



*Asesorías y Tutorías para la Investigación Científica en la Educación Puig-Salabarría S.C.*  
*José María Pino Suárez 460-2 esq a Lerdo de Tejada, Toluca, Estado de México. 7223898475*

RFC: AT1120618V12

**Revista Dilemas Contemporáneos: Educación, Política y Valores.**

<http://www.dilemascontemporaneoseducacionpoliticayvalores.com/>

**Año: VII**

**Número: Edición Especial**

**Artículo no.:93**

**Período: Febrero, 2020.**

**TÍTULO:** Principios de regulación de las relaciones migratorias: análisis teórico y jurídico.

**AUTORES:**

1. Ph.D. Vitaly V. Goncharov.
2. Ph.D. Marina S. Savchenko.
3. Ph.D. Andrey A. Savchenko.

**RESUMEN:** Este artículo está dedicado al estudio de los principios de regulación legal de las relaciones migratorias y tiene como propósito desde el punto de vista de los métodos legales el estudiar las relaciones migratorias para analizar el grado de desarrollo y consolidación de los principios de regulación legal de las relaciones migratorias en la legislación nacional e internacional, así como en la ciencia jurídica.

**PALABRAS CLAVES:** principios, regulacion legal, migración, Federación Rusa, refugiados.

**TITLE:** Principles of regulation of migration relations: theoretical and legal analysis

**AUTORES:**

1. Ph.D. Vitaly V. Goncharov.
2. Ph.D. Marina S. Savchenko.
3. Ph.D. Andrey A. Savchenko.

**ABSTRACT:** This article is dedicated to the study of the principles of legal regulation of migratory relations and its purpose is from the point of view of legal methods to study migratory relations to analyze the degree of development and consolidation of the principles of legal regulation of migratory relations in national and international legislation, as well as in legal science.

**KEY WORDS:** principles, legal regulation, migration, Russian Federation, refugees.

## **INTRODUCTION.**

The current migration situation in Russia is largely formed as a result of changes in the political, socio-economic, demographic and other spheres that have occurred in the post-Soviet space since the beginning of the 1990s.

The large-scale dynamic processes of external and internal migration of the population required the Russian Federation to develop modern legislation in accordance with international standards and aimed at ensuring the rights and freedoms of migrants, as well as maintaining the security of the country and its population from threats caused by uncontrolled migration processes. Therefore, from this period, the legal base in the sphere of legal regulation of social relations arising in the process of population migration in Russia began to be purposefully formed, based on certain principles.

Without a clear definition of such principles, both the formation and implementation of migration legislation are impossible. The importance of considering the principles of legal regulation of migration relations is also due to the fact that it allows to identify the shortcomings of the application of migration legislation, to determine its adequacy to the existing social relations. For the legal regulation of migration relations, this is especially true, given the dynamics of the development of migration legislation, on the one hand, and many organizational and legal nature, on the other.

## **DEVELOPMENT.**

### **Research methodology.**

This article in the process of cognition of state-legal phenomena were used: a) General scientific methods (formal-logical, systemic, structural-functional, concrete-historical); b) General logical methods of theoretical analysis (analysis, synthesis, generalization, comparison, abstraction, analogy, modeling, etc.); c) private scientific methods (technical and legal analysis, specification, interpretation, etc.) [Komarov S.A. (2019), p. 32].

### **Study results.**

Considering the concept of legal regulation of migration processes, it is necessary to clarify in what sense we understand legal regulation in general. According to R.A. Romashov, legal regulation is «a process involving direct legal impact on legally significant public relations» [Romashov R.A. (2005), p. 384].

S.A. Komarov believes that legal regulation is the central link in the whole mechanism of legal influence. Under the legal regulation of public relations is understood only one of the forms of influence of the right on public relations - the impact using specific legal means: legal norms, legal relations, acts of implementation [Komarov S.A. (2019), p. 466].

This definition is brief and shows only the essence of legal regulation, without revealing the essential details. In turn, V.M. Syrykh believes that «legal regulation is the activity of the state and society, carried out in the process of preparation and adoption of the rule of law, their implementation in specific relations and the application of state coercion to offenders in order to achieve a stable law and order in society» [Syrykh V.M. (2004), p. 133]. The above definition is more complete, however, in it a separate aspect is the application of state coercion to offenders, which, in our opinion, is part of the impact on public relations and people's behavior.

This aspect should relate to the area of public policy in the sphere of various social relations, in our case, relations in the field of population migration. Therefore, the most accurate definition of L.P. Rasskazov, who understands by legal regulation «the impact of law on public relations using legal means, methods and techniques» [Rasskazov L.P. (2009), p. 402]. In turn, the legal regulation mechanism consists of such legal means as «legal norms, subjective rights and legal obligations, legal liability, legal restrictions, legal incentives, legal incentives, etc.» [Rasskazov L.P. (2009), p. 403].

Thus, based on the above approaches to understanding legal regulation, we formulate a definition of the legal regulation of migration relations. Legal regulation of migration relations is the impact of law using legal means, methods and methods on social relations in the field of population migration in order to optimize its socio-economic and political consequences.

In jurisprudence, the principles of legal regulation are the main ideas of the original position or leading started legal impact on social relations. The term «principle» comes from the Latin word principium, which means the basic, starting position, basic rule. [Dictionary 1983, p. 428]. A. P. Korenev under the principles understands the theoretical principles, ideas, reflecting the objective laws of development of society and the state [Korenev A.P. (1997), p. 15].

The authors of the textbook on public administration principles define as «fundamental, science-based and for the most part the statutory provisions under which constructed and operates the system of public administration. Deviation from a principle can cause major disruptions throughout the system» [Public 2000, p. 392]. As noted by R. A. Romashov: «the Principles Express the regularities of law, its nature and social purpose, represent the most General rules of conduct that are either explicit in law or derived from its meaning» [Romashov R.A. (2005), p. 189]. Therefore, the principles permeate all legal norms. They can be fixed in normative acts, but can, without being fixed, follow logically from the law [Rasskazov L.P. (2009), p. 222].

The formation and development of migration legislation is undoubtedly based on principles, that as noted in the definition, must comply with the laws of social development. Specific social relations in the field of migration are governed by legal norms based on these principles and reflecting them. The principles of legal regulation are not only ideas. Being embodied in the norms of legislative acts, they themselves become the rule of law and acquire regulatory content.

The consistency of the principles of legal regulation and legal norms is a condition for the effectiveness of legislation. The difficulties of legal regulation of migration processes were caused by this inconsistency. The fragmentation of migration legislation of the 90s of the last century was explained, first of all, by the uncertainty of the principles of legal regulation. In the future, this problem was reduced to inconsistent implementation of the principles of legal regulation of migration. To a large extent, this problem remains relevant at the present time.

Unfortunately, in Russian jurisprudence there have not yet been any special studies devoted to the analysis of the principles of legal regulation of migration relations. At the same time, according to the authors, such studies are highly relevant. The identification of these principles allows:

- To form an understanding of the necessary system of normative acts in the sphere of migration relations.
- To compare the existing system of normative acts with the necessary and draw conclusions about the additions to the system.
- To determine normative acts and individual norms that do not correspond to the principles of legal regulation of migration relations.
- To specify the directions for the further formation of Russian migration legislation.

Currently, the legal regulation of migration relations in Russia is exercised by the Constitution of the Russian Federation, as well as a number of Federal laws and other normative legal acts, universally recognized principles and norms of international law in the field of migration, international treaties and agreements involving our government. The legal basis of the Russian

legislation was the principles contained in the founding instruments of human rights. It should be noted that the formation of a legal state in our country has required significant changes in the state's attitude to rights and freedoms of man and citizen. Russia recognized international legal standards the promotion and protection of human rights.

The number of international legal acts implementing the principles of migration and on the protection of human rights, including the right to freedom of movement, choice of place of residence and stay, the right to asylum are:

- ✓ The universal Declaration of human rights (1948) [Universal 1995].
- ✓ European Convention for the protection of human rights and fundamental freedoms (1950) [European 2001].
- ✓ Convention relating to the status of refugees (1951) [UN Convention 2019, p. 511-530] and Protocol (1967) [UN Protocol 2019, p. 531-539].
- ✓ International Covenant on economic, social and cultural rights (adopted in 1966, entered into force in 1973) [International 1994, pp. 1-5].
- ✓ The international Covenant on civil and political rights (adopted in 1966, entered into force in 1973) and its optional Protocol (adopted in 1966, entered into force in 1978) [International 1993, pp. 3-6].
- ✓ Declaration on territorial asylum (1967) [The United 1990, pp. 287-289], as well as the agreements: «On cooperation between the Government of the Russian Federation and the International organization for migration» (1992) [Cooperation 1993, pp. 54-57].
- ✓ «On ensuring international legal protection and humanitarian assistance to refugees and other persons falling under the competence of UNHCR» (1992) [Agreement 1996, pp. 383-388], etc.

The Universal Declaration of Human Rights formulated and proclaimed provisions on the essence and unity of all rights and freedoms. Among human rights, the Declaration proclaims the right of every person to move freely and choose his place of residence within each state, to leave any country, including his own, and return to his country (Article 13). Everyone has the right to citizenship. No one may be arbitrarily deprived of his citizenship or the right to change his citizenship (Article 15).

The ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and the accession of the Russian Federation to the Council of Europe (1996) confirm its intentions in adherence to democratic principles of development. The European Convention aims to ensure the universal and effective recognition and observance of the rights proclaimed therein, confirming and developing the provisions of the 1948 Universal Declaration of Human Rights, in Protocol No. 4 (1963) «On the Provision of Certain Other Rights and Freedoms» besides those already included in the Convention and Protocol No. 1, the right of everyone who is legally located in the territory of a state, within that territory, to free movement and freedom of choice of residence (part 1) is proclaimed; leave any country, including his own (part 2).

The Protocol enshrines the right of «non-refoulement» as yet another norm: no one can be sent individually or collectively from the state of which he is a citizen; no one may be deprived of the right to enter the territory of the state of which he is a citizen; collective expulsion of foreigners is prohibited (Art. 3). Protocol № 7 specifies the principle of «non-refoulement» in relation to foreign citizens: a foreigner legally residing in the territory of a state cannot be expelled from it except by decision made in accordance with the law.

Russia's accession in 1992 to the UN Convention on the Status of Refugees (1951) and its Protocol (1967) [On 1992] testifies to Russia's commitment to follow the principles aimed at ensuring the observance and protection of the rights of refugees. The UN Convention provides for a temporary and geographical restriction, since it applies only to European countries and persons who became

refugees before January 1, 1951. The 1967 Protocol removes the above restrictions and applies to all states and any events that result in a refugee problem. The Russian Federation signed both documents, therefore, in accordance with Part 1 of Art. 15 of the Constitution of the Russian Federation, these acts have direct effect on the territory of Russia.

Having acceded to the Convention relating to the Status of Refugees, the Russian Federation has assumed the following obligations:

1) Not to impede the freedom of movement of such refugees with restrictions not necessitated; such restrictions will apply only until the status of these refugees in a given country has been settled or until they have been granted the right to enter another country.

2) Do not impose penalties for illegal entry or illegal stay on the territory of refugees who, having arrived directly from the territory in which their life or freedom was in danger, enter or are in the territory without permission, provided that such refugees themselves immediately arrive at to the authorities and submit satisfactory explanations for their illegal entry or stay.

Russia pledged to adhere to standards on the right to freedom of movement, permanent residence, and naturalization. A key guarantee of principles that are consistent with international standards is the obligation of the state not to return asylum seekers to a country where they may be at risk of persecution.

The International Covenant on Civil and Political Rights, ratified by the USSR on October 18, 1973, contains a general legal concept of a citizen's right to leave the country and enter his country. Part 1 of Article 12 states: «Everyone who is legally located in the territory of a state has the right to freedom of movement and freedom of choice of residence within that territory». In accordance with the Covenant, every citizen can use the right to leave the country at any time and for any reason, which are determined by his own choice, if this right does not fall under the restrictions defined by the Covenant (Paragraph 3, Article 12) and established by law. A normative act contains legal norms obliging states to ensure the unconditional (subject to existing restrictions) realization of this



right by adopting relevant legislative acts, as well as effective legal protection against any violations.

During the Vienna meeting, the participating States of the Conference on Security and Cooperation in Europe on January 19, 1989 signed the Outcome Document of the Vienna Meeting [Citizenship 1994, p. 19]. It reaffirmed the commitment of participating States to the principles of mutual relations and respect for human rights and fundamental freedoms. During the Vienna meeting, further changes in legislation and liberalization of the rules regarding the entry, exit and stay of foreign citizens were made.

According to A. N. Zhrebtssov, given the importance of international migration standards and protection of the rights and freedoms of man consists in the following:

- ✚ First, the content of these standards is structured, where it is based on basic natural human right to freedom of movement and choice of place of residence, and the rights and freedom that characterizes certain types of migration flows.
- ✚ Second, the minimum immigration standards have different territorial scope and different amount of content, i.e., enshrined in a system of rights and freedoms in the field of spatial displacement. This fact testifies the formation of international migration minimum compliance standards and protecting the rights and freedoms of man adequately the development of the national legal systems of the region, the level of development of mechanisms of the rights and freedoms of a person in a certain area.
- ✚ Thirdly, international migration standards and protection of the rights and freedoms of the individual have an impact on the national legal systems of States that have committed to observe and respect the provisions of these standards.
- ✚ Fourth, international migration minimum standards for the observance and protection of the rights and freedoms of the individual are realized in certain forms. Forms of implementation of norms of international law, revealing the content of the reporting standards are different from the

forms of implementation of norms of national law. These features are common to the specifics of the system of international law, the process of its formation and implementation.

✚ Fifth, international migration minimum standards for the observance and protection of the rights and freedoms of man is not just a system of rights and freedoms of migrants enshrined in international legal acts international legal obligation to respect and protect, as enshrined in international law, rights and freedoms of migrants [Zherebtsov A.N. (2007), pp. 167, 168].

The implementation of international migration standards for the observance and protection of rights and freedoms in the Russian national legal system affects the process of formation and implementation of migration legislation. It should be noted that the right to freedom of movement, choice of place of residence and stay acts as a legal idea and is not a right until it finds a normative fixation in the legislation. The recognition of this right by the state means that this legal idea becomes the law of the legal regulation of migration relations due to the formed legal norms that not only reveal its content, but also create a legal mechanism for its implementation, establishing the conditions for the occurrence of relevant legal relations and their termination, a model of the proposed legal behavior.

The analysis of Russian migration legislation shows that all of these legal principles is reflected in the norms of Russian legislation and regulations on migration. Recognizing the requirements of international law, the Russian Federation has recognized in its Constitution the right of everyone to freedom of movement, choice of place of residence (part 1 of article 27), freedom to leave outside the state and unhindered return of nationals to their country (part 2 of article 27), guarantees of political asylum (part 1 of article 63). These principles are the basis of formation of legal bases of regulation of migration relations in Russia. At the same time, these principles have acquired features rights by creating legal mechanisms for their implementation. In these conditions, come into play other principles of the legal regulation of migration relations.

The most important principle of legal regulation of migration relations is the principle of legality. So, the subject of the right to free movement and choice of place of residence and stay is any person who is legally located in the territory of the Russian Federation - Russian citizens, foreign citizens and stateless persons who legally entered the country and received permission to stay and reside in it. The issues of limitation of this right are regulated by part 3 article 55 of the Constitution of the Russian Federation. She states that «the rights and freedoms of man and citizen may be limited by federal law only to the extent necessary to protect the foundations of the constitutional order, morality, health, rights and legitimate interests of others, to ensure the defense of the country and the security of the state».

For foreigners, this limit is set by article 11 of the Federal law «On legal status of foreign citizens in the Russian Federation» according to which «foreign citizens have the right to freedom of movement for personal or business purposes within the Russian Federation on the basis of the documents issued or made by it in accordance with this Federal law, except visiting areas, organizations and objects, for entrance on which, in accordance with Federal laws requires a special permit. Temporarily residing in the Russian Federation, a foreign citizen is not entitled to change the place of residence within the subject of the Russian Federation on whose territory he is permitted a temporary residence, or to choose their place of residence outside of the specified subject of the Russian Federation».

Another principle of legal regulation of migration relations, which forms a significant legislative body, is the principle of registration at the place of stay and residence. The essence of legally significant actions of state authorities is the application of legal norms to specific circumstances. This principle is an official document for the purpose of accounting and subsequent control. The registration procedure is regulated by a sufficiently large number of legal acts that will be analyzed in the third chapter of this work.

The problem of restrictions in law is twofold:

- ✚ Firstly, every state reserves the right to withdraw from the law those norms whose action in a particular social and political situation may harm national security. In this case, a restriction in law should be considered as a way of realizing the rights and freedoms of man and citizen, justified by certain conditions.
- ✚ Secondly, restrictions can be explained by imperfect legislation. In this case, the problem is solved by the further development of the legal system.

It is extremely important to determine the relationship between the principles of legal regulation of migration relations and the principles of migration policy. The concept of «principles of migration policy» is often used both in normative legal acts and in the scientific literature. For the first time, the principles of migration policy were formulated in the Decree of the President of the Russian Federation of 08.09.1994 No. 1668 (as amended on June 13, 1996) «On the Federal Migration Program»: Based on the objectives, the state migration policy should now be implemented in accordance with the following fundamental principles:

- The choice by migrants of their places of residence and types of employment in accordance with the federal and regional migration programs and in accordance with the current legislation of the Russian Federation.
- Inadmissibility of discrimination of migrants on the basis of race, religion, citizenship, gender, age, membership in a particular social group or political opinion.
- Personal participation of migrants in arranging at a new place of residence with state support of their initiative and initiative.
- Application of quotas in the reception of refugees.
- The prohibition of the expulsion or forced return of refugees to the countries from which they arrived, except as otherwise provided by law» [The decree 1994].

The above list of principles has become the subject of discussions between the federal and subject levels of Russian government, since these principles, enshrined in by the Federal government, were regarded by the number of state authorities as constituent entities of the Russian Federation as insufficient. Thus, by Decree of the Legislative Assembly of the Krasnodar Territory dated April 25, 2001 No. 1008-P «On Modification and Additions to the Text of the Draft Federal Law «About Migration in the Russian Federation», submitted to the State Duma of the Federal Assembly of the Russian Federation as a legislative initiative», this list of principles was proposed to be expanded. In accordance with this document, state migration policy should be based on the following principles:

- Protecting the foundations of the constitutional system, ensuring the country's defense and state security.
- Ensuring the human rights enshrined in the Constitution of the Russian Federation on free choice of place of residence, freedom of movement.
- Inadmissibility of discrimination of migrants on the grounds of state, social, gender, racial, national, age, language or political affiliation or depending on their origin, property or official position, attitude to religion, beliefs, or membership in public associations.
- Personal participation of internally displaced persons in the arrangement at a new place of residence, carried out with state support.
- Quotas for the annual admission of refugees and the provision of temporary refuge.
- Prohibition of the expulsion or forced return of refugees to the countries from which they arrived, except as provided for by legislative acts or international treaties of the Russian Federation.
- Compliance by migrants with the legislation of the Russian Federation.
- Participation of relevant state bodies in the regulation of migration processes.

The amendments to the list of principles of state migration policy proposed by the legislative body of the Krasnodar Territory were not adopted by the federal government immediately after making these proposals. However, they vividly demonstrate the idea of the necessary adjustments that the liberal migration policy of the federal Russian government was supposed to undergo. The main content of these proposals is the imposition of obligations on migrants arriving in the country (for example, personal participation in arranging a new place of residence) and the creation of mechanisms for regulating migration (for example, quotas). As will be shown below, a number of proposals of the Legislative Assembly of the Krasnodar Territory were later introduced by the federal government into legal practice.

At the turn of the XX and XXI centuries, criticism of the principles of state migration policy by civil society intensified. It must be emphasized that not individual norms or legal acts were criticized sharply, but the basic principles or their absence. Most significantly, this criticism was presented by leading Russian experts, both state and civil society, during the round table on the theme «What kind of migration service does Russia need?» held at the Carnegie Moscow Center on February 15, 1999. So, first of all, the need to determine the basic principles of state migration policy was emphasized, in particular - with a fundamental assessment of immigration processes either as a positive factor, vital from the point of view of the country's development, or as a negative trend, the problems created by which far exceed the possible benefits host country [Round 2019].

The need to develop and adopt a new conceptual document defining the principles, directions, and methods of implementing state migration policy became apparent at the beginning of the XXI century, when the development of the Russian economy required the attraction of additional labor resources. The Concept of regulation of migration processes in the Russian Federation, adopted by Decree of the Government of the Russian Federation № 256 - p of 03.03.2003, reflects new approaches to solving migration problems and the main directions of development of migration

legislation [Order 2003]. According to the Concept, state migration policy is implemented in accordance with the following principles:

- Protection of the foundations of the constitutional system, ensuring the country's defense and state security.
- Ensuring the human rights enshrined in the Constitution of the Russian Federation on free choice of place of residence, freedom of movement.
- Inadmissibility of discrimination of migrants on the basis of race, religion, citizenship, gender; age, membership of a particular social group or political opinion.
- Personal participation of internally displaced persons in arranging at a new place of residence, carried out with state support.
- Quotas for the annual admission of refugees and the provision of temporary refuge.
- Prohibition of the expulsion or forced return of refugees to the countries from which they arrived, except as provided for by legislative acts or international treaties of the Russian Federation.
- Respect and observance by migrants of the legislation of the Russian Federation.

The consolidation of the principles of migration policy in the program documents of state authorities and regulations at the beginning of the XXI century did not stop the scientific development of this topic. At the same time, the authors cite as principles of migration policy sets of a variety of postulates that differ significantly in the level of generalization. Specialists of the Research Institute of Labor and Social Insurance M. M. Kroshchenko and Yu. A. Aleksentsev write: the basic principles of the Russian migration policy are ensuring national security, maintaining an optimal balance of labor resources and priority employment of Russian citizens [Krashenko M.M. & Aleksentseva Yu. A. (2019)].

V.V. Ivochkin identifies the following basic principles of state migration policy:

- Protection of human rights and freedoms based on the rule of law and the steady observance of international law.
- Protection of national interests and ensuring the security of the Russian Federation.
- Combination of interests of an individual, society and state.
- Differentiated approach of the state to solving the problems of various categories of migrants.
- Interaction of Federal Executive authorities, Executive authorities of the constituent entities of the Russian Federation and local authorities with public associations of migrants.
- Stimulation of the rational territorial distribution of forced migrants.
- Quotas for the reception of refugees and the provision of temporary asylum [Ivochkin V.V. (2019)].

In the dissertation research E.U. Stakhanova contains the following provision - the principles of migration policy should be enshrined in law and ensured in the following priority order:

- Protection of the rights, freedoms and interests of citizens of Russia, restriction of human and civil rights and freedoms only in order to protect the foundations of the constitutional system, morality, health, rights and legitimate interests of other persons (part 3 of article 55 of the Constitution of the Russian Federation).
- Ensuring the country's defense and state security.
- Observance and protection of the rights of migrants and the inadmissibility of discrimination within the country on the basis of race, nationality, language, origin, religion, political beliefs, membership of a particular social group.
- Equality in the rights and obligations of migrants with Russian citizens, with the exception of cases established by federal law or the norms of an international treaty of Russia.
- Protection of national interests.



- The granting of political asylum to foreign citizens and stateless persons and their extradition in accordance with generally recognized principles and norms of international law [Stakhanova E.U. (2009), pp. 10-11].

According to the authors, significant differences in the definition the list of principles by various domestic researchers are determined by their different understanding of the concept of principles.

As a study of various approaches to the definition of the principles of migration policy shows, this concept does not coincide with the concept of the principles of legal regulation of migration relations. The difference between the two concepts is related to the content of the concept of politics. In modern normative documents and scientific research, politics is understood as a program, a method of action and the actions themselves carried out by a person, a group of people, an authority and other policy subjects in relation to a specific problem or system of problems [Aron A. (2019)].

Obviously, such a concept of politics, entrenched in science and practice, is broader than the concept of legal regulation, which was previously proposed: the legal regulation of migration relations is the impact of law using legal means, methods and methods on social relations in the field of migration population in order to optimize its socio-economic and political consequences. Thus, the implementation of migration policy can be carried out using a wider range of tools compared to legal regulation. These tools may include, in addition to legal, also information, organizational, financial and others. The following difference in migration policy in general and legal regulation is determined by the set of their subjects. The subjects of migration policy include, in addition to the state, non-state actors: business organizations and civil society. At the same time, the subject of legal regulation are state authorities.

Accordingly, the concepts of principles of migration policy and principles of legal regulation of migration relations are distinguished.

The system of principles of legal regulation of migration relations, according to the authors, consists of the following:

- The principle of selectivity is that the state is interested in immigrants with either a higher education or professions in demand in the Russian Federation and is not interested in the emigration of qualified specialists abroad.
- The principle of social justice and stability implies the fulfillment by the state of obligations to migrants from other countries, without prejudice to Russian citizens.
- The principle of equal rights is manifested in ensuring that all citizens of the state protect their rights, legitimate interests, honor and dignity, in the complete exclusion of any privileges or restrictions associated with belonging to a particular ethnic community.
- The principle of security is evident in the overwhelming importance of national security in the realization of migration policy.
- The principle of scientificness, which implies not only the collection and synthesis of best practices in the field of migration policy, but also the development of basic scientific provisions, concepts that can underpin the development of certain necessary regulatory acts.
- The principle of reliability and publicity means that public authorities must provide truthful and accurate information about the conditions of migration, and the migrant, in turn, must provide information required by law about himself. The law must establish the exact limits of the required data and executive authorities are not entitled to expand this list - they establish only explanatory details and sample documents.

- Observance of fundamental human rights and freedoms provided for by the Constitution of the Russian Federation, other normative acts and international treaties ratified by the Russian Federation.

The systematic nature of these principles of legal regulation implies their close interconnectedness, that is, in this case, increasing the effectiveness of each principle if all principles are followed in the course of legal regulation.

The legal regulation of migration relations means the impact of law through legal means, methods and methods on social relations in the field of population migration in order to optimize its socio-economic and political consequences.

The multifaceted nature of migration determines the multiplicity and consistency of the principles of the impact of law on public relations in this area. Defining a system of such principles and following it allows:

- To form an understanding of the necessary system of normative acts in the field of migration relations.
- To compare the existing system of normative acts with the necessary and draw conclusions about the additions to the system.
- To determine normative acts and individual norms that do not correspond to the principles of legal regulation of migration relations.
- To specify the directions for the further formation of Russian migration legislation.

The system of principles of legal regulation of migration relations in modern Russia, according to the authors, should be as follows:

- The principle of selectivity is that the state is interested in immigrants with either a higher education or professions in demand in the Russian Federation and is not interested in the emigration of qualified specialists abroad.

- The principle of social justice and stability implies the fulfillment by the state of obligations to migrants from other countries, without prejudice to Russian citizens.
- The principle of equality is manifested in ensuring that all citizens of the state protect their rights, legitimate interests, honor and dignity, in the complete exclusion of any privileges or restrictions associated with belonging to a particular ethnic community.
- The principle of security is manifested in the prevailing importance of national security in the implementation of migration policy.
- The principle of scientificness, which implies not only the collection and synthesis of best practices in the field of migration policy, but also the development of basic scientific provisions, concepts that can underpin the development of certain necessary regulatory acts.
- The principle of reliability and publicity means that public authorities must provide truthful and accurate information about the conditions of migration, and the migrant, in turn, must provide information required by law about himself. The law must establish the exact limits of the required data and executive authorities are not entitled to expand this list - they establish only explanatory details and sample documents.
- The principle of strict observance of fundamental human rights and freedoms provided for by the Constitution of the Russian Federation, other normative acts and international treaties ratified by the Russian Federation.

## **CONCLUSIONS.**

In conclusion, it should be noted that a qualitative change in the structure of migration flows (with a predominance of refugees in the early 90s of the XX century and an increased number of labor migrants in the late 90s of the XX - early XXI centuries) requires adjustment of the principles of migration policy, including a clear definition of the principles of legal regulation migration relations. This is due to the following reasons: firstly, the state-legal regulation of migration is

changing in accordance with the requirements of the modern stage of state construction, which requires the formation of the migration attractiveness of the Russian Federation while enhancing the effectiveness of countering illegal migration; secondly, the processes of migration become an element of the socio-economic policy of the state and are subject to transformation along with economic instruments for the realization of state interests; thirdly, there is a process of searching for new legal forms of legalization of foreign citizens falling under the definition of «illegal migrants» due to imperfection of migration administration procedures.

At present, Russia's migration policy is oriented toward creating such a legal framework in the field of regulating migration relations that would ensure a dynamic influx of professional workers for the country, and the development of the economy and society.

#### **Conflict of interest.**

The authors confirm the absence of a conflict of interest.

#### **BIBLIOGRAPHIC REFERENCES.**

(In Russian).

1. Soglasheniye mezhdru Pravitel'stvom Rossiyskoy Federatsii i Upravleniyem Verkhovnogo komissara OON po delam bezhentsev ot 06.10.1992. (1996). Mezhdunarodnoye publichnoye pravo. Sbornik dokumentov. - Moskva, vyp. 1, s. 383-388.
2. Aron A. Demokratiya i totalitarizm. [Elektronnyy resurs.] Dostupno po adresu: [http://society.polbu.ru/political\\_science/ch03\\_all.html](http://society.polbu.ru/political_science/ch03_all.html) (polucheno 01.10.2019).
3. Grazhdanstvo i svoboda peredvizheniya: polozheniya i dokumenty. (1994). - Moskva, s. 19.
4. Soglasheniye o sotrudnichestve mezhdru Pravitel'stvom Rossiyskoy Federatsii i Mezhdunarodnoy organizatsiyey po migratsii ot 13.03.1992. (1993). Byulleten' mezhdunarodnykh dogovorov, vyp. 4, s. 54-57.
5. Slovar' russkogo yazyka. Tom 3. (1983). V Ye. A. Ivannikova (red.). - Moskva, s. 428.

6. Yevropeyskaya konventsia o zashchite prav cheloveka i osnovnykh svobod ot 04.11.1950. (2001). Sobraniye zakonodatel'stva RF, vyp. 2.
7. Mezhdunarodnyy pakt ob ekonomicheskikh, sotsial'nykh i kul'turnykh pravakh ot 16.12.1966. (1994). Byulleten' Verkhovnogo Suda Rossiyskoy Federatsii, vyp. 12, s. 1-5.
8. Mezhdunarodnyy pakt o grazhdanskikh i politicheskikh pravakh ot 16.12.1966. (1993). Byulleten' mezhdunarodnykh dogovorov, vyp. 1, s. 3-6.
9. Ivochkin V. V. Tseli i printsipy gosudarstvennoy migratsionnoy politiki. [Elektronnyy resurs.] Dostupno po adresu: <http://www.ivochkin.ru/files/>
10. Krashenko M. M., Aleksentseva YU. A. Yevropeyskaya sotsial'naya khartiya i migratsionnaya politika Rossii. [Elektronnyy resurs.] Dostupno po adresu: [http://www.niitruda.ru/analytics/publications/post\\_98.html](http://www.niitruda.ru/analytics/publications/post_98.html) (polucheno 01.10.2019).
11. Korenev A.P. (1997). Administrativnoye pravo Rossii. - Moskva, s. 15.
12. O prisoyedinenii Rossiyskoy Federatsii k Konventsii o statuse bezhentsev i Protokolu o statuse bezhentsev: Postanovleniye Verkhovnogo Soveta Rossiyskoy Federatsii ot 13.11.1992 № 3876-1. (1992). Vedomosti S"yezda narodnykh deputatov i Verkhovnogo Soveta Rossiyskoy Federatsii, vyp. 49.
13. Postanovleniye Pravitel'stva Rossiyskoy Federatsii № 256-R ot 03.03.2003 g. (2003). Sobraniye zakonodatel'stva RF, vyp. 10.
14. Gosudarstvennoye upravleniye: osnovy teorii i organizatsii. Uchebnik. (2000). V. V. A. Kozbanenko (red.). - Moskva, s. 392.
15. Rasskazov L.P. (2009). Teoriya gosudarstva i prava. - Moskva, s. 222, 402-403.
16. Romashov R.A. (2005). Teoriya gosudarstva i prava. - Sankt-Peterburg, s. 189, 384.
17. Kruglyy stol «Kakaya migratsionnaya sluzhba nuzhna Rossii?». (2019). [Elektronnyy resurs.] Dostupno po adresu: <http://www.carnegie.ru/ru/print/56913-print.htm> (polucheno 01.10.2019).
18. Syrykh V. M. (2004). Teoriya gosudarstva i prava. - Moskva, s. 133.

19. Stakhanova Ye. YU. (2009). Migratsionnaya politika Rossii - ob"yekt konstitutsionno-pravovogo regulirovaniya: dissertatsiya na soiskaniye uchenoy stepeni kandidata yuridicheskikh nauk. - Moskva, s. 10-11.
20. Ukaz Prezidenta Rossiyskoy Federatsii ot 09.08.1994 № 1668. (1994). Sobraniye zakonodatel'stva RF, vyp. 18.
21. Deklaratsiya OON o territorial'nom ubezhishche ot 14.12.1967. (1990). Mezhdunarodnaya zashchita prav i svobod cheloveka. Sbornik dokumentov. - Moskva, s. 287-289.
22. Konventsiya OON o statuse bezhentshev: prinyata 28.07.1951. (2019). V sb. Pravovyye dokumenty, reguliruyushchiye pravootnosheniya v sfere migratsii. - Moskva, s. 511-530.
23. Protokol OON o statuse bezhentshev: prinyat 31.01.1967. (2019). V sb. Pravovyye dokumenty, reguliruyushchiye pravootnosheniya v sfere migratsii. - Moskva, s. 531-539. (na russkom)
24. Vseobshchaya deklaratsiya prav cheloveka 1948 goda. (1995). - Moskva. - 31 str.
25. Zherebtsov, A. N. (2007). Pravovoye regulirovaniye migratsionnoy politiki Rossiyskoy Federatsii. - Krasnodar, s. 167, 168.
26. Komarov, S. A. (2019) Obshchaya teoriya gosudarstva i prava: uchebnyy dlya bakalavrov i aspirantov / S. A. Komarov. 9-ye izd. Moskva: Izdatel'stvo Yurayt. 504 r. (Seriya: Bakalavr i magistr. Akademicheskyy kurs.).

(In English).

1. Agreement between the Government of the Russian Federation and the Office of the United Nations high Commissioner for refugees of 06.10.1992. (1996). Public international law. Collection of documents. - Moscow, vol. 1, pp. 383-388. (in Russian)
2. Aron, A. Democracy and totalitarianism. [Electronic resource.] Available at: [http://society.polbu.ru/political\\_science/ch03\\_all.html](http://society.polbu.ru/political_science/ch03_all.html) (retrieved on 01.10.2019). (in Russian)
3. Citizenship and freedom of movement: regulations and documents. (1994). - Moscow, p. 19. (in Russian).

4. Cooperation agreement between the Government of the Russian Federation and the International organization for migration of 13.03.1992. (1993). Bulletin of international treaties, vol. 4, pp. 54-57. (in Russian)
5. Dictionary of the Russian language. Volume 3. (1983). In E. A. Ivannikova (Ed.). - Moscow, p. 428. (in Russian)
6. European Convention for the protection of human rights and fundamental freedoms of 04.11.1950. (2001). Collection of legislation of the Russian Federation, vol. 2. (in Russian)
7. International Covenant on economic, social and cultural rights of 16.12.1966. (1994). Bulletin of the Supreme Court of the Russian Federation, vol. 12, pp. 1-5 (in Russian).
8. International Covenant on civil and political rights of 16.12.1966. (1993). Bulletin of international treaties, vol. 1, pp. 3-6. (in Russian).
9. Ivochkin, V. V. Goals and principles of the state migration policy. [Electronic resource.] Available at: [http://www.ivochkin.ru/files/Celi\\_princ\\_gosud\\_migrac\\_politiki.doc](http://www.ivochkin.ru/files/Celi_princ_gosud_migrac_politiki.doc) (retrieved on 01.10.2019). (in Russian)
10. Krashenko, M. M., & Aleksentseva, Y. A. the European social Charter and the migration policy of Russia. [Electronic resource.] // [Http://www.niitruda.ru/analytics/publications/post\\_98.html](Http://www.niitruda.ru/analytics/publications/post_98.html) (retrieved on 01.10.2019). (in Russian)
11. Korenev, A. P. (1997). Administrative law of Russia. - Moscow, p. 15. (in Russian)
12. On the accession of the Russian Federation to the Convention relating to the status of refugees and the Protocol relating to the status of refugees: Resolution № 3876-1 of the Supreme Council of the Russian Federation of 13.11.1992. (1992). Vedomosti of the Congress of people's deputies and the Supreme Soviet of the Russian Federation, vol. 49. (in Russian)
13. Order of the Government of the Russian Federation No. 256-R of 03.03.2003. (2003). Collection of legislation of the Russian Federation, vol. 10. (in Russian).



14. Public administration: fundamentals of theory and organization. Textbook. (2000). In. V. A. Kozbanenko (Ed.). - Moscow, p. 392. (in Russian)
15. Rasskazov, L. P. (2009). Theory of state and law. - Moscow, pp. 222, 402-403. (in Russian)
16. Romashov, R. A. (2005). Theory of state and law. - Saint-Petersburg, pp. 189, 384. (in Russian)
17. Round table "what kind of migration service does Russia need?". (2019). [Electronic resource.] Available at: <http://www.carnegie.ru/ru/print/56913-print.htm> (retrieved on 01.10.2019). (in Russian)
18. Syryh, V. M. (2004). Theory of state and law. - Moscow, p. 133. (in Russian)
19. Stakhanova, E. Y. (2009). Migration policy of Russia-the object of constitutional and legal regulation: thesis for the degree of candidate of legal Sciences. - Moscow, pp. 10-11. (in Russian)
20. The decree of the President of the Russian Federation dated 09.08.1994 № 1668. (1994). Collection of legislation of the Russian Federation, vol. 18. (in Russian)
21. The United Nations Declaration on territorial asylum of 14.12.1967. (1990). International protection of human rights and freedoms. Collection of documents. - Moscow, pp. 287-289. (in Russian)
22. UN Convention relating to the status of refugees: adopted in 28.07.1951. (2019). In Collection of legal documents regulating legal relations in the field of migration. - Moscow, p. 511-530. (in Russian)
23. UN Protocol relating to the status of refugees: adopted in 31.01.1967. (2019). In Collection of legal documents regulating legal relations in the field of migration. - Moscow, p. 531-539. (in Russian)
24. Universal Declaration of human rights of 1948. (1995). - Moscow. - 31 p. (in Russian)
25. Zherebtsov, A. N. (2007). Legal regulation of migration policy of the Russian Federation. - Krasnodar, pp. 167, 168. (in Russian).

26. Komarov, S.A. (2019) General theory of state and law: a textbook for undergraduate and graduate / S.A. Komarov. 9th ed. Moscow: Yurayt Publishing house. 504 p. (Series: Bachelor and master. Academic course.)

#### **DATA OF THE AUTHORS.**

**1. Vitaly Viktorovich Goncharov.** Executive Director of the Legal Consulting Corporation "Association of Independent Human Rights Defenders" (Krasnodar), Associate Professor of the Department of State and International Law of the Kuban State Agrarian University Named after I. T. Trubilin, Candidate of Legal Sciences. ORCID: 0000-0003-3029-4727. ResearcherID: C-4842-2017. E-mail: login2000GVV@mail.ru.

**2. Marina Stanislavovna Savchenko.** Doctor of Law, Professor, Head of the Department of State and International Law, Kuban State Agrarian University Named after I. T. Trubilin. E-mail: savchenkoa@bk.ru.

**3. Andrey Andreevich Savchenko.** Candidate of Law, Lawyer. E-mail: savchenkoa@bk.ru.

**RECIBIDO:** 3 de enero del 2020.

**APROBADO:** 14 de enero del 2020.