

Violation of the right to education of migrant children is strictly punishable under Russian law. So, administrative claim of D. was granted by Supreme court of Republic Kalmykia from 26.01.2016 in case № 33-20/2016. D. referred to the fact that the decision of the immigration authority violated the right of children to receive education in the Russian Federation, the right of residence together with parents which is the invasion of privacy and a violation of international law and norms of the Russian legislation.

D. appealed to the court with this claim citing the following facts. On the 9th of September 2015, he appealed to the Department OFMS in the Republic of Kalmykia in Elista with a statement on the extension of the period of temporary stay of his three children who are not citizens of the Russian Federation.

D. was not a citizen of the Russian Federation but had the right to permanent residence in the Russian Federation. He officially worked in the Republic of Kalmykia from April 2013. The children's mother also was not a citizen of the Russian Federation but had a temporary residence permit in the Russian Federation for the period until 10th of April 2018. The period of stay of children had expired on the 6th of September 2015, a statement on the extension of the residence he applied in the prescribed manner. D asked to recognize illegal and to cancel the decision of the head of Department OFMS in the Republic of Kalmykia in the city Elista from the 9th of September 2015 on refusal in prolongation the term of temporary stay of three children to oblige the Department OFMS in the Republic of Kalmykia in Elista to consider the application on prolongation the term of stay in Russia. The Supreme court of the Republic of Kalmykia granted D's claim.

It is necessary to specify that no criminal case was considered by the Russian courts on the issue of bribery by migrant parents for admission of children to school, kindergarten or University.

The problem could be with the children only of illegal migrants due to the lack of documents about their legal presence on the territory of Russia. It is important that Russia has all the conditions for the integration of migrants. However, there is evidence that there are up to 5 million illegal immigrants at present in Russia and some with families. No desire of parents to obtain relevant documents for legal presence in Russia creates difficulties for the education of children of illegal migrants.

Foreign nationals according to the Federal law from 25.07.2002 № 115-FZ "On legal status of foreign citizens in the Russian Federation" must register at migration service, the children of migrants illegally staying in Russia are subject to deportation. Illegally minor children in Russia have no rights including the right to education but it is the fault of their parents who do not want to be legalized in Russia and thereby breaking the law themselves violate the rights of their children.

Another problem that should be recognized when children of migrants have to leave every 90 days with their parents as according to article 5 of the Federal law from the 25th of July 2002 № 115-FZ "On legal status of foreign citizens in the Russian Federation" the period of temporary stay in the Russian Federation a foreign citizen arriving to the Russian Federation in the order not requiring a visa cannot exceed ninety days. Thus can be seen some violation of the rights of migrant children who are forced to interrupt their study every 90 days and leave with their parents. Is not a regulatory act, the response of the Department on organization of work with foreign citizens of the FMS of Russia from the 29th of April 2014 № MS-5/3-29515 " On examination of applications" which "territorial bodies of the FMS of Russia recommended in the case of treatment of foreign nationals or the host party to extend the period of stay of family members of a foreign citizen arriving to the Russian Federation in the order not requiring a visa and received a work permit or patent for the duration of the relevant allowing documents". However, we believe the problem should be resolved by the law, in this regard, we consider it necessary to amend claim 1.1. in article 5 of the Federal law "On legal status of foreign citizens in the Russian Federation" and to read as follows: "the Period of temporary stay in the Russian Federation of a foreign citizen with a patent and the period of temporary stay in the Russian Federation of his family members is determined by the validity of the patent".

The educational orientation of migrant children plays an important role in shaping their future social way. One of the studies was devoted to the attitudes of high school graduates to receive higher education (research in

three regions of Russia with a small sample of 411 students and 330 parents). Quite a large number of the respondents planned to enter the University and most of them were going to enter to state universities[3].

Article 5 of the law of Moscow from 10.03.2004 № 14 "On general education in Moscow" provides for the existence of specialized educational institutions with ethno-cultural (national) component (Latvia, Armenia, etc.), so there are such kindergartens and schools in Moscow.

3. Conclusion

It is necessary to form the framework of the current legislation database on children which focused on the educational needs of children (including individual academic work and achievement) providing interaction of this base with the bases formed in other structures. Development and implementation of mechanisms to identify children who are not enrolled in secondary school (children engaged in vagrancy, the children of migrants) and their preparation for school. You can use the electronic data of registry offices, Ministry of interior, agencies and bodies of local self-government.

A major problem in the field of regulation and control of migration is departmental isolation, only several ministries (the Ministry of internal Affairs of Russia, the Russian Ministry of labour and Ministry of education and science) involved in adaptation and integration of migrants at the Federal level but none of them is the head coordinator in addressing these problems which lead to imbalances in the actions of the Federal agencies, the regions of the Russian Federation, institutions of culture and education, and as a consequence do not lead to effective implementation of the concept of state migration policy of the Russian Federation for the period till 2025, the national security Strategy of the Russian Federation and other acts. Accordingly, there is not still a clear strategy of the state migration policy in the sphere of adaptation and integration of migrants.

4. References

- [1] Arefiev, A. L. The education of children from families of foreign citizens in the schools of Moscow, *Vestnik RUDN. Series: education Issues. Languages and profession*. 2015. № 5. pp. 149-160.
- [2] Yu. Florinskaya. Children of migrants in Russia: access to education and medicine. Available: <http://www.demoscope.ru/weekly/2012/0515/analit02.php>
- [3] *The situation of migrant children in St. Petersburg*. United Nations Children's Fund , (UNICEF), 2011. p.166.