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# **Making citizens legible: legacies of population registration systems in post-socialist cities.**

**Working Paper for the Social Research Centre, October 2011.**

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## 1. Introduction

The distinction between what is defined as international or internal migration depends on the (in)stability of the borders that surround and encapsulate nation-states. Simplistically, the former operates on the basis of individuals moving between one nation-state and another while the latter represents movement within the borders of one nation-state. Contemporary debates in migration studies are beginning to address the connection and pathways that 'bridge the gap' between international and internal migration, highlighting a blurring of the two categories as migratory movements become increasingly complex and fractured (King and Skeldon, 2010). However, while I understand the importance of addressing the linkages between international and internal migration, my aim in this working paper is to contribute to the limited amount of literature on the "forgotten migrants": those that migrate internally within the borders of their own country or nation-state (Laczko, 2008).

Voluminous attention is given to understanding, controlling as well as encouraging international migration in both academic and policy circles. As King and Skeldon (2010) illustrate, often research and policy publications on international migration is referred to as solely 'migration', showing no acknowledgement of internal migration. Internal migration remains a largely unexplored area of in-depth research. From a North American or European point-of-view, movement internally within nation-state borders is usually perceived as problem-free from an administrative or legal perspective. As a process, it either remains silent in the law, or, at most, is a body of delegated local acts that obliges the individual to notify the authorities of their new address. For others, particularly those living in a post-socialist<sup>1</sup> context, restrictive regimes that regulate migration as a result of historically planned production mechanisms, can result in a social stratification visible most prominently in cities that witness a heavy inflow of migrants. This stratification separates internal migrants who often have difficulties accessing basic social services, such as free education and medical care, from those native

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<sup>1</sup> I recognize the debates in using the term post-socialist or post-socialism (together with socialist and socialism) but engagement with these is unfortunately outside the scope of this paper. In this context, I use the terms widely to refer to the nation-states formed after the collapse of the Soviet Union and also in recognition that China's economy today is 'post-socialist' with "its opening of markets to foreign investment and export markets, and the expansion of private ownership" (Pickles, 2009: 571).

to, and therefore registered in, the city. I demonstrate this stratification by reviewing existing literature on the population registration systems prevalent in China and Russia today and then by outlining the system used in contemporary Kyrgyzstan. The discussion on Kyrgyzstan is based on my preliminary findings following explorative PhD fieldwork carried out in Bishkek during the spring/summer of 2011 and sets the scene for my forthcoming fieldwork in 2012. From my time spent interviewing various individuals in Bishkek, it became apparent that, from the perspective of Kyrgyzstan, at least, the registration system was not just about mobility or freedom of movement, as is widely acknowledged in the literature on internal migration in China and Russia. In addition to the mobility issues, property rights play an important role in the registration system in Kyrgyzstan, and ease of registration becomes dependent on the distinction between owning a property and renting one.

## **2. Internal migration and population registration systems in China and Russia**

The 2009 UN Development Report describes internal migration to be quantitatively more important than international migration (UNDP, 2009). The report estimates the global number of internal migrants to be 740 million, whereas the number of international migrants totals only two hundred million (*ibid.*).<sup>2</sup> Moreover, Ronald Skeldon (2010) of the Sussex Centre for Migration Research proclaims the UN's figure of global internal migrants to be a highly conservative estimate and predicts that the number is much higher. Despite this recognition of quantitative importance, in comparison to international migration, internal migration is often qualitatively perceived as a problem-free process and, therefore, remains at the periphery of academic and policy-based discussions as greater attention focuses on the more visible and heavily recorded process of international migration (Laczko, 2008). Academic and political debates also often tend to subsume internal migration with "population distribution" or "urbanization" and therefore it remains tagged onto much larger processes and falls at the margins of any in-depth analysis (Laczko, 2008; Skeldon, 2008).

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<sup>2</sup> The total number of internal migrants is an estimate given that statistical sources do not exist or are unreliable for each nation-state. Moreover, individuals often move internally without registering this movement whether they are required to or not.

Attempts have been made by international organizations to highlight the advantages of internal migration on development. A recent edited collection published by the International Office for Migration (IOM) demonstrates how internal migration is an important livelihood strategy for those poorer members of society for whom the expense of international migration serves as a barrier to entry (De Wind and Holdaway, 2008). This type of internal migration is often temporary or seasonal. Deshingkar (2008: 163) highlights how in India this form of migration is likely to “involve poor, lower caste and less educated migrants and therefore has large implications for poverty reduction and meeting the Millenium Development Goals.”<sup>3</sup> Nonetheless, these development-orientated advantages of internal migration often go unnoticed. Governments perceive the process of internal migration to be problematic and draft policies accordingly to reflect this perspective (Deshingkar and Grimm, 2005). Cities that often host the bulk of internal migrants are thought to become “overburdened” and unable to cope with the increase in population numbers while the towns and villages left behind by migrants remain host to a vulnerable remittance-dependent population of retirees and young children. Policies are therefore drafted to reduce migratory movements and, instead, focus on creating employment in rural areas (Deshingkar, 2008).

While policies are implemented that encourage individuals to remain in rural areas rather than migrate to cities, some countries have a tradition of restricting internal migration and actively wedging a territorial divide between those citizens that live in the city and those that live in rural areas. This is often as a result of previously socialist-invoked planned, production systems, which were designed to exploit rural dwellers in favour of the industrial workforce living in cities (Solinger, 1999). These production systems therefore required individuals, and most notably the disadvantaged rural dwellers, to remain in situ. Movement was therefore controlled through population registration systems, or forms of internal passports, that were required to access certain welfare services in the appropriate area. Moreover, these systems created ‘invisible walls’ around cities (Chan, 1996). If an individual was found to be in a locality other than the one prescribed in their identification documents, they could immediately be deported and fined or even criminalized (Höjdestrand, 2003). These historical systems of restricting movement still operate to a certain extent today in post-socialist countries, albeit

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<sup>3</sup> For more on migration and the Millennium Development Goals see Usher, 2005.

in a diluted form. Although such mechanisms do not actively restrict internal migration, as they were originally intended to do in a socialist context, their existence creates problems for those individuals that choose to migrate without managing to conform to complex and heavily-bureaucratized registration requirements.

Not all population registration systems are restrictive and inhibitive in character. There is a subtle difference between registration systems that are notificatory in comparison with those that directly or indirectly restrict internal migration. The Organisation for Security and Co-operation in Europe (OSCE), for example, recognizes the advantages of a population system that is notificatory in character highlighting how such state mechanisms can be a:

“means towards achieving the implementation of fundamental commitments and international standards in three distinct areas: rule of law, the right to vote and the right to freedom of movement (particularly with respect to the choice of residence)”(OSCE/UDHIR, 2009: 5).

In Europe, for example, Switzerland and Germany operate a compulsory method of registering internal migration, when that migration is permanent (i.e. longer than three months). Movement from one administrative unit within Switzerland to another requires registering with the local authorities. When I recently moved from one district (*kreis*) in Zürich to another (a distance of no more than 1km) I was required to attend the local government office (*kreisbüro*) of my new district within 14 days of moving, and present my new tenancy agreement and pay an administrative fee. These systems of registration often occupy a banal and uncontested aspect of everyday life but are part of the wider state's aim of making people 'legible' (Scott, 1998). As Kelly (2006: 91) notes:

“Censuses, cartographic practices, and processes of written documentation have been produced in attempts to define, distinguish and identify types of person ... In this process numerous forms of legal documentation, in the shape of passports, identity cards, and permits have been used in order to identify persons for the purposes of the welfare, taxation, conscription and security.”

Other countries take a more laissez-faire, or unchecked, approach to internal migration. The United Kingdom, for instance, has no compulsory method of registering individuals that move internally within the country. Statistics on internal migration are imputed from people registering themselves with a

local medical practice.<sup>4</sup> The number of global internal migrants may therefore be much higher than those that migrate internationally, yet perhaps movement for some individuals within their country of residence, in terms of a regulatory framework, is often unrestricted or met with only a series of simple and banal administrative procedures.

The OSCE states that registration systems are designed for planning purposes and to contact people. The state can plan where to direct or reroute resources in respect of the population numbers living in certain administrative localities of a country. The demographic stratum of the population is also obtainable from such systems. Knowledge of the number of children at school attendance age, for instance, assists authorities with providing a general overview of where investment should be directed in terms of education. The OSCE note, however, that currently some population registration systems are abused and used to restrict freedom of movement within a nation-state. This abuse interferes with international legislation on human rights as enacted in treaties and declarations such as the Universal Declaration of Human Rights (UN General Assembly, 1948), whereby Article 13 declares that, “everyone has the right to freedom of movement and residence within the borders of each state.”

Literature on internal migration, and specifically on population registration systems, often cite China’s household registration system, known as the *hukuo*, as a state mechanism that restricts internal movement within the country’s borders. Research carried out on the *hukuo* highlights how the system violates the civil liberties of individuals on two broad levels. Firstly, for those individuals that wish to move to cities in China in search of work but are unable to because of restrictions imposed on their movement and secondly, those that move but fail to register themselves formally in the city and therefore eek out a precarious existence relying on the informal and unregulated sector for work and accessing basic services.

The *hukuo* system was originally implemented to “control the urban population at a level which would meet the demands of industrial development so as to avoid unproductive expenditures” (Ying and Chui, 2010: 297). As part of its planned industrialization strategies, China restored the *hukuo* system

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<sup>4</sup> Using this data source for measuring internal migrants is open to a wide degree of error. Individuals do not always change their medical practice when they move or may not register with their practice immediately after moving, leading to distorted or unreliable statistics.

in 1951 (Cheng and Selden, 1994).<sup>5</sup> A divide was therefore imposed that continues to maintain a spatial hierarchy between those that live in cities and those that live in rural areas of the country (Cheng and Selden, 1994). Chan (1996: 134) notes how “cities were closed off to the peasantry by ‘invisible walls’, ... poverty was locked in the countryside.” Historically, rural dwellers were expected to stay in the countryside and work in the agricultural sector providing a surplus to feed urban residents. Regulations required that every citizen obtained clearance from the public security bureau before they could change their residential address (Chan, 1996). It was, therefore, only possible for rural dwellers to migrate to cities when there was a labour demand. People from the countryside, referred to as ‘temporary contract workers’, could move to, and work in, cities but were not entitled to an urban *hukuo* as they were still ‘attached’ to their rural locality (Chan, 2010). Temporary contract workers could therefore not access social entitlements equal to existing urban residents (Zhang and Wang, 2010).

It was only recently that some urban social schemes opened up to rural migrants. These schemes were selectively chosen because they have less of an impact on municipal budgets than others. The state therefore, “takes a gradual and selective approach to bestowing rural-urban migrants with formal membership and full social entitlement in urban China” (Ying and Chui, 2010: 302). The city authorities of Shanghai, for example, announced that migrants who had worked in the city for seven years, and had paid the required tax and security payments for this duration, would be entitled to an urban *hukuo*. Such policy initiatives are ostensibly progressive, yet in practice they are impassable. In the case of Shanghai’s policy reform, rural migrants often work without a formal written contract of employment and rarely pay taxes, thus leaving only a negligible amount eligible for an urban *hukuo* (Economist, 2010).<sup>6</sup>

China’s *hukuo* system was based on the Soviet population registration system, known as the *propiska*. The *propiska* is still used, albeit in a diluted form, in certain post-socialist jurisdictions today. Stalin enforced the implementation of the *propiska* system by decree on 27 December 1932

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<sup>5</sup> It was ‘restored’, rather than ‘implemented’, given that the earliest record of a register of households and individuals can be traced in China back to the second century BC under the Han Dynasty (OSCE/UDHIR, 2009).

<sup>6</sup> China press reports estimate that only 3,000 of Shanghai’s millions of migrants would be entitled to an urban *hukuo* under this scheme (The Economist, 2010).

(Matthews, 1993). From this point forward, registration of residence and identity documentation gradually began to form an important part of life in the Soviet Union: “the propiska became (and to a large extent remains) the precondition for most civil rights and social benefits such as formal employment, access to housing, medical insurance, education, unemployment benefits, ration cards, the right to vote, even access to public libraries” (Höjdestrand, 2003: 2).

Proof of permanent residence within a specific locality formed a prerequisite for accessing various social, political and economic rights of citizenship. It was not enough to be a citizen of the nation-state. Rights and benefits were dependent on the physical presence of a property at a more local level; highlighting the difficulties encountered if a citizen was not registered in the city where they actually resided. It was the *propiska* that began to restrict internal movement within the Soviet Union. It was used “as an instrument for the state to restrict mass immigration to large cities that was caused by expanding urban industrialization and rural mass famine” (ibid.). If a Soviet citizen wished to move from one address to another, they would have to obtain permission from the authorities in order to do this and often this was denied unless it fulfilled a labour shortage in the urban areas, as with the *hukuo*. It was especially difficult to move to the bigger cities of the Soviet Union, namely, Moscow and Saint Petersburg, as well as the regional urban areas of the republics such as Kiev, Tbilisi or Bishkek. Zaslavsky (1982, cited in Höjdestrand, 2003) notes that: “Soviet society was characterized by ‘territorial stratification’ more than social divisions based on capital or profession.” Cities were designed and structured to support a fixed population. Unchecked migration had the potential to offset this equilibrium and therefore potentially jeopardize the planned production system.

Despite some relaxations of the law in 1998 and 1990, it was not until 1993, after the collapse of the Soviet Union, that the propiska was officially abolished in Russia (Schaible, 2001) and other countries of the newly formed Commonwealth of Independent States (CIS). *Registratsia na mesto zhitelstva* or ‘registration at permanent place of residence’ replaced the former system and free movement, ostensibly, within the borders of each of the former Soviet republics became a constitutional right. The registration system was therefore not abandoned altogether but formally, at least, in policy and legislation, the former *propiska* system was altered to conform to international best practice (and



human rights legislation) on internal freedom of movement. Höjdestrand (2003: 5) notes, however, in speaking specifically on Russia, that the term *propiska* is still in common parlance today by ordinary citizens and bureaucrats alike, given that little practical changes have been made and “administrative practice permits the old system to linger on.” Such practices are so deeply entrenched in everyday lives and administrative procedures that it is often argued that the formal change in the law to a notifiatory system is in fact no more than a hollow-label for a system that is effectively the same (ibid.).

Officially, those that are permanently registered in a region of Russia are in no better position than someone who is not registered. However, at the everyday level, not being officially registered “means having to deal with a dismissive attitude of coworkers, and even problems in kindergartens, schools, clinics, and registry offices.” (RT, 2010). The service provider cannot refuse an individual on the basis of not being permanently registered or lacking registration documents, but instead often masks this reason under another such as a lack of availability of resources.

### **3. Migration and population registration in Kyrgyzstan**

Current research on migration in Kyrgyzstan, as with wider academic and policy research, also continues to focus on international migratory movements, usually in the context of moving to the “near-abroad” countries of Kazakhstan and Russia (see for example Ruget and Usmanalieva, 2008; Agadjanian et al., 2008; Elebaeva, 2002). Schmidt and Sagynbekova (2008: 117), in their broader analysis of migration patterns in Kyrgyzstan, do pay some form of attention to internal migration from rural areas towards the capital Bishkek, but withdraw from the topic by noting how the “scale is difficult to determine since most internal migrants do not register at their destination.”

There is also a tendency to focus on labour migration from the home environment, or what is observed as an economically poorer Kyrgyzstan, to wealthier Russia and Kazakhstan where there are more job opportunities. In turn, each study has developed this common departure point further by, for example, specifically focusing on young people migrating and connecting this movement with their

personal aspirations (Agadjanian et al., 2008), or by looking at the diasporic activities of Kyrgyz migrants in these other countries (Ruget and Usmanalieva, 2008), or by providing broader descriptive approaches to international migration movements within a historical framework (Schmidt and Sagynbekova, 2008).

Other approaches to migration in the context of Kyrgyzstan address the much under-studied process of return migration and highlight the importance of linkages between international and internal migration (Thieme, forthcoming; Thieme, 2008; Thieme, 2009). In particular, it has been noted that moving from Russia to Kazakhstan involves a “further migration step – namely moving first to an urban area (especially the capital Bishkek) and only later upon retirement to the rural area” (Thieme, forthcoming: 15). In “returning” to an urban area of Kyrgyzstan, however, linkages are used between Kazakhstan and Russia, often by way of work, in order to sustain a return to the home country while settlement in the city establishes links with the non-migrant family in the rural areas of Kyrgyzstan, particularly in providing access to medical care and education for the latter (ibid.). The non-migrant family reciprocates by taking care of the children, livestock and personal belongings demonstrating the formation of multi-local livelihood strategies for family units (Thieme, forthcoming; Schoch et al., 2008). It is this multi-local setting that has affected women in particular, as they “carry heavier burdens and are more vulnerable than men in the migratory process” (Thieme, 2008: 343). They are often left behind as non-migrants and support the younger and older members of the family.

Outside of academic journals, a recent project undertaken by the American University of Central Asia (AUCA), in Bishkek, goes further in highlighting the discrimination that internal migrants face in Kyrgyzstan (Azimov and Azimov, 2009; Nasritdinov, 2008). Such studies demonstrate the specific aspects of discrimination in Bishkek i.e. the difficulties in accessing employment and medical services, the targeting by militia of on-the-spot registration checks as well as general discrimination from other city residents (on public transport, for instance). This publication marks the departure point for my own empirical research on internal migration and the population registration system in Kyrgyzstan, which I introduce below together with my preliminary findings.

"[T]he notion of *propiska* ... was applied quite rigorously in Kyrgyzstan" during the Soviet era (Kotova and Ablezova, 2010: 2). A series of legislative shifts and constitutional enactments, following the collapse of the USSR, resulted in the *official* dismantling of the system. Furthermore, the Constitution implemented in 1993 endorsed free movement within the borders of the country. The right to move freely and choose one's residence is therefore constitutionally protected in Kyrgyzstan. The ordinary law (*zakon*), specifically the law on Internal Migration 2002 (hereafter, IM 2002), is the main, but not the only, piece of legislation that governs the process of population registration in the country. The IM 2002 formally introduced a notificatory system of registration and identified a minimum number of documents required for registration (Kotova and Ablezova, 2010). As within Russia, the law states that any lack of registration should not be a ground for restricting human rights and freedoms. Lack of registration documentation should not therefore be a barrier to access basic services in the country.

The registration process in Kyrgyzstan confronts internal migrants with an endlessly multiplying set of requirements. The IM 2002 requires applicants to submit three documents to the administrative authorities in order to change their place of residence: the applicant's passport, the document proving residence (such as a tenancy agreement or sale and purchase agreement), and, an address sheet. The IM 2002, however, is supplemented by the Governmental Regulation (*Postanolenchye Pravchitelstva*) of 4 December 2004 "on registration and unregistering people." The Regulation extends the number of documents required for registration to eight. Furthermore, a Local Act directed by the Ministry of Internal Affairs in 2007 requires the submission of twelve documents.

It was apparent after a series of visits to local passport agencies in Bishkek that the Local Act mentioned above is the official law that is followed by administrative staff working in passport agencies where the registration process is carried out. Therefore, migrants were required to submit twelve documents in order to register themselves with a district in Bishkek as opposed to the three documents mentioned in the IM 2002. **It is section 16(2) of the IM 2002 that creates particular problems for applicants, however.** The section requires that the applicant submits evidence of residence at their address by either supplying a tenancy agreement, if they rent the property they reside at, or a sale and purchase agreement, if they own the property. Interviewing

residents in Bishkek illuminated a discriminatory and biased characteristic of the law that is not apparent when merely looking at official legal sources. On the one hand, for residents who own a property in Bishkek and have the necessary documents to prove ownership, residence registration with the city's administrative authorities is a fairly routine and straightforward procedure. On the other hand, for residents who rent a property, or live in one of the illegal settlements on the city fringe, ownership documents are required or a tenancy agreement, which are either difficult or impossible to obtain.

The requirement to produce a tenancy agreement may prove difficult as relationships between landlords and tenants in Kyrgyzstan are often negotiated informally through verbal agreements that lack any solid legal basis. Landlords are extremely reluctant to enter into a formal written agreement with a tenant for two key reasons: (1) utility charges are calculated based on the number of people registered at a given property and the landlord is liable to pay these; (2) there is a general fear among landlords that registering tenants at their property could provide a means for them to acquire rights over the property that they own. Often these two reasons worked together in deterring a landlord from registering a tenant.

Utility payments are calculated according to the number of people registered against that apartment: the more people registered in one apartment the higher the utility bills. Indeed, this not only had the effect of discouraging landlords from registering tenants against their properties, but also from ordinary property owners registering their own children. Based on discussions I had in Bishkek and after carrying out my own legal analysis, the second reason above does not appear to have a basis in the law. Nonetheless, lawyers and other respondents consistently told me how a tenant could acquire up to ten and fifteen per cent of the sales proceeds upon the death of the landlord, especially if the tenant contributed to the upkeep of the property.

The refusal of a landlord to register a tenant while also being a resident of an illegal settlement creates various problems in respect of registration. Individuals that I spoke often had to search for an alternative address to register against, a property that they do not actually live in, which was often

time-consuming and costly. This also discredits the very purpose of the registration system: making citizens 'legible'. There is no legibility if a citizen is providing a fake address purely because they are unable to verify their actual address. The registration system is therefore not fulfilling its key aim. Moreover, if a tenant or resident of an illegal settlement is unable to register themselves in a locality, they face difficulties in accessing basic services such as medical care and schooling as well as collecting pensions. Individuals that I spoke to said that they had to rely on personal connections as well as unofficial practices (such as bribes) in order to overcome these obstacles. As one respondent noted: "...if you have links or money, then you solve your issues fast."

#### **4. Conclusions and avenues for future research**

In this working paper, my aim was to shift internal migration into the spotlight and highlight certain issues and problems that are prevalent with this process that may not be witnessed so readily in a North American or European context. These issues and problems stem from former systems of population registration as is apparent from reviewing existing literature on the *hukuo* and *propiska* system used in China and Russia respectively today (although the latter now has a more contemporary form). With Kyrgyzstan, however, I have introduced an additional player that I understand plays an important, yet more hidden, role in internal migration and the country's population registration system: property rights, and the distinction between ownership and renting. This is an area that I will explore further in my future research. In particular, I wish to address further why there is reluctance on the landlord's behalf to enter into a written tenancy agreement? Are there any other reasons other than the increase in utility payments that the landlord is liable to pay, as well as the more, from my own legal research, unsubstantiated one of the tenant receiving a certain proportion of the ownership of the property in certain circumstances? Do these two reasons link to wider issues of mistrust with the (post-socialist) property system in Kyrgyzstan in general? These are all further avenues I will investigate when I return to Bishkek in 2012.

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