

Dr. Leah Utyasheva. Report Review. The 2016 Civic Assistance Committee's Report on Deportation of Foreign Migrant Workers for Violations of the Administrative Law. Moscow 2016. 50p.

In 2016, Russia's Civic Assistance Committee conducted analysis and monitoring of the increased number of deportations of foreign nationals from Russia's biggest cities such as Moscow and St. Petersburg due to minor administrative offences.

In 2013, two articles of Russia's Administrative Code (RAC hereinafter) had been changed, mandating the courts to order deportation of foreign nationals and stateless persons for minor violations of entrance and residence rules (Art. 18.8 (3) and 18.10 (2) RAC). As a result, a significant increase of deportation ensued, as the number of foreign nationals considered to be "illegal migrants" increased. From 2013 to 2016, the number of administrative deportations increased 4 times, as did the number of cases heard by the courts. In 2014, in Moscow, cases under these two articles composed more than 80% of the total number of administrative cases in district courts.

Over the last three years of all cases under the two new articles in Moscow district courts, in 87% of cases the court decision was deportation. In 3,5%, the courts dismissed cases, and in 9,5%, the person was fined but not deported because they had relatives in Russia. People were ordered deportation for such minor "violations" as not having their ID documents on them at the time of police check, even though all their permits were in order (for example, if they did not have a migration card, or passport on them).

In general, the analysis done by the Civic Assistance Committee showed the tightening of the immigration rules, and adoption of new procedures making obtaining work permits and residence registration on the territory of the Russian Federation for labour migrants more complex. Also stricter and harsher penalties were introduced for not following the increasingly complex and contradictory procedures.

The increased workload of judges affected the quality of court hearing. The monitoring conducted by the team of the Civic Assistance Committee showed serious violations of the court proceedings by all judges observed by the Committee. These violations included such phenomenon as collective hearing, when the judge heard up to 30-50 cases at the same time. This meant that the judge spent approximately 1,6 minutes per case, without verifying people's names, informing them about their rights, explaining the court procedure, and even without reading the court verdict. In the majority of cases, people were handed out prepared beforehand orders of deportation that they had to sign. None of the people who did not possess adequate knowledge of Russian language was offered an interpreter. Those who requested an interpreter, were threatened that they would have to wait for the arrival of the interpreter in detention facility for people charged with criminal offences. In one case, there was no hearing at all, but the court order for deportation was issued.

One of the conclusion of the report, is that the introduction of deportation for minor violations of immigration rules serves as deliberate policy for geopolitical and internal political purposes. Integration of migrants as well as protection of their human rights

has never been a goal of Russia's immigration policy. The toughening of the immigration rules was accompanied by preservation of the visa-free regime with many of the post-Soviet countries. The logical consequence of this policy, was that the number of people residing in Russia illegally has increased. The report also documents a sharp raise in anti-immigration rhetoric during the time that directly followed the adoption of the new migration rules in 2013. All mainstream political parties openly advocated for restricting migration flows into the country.

The result of this policy has a long-lasting effect for many people who earn their living as labour migrants in Russia, performing essential services for this country. The Civic Assistance Committee notes, that the courts do not use not only the "alternatives" to deportation provided by the Administrative Code, but also the human rights provisions of the Constitution or the provisions of the international human rights law. They do not take into account any circumstances against deportation provided by the law, such as danger to person in the home country, or having close relatives in Russia. All deportations are accompanied by a ban on entry to Russia, issued by courts and other administrative agencies. The number of bans on entry has increased more than 9 times from 2012 to 2014.

The above analysis shows that in many deportation cases, people were denied the right to fair trial and procedural safeguards. The police and migration service "raids" were carried with frequent violations of the law and human rights of searched and detained migrants. For example, in one case cited by the Civic Assistance Committee, among 1,675 foreign nationals stopped and apprehended by the police, 5% were found to be in violation of migration rules. The police had used violence, people were searched, put on the ground, and forcibly taken to the police station without any procedural paperwork. In case of mistaken detention, there was no explanation or apology, even if people lost entire day at the police station.

The report by the Civil Assistance Committee shows significant shortcomings of the migration law and policy in Russia, frequent and unchecked violations of human rights of migrants, and abuse of court procedures and access to justice principle by the Russian justice system.

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