

## MIGRANT MINORS' LANGUAGE RIGHTS WITHIN EDUCATION CONTEXT: WHAT INFORMATION SHOULD BE PROVIDED AT THE BORDER CROSSING POINTS AND ACCOMMODATION CENTERS? (A CASE OF RUSSIA)\*

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### Abstract

The paper focuses on the migrants' language and rights in general and minors' language rights within education context in particular. The research grounds on international and regional declarations and conventions, Russian legislation for minor refugees' language rights regarding education, the theory of language policy and education, Russian language policy provisions and their implementation.

The research goal is to explore legislation that migrant parents should be informed while crossing the hosting country border and staying at temporary accommodation centers in Russia

The research methodology combines desk studies and case analysis, explores normative regulations, considers academic publications on the topic under study and moves toward case studies of concrete situations across various regions of Russia related to promising practices and negative experiences of language rights provision for minor refugees' education.

The research results have made it possible to map institutions that engage in minor refugees' language rights provision and provide concrete practices regarding the above-mentioned institutions activities.

The case study findings have led to the research conclusions on the most obvious obstacles. 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.

**Keywords:** migrant minors, language rights, information for migrants at border crossing points.

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## **1 INTRODUCTION**

The issues regarding the migrants' 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 research theoretical background 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 (Heckmann, 2008, Spolsky 2007), Russian language policy provisions and their implementation.

### **1.1 Legal framework**

The research theoretical background 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 (Heckmann, 2008, Spolsky 2007), Russian language policy provisions and their implementation.

First, it should be mentioned that there is a solid international legislation that protects migrants' rights in general and migrant minors' language and education rights in particular.

The most notable ones include the Universal declaration of Human Rights (1948),

European Convention for the Protection of Human Rights and Fundamental Freedoms (in force since 1953), the Refugee Convention (1951), International Covenant on Economic, Social and Cultural Rights (in force since 1976), Convention of the Commonwealth of Independent States on the Rights and Fundamental Freedoms of Man (in force since 1995-98).

Moreover, migrants who cross Russian borders should be informed of the internal legislation that supports their language rights.

Among the relevant sources, we consider it important to mention the following.

The Russian language is the state language of the Russian Federation throughout its territory in accordance with Article 68 of the Constitution. The Republics as a part of Russia are entitled to establish and preserve their state languages that are used along with the state language of the Russian Federation. Next, under the Federal Constitutional Law «On the Judicial System of the Russian Federation» the persons (including minors) who participate in the court proceedings and who do not speak the language of legal proceedings shall be entitled to speak and give explanations in their native language or in any freely chosen language of communication, and also use the services of an interpreter. The same is stated in art 18 of the Criminal Procedural Code of the Russian Federation

There are other articles specifying the concrete procedures with interpreter participation in the pre-trial and trial stages regarding administrative proceedings (Art 25 of the Administrative Procedural Code) and the Civil Code , as well (Art 9,162 of the Civil Code).

Migrants' rights are specified in the Constitution (Part 2, Article 17 and Part 1 Article 19), in the Federal Law on Refugees, in Federal Laws-FZ-114 and FZ-115, as well as several hundreds of by-laws.

## **2. RESEARCH GOAL AND METHODOLOGY**

*The present paper* considers the situation in Russia within the international framework and strives to outline that legislation that would be made available

The above goal required authors to analyse international and domestic legislation, to explore current practices of its implementation, to identify promising situations and to map current challenges regarding the Russian language policy and practice on minor refugees' language rights for education/

The mentioned work was done to improve the current state of affairs regarding the information that is supposed to be provided for migrant parents who cross the hosting country border and stay at temporary accommodation centres.

*The research methodology* combined desk studies and case analysis, explores normative regulations, considers academic publications on the topic under study and moves toward case studies of concrete

situations across regions of Russia related to promising practices and negative experiences of language rights provision for minor refugees' education.

### **3. RESEARCH FINDINGS**

One of the most challenging issues concerns the language rights within the education context. The surveys reveal that only 15-25% of migrant minors attend nursery schools, due to lack of state funded places in some nursery schools, lack of information about procedure and need for relevant documents.

Department of Education of Moscow issues a special regulation № 19/1 "On the integration of children of foreign migrants into the educational environment of the city of Moscow" dated from 22.12.2005.

When accepting children, schools officially should require only the child's birth certificate, the passport of one of the parents and the medical certificate with the results of the passed medical check and vaccination according to the age of the child. The legal status of parents and the presence or absence of registration should in no way affect the admission of children to school.

Meanwhile migrant parent reveal they come across the difficulties of collecting documents for children, including the need for registration and the requirement to purchase a special medical policy without which a child will not be able to undergo medical check and will not be taken to the garden.

Besides, both policy makers and educators mention the growing problem related to the migrant minors mastery of the Russian language. Migration to Russia in recent years is becoming more and more culturally isolated, migrants have a lower level of education than before, and a much worse level of Russian language proficiency, too. The same applies to migrant children - they sometimes come, not knowing the Russian at all, or mastering little percentage of Russian vocabulary. In the past migrant children came predominantly from cities and compensated for the little knowledge of the Russian language by using it in the course of communicating in their family and by learning it in a Russian school. Today the Russian schools face the predominance of rural migration.

In many Russian regions, the migrant minors' problem with the Russian language is being tried on through additional lessons provision. As, without the language mastery it is difficult without additional help to get involved in the educational process. Special groups are opened for migrant minors in the second half of the day. Every primary and secondary school principal can do this, if migrants with insufficient knowledge of the Russian language attend the respective school.

Special funds are allocated funds from the city budget for an additional 2 hours of Russian per week.

Nonetheless, these two hours a week can help only those children who know Russian, although not enough. Those who do come with zero knowledge (and first-graders who did not attend a kindergarten in Russia, and older students who did not study in Russian schools at home) need special training in the Russian language. For them, the structural subdivisions of secondary schools, that are so called «Schools of the Russian language", organized by the Department of Education of the Local Governments. As for Moscow, such schools exist in every administrative district of Moscow (and two more evening schools where adult migrants can also be trained). Children of migrants undergo language training during one academic year, after which they enter the class of general education school corresponding to their age and level.

However, a negative practice should be mentioned, as well.

Despite the relative availability of school education, surveys consistently reveal a group of migrants whose children, while living in Russia, do not attend school. There are 10 to 25% of such audience. Sometimes it's temporary situation related to the problems with documents that are being arranged. There is also the conscious position of parents who do not want to send their children to school, neither at home nor in Russia. Most often, this position is taken by migrant parents from Central Asia. When asked about where the children are, while the parents were working, some citizens of Tajikistan and Uzbekistan answered that their children were with them in the market and there they were making money or helping about the house.

The language rights within education context should be a topical issue for migrants information since their stay at border crossing points and further accommodation at refugee temporary shelter centres. Currently there are over 300 centres for refugee accommodation in 69 regions of Russia.

Social workers underline the challenges regarding information on education and healthcare, and specify that just translation/interpreting services are not enough!

The main trends regarding the relevant policy include the development of special rehabilitation centres for

minors who suffered from regional military conflicts (currently are run in Moscow, Kaspiysk, Dagestan, Moscow, Tver regions). Moreover, Russian language courses are offered and educational aids have been sent to regions engaged in refugee support. Particular emphasis is laid on adaptation of refugee minors to the Russian system of education.

Nonetheless, the research does not seek to paint a rosy picture and moves to highlight those challenges that put obstacles to minor refugees' language and culture integration in the education system of Russia as a hosting country. There are many concrete cases and analytics that are highlighted in the official open access data, see the links below.

Federal, regional and local bodies and institutions engage in migrant minors language rights

- Federal and Regional Ombudsmen for Human Rights
- NGO's and foundations, support from religious communities

Examples of promising practices can be found through a number of web-sources:

- NGO Civil Support –[www.refugee.ru](http://www.refugee.ru)
- Foundation “Health and Life –<http://health-foundation.ru>
- Russia-wide network “Migration and Law”(37 Russian regions, 59 offices) –  
<https://президентскиегранты.рф/Project/View/18603>
- NGO Children of Saint Petersburg –<http://detipeterburga.ru/>

## 4 CONCLUSION

The case study findings have led to the research 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 constraints 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, and 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.

### **No conflict of interest statement:**

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 authors hereby report no conflict of interest as the present materials have never been published or become subject to copyright law.

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