

Секция «Английский язык и право (на английском языке)»

No Escape from Imperial Legacy? Migration Law Enforcement in Moscow and Saint Petersburg.

Халикова Юлия Магсумовна

Студент (магистр)

Национальный исследовательский университет «Высшая школа экономики», Факультет социальных наук, Москва, Россия

E-mail: khalikova.yuliya@gmail.com

This paper aims to shed light on the policing under conditions of a massive influx of labour migrants from the former Soviet Union countries under the theory of "ethnic profiling", which is an inappropriate use by law enforcement of an individuals' ethnic characteristics in identifying criminal suspects (Open Society Institute 2005:2). There is no definition of 'ethnic profiling' in the Russian legislation - this phenomenon is simply said not to exist as the Constitution lays down the principle of equal and non-discriminatory (art. 19).

However, this is indeed not true. Migrants in Russia are stopped and searched by the police on a daily basis and little is known about what is the motivation for police officer to stop a migrant, what happens with the stopped one afterwards and what legal consequences these actions could bring. Russian scholarship on the topic consists of mostly qualitative research on police-migrant interaction (Institute for the Rule of Law 2014; Khalioullina 2016; Khodzhaeva 2010; Open Society Institute 2006). Meanwhile, the topic is more developed in a foreign scholarship, especially in the US (Espinoza 2015; Jordan and Freiburger 2015; Cox 2013; Sampson and Wilson 1995.) and Europe (Parmar 2011; Bowling and Philipps 2007; Mustaers 2013; Constantinou 2015).

Recent studies have found that non-Slavs were, on average, 21.8 times more likely to be stopped in the Moscow metro than Slavs (Open Society Institute 2006:9). In my opinion, such situation in law enforcement constitutes "ethnic profiling" despite lack of definition in the legislation.

Migration policy in Russia is indeed controversial and subject to changes under the influence of various events. For example, after the July 2013 beating of a police officer at Matveevsky market in Moscow by Dagestani market vendors, severe changes to legislation have been made. Since August 2013 mandatory deportation for violation of "migrant" articles was introduced in four regions of Russia with the highest number of migrants - Moscow, Moscow region, Saint Petersburg and Leningradskaya oblast'[1]. Before 2013 deportation was chosen by judges as an exception, and still is not used very widely in the rest of the country.

Thus, the main purpose of this research is, thus, to examine how immigration legislation connected to above-mentioned "migrant" articles is enforced on a micro-level, namely, by police officers, migration service, judges and other local law enforcement. Another angle is to come up with any factors that can (and do) influence the spread of such enforcement.

Besides case-law and federal and regional legislation I would analyse the following data:

- judicial statistics on 'migrant' cases tried in district courts (number of cases, types of punishment, general workload of judges in a given court)
- Migration Service statistics (number of migrants, deportation, patents and permits issued)
- census data for local areas
- urban landscape / spatial development (factories, markets, construction sites nearby and the like).

Timeframe for an analysis is from 2011 to 2015 as this would provide enough data on the shift between policies of non- and mandatory deportation, and geographical area is Moscow and Saint Petersburg with comparison towards general situation in Russia.

Federal laws are the same for the whole country and thus should be implemented in (more or less) the same manner. However, there are drastic differences in an implementation of migration legislation throughout the country and even throughout one city. For example, in Russia 'migrant' articles constitute only 3% out of all administrative cases tried in district courts. Meanwhile, the number is higher for Moscow (50% before mid-2013, 85% after 2013 changes) and Saint Petersburg (30% before mid-2013, 50% after). Out of all deportation cases only 3.5% are either closed or returned back to law enforcement by judges in Moscow, while in Saint Petersburg the number is ten times higher - 30%. Differences persist even within one city - 35% of all "migrant" cases in Moscow are heard in three district courts located on one metro station.

My hypotheses are: (1) there is indeed racial/ethnic profiling in Russia despite legal prohibition of any discriminatory practices in the legislation; (2) there are several possible explanations for such drastic differences.

First of all, judicial caseload, which is bigger in Moscow, does play a role, by not providing enough time to hear each case individually, instead making so-called "collective" hearings for 7-20 migrants brought by law enforcement. Secondly, a nature of relations between law enforcement, police and judiciary, as well as an importance of performance statistics create a situation when it is beneficial to send those "easy" cases to trial and deport people, thus making all actors except migrants are happy with such outcomes. Moreover, urban landscape and spatial differences influence implementation in a way that there are more migrants in bigger cities as well as near factories, markets, construction sites and the like, adding to nationalist views of locals.

[1] p. 3 art. 18.8 and p. 2 art. 18.10 of the Russian Code of Administrative Offences, namely - absence of legal documents, violation of entry requirements or working without a work permit or a patent

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