature on borders as the first line of immigration control and shows how the Russian case can contribute to an expansion of conventional wisdom on immigration policy by identifying and assessing alternative primary control mechanisms.

There is very limited literature analyzing the immigration policies of illiberal or non-democratic states. This literature is restricted to Russia and the Middle East, which together comprise the bulk of immigrant-receiving non-democracies.²⁸ However, the literature does not systematically link policy outputs to explanatory variables that act as inputs. This analysis seeks to fill this gap by analyzing nationalist and xenophobic tendencies in Russia and the restrictive immigration policies they produce.

The Russian Case

This article argues that Russia’s immigration policies are driven by ethnic nationalism, which manifests itself as institutional (state-driven) and societal xenophobia. Nationalism as a policy input supersedes the demographic reality that migrants are the only viable solution to fulfill labor market demand. One of the most important aspects of the demographic crisis is its impact on the labor market. Projections indicate that the

period from 2006-2015 will see a decrease in the working age population by 10 million, or 1 percent per year.²⁹

That the population decline in Russia has reached crisis levels is well-acknowledged as an important policy matter by the government. The state has embarked on a three-pronged approach to address the demographic crisis that decidedly de-emphasizes the role non-Slavic immigration can play in correcting current trends. In a 2006 speech, Putin declared that short-term labor migration of non-Russians does nothing to solve demographic problems.³⁰ Instead, demographic policies focus on incentives for families (specifically mothers) to increase the birth rate, mortality reduction through greater attention to health and safety, and a program to entice the immigration of Russian “compatriots.”³¹ These policies are uncontroversial to nationalist audiences, as they favor the ethnic status quo. Yet they are unable to produce results quickly enough to compensate for the rate of depopulation, especially in the labor market. Additionally, the compatriot program has largely failed because migrants are not being repatriated to economically vibrant areas. Rather they are being sent to remote and depopulated areas that would not normally attract migrants.³² In 2007, the first year of the program, only around 2,000 people participated in the repatriation program instead of the expected 50,000.³³ Estimates of total participation during 2007-2009 range from 10,000-17,000 of the expected 300,000 compatriots.³⁴

Despite these demographic policy efforts, experts maintain immigration is the only viable source of population growth in Russia.³⁵ Specifically, migrant labor is needed in the non-skilled or service sectors, such as construction, retail trade and transportation. The vast majority of migrant labor currently filling these jobs originates in the former Soviet countries of the CIS, and thus it is the policies that affect these immigrants that will be the focus of the following discussion. Because there are millions of migrants from CIS countries willing to work in Russia, it is logical that the government would encourage migration to compensate for labor shortages. Instead it has instituted policies that are largely restrictive. While it is true that citizens from the CIS are allowed to enter the Russian Federation visa-free, stay for 90 days and obtain a work permit without a pre-arranged employment contract, significant hurdles remain for these migrants.

Current Policy Framework

The 2007 immigration laws signal the Russian government’s attention to immigration control as a serious policy matter. The reforms corrected some of the previously cumbersome registration and work permit procedures for labor migrants from CIS countries, and in this sense are referred to a liberalization of immigration policy.³⁶ However, the package of new rules also focused on protecting the Russian labor market by banning foreigners from working in certain enterprises and instituting quotas for work permits.³⁷ Overall, the package of reforms is incoherent and restrictive and therefore does not offer a sustainable solution to the demographic realities Russia faces.

The new rules are dubbed by some a “liberal migration revolution,” because of the reform-oriented intentions of certain bureaucrats to bring Russian legislation more in line with the immigration standards of Western countries.³⁸ Certain aspects of the legislation offer CIS citizens the opportunity to directly obtain work permits that are not bound to specific employers, a privilege vis-à-vis citizens of other countries who are only allowed to work for a single employer during their stay in Russia. This allows

CIS migrants to change employers within reasonable limits, protecting themselves from potential abuse and slavery.³⁹ Migrants can now obtain all of the necessary paperwork themselves with minimal processing time and expense, instead of relying on employers to submit the documents on their behalf.⁴⁰ While these changes to the procedures for work permits can indeed be considered a liberalization of previous policies, other bureaucratic procedures remain cumbersome and restrictive. Furthermore, the fact that liberalization of the work permit procedures was advanced alongside a ban on foreign workers and the institution of quotas for CIS citizens indicates that the overall direction of immigration regulation is not one of liberalization.

A number of procedures required by the current laws are quite difficult for immigrants to fulfill and effectively act as barriers to maintaining legal status. First, migrants must register within three days of arriving on the territory of the Russian Federation—often too little time to find a place to live and complete the necessary paperwork, despite the fact that the registration process can now be completed online or by mail.⁴¹ Furthermore, the process requires each migrant to have a host party, though employers and landlords are often loath to act in this capacity.⁴² Second, prior to the changes in 2007 those with temporary resident permits were not required to have a work permit. Now this privilege is only accorded to those with permanent residence, which requires foreign citizens to live as a temporary resident for one year before applying for permanent status. Considering that the process of obtaining temporary residence can take up to a year, while migrants are initially allowed only a 90 day stay in the Russian Federation, completing the process in the time required is difficult, if not impossible.⁴³ Finally, the local government in Moscow has proposed requiring plastic identification cards that would act as migrant work permits and contain information such as medical history.⁴⁴ While on the surface this would seem useful, it would come at great expense to migrants (around \$500) and would thus deter migrants from registering legally. Furthermore, this proposal shows how regional governments can at times act as a barrier to coherent national policy by implementing discriminatory bureaucratic procedures.

Restrictive or cumbersome procedures have the pervasive effect of pushing both employers and migrants to disregard the law and operate in the shadow sector, either with illegally obtained documents or without documents altogether.⁴⁵ An example of this is the ban on foreign workers. As of April 1, 2007, foreign workers were no longer allowed to work in the retail sector (primarily outdoor markets). Consequently, some traders left Russia altogether, while others have merely been promoted to managers of the markets in order to obviate their handling of goods or cash.⁴⁶ Most foreigners have sought legal loopholes. For example, some migrants have gone through the process of temporary residence, which allows them to register as a private entrepreneur instead of as a foreign worker.⁴⁷ Others have sought permanent residence permits, which allow foreigners to work on a similar basis as Russian citizens.⁴⁸ Often, temporary and permanent residence paperwork is obtained from middlemen who either forge documents or illegally procure them from corrupt bureaucrats.⁴⁹

Since 2007, foreigners have certainly not disappeared from the sectors of retail trade that the ban targeted. The closing of Moscow's Cherkizovsky Market in June 2009 is an illustration of the ineffectiveness of the ban. The biggest market in Eastern Europe, Cherkizovsky was operated using the labor of tens of thousands of migrants from the CIS, Vietnam and China. While a number of migrants worked in Cherkizovsky "legal-

ly,” having obtained either a permanent residence permit or registering as a private entrepreneur (either through truly legal channels, or through middlemen), a number of others were illegal, showing that restrictive procedures can have the perverse effect of pushing migrant populations into the shadow sector.⁵⁰

One of the most significant problems with the current immigration regime is with the quota mechanism used to determine the yearly allotment of work permits for CIS citizens. The quota system displays Russia’s emphasis on controlling entry into the labor market, as opposed to the traditional focus on border control or integration measures emphasized in the literature. The quota system also highlights a mismatch between restrictive policies and true

labor market need.

“Both institutional and societal xenophobia work together to create an environment that demands restrictive immigration policies, despite the economic and demographic need for migrant labor.”

Quotas are an inherently restrictive method of immigration control in the sense that they place a numerical limit on the flow of immigrants. Yet they are not necessarily a bad mechanism for regulating migrant workers so long as they are formulated in accordance with labor market needs. This is not the case in Russia, however, where the formulation of quotas is dominated by political considerations, specifically the desire to frame decisions in a way that will resonate

with the public.⁵¹ In this way, the use of restrictive immigration policies is a populist maneuver that focuses on nationalist impulses rather than demographic realities.

The initial quota for CIS workers in 2007 was 6 million. The Federal Migration Service (FMS) set this generous quota, for which they were heavily criticized, as a sort of amnesty program to legalize migrants already on the territory of the Russian Federation.⁵² An estimated 4 million illegal migrants were regularized as a result.⁵³ However, subsequent quotas have been consistently lower than the actual need for foreign labor. Considering the number of illegal migrant workers in Russia is estimated to be 5-10 million, which is a telling indicator of true labor market demand, any quota of less than five million will almost certainly ensure there will be an insufficient number of work permits for migrant workers in the Russian Federation territory.⁵⁴

In 2008 the quota was set for 1.8 million, but in a number of regions including Moscow it was exhausted by May, again showing the quotas allot insufficient permits to meet labor market demand.⁵⁵ The FMS announced in August 2008 that it would allocate additional quotas, though the quota was only officially increased to 3.4 in October 2008 by government resolution.⁵⁶ The quota for 2009 was set at 4 million based on requests by employers, but was later reduced by Prime Minister Putin to 2 million, who cited a need to protect the labor market for Russian citizens in a time of economic crisis.⁵⁷ The quota for 2010 was initially kept at 2 million despite continued lobbying by a number of regions for further reductions quotas.⁵⁸ Quotas for 2010 were eventually reduced to 1.3 million in the final days of 2009 at the request of trade unions.⁵⁹

Low quotas are politically popular given the public disapproval of any large influx of foreign labor. After quotas were increased to 4 million for 2009, the public backlash was

immediate, demanding an answer for why the government would increase quotas in a time of financial and demographic crisis.⁶⁰ Putin's decision to decrease the quota to 2 million by decree is therefore widely dubbed as populist by experts.⁶¹ Protecting the labor market for Russian citizens has been a major consideration in setting quotas. However, protecting jobs is not a factor in the formal quota formulation process, nor is the idea that jobs are threatened one that has a direct relationship with real labor market need. Rather, protecting the labor market is a political consideration based on nationalism that affects whether or not the government will accept the recommendations by the Ministry of Health based on aggregate requests from employers. Quotas are also political in the sense that they are a product of input from a number of different government bureaus (including the FMS, Ministry of Health, Ministry of Economic Development and Rostrud). In the end, quotas have become more a reflection of popular demand for restricted immigration than of true labor market need.

That policy has developed in an incoherent manner reflects a divide between those who look to sustainable reform implemented incrementally (i.e. those behind the liberal immigration revolution) versus bureaucrats and government officials who are focused on short-term populist solutions to immigration problems. In the end, though there were some liberal changes included in the 2007 policies, the latter group of elites succeeded in producing a restrictive environment through a ban on foreign workers, difficult administrative processes and the quota mechanism that is unrelated to real labor market needs. Under the guise of nationalism, officials focus on restrictive immigration policies in order to achieve short-term gains of public support, as is clear in the case of quota formulations.⁶²

Nationalism

What would form the basis Russian national identity became an essential question after the fall of the Soviet Union. Since the second half of the 1990s, Russian identity has coalesced around a type of xenophobia that unites the public and allows elites access to political legitimacy.⁶³ Nationalism in Russia currently has a number of manifestations, both institutional (imbedded in state structures) and societal, which can be linked to the recent immigration policies specifically and anti-migrant attitudes more generally. Institutionally, the current nationalist climate is continually reinforced by the state-controlled media and government policy. State efforts resonate with the public, as shown through public opinion polls expressing nationalist sentiment, hate crime statistics and nationalist group activity. Both institutional and societal xenophobia work together to create an environment that demands restrictive immigration policies, despite the economic and demographic need for migrant labor.

Institutional Xenophobia

In order to compensate for the gap between demographic realities and the new immigration laws, the state has employed decidedly nationalist rhetoric. The state-controlled media is a mouthpiece of the government for what many identify as increasing nationalist ideology. It is both a forum for elites to express political statements and an arena for the creation of an overall anti-migrant narrative.⁶⁴ The media fosters migrantophobia by framing immigration processes and immigrant populations in security terms, focusing on ethnicity as a distinguishing factor of immigrants and highlighting threats to law and order and the economic welfare of Russian citizens.

The state media has consistently cast migration policies in ethnic terms, as in a *RIA Novosti* report of April 2, 2007: “The ban on foreign market sellers follows an ethnic-related brawl in northern Russia, which left two people dead last year. The law is designed to open the way for Russian agricultural producers and vendors to the markets, which have been controlled mostly by migrants from the Caucasus republics, leading to xenophobic sentiments in society.” Putin himself stated that the immigration changes were made specifically to protect Russian nationals.⁶⁵

Content analysis of local and national newspaper coverage of 2007 fights between Russian and Chechen youth in Stavropol (in Southern Russia) reveals that the vast proportion of newspapers used ethnic identifiers to describe actors in the conflict and portrayed migrants and minorities in a sensationally negative light.⁶⁶ Most newspapers reported significantly more about Russian victims of the violence than about Chechen victims, including biographical information, interviews with family members and coverage of funerals. Many of Russia’s newspapers are owned by businessmen with ties to the Kremlin, allowing the state to stay at least partially removed from the most overt nationalist rhetoric. Yet in the case of Stavropol, even state-owned newspapers also directly evoked nationalist explanations for events despite the official account of events, which deemed the disturbances “hooliganism.”⁶⁷

Events in Stavropol occurred nearly a year after disturbances in Kondopoga, which have become synonymous with interethnic strife.⁶⁸ Kondopoga is regularly evoked in the media by reporters of various ideological perspectives as an indicator of the volatile ethnic atmosphere in Russia. A speech by President Putin on October 5, 2006 focused on various issues related to protecting the interests of Russian populations. Official media sources rearranged the paragraphs of this speech to locate the comments about protecting Russians nearer the discussion of the Kondopoga events than their original context within a discussion on domestic agriculture, with the effect of making Putin’s speech more ethnically charged.⁶⁹ Again, this shows that, while the upper-most positions in the government are at times a step removed from nationalist rhetoric, the overall mechanism of the state-owned media portrays a distinct nationalist tone.

Ethnicity is often a distinction denoted by physical appearance. However, given that Russia is a multinational state, ethnic appearance alone does not provide sufficient evidence of someone’s status as a migrant.⁷⁰ Chechens are a particularly apt example because most are Russian citizens, since Chechnya is contained within the borders of the Russian Federation, yet they incur a disproportionate amount of xenophobia. Following several terrorist attacks carried out by Chechens as well as the wars in Chechnya, minorities of Caucasian appearance have come under more scrutiny and offer a convenient focus for the perpetuation of xenophobic attitudes. And many fear that in the wake of the April 2010 bombings in the Moscow metro—attributed to Chechen terrorists—profiling and xenophobic attacks against Caucasians will increase. Some experts have expressed surprise that there has not been more anti-Caucasian sentiment immediately following the bombings.⁷¹ Yet it is difficult to predict how trends will develop, and therefore data on trends of xenophobic attacks later in the year will be informative. What began as specific anti-Chechen sentiment in the 1990s has turned into a homogenized xenophobia that lumps together Chechens with other Caucasians (both within Russia and in the states of Azerbaijan, Georgia and Armenia) and with a general category of “enemies”

that includes Central Asians, Chinese and Africans, all of which are commonly referred to as “blacks.”⁷²

In addition to ethnic identifiers, the media often highlights threats to law and order posed by migrants. Russian officials often use security language when justifying restrictive immigration policies and ethnic minorities are commonly portrayed as criminals, terrorists or threats to Russian society.⁷³ Moscow mayor Yuri Luzhkov has repeatedly called for decreased immigrant quotas, arguing that migrants are associated with increased criminality.⁷⁴ Luzhkov has, on different occasions, attributed between 36 percent and 50 percent of Moscow’s crimes to migrants.⁷⁵ That these messages are transmitted to the public through the media without commentary or analysis allows the rhetoric of criminality a greater degree of authoritativeness.

In the July 6, 2009 edition of *Itogi*, First Deputy Procurator Alexander Bastrykin wrote a lengthy article associating migrants with illegal businesses, forged documents and organized crime. A full color picture of Bastrykin filled the cover of the issue and advertised the title of the article, “Migration: out of the light, into the shadows.” The opening line of the article says, in bold print, that every third crime in Russia is committed by an illegal immigrant. Data from the Ministry of Internal Affairs (MVD) shows that from 2003-2009, crimes committed by foreigners comprised 2.7-3.6 percent of total crimes. However, Bastrykin argues these figures underrepresent migrant criminality and that his own data is a better indicator of the scale of immigrant crime.⁷⁶ By appealing directly to the public in a self-authored piece, Bastrykin clearly takes advantage of the media as a forum to express his anti-migrant sentiment.

Through the media, the government justified the 2007 ban on foreign workers, saying it would allow Russian nationals economic opportunities that have previously been taken by migrants.⁷⁷ The FMS and Duma claimed that the new migration rules were a response to the displeasure many Russians expressed at the disproportionate number of foreign workers in outdoor markets.⁷⁸ Yet Russians rarely work at the outdoor markets in question as these jobs are considered undesirable.⁷⁹ When Russians are employed in low-skilled jobs such as these, they demand higher wages than their immigrant counterparts.⁸⁰ Nevertheless, the discourse that focuses on how migrants take jobs is popular and has only intensified as a result of the international financial crisis that began in 2008.

Aside from nationalist rhetoric in the media, institutional xenophobia is displayed through a consistent pattern of ethnic profiling and other discriminatory activities of the government. Routine police discrimination is one way in which government policies and practices exhibit xenophobia.⁸¹ Police have been instrumental in carrying out state discrimination by stopping, fining and detaining those (primarily of Caucasian features) who are suspected to be without proper paperwork, a phenomenon one expert calls “quiet ethnic cleansing.”⁸² The MVD, which houses both the FMS and police forces, coordinates all immigration policies and procedures. Police are given some latitude in enforcing these policies, which displays an institutional structure that securitizes immigration by making it a primarily criminal matter. Under Russian law, police are given wide discretion for random document checks if they suspect some sort of administrative or criminal violation. Ministry officials, despite official rhetoric, have explicitly directed police officers to use ethnic profiling in the course of their work.⁸³

Beyond police activities, ethnic profiling as a manifestation of institutional xenophobia can be seen in wider state policy such as anti-Caucasian crusades initiated by

the federal and Moscow city government from 1995-2004.⁸⁴ Caucasian minorities have been the target of mass deportations, including one following the Moscow apartment bombings of 1999 that were instrumental in bringing about the second Chechen war and Putin's election as president.⁸⁵

A more recent example of state-driven ethnic profiling and migration crackdown occurred when a number of Georgians were deported following a conflict with Georgia in September and October of 2006. After several Russian military officers were arrested in Tblisi on suspicion of espionage, Russia recalled its ambassador, cut off all transportation, and refused visas to Georgian nationals.⁸⁶ Police were explicitly directed to step up actions against Georgians, including identification checks at a number of Georgian Orthodox churches.⁸⁷ Inspections of Georgian-owned companies and demands by the Moscow police for lists of Georgian students involved not only migrant workers but Russian citizens of Georgian descent.⁸⁸ Hundreds of Georgians were deported via government or cargo plane between October 6 and 10, during which 3 died.

Russian officials justify the deportations as a necessary response to longtime immigration and labor law violations.⁸⁹ In the days after the capture of the Russian officers, the state media released many reports on Georgian "rascals," highlighting criminal activities.⁹⁰ These reports, coupled with the statements by FMS and Duma officials, couched their rhetoric in nationalistic terms. FMS spokesman Konstantin Poltoranin explained that Russia had only detained and deported Georgians who had expired visas or no work permits, saying Georgian citizens are the primary offenders of Russia's migration laws.⁹¹ Vyacheslav Volodin, deputy speaker of the Russian Duma stated that of the 300,000 Georgians working in Russia, only 0.7 percent of them were legal workers.⁹² Mikhail Tyurkin, deputy director of the FMS, announced court decisions to expel nearly 500 Georgian citizens, citing figures that one out of 100 Georgians violate Russian law, as opposed to violations by one out of 1000 immigrants from other countries.⁹³

Though the Georgian crisis began as a political issue, it quickly solidified along ethnic lines. Many ethnic Georgians contribute to the Russian economy by starting small businesses such as restaurants, and a number of Georgians have Russian citizenship. Yet this is not a welcome source of economic or population growth as evidenced by these events. Rather, the government focused on nationalist perspectives in a manner that displays institutional xenophobia.

Societal Xenophobia

Institutional xenophobia is a result of elites who perpetuate nationalist sentiment through the media and policies. However, the elites who create policy and contribute to institutional xenophobia are influenced by xenophobic sentiment in society, making the relationship mutually reinforcing. Societal xenophobia is most readily assessed through public opinion polls, hate crime statistics and nationalist group activity. Public opinion comprises a primarily passive form of xenophobia based on popular discourse fostered by the media rather than on personal experience, whereas hate crimes and nationalist activities are active forms of xenophobia. These societal forms of xenophobia combine with, and are perpetuated by, institutional xenophobia to produce demand for restrictive immigration policies, despite the demographic need for labor migrants.

Public opinion surveys from the Moscow-based Levada Center show that there is consistent nationalist sentiment in Russian society, as 57 percent of Russians today support the idea of "Russia for Russians," either wholesale or with reasonable limits.⁹⁴

This number has remained at or above 50 percent since 2001. Similarly, a majority of those surveyed say that the government should restrict the influx of migrants to Russia and that illegal immigrants should be expelled. Yet the same surveys show that in 2008, 65 percent of those surveyed did not feel ethnic tension in their city or region (a figure that has remained consistently above 60 percent in yearly surveys since 2005). Similarly, over 80 percent of respondents report that they rarely or practically never feel hostility toward or from ethnic minorities. One explanation for this duality is that on the whole, xenophobia is quite latent in the population. Though people are exposed to xenophobic sentiment regularly through the media, it remains more abstract than if it were a result of personal experience.

Research has established that Russians consistently perceive that there are more immigrants living among them than population statistics show, especially Chinese and Chechen populations.⁹⁵ There is a similar overestimation in regard to the criminality of migrants. Survey data shows that 50 percent of Russians believe migration causes an increase in crime.⁹⁶ Yet MVD data shows crimes by migrants were only 2.7-3.8 percent of total crimes for the period of 2003-2009 (around 50,000 crimes per year), meaning it is impossible that 50 percent of Russians have direct experience with migrant criminality. Rather, the perception of criminality is abstract and delinked in most cases from personal experience. It is logical, thus, that these perceptions are influenced by elite statements and the media's disproportionate focus on the criminality and economic threats posed by migrants.

Societal xenophobia also includes the activity of nationalist groups and attacks on foreigners, both of which are reactive manifestations of anti-migrant sentiment. According to some estimates, extremist crimes rose over 60 percent from 2006 to 2007.⁹⁷ Though on the surface, statistics indicate a decrease in hate crimes since the peak in 2007, experts are not optimistic, saying that crimes are simply becoming more difficult to discover and that the level of nationalist violence remains high even if there are fewer victims killed or injured.⁹⁸ Furthermore, the victimology has shifted from attacks on members of youth anti-fascist groups and alternative subcultures (i.e. punk, emo, goth, etc.) they are associated with, to attacks on minorities.⁹⁹ Central Asians were the most frequent victims of hate crimes in 2008 and 2009. This could indicate a shift in the strategy of extremists from fighting theoretical battles with those of opposing ideology to directly acting out xenophobic impulses.

More significantly, of 531 hate crimes in 2008, only 33 guilty verdicts were conferred against 114 people, 28 of whom were given probation or released from punishment altogether.¹⁰⁰ Police and investigators do not adequately investigate or punish crimes and themselves are associated with anti-migrant attitudes and actions.¹⁰¹ This shows an element of institutional xenophobia because migrants are not effectively protected and those acting on nationalist intentions operate in an environment of impunity. Thus, there is a synergy between nationalist actors who work outside the law and elites who use the law to discriminate against migrants.

While hate crimes are the most radical manifestation of nationalism, nationalist groups are active both at the fringes of politics and in society at large. Some organizations are connected quite closely with the government, while others simply enjoy a wide berth for their activities because there is a lack of consistent legislation and prosecution of nationalist expressions.¹⁰²

An example of an organization with government ties is Mestniye. In September 2007, the media reported FMS accolades of nationalist youth group Mestniye, which

was responsible for rounding up dozens of illegal workers and delivering them to the authorities. Though the youth group was created as a pro-Kremlin group, it has since shifted its ideology to align with ultra-nationalist groups such as the Movement Against Illegal Immigration. The leader of Mestniye brags of close ties to the FMS and has assisted the government agency on several occasions.¹⁰³

The Movement Against Illegal Immigration (DPNI) is an example of an organization that has less explicit ties to the government. Though it has made minor forays into politics, it focuses the majority of its energies on mobilizing society toward nationalist goals. DPNI is one of the most important nationalist organizations in Russia today, and has significantly contributed to spreading the slogan “Russia for Russians” through society.¹⁰⁴ Beyond the deportation of illegal immigrants, the DPNI supports maximally restrictive immigration (especially labor migration) policies, deportation of non-citizens who commit crimes and the abolition of the visa-free regime.¹⁰⁵

DPNI has been active in capitalizing on situations of real or perceived ethnic conflict, such as the 2006 events in Kondopoga and the 2007 events in Stavropol. In Kondopoga, DPNI leaders were pivotal in organizing anti-migrant protests through the internet, cell phones (SMS) and leaflets, a move that catapulted the group to national recognition and has become a model for their organizational activity.¹⁰⁶ When ethnic tensions flared in Stavropol, the DPNI again traveled to the source of the conflict in order to organize and participate in rallies. DPNI leaders were implicated in organizing Kondopoga protests, but none were arrested because their activities “did not incite ethnic hatred or call people to illegal acts.”¹⁰⁷ These words from the Procurator’s office are especially interesting because they follow an accusation that the DPNI was involved in organizing “pogroms” in Kondopoga, leaving the reader to wonder what, if not a pogrom, qualifies as ethnic hatred and illegal acts. Though Alexander Belov, the former leader of the DPNI, has been arrested several times, he has never served more than five days in jail for his activities.¹⁰⁸ He was given a sentence of 18 months in May 2009 for incitement to hatred, which was reduced to 2 years probation for using racist statements in the 2007 Russia Marches.¹⁰⁸

Anti-extremist law in Russia criminalizes inciting others to violence and hatred, the use of extremist propaganda, participating in banned organizations, and hate-motivated propaganda. The legislation is problematic, however, because it is vaguely defined in many cases.¹¹⁰ Prosecutions of anti-extremist cases are mostly a result of officials attempting to appear as though they are fighting extremism.¹¹¹ Commonly, minor offenders are convicted (for example, someone who writes a racist statement on a web forum), while those with a more clear record of extremism (like Belov) are treated with relative impunity.¹¹² Consequently, the legislation and prosecution of hate crimes can be used as a measure of systematic or institutional discrimination, because provocation against migrants and minorities is consistently under-prosecuted.

Conclusion

Immigration is necessarily an issue that cuts to the heart of Russian national identity because it requires specific practical applications of the national ethos and deliberate definitions of who may legitimately be included in the nation.¹¹³ Institutional and societal xenophobia create mutually reinforcing demands for anti-immigrant policies in Russia, presenting a united case for the idea that migrants should not be included in the

Russian nation. The public is receptive to nationalist rhetoric and offers political support in exchange for policies that protect the Russian people. It is clear, through this analysis, that the state stokes the fires of nationalism and then creates restrictive immigration policies in response. In this way, the state acts as both cause and solution as it demonstrates the capacity to provide solutions to security and identity threats. The Russian case shows the effectiveness of using nationalism as a justification for restrictive immigration policies and shows how such policies can be used to increase state legitimacy, as theorized by Gellner.

Yet the current policy approach is not successfully addressing Russia's demographic crisis. Efforts to increase birth rates, decrease death rates, and attract Russian nationals to immigrate, while consistent with nationalist rhetoric, are not enough to reverse the crisis in the immediate term. While migration is the most viable solution to demographic problems, nationalism prevents a true liberalization of immigration policies.

This analysis has left off on the issue of how immigration policies are enforced. There is certainly a case to be made for the presence of anti-migrant discrimination in the implementation (or lack thereof) of legislation. Such a study would complement the present one quite nicely. Nevertheless, it is important to establish that the policies themselves are quite restrictive and therefore discriminate against migrants even before implementation is considered.

Russia's approach to immigration fills an important gap in the literature, both in regard to policy inputs and outputs. Like other immigrant-receiving countries, Russia deals with security-related inputs such as trafficking and illegal immigration, yet it does not choose to adhere to international human rights norms as evidenced by institutionalized discrimination of migrants and minorities. Russia is unlike most immigrant-receiving countries analyzed in the literature because of its distinctly illiberal approach that relies on nationalism in the formulation and justification of immigration policies. Borders remain open for the vast majority of labor migrants, increasing the presence of migrants and the opportunity for xenophobia, which creates increased demand for restrictive policies in a self-reinforcing process. Entry into the labor market is then heavily regulated in a manner that does not offer viable long-term solutions to the shrinking working-age population. This policy approach is not only counter-intuitive, it is self-destructive and must be amended if Russia is to effectively combat the demographic crisis.

NOTES

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