

Comparative Analysis of the Migration Legislation of Russia, Germany and Switzerland

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Abstract: The article reveals the peculiarities of national legislation in the sphere of migration in Russia, Germany and Switzerland. These countries are very attractive for migrants within their regions, so the topic of improving legislation is relevant for all of them. A comparative analysis of a number of norms has been carried out, the results of which demonstrate the most effective methods and approaches of working with migrants: protection of their rights, adaptation measures, modes of stay of citizens on the territory of the country. Based on the data obtained, recommendations for changing the national migration policy are proposed.

Keywords: migration legislation, comparative law, comparative studies, migration flows, migrants, changes in legislation, migration policy.

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Introduction

The relevance of conducting a comparative study in the field of migration legislation is due to the intensification and politicization in the last decade of international migration of various types: labour, political, economic, religious, climatic. Migrant flows entail a serious social burden on states, contribute to an increase in the level of criminality in society, therefore, the experience of other countries can be useful in the development of migration policy.

The purpose of this study is to conduct a comparative legal analysis of the migration legislation of three countries located on the European continent: Russia as a key player in

the field of Eurasian security and stability, Germany as one of the founding countries of the European Union and Switzerland, which is not a member of either the European Union or the Eurozone, but is an important participant in political and trade-economic relations with EU countries.

Materials and methods

The main regulatory legal acts in the field of migration policy, as well as a number of author's materials of Russian and foreign researchers devoted to the problems of labor migration, especially illegal, were studied in order to determine the most effective regulatory practices for managing migration processes among the above-mentioned states.

Based on the data obtained during the study, it can be concluded that the topic of migration as a legal phenomenon is currently not fully studied.

The main methods as comparative legal and juridical analysis together with the criteria analysis were used in the course of the work.

Thus, a comparative legal analysis of the migration legislation of selected countries was carried out according to the following criteria:

- 1) the goals and priorities of migration policy, enshrined in national legislation;
- 2) the grounds for the presence of foreigners in the territory of the host country (visa and residence permit);
- 3) the main channels of immigration: family reunification, economic (labour) and humanitarian immigration;
- 4) the main state bodies exercising powers in the field of migration.

The study was conducted from October 2021 to January 2022.

Results

Operationalization of concepts

There is necessity to distinguish the concepts of «refugees» and «migrants», because different regulatory legal acts apply to these categories of citizens. The main difference is that a person recognized as a refugee is entitled to specific international protection¹, predetermined by the norms of international refugee law, and the legal status of migrants is a subject to national legal regulators (3).

To date, there is no unified concept of «migrant» in international law (it is assumed that this term covers all cases when a person «makes a decision on migration freely» for

1 The Convention Relating to the Status of Refugees of July 28, 1951. Bulletin of International Treaties. 1993; November 1:9.

reasons of «personal convenience» and without the intervention of an external coercive factor»²).

So, in 2019, all three countries studied – the Russian Federation, Germany and Switzerland – were among the top 20 countries in Europe in terms of the number of migrants: from the data in the diagram (4), it follows that Russia ranks the 1st, Germany the 2nd, and Switzerland the 12th (see Figure 1). People move to the Russian Federation mainly from neighboring countries, and to Germany and Switzerland – from Eastern Europe and Middle Eastern countries.

State-legal regulation of migration activity in Germany

In 2020, approximately 220,000 more people moved to Germany than left the country. Compared to the previous year, when there were about 327,000 more immigrants than emigrants, the migration surplus in 2020 was significantly lower. Taking into account the presence of more than 13 million migrants in the country in 2019, Germany had the largest number of people born abroad among all European countries in the population; in the period 2015-2019, the number of immigrants in the country increased by almost 3 million people. According to the Federal Statistical Office (Destatis)³, net immigration across German borders has been declining for the fifth year in a row after the political situation in the Middle Eastern states has stabilized. It is noteworthy that in 2020, 15,000 Germans chose Switzerland to move, hoping for an even better standard of living, a solid salary, very moderate taxes, objective justice against the background of other European countries.

Currently, migration processes in Germany are regulated by a number of normative legal acts, to which quite a lot of changes and additions have been made in the last decade, as well as new laws designed to strengthen the national refugee protection system have been adopted. However, the provisions affecting ensuring the human right to a more dignified life as the main value of the welfare state are set out in the highest normative legal act – the Basic Law of Germany (German: Grundgesetz für die Bundesrepublik Deutschland). Thus, Chapter 1 of the German Constitution⁴ establishes the obligations of the State to fulfill its international humanitarian obligations (Article 25), and also guarantees the provision of asylum to persons in need (Article 16-a).

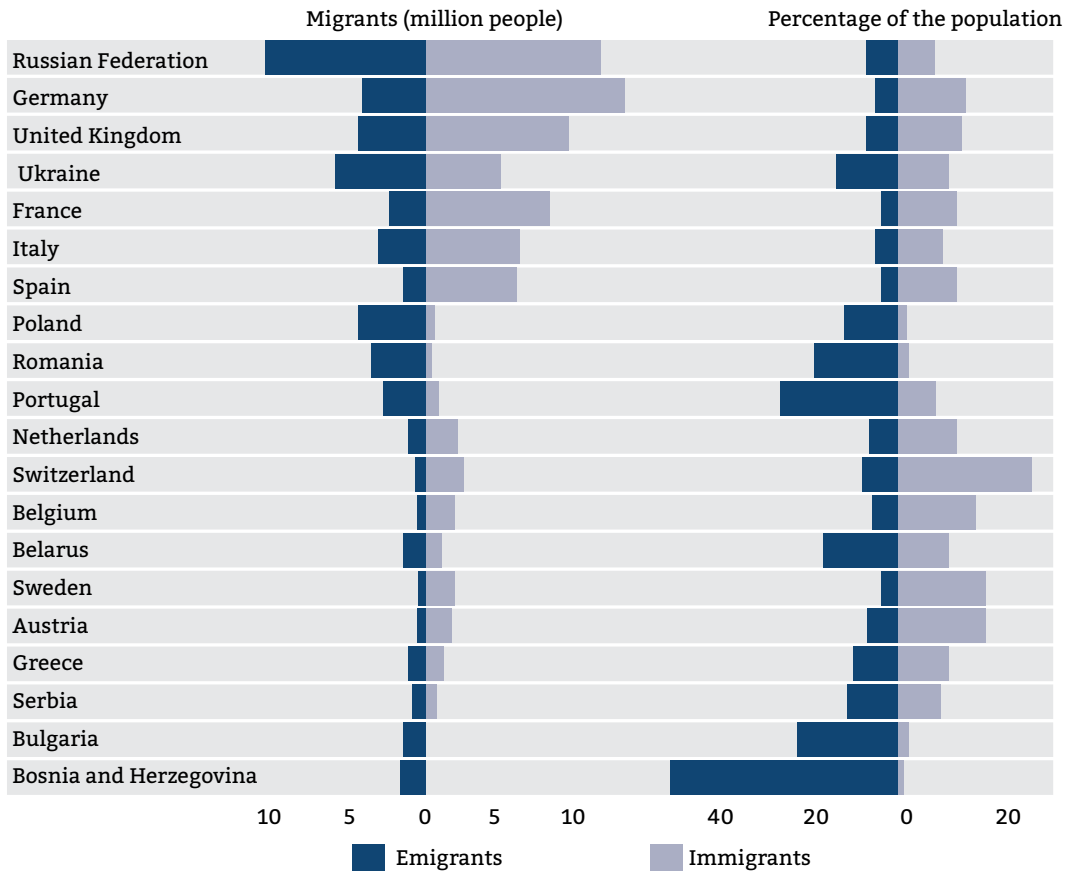
The legal basis of the migration legislation of Germany is the Law «On Residence, Employment and Integration of Foreign Citizens in Germany» (German Aufenthaltsgesetz)⁵,

2 Glossary of terms in the field of migration / ed. by R. Perrush. Geneva: International Organization for Migration. – 2005:96.

3 Migration 2020: Starker Rückgang der registrierten Zu- und Fortzüge. Statistisches Bundesamt. Available from: https://www.destatis.de/DE/Presse/Pressemitteilungen/2021/06/PD21_306_12411.html.

4 Grundgesetz für die Bundesrepublik Deutschland. Bundesministerium der Justiz und für Verbraucherschutz. Available from: <https://www.gesetze-im-internet.de/gg/BJNR000010949.html>.

5 Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet 1) (Aufenthaltsgesetz – AufenthG). Bundesministerium der Justiz und für Verbraucherschutz. Available from: https://www.gesetze-im-internet.de/aufenthg_2004/inhalts_bersicht.html.

Figure 1. The ratio of the number of migrants to the population in 20 European countries

Source: McAuliffe, M., Hadria, B. (2020) World Migration Report, International Organization for Migration (IOM), pp. 14-28.

adopted in a new edition in 2005, which establishes the basic rules for entry and exit to the territory of Germany, the procedure for obtaining a residence permit, residence regimes for education or exercise labour activity, administrative issues, as well as deportation and social integration of migrants.

In 2016, Germany remained the main destination country among the OECD countries, as over 1.7 million new international migrants arrived there this year (more than twice as many as were registered in 2000, but less than in 2015 when the numbers were 2 million people, most of whom were refugees). When considering the issue of regulating spontaneous migration flows during the crisis of 2015-2016, it is worth mentioning the Law «On Granting Asylum» (German: Asylgesetz)⁶ to refugees. The document was initially

⁶ Asylgesetz (AsylG). Bundesministerium der Justiz und für Verbraucherschutz. Available from: https://www.gesetze-im-internet.de/asylvfg_1992/inhalts_bersicht.html.

rather procedural in nature, describing in detail the mechanism for obtaining asylum on the territory of Germany, but Germany was forced to deal with the legal implementation of Directives 2013/32/EU⁷, and 2013/33/EU, providing for amendments to this regulatory legal act. In particular, the term «refugee» was included in the text of the Asylum Law, which currently regulates the procedure for recognizing all forms of protection of human rights of a person who has arrived in Germany and is seeking political asylum (5).

In 2018, Germany continued to receive the largest number of refugees and asylum seekers in Europe and ranked fifth in the world by this indicator. The largest number of refugees arrived in Germany from the Syrian Arab Republic, Iraq and Afghanistan. As a reaction to the new migration crisis in 2019, the German Parliament urgently adopted the so-called law «On the Procedure of Expulsion» (German *Geordnete-Rückkehr-Gesetz*)⁸, according to which the procedure for the deportation of illegal migrants is significantly simplified. Migrants who do not have the status of a permanent resident of the EU, who intentionally provided the migration services with false information about their identity or citizenship, will be fined and denied the right to permanent residence in the country legally.

Today, Germany conducts selective promotion of external migration, the main selection factors are knowledge of the German language (not lower than the B1-B2 level), the availability of specialist qualifications (university diploma or diploma of vocational training), confirmed by the German specialized agency, as well as work experience and age (2). The main reason for refusing naturalization in Germany is the restriction for dual citizenship.

Obviously, due to the demographic aging of the population, the German economy is in dire need of migrants, but only those who are able to stop the reduction of the labour force in the country. In 2012, Germany joined the European program «Blue Card» («EU Blue Card»)⁹, the essence of which is to attract promising and highly qualified foreign specialists in exchange for granting them an official work permit and a residence permit. The next measure designed to ensure the implementation of the employment program for both specialists with higher education and for representatives of working specialties was the entry into force on March 1, 2020 of a new migration law¹⁰, that facilitates the procedures for obtaining a work permit for personnel from non-EU countries. Having studied this law, we will note two main innovations that, in our opinion, deserve special attention:

7 Directive 2013/32/EC of the European Parliament and of the Council of 26 June 2013 on general procedures for granting and revoking international protection and Directive 2013/33/EC of the European Parliament and of the Council of 26 June 2013 establishing standards for the reception of persons who have applied for international protection. Legal reference system «Garant».

8 Bundestag stimmt für Gesetzentwürfe zum Asyl- und Aufenthaltsrecht. Deutscher Bundestag. Available from: <https://www.bundestag.de/dokumente/textarchiv/2019/kw23-de-ausreisepflicht-645888>

9 Directive 2009/50 – Conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. European Council. Available from: <http://www.consilium.europa.eu>

10 The Skilled Immigration Act (*Fachkräfteeinwanderungsgesetz*). Available from: <https://fachkraefteeinwanderungsgesetz.de/gesetzestext/>

- 1) rejection of the so-called positive list (German Positivliste), which lists popular specialties that presuppose the presence of vocational education;
- 2) refusal by the Federal Labour Agency to check a suitable candidate for priority (that is, whether a specialist from Germany or another EU country can fill the vacancy).

Migration legislation of the Swiss Confederation

At the beginning of the XX century, Switzerland began to be actively resettled from border states, as a result of which by 1914 the share of migrants was up to 15% of the country's population. However, Swiss legislation was characterized by a rotational and isolationist nature. So, when in the interwar period and after the Second World War the country needed labour, «temporary» labour contracts were introduced, after which employees must immediately leave the country. Switzerland does not have such a need for workers today. Currently, about 25% of foreigners from all residents live in the country, but the Swiss government, with the introduction of restrictions on rights, plans to reduce the scale of new immigrants. These processes are described in detail in the works of such researchers as I.Steiner (2019), F.Vanner (2018), N.Voronina (2018), N.Koroleva-Borsodi (2017), etc.

The official statistics of the State Secretariat for Migration (SEM) for 2020 states that the increase in the share of the foreign population in Switzerland from 2019 to 2020 was 1.9%.¹¹.

Swiss migration legislation has undergone many changes in the last decade, including due to the widely used practice of decision-making through a referendum. The basis of legislation on migrants in Switzerland is the Federal Law «On Foreigners» (Ausländer- und Integrationsgesetz, AIG)¹², adopted in 2005. According to chapter 5 of this law, there are 8 types of residence permits in Switzerland, each of which corresponds to a certain type of identity card. In accordance with Article 33 p. 2 AIG, the main grounds for residence may be obtaining a work permit and/or a residence permit, renaturalization, obtaining citizenship by marriage or family reunification.

Switzerland is an active member of many international organizations (the World Trade Organization, the Council of Europe, etc.) and ratifies international agreements, in this regard, free movement procedure is provided for EU and EFTA citizens, as well as their family members and employees sent to Switzerland by their employers¹³.

11 Statistik Zuwanderung Ausländerinnen und Ausländer in der Schweiz. Eidgenössisches Justiz- und Polizeidepartement EJPD, 2020: 25.

12 Bundesgesetz über die Ausländerinnen und Ausländer und über die Integration. Die Publikationsplattform des Bundesrechts. Available from: <https://www.fedlex.admin.ch/eli/cc/2007/758/de>.

13 Abkommen zwischen der Schweizerischen Eidgenossenschaft einerseits und der Europäischen Gemeinschaft und ihren Mitgliedstaaten andererseits über die Freizügigkeit. Die Publikationsplattform des Bundesrechts. Available from: <https://www.fedlex.admin.ch/eli/cc/2002/243/de>.

Table 1. Typology of identity cards for foreign citizens in the Swiss Confederation.

Type B identity card Temporary residence permit	For temporary residents (foreign citizens who stay in Switzerland for a certain purpose for a long time, with or without the right to work)
Type C identity card Residence permit	For permanent residents (foreign citizens who have been issued a residence permit after their stay in Switzerland for 5 or 10 years. The right to stay in the country is not limited)
Ci Type Identity Card Temporary residence permit with the right to work	This document is issued by the cantonal authorities to the working spouses and children of employees of foreign missions or intergovernmental organizations
Type G ID card Permit for residents of border areas of neighboring countries working in Switzerland	For persons who regularly cross the border (foreign citizens living on the border territory of a neighboring country and working in the adjacent border area of Switzerland)
Type L identity card Permission for short-term stay	For conducting labor activity for a short period of time, as well as for other types of temporary stay
Type F identity card Temporarily placed foreign citizens	For temporarily placed foreign citizens. This document is issued by the cantonal authorities on the basis of an order of the Federal Migration Agency
Type N identity card Asylum seekers	For asylum seekers. This document is issued by the cantonal authorities on the basis of a decision of the Federal Migration Agency
Type S identity card Persons in need of protection	For persons in need of protection. This document is issued by the cantonal authorities on the basis of a decision of the Federal Migration Agency

The Federal Constitution of Switzerland assigns to the Confederation the issues of entry/ exit, stay and settlement of foreigners on the territory of the country (Article 121)¹⁴. State regulation of migration flows is carried out at three levels: local, regional (at the canton level) and federal, where the main executive body is the State Secretariat for Migration (Staatssekretariat für Migration, SEM). The presence of migrants in Switzerland is monitored by the Federal Department for Foreign Citizens (DFAE), the Swiss Refugee Council, the Federal Immigration, Integration and Emigration Service (JMES), individual departments of the Ministries of the Interior and Foreign Affairs, as well as human rights organizations and the Swiss Red Cross office. Such a wide list of control and supervisory bodies and a system of organizations for working with migrants make it possible to develop an effective structure for working with foreign citizens in Switzerland: it promotes accelerated adaptation in society, shortening the time for obtaining documents, and increasing the protection of migrants' rights (including labour rights).

Migration legislation of the Russian Federation

The Russian Federation accepts migrants mainly from neighboring countries who come to the country for the purpose of employment.

¹⁴ Federal Constitution of the Swiss Confederation. Die Publikationsplattform des Bundesrechts. URL: <https://www.fedlex.admin.ch/eli/cc/1999/404/en>.

Migration statistics provided by the Ministry of Internal Affairs¹⁵, demonstrates an increase in the number of visiting citizens and paperwork for official employment (and/or obtaining a work patent). The table below shows a significant increase in the number of migrants in 2021 in relation to 2020. The increase in the flow of migrants is primarily due to the abolition of antiquarian restrictions on crossing the border, as well as the resumption of economic activity in all the spheres of society. Migrant workers are again free to get a job, obtaining permits. There is a reason to believe that this dynamic will continue to develop in 2022.

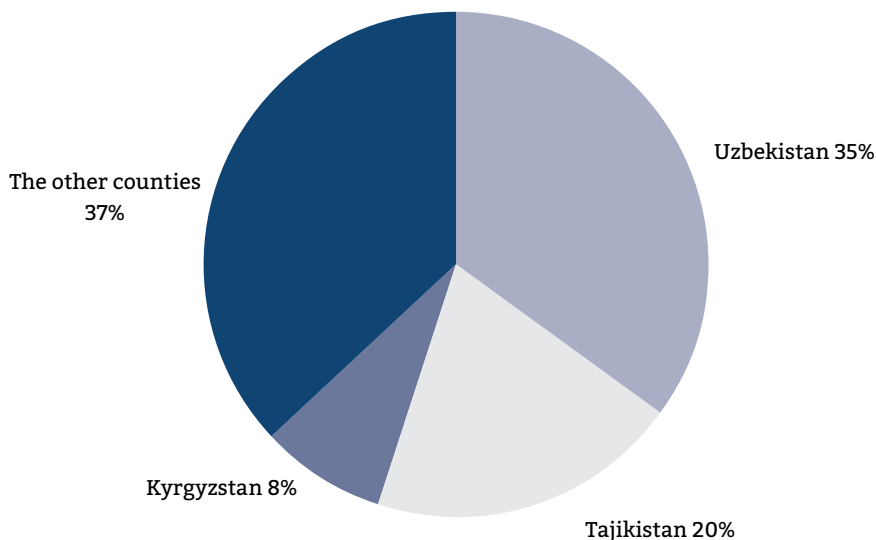
Table 2. Comparison of indicators of migration flows of the Russian Federation in the period January-December in 2021 and 2020.

Qualitative indicator		Quantitative indicator	
		for January-December 2021	for January-December 2020
Invitations have been issued to foreign citizens and stateless persons		263 368	138 279
Visas issued to foreign citizens and stateless persons		216 442	224 666
Temporary residence permits issued to foreign citizens and stateless persons (initially)		153 989	120 653
Issued residence permits to foreign citizens and stateless persons (initially)		252 512	220 013
The number of facts of migration registration of foreign citizens and stateless persons		13 392 897	9 802 448
Work permits issued to foreign citizens and stateless persons, total		93 031	62 686
Including	highly qualified specialists	46 691	20 528
	qualified specialists	6 830	7 609
Patents have been issued to foreign citizens and stateless persons		2 221 826	1 132 593
In total, notifications received on the conclusion of employment contracts with foreign citizens and stateless persons engaged in labour activity		1 673 342	1 330 650
Including	on the basis of a work	67 515	342 346
	permit without a work permit on	705 447	558 294
	the basis of a patent	900 380	730 010

Let us consider the main provisions of Russian legislation in this area.

The main provisions of migration legislation are presented by federal laws and resolutions of the Government of the Russian Federation. The administrative status of

¹⁵ Summary of the main indicators of the migration situation in the Russian Federation for January – December 2021. Official website of the Ministry of Internal Affairs of Russia. Available from: <https://xn--b1aew.xn--p1ai/dejatelnost/statistics/migracionnaya/item/28104434>.

Figure 2. Origin of migrants arriving on the territory of the Russian Federation, 2021

a foreign citizen in the Russian Federation is determined by Federal Law No. 115-FZ of 25.07.2002 «On the Legal Status of Foreign Citizens in the Russian Federation». This regulatory legal act defines the legislative concept of «a foreign citizen», the procedure and duration of temporary stay in the country, the necessary documents, and a number of other provisions¹⁶.

Special federal laws have been adopted to regulate the entry procedure¹⁷ and the procedure for migration registration¹⁸. These powers are assigned to the Ministry of Internal Affairs of the Russian Federation. A number of public services are now performed remotely on the official website of the department, which helps to introduce digital accounting, thereby increasing the accuracy and quality of data processing.

It is noteworthy that in the Russian Federation the categories of «foreign citizens» and «stateless persons» are clearly distinguished, but are regulated by the same legislative acts.

Since, as mentioned above, «migrants» and «refugees» belong to different categories of citizens, on February 19, 1993, Russian parliamentarians adopted a separate Federal Law No. 95-FZ «On Refugees»¹⁹. It interprets the concept of «refugee», regulates the

16 Federal Law No. 115-FZ of July 25, 2002 "On the Legal Status of Foreign Citizens in the Russian Federation". Legal reference system «Garant». Available from: <https://base.garant.ru/184755/>.

17 Federal Law No. 114-FZ of 15.08.1996 "On the procedure for leaving the Russian Federation and entering the Russian Federation". Legal reference system «Garant». Available from: <https://base.garant.ru/10135803/>.

18 Federal Law No. 109-FZ of July 18, 2006 "On migration registration of foreign citizens and stateless persons in the Russian Federation". Legal reference system «Garant». Available from: <https://base.garant.ru/12148419/>.

19 Federal Law No. 95-FZ of February 19, 1993 "On refugees". The official Internet portal of legal information. Available from: <http://pravo.gov.ru/proxy/ips/?docbody=8&nd=102021709>.

basic rights of refugees, social guarantees enshrined in the Constitution of the Russian Federation, international treaties of the Russian Federation and generally accepted norms of international law. In addition, this law also describes the procedure and grounds for the loss or deprivation of refugee status.

International agreements of the Russian Federation sometimes make adjustments to generally accepted norms and make «exceptions» for citizens of some countries. For example, citizens of the member states of the Eurasian Economic Union (the Republic of Belarus, the Republic of Kazakhstan, the Republic of Armenia and the Kyrgyz Republic) do not need to obtain a work permit in the State of employment²⁰. This norm is similar to the simplified requirements for employment of citizens of EU member states and the agreement between the Swiss Confederation and the European Union.

A number of researchers (1) note the imperfection of Russian migration legislation, because it does not fully meet the social, demographic and economic needs of the modern Russian society. By attracting temporary migrants, while not contributing to the resettlement and integration of citizens on a permanent basis, such regulatory legal acts in the field of migration create additional problems and difficulties for the employers. The concept of the state migration policy of the Russian Federation states that the effectiveness of migration policy depends on the quality of legal regulation, as well as on the practical application of the migration legislation of the Russian Federation, the degree of awareness of foreign and Russian citizens about the requirements of the legislation of the Russian Federation and measures of responsibility for their violation.²¹ This implies the special importance of improving the regulatory framework in regulating migration processes. In this regard, it seems relevant to apply the results of the analysis.

Comparative legal analysis of legislation regulating migration issues in Russia, Germany and Switzerland

Summarizing the provisions of the German migration legislation, it can be concluded that it is selective in relation to migrants, depending on their work qualifications. In general, the regulatory and legal framework of the Federal Republic of Germany, undergoing multiple changes, seeks to strengthen measures in relation to foreign citizens in the country, conducting selective assistance to external migration (mandatory knowledge of the language, a diploma of vocational training or higher education, certain work experience and age qualification). Germany, being a member of the EU, is obliged to focus on the European Union and ratify the normative legal acts adopted at the Union level, which greatly affects the political situation at the interstate level and public sentiment within Germany, because often the adopted documents diverge from the interests and needs of the German society.

²⁰ Article 97 of the Treaty on the Eurasian Economic Union of May 29, 2014 (Astana). Legal reference system «Garant». Available from: <https://base.garant.ru/70670880/>.

²¹ Article 12 of the Concept of the State migration policy of the Russian Federation for 2019-2025. Official website of the President of the Russian Federation. Available from: <http://www.kremlin.ru/events/president/news/58986>.

Table 3. Criteria-based comparative analysis of the migration legislation of the Russian Federation, Germany and Switzerland.

Comparison criteria	The Russian Federation	The Federal Republic of Germany	The Swiss Confederation
The goals and priorities of migration policy enshrined in national legislation	<ul style="list-style-type: none"> – Determination of the legal status of foreign citizens in the Russian Federation; – regulation of relations between foreign citizens, on the one hand, and public authorities, on the other hand 	<ul style="list-style-type: none"> – Control and restriction of the influx of foreigners to Germany; – regulates the entry, residence, employment and integration of foreigners; – serves to fulfill Germany's humanitarian obligations 	<p>Fulfillment of:</p> <ul style="list-style-type: none"> – economic (labour); – scientific; – cultural requests of the Swiss society
Grounds for the presence of foreigners in the territory of the host country	<ul style="list-style-type: none"> – Temporary residence permit; – residence permit; <ul style="list-style-type: none"> – visa; – migration card; – passport (entry into citizenship); – temporary identity card of a stateless person 	<ul style="list-style-type: none"> – Visa D; – Residence permit; <ul style="list-style-type: none"> – blue card; – permanent residence permit; – passport (entry into citizenship) 	<ul style="list-style-type: none"> – Identity card of types B, C (residence permit), Ci, G, L, F, N, S; – Schengen visa; – passport (entry into citizenship)
Legally regulated grounds for immigration	<ul style="list-style-type: none"> – Family reunification (Russian relatives); – employment in the Russian Federation (within the framework of a specialized list); – citizenship of the USSR; – a program to assist the voluntary resettlement of compatriots living abroad to the Russian Federation 	<ul style="list-style-type: none"> – Family reunion; <ul style="list-style-type: none"> – marriage; – humanitarian immigration; – resettlement program; – labour / student 	<ul style="list-style-type: none"> – Family reunion; <ul style="list-style-type: none"> – marriage; – humanitarian immigration; – fulfillment of obligations under international law
The main authorized bodies for migration control	The Ministry of Internal Affairs of the Russian Federation (the Main Directorate for Migration Affairs)	The Federal Office for Migration and Refugees	<ul style="list-style-type: none"> – the State Secretariat for Migration (SEM); – the Federal Department of Foreign Affairs (FDFA); the Federal Immigration, Integration and Emigration Service (JMES) – the Federal Department for Foreign Citizens (DFAE); – the Swiss Refugee Council

Swiss legislation does not necessarily comply with European procedures, but the country actively ratifies international legal acts, so it is international norms that have an impact on migration legislation. Domestic regulation is not well developed, however, an extensive system of identity cards and multilevel regulation of migration processes create order and clarity of registration and socialization procedures. In addition, Switzerland has the widest list of bodies from the countries represented that are engaged in the control and adaptation of migrants in the society and in employment.

Russian legislation describes in detail all the main points related to the registration procedure, via all the necessary form completion that is required for living and working in the territory of the Russian Federation. On the one hand, the legislation of the Russian Federation, like Swiss, is subject to the norms of international law, on the other hand, like German, widely implements the norms of agreements of interregional organizations of which it is a member (the EAEU, the Union State of Belarus and Russia, etc.).

Let us consider the main positions for analysis from the point of view of the legislation of three jurisdictions.

Based on a comparative analysis of Russian and foreign experience in regulating migration processes, best practices have been identified and practical recommendations have been formulated for specialized structural units of executive authorities and international institutions.

Thus, the analysis of the current legislation regulating migration issues showed that the modern migration legislation of Russia, Germany and Switzerland has a number of differences: for example, it differs in the degree of how much details it has. Germany has the largest number of regulatory legal acts considering these processes, as well as the fastest pace of improvement of legislation in the field of migration.

Facilitated migration measures between Switzerland and Germany are determined by the peculiarities of active cooperation within the framework of geopolitical historical proximity. For Russian citizens, entry to these states is provided according to the rules of the Schengen area. Russia has simplified migration procedures with the EAEU countries, that is, its closest neighbours.

Nevertheless, all three jurisdictions have a number of similarities in the field of legislative regulation of migration flows:

1) All three countries are broadly guided by the norms of international law and ratified interstate agreements, and actively implement the norms in national statutes.

2) Taking into account the fact that in Switzerland the system of classification of types of identity cards (in the actual sense: the administrative status of foreign citizens) is the most perfect, it can be stated that all three countries have a fairly clear diversification and regulation of the statuses of foreign citizens, work permits. The Swiss experience related to a clear system of identity cards for foreigners could be useful for improving the legislation of other countries, simplifying registration procedures and making it more understandable for migrants.

3) In Russia, Germany and Switzerland, competent authorities have been established to work with migrants and their socialization, which function according to

the administrative-territorial division of the country: at the local, regional and federal levels. The largest number of specialized services, each of which has a specific area of responsibility, operates in Switzerland, and borrowing this experience can increase the level of efficiency of socialization of migrants in Russia and Germany. The involvement of public organizations (for example, the International Committee of the Red Cross) plays a positive role in increasing the level of protection of the rights of refugees.

4) In all the jurisdictions represented, there is a special procedure for registering highly qualified specialists who have arrived in the country, since states are interested in their potential economic efficiency.

5) Russia, Germany and Switzerland are attractive countries for migrants within their regions, so the topic of improving legislation is relevant for all the states.

Conclusion

Based on the information above, it can be concluded that in terms of improving legislation in the field of migration processes regulation, an exchange of experience and constructive cooperation are necessary, which, of course, will be an undeniable advantage for the state and personal levels of the organization of society. It is assumed that the Russian Federation, on the one hand, Germany and Switzerland (as members of the Schengen area), on the other hand, have the potential to provide facilitated migration procedures for their citizens.

Due to the current situation in geopolitics, the problem of migration has become the focal point in the modern world. The United Nations considers migration as a positive phenomenon that contributes to achieving the UN Sustainable Development Goals, improving the quality of life of people around the world, and to bolstering the economic growth. However, today there are many problems related to migration processes, so the world community needs to «promote orderly, safe, legal and responsible migration and mobility of people, including through the implementation of a planned and well-thought-out migration policy.»²².

Thus, it is necessary to consolidate the efforts of all States in ensuring the rights of migrants, following the norms of international law, as well as constantly improve national legislation in this industry in connection with the dynamically changing situation. It is important to effectively coordinate the work of executive authorities and eliminate existing gaps in legislation so that the following tasks are achieved:

- ensuring a high level of socialization of migrants into national societies;
- respect for the rights and freedoms of all citizens;
- improving the level of social protection of migrants;
- the phenomenon of migration as a positive factor for the development of national economies;

²² Transforming our world: The 2030 Agenda for Sustainable Development. Resolution A/RES/70/1 of September 25, 2015. UN official website. Available from: <https://undocs.org/ru/A/RES/70/1> (Accessed: 22.12.2021).

- promoting the development of civil societies;
- reducing the level of criminogenicity in the immigrant environment;
- slowing down the pace of demographic aging of society.

The Swiss experience of the extensive structure of bodies working with migrants is useful for the Russian Federation. The introduction of a similar system can help accelerate the pace of integration of migrants in society, reduce the level of criminality among migrants, as well as ensure the labour and social rights of this category of persons. In this regard, the issue of the return of the Federal Migration Service (abolished in 2016) is being updated, however, the resumption of its activities will be associated with adaptation, consulting and preventive tasks, and the functioning of the Ministry of Internal Affairs of Russia will continue its activities in the field of registration and issuance of documents, licensing of labor activity.

The German experience in promoting selective migration policy will satisfy the desire of the state to achieve the goals and objectives stated in the Concept of Migration Policy of Russia. For example, it is important to attract highly qualified specialists to work, which meets the tasks of developing the country's economy, as well as ensuring the entry into the Russian Federation and the stay on its territory of foreign citizens who want to develop economic, business, professional, scientific, cultural and other ties, study the language, history and culture of the country, who are able through their work, knowledge and competencies to contribute to the economic, social and cultural development of Russia. A similar system is provided in the Russian Federation: mandatory testing of knowledge of the Russian language, the basics of history, culture of the country, as well as the main provisions of legislation. The adoption of this measure has demonstrated a positive result.

Proceeding from the tasks described above, we consider that it is necessary to take into account the changes in the national legislations of the represented jurisdictions of a number of norms related to migration processes in order to achieve a higher level of control of migration flows. In particular, it is proposed:

- 1) toughen penalties for administrative offenses and criminal offenses up to expulsion and/or extradition for violation of national legislation, in particular labour;
- 2) provide for mandatory procedures for medical examination, collection of fingerprint data;
- 3) to make the employment procedure for foreigners clearer and more transparent, guaranteeing them protection of labour rights, while strengthening tax control.

In conclusion, we add that the implementation of the proposed measures, in our opinion, can become an effective tool for regulating migration flows in Russia, Germany, Switzerland and other countries characterized by an active migration policy.

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