

Foreign Experience of Migration Flows Regulation

Tatyana Nikolayevna Vitsenets

Far Eastern Federal University, Vladivostok City, Russia

Abstract: Article is devoted to the analysis of experience of state regulation of processes of migration in France, Germany, Great Britain and Australia. The author considers the international legal acts regulating processes of migration in these countries. For the last decades national and social composition of migrants in these countries significantly changed. In France to change to natives of the European countries migrants came from Africa. T. Vitsenets notes that very often there are difficulties in adaptation of migrants to new conditions of accommodation. The state is compelled to enter legal restrictions which are necessary for country safety. Security measures are provided also by the legislation of Germany. The foreigner involved in terrorism or other activity dangerous to the country, can be sent out of borders of Germany. The migratory policy in this country is directed on increase in scientific potential, at selection of migrants with high intellectual and educational level. In Great Britain among migrants natives of India, Pakistan and Bangladesh prevail. In Australia the system of receipt of a visa according to received in the points is developed. However this system doesn't protect completely from mistakes. Influence of migratory processes on life of this country dually. On the one hand, migrants provide Australia with the qualified labor and with another – create the problems demanding the decision. Experience of state regulation of migratory processes in these countries can be made successfully use in Russia in the accounting of national and cultural features.

Key words: Migration flows • Demography • Demographic processes • Migration policy • Migration outflow • Foreign experience • International legal documents • Labour force migration • International legal norms on migration • Difficulties in adaptation of migrants to new conditions of accommodation • Country safety • Qualified labor.

INTRODUCTION

International legal documents, regulating processes of labour force migration among countries within international groups, as a rule, have liberal character. However, there are some problems either. Paragraph 52 of the Treaty of Rome of 1957 on formation of the Common market (entered into force in 1968) gives the right of search a job within all the territory of the EU to the citizens of states – members of the EU. The Schengen agreement has established the uniform visa rules since 1993. Dublin convention of 1990 established the rules of granting the asylum. In the December of 1989 the Charter of the basic social rights of workers of the EU was adopted.

International Legal Norms on Migration Issues [1]:

- The Universal declaration on the human rights, adopted in 1948.

- International Covenant on economic, social and cultural rights, adopted in 1966.
- International convention on protection of the rights of all workers-migrants and members of their families, adopted in 1990
- ILO Convention (amended) on workers-migrants, adopted in 1949
- ILO Convention concerning migrations in abusive conditions and on ensuring for workers-migrants the equity of opportunities and treatment, adopted in 1975.

Processes of international labour migration are regulated as by government as well as by international legal acts. Two opposite trends lie in the base of regulation of this process. On the one hand, keeping the principles of open economy requires keeping the principle of free movement of manpower resources and population by the state, while on the other hand, real situation in the country forces to use various limits and bans [2].

The difference in approaches to problem of immigrants' integration is noticeable well on examples of France (model of assimilation), Germany (segregation) and Great Britain (pluralistic model). The first model assumes refusal of immigrants from their former identity and the complete mastering of values and models of behavior adopted in the new homeland. Exactly assimilated immigrants, which don't practically differ from the population of the receiving country, can be considered as full members of society. Theoretically successful assimilation is advantageous as for national state, tending to save its cultural homogeneity, as well as for immigrant, because it enables him to fit into new community completely [3].

In France the member of national community is every person who has French citizenship. Everyone can become the citizen of France independently to country of origin, if he is politically loyal exclusively to France and shares its cultural values. French legislation on citizenship is constructed on the principle of "right of place", essence of it is that person, born on the territory of the country, becomes a citizen of France automatically. True, French authorities slightly tightened this procedure, making amendments, according to which for obtaining the citizenship the children of migrants should submit application on reaching 16 years of age. If the person had the actuators to the police or is not fluent in the French language, he may be denied citizenship.

During postwar period ethnic structure of immigrants in France has changed several times. Firstly it was generally people of European origins. Then there was the increase of number of immigrants from former colonies (countries of Maghreb and Tropical Africa). In 1962-1975 years the first place was taken by Italians (32 %), Spanish, Poles and Algerians followed them. Since 1975 year the Portuguese community has become the most numerous foreign one, though it was smaller than the North African (Algeria, Morocco and Tunisia). The round of countries – suppliers of immigrants to France is constantly expanding. So, the number of immigrants from Asia increased dramatically (especially from South-East Asia: for 1990-1999, by 35%), as well as from Turkey (16%) and from the countries of Eastern Europe. However, the main flow of migrants is from Tropical Africa now (for the 1982 - 1990 it has increased 43 %). Statistics registers sustainable reduction in the number of foreigners - immigrants from Europe. It is not surprising that assimilation policy has been ineffective [4].

The majority of West European states refused of assimilation policy because of its inefficiency. Nevertheless France persistently tries to continue it.

Earlier the authorities tried to locate immigrants in so way to avoid their tight habitation, leading to ghettoizing; in 2004 year public attention was focused on the "case of headscarves". Back in 1989 the State Council of the Republic confirmed that wearing of religious symbols (in the first place scarves, which Muslim women covered head) is not contrary to the principles of secularism. But 15 years later there was adopted the law on prohibition of wearing of religious symbols in public places, which was rightly regarded as directed against Muslim headscarves. This event was taken differently including Muslim women themselves, it indicates a split not only of the "host nation of immigrants" but in Muslim circles as well. Support actions of the French authorities by part of the people from this environment shows that such policy reflects not only the interests of the titular nation and of the part of citizens with Muslim roots as well. And with it the other part of the Muslims clearly considers the steps of the state as anti-Islamic; extremists use them to heighten tensions between the "indigenous" French and Muslim immigrants.

The foreigners, who will be classified as dangerous, can be deported out from Germany in accordance with the new Regulations on the expulsion from the country, if such decision is taken by the highest Land or Federal authorities. The legal base is "forecast of danger". Banishment from the country of so-called "advocates of odium", calling upon for terroristic activity or activity, threatening to national minority will be more eased. Despite of all objections about the fact, that the foreigners should not be treated with distrust in principle, the immigration authorities must to request data concerning all potential immigrants from the department of the protection of the Constitution (Federal security service).

The same system is applied and in Japan. According to the law on registration, from Japan can be deported: the foreigners who are engaged in activity, not corresponding to the status of their stay, or the stay which have broken an established period; condemned to imprisonment (except for what punishment is postponed); promoting illegal entry into the country; the foreigners conducting violent and destructive activity to whom accusation of causing damage is brought to interests of safety of Japan; and some other categories of migrants [5].

Essence and legal regulation of immigration policy of Germany allows stating the course to intellectualization of entrepreneurship in the country by the development of the science. Germany is reckoned among the leaders in the world market of number of patents, registered in the USA, Japan and Europe, having 127 patents per 1 million people

(Japan – 164, the USA – 111; the UK – 92; France – 66). The small and medium business of Germany is especially active in this area [6].

Such tactics is used by many countries. In March, 2001 the government put forward "Strategy of electronic development of Japan" («e-Japan strategy») which purpose was acceptance of 30 thousand. IT specialists by 2005. The Ministry of Justice simplified an administrative procedure of entrance of such experts from India on the status "engineer" [7].

Considered approach is available for using and in specific conditions of modern Russia, unfortunately, still losing its scientific, educational potential, manpower resources and suffering from the criminal consequences of illegal migration. Development of this aspect of national policy should be agreed with program of the struggle against corruption. It needs to study the corruption in all its multiform as stimulator of illegal migration. It needs to know not only the size but also mechanism of reproduction of corruption, associated with regulation of migration processes and to use the results of mentioned research in organization of struggle against corruption simultaneously improving migration policy.

Urgency of considered problem increases appreciably in accordance with wide amnesty of not registered migrants, due to interests of their legality and social adaptation in Russian society.

Great Britain met with dominant flows of migrants after 1948. There was adopted British National Act then, which arranged united spare of citizenship for the mother country and its colonies, resettlement and work in Great Britain. The main suppliers of immigrants were India, Pakistan and Bangladesh. Their "leadership" has still remained till nowadays. According to British statistics in 2007 the ethnic minorities in British population was 7,9 %, or approximately 4,6 million people. Among them the most numerous ethnic groups are the Indian (more than 1 million people, or 1,8 % of population of Great Britain), Pakistanis (closely to 750 thousand people, or 1,3 %) and Bangladeshis (280 thousand or 0,5 %)[8].

For selection of immigrants, arriving to the country for permanent place of residence by the channel of qualified specialists' immigration, the point system of assessment, entered in 1989, is used in Australia [9]... The number of points, adjudged to the immigration visa applicant, differs depending on category of immigration (Table 1).

Making decision of visa issue comes to ticking off. It means that requirements to immigrants are formulated clear with regard to all social groups and available for private circumstances. The target of this approach is to

Table 1: The number of points, necessary for immigration visa to Australia

Immigration programs	Points for visa	Minimum point
Independent immigration	115	70
Sponsoring immigration	110	105
Family - Sponsoring immigration	110	110
Independent immigration of foreign students	115	115
Sponsoring immigration of foreign students	110	110

minimize the subjective moment. The official, making the decision, is obliged to put the ticks on the compliance of the candidate to all the criteria, set out in the law relative to one or another category of visa [10]...

The next stage is to get indispensable number of points for positive decision of visa issue. It is relative to nearly all kinds of family visas and to independent immigration without exclusions. The differences are only in the system of calculation of the points. As a rule, the number of essential points is set per calendar year [11].

However, this approach doesn't except the violations and mistakes from the side of officials of Ministry of immigration. It is proved by the large percentage of cases (up to 45%), which are reviewed in the tribunals and courts in favour of the applicants for a visa [12].

Public discussions, touching the problems of immigration, have three main themes: undesirability of large-scale immigration; the influence of cultural variety on the Australian society and human rights. On the one hand, the necessity of migrants' flows is realized, especially, of qualified specialists. On the other hand, it is expressed about the persistence of Anglo-Celtic cultural heritage of the first settlers of Australia [13].

Many statements of immigration policy of the Australia can be applied with conforming adaptation in Russia. Particularly, our country faces the daunting problem of attraction of highly skilled specialists and settlement of vacant territories. In this respect we can use the Australian experience of granting of the most favoured treatment at the entrance and the granting of citizenship to migrants, necessary for Russia.

Migration processes have acquired truly global sizes since the second half of the twentieth century, spreading throughout all continents of the planet, social layers and groups of society, different areas of public lifestyle. Rather rightfully the past century is called the "era of migration" [14]. Today no one disputes the fact that migration has become one of the main factors of social change and progress in all regions of the world [15].

In our opinion, aforesaid allows to conclude that in present time there are grounds for receipt of status of specific sociological theory by sociology of migration,

because this scientific area, firstly, has its own object of research – migration as a process of social interaction of population, involved in socio-geographical movement; secondly, the subject of investigation as dynamics of changes of objective and subjective aspects of social relations of moving people within the bounds of former and new society; thirdly, its own categories and concepts; fourthly, its system of methods and technologies of research, based on general and specific approaches to gathering and analysis of empirical information.

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