

LANGUAGE POLICY TO ENSURE MINOR REFUGEES AND MIGRANTS' RIGHTS FOR EDUCATION: A CASE OF RUSSIA

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Abstract

The paper explores promising and disappointing practices in the Russian Federation regarding the language rights implementation in case of forced minor migrants. The paper looks at the institutions that engage in minor refugees' language rights provision and identify concrete examples regarding the above mentioned institutions activities. Special emphasis is laid on the implementation of the rule for mandatory primary and secondary education that covers all minors despite their status. Particular attention is paid to concrete examples of support for minor refugees' in terms of their Russian Language acquisition.

Concrete cases and analytics are highlighted in the official open access data. The links to the sources are provided, as well.

The research methodology used case study techniques. The case study findings have led to conclusions on the most obvious stumbling blocks that include local bureaucracy, school administration over cautiousness, lack of maturity and willingness from minor refugees' parents, financial constrains related to fiscal year planning.

The case analysis laid grounds for drafting recommendations on further possible steps to improve the situation with minor refugees' language rights provision for their integration in Russian education system. The relevant measures require professionalization of work with refugees, federal and local coordination, focus on stakeholders' awareness raising, education, and training, focus on law implementation, enhancing the role of the Public and of NGOs, careful balance of national and individual interests.

This paper elaborates further on the general information provided by the author in her panel report within Language and Rights working group of the European Language Council at the CEL/ELC Annual General Assembly and Conference, held in Brussels on 30th November - 1st December 2017 (Atabekova 2017). The author hereby reports no conflict of interest as the present materials have never been published or become subject of copyright law.

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1 INTRODUCTION

The issues regarding the refugees' language rights in general and minors' language rights within education context in particular have become in sharp focus during the last decade due to the European migration crisis. Both policy makers and scholars argue that more attention should be paid to provide refugee minors with

opportunities to study in the language of the hosting country (Cunningham 2017). The above policy fosters minor refugees' integration in the hosting country community (Nonchev, Tagarov 2011). The present paper considers the situation in Russia.

The research framework integrates legal grounds (international and regional declarations and conventions, Russian legislation) for minor refugees' language rights regarding education, the theory of language policy and education (Spolsky, 2007), migration education background (Heckmann, 2008), Russian language policy provisions and their implementation, latest development in the Russian education theory on minor migrants inclusion in education (Moiseeva, M.V., Rozenblyum, S.A. (2011).

The research hypothesis states that Russia has consistent legal provisions regarding migrant minors rights for education, however there are challenges to the above rights comprehensive provision due to lack of systemic language support for target audience.

The research pursuers a number of tasks: to collect empirical data on promising and disappointing practices, to identify current challenges regarding the Russian language policy on minor refugees' language rights for education, to specify possible ways for improving the current state of affairs.

The research methodology combines desk studies and case analysis, looks through normative regulations, takes into Academia's thoughts on the topic under study and moves toward case studies of concrete situations in Russia related to promising practices and negative experiences regarding language rights provision for minor refugees' education.

The research materials included concrete cases and analytics that are highlighted in the official open access data. The links to the sources are provided, as well

The research findings are used to map institutions that engage in minor refugees' language rights provision and provide concrete examples of promising practices regarding the above mentioned institutions activities. The experience of special rehabilitation centers for minor refugees in various regions has been taken into account.

The paper takes into account different approaches to the concept of *refugee*, *forced migrant*, *unwanted migrant* etc. that can be found in legal and administrative debates among international institutions and national governments. The present paper considers problems that minor refugees (who have migrated to Russia and de factor are migrants to the country) face and ways to improve their stay in Russia.

2 RESEARCH BACKGROUND

2.1. Legal Framework

In the Russian Federation, the policy on ensuring language rights to the education is implemented under the international conventions and treaties. The state language of education is Russian, education in the state language of the Russian Federation is guaranteed, the choice of language of instruction and education within the limits of the opportunities provided by the education system is also stipulated by the Federal Law №23 (RF Federal Law № 273, 2012).

The same law goes further to figure out that education may be obtained in a foreign language in accordance with the educational program and in accordance with the procedure established by the legislation on education and local regulations of the organization conducting educational activities (RF Federal Law № 273, 2012). Moreover, the Russian Ministry of Education Order No. 32 has approved the procedure for the admission of foreign citizens for training in educational programs of primary general, basic general and secondary general education.

This document regulates the admission of foreign citizens and stateless persons, including compatriots abroad, to a local youth education program for training in general education programs at the expense of budget allocations from the federal budget, budgets of constituent entities of the Russian Federation and local municipal budgets, as well (Order №. 32, 2014).

2.2. Social Framework

The number of migrant children raises each year. As for Russia, the open access media underline that the number of children of migrants in some Russian metropolitan schools might reach over 30% (Balabas, 2015).

Russian NGO representatives underline that despite the Russian Constitution and the Law on education (that set equal rights for education for all children regardless of their citizenship), in reality, schools

sometimes deny admission to those children whose parents hold 3-month registration certificates and lack a yearlong registration document. The Ministry of education has repeatedly mentioned that the lack of a yearlong registration certificate is not a reason to refuse a child admission for study. However the reality varies. The above state of affairs correlates with findings of those educators and analysts across the world who mention facts regarding negative attitudes from local communities towards migrants in general and minor migrants, in particular, this situation leads to migrant minors' exclusion from the host country educational system (Growing Up... 2013). Russia is not exception from the above state of affairs (Troitsky 2017).

However, Russian studies confirm that often migrant parents themselves do not strive to allow their children to attend school in Russian or find courses of Russian to integrate them into the host country education (Shlykova 2017).

Academia consistently explores ways and tools to integrate minor migrants into the hosting community and underlines the role of language learning within integrated approach to sociocultural adaptation (Alba, Holdaway 2013).

The above introductory data lays grounds for field studies aimed at the research hypothesis investigation.

3 CASE STUDIES

3.1. A story of refugee family from Aleppo (Syria)

Last summer, a family of refugees from Aleppo (Syria) tried to enroll children in Noginsk school (Moscow region) . In the nearest educational institution at the place of residence, the Syrians were refused, citing the lack of places (the only possible official reason for the refusal). Then the parents appealed to the Education Department of the Noginsk municipal district with a request to provide information on the availability of places in other schools. In response, the Office sent a letter in which it listed documents foreign citizens should provide when enrolling children in school. However, the list was compiled on the basis of an incorrect interpretation of the Order No. 32 "On approval of the Procedure for the admission of citizens for training in educational programs of primary general, basic general and secondary general education".

Having received such a response from the Department of Education, the mother of a minor, with the support of an NGO lawyer, filed a lawsuit against the state institution for the enrollment of children in school. In the court of first instance (Noginsk city), the claim was denied because allegedly "the Department of Education cannot be charged with the enrollment of children" and "the court is deprived of the opportunity to determine the school where the children live".

The wording about the duties, of course, has no reason, since the corresponding powers of the Office are spelled out in the Federal Law "On Education". About the lack of opportunity is also not quite true: the court was given a family agreement with the owner of the apartment and a list of other schools in the area about the availability of places in which the parents of Syrian children wanted to know.

Neither the judge nor the plaintiffs understood why the representative of the Office insisted that the Syrians wanted to enroll children in one particular school, where there were no places.

Further the Moscow Regional Court ruled out to cancel the decision of the Noginsk City Court and oblige the Education Department of the Noginsk Municipal District of the Moscow Region to reconsider the application of Syrian citizen with the aim of placing minor children in a general education organization in the Noginsk Municipal District (for details, see the version in Russian: Manina, 2018).

3.2. School Olympiads in Russia for Minor Tajik Natives

About 200 minor natives of Tajikistan who live in Russia take part in the school Olympiads in humanitarian subjects across Russia. Thus, such Olympiads are organized in Moscow by the non-governmental organization "Nur". In April 2018 230 students took part in such an event. The Olympiad aims to take a psychological barrier to the children of Tajik migrants.

Winners and awardees were granted vouchers to the international youth camp Artek in the Crimea, where they participated in the International Strategy for the Future program, lasting 21 days.

According to the results of the Olympiad, a number of Russian universities, including the Higher School of Economics, Peoples' Friendship University of Russia, Moscow Psychological and Pedagogical University, Samara Aerospace University and Togliatti State University expressed their desire to select talented youth and allow them to continue their studies in the mentioned institutions.

Starting from the new schooling year, this school Olympiad program will be implemented together with the above universities.

The project of the school Olympiads is one of the activities of the Committee on Education of the NGO "Nur" that enhances educational networks to improve the social and cultural inclusion of minor natives of Tajikistan into the Russian environment (Olympiads...2018).

3.3. Courses of Russian as a Foreign Language for Minor Refugees and Migrants across Russia

In 2012 Moscow launched a program to integrate the children of labor migrants into Russian society. The city authorities opened 13 special schools of the Russian language. It is assumed that the children of migrants will learn the language throughout the year before they enter a regular school. According to Aida Kuliyeva, the director of school N157, which takes part in the experiment, such preparatory classes should be in many educational institutions in Moscow, as migrants increase every year, and the level of knowledge of the Russian language decreases. However, she noted that while parents can often speak Russian, and children often do not even know a single word. The school principal said that in her school the course involved representatives of four nationalities, namely Azerbaijanis, Tajiks, Kirghiz, Uzbeks. Everyone learned Russian with pleasure; they understood that they needed it. Parents were also interested in having their children adapt better in the capital, and in some families they especially began to communicate with children in Russian in order to somehow consolidate their knowledge, the director said (Schools of Russian for Migrants in Moscow 2012).

Furthermore, the research revealed a number of promising practices across various cities of Russia. Besides Moscow, there are centers for social support and adaptation of adult and minor migrants in Saint Petersburg, Tomsk, Perm, Yaroslavl, Chita, Murmansk, Vladimir, etc. Such centers provide free classes of Russian as a foreign language, mathematics, reading, preparation for school, as well as organize outdoor activities for children to familiarize them with the history and culture of Russia.

The linguistic and cultural support for migrant children is also organized by local universities and libraries. It should be mentioned that the above activities are implemented in coordination with local migration services. In addition, in a number of cities parishes and mosques also engage in teaching Russian language to migrants (Russian language for minor migrants 2016).

4 DISCUSSION AND RECOMMENDATIONS

The above examples should not be taken as the author's attempt to paint a rosy picture. The open access data provides a lot of facts regarding negative practices, lack of financing of language support for minor migrants, lack of administrative readiness to implement the state legislation into practice, lack of community representatives' awareness of the importance for minor migrants to be included into the hosting country environment, see concrete stories and cases on NGO's sites (for instance, Civic Assistance Committee 2018).

The empirical studies confirm that in Russia, despite transparent legislation on migrant minors' rights for education, there are challenges to the above rights comprehensive provision due to lack of systemic language support for target audience, among other issues.

It is important to underline that the cases mentioned in this article mostly refer to the public institutions initiatives, show the role of non-governmental organisations in minor migrants language rights' provision.

The analysis of open access data makes it possible to name most obvious stumbling blocks regarding forced minor migrants' language rights. The above include local bureaucracy, school administration overcautiousness, lack of maturity and willingness from minor refugees' parents, financial constrains related to fiscal year planning.

The case analysis lays grounds for possible steps to improve the situation with minor refugees' language rights provision for their integration in Russian education system. The relevant measures require professionalization of work with migrants, federal and local coordination, focus on stakeholders' awareness raising, education, and training, focus on law implementation, enhancing the role of the Public and of NGOs, careful balance of national and individual interests.

The migrant minors' inclusion in the hosting school community requires psychological support; trainings and educational activities aimed at developing tolerance and intercultural communication skills in all students of the school; upgrading the skills of teachers working in heterogeneous multinational classes; the inclusion of

migrant children in active project activities, allowing them to identify their talents and reveal their capabilities; special rules for assessing the knowledge and skills of migrant students.

REFERENCE LIST

- Alaggia, R. (2005). Disclosing the trauma of child sexual abuse: A gender analysis. *Journal of Loss & Trauma*, 10(5), pp. 453-470.
- Alba R., J. Holdaway (2013). *The children of immigrants in school: a comparative look at integration in the United States and Western Europe*. USA, NY: New York university press.
- Atabekova, A. (2017). *Languages and Rights at the Age of Migration Crisis: Russia within international Framework*. Presentation within Language and Rights working group of the European Language Council at the CEL/ELC Annual General Assembly and Conference, held in Brussels on 30th November - 1st December 2017, available at <http://www.celelc.org/archive/conference/Presentations-Conference-2017/index.html>
- Balabas, Ye. (2015). *The number of children of migrants in metropolitan schools reaches 60%. But they adapt with difficulty*. Russia, Moscow: MK <https://www.mk.ru/social/2015/12/14/chislo-detey-migrantov-v-stolichnykh-shkolakh-dokhodit-do-60.html>
- Beiter, K.D. (2015). *The Protection of the Right to Education by International Law*. The Netherlands, Leiden: Martinus Nijhoff Publishers, 2005.
- Civic Assistance Committee (2018). <https://refugee.ru/publicroom/>
- Cunningham, K. (2017). Learning the language of their new home is a priority for refugees hoping to integrate and build a new life in their host country. *Debating Europe*, available on-line: <http://www.debatingeurope.eu/2017/01/12/refugee-children-educated-native-language/#.WlVWNn5l-M8>
- Growing Up...(2013). *Growing Up In A Hostile Environment: The rights of undocumented migrant children in the UK*. Coram. Children's Legal Centre, 2013.
- Heckmann, F. (2008). *Education and migration: strategies for integrating migrant children in European schools and societies. A synthesis of research findings for policymakers*. Brussels: European Commission.
- Manina, D. (2018). *Moscow Regional Court about Syrian Minors' Admission to School*. <https://refugee.ru/news/mosobsud-obyazal-upravlenie-obrazovanie-noginska-snova-rassmotret-vopros-o-prieme-v-shkolu-sirijskih-detej/>
- Moiseeva, M.V., Rozenblyum, S.A. (2011). Education of migrant children in Russian schools as one of the aspects of inclusive education. *Practical ethnopsychology: current problems and development prospects*. *PsyJournals.ru*, pp.75-77. Russia, Moscow: Moscow City Psychological and Pedagogical University.
- Nonchev, A., Tagarov, N. (2011). *Integrating refugee and asylum-seeking children in the educational systems of EU member states*. Sofia, Bulgaria: Center for the Study of Democracy.
- Order No. 32 (2014). The RF Ministry of Education Order "On approval of the Procedure for the admission of citizens for training in educational programs of primary general, basic general and secondary general education". <https://rg.ru/2014/04/11/priem-dok.html>
- Olympiads for minor migrants (2018). <https://ru.sputnik-tj.com/migration/20180329/1025172692/moscow-deti-tadzhiki-migranty-olimpiada.html>
- RF Federal Law № 273 (2012). *Federal Law of the Russian Federation N 273-FZ "on Education"* dated 29.12.2012, latest version with amendments of 2018, www.zakon-ob-obrazovanii.ru/
- Russian language for minor migrants (2016). <https://usperm.ru/publication/russkiy-yazyk-dlya-detey-migrantov>
- Shlykova, D. (2017). *Factors of Dynamics of School Adaptation*. <https://diss.unn.ru/files/2017/791/autoref-791.pdf>

- Spolsky, B. (2007). Towards a theory of language policy. *Working Papers in Educational Linguistics*, 22(1), 1–14. Schools of Russian for Migrants in Moscow (2012). <https://ruskiymir.ru/news/6813/>
- Troitsky, K. (2017). Universal right is not for everyone. Access to school for children refugees and labor migrants in Russia. Russia, Moscow. <https://refugee.ru/wp-content/uploads/2017/05/Doklad-o-dostupe-k-obrazovaniyu.pdf>
- UNESCO (2007). Human Rights-Based Approach to Education for All. United Nations Children's Fund. Switzerland, Geneva: United Nations Educational, Scientific and Cultural Organization.