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Introduction

Various analyses of externalisation of European Union (EU) migration controls to the east usually stop at the borders of Eastern Partnership countries and Russia. Even the number of scholarly works comprehensively analysing EU-Russia cooperation on migration is surprisingly limited (for notable exceptions see Hernandez i Sagrera 2010; Potemkina 2010; Trauner et al. 2013). This level of scholarly interest does not correspond to the level of EU-Russia migration cooperation and to the importance attributed by both parties to the intertwined issues of migration and external polices, as well as to the changing roles of these two actors in their respective "near abroads" (Charillon 2004).

Moreover, research that addresses EU-Russia cooperation within the overarching project of the Common Space of Freedom, Security and Justice (FSJ) often looks at this 'space' as if it were regarded by both parties as a naturally coherent field, where cooperation had to be developed evenly in all of the sub-fields. Consequently, this misperception often leads to the conclusion that EU-Russia cooperation on issues of justice and home affairs is rather unsuccessful because, on one hand, there is still no visa-free regime (Potemkina 2010) and, on the other hand, developments in the sphere of human rights and judicial reforms in Russia are far from being satisfactory (Ehin 2009). This chapter argues that in order to better appreciate the results of EU-Russia cooperation in the field of internal security, one should not analyse it in connection with EU attempts to promote human rights and democracy in Russia. Such an idealist view has prevented many researchers from a more pragmatic assessment that would take into account

some real achievements of this cooperation that fit well with the commonly defined interests and goals in the sphere of internal security and migration in particular.

Finally, rare existing studies of EU-Russia cooperation on migration almost exclusively focus on negotiation processes and eventually leave out the implementation phase as well as the broader regional impact of this cooperation. In other words, what happens further afield is traditionally escaping the attention of those dealing with issues of conditionality and policy transfer as applied to EU relations with its 'neighbours'. One of the most important issues that is largely neglected is the effect that EU-Russia cooperation on migration has had on Russia's relations with its neighbours in the Commonwealth of Independent States (CIS), namely with countries in Central Asia. Scholars have already paid attention to the EU efforts aimed at the regulation of migration issues in Central Asia (Gavrilis 2009; Laruelle and Peyrouse 2010). Nevertheless, they mostly take into account only the EU's direct involvement in the region. Issues that relate the EU, Russia and Central Asia in terms of migration have only sporadically been addressed in the existing literature; no elaborate research has been conducted to investigate them profoundly.

This chapter focuses on EU-Russia cooperation on migration and extends this analysis geographically and conceptually – to include countries of origin and transit for migrants coming to Russia and to trace the impact of EU migration policies far beyond its immediate neighbourhood. It shows that externalisation of EU migration policy significantly affects countries that do not have the same degree of direct involvement with the EU as its European Neighbourhood Policy (ENP) partners and involves problematic externalities[2] for the EU normative engagement in Eurasia. First, the chapter provides a brief picture of the developments in EU-Russia cooperation on migration control. Second, the chapter analyses the place of the readmission agreement in this cooperation. Third, it traces the milestones of Russia-Central Asia relations on readmission and demonstrates the role of the EU in shaping

Russia's priorities, as well as regional migration management dynamics. The chapter argues that the EU-Russia cooperation on migration control has triggered significant spillover dynamics in the wider Eurasian region, as well as in the Middle East, South and South East Asia. Attention to what happens beyond the framework of the EU-Russia readmission agreement can help us get better insights about the degree of EU success in the externalisation of its migration control approaches. Finally, the chapter points to several important normative issues and contradictions – externalities of EU policies – stemming from the spread of readmission agreements in the region where human rights of migrants and persons seeking international protection are not guaranteed.

EU-Russia Cooperation on Migration

Since its inception, intra-EU evolution of the "area of justice, freedom and security" has been reinforced by the development of projects aiming to guarantee its viability in the volatile international environment. Such projects have found their way through some of Mediterranean policies (Pastore 2002), through enlargement negotiations (Mitsilegas 2002), European Neighbourhood Policy and Eastern Partnership (Lavenex 2004), as well as through 'common spaces' between the EU and Russia. In the context of the Eastern enlargement, it has been argued that the EU needs a 'buffer zone' to keep soft security challenges, including uncontrolled migration, as far as possible from its somewhat harmonious internal space (Potemkina 2002). The EU used to have such a buffer zone in the east – quite naturally provided by the countries of Central and Eastern Europe. However, the geopolitical reality has changed and this zone has not only ceased to exist but has become a constitutive part of the EU itself, which is now bordering with a rather problematic region in terms of soft security risks. As a reaction to this, the EU while delimiting its own "area of justice, freedom and security" has been also trying to create another buffer zone to consistently safeguard its status of a security community in relation to the outside world (Korneev 2007). Migration-related security

concerns have become top priorities of EU Justice and Home Affairs (JHA) cooperation with the neighbouring countries in the east. Manifestations of this dynamic have been quite obvious, for example, through the EU actions in the framework of the European Union Border Assistance Mission to Moldova and Ukraine (Kurowska and Tallis 2009). Another example of such practices is the case of the EU orchestrating management of the Ukrainian-Russian border through, among others, "privatization" of this sphere (Gatev 2008). In the same logic of its remote control strategy, the European Union has been trying to shape Russian migration policy. A major policy change – Russian immigration policy developing an external dimension – happened at a later point in time and coincided with the steep intensification of the EU-Russia cooperation in justice and home affairs in 2000s.

The EU-Russia Road Map for the Common Space of Freedom, Security and Justice was adopted in May 2005 together with the road maps for three other "common spaces" (EU-Russia Summit 2005). Some scholars have argued that EU-Russia "common spaces" can be considered as frames for potential regimes encompassing various spheres of the EU-Russia relations (Alexandrova-Arbatova 2006). The internal structure of the four road maps indeed reflects some sort of balance between the EU's and Russia's interests and, prevailingly, the EU's values. With regard to the latter, a member of the Working Group on Eastern Europe, South Caucasus and Central Asia of the Council of Ministers (COEST) has emphasized that "values are more important for the EU than for Russia, but interests are important for the both parties…the whole ideology of the four common spaces is based on the assumption that they include issues that are more important for the EU than for Russia and vice versa" (Interview at the Finnish Permanent Representation to the EU, 21 May 2007).

However, some of the priority areas for cooperation identified in the road maps are apparently more interest-driven than values-oriented. This definitely applies to the common space of freedom, security and justice. The Road Map openly claims that "cooperation between the EU

and Russia in the area of Freedom, Security and Justice is already advanced and has become a key component in developing a strategic partnership between the parties" (EU-Russia Summit 2005: 21). In other words, the importance of JHA cooperation for the EU-Russia relations has been finally recognized at the highest level and the "commitment of the parties to further strengthen their strategic partnership on the basis of common values" has been reconfirmed. Thus, the parties paid tribute both to the omnipresent "strategic partnership" vitally important for Russia and to the "common values" defended by the EU. The Road Map also states that cooperation "must reflect the necessary balance between security, on the one hand, and justice and freedom, on the other" (21-22). However, shortly after the emergence of the Road Map some EU officials expressed opinion that even though neither party would officially admit prioritizing one of the aspects in this cooperation, it existed in practice, and the sector of 'justice' was clearly underdeveloped (Interview with Wouter van de Rijt, 16 May 2007). The preamble of the Road Map puts the emphasis on "adherence to common values" and declares "equality between partners", but the rest of the document – defining the goals and actions to be taken – is more pragmatic.

The Road Map defines a whole set of concrete (even though non-legally binding) guidelines for unilateral and bilateral actions aimed at the creation of this Common Space. The first part of the Road Map is devoted to 'freedom', which implies that the partners aim to "facilitate human contacts and travel" while effectively combating "illegal migration". The conclusion of a readmission agreement appears as an issue of major importance for cooperation on migration. Overall, despite numerous objectives and actions envisaged in the Road Map, it is clear that the main concern of the EU, and thus defined as a key challenge by the Russian authorities as well, is irregular migration.[3] The need to work together against 'illegal immigration' has been on the EU-Russia cooperation agenda since their relations were institutionalised by the PCA. This idea has been later reiterated in other strategic documents guiding cooperation, such as

Common Strategy of the European Union on Russia (European Council 1999) and Russian Mid-term Strategy for Relations with the EU (The Government of Russia 1999). The Road Map has simply restated this need, this primary common interest, and integrated it in a larger framework. That is why it would have been more logical to put "the fight against illegal migration" under the following heading of the Road Map – 'security'. The latter has, however, an emphasis on the fight against terrorism, as well as against trafficking in human beings. This makes the whole Road Map even more security-driven and clearly confirms that migration-related concerns constitute the top priorities of the EU JHA cooperation with Russia.

The section on 'justice' has its place at the end of the list of objectives and this creates an impression that it entered the Road Map only because the EU needs to emphasize its values-based identity and its values-oriented foreign policy, thus striking the balance between security-related issues and human rights concerns. Nevertheless, the need for such 'injections' is questionable. This situation is well described by Emerson who has claimed that "the de-democratizing Russia of President Putin manifestly could not embark on negotiations on a common space of democracy. Yet the EU could not ignore the subject. The result is token inclusion of a few lines in this common space for FSJ" (Emerson 2005, 2). Apparently, the EU was not interested in pushing the human rights agenda too much, since it would jeopardize common efforts in a much more important field of internal security where common threats of irregular migration, terrorism and drug trafficking were identified by the both parties.

Two years after the Road Map was agreed on, both the EU and Russia have characterized the Common Space on FSJ as the best functioning one (Interview at the Russian Permanent Representation to the EU. Brussels, May 2007; Interview at the DG RELEX, the European Commission, June 2007). Nevertheless, there still existed a number of factors that hindered cooperation. Thus, both parties have underlined that some of the issues that form the common agenda of cooperation in the JHA are significantly politicized and this prevents a lot of positive

developments (among the examples are the issue with asylum standards in Russia and the problem of Chechen asylum-seekers in the EU, etc.). They have also expressed the opinion that when issues move from the political level to the technical one, then problems are solved faster and in a mutually beneficial manner (Interview at the DG Justice, Liberty and Security, the European Commission, May 2007; Interview at the Russian Permanent Representation to the EU, May 2007). Indeed, not all of the areas of cooperation included in the FSJ Road Map enjoy the same success as the sphere of migration management.

The fact that countries on the way of migrants to the EU are becoming not only transit but destination countries as well, explains why the EU is willing to invest in asylum facilities and immigration infrastructure in Russia and in the Eastern Neighbourhood – the evidence for such investments is provided by specific projects financed fully or partially by the EU and implemented through mediation of various governmental and non-governmental international as well as domestic structures (Hernandez i Sagrera and Korneev 2012). However other more sensitive issues such as improvements in the field of justice in Russia or Russian policy and practice in the field of asylum, the problems of border management, and the rights of the Russian speakers in Latvia and Estonia are still on the margins of the actual cooperation either because of Russia's or EU member-states' reluctant positions respectively. A nice summary of this complex relationship has been given by a representative of the European Commission Delegation in Russia who admitted: "In general I see both the expansion of activities and the expansion of rhetoric. Public discussion tends to focus on the statement 'the relation is in trouble'. The rhetoric makes it more difficult to move forward" (Sean Carroll, Head of Press and Information Section of the European Commission Representation to the Russian Federation, 29 April 2007). At the same time, as it has been bluntly emphasized by a Council representative, "in security issues it is easier to develop operational measures together" (Interview with Wouter van de Rijt, 16 May 2007).

Evaluating the progress in the development of the EU-Russia Common Space of FSJ, Ehin rightly notes that "interaction between the European Union and Russia has been characterized by selective cooperation in areas where interests coincide" (Ehin 2009, 68). In this assessment, however, she views the whole of the common space of FSJ as one of such areas, without any differentiation inside this field. This *prima facie* evaluation leads to a distorted picture of cooperation, as Ehin pays attention only to the issues of human rights and judicial reforms, which, in her view, are largely ignored by Russia. Contesting these claims, we argue that it is important to distinguish between declared and actual policy goals of the partners. In the road map virtually all goals that do not directly relate to security issues and focus on promotion of human rights and democracy fall under the category of 'declared goals' – not only for Russia, but also for the EU. Therefore, it is meaningless to evaluate the success of cooperation in these areas with the same degree of rigidness as applied to clearly defined goals in soft security cooperation. The later belong to actual goals of the European Union and are, thus, the only goals shared by the both partners, whereas some of the declared goals are important only for the EU and others – only for Russia.

This said, one should admit that the project of this common space bears some influence of the value-driven approach to building a partnership with Russia. In a way, it has been designed in order to foster at least some degree of socialisation of the Russian internal security system with EU norms and best practices. Nevertheless, coherent socialisation of Russia into the EU system of values in the field of justice and home affairs was not the major intention of those who drew the road map – neither from the Russian, nor from the EU side. The analysis of the Road Map clearly shows that this 'space' is driven by security concerns of the both parties. One of the most prominent elements in this field has been defined by the partners as 'the fight against illegal immigration'. The instrument that has attracted most practitioners' and scholars' attention in this regard is the EU-Russia agreement on readmission.

The EU-Russia Readmission Agreement: Implementation and Implications

Despite many implicitly negative formulations and an instructive tone inherent in some of EU documents related to Russia, as well as frequently one-sided media coverage of EU-Russia relations, the cooperation in the field of JHA has produced some results positively evaluated by both sides (Revenko 2010; European External Action Service 2011). Undoubtedly, the most visible of them was the conclusion and the ratification of the two EU-Russia agreements on visa-facilitation and readmission, which were signed in 2006. Since then, the successful implementation of the Agreement between the Russian Federation and the European Community on Readmission (2006) has been defined by the European Commission as one of its top priorities, as well as a crucial pre-condition for talks on visa-free regime (Van Elsuwege et al. 2013). The eventual transfer of readmission mechanism to the very core of the Russian migration policy is probably the most prominent case of successful EU policy transfer to Russia in this field. Dialogue on readmission has come to dominate the agenda of EU-Russia cooperation on migration since the move towards the development of the Common Space of Freedom, Security and Justice in 2003. The priorities defined in the Road Map set the facilitation of travel while "fighting illegal immigration" as the first policy objective. Whereas the EU in a very normative manner has always emphasized the urgent need to "facilitate human contacts and travel between the EU and Russia" (EU-Russia Summit 2005), the security concerns have finally prevailed and the Union has *de facto* blocked Russian visa-free initiatives, instead pushing forward a lower profile offer to conclude a visa-facilitation agreement coupled with a readmission agreement (Interview with Wouter van de Rijt, 16 May 2007).

Difficult negotiations culminated with the signature and ratification of the agreements that the Russian Presidential Aid optimistically defined as "a milestone on the way to a visa-free regime" (Yastrzhembsky 2007). However, although subsequently the visa-free track of EU-

Russia cooperation has repeatedly faced a deadlock, this does not mean that the entire cooperation on migration is a failure. Potemkina notes that "the lack of optimism concerning the prospects for visa exemption can be made up for with enthusiasm in cooperation against illegal migration" (2010: 555). One could also argue that successful cooperation on the fight against irregular migration confirms its place among the actual priorities of the bilateral cooperation shared by the both partners, whereas the vaguely defined goal of "the visa-free regime in the long-term prospective" is still mostly a preoccupation of the Russian negotiators. The strive of the Russian authorities for the recognition of Russia's special place and role among EU partners has defined much of what the Russian government has done so far to obtain a visa free regime with the EU. Importantly, many recent expert assessments point to the fact that reaching a visa free agreement is not only in Russia's but also in EU's interests, in particular if one adopts a political economy perspective (Mananashvilli 2013; Van Elsuwege et al. 2013).

However at the time of double track negotiations with Russia, EU officials, while confirming that 'both agreements are what the EU was looking for', expressed worries about potential problems with the implementation of the readmission agreement. One of them has characterized it as "the first re-admission agreement with a major partner country" (Interview at the DG RELEX, the European Commission, 06 June 2007). Another EU representative bluntly stated that "the both agreements are what the EU was looking for. The EU badly needed this, especially the re-admission agreement. It would be very important that Russia implements them properly" (Interview at the DG Justice, Liberty and Security, the European Commission, 19 April 2007). The problem of implementation has always been the major concern for the EU. Implementation of the readmission agreement by Russia could indeed be a problem. During the negotiations and especially after the signature, the EU-Russia Readmission Agreement was often qualified by Russian officials and many independent – also EU-based – experts as an

obvious burden for Russia. One of the most prominent public commentators of EU-Russia relations Timophey Bordachev has even argued that "Russia has exchanged an elephant for a small dog, giving in to the European Union and getting in exchange only a symbolic dividend – visa-facilitation procedures that might eventually jeopardize Russian interests simply because the parties will continue to move on the track of further visa-facilitation leaving out a possibility of a visa-free regime" (Bordachev 2006). Quite to the contrary, the implementation of the Agreement shows that these views were too pessimistic and that the actual 'burden' for Russia is not so heavy.

In line with the Readmission Agreement, Russia and the EU are obliged to readmit their nationals who are staying irregularly in the territory of the other party, as well as those third country nationals who transited through their territory. A special clause of the Agreement has given Russia a three-year transitory period, when the country had to readmit only its own nationals as well as the citizens of those countries with whom Russia itself had already concluded readmission agreements. During this transitory period Russia was supposed to take measures to secure its territory from migrants planning to use it for transit to the EU, as well as to prepare for readmission of irregular migrants from the EU. Such a preparation implied the establishment of centres for readmitted migrants, improved and strengthened infrastructure for migrants' accommodation and border infrastructure, concluding readmission agreements with countries on the perimeter of Russia (Interview at the Russian Permanent Representation to the EU, May 2007), as well as concluding with individual EU Member States implementation protocols – de-facto detailed technical and procedural schemes – indispensable for the whole-scale implementation of the EU-Russia readmission agreement.

Importantly, as Potemkina notes, "Russia had to put much effort into modernising its legal basis, because the term 'readmission' appeared in Russia's legislation only in 2006 with the adoption of the respective Federal Law and the additional legal acts" (Potemkina 2010, 556).

The first steps in this direction, however, were made already in 2003 after the conclusion of the readmission agreement between Russia and Lithuania (Agreement between the Government of Russia and the Government of Lithuania on Readmission 2003), which was described as "an important step along the road of implementing the joint statement of the Russia-EU summit of November 11, 2002, on transit between the Kaliningrad Region and the rest of the territory of the Russian Federation" (Russian MFA 2003), but more generally was regarded by both the EU and Russia as a pilot project allowing to test capacities of bilateral cooperation on readmission (Chizhov 2005). In other words, both the agreement between Russia and Lithuania and the subsequent agreement between Russia and the EU have constituted important phases in the process of readmission policy transfer from the EU to Russia.

Major innovations in legislation introducing the readmission mechanism have also triggered changes in relevant, although non-directly linked, spheres of Russian legislation. Russia has started issuing biometric passports using the standards of the International Civil Aviation Organization (ICAO). The respective Presidential Decree No. 1709 'On passport of citizen of the Russian Federation, confirming identity of citizens of the Russian Federation abroad, containing additional biometric personal data of passports' holders on electronic chip' (Presidential Decree No.1709 2012) entered into force in January 2013. The Russian Parliament has also introduced several important legislative changes to the normative acts regulating migration control measures in Russia. The Federal Law No.320-FZ 'On amendments to the Federal Law On the legal status of foreign citizens in the Russian Federation', the Federal Law No.321-FZ 'On amendments to the Article 26 of the Federal Law On the rules of exit from and entry to the Russian Federation' entered into force on 11 January 2013. These legislative changes were in line with the prescriptions of the Joint Monitoring

Committee and evaluations produced by the European Commission (later – by the European External Action Service).

In this context, the European Commission made it clear that a smooth implementation of the EU-Russia readmission agreement means securing all necessary changes in legislation and infrastructure relating to readmission procedures, as well as in practices of all the relevant Russian governmental bodies (Interview at the European External Action Service [EEAS], 15 February 2011). There was a need for both technical assistance and substantial policy transfer through specific projects implemented in daily cooperation with the major Russian counterpart – the Federal Migration Service (FMS). For the purposes of better implementation of the EU-Russia readmission agreement, the EU initiated a special financial project 'Assistance to the Government of the Russian Federation in Establishing a Legal and Administrative Framework for the Development and Implementation of Readmission Agreements (2006/120-282)' for the period from February 2007 to January 2009 to be implemented together with the International Organization for Migration (Korneev 2014). The Russian Federal Border Service has paid specific attention to the improvement of infrastructure and border management schemes on the southern part of the Russian border in recent years.

Russia started implementing the Readmission Agreement in October 2007 – even in the absence of implementation protocols with EU Member States. It was the second country after Albania to do so. To date, Russia has concluded implementing protocols with all EU Member States that are part of the readmission agreement. By July 2008 EU Member States had determined only about 100 cases eligible for readmission (Lahti 2008). There was quite a steady increase afterwards, and by February 2009 the Russian Federal Migration Service (FMS) had received some 1500 applications for readmission from EU Member States. Since October 2007 Russia has received 4715 readmission requests from 20 EU member-states. More than 3500 requests have been examined and 2214 out of them have been accepted as eligible

for the readmission procedure. By November 2010, 793 persons have been readmitted (Arestova 2010), including some looked for by the police and even some related to terrorist activity, and cases of false documents have been discovered as well (Yakovlev 2009).

The FMS has established good working relations with its EU-based counterparts and cooperation in migrants' identification and removal is progressing smoothly (Hernandez i Sagrera and Potemkina 2013, 15-16), even though approximately 50% of all readmission applications from EU Member States to Russia are rejected by the FMS as ill-founded. Importantly, as indicated by a representative of the European Commission "Russia's adherence to the EU-level readmission agreement has been instrumental in stimulating EU Member States to use this legal mechanism instead of other bilateral means" (Coleman 2012).

Prior to the entry into force of the EU-Russia readmission agreement, EU Member States and Russia, similar to Eastern Partnership countries, (Brunarska, Mananashvili and Weinar, 2013) used various legal mechanisms in their cooperation for expulsion purposes, not limiting themselves to readmission procedures. Since the EU-Russia readmission agreement entered into force, Russia has been consistent in requesting EU Member States to cooperate under the agreement instead of using other schemes for 'return'. The lack of consistency in EU Member States' use of EU-level readmission agreements has been emphasized by the European Commission as a serious problem for the EU's readmission policy in its evaluation report in 2011 (European Commission 2011). Therefore, the insistence of the Russian Federal Migration Service on the use of the EU-level readmission agreement has been important for the development of the EU's readmission policy.

Quite naturally, EU-Russia cooperation on readmission is also linked to cooperation on border management and to the development of detention facilities for irregular migrants in Russia. By the end of 2013, several centres for temporary accommodation of readmitted third country

nationals were established with expert assistance from the International Organization for Migration (IOM) and financial assistance from the European Commission (Korneev 2014). In its first official evaluation of the Common Steps, the European Commission has emphasized: Some of the centres for migrants awaiting readmission have been built with the support of the EU project AENEAS following the conclusion of the EU-Russia readmission agreement. The centres for irregular migrants awaiting readmission that have been visited by the EU experts (Moscow region, Rostov-on-Don and Pskov) have been found to be in line with the general EU standards (European Commission 2013: 14).

Notwithstanding this evaluation given by the European Commission, such centers, unfortunately, replicate "the best practices" of similar facilities with often inhumane conditions on the EU territory (Belguendouz et al. 2005; Chappart et al. 2012). The freedom of people that get into such centers is limited to the extent that they become de facto imprisoned there,[4] despite the fact that they are not criminals and that their offence – if there is any at all – is of an administrative nature. Human rights organizations are unambiguous in their evaluation of such practices (Human Rights Watch 2005; 2010).[5] The situation may change after recent developments in the Russia Federal legislation, in particular with the adoption of the federal law aimed to improve detention conditions of foreign citizens placed in temporary detention facilities (Federal Law No.14-FZ 2015). However, active copy-pasting of the EU experience casts a shadow not only on Russia's pledges for human rights protection, but also on the EU declarations about its human rights promotion mission. The EU readmission agreement with Russia that could create important rights-oriented context for migration cooperation does not provide any sufficient safeguards relating to rights of potentially readmitted migrants (Trauner et al. 2013). Russia has been eagerly embracing control-oriented norms and mechanisms from the EU, shifting the burden of unpopular measures onto its partners. This 'Europeanisation'

(Lavenex 2004) of Russia unfortunately implies the transfer of EU norms and practices of ambiguous character. The same applies to the developments further afield.

A Web of Readmission Agreements in Eurasia

Evaluating the implementation of the readmission agreement over the three transitory years, both Russian and EU officials underline the fact that there was identified a very limited number of Russian citizens falling under the readmission procedure.[6] However, after these three transitory years (by the summer 2010) Russia has assumed responsibility for all irregular immigrants entering the EU from Russian territory. Russia did not have readmission agreements with migrant origin or transit countries before the signature of the readmission agreement with the EU. Since then, politically, concluding such agreements has become part of the implementation tool-kit as interpreted by the European Commission. The Commission has explicitly stated on many occasions that implementation of the EU-Russia agreement will also be judged based on Russia's success in concluding readmission agreements with important countries of origin and transit, which is much more than just an effective implementation of the EU-Russia agreement per se. Technically, they were also necessary in order to diminish expenses that Russia would bear in the readmission procedures. This double motivation partly explains the eagerness of the Russian government to start negotiations that focused on major migrants' origin and transit countries such as Vietnam, Turkey, Pakistan and Afghanistan, but primarily targeted Central Asian region.

It has been claimed that Russia's role as a transit country for migrants from Central Asia, for whom the EU is the final destination, is bound to grow. The EU is, therefore, directly concerned by Russia's ability to manage its migration flows. The perceived salience of this challenge for both the EU and Russia is emphasized by the following statement made by the Head of EU Delegation to Russia: "[We have] fears that a visa-free regime with Russia would lead to a large inflow of irregular migrants to the European Union, as well as to an increase in criminal

activities. This is not really about [the fear of] Russian citizens. However, the transparency of your [Russian] southern borders creates a risk of increase in human and drug trafficking" (Valenzuela 2010, 2). Even though this argument is quite disputable, because for the moment the migrants from the five Central Asian states do not constitute major migration pressure for the EU, the particular importance of these countries is explained by several interrelated factors. First, their migration potential coupled with unstable economic conditions, internal conflicts and environmental problems in the region cannot be neglected (Foresight 2011). Second, these countries are by now major transit routes not only for migrants from the larger Asian region, but also for human and drug trafficking arriving from the neighboring Afghanistan and Pakistan. The perception of threat by the EU – apparently also shared by Russia – has been decisive for an intensive externalization of the Russian immigration policy.

The Russian government seemed to gradually realize the need for closer cooperation with these countries, taking into account this multiplicity of regional 'push' factors and regional border problems. Some experts have argued that for Russia the security of the southern borders of Central Asia is seen as a question of domestic security, not out of 'imperialism', but of pragmatism, because some 7000 kilometres of the Russian border with Kazakhstan are nearly impossible to securitize (Laruelle 2009). Indeed, the Russian authorities claim to have been paying specific attention to the situation on this part of the Russian border for several years (Strekha 2010). However, according to the recent assessments, the lengthy and porous border with Kazakhstan is still in a precarious state (Olekh 2008). Such border, of course, cannot serve as an effective barrier neither for irregular migration, nor for human or drug trafficking. The modernization of the border infrastructure needs time. This situation requires that the irregular flows are better controlled downstream, which confirms Central Asia's role as a buffer zone for Russia itself (Laruelle 2009).

However, integrating Central Asian states in the network of readmission agreements has proven to be an extremely difficult task for Russia which has been emphasized by the Head of Department on Readmission of the Russian Federal Migration Service:

> Unfortunately, Russian proposals to activate the readmission dialogue do not always get a positive reaction from the CIS countries. Russia has repeatedly asked them to speed up negotiations on readmission agreements, but…Kyrgyzstan and Tajikistan keep low profile…So called "package deals" may be a good solution for this problem. In this case Russia can condition the signature of any international treaty important for these states by their signature of readmission agreements with Russia. In order to involve these countries in the readmission dialogue it is necessary to use the potential of such international organizations as CIS, CSTO, EAEC, IOM, OSCE, as well as the EU capacities (Yakovlev 2009).

It is indeed the conclusion of the readmission agreement with the EU that has been used by the Russian government as the leverage in similar negotiations with Central Asian republics. Moreover, Russian negotiators have made use of successful negotiation tools previously employed by the EU towards Russia, namely 'package deals' involving positive conditionality.

In some cases, Russia was very active; in others almost no démarches were taken. Quite unexpectedly, the first success came with the signature of the agreement with Uzbekistan[7]. By the summer of 2007 Russia had managed to conclude the readmission agreement with this most populated Central Asian country, when a serious package deal was used by the Russian side as leverage. In addition to the readmission agreement, an agreement on labour activity and the protection of rights of citizens of the two countries was also signed (Uzbekistan Daily 2007). The Head of the Russian Federal Migration Service, Konstantin Romadanovsky acknowledged that the signature of the readmission agreement with Uzbekistan country would play a positive

role in introducing a visa-free regime in the EU-Russia space (Ibid). Russia was then expecting a quick chain reaction, expecting other Central Asian states to express a willingness to sign similar agreements, but had to wait for five more years for a new agreement.

Already in July 2007 Russian authorities declared that the agreement with Kazakhstan was being finalised. Kazakh authorities, however, have long been very vague on this issue, delaying the finalisation of the agreement which was eventually signed only in June 2012. It still has not entered into force. The major reason for this non-ratification and, consequently, non-implementation of the agreement seems to be its ambitious legal scope – the final text includes provisions on readmission not only of citizens of the parties, but also of third country nationals (Agreement between the Government of Russia and the Government of Kazakhstan on Readmission 2012). In general, the main difficulty with concluding readmission agreements with Central Asian countries is related to the 'third country nationals' clause. Not only competent Russian bodies, but also the relevant authorities of Central Asian states, understand that many of those who would be eventually identified as irregular migrants in Russia would come not from but through Central Asia, arriving mostly from such countries as Bangladesh, Pakistan, India, Sri-Lanka, and some South-East Asian countries of (Olekh 2008). Other Central Asian countries share this view, but the chances of dealing with readmission of third country nationals are much higher for Kazakhstan; due to its geographic position, developed transport infrastructure, and booming economic situation it is a key country for transit migration in the region.

For quite a long time, Kyrgyzstan seemed to be waiting for its neighbours that have the biggest migratory pressures on Russia to sign the agreements first. But eventually, due to its increased political and economic dependency on Russia after the new political turmoil in 2010, Kyrgyzstan gave in to Russian demands. The agreement between the two countries was signed in October 2012 in a package deal providing for preferential treatment of Kyrgyzstani labour

migrants in Russia. This readmission agreement, in contrast to the one between Russia and Kazakhstan, entered into forced relatively quickly with the ratification by both countries finalized in the summer of 2013. The reason for this rather unproblematic implementation can be explained by its restricted legal scope – the agreement covers only citizens of the parties leaving beyond its remit third country nationals (Agreement between the Government of Russia and the Government of Kyrgyzstan on Readmission 2012). This, however, does not mean that the agreement holds just symbolic value – in contrast to Kazakhstan where the issue of concern for Russia was indeed its transit role, Kyrgyzstan was much more a country of massive emigration to Russia. This agreement, therefore, provides the Russian authorities with a sanction-like tool that can be used as a threat to Kyrgyzstani authorities fearing social turmoil that is likely to take place in the case of massive migrant returns.

To date, Tajikistan remains the only country in the region that does not have a readmission agreement with Russia.[8] In December 2009 the main official Tajik media – National Information Agency of Tajikistan 'Khovar'– claimed that Tajikistan was ready to conclude a readmission agreement with Russia (Khovar 2009). A year later, in October 2010, the Tajik President met with the Head of the Russian Federal Migration Service, which is itself an extraordinary event (Federal Migration Service 2010). Then, in December 2010, Tajik and Russian Ministers of Interior devoted special attention to this issue during their meeting in Dushanbe (Deutsche Welle 2010). However, no agreement has been signed yet and the parties continue negotiations and informal discussions on various levels. Apart from the mentioned fear of becoming responsible for readmission of third country nationals, the Central Asian governments' attitude towards the readmission is conditioned by other internal and external factors. First, they do not want to see their countries on the "black list" representing "a migration threat". Second, heavily depending on migrants' remittances (World Bank 2011) and being aware that a readmission agreement in force may negatively affect many thousands of

migrant-workers overstaying their legally defined periods of sojourn in Russia, they do not want to put them at risk of being sent back home where they would most probably be unemployed and pose a challenge for social stability. Finally, the Central Asian states fear that the signature of a readmission agreement with Russia might weaken their positions in similar negotiations with other parties, first and foremost with the EU.

Paradoxically, the EU has never tried to directly include Central Asian states in its network of readmission agreements, since it is not ready to propose any visa-facilitation in exchange (Interview at the EEAS, 15 February 2011), as in the cases of Russia, Moldova and Ukraine. Nevertheless, there is now a potential for these states to conclude readmission agreements with Russia and between themselves. This has been triggered by the dynamics of EU-Russia cooperation on readmission. Therefore, one might argue that "transformative power of Europe" (Boerzel and Risse 2009) does not always need to directly involve those whose policies it wants to transform. The role of efficient intermediaries (such as Russia) is important in this case. This explains why the EU-Russia readmission agreement has been characterized by an EU official as the only one that has been properly used in EU readmission policy (Coleman 2012). This has to do with the need to extend the network of readmission agreements further from EU direct neighbours/partners to other countries in the world. A thorough analysis shows that EU-Russia cooperation on readmission has brought about a diffusion of the readmission mechanism that has been not only successfully implemented in the EU-Russia relations, but has eventually been incorporated into migration and external policies of Russia itself. Russia has become an active transferring actor as regards readmission mechanisms in relations with its partners and major migrants' origin/transit countries in Central Asia, the Middle East, as well as in South and South East Asia, thus fostering EU promotion of readmission in various regions of the world.

Enforced 'emulation' (Boerzel and Risse 2009) of some of the EU migration management practices by Russia, might be explained by pragmatic calculations of such key policy actors as

the Russian Federal Migration Service and Russian Ministry of Foreign Affairs and might reflect Russia's intention to employ efficient policy solutions for problems similar to those of the EU. Just as the EU has been shifting responsibility for migration management to the east, Russia has adapted a similar strategy towards its southern neighbors. In so doing, Russia has been trying to use the EU's interests in migration management as leverage in its own negotiations with third countries. Subsequently, the need to conclude readmission agreements with third countries has even entered the new Migration Policy Concept of the Russian Federation adopted by a Presidential decree.[9] This policy line represents one of those cases where the EU security interests coincide with the security interests of Russia or, more accurately, with the securitarian agenda of the Russian government. Last, but not least, cooperation on migration with the EU provides the Russian government with leverage and symbolic power vis-à-vis its neighbours in the CIS countries. It is particularly the case for Russia's relations with the countries of migrants' origin and transit in Central Asia. Russian authorities learn not only to emulate EU measures in the field of migration control, but also to exploit justifications that have already been used by the EU in the process of construction of its own migration policy. The EU, thus, provides a sort of legitimization for Russian policy, most probably being aware of this situation. A major feature of the EU policy towards Russia is the intention to adapt institutional and content-specific characteristics of Russia's migration-related policies to EU needs. The EU experience or, more precisely, multiple references to this experience, play an important role in the construction of Russian migration policies – in particular in their advanced securitization. The relevant agreements (those already in place or those being negotiated) seem to be part and parcel of the EU 'externalization' strategy implemented through the policies of its partners, in this particular case, through Russia's policies towards its 'near abroad'. We clearly observe a dynamic of 'diffusion' (Boerzel and

Risse 2012) that is not contained within the framework of the EU-Russia cooperation, but has acquired a broader regional dimension.

By developing cooperation with Russia and, consequently, socializing countries from the Eurasian migration system (Ivakhnyuk 2003) with the norms and practices of readmission, the EU has created scope conditions for more active promotion of its migration management standards in the region. Some of EU member states, such as Hungary, the Czech Republic, Latvia and Lithuania, have moved towards closer migration cooperation with Central Asian countries. Kazakhstan, aiming to get visa-facilitation preferences with the EU, is certainly the leader in this process (Newskaz 2015). This strategic policy aim of the Kazakhstani government, in a similar vein to Russia's migration cooperation with the EU, explains its efforts to conclude readmission agreements with Kyrgyzstan and Tajikistan (Kazinform 2015). Moreover, apart from the development of bilateral cooperation on readmission, many countries of the region are involved in multilateral cooperation that has started within the framework of the Commonwealth of Independent States (CIS). In 2012, the Parliamentary Assembly of the CIS has drafted a model readmission agreement in order to promote coherent readmission practices among CIS member states. All negotiation and implementation problems notwithstanding, this dynamics testify to a certain success in the diffusion of the readmission practices in the vast post-Soviet region.

Introducing the practice of readmission agreements in its 'wider neighbourhood' can be a way for the EU to pressure for reforms in justice and home affairs in countries of the region and this view can hold if we remember that in order to implement readmission agreements properly countries indeed need to upgrade their related standards and technical capacities. However, it would be misleading to believe that such positive adaptation would automatically follow the conclusion of readmission agreements. Positive changes in this area, if they ever take place, need time. In the immediate terms, quite to the contrary, exporting the mechanism of

readmission to Central Asia goes against promotion of some core rights of migrants and refugees, as well as of victims of human trafficking. For example, when the OSCE is trying to persuade Tajikistan to establish national referral mechanism for protection of victims of human trafficking, Russia's simultaneous efforts to conclude a readmission agreement contribute to a rather negative image of a migrant, as well as of potential victims of human trafficking that are looked at through the prism of irregularity/illegality.

Conclusion

Cooperation on migration-related issues is important for both the EU and Russia. The importance of this cooperation for the EU is higher than success in the sub-field of human rights within the same common space, while Russia also benefits, which is why migration management continues to be one of the most dynamic and successful fields of cooperation, regardless the pending visa free negotiations. The implementation of the readmission agreement has shown that fears of both the EU and Russia with regard to potentially high numbers of irregular migrants were largely exaggerated. Instead, this agreement has proved to be beneficial for Russia insofar as its own migration strategy in the region is concerned. By engaging in this type of migration management efforts with the EU, the Russian government has created for itself a legitimation platform for further similar restrictive migration management cooperation with those countries that 'source' migrants to Russia. More generally, the steep intensification of the EU-Russia cooperation on migration has contributed to the rapid development of the external dimension of Russia's migration policy.

The EU, through this cooperation with Russia, has acquired additional channels to promote one of its most internationally visible instruments of migration management – readmission agreements – in Central Asia where its direct involvement has not been successful (Emerson et al. 2010). This cooperation has produced a significant domino effect in the Eurasian migration system. Russian mediation has played an important role in EU policy transfer leading

to the introduction of cooperation on readmission in the inter-state relations in the region far from the EU borders. Unfortunately, the externalities of EU policies creating a web of readmission agreements, enforcing readmission practices and developing relevant detention infrastructure without prior establishing proper legislative and practical safeguards can potentially endanger the position of migrants in Eurasia – the region where human rights of migrants and persons seeking international protection are already at risk.

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[1] This chapter is a significantly revised, updated and extended version of the following article: Korneev, O. (2012) Deeper and Wider than a Common Space: EU-Russia Cooperation on Migration Management, *European Foreign Affairs Review*. Vol.17. No.4. Pp. 605-624.

[2] By "externalities" we mean (often unintended) side-effects of particular policies as primarily understood in economics (see Lavenex and Ucarer (2002) for a discussion of the use of this term in studies of EU migration policies).

[3] Consider the aggregated data on Russian nationals irregularly staying in the EU and apprehended by the Member States provided by Eurostat (European Commission 2011). There were 10 375 Russian nationals apprehended in different EU Member States in 2009. FRONTEX, that uses a different data collection methodology, provides different numbers: 9 526 for 2009, 9 471 for 2010 and 10 314 for 2011 (FRONTEX 2012). Apart from these divergent and non-comprehensive data, there is no reliable statistics on irregular migrants in the EU and on irregular migrants from Russia, in particular. However, one of the concerns of the EU is a high number of asylum seekers from Russia, since often refused asylum seekers fall under the category of irregular immigrants and thus need to be returned. In 2011, Russia ranked second as the "country of origins" of asylum seekers in the EU (18 200 applicants) after Afghanistan (EMN Bulletin 2012).

[4] One of such centres in Hungary, next to the Austrian-Hungarian border, was visited by Oleg Korneev in spring 2006, during a study trip organized by Central European University (Budapest).

[5] See also multiple comments on detention conditions for migrants in Russia by various Russian NGOs.

[6] Reliable data on readmission applications from EU Member States to Russia, as well as on numbers of positive replies and refusals by the Russian authorities (for the years 2007-2009) can be found in the Annex 2 to the "Evaluation of EU Readmission Agreements" (European Commission 2011).

[7] This success is however relative, since the agreement with Uzbekistan does not cover third country nationals.

[8] More accurately, the same is also valid for Turkmenistan, but due to extremely restrictive exit control policies enforced by its government, the country is not perceived as a major source of migrants and, thus, is not on the list of priorities for Russia.

[9] The need to conclude readmission agreements with countries of origin figures already in the previous Migration Policy Concept adopted in 2003 (related to the signature of the readmission agreement with Lithuania). However, only the new Concept defines such agreements as key instrument of Russia's international cooperation on migration issues.