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INTEGRATION EXAMINATION FOR MIGRANTS IN RUSSIA: LEGAL REGULATION AND METHODOICAL PROVISION

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ABSTRACT

The aim of this article lies in the consideration of integration examination on Russian as a foreign language, history of Russia and basics of the Russian legal system for different categories of migrants in Russia. In the article the legal and methodical aspects of the complex examination introduction and the principles of the examination are analysed. The dialectical method, synthesis and theoretical approaches are used for the elaboration of the legal basis, testing and preparatory materials for introduction of the complex examination. The paper proves that the implementation of such examination will play the role of integration factor prescribed to it.

Key words: international law, migration, Russia, integration test, adaptation and integration of foreign citizens, legal regulation of migration, methodological basis of testing migrants

ESAME DI INTEGRAZIONE PER I MIGRANTI IN RUSSIA: REGOLAMENTAZIONE GIURIDICA E DISPOSIZIONE METODICA

SINTESI

L'articolo si propone di valutare l'esame di integrazione previsto per diverse categorie di migranti in Russia, che consiste nelle prove di russo come lingua straniera, storia russa e fondamenti del sistema legale russo. Vengono così analizzati gli aspetti legali e metodici dell'introduzione di questo complesso esame e i principi dello stesso. Per analizzare la base giuridica, i test e i materiali preparatori per l'introduzione di questo difficile esame sono stati usati il metodo dialettico, la sintesi e gli approcci teoretici. Per mezzo di questi si è comprovato che l'implementazione di un esame di questo tipo indubbiamente svolgerà il ruolo del fattore di integrazione che gli si attribuisce.

Parole chiave: legge internazionale, migrazioni, Russia, esame di integrazione, adattamento e integrazione di cittadini stranieri, regolamentazione giuridica della migrazione, basi metodologiche per esaminare i migranti.

PROBLEM STATEMENT

A part of the migrants among population of the developed states is being increased, especially in the last decades. If in the developed countries a migrant is 1 of 70 humans, and averagely in the world approximately 1 of 33-37, then in Europe one migrant falls at 6-10 local residents. The times, when long-term and/or non-returnable migration took place between the states of one civilized or even simple historical-cultural type, go in the past. Presently, not only sufficient level of state language possession can aggravate the problems of migrants' integration into the host society, but much deeper differences (of outlook, valuable, religious, cultural order), too. In this connection, the migrants' receiving states introduce and expand the practice of integration tests for migrants. The tests (interviews, exams) of language and civic character, in increasing number of countries and for widening circle of persons become the means of facilitation of the integration process and this integration success control.

Being the second country in the world on the quantity of migrants, Russia has very small experience of application of integration tests for migrants (United Nations, 2013). Two years the linguo-didactic testing system functioned for individual categories of working migrants and this system expanded since January 1, 2015 in relation to the circle of persons, who must pass testing, and to the content of testing: instead of linguo-didactic testing, the migrants will have to pass the exam on the Russian language as a foreign one, history of Russia and basics of the Russian legal system (Dolzhikova, 2014a). As any scaled innovation of the state, the integration exam deserves attention of scientific public, and even more requires it. This article highlights the legal and methodical aspects of the examination introduction. As Russia became the first country in the world to introduce such a comprehensive test for almost all of its labour migrants, its experience bears considerable value for all states that are currently at the edge of introducing similar examinations. Scarcity of the English-language literature about Russia's participation in migration flows regulation doubles the contribution of the present article to the analysis of integration examinations of migrants world-wide.

LITERATURE REVIEW

Although integration tests for migrants raise attention of policy and academia, there is a significant lack in scientific evaluation of the exams (Kiseleva and Khlgatian, 2014). Among completed researches we should mention a project of the Radboud University Nijmegen (Centre for Migration Law) called The INTEC Project 'Integration and Naturalisation tests: the new way to European Citizenship: A Comparative study in nine Member States on the national policies concerning integration and naturalisation tests and their effects on integration' (Strik et

al., 2010). The title of the project speaks for itself, nine countries' experience is explored separately and, then, comparatively. Several latest documents by the Council of Europe are also directly devoted to the problems caused by integration tests (Resolution, 2014; Recommendation, 2014; Strik, 2013). Taken in a wider context, integration procedures for migrants are also studied in frames of different naturalization procedures (Wallace Goodman, 2010), liberal values of democratic societies (Bauboeck and Joppke, 2010), etc. In the Russian Federation the first review paper about civic tests legal aspects was an analytical report by Kommersant-Vlast', published in 2007 (Kachurovskaya and Kukolevskii, 2007). In 2014, great work in the field of analyzing legal regulation of integration tests in various states was done by the team of the Peoples' Friendship University of Russia (Agrba and Kazhaeva, 2014; Kazhaeva, 2014; Kazhaeva and Kiseleva, 2014; Kazhaeva and Khlgatian, 2014a-b; Kiseleva, 2014a-d; Kiseleva and Kazhaeva, 2014; Kiseleva and Kazhaeva, 2015; Kiseleva and Khlgatian, 2014). It should also be noted that practice of integration tests engages, besides mentioned, with wider problems, e.g. role of education in maintaining inter-ethnic concord or international peace (Semenova, 2013; Semenova, 2012).

METHODS AND DATA

The present article is in a sense an insider's information on the development of the Russian language testing system.

The data for the present article derives from the experience of the authors in elaboration of the legal basis, testing and preparatory materials for introduction of the complex examination for migrants in Russia in Russian as a foreign language, history of Russia and the basics of the Russian legal system. The authors are members of the team of the Peoples' Friendship University of Russia. This University is one of the four members of the Russian Testing Consortium that was at the beginnings of migrants testing in Russia in 2012. The whole work from the issuance of the state order for elaboration of scientific and experimental basis for the introduction of the comprehensive examination of migrants up to the present moment went in the authors' eyes and with authors' direct involvement through academia, state officials and civil society meetings, discussions, etc.

The approbation of the test was carried out through more than 50 testing centres in Russia and 10 testing centres abroad covering more than 500 tested persons. Synthesizing the results of the approbation was either accessible to the authors or made themselves. Besides that, many wise remarks that became a part of the present article were given to the authors during a number of retraining courses organized at the Russian Testing Consortium Members throughout 2014.

The legal basis for the examination was elaborated

with personal participation by the authors through multiple meetings with experts, representatives of state, academia and civil society that were held throughout 2014, as well as in 2013 and in 2015. Many aspects of the present legal regulation were formulated with the authors' contribution, either survived the debates or were amended thereby.

The sources behind the present text are the newest and most up-to-date in the respective field.

LEGAL FRAMEWORK OF INTRODUCING THE EXAMINATION FOR MIGRANTS

As many other states, accepting the considerable number of migrants, Russia came by the way of introduction of the different type of tests for differentiation of the approaches to regulation of migration flows in dependence on the aims and terms of staying, social-demographic and professional-qualification characteristics of migrants (Garant: Legal Information Portal, 2012), creation of the conditions for adaption and integration of migrants, protection of their rights and freedoms in avoidance of isolation of the migrants from the accepting society and growth of the negative relation to migrants, harmonization of international relations, strengthening of the unity of multi-national people of the Russian Federation and provision of the conditions for its full-right development (Presidential Decree, 2012).

Complex examination on Russian as a foreign language, history of Russia and basics of the Russian legal system is introduced for execution of Decree of the President of the Russian Federation from May 7, 2012 under No. 602 "About securing inter-ethnic concord" (2012). Federal law from April 20, 2014 under No. 74-FZ "About making amendments into the Federal law "On legal state of foreign citizens in the Russian Federation" (2014) provides the basic organizational principles of conduction of this examination, namely:

- expansion of categories of the foreign citizens, who pass examination (besides labour migrants who apply for labour permit or patent on labour activity execution, examination will be passed by the foreign citizens, who obtain the temporary residence permit and residence permit),
- provision to the Ministry of Education and Science of Russia with corresponding authorities,
- conduction of the examination by only educational organizations,
- possibility to pass examination from September 1, 2014, for securing the painless transition from linguo-didactic testing to the integration examination.

Adopted Federal law required additional normative regulation on the part of the Ministry of Education and Science of Russia. As to the date of November 1, 2014, the following decrees were published:

- the Decree from August 29, 2014 under number

1153 "About approval of the Procedure and criteria of inclusion of the educational organizations into the list of educational organizations, conducting the examination on the Russian language as a foreign one, history of Russia and bases of Russian Federation legislation" (2014a);

- the Decree from August 29, 2014 under number 1154 "About approval of the form and procedure of certificate issue about knowledge of the Russian language, history of Russia and bases of Russian Federation legislation and technical requirements to it" (2014b);
- the Decree from August 29, 2014 under number 1156 "About approval of the form and procedure of conducting the examination on the Russian language as a foreign one, history of Russia and bases of Russian Federation legislation, requirements to the minimal level of knowledge, necessary for passing the specified examination" (2014c).

The determination of the examination conduct agenda is essential one. The adoption of the above-mentioned decrees leads to finishing the work on establishment of the normative-legal basis for conduction of the complex integration examination for foreign citizens (Kazhaeva and Khlgatian, 2014a; Kazhaeva and Khlgatian, 2014b; Kiseleva and Khlgatian, 2014). Nevertheless, the range of the unsolved issues of legal character remains. The most important of them lie on the surface:

1. Will the integration examination be implemented for the persons, applying for citizenship of the Russian Federation? Now four mentioned categories of foreign citizens pass comparatively complex integration examination on Russian as a foreign language, history of Russia and basics of the Russian legal system since January 1, 2015, and persons, applying for citizenship will continue to pass linguo-didactic test or pass interview about their recognition as Russian language speakers. Thus, the requirements to the persons, executing labour activity in the country will be substantially higher than to the foreign citizens, who plan to receive citizenship.
2. In the released legal documents the payment basis of integration examination is not reflected.
3. The result accounting procedure of test passing on the Russian language as foreign one on higher levels of testing system on the Russian language as a foreign one, than the basic one was not determined.

Furthermore, we may state that for giving the completeness of rule-making activity in the area of migrants' testing it is extremely appropriate to prepare document that determines the strategy of actions in the area of educational training of foreign citizens, who arrive in the Russian Federation, with working title "Conception of the educational policy in relation to foreign citizens,

who arrive in the Russian Federation". "The provision on state testing system for foreign citizens" must become the other important documents that construct in single logic all educational procedures for foreign citizens in the country, and also determine the procedure and interaction of all participants of state testing system (Dolzhiikova, 2014b).

METHODOLOGICAL PROVISION OF THE EXAMINATION FOR MIGRANTS

Let's appeal to the methodical part of conduction of the integration examination. The basic provisions of the organizational-methodical character were stated in the Conception on the Russian language, history of Russia and bases of Russian Federation legislation (hereinafter referred to as Conception), which project was approved at the meeting of the Committee on the Russian language of the Ministry of Education and Science of the Russian Federation from December 20, 2013 (Russian Test Consortium, 2013).

The conception of examination on the Russian language, history of Russia and bases of Russian Federation legislation determines the basic organizational principles, methodical basis, aims, tasks and direction of activity of the participants of state testing system on organization of functioning the system of education, preparation and conduction of examination on the Russian language, history of Russia and bases of Russian language legislation for separate categories of the migrants taking into account that examination is intended to become the instrument of estimation of foreign citizens' readiness to integrate themselves into the Russian society (Kazhaeva, 2014).

The Russian language is considered as a key component of the national culture and the basic means of migrants' adaptation in Russia. At that the Conception acknowledges that for successful integration of foreign citizens into the accepting society not only knowledge of the state language of the country is required, but also the knowledge of history of Russia, its culture and bases of legislation.

The development of scientific-methodical bases of examination on the Russian language, history of Russia and bases of Russian Federation legislation and creation of effective organizational mechanism of its conduction, and also determination of the foreign citizens' preparation to examination was announced as the aim of Examination Conception (Kazhaeva and Kiseleva, 2014).

For the achievement of specified aim, the solution of the following tasks is supposed:

- development of the requirements to the level of knowledge on the Russian language, history of Russia and bases of Russian Federation legislation (approved by the above-mentioned Decree of the Ministry of Education and Science of Russia from August 29, 2014 under No. 1156 and

also disclosed in legally non-obligatory form by the developers) (Dolzhiikova *et al.*, 2014b);

- the development of organizational principles and regulations of conducting examination on the Russian language, history of Russia and bases of Russian Federation legislation (final regulations of examination conduction on November 1, 2014 are not approved);
- preparation of the methods and methodology of examination conduction;
- the development of the effective models of preparation of labour migrants to examination on Russian language, history of Russia and bases of Russian Federation legislation;
- training the specialists for examination conduction;
- provision of the information support for training and conducting the examination on Russian language, History of Russia and bases of Russian Federation legislation.

The development of all types of test tasks for Russian state testing system, and also scientific-methodical support of testing is conducted by the Russian test consortium, which includes Moscow State University named after M.V. Lomonosov, Saint-Petersburg State University, Peoples' Friendship University of Russia, and State Institute of the Russian Language named after A.S. Pushkin.

The Ministry of Education and Science of the Russian Federation as a main body in the system of federal executive authorities in the area of education accomplishes coordination of activity on education and preparation to passing the exam (Moseikina, 2014). At that the basic subjects executing the practical activity on education and preparation to passing the exam are educational organizations of Russia, representative offices of RCSC in the world, Russian-Slavic universities, educational centers of religious organizations of different confessional directions.

Methodical provision of the complex examination is based on the following principles:

- priority of the Russian language (the bar of successful examination passing on it is higher than on two other modules; non-passing of this module leads to non-passing of the whole exam as opposed to modules on the history and legislation);
- mutual integration of the educational material and methodical means in the separate modules of examination;
- the absence of regional component (such component is, for example, in integration test of Germany; in Russia they not only refused to introduce the regional component, but also rejected the idea to make differences in the content of examination issues in application to the countries of "near" and "far" abroad countries, although such proposals were made on the primary stages).

The structure of the examination task is three-element, it includes modules on Russian as a foreign language, history of Russia and basics of the Russian legal system. It should be noted that if language module remained unchanged and corresponds to the project of Conception (see, art. 19-20 of the project), then two other modules survived substantial transformation: from different variants of inclusion of two sub-tests in the examination tasks on each module in the result transit to exclusively test tasks with necessity of the right answer (Kiseleva, 2014a; Kiseleva, 2014d). In the legal module the variation of such tasks is one-two optional situational tasks, also suggesting one right answer for the issue from several offered ones.

- The activity on education and preparation to passing examination supposes:
- the development of educational programmes, focusing on preparing to passing examination. For example: the development of the School of educational preparation of migrants (2014);
- the development of scientific-methodical complexes on preparation to passing examination;
- the usage of existing methodical text-books on the Russian language as a foreign one (Stepanenko *et al.*, 2013);
- publication of the reference-books and school-books, containing information that serves the basis for making examination tasks (Kiseleva and Dolzhikova, 2014; Dolzhikova *et al.*, 2014a);
- the development and location on Internet-resources of the test examination tasks;

- location of free-of-charge open mass online-courses on the history of Russia and bases of Russian Federation legislation on the profile Internet-portals;
- conduction of full-time courses on preparation to examination;
- the development of audio- and video courses on preparation to examination.

The material, mentioned in the references to the previous list, illustrates the huge work that was already done on the development of methodical provision of preparation to examination. There are all bases to hope that in brief terms and owing to the efforts of concrete testers and tested organizations the diversity of educational-methodical materials will be created. Until now the higher educational institutions of the Russian test consortium implemented the range of the qualification enhancement programmes on conduction of examination for RF testers, and the employers of the centers of preparation to testing in the Russian Federation; the qualification enhancement programmes for the specialists in the area of testing were created; the educational-methodical materials for teachers of the foreign citizens' educational preparation centers were developed. Moreover, the preparation to integration examination in the centers of migrants' adaptation at FMS of Russia and on the bases of public organizations was organized (for example, in the School of educational preparation of migrants at RFUR; in the Center of testing of foreign citizens at Bashkiria State Pedagogical University named after M. Akmulla; in the Center of Social Adaptation of Labour Migrants (Orenburg); Russian Orthodox Church and etc.) (Kiseleva, 2014b).



New version of test for migrants who want to work in Russia

CONCLUSIONS

Summarizing the above-said, we'll emphasize that the legal basis of conduction of complex examination for different categories of migrants on Russian as a foreign language, history of Russia and basics of the Russian legal system is almost completely formed, although imperfect. The bases of methodical order are laid. We expect that the implementation of the examination will become successful, and the very procedure will be no formality and unbearable burden for migrants and other acting persons, but will play the role of integration factor prescribed to it.

Several issues are waiting for their clarification in the legal acts of the Russian Federation, and the most pressing among them is balancing the examination level among the different groups of migrants. It is even not reasonably understandable that the short-term migrants pass more difficult testing procedures while the applicants for the citizenship of the country have only higher requirements to their language abilities, but no other civic component in the examination. This question was and is being raised at all levels of discussions about the examination. We are looking forward to state's answer and positive actions.

Paid basis of the examination, though met with no enthusiasm, did not have the significant effect of the whole process. One point here is that the paid basis of the exam-

ination is only an element of the reform that took place in Russia. Medical assurance, fixed tax, etc. are other sides of the reform. The greater problem in this field concerns generally the level of legal consciousness of migrants. Whether they choose to undergo the clear legal procedures or to use the 'assistance' of intermediaries in order to obtain the official papers. This is the area to be elaborated both within Russia and in the countries of origin.

As for the methodical provision, the situation develops dynamically and in the direction of diversification of programmes and materials for migrants. Certified centres for preparing migrants for the examination work successfully and created all conditions to comfortably cover all interested migrants.

From the point of academia, the examination for different categories of migrants on Russian as a foreign language, history of Russia and basics of the Russian legal system calls for the analysis of the practice with half a year behind, or in a year or two years of the examination function.

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INTEGRACIJSKI TEST ZA MIGRANTE V RUSIJI: PRAVNI PREDPISI IN METODOLOŠKA DOLOČILA

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POVZETEK

Namen prispevka je z vidika ruskih pravnih predpisov in metodoloških določil oceniti integracijski test iz ruščine kot tujega jezika, ruske zgodovine in osnov ruskega pravnega sistema, ki je namenjen različnim kategorijam migrantov v Rusiji. Podatki za članek so bili pridobljeni iz izkušenj avtoric pri preučevanju pravne podlage, testiranja in pripravljalnih materialov za uvajanje zapletenega testa ter z uporabo dialektične metode, sinteze in teoretskih pristopov. Čeprav bo sprejemanje uredb glede predpisov o izobraževanju sklenilo delo na vzpostavljanju pravne podlage za izvajanje tega zapletenega integracijskega testa pri tujih državljanih, bo niz vprašanj pravne narave ostal nerešen. Članek izpostavlja tovrstna vprašanja in dokazuje, da se bo praksa integracijskih testov soočala s širšimi problemi, kot je, denimo, vloga izobraževanja v vzdrževanju medetničnega sožitja, izvajanje takšnih testov pa bo igralo vlogo integracijskih dejavnikov, kakršno se jim pripisuje.

Ključne besede: mednarodno pravo, migracije, Rusija, integracijski test, prilagoditev in integracija tujih državljanov, zakonska ureditev migracij, metodološka osnova za testiranje migrantov

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