



CARIM EAST – CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION

Co-financed by the European Union

Comparative study on integration policies in CARIM-East Countries

Kristīne Krūma

CARIM-East Research Report 2013/40



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CARIM-East
Creating an Observatory of Migration East of Europe

Research Report
CARIM-East RR 2013/40

Comparative study on integration policies
in CARIM-East Countries

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CARIM-East – Creating an Observatory East of Europe

This project which is co-financed by the European Union is the first migration observatory focused on the Eastern Neighbourhood of the European Union and covers all countries of the Eastern Partnership initiative (Belarus, Ukraine, the Republic of Moldova, Georgia, Armenia and Azerbaijan) and Russian Federation.

The project's two main themes are:

- (1) migration from the region to the European Union (EU) focusing in particular on countries of emigration and transit on the EU's eastern border; and
- (2) intraregional migration in the post-Soviet space.

The project started on 1 April 2011 as a joint initiative of the European University Institute (EUI), Florence, Italy (the lead institution), and the Centre of Migration Research (CMR) at the University of Warsaw, Poland (the partner institution).

CARIM researchers undertake comprehensive and policy-oriented analyses of very diverse aspects of human mobility and related labour market developments east of the EU and discuss their likely impacts on the fast evolving socio-economic fabric of the six Eastern Partners and Russia, as well as that of the European Union.

In particular, CARIM-East:

- builds a broad network of national experts from the region representing all principal disciplines focused on human migration, labour mobility and national development issues (e.g. demography, law, economics, sociology, political science).
- develops a comprehensive database to monitor migration stocks and flows in the region, relevant legislative developments and national policy initiatives;
- undertakes, jointly with researchers from the region, systematic and *ad hoc* studies of emerging migration issues at regional and national levels.
- provides opportunities for scholars from the region to participate in workshops organized by the EUI and CMR, including academic exchange opportunities for PhD candidates;
- provides forums for national and international experts to interact with policymakers and other stakeholders in the countries concerned.

Results of the above activities are made available for public consultation through the website of the project: <http://www.carim-east.eu/>

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Introduction¹

The study focuses on a comparative analysis of the integration policies and practices in the CARIM-East countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Russia. It is conducted within the framework of an EU funded project “Creating an Observatory of Migration East of Europe” (CARIM-East project).

This comparative study is based on the individual country reports, which were drafted by the national rapporteurs of the CARIM-East project. The methodology follows the legal standards and policy objectives adopted by the EU on immigrant integration in various sources. It has been taken into account that integration is a relatively recent phenomenon for the EU and for CARIM-East countries.

The EU hosts relatively large and different immigrant communities, which have arrived under different circumstances and which have resided, in some cases, in the EU for generations.² Enhanced mobility and matching of skills have been noted in political programmes such as Europe 2020 as well as the Stockholm Programme.³ The potential of migration is seen in the context of building a competitive and sustainable economy. At the same time this does not mean uniform immigration and integration strategies of individual EU Member States. This depends on historical and economic peculiarities in each case. They are bound by different legal instruments, not only those of the EU, but policy-wise certain common ideals have been agreed upon.

According to reports the migration tendencies in CARIM-East countries also differ: Russia hosts relatively large groups of migrants, while Georgia and Belarus have limited migration.⁴ Armenia and Azerbaijan are primarily addressing the integration and regularization of post-conflict settlers, although Azerbaijan is also becoming attractive for other immigrants.⁵ Moldova has recently introduced comprehensive regulation for the integration and re-integration policies of migrants and compatriots.

The overall aim of integration should remain the same, i.e., immigrants should abide by core values shared by the host society and in return receive a set of rights, including social, civic and political rights comparable to those of local citizens. But the limited competence of the EU in integration coupled with diverging national practices in CARIM-East countries, notwithstanding the “overall goal”, makes a comparative analysis a challenging task.

For the purposes of this study a sector by sector approach to analysis is adopted. It will begin by outlining the EU legal and policy framework. This will be followed by the identification of a common legal framework for the CARIM-East States with reference to the ratification of the main human-rights instruments. Each section will start with an introduction of the EU approach and then proceed with a comparative analysis of CARIM-East countries based on international treaty commitments. There is

¹ I am grateful to Sergo Mananashvili, the national rapporteurs for their support, devotion and motivation during drafting of reports and synthesis report. I am also indebted to other members of CARIM-East project for their cooperation and assistance during the project.

² A breakdown of the population by citizenship in 2010 showed that there were 32.4 million foreigners living in the EU 27 Member States (6.5%) of the total population. Of those, 12.3 million were EU27 nationals living in another Member State and 20.1 million were citizens from a non-EU 27 country (4% of the total population), quoted by European Commission, European Agenda for the Integration of Third-Country Nationals, COM (2011) 455 final, 20 July 2011.

³ See more details at the http://ec.europa.eu/europe2020/index_en.htm accessed 20 January 2012.

⁴ For details see Людмила Шахотько, Анастасия Боброва, Влияние Интеграции на Демографические Процессы в Беларуси, available at <http://www.carim-east.eu/publications/research-reports/impact-of-labour-migration-on-countries-of-origin-and-destination/> accessed 9 January 2013. While migration peaked at the beginning of the 1990s in Belarus, recent data shows that immigration is very low.

⁵ As noted by the European Commission against Racism and Intolerance (ECRI) “migration flows have changed in recent years, becoming more complex. Today Azerbaijan is a country of transit and of destination: many migrant workers live within its territory”, para 75, ECRI, fourth monitoring cycle, CR (2011) 19, 23 March 2011.

though a problem with this methodology. CARIM-East country reports are not focused solely on immigrants but also on refugees, stateless persons and displaced persons, who are all subject to different legal regulations at the EU level. At the same time by ignoring these groups the study would not be able to show a comprehensive outline of the problems in the region in terms of integration. The study concludes with recommendations.

The comparative study will be based on information provided in national reports, which were finalized after discussions during the workshop *On the Integration and Reintegration of Migrants in Countries of Origin and Destination* on 29 and 30 November 2012 in Tbilisi. For an outline of EU policies Council Directives on immigration, Common Basic Principles for Immigrant Integration⁶, European Agenda for the Integration of Third-Country Nationals⁷ and the Handbook on Integration⁸ will be used.

General approach to integration

EU integration framework

While there is a surprisingly low level of intra-EU mobility on the part of EU citizens for employment purposes, human mobility into and within the EU labour market by non-EU nationals is growing.⁹ Therefore, providing equal rights and possible access to EU citizenship becomes crucial.¹⁰ In this context the European Council's conclusions from Tampere serve as the starting point for EU integration policies. The conclusions include the following:

The legal status of third country nationals should be approximated to that of Member States' nationals. A person who has resided legally in a Member State for a certain period of time and who holds a long-term residence permit, should be granted in that Member State a set of uniform rights which are as near as possible to those enjoyed by Union citizens.¹¹

Starting from 2000 the EU has emphasized the need for the efficient integration of immigrants in order to guarantee high levels of employment and productivity.¹² By 2002 integration had already become a prominent theme in EU and Member States discourses.¹³ The 2003 Thessaloniki Council acknowledged the role of Member States, but stressed the need for an EU framework and common basic principles.¹⁴

⁶ See Conclusions of the Council of the European Union, Justice and Home Affairs, 19 November 2004. Available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf accessed 12 November 2012.

⁷ Communication from the Commission, COM (2011) 455 final, 20 July 2011. Available at: http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf accessed 12 November 2012.

⁸ Directorate General Justice, Freedom and Security, Handbook on Integration for policy-makers and practitioners, 3rd ed. 2009A Available at: http://ec.europa.eu/ewsi/UDRW/images/items/doc1_12892_168517401.pdf accessed 12 November 2012.

⁹ Carrera Sergio, Formisano Marco, 'An EU Approach to Labour Migration. What is the Added Value and the Way Ahead?' (*CEPS Working Document*, No.232/October 2005) http://aei.pitt.edu/6674/01/1272_232.pdf accessed 10 February 2011, p. 6.

¹⁰ See Bauböck Rainer, 'Changing the boundaries of citizenship: the inclusion of immigrants in democratic polities', in Martiniello Marco, Rath Jan (eds), *Selected Studies in International Migration and Immigration Incorporation*, Amsterdam University Press:IMISCOE Research 2010, pp. 275- 314.

¹¹ See Tampere European Council, Conclusions of Presidency (15-16 October 1999). Available at http://www.europarl.europa.eu/summits/tam_en.htm accessed 1 December 2011, para 21.

¹² Communication from the Commission on a Community Immigration Policy, COM (2000) 757 final, 22 November 2000, Communication from the Commission on an open method of co-ordination for the Community Immigration Policy, COM (2001) 387 final, 12 July 2001.

¹³ Kostakopoulou Dora, 'Introduction' in van Oers Ricky, Ersbøl Eva, Koustakopoulou Dora (eds) *A Re-definition of Belonging? Language and Integration Tests in Europe* (Leiden, Boston: Martinus Nijhoff Publishers 2010) 1-24, 13.

¹⁴ Thessaloniki European Council, Conclusions of Presidency, 19-20 June 2003, paras 28-35. Available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/76279.pdf accessed 8 February 2012.

The policy objectives aiming at general mainstreaming of immigrant integration, housing, economic integration and integration governance were preserved in the Hague Programme, adopted by the Council in November 2004.¹⁵ Hague Programme targets were further advanced by the Justice and Home Affairs Council.¹⁶ On the basis of policy documents the Handbook on Integration for policy makers and practitioners has been drafted and updated.¹⁷ The EU sees its supra-national role to be assisting Member States to develop successful integration policies by facilitating exchange of information and ensuring support.¹⁸ This is reflected in the Treaty on the Functioning of the European Union (TFEU) which in Article 79 (4) refers to integration *expressis verbis*:

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonization of the laws and regulations of the Member States [underlining added for emphasis].

References to integration are also included in the Directives adopted for immigration¹⁹ but migrant human rights are guaranteed by the Charter of Fundamental Rights, which has become binding in the EU legal order.

Although general harmonization measures are not within the competence of the EU, the EU has developed the programmatic document entitled Common Basic Principles for Immigrant Integration.²⁰ Those principles show that integration is a dynamic, long-term process. As noted by the Commission effective solutions to integration challenges must be found in each national and local context but as these challenges are common to many Member States, experiences can usefully be shared.²¹

¹⁵ Brussels European Council (4-5 November 2004), Presidency Conclusions (8 December 2004), Annex I, The Hague Programme 'Strengthening Freedom, Security and Justice in the European Union', http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/82534.pdf accessed 8 February 2012. See also Council and Commission Action Plan implementing the Hague Programme on Strengthening Freedom, Security and Justice in the European Union, 12 August 2005, OJ C 198. Communication from the Commission 'Report on the Implementation of the Hague programme for 2005' COM (2006) 333 final, 28 June 2006, 3 and 5; Communication from the Commission 'Report on the implementation of the Hague programme for 2006' COM (2007) 373 final, 3 July 2007; Communication from the Commission 'Justice, Freedom and Security in Europe since 2005: An evaluation of the Hague Programme and Action Plan' COM (2009) 263 final, 10 June 2009.

¹⁶ Council of the European Union, Justice and Home Affairs Council Meeting 2618th, 'Immigrant Integration Policy in the European Union' (annex 'Common Basic Principles for Immigrant Integration Policy in the EU') (19 November 2004, Brussels) No. 14615/04 (CBPs).

¹⁷ Handbook on Integration for Policy-Makers and Practitioners. 2nd ed. (European Communities 2007) http://www.qec-eran.org/projects/handbook_Integration_2007_en.pdf. accessed 8 February 2012.

¹⁸ Council of the European Union, 'The Stockholm Programme - An open and secure Europe serving and protecting citizens', No. 17024/09, 2 December 2009 <http://register.consilium.europa.eu/pdf/en/09/st17/st17024.en09.pdf> accessed 7 February 2012, para 6.1.5., 64.

¹⁹ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. OJ L 016, 23 January 2004, 0044–0053. Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research, OJ L 289, 3 November 2005, 0015. Council Directive 2004/114 on the conditions for the admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, OJ L 375, 23 December 2004, 0012–0018. Council Directive 2009/50 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18 June 2009, 17–29. Council Directive 2003/86 of 22 September 2003 on the right to family reunification OJ L 251, 3 October 2003, 0012–0018.

²⁰ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Immigration, Integration and Employment, COM (2003) 336, 3 June 2003.

²¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, COM (2011), 455 final, Brussels, 20 July 2011, available at: http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf accessed 21 November 2012, pp. 2-3.

Common Basic Principles for immigrant integration in the EU entail: respect for the basic values of the EU; employment (recognition of qualifications); basic knowledge of the host society's language, history and institutions (introductory programmes focusing on a toolkit to start the integration process); education for immigrants (lifelong learning); access of immigrants to institutions, as well as to public and private goods and services (EU law prohibits discrimination on the grounds of racial or ethnic origin); frequent interaction between immigrants and Member State citizens (improving the living environment in terms of decent housing, good health care, neighbourhood safety, and the availability of opportunities for education, voluntary work and job training is also necessary); the practice of diverse cultures and religions as guaranteed under the Charter of Fundamental Rights; participation of immigrants in the democratic process and in the formulation of integration policies and measures (elections, participation in political parties); mainstreaming integration policies; and the prospect of acquiring Member State citizenship.²²

Countries of origin can have a role to play in the integration process in three ways: (1) to prepare integration already before the migrant's departure; (2) to support migrants outside the country; (3) to prepare a migrant's temporary or definitive return with acquired experience and knowledge.²³

The CARIM-East reports will be further analysed on the basis of these policy guidelines.

CARIM-East legal framework for integration

The EU experience suggests that the effectiveness of integration is dependent on both legal rules providing for immigrant and compatriot rights as well as their implementation. Implementation is further strengthened by national policies targeting migrants and addressing their special needs by adopting special measures or investing in particular programs aimed at migrant integration. Therefore, international legal rules provide for the framework according to which the integration policies can be analysed.

The CARIM-East countries are States Parties to several human rights conventions. These are relevant to ensure that migrants are protected against discrimination and that their integration and naturalization is facilitated. For instance:

- International Covenant on Civil and Political Rights (ICCPR) (ratified by all CARIM-East countries),
- International Covenant on Economic, Social and Cultural Rights (ICESCR)(ratified by all CARIM-East countries),
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (ratified by all CARIM-East countries),
- Convention on the Rights of the Child (ratified by all CARIM-East countries, except Moldova)
- Convention relating to the Status of Stateless Persons (ratified by Armenia, Azerbaijan and Georgia),
- Convention on the Reduction of Statelessness (ratified by Armenia and Azerbaijan),
- European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (Convention ratified by all CARIM-East countries, except Belarus, protocol No. 12 – ratified by Armenia, Georgia, signed by Moldova and Russia)
- European Convention on Nationality (ratified by Moldova, signed by Russia).²⁴

²² Council of the European Union, Justice and Home Affairs, 14615/04 (Presse 321).

²³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, COM (2011), 455 final, Brussels, 20 July 2011, p.10

At the same time several national reports indicate that there are problems related to the effective implementation and application of international obligations. These will be further addressed in the report.

CARIM-East policy framework for integration

The policies of CARIM-East States differ depending on the situation in a given country: i.e., either the State is country of emigration, attractive for immigrants or a country with low number of migrants. While countries with low immigration statistics are primarily oriented to the implementation of legal obligations, CARIM-East States which attract immigrants are attempting to develop more comprehensive immigration policies. Here we are not talking about only migrants *stricto sensu*. There are also persons who are either internally displaced, refugees, stateless or holding no status as a result of events taking place after the break-up of the USSR. Therefore, their profile is only occasionally comparable to persons holding third-country national (TCN) status in the EU.

Belarus, being a country of low migration, represents an example of the state which bases its integration policies solely on ratified international conventions which do not address issues of integration directly.²⁵ Additional rights for equality are contained in bilateral treaties concluded with Russia in 1998 and with Kazakhstan in 1996. However, it is difficult to assess the effectiveness of the implementation of these provisions since there is no case-law on non-discrimination at the national level. The main international institutions which assist in facilitating integration are: UNHCR and the Red Cross. They focus their activities on refugees integration, housing construction, technical assistance and language learning.

Similarly **Georgia** is mainly a country of emigration. For that reason, the issue of immigrant integration has not been a prominent topic in the political debate and there is no policy document on migrant integration. At the same time there are special initiatives by Georgia in the field of reintegration. They aim to provide returned migrants with trainings and assistance in finding employment, i.e., they are offered courses and information on vacancies.²⁶ On 13 October 2010, the Georgian government established the Governmental Commission on Migration Issues. The Commission prepared a draft version of the Migration Strategy, which was presented in August 2012. In this document considerable attention is given over to the issue of the reintegration of returning Georgian citizens.²⁷

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²⁴ It should be noted that not all of the conventions have been ratified by the EU Member States, or they have been ratified with reservations.

²⁵ The Convention on the Status of the Refugee (1951) and its Protocol, CRC, ICCPR as well as Convention of CIS on human rights and fundamental freedoms and Conventions of CIS on status and rights of migrant workers. According to the report CIS Conventions repeat the main provisions of relevant international conventions in the field of migration.

²⁶ The partners in the process of re-admission and re-integration are the EU, IOM, UN and Germany. There is targeted initiative for Georgia "Support reintegration of Georgian returning migrants and the implementation of EU – Georgia readmission agreement" which is based on the objectives of the Mobility Partnership between the European Union and Georgia. This is in line with recommendation of ECRI report, fourth monitoring cycle, CRI (2010) 17, 28 April 2010, which noted that Georgian authorities should maintain their efforts in favor of the repatriation, in particular to make sure that no undue limitations impede the acquisition of citizenship by repatriation applicants. In addition there should be comprehensive strategies, which would address issues such as language learning, access to education and employment.

²⁷ The text of the draft of the Migration Strategy (in Georgian) available at http://www.carim-east.eu/media/sociopol_module/Draft%20Strategy%20of%20Migration%202013-2015.pdf accessed on 20 November 2012. This is, first of all, caused by the fact that Georgia concluded readmission agreements with several states and most notable the Agreement on the Readmission of Persons Residing without Authorisation which was concluded with the EU on 22 November 2010 and entered into force on 1 March 2011.

The problems of re-integration are even more acute in **Azerbaijan** and **Armenia**. Their main focus is to solve the historic problems of integration of people that arrived in countries in post-conflict situation. In addition, Azerbaijan is facing becoming more attractive for immigrants, which brings with it another set of problems.²⁸

Apart from Constitution including provisions on non-discrimination the main instrument facilitating integration in **Azerbaijan** is the Law on Citizenship adopted in 1998. This law targeted refugees forcibly deported during 1988-1992. Since the numbers of foreigners and refugees have recently risen the authorities opted to make migration policy stricter.²⁹ Although the Law on Immigration requests that the executive should adopt measures for integration, they have not been adopted to date. In addition, according to the report, Azerbaijan does not abide by international conventions and does not effectively implement national laws.³⁰ There is also no simplified naturalisation procedure for stateless persons. According to the report the right to housing and access to different educational programs have not been implemented.

Similarly **Armenia** is mostly concerned with forcibly deported refugees and the reintegration of foreigners of Armenian origin from the diaspora.³¹ Since 1999 problems have been solved on the basis of the Law on Refugees and in co-operation with different international and national governmental organizations and NGOs. In 2000 the law on legal and socio-economic guarantees for refugees was accepted, including issues related to the acquisition of citizenship.³² Other campaigns to raise public awareness were put in place. The main law on integration is the Law on Legal and Socio-economic guarantees of Persons Forcibly Displaced from Azerbaijan from 1988-1992 and the Acquisition of Citizenship of Armenia.³³ The recent return of Armenian citizens has been facilitated with the financial support from international organizations and NGOs. In December 2011 the government also adopted the Action Plan for the implementation of the Conception for the State Regulation of Migration of the Republic of Armenia, 2012-2016, which addresses the return of Armenian citizens and their integration. The main partners in developing re-integration programs and legislation is UNHCR and IOM.³⁴

Russia differs because it remains an attractive destination for migrants from former CIS countries. However, its integration policy is rudimentary and yet non-effective in solving problems caused by social exclusion. There is also limited international co-operation.³⁵ Recently Russia has adopted a

²⁸ Central Asia, Middle East, Turkey and Georgia are the main regions from which immigrants are arriving either to work in construction sector or for family reunification.

²⁹ During 2012 approximately 52,271 applications were submitted to migration authorities.

³⁰ For instance, there are no provisions in national law which would provide for access to documents and registration for persons who became stateless or arrived in Azerbaijan after 1 January 1992. They remain undocumented, which contradicts the Convention on the Status of Stateless Persons binding

for Azerbaijan. This, in turn, means that those people cannot qualify for naturalization

³¹ Most refugees arrived during 1988-1992. Over 360,000 ethnic Armenians were forcibly displaced from Azerbaijan to Armenia in 1988-1992. Government took measures to address accommodation, financial and social assistance.

³² Until 2000, however, only 6,000 refugees gained the citizenship. After adoption of the law and information campaign the number rose to 16,000 in 2001 and 70,000 in 2002.

³³ Armenia also observes its international obligations under the Geneva Convention relating to the Status of Refugees, which has been transposed in national legislation. Persons arrive mainly from Iran, Iraq, Turkey, Syria and African countries. Around 2,395 persons sought asylum in Armenia since 1999 out of which 1,280 have been recognized as refugees.

³⁴ For instance, courses on micro-credits and micro-enterprises are implemented. Refugees have access to special loans for business. NGOs have played an important role for the integration. About 40 NGOs are dealing with refugee-related issues. See part V of the Armenian report with references to specific projects and funding allocated. About 40 NGOs are dealing with refugee-related issues in Armenia.

³⁵ The report mentions only co-operation with the EU. The EU and Russia are bound by Road Map on the Common Space of Freedom, Security and Justice to support an efficient migration policy. In co-operation with the EU it holds Migration Dialogue and has adopted work plan for 2013-2014. See also, for instance, <http://www.icj->

demography policy and Conception of the State Migration Policy for the period up until 2025, which are soft-law instruments.³⁶ The concept focuses on attracting temporary foreign workers and contains measures on return policy, adaptation and the integration of migrants. This is the first document which addresses integration in a systematic manner. Russia aims to attract migrants for education, research and will adopt measures for social inclusion. In addition Russia intends to promote Russian and Russian culture abroad. The Concept is further implemented by amending laws and creating institutional structure tasked with facilitating integration.³⁷ In general the Russian approach prioritizes compatriots from CIS countries and the near-abroad. Thus, while compatriots are subject to assimilation policies, the other groups are subject to adaptation measures and integration incentives respecting their otherness. The approach to integration and adaptation is seen as a two-way process, taking place at various levels, including in the media. In this sense, the contents of the Conception resembles CBPs adopted by the European Council. The Migration authorities are tasked to create an integration strategy.

The situation in **Moldova** has changed significantly and is based on the “EU-vector”. There are initiatives not only in terms of integration but also for reintegration. The main provisions of equality are set out in the Constitution and the Law on the Legal Status of Foreign Citizens and Stateless Persons. In addition there is the Law on the Integration of Foreigners containing the definition of integration. In order to implement the Law the National Strategy on Migration and Asylum, the National Action Plan and the National programme for the implementation of the visa liberalization regime were adopted. Participation is based on individual application.³⁸ An action plan for the return of Moldovan labour migrants from abroad was adopted in 2008.³⁹ The National Strategy in the Migration and Asylum Domain includes comprehensive initiatives, which are concretised in the Action plan and Strategy. The state is focused on reintegration, thus other immigrant categories are, to some extent, ignored.

In general the need for integration and re-integration has been acknowledged by all CARIM-East countries. However, the scale of actions and approach differs. While some countries have introduced integration policy documents and address integration in a comprehensive manner, others limit their actions to the implementation of legal documents. However, even if integration policies have attracted political attention, there is the need to devote financial resources and to undertake long-term actions for integration policies to succeed.

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[cij.org/docket/files/140/16398.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf) and <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf> accessed 25 November 2012

³⁶ The Government has adopted action plans for the implementation of Conception for period 2012-2015. See page 7 of the national report.

³⁷ For instance, there are amendments proposed to laws on education, access to social and medical care and the like. Institutionally, the Department for integration under auspices of Federal Migration service is established. See page 8 of the national report.

³⁸ Application can be submitted 30 days after person has been granted asylum or another status for protection. Each person is assigned individual plan up to 6 months which can be extended for another 6 months.

³⁹ Approved through Government Decision no. 1133 of 09.10.2008 published in Monitorul Oficial no. 187-188 of 17.10.2008. It entails information, strengthening of relations by diplomats, services for returned, access to information, preventing emigration. Moldova has signed readmission treaty with the EU.

Language and adaptation courses

EU documents on integration emphasise that language training, as well as introduction programmes, must be accessible for immigrants both in financial and geographical terms. Moreover, the courses offered should be chosen on the basis of participants' knowledge and conditions for learning.⁴⁰ The relevance of the test and its proportionality has been confirmed by the European Commission in its Report on the application of the Family Reunification Directive, stating that:

The admissibility of integration measures under the Directive depends on whether they respect the principle of proportionality. Their admissibility can be questioned on the basis of the accessibility of such courses or tests, how they are designed and/or organized (test materials, fees, venue etc.), whether such measures or their impact serve purposes other than integration (e.g. high fees excluding low-income families). The procedural safeguards to ensure the right to mount a legal challenge should also be respected.⁴¹

Therefore, Member States are encouraged to offer integration courses which can foster better integration of long-term residents in the host society.⁴² Language learning and adaptation courses are a necessary tool for giving long-term residents skills, which play an important role in the everyday life of individuals.

Although language proficiency has been noted as a problem in several CARIM-East reports adequate offers to solve language-learning problems do not seem to be present. The exceptions are Russia and Moldova. These two countries have acknowledged language problems and have introduced language courses which are financially accessible for immigrants. For instance, the **Russian** report notes that knowledge of Russian is poor. But language proficiency is mandatory in certain professions.⁴³ Migrants do not have knowledge of the culture and history of Russia and the Russian legal system. This is especially acute in migrant communities from Central Asia.⁴⁴ Migrants become dependent on their leaders and as a result find themselves in a form of forced labor. Therefore, Russia facilitates language learning.⁴⁵ In order to control the process there is an exam for migrants and stateless persons in Russian, on history and basic laws.

⁴⁰ It can be relevant to use the Common European Framework of Reference for Languages (CEFR). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, COM (2011), 455 final, Brussels, 20 July 2011, available at http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf accessed 21 November 2012, pp. 4-5, and CEFR http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp accessed 21 November 2012.

⁴¹ Report from the Commission on the Application of the Directive 2003/86/EC on the Right to Family Reunification, COM (2008) 610 final, 8 October 2008.

⁴² Two terms are used in different Articles of integration in different Directives i.e. integration conditions and measures. In the context of the Long term resident Directive the concept "integration conditions" allows for farther-reaching obligations than integration measures. While integration measures allow the State to require that the immigrant makes a certain effort, for instance, participation in a course. Groenendijk Kees, 'Family Reunification as a Right under Community Law' (2006) 8 EJML, 215-230, 224. See Article 33 (1) of Directive 2004/83/EC and Article 15(3) of Directive 2003/109/EC.

⁴³ For instance, in order to work in housing and communal services, retail or consumer service foreign citizens must know at least basic Russian.

⁴⁴ On the problems related especially to migrants from Central Asia see Gorst Isabel, Russia's migrants living on the edge, *Financial Times*, 16 December 2011, available at <http://www.ft.com/cms/s/2/0d1569a0-2607-11e1-856e-00144feabdc0.html#axzz2I30LScSS> accessed 15 January 2013.

⁴⁵ There are about 238 Russian language centers where the migrants can study Russian, 53 centers are free of charge. Moreover, Russia is encouraging language courses in the countries of origin of migrants (for instance Tajikistan and Kyrgyzstan).

There are special socio-cultural adaptation sessions provided in the Law on Integration in **Moldova**. They are free of charge and are organized within 30 days of a person having been granted protection. Socio-cultural adaptation sessions, language training courses and information on access to the labour market is offered to temporary residence holders, permanent residents and stateless persons, as well. There are also State language courses free of charge which are organised in four main universities. If a foreigner applies repeatedly for a course s/he should pay. At the end of the courses participants are issued participation certificates. However, this certificate cannot be used to enter the education system or to apply for Moldovan citizenship. Naturalization exams are different and applicants have to pass language exam and knowledge exam. In general Romanian is not well known and people, more typically, speak Russian. For the time being there is no substantive interest to attend courses because of the lack of interest and information. The main problem is the courses' lack of connection with other exams related to permanent resident status and citizenship.

The rest of CARIM-East countries do not have targeted language-learning policies for immigrants. According to the report on **Belarus**, most immigrants come, at present, from the ex-USSR republics and, therefore, there is no major language problem. Belorussian and Russian can be studied in special language courses for a fee. The fees differ depending on the institution offering them and depending too on the duration of the course.⁴⁶ Accessibility is difficult to measure since the number of migrants in need of a language course is relatively low and the costs provided as an example in the report are high, at least when compared to average income in Belarus.⁴⁷ It should be noted that the groups in need of language training might increase in the future.⁴⁸ Therefore, the report on Belarus contains recommendation to facilitate language learning, recognising that this is crucial for successful integration. Special language programs could be introduced for groups of migrants depending on their status and financial situation.

Similar to Belarus is a situation in **Georgia** and **Armenia**, which do not have language-learning policies. In Armenia refugees would certainly benefit from both language courses and a general adaptation course. In Georgia beneficiaries might be citizenship applicants. Georgian is a curricular subject in schools, including about 400 minority schools. There is an unusual situation in **Azerbaijan**. The Law on Immigration provides that upon application of immigrant the courses for learning Azerbaijani, and about the Constitution and laws should be offered. However there are no Cabinet of Ministers regulations that implement the provisions of the law.

The introduction of language and adaptation courses in CARIM-East countries is at the rudimentary level. This can be explained by three main factors. First, lack of resources for financing courses or lack of understanding of the importance such courses have for the integration of migrants. Second, the low number of migrants in several countries. Third, the geography of migrants, i.e., many migrants choose as their country of destination, another ex-USSR republic where communication in Russian is not a major problem.

⁴⁶ For instance, State University of Belarus offers Russian/Belorussian courses for 1890 USD. Courses last ten months and consist of 800 hours. More intensive courses are offered for 4 months and cost 910 USD, 3 months for 730 USD.

⁴⁷ According to State Statistics Committee the average monthly salary in Belarus is around 200 USD. See <http://belarusdigest.com/story/how-survive-200-dollars-month-7591> and <http://belstat.gov.by/homep/ru/indicators/wages.php> accessed 17 January 2013.

⁴⁸ It is suggested that language programs should be developed and targeted at different groups of immigrants depending on their material well-being. For instance, immigrants from China, Vietnam, Iran and Afghanistan could benefit these courses.

Access to the resident status and naturalization

By shaping migration and naturalization procedures States can shift the numbers of immigrants and citizens residing in their territories.⁴⁹ This in turn might have implications for policy choices in strengthening immigrant statuses or, instead, facilitating naturalization. The EU does not have competence to harmonize the policy choice of Member States in this regard. However, according to the directives related to immigration EU law does not allow excessive and disproportionate charges for residence permits to non-EU citizens.⁵⁰ Notwithstanding that there is no harmonization of nationality laws and only 13 EU Member States have ratified ECN, the EU principle of proportionality would still apply in cases of access and loss of citizenship.⁵¹

The requirements for naturalization and access to resident status varies across Carim-East countries. In most cases there is preferential treatment accorded to compatriots but immigration is regulated by quota. However, each of the countries have their specifics determined by historical and political factors. They range from very open models to very strictly regulated procedures.

Access to resident status

In **Russia** temporary residence is granted on a quota basis for three years. Exceptions apply to certain categories of persons, mostly those who are coming from the former USSR. However, at the beginning of 2013, the President signed a number of laws which make migrant registration easier, i.e., a work permit would no longer be required. At the same time the Criminal Law has been amended to fight illegal immigration. The President initiated legislation to make the registration of internal migrants stricter (*propiska*).⁵² Registration is required within 7 or 90 days after arrival and landlords will be held responsible in case of non-compliance.

In comparison **Georgia** and **Belarus** approach the access to resident status in a more relaxed manner. In **Belarus** treatment of residents differs depending on the length of residence (90 days, one year or permanent residence). Treatment of Russian citizens and citizens of Kazakhstan citizens is preferential on the basis of bilateral treaties. In **Georgia** there is no set quota. Temporary residence permits are issued for up to 6 years. However, the price for permits is relatively high.⁵³ Permanent residence permit can be issued to a foreign citizen having ownership or a bank account in Georgia.⁵⁴ This right is extended to family members: spouse, child, adopted child, or dependant. In addition, highly-qualified specialists –technicians in scientific fields, sportsmen and artists, whose arrival

⁴⁹ See report by Juris Gromovs available at <http://www.carim-east.eu/publications/research-reports/impact-of-labour-migration-on-countries-of-origin-and-destination/> accessed 27 November 2012.

⁵⁰ Case C-508/10 Commission v. the Netherlands, 26 April 2012. See in general <http://eudo-citizenship.eu/> accessed on 26 November 2012.

⁵¹ See Case 135/08 Janko Rottman v. Freistaat Bayern, ECR [2011] I-01449, Jo Shaw (ed.) *Has the European Court of Justice Challenged Member State Sovereignty in Nationality Law? EUI Working Papers, RCAS 2011/62*, available at http://eudo-citizenship.eu/docs/RSCAS_2011_62.pdf accessed 17 January 2013.

⁵² The system is inherited from the Soviet Union, when a person did not enjoy free movement within the country but his/her rights were limited to getting access to registration in particular city or region, which was controlled by the authorities. Current problem is that control system is inefficient and there are so called "rubber flats" were tens of migrants are registered in order to legalise their status as a worker. For details see http://rbth.ru/society/2013/01/16/authorities_tighten_grip_on_migration_control_21927.html and <http://russianeconomicfreedom.org/2013/01/17/putin-to-restore-soviet-style-restrictions-on-the-russian-citizens-freedom-of-movement/> accessed 18 January 2013.

⁵³ The state duty to be paid for issuance the permanent residence card varies depending on the term of service. For 30 business days the state duty to be paid is approximately EUR 84, for 20 days EUR 140, for 10 days EUR 177.

⁵⁴ Amount set as precondition is approximately EUR 46,616. Other members of his or her family (parents, grandchildren or adoptive parent) will be granted the permanent residence permit in case the foreign citizens will make an additional investment of GEL 10,000 (approximately EUR 4,662) or deposit this amount in his or her bank account in Georgia.

corresponds to the interests of Georgia – may also obtain permanent residence permit. A decision on the issue of a permanent residence permit is within the competence of the State Services Development Agency acting under auspices of the Ministry of Justice. Any decision is subject to appeal.

Azerbaijan is gradually making its immigration laws stricter. However, the numbers of applications are rising.⁵⁵ A person arriving in Azerbaijan should apply for temporary residence permit. Applications for permanent residence permit can be submitted after 2 years of residence, on the basis of a temporary residence permit. Costs depend on the length of residence permit required.⁵⁶ A person applying for permanent residence (status of immigrant) should pay a 300 euro state duty. In addition for both temporary and permanent residence the applicant should submit a medical certificate, which costs approximately 90 euro. They need also to provide the authorities with a translation of documents, which are certified by a notary. Therefore, due to high costs migrants prefer remain illegal.⁵⁷ It should also be noted that documents issued to refugees are not considered valid by other institutions and thus do not give access to employment, contract, marriage, education or help applications for naturalization.⁵⁸ Document review, however, is smooth and takes about two months.

Access to citizenship

All CARIM-East countries require applicants for naturalization to reside in the country for a certain period of time and to pass naturalization exams. However, the exact requirements differ and, in certain cases, persons are *de facto* excluded because they cannot satisfy the requirements set in law.

In **Russia** the naturalization procedure takes two to six months. Candidates for naturalization should prove knowledge of Russian: that proof should be submitted that a person can communicate orally and in writing in that language.⁵⁹

In **Armenia** the state duty for refugees of Armenian origin is 2 euro and a passport is issued within five days. Applicants should have legal residence for three years, proficiency in Armenian, and be familiar with the Constitution. The exceptions apply when a person is married to Armenian citizen, i.e., requirement of previous residence is not applied.

Applicants for **Moldovan** citizenship are required to reside in Moldova for ten years.⁶⁰ Only those persons who have permanent residence permit can apply for citizenship.⁶¹ A person applying for citizenship should know the provisions of Constitution and the national language. They should also have a legal income and renounce any other citizenship.

⁵⁵ For instance, in 2012 – 52,271 applications for temporary and permanent residence permits were received.

⁵⁶ 3 months – 30 euro, 6 months – 60 euro, 1 year – 120 euro. Average wage according to States Statistics Committee in Azerbaijan is 484 USD. See <http://webcache.googleusercontent.com/search?q=cache:4-W4g0GDOnMJ:avropa.info/news/%3Fsehife%3D5%26xeber%3D44+azerbaijan+average+salary&cd=4&hl=lv&ct=clnk&gl=lv> accessed 17 January 2013.

⁵⁷ This is confirmed by ECRI: “due in particular to the high cost of work permits and the waiting time for obtaining or renewing them, many employers have recourse to illegal employment practices”, para 77, ECRI Report, Fourth monitoring cycle, CRI (2011) 19, 23 March 2011. At the same time any undocumented migrant who is stopped by the authorities can be deported immediately, para 78.

⁵⁸ See also ECRI Report, fourth monitoring cycle, CRI (2011) 19, March 23 2011, paras 84-86.

⁵⁹ This can be proved by the qualification document on basic general education, test certificates, as well as education documents from foreign countries. However, no internationally recognized standards of level of knowledge are specifically recognized, but general requirement to command Russian orally and in writing on every-day level

⁶⁰ There are possible exceptions for different categories of applicants.

⁶¹ The calculation of the term is complicated because there is no uniform practice in applying requirement for “lawful and habitual residence” in case of refugees and asylum seekers. Also the requirements of residence exceed those provided in the ECN.

In **Georgia** the required time for residence corresponds to the European Convention on Nationality, five years. Candidates have to pass language and history exams as well as an exam on legal regulations. Only those who have a legal income (job) or hold real estate in the country can apply for naturalization. The procedure takes about three months. Stateless children acquire Georgian citizenship on the *ius soli* principle. If an applicant is granted citizenship for special merit, he or she can retain another citizenship. However, Georgia has still not ratified ECN, even though this step has been recommended by international monitoring bodies.⁶²

Any foreigner who has resided in **Azerbaijan** for five years and who can present documents testifying command of the official language can apply for citizenship. Azerbaijan does not allow dual citizenship the main reason the country is unwilling to ratify the ECN. The five-year-term is counted from the moment any foreigner has obtained his or her permanent residence permit. A temporary permit is issued for one year and can be renewed up to four times. Azerbaijani laws do not provide for the registration and documentation of stateless persons who arrived after 1992. Therefore, they cannot register their residence and apply for citizenship.⁶³ A stateless person willing to apply for Azerbaijani citizenship should submit a certificate from the employer, proof of residence and information about legal income. However, persons without documents (as is the case of stateless persons who arrived after 1992) cannot submit the required documents. This is contrary to the Convention on the Reduction of Statelessness, which is binding for Azerbaijan. The national law does not prescribe procedures for the registration of children who are refugees or stateless persons.⁶⁴ Indeed, if a person applies for naturalization in another State he or she automatically loses the citizenship of Azerbaijan even if he or she does not subsequently acquire another citizenship.

In general naturalization in **Belarus** is not complicated. However, there are a number of conditions to be satisfied. These include permanent residence for seven years; knowledge of the official language; legal income; and renunciation of another citizenship. The legislation aims at facilitating naturalization of persons who are of Belarussian origin and their descendants.⁶⁵ However, international monitoring bodies note that there is high number of stateless persons in Belarus and there is also a lack of data on the number and condition of stateless children residing in Belarus. It has been already recommended by international monitoring bodies for Belarus to ratify: the Convention relating to the Status of Stateless Persons; the Convention on the Reduction of Statelessness; the European Convention on Nationality; and the Council of Europe Convention on the Avoidance of Statelessness in Relation to State succession.⁶⁶

Reintegration policies

Although CARIM-East countries have prioritised re-integration of compatriots, the national reports, legislative proposals and reports from monitoring bodies highlight problems in national policies.

⁶² ECRI Report, fourth monitoring cycle CRI (2010)17, 28 April 2010, para 4.

⁶³ The approximate number of such persons is 30,000 (official statistics of government report 2000 people). It should be noted that Azerbaijan is party to the Convention on Status of Stateless Persons and Convention on the Reduction of Statelessness.

⁶⁴ Problems with naturalization have been noticed by the European Commission against Racism and Intolerance (ECRI). In its report of the fourth monitoring cycle in 2011 it noted that some Russian citizens of Chechen origin had been unable to register their children born in Azerbaijan as Azerbaijani citizens. It also encourages the authorities to continue and intensify the efforts to eliminated cases of statelessness in connection with obligations of Azerbaijan according to conventions on the Reduction of Statelessness and Status of Stateless persons. See paras 11-14 of the Report, CRI (2011) 19.

⁶⁵ For instance, they are not required to satisfy condition of permanent residence for seven years.

⁶⁶ See, *inter alia*, Committee on the Rights of the Child, Concluding Observations, CRC/C/BLR/CO/3-4, 8 April 2011, para 33, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/420/73/PDF/G1142073.pdf?OpenElement> accessed 16 January 2013.

In **Russia** accession to citizenship is easier for citizens of the former-USSR, as well as for family members of Russian citizens. The latest amendments in November 2012 further liberalized access to Russian citizenship for ex-USSR citizens and persons of undetermined status. Russia is also co-operating with other States in relation to keeping contacts with diasporas.⁶⁷ However, it remains unclear whether existing problems are well addressed. For instance, international monitoring bodies have long advocated accession by Russia to the Convention on the Reduction of Statelessness and Convention on Status of Stateless People.⁶⁸ Recent amendments in migration law might place additional obstacles in the way of reintegration.⁶⁹

Georgia has several projects which aim at supporting the reintegration of Georgian returning migrants, which have been implemented or which are being implemented. This is a welcome development since international monitors have criticised Georgian practices for repatriation status and compensations for property loss. They have also requested solutions for: hostility towards those who are repatriated; large number of children without registration at birth; and obstacles for internally-displaced persons to integrate (poverty, registration to obtain status, child abduction, access to education, health and employment). There have also been problems noted with regard to safeguards for non-citizens and stateless persons that have documentation problems and thereby encounter problems in access to public services.⁷⁰

In **Armenia** there are prioritized groups, i.e., acquisition of citizenship is easier for those forcibly deported from Azerbaijan (*de jure* stateless). Likewise it is easier for former citizens of other USSR republics who are not foreign citizens and who reside permanently in Armenia. They, being *de jure* stateless, had to apply for citizenship before December 31, 2012. The term, however, could be prolonged. People of Armenian origin returning to Armenia are granted special residence permits and dual citizenship.⁷¹ The main solution for their successful integration is seen in the liberalization of citizenship acquisition.⁷² However, there are socio-economic barriers for integration, i.e., to access to housing, poverty and unemployment as well as language and education.⁷³ Similarly according to the Citizenship Law of **Azerbaijan** persons residing in Azerbaijan until 1 January 1992 who did not have citizenship of another State could register as citizens of Azerbaijan. Moreover, refugees who arrived in Azerbaijan, 1988-1992, could also register as citizens.⁷⁴

⁶⁷ Tajikistan and Kyrgistan are mentioned as examples.

⁶⁸ The Human Rights Committee has been concerned about the large number of stateless and undocumented persons in Russia, in particular former Soviet citizens who were unable to acquire citizenship or nationality subsequent to the break-up of the USSR, and to regularize their status in the Russian Federation. The Committee also notes that members of certain ethnic groups from varying regions, in particular from Central Asia and the Caucasus, face problems acquiring citizenship due to the complex legislation governing naturalization and obstacles posed by strict residence registration requirements. The Human Rights Committee, Concluding Observations, CCPR/C/RUS/CO/6, 24 November 2009, para 9 available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/465/50/PDF/G0946550.pdf?OpenElement> accessed 16 January 2013.

⁶⁹ See part on Acquisition of the resident status. Following Russian invitation to return they are settled in dormitories or rent a flat, but this is not sufficient to get *propiska*.

⁷⁰ See Committee on the Elimination of Racial Discrimination, Concluding Observations, CERD/C/GEO/CO/4-5, 20 September 2011, paras 18-20, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/457/32/PDF/G1145732.pdf?OpenElement> accessed 15 January 2013.

⁷¹ According to the report and data received from Visa and Passport Division of Police of Armenia during the last 3 years 20,248 people received Armenian citizenship in 2012, 14,277 in 2011, and 8,566 in 2010. There were about more than 700 people receiving special residence permit during the same years.

⁷² There is draft Law on Repatriation in circulation which aims to coordinate legal actions relating to repatriation and principles of policies, including integration, privileges and the like. The Citizenship Law was amended in 2011 and entered into force in 2012. As a result of amendments the diaspora members are not required to prove knowledge of Armenian constitution. Also the visa regime has been simplified for them, i.e., they can acquire visa upon entry instead of approaching the Armenian embassy or consulate, without an invitation letter.

⁷³ See useful information under footnote 49 of the national report.

⁷⁴ About 312,000 acquired citizenship on basis of registration (about 250,000 were persons of Azerbaijan origin from Armenia). But 7,000 people without citizenship got access to the simplified naturalization procedure. Migrants should

The aim of the present study is not to evaluate correspondence of national laws with provisions of the ECN in detail. It can though be concluded that there are discrepancies or apparent discrepancies between national citizenship laws and the ECN. However, the most pressing issue is related to difficulties of regularization and access to status as well as the problem of statelessness. Regarding residence and regularization in certain cases legal regulation might lead to alleged violation of Article 8 of the ECHR. In *Kurič case* which concerned "erased" people in Slovenia the Court pronounced:

According to the Court's case-law, the Convention does not guarantee the right of an alien to enter or to reside in particular country and Contracting States have the right, as a matter of well-established international law and subject to their treaty obligations, including the Convention, to control the entry, residence and expulsion of aliens. However, measures restricting the right to reside in a country may, in certain cases, entail a violation of Article 8 of the Convention if they create disproportionate repercussions on the private or family life, or both, of the individuals concerned.⁷⁵

The Court concluded that difficulties faced by the applicants for many years in obtaining a valid residence permit and in regularizing their status constitutes violation of Article 8 of the Convention. In this context policies of some CARIM-East countries rise concern.

Non-discrimination and access to rights

The principle of "near equality" between EU citizens and non-EU citizens is an overall EU objective. For instance, the Preamble of the Directive 2003/109/EC refers to the objective that the legal status of third-country nationals should be approximated to that of Member States' nationals and the directive should be implemented without discrimination.⁷⁶ The Europe 2020 Strategy notes that the aim for the EU is to, *inter alia*, lift 20 million people out of poverty or social exclusion.⁷⁷

General provisions of non-discrimination are binding upon CARIM-East countries, as part of their Constitutional obligations as well, as obligations stemming from international treaties.

Access to employment

In general the EU has a number of conditions which apply in cases of access to employment. Member States are entitled to apply the labour market test. They can also set a quota for immigrants. Even if the Directive 2003/109/EC provides for equal treatment with nationals in access to employment and self-employed activity there are two important exceptions. First, long-term residents will be allowed to work only if "such activities do not entail even occasional involvement in the exercise of public authority". Second, Member States may retain restrictions on access to employment or self-employed activities; at least, they may where, in accordance with existing national or EU legislation, these activities are reserved to nationals, EU or EEA citizens.⁷⁸

(Contd.) _____

live in Azerbaijan for two years on the basis of a temporary residence permit, after which they can apply for permanent residence and immigrant status. The law provides for cases when person can apply for temporary residence (for instance, family reunification, marriage, investment, employment, studies, highly-qualified workers). Currently there are 55 persons who are recognized refugees by Azerbaijan and 1664 refugees under UNHCR protection.

⁷⁵ See case *Kurič and Others v. Slovenia*, Judgment of the ECtHR Grand Chamber, application no. 26828/06, 26 June 2012, para 355.

⁷⁶ See recitals 1, 2 and 5 of the preamble of the Directive 2003/109/EC.

⁷⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, COM (2011), 455 final, Brussels, 20 July 2011, p. 2-3.

⁷⁸ There are also limitations in cases of highly-qualified employees (Article 12) and students (Article 17). In case of family re-union Article 14 allows Member States to limit the access of family members to employment.

At the same time, it has been acknowledged that there is the need to enhance tools for mapping: educational background; previous work experience; recognition of diplomas and qualifications; and the possible need for training. The EU has also proposed that special introduction programmes should be organised to support newly-arrived migrants' entry into employment and other vital arenas of receiving societies.⁷⁹

Moldova, Armenia and Georgia have open policies towards migrants. **Moldova** on the basis of its law on Integration offers information and counselling how to access labor market and related benefits (health protection, social protection). Professional training is provided free of charge. Introduction of the recognition of diplomas procedure is being drafted.

In **Georgia** there are no requirements for work permits. The Employment of foreign citizens is limited only with regard to some professions where the nationality can be of relevance: e.g. public service.⁸⁰ Labour activities are subject to the general legal framework, which applies to Georgian citizens as well. It is interesting to note that a labor contract can be made both in writing or verbally for definite or indefinite time.⁸¹ There are no limitations set on foreigners in establishing commercial enterprises, on buying property or agricultural land. Foreign diplomas are subject to technical and substantive verification.⁸² Authorities may decide to request an aptitude exam.

In **Armenia** asylum seekers and refugees have the right to seek employment under the same conditions as citizens unless the law provides otherwise. Refugees, persons granted political asylum and stateless persons can work without work permit, as long as they do not exceed their residence time. Refugee status means that a person is automatically granted a work permit and equality with citizens except for posts reserved for citizens (work for state or local government bodies). There are also no general prohibitions on starting up a business as a citizen would.

The other Carim-EAST countries require work-permits. For instance, in **Russia**, foreign employees can only be hired if an employer has permission to contract foreign workers and if the worker possesses a work permit. Permits are based on quotas set by the government. Since 2010 the procedure for labor migrants has been simplified in relation to highly-qualified workers (including their family members) and legalization of the migrants who are working there illegally.⁸³ Some preferences are granted to citizens of CIS countries.⁸⁴ However, in general the system is complex: short-term workers are subject to different tax provisions and migrants who do not qualify as highly-skilled have to pass a language exam. The procedure on recognition of foreign diplomas is equally cumbersome.⁸⁵ This might increase the informal economy, illegal migration and corruption. This, in turn, leads to a situation where people work without legal and social protection. Flexibility in the registration and quota system as well as other measures facilitating the legalisation of immigrants might help here.⁸⁶

⁷⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, COM (2011), 455 final, Brussels, 20 July 2011, available at http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf accessed 21 November 2012, p.5.

⁸⁰ For further details see CARIM-East Gaga Gabrichidze, Legal Aspects of. Labour Migration Governance in Georgia, RR 2012/09.

⁸¹ See also Gaga Gabrichidze, Legal Aspects of. Labour Migration Governance in Georgia, CARIM-East RR 2012/09.

⁸² The recognition applies to higher education as well as to vocational education. The recognition process comprises the verification of the authenticity of diplomas and their compatibility with Georgian qualifications.

⁸³ Criteria for a highly-qualified worker is specified on the salary principle (approximately 50,000 EUR annual salary allows someone to qualify as a highly-qualified worker status).

⁸⁴ A example mentioned is Tajikistan.

⁸⁵ Simplified procedure applies only in cases of international agreements or if the foreign educational institution appears on the list confirmed by the Government. The cost for diploma recognition is about 200 EUR and it might take from a couple of months up to more than a year.

⁸⁶ Committee on Economic, Social and Cultural Rights, Concluding Observations, E/C.12/RUS/CO/5, 20 May 2011, para 17, available at http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.RUS.CO.5_en.doc , accessed 16 January 2013.

In order to work in **Belarus** a resident needs a work permit (except in the cases of permanent residents and Russian citizens).⁸⁷ There are also certain posts which are reserved solely for the citizens of Belarus. According to the Labor Code main guarantees include: equal pay for equal work, compensation in case of health problems or death, accidents at work–related illnesses.⁸⁸ Immigrants are entitled to transfer money abroad, to have access to self-paid health services. In general there is a system for the recognition of higher education diplomas and professional-technical education. The recognition system is easier for countries who are parties to the Agreement on co-operation on labor migration and the social protection of labor migrants.⁸⁹ However, migrants are also able to get recognition for qualifications obtained in other countries, though here procedures are less clear. In all cases diplomas and documents testifying qualifications should be translated into one of the official languages of Belarus.

Azerbaijan has perhaps the most problematic situation. On the one hand, the Labor law provides for equal treatment of foreigners and stateless persons. On the other hand, migrants have to get special permits issued by the migration authorities, which takes about one year. Refugee documents are not giving entitlement to conclude employment contracts and thus get access to other rights. Although, the legislation provides that government should assist refugees in finding employment this is not applied in practice.

Therefore, while CARIM-East countries have divergent policies, they are as different as in the EU. However, what is lacking here is transparency and getting resident status and work-permit is a complex affair.

Social inclusion

At the EU level equal treatment of long-term residents in the sphere of social security, social assistance and social protection is limited to definitions in national law. Member States “may limit equal treatment in respect of social assistance and social protection to core benefits”.⁹⁰ Cross-border issues related to social security have been resolved by the adoption of relevant regulations.⁹¹ At the same time “core benefits” should ensure that migrants are ensured decent living conditions. The EU has acknowledged that social inclusion measures targeted at migrants should aim to remove possible barriers blocking effective access to social and health services, and the fight against poverty to the exclusion of the most vulnerable. The integration of beneficiaries of international protection requires particular attention.⁹² The EU Court of Justice will, it has confirmed, carefully scrutinize whether long-term migrants has been disqualified for certain benefits (accommodation) arbitrarily or without giving reasonable grounds. Each case requires detailed and individual examination.⁹³

⁸⁷ For details see <http://www.carim-east.eu/database/legal-module/?ls=4&ind=rrlm&lang=> accessed 10 January 2013.

⁸⁸ However, it remains unclear how the recent decree of the President on forced employment for certain jobs will affect immigrant and citizen rights. See <http://www.ft.com/cms/s/2/0d1569a0-2607-11e1-856e-00144feabdc0.html#axzz2I30LScSS> accessed 15 January 2013.

⁸⁹ The Agreement is dated 1994 and includes Armenia, Azerbaijan, Georgia, Kazakhstan, Kirgystan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine.

⁹⁰ According to recital 13 of the Preamble this means that core benefits cover at least minimum income support, assistance in case of illness, pregnancy, parental assistance and long term care.

⁹¹ Regulation 1231/2010 provides that Regulation 883/2004 on the co-ordination of social security systems and Regulation 987/2009 lays down the procedure for implementing Regulation 883/2004 should be applied to third-country nationals and their family members.

⁹² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, COM (2011), 455 final, Brussels, 20 July 2011, available at http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf accessed 21 November 2012, p. 6, and COM (2010) 758.

⁹³ See, for instance, Case C-571/10 *Servet Kamberaj v. Istituto per l' Edilizia sociale della Provincia autonoma di Bolzano*, 24 April 2012 on access to housing benefit for Albanian nationals who resided and has been employed in the Autonomous Province of Bolzano.

In CARIM-East countries the social protection differs significantly from the systems established in EU Member States. There is no distinction between contributory and non-contributory benefits. Therefore, allowances and entitlements are viewed differently.

Thus, in the case of **Georgia** permanent residents and stateless persons with residence for at least 10 years are entitled to social security payments. They have the same rights as Georgian citizens (pensions and other allowances) which are non-contributory.⁹⁴ All residents can receive the state pension at age 65 (*for men*) and 60 years (for women). In addition residents (even temporary and stateless residents) are entitled to social assistance if they do not have sufficient income. International treaties might provide for extra guarantees. Health protection in Georgia is insurance based. Assistance is provided to those who live below the poverty threshold or who qualify for 30 State health care programs.⁹⁵ International monitoring bodies are, however, worried that certain rights in the economic and social field are explicitly confined to citizens of Georgia. Georgia has also not ratified Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness, which could be helpful for access to public services of stateless persons.⁹⁶

Armenia reports that the focus on social inclusion is directed solely towards those persons arriving from Azerbaijan. According to laws citizens, dual citizens, refugees, stateless persons and foreigners are treated equally. The condition is their residence in Armenia.⁹⁷ Refugees also benefit from social services, protection, state allowances and other assistance, including assistance in cases of temporary unemployment, injuries, accidents and work-related illnesses. Health care is provided at the level of primary medical care and there are ambulatory services for everyone. When refugees apply for citizenship they are granted various benefits, i.e., they can get a flat, get access to housing and privatize it, exempted from payment for housing, get compensation for property left in Azerbaijan, or compensation for life in temporary dwellings.⁹⁸ There is special law which provides priority housing program for the people forcibly removed from the Republic of Azerbaijan. The refugees had to submit an application to get ownership rights within the time limit prescribed by law.⁹⁹ The Law on Refugees and Asylum includes provisions targeted towards integration, like freedom of movement, business, education, employment, intellectual property and social security and health care. Refugees are treated as foreign nationals in relation to the recognition of foreign school certificates, diplomas and degrees. In 2005 Armenia ratified the Lisbon Convention on the Recognition of Qualifications Concerning Higher Education Area in which staff and students can move easily and have fair recognition of their qualifications.

⁹⁴ Pension is 65 EUR, minimum wage is 69 EUR.

⁹⁵ For example, the beneficiaries of state health program “Mental health” are only Georgian citizens; the “Immunization” state health program along with Georgian citizens covers also other persons who reside in Georgia on a permanent basis, the state health program “Treatment of patients with rare diseases and subordinated to permanent substitutive therapy” – also covers stateless persons residing in Georgia on a permanent basis.

⁹⁶ See Committee on the Elimination of Racial Discrimination, Concluding Observations, CERD/C/GEO/CO/4-5, 20 September 2011, para 21, available at

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/457/32/PDF/G1145732.pdf?OpenElement> accessed 15 January 2013.

⁹⁷ If foreign citizens receives pension from his/her from a foreign country she is not entitled to a pension from Armenia.

⁹⁸ See the Law on legal and socio-economic guarantees of the persons forcibly displaced from the Republic of Azerbaijan from 1988-1992 and acquired the citizenship of the Republic of Armenia. Refugees residing in the dormitory for more than 3 years and acquires Armenian citizenship can privatize the premises. This option is used by 1200 families. Although privatization is free of charge, the notary records and other certificates still cost state duty which is problematic for refugee families. However, refugees are exempted from state duty when appealing to the court concerning housing rights. The regular fees are 8, 10 and 20 EUR.

⁹⁹ About 3,479 families rely on these regulations. The programs to support refugees have stopped in 2001 and there are more than 1,000 potential beneficiaries awaiting for assistance. There is more international assistance sought to solve the problem.

The laws of **Azerbaijan** guarantee social protection of migrant workers and their family members. However, pensions are paid on the basis of international agreements. For instance, such agreements are concluded with CIS countries, Georgia, Ukraine, Italy etc. as countries from which most migrants are arriving. According to legislation foreigners and stateless persons have the right to housing in state-owned houses. Similar provisions apply to refugees. Refugees can also ask for allowances to cover rent of the flat or house for 10 years or plot of land for lease. Foreigners are not allowed to buy land. However, ECRI has noted serious problems faced by IDPs in access to decent living conditions, in particular as regards housing and access to other social rights. Although positive developments have made noticed concerns have been expressed regarding the health care of those without legal status, particularly those in need of urgent medical care.¹⁰⁰

In **Belarus** there are no special programs to ensure housing assistance. The Constitutional Court has adopted a ruling that permanent residents, who have a legal source of income have the right to buy property in any place in Belarus irrespective of their permanent place of residence in the country. Persons who are not permanent residents can buy property only on the basis of international agreements, which are concluded, for instance, with Russia and Kazakhstan. Permanent residents have equal access to health care with citizens of Belarus. Temporary residents should pay for health care. Refugees are guaranteed health care free of charge. They have also easier requirements for housing.¹⁰¹ Refugees are entitled to social protection: different payments calculated according to laws (non-contributory) and a single twelve-dollar payment for assistance.

In **Moldova** according to the Law on Integration migrants have access to the public system of social insurance and social assistance. Foreign citizens and stateless persons with domicile in Moldova are entitled to receive benefits, pensions and other types of social insurance in accordance with the laws in force. There are also groups which enjoy particular assistance. Housing is granted to asylum seekers in Moldova. The state provides minimum health care for free. Access to mandatory medical insurance system is limited to foreigners who reside permanently or are domiciled in Moldova. Thus, for instance, students and certain family members are not covered. There are special health examinations to prolong residence. Authorities verify medical examination records from the country of origin and no other avenue is available for migrant. All foreigners are obliged to undergo a HIV–AIDS test.

In **Russia** access to emergency medical assistance is free of charge. Migrants must pay for other types of medical assistance. Permanent residents have access to medical assistance through health insurance, as do Russian citizens, while unemployed and temporary residents have access to services for a fee. There are also special services available on the basis of international agreements, i.e., agreement with CIS countries and Belarus provide for extra access to medical assistance. However, as noted by international monitoring bodies concerns remain that, in practice, the enjoyment of many rights and benefits still depend on the registration place. It is noted that persons with temporary asylum status do not have access to the state healthcare facilities and services or, indeed, to any social security.¹⁰²

CARIM-East countries do not treat all immigrants on an equal basis. There are complex systems to receive different benefits and their amount might depend on the economic well-being of the country. In addition the access to benefits is further complicated by the fact that in most cases social benefits are not classified on a contributory and non-contributory basis.

¹⁰⁰ ECRI Report, fourth monitoring cycle, CRI (2011) 19, 23 March 2011, paras 11-114 and 119-120.

¹⁰¹ For instance, Belarus citizens when settling in Minsk are required to prove that each person belonging to family have 10 square metres for living while in case of refugees on 6 square metres are required.

¹⁰² Committee on Economic, Social and Cultural Rights, Concluding Observations, E/C.12/RUS/CO/5, 20 May 2011, paras 8, 10, 21, available at http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.RUS.CO.5_en.doc accessed 16 January 2013.

Education and vocational training

Most EU countries have a growing proportion of students with a migrant background.¹⁰³ This requires adaptation to the increasing diversity of the student body and to the delivery of high-quality education. The average educational level of third-country nationals is below that of EU nationals.¹⁰⁴ It is acknowledged that teachers and other staff should receive training for managing diversity. Language classes for parents in connection with their children's schooling guidance, mentoring and tutoring are examples of useful actions present in several EU Member States.

In CARIM-East countries access to primary education is generally ensured. However, systematic provision for access to higher education, life-long learning and vocational training is not well developed. **Russia**, which is intent on attracting highly-skilled migrants, has the most advanced policies in this regard. Russia offers pre-school and primary education free of charge to children of migrants on an equal basis, as in the case of Russian citizens. Foreign citizens can be admitted to higher education institutions in accordance with international and intergovernmental treaties or special governmental procedure. Admission of foreign students is performed on the basis of grants or on a commercial basis. Admission is free of charge if it is provided in international agreements.¹⁰⁵ The grant covers expenses for foreign student within the quota set by the Russian Federation. Russia intends to increase the annual quota of admission of foreign citizens and compatriots living abroad to study at Russian higher-education institutions, as well as to cover their travel expenses and health insurance. Rapporteur suggests that access should be ensured to CIS students who want to re-settle in Russia.

In general residents have equal access rights to education as **Georgian** citizens. However, there are differences when residents are willing to acquire secondary education. The state is financing secondary education only for citizens and compatriots. Other residents might get vouchers if Georgia has signed agreements with their country of origin on the basis of reciprocity. The list of such countries is published by the Georgian Ministry of Education and Science. In the absence of treaties and the precondition for the principle of reciprocity, the secondary education of foreign citizens and stateless persons shall be financed at their own expense. Higher education is partly based on State study grants which are available to citizens and compatriots. Foreigners have access to 2% of the annual funding for State study grants.¹⁰⁶ There are groups of students who do not have to pass the unified national exam to study in the university, which in most cases relates to students who have resided abroad. Refugees and asylum seekers are treated equally to Georgian citizens.

Report on **Belarus** emphasised that CRC provisions are observed especially in relation to children's access to education even in cases of temporary residence. Kindergartens, as well as primary and secondary education, is available for everyone without any differences. These regulations facilitate family re-unification of migrant workers. Permanent residents in Belarus have equal rights with citizens to acquire education at all levels. Temporary residents have to pay for higher education and the fee is established according to agreements on the basis of what foreigner can enter an educational establishment in Belarus.

¹⁰³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, COM (2011), 455 final, Brussels, 20 July 2011, available at http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf accessed 21 November 2012, p.6. Across the EU, the share of non-nationals in the age group 6-17 is 5.7%, respectively 7.9% in the age group 18-24.

¹⁰⁴ The EU Labour Force Survey shows that migrants are significantly under-represented at the medium education level and over-represented to a much greater extent at the lowest educational level. At the same time, the over-qualification rate of third-country nationals was 45% in 2009 compared to 29% for EU citizens. Ibid.

¹⁰⁵ For instance, Russia concluded agreements with Uzbekistan and Georgia.

¹⁰⁶ In 2012 this was 90,900 EUR, covering grants for 86 students. Whereas, the grants will be issued to 76 students who were admitted at accredited higher education institutions of Georgia through passing Unified National/Master's Exams and to 10 students admitted without passing Unified National/Master's Exams.

In **Armenia** refugees and asylum seekers have the right to elementary education on the same basis as citizens. In relation to studies and scholarships they are treated in the same way as foreigners. Children receive social, material, medical and other assistance for refugees. In addition adequate accommodation and care for the unaccompanied or separated minor asylum seekers is guaranteed. Access to studies is made easier for diaspora members. These can be granted temporary residence permit and can, likewise, apply for its extension if they are of Armenian origin.

Foreigners and stateless persons residing in **Azerbaijan** have the right to education on the same conditions as citizens. Education is to be paid for, unless international agreements or legislation provides otherwise; secondary education is an exception. Foreigners and stateless persons can apply for doctoral studies or specialized studies only if there is an international agreement providing for such rights.

Family reunification

Different provisions of the directives on family reunification show that the integration of family members of migrant workers is given due regard. Member States may require third-country nationals to comply with integration measures in accordance with national law. However, integration measures cannot differentiate between families applying for reunification on the territory of the Member State or outside it.¹⁰⁷ Member States must also take into account limitations stemming from the overall objective, i.e., to foster family reunification and assess the individual circumstances of the case. Above all Member States remain bound by principles of EU law and Article 8 ECHR. Best interests of children also serve as an overall objective when deciding on the right to family reunification.¹⁰⁸

Family members rights has not attracted much attention in CARIM-East countries. While some of the countries give preference to family members of certain groups, there are also examples of tightening policies.

Russia provides for preferential treatment to family members of highly-qualified specialists. Family members of refugees have been accorded special benefits in **Armenia** and **Belarus**. Simplified procedure for family reunification for the citizens of **Georgia, Moldova** and **Ukraine** are provided in national legislation of those countries.¹⁰⁹ In contrast **Azerbaijan** changed its welcoming policy for family reunification in 2008. Previously the law provided that family reunification with citizens of Azerbaijan takes place irrespective of any quotas. Currently spouses should apply for temporary permit and prove that they can sustain themselves. However, they are subject to simplified naturalization procedure and have equal rights to work and receive social protection. Pensions rights for family members are regulated by international agreements. Family members of refugees are also recognized as refugees (spouse and minor children).

According to the reports the family re-unification of migrant workers is not addressed. Instead, the EU sees it as a measure to facilitate migrant integration and this has developed into an elaborate legal framework. Since some of the CARIM-East countries have *ius soli* principle in their citizenship regulation, the question arises how a local equivalent of the *Zambrano case* can be resolved in countries under study.¹¹⁰

¹⁰⁷ Case C-578/08 *Chakroun*. See also Groenendijk Kees, 'Family Reunification as a Right under Community Law' (2006) 8 EJML, 215-230, 244.

¹⁰⁸ See Directives 2003/86/EC and Directive 2004/38/EC. See also Davies Gareth, The family Rights of European Children: Expulsion of Non-European Parents, EUI Working Papers, RCAS 2012/04, available at: http://cadmus.eui.eu/bitstream/handle/1814/20375/RSCAS_2012_04.pdf?sequence=1 accessed 17 January 2013.

¹⁰⁹ In Moldova family reunification is most often sought by family members from Syria. There are cases when people come to study to Moldova to marry Moldovan citizens.

¹¹⁰ C-34/09 *Zambrano v. ONEm*, 8 March 2011.

Active citizenship

Political participation, at least at the local level, is an important topic at the EU level. It is argued that participation in the democratic process is important for their integration. Obstacles to migrants' political participation in terms of legislative and structural barriers must be overcome to the greatest extent possible. Measures to enhance democratic participation could include training and mentors, granting migrants access to voting rights in local elections.¹¹¹

Approaches by CARIM-East countries varies. The most liberal approach is in **Azerbaijan**. Stateless persons who reside in Azerbaijan for five years can vote for the president, the national assembly and take part in referenda. Foreigners who reside in a given local government area for five years can vote in local elections. However, foreigners, stateless persons, foreign legal persons cannot nominate candidates or stand as candidates or participate in pre-election campaigns. They are also not allowed to take part in referenda campaigns either.

Belarus is providing for voting rights on the basis of reciprocal bilateral treaties. Thus, according to bilateral agreement between Russia and **Belarus**, citizens of both countries can vote and be elected in national institutions. Similar rights are accorded to citizens of Kazakhstan on the basis of the agreement. In addition all workers can join trade unions or professional organizations.

In **Armenia** refugees and stateless persons have the right to participate in the local elections alone. They have to be registered in the population register at least for 6 months before the elections. All residents have the right to assembly and to share opinions. Report notes that there are dozens of refugee NGOs and they play important role in the integration process.¹¹²

Immigrants are not entitled to vote or to stand for elections in **Georgia**.¹¹³ They cannot be members of political parties. According to Article 38 of the Law on Legal Status of Aliens and Stateless Persons, they have various rights. They can establish public associations, join trade unions, scientific, cultural and sports associations and other public associations on equal terms with Georgian nationals provided this does not contradict association laws.

Conclusions and Recommendations

Immigration integration has only recently become a topic on the EU agenda. The EU Member States are coming to terms with the failures of their earlier approaches to integration. As argued by George Friedman in relation to Europe, multiculturalism was not the liberal and humane respect for other cultures that it pretended to be. The offer of multiculturalism was a grand bargain meant to lock in migrant loyalty in exchange for allowing them to keep their culture – and to protect European culture from foreign influences.¹¹⁴ Thus, immigrants became permanently alienated in their host countries,

¹¹¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, COM (2011), 455 final, Brussels, 20 July 2011, available at http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf accessed 21 November 2012, pp. 7-8.

¹¹² See national report page 9 on NGOs of refugees, footnotes 24 and 25.

¹¹³ However, according to Article 104¹ of the Constitution, not only Georgian citizens but also individuals who were born in Georgia and who have lived in Georgia for the last 5 years permanently and who have EU member state citizenship have the right to vote and stand in parliamentary or presidential elections. They are also allowed to take the political posts of President, chairperson of the Parliament and Prime Minister. The above-mentioned provision is of transitional character and will be valid until 1 January 2014.

¹¹⁴ Friedman George, 'Germany and the Failure of Multiculturalism' (19 October 2010) STRATFOR, <http://www.stratfor.com>, accessed 8 February 2011.

while remaining loyal to their home countries.¹¹⁵ Current approach encouraged by various EU policy documents is to facilitate integration as a two-way process.

The need to intensify integration policies has been generally acknowledged by CARIM-East countries as well. Although the profile of immigrants is divergent there are many concerns which are common in all countries in relation to integration of immigrants: e.g. the lack of skills, command of language and access to social services. At the same time a legal integration has been made difficult because it is part of policy considerations and different countries lump together various categories including migrants, stateless persons, refugees and persons with undetermined status.

The conclusions and recommendations will be divided into three parts: policies, legislation and implementation.

Policy initiatives

There have been various integration initiatives in CARIM-East countries. However, only Russia and Moldova have addressed integration in a programmatic policy manner. Other countries have programs for particular groups: Armenia and Georgia. There are also a number of bilateral and multilateral activities taking place among CARIM-East countries, which are directed at establishing reciprocal rights for migrants. Policy coordination is undertaken by meetings the Heads of Migration Services of CIS countries. Several reports have noted the importance of co-operation with the EU and further assistance in developing integration programs and shared experiences.

The specifics of integration in the CARIM-East countries require that re-integration policies should also be included. Therefore, integration programs should cover both immigrants arriving and compatriots returning to their respective country. The programs should focus on the needs of migrants to ensure their successful integration, which by itself is a lengthy process. During the drafting of programs attention should be paid to issues related to access to different statuses, language learning, adaptation courses, socio-economic guarantees, rights of family members and civic participation in the life of the society.

The need to intensify language learning has been mentioned in most of the reports. It has also been suggested that language learning should take place in the countries of origin of immigrants. Accessibility to language learning is important. It covers not only accessible fees for migrants whose profile might not always be highly qualified, but also geography: i.e., courses in different regions of the country. In addition to language the adaptation courses could be beneficial not only to migrants but also to compatriots. In this context the example of Moldova might be helpful for other CARIM-East countries. These efforts would allow us to avoid situations where immigrants become marginalized and discriminated against on the labor market.

Social inclusion measures are equally important in CARIM-East countries. Reports showed that high fees and cumbersome procedures for status regularisation, access to housing and education are not effective measures to regulate migration. Instead, those difficulties facilitate illegal residence and employment which is more difficult to eradicate. When addressing social integration family reunification becomes important issue which includes access of family members to employment and access of children to education. In this context EU legislation could serve as an example. It goes even further than human rights guarantees enshrined in Article 8 of the ECHR.¹¹⁶ The access of immigrants and other groups to higher education, vocational training and life-long learning should be given more attention, given that these groups have limited resources.

¹¹⁵ Sparrow Andrew, 'Cameron attacks 'state multiculturalism'' (26 February 2008) <http://www.guardian.co.uk/politics/2008/feb/26/conservatives.race> accessed 14 February 2012..

¹¹⁶ See for instance the opinion of Advocate General Trstenjak in case C-40/11 Yoshikazu Iida v. Stadt Ulm, 15 May 2012.

Legislation

Recommendations have been adopted by various international monitoring bodies, which invite CARIM-East countries to ratify international conventions. The most important conventions would be the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness, since statelessness is a serious problem in the region. In addition to facilitate naturalization CARIM-East countries should ratify ECN. Several reports have mentioned that there is a need to liberalize naturalization procedures (Azerbaijan, Armenia, Belarus).

Although some CARIM-East countries have ratified major human rights instruments, these have not been integrated into national legislation or they have been disregarded (Azerbaijan). In addition national laws require further amendments in the light of integration programs and the issues prioritised in those policy documents (Russia, Georgia and Armenia).

Apart from legislation targeted at migrants, there is also the need to elaborate national provisions on tolerance and awareness in immigrant recipient countries to fight xenophobia, racism and intolerance. After all integration is a two-way process and hostile attitudes in the host societies would be to the detriment of national policies.

There are international reports on hate-crime in CARIM-East countries. For instance, in **Azerbaijan** ECR has emphasised the need to improve the climate of opinion concerning Armenians coming under Azerbaijan's jurisdiction and the need for political parties to make a firm stance against all forms of racism, discrimination and xenophobia. The need to strengthen the role of the Ombudsperson has also been noted.¹¹⁷ The need to provide for efficient legislation on prohibition of racial discrimination as well as information to the public has been specifically picked up in relation to **Georgia**.¹¹⁸ Concerns have been expressed about the severity of racial violence in Russia. This has included incitement to racial and ethnic hatred in media and to a limited extent in political discourse.¹¹⁹

Implementation

Reports have illustrated that it is very difficult to assess the effectiveness of measures already adopted either in the form of law or policy documents. For instance, it is unclear whether migrants have effective access to courts to protect their rights or whether they claim that they are subject to excessive administrative requirements. For instance, **Azerbaijan** has noted that there are problems with transposition and implementational of international norms which lead to difficulties in integration. This especially relates to refugees and stateless persons, i.e., their access to the status, housing, language training and social protection. Some reports acknowledge that the problems lie not that much with the quality of legislation but with the lack of sufficiently strict control and effective implementation. **Belarus** has reported that there is no case-law on non-discrimination.

Access to the judiciary as well as to the efficient monitoring system (Ombudsman, NGOs, mentors) are crucial for the effective implementation of integration policy. EU law can serve as an example. National courts are important players to ensure that provisions of directives are implemented and applied correctly throughout the EU. Similarly in CARIM-East accessibility to courts should become

¹¹⁷ ECR report fourth monitoring cycle, CRI (2011) 19, 23 March 2011, paras 48, 53.

¹¹⁸ ECR report fourth monitoring cycle, CRI(2010)17. 28 April 2010, paras 12-14. see also para 49. See also Committee on the Elimination of Racial Discrimination, Concluding Observations, CERD/C/GEO/CO/4-5, 20 September 2011, para 11.

¹¹⁹ Committee on the Elimination of Racial Discrimination, Concluding Observations, CERD/C/RUS/CO/19, 22 September 2008, paras 10, 13 – 18. See also <http://carnegie.ru/publications/?fa=43971> accessed 15 January 2013 and NGO SOVA <http://www.sova-center.ru/en/xenophobia/news-releases/2013/01/d26155/> accessed 15 January 2013. See also Human Rights Committee, Concluding Observations, CCPR/C/RUS/CO/6, 24 November 2009, para 11, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/465/50/PDF/G0946550.pdf?OpenElement> accessed 16 January 2013.

important tools to ensure that international and national provisions are efficiently applied to make legal guarantees for immigrants and other groups requiring special protection a reality.

Integration depends, largely, on the policy choice of the country. Therefore, there is no single legal recipe, which would fit all countries. Integration is also a long-term process which might require re-consideration of certain measures. CARIM-East countries have a lot to do to set up legal frameworks for integration and ensure their efficient implementation.