

## **Legal Regulation of Immigration in Russian Federation and Questions of Human Migration Process Regulation on the Territories of the Post-Soviet States**

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**Abstract:** In the present article authors present results of conducted research on the analyses of current situation of migration in the post-Soviet states in general and in Russian Federation specifically. As well authors analyze questions of immigration (including illegal) to Russian Federation. Authors present the legal base analyses summery and explain some basic reasons for current state of migration processes, especially illegal. Based on the legal base changes analyses authors present the historical changes in the field of migration and immigration regulation, explain why currently Russian Federation is the center for both legal and illegal migration on the territory of the former Soviet Union and current Commonwealth of Independent States. Authors base their explanations on the opinions of experts and specialists in the sphere of citizenship acquisition, migration, immigration and state regulation, as well as scientists. In conclusion authors give personal opinions on measures, required to change situation to the better side.

**Key words:** Migration % Immigration % Legal regulation % Governmental regulation % Law % Order % Russia % Russian Federation % Post-Soviet states

### **INTRODUCTION**

Fall of Soviet Union in 1991 caused many different changes. Social, economic, political, cultural situation changed in a very short period of time. Conditions and transformations that were happening in new democratic republics of the previously existed USSR accelerated migration processes in the Commonwealth of Independent States in general and Russian Federation specifically.

In the 1990s, within the transition to the new social system, new rights and freedoms (including freedom of residence and movement of citizens and foreign residents) have been proclaimed. This, gave on one hand an opportunity to former Soviet citizens to travel abroad and return back, on another hand it allowed foreign citizens to come to Russian Federation and other CIS countries easier and allowed to travel between CIS member states easier.

In 1991 in Russian Federation the new law on citizenship in Russia was adopted - Law of Russian Federation "On Citizenship of the Russian Federation". This law regulated main questions of citizenship in Russian Federation. New Constitution of Russian Federation, which was adopted in new Russia in the year 1993 had many articles that were contrary to the parts of the Law of Russian Federation "On Citizenship of the Russian Federation". It is important to remember the fact that historically Constitution of Russian Federation was adopted almost two years later, however, combination of these laws legally regulated the new trend for freedom of immigration and human migration in Russian Federation.

### **MATERIALS AND METHODS**

In the present article authors present the summery of the conducted research, where the research problem was

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formulated, a good empirical base accumulate, an opportunity to focus on the research process and to draw conclusions that would reflect the real situation in the best possible way using: introduction - hypothesis, deduction - predictions, observation - nest of predictions, etc. was given.

## **RESULTS AND DISCUSSION**

With the fall of USSR most countries allowed former Soviet citizens to choose citizens of which country they would like to be. Of course related parliaments adopted laws that regulated questions of citizenship and questions of the foreigners legal status.

As an example of the new laws functioning lets refer to the practice of made decision on granting citizenship of Russian Federation in general and simplified procedure and other countries-members of the Commonwealth of Independent States. If we would refer to the statistics of the first last decade of the twentieth century we would see that many families immigrated to their historical places of origin and appropriately changed their citizenship, others migrated within the country that were living and chose to be citizens of this country. All of the said above is very much different from the situation that arose closer to the year 2000 and is happening nowadays. Reasons that previously assisted the USSR fall now lead to mass migration within the CIS and made Russian Federation a center for migration processes within the CIS [1]. Immigration processes are becoming more and more active in Russian Federation each ear.

According to international statistics the top twenty countries with the largest international migrant stock are ... 35 million migrants, the United States contains the largest number of migrants, followed by the Russian Federation with 13 million and Germany with 7 million. ... International migrants are not distributed evenly across countries or regions. Thus, in 2000, they constituted 8.7 per cent of the population in developed countries, while they accounted only for just 1.5 per cent in developing countries. In the first group, the United States, followed by Russian Federation, Germany, Ukraine and France hosted the largest number of international migrant in 2000. In the developing world, India, followed by Saudi Arabia and Pakistan, hosted the largest number of foreign-born persons in 2000. ... Between 1990 and 1994, countries with established market economies recorded more than 1 million arrivals per year from the group of countries with economies in transition. Between 1.5 and 2 million people migrated yearly within these countries,

particularly from former Soviet republics to the Russian Federation. Long-term migration leveled off in the second half of the 1990s, as the main armed conflicts subsided and the main receiving countries tightened their immigration and asylum policies. The average net out-migration rates recorded for Bosnia and Herzegovina, Yugoslavia, Kyrgyzstan and Kazakhstan in 1990-1995 are among the world's highest out-migration rates observed during the period. Five countries in the region had an overall positive net migration balance during the 1990s: Croatia, the Czech Republic, the Russian Federation, Slovakia and Slovenia [2].

According to alternative data in 1991-2001 Russia accepted 11 million migrants (approximately 781 thousand migrants in absolute calculation annually), at the same time Germany accepted approximately 865 thousand early and USA - 924 thousand people early. Based on the related indicators of immigration Russian Federation appeared on the third place in the world, having taken for the period of 1989-2002 54 immigrants on every 10 thousand residents. Ahead of Russia is only Germany, with 142 immigrants on every 10 thousand residents and US, with 32 immigrants on every 10 thousand residents [3].

Russian Federation census data for 2002 showed that 1.8 million people more than officially registered in government participated in census [4]. Cases of births and deaths are strictly registered in Russian Federation, so growth can be only attributed to illegal immigration. All census amendments were classified by the Rosstat to be due to migration from CIS countries and is distributed evenly over the previous years. This makes us reasonable believe that illegal migration increase was substantially larger than outlined above and that it evenly distributed.

Statistics for the 2012 show that 15,889,421 foreign citizens and stateless persons officially entered Russian Federation in 2012. Only 2,685,108 of them got work permits in Russian Federation, however 2,520,378 foreign citizens and stateless persons committed administrative offences in Russian Federation in 2012. 88,748 foreign citizens and stateless persons were prohibited entrance to Russian Federation, 35,134 were deported. During the same 2012 year 346,830 foreign citizens and stateless persons received permanent status of permanent residents, 95,737 were granted citizenship of Russian Federation [5]. As we can see this numbers are impressive.

It is obvious that actual number of migrants was higher than the official one. Historically migration growth in Russian Federation in the first half of the 1990<sup>th</sup> steadily

increased, except for the lag in 1991, which was caused by the collapse of the USSR. Many independent experts think that peak migration growth in Russian Federation was reached in 1994. Thus, in year 1994, compared with year 1989, the number of immigrants increased in Russian Federation by more than 300 thousand people (about 50%) and, in contrast, the number of emigrants declined by about 400 thousand people (nearly twice). Such migration processes lead to the need of citizenship and migration legislation change.

Constitution of the Russian Federation of the year 1993 for the first time in the history of Russia start to consider citizenship as an integral part of the constitutional order of country. In the Constitution of Russian Federation: Article 6 state that "1. The citizenship of the Russian Federation shall be acquired and terminated according to federal law; it shall be one and equal, irrespective of the grounds of acquisition. 2. Every citizen of the Russian Federation shall enjoy in its territory all the rights and freedoms and bear equal duties provided for by the Constitution of the Russian Federation. 3. A citizen of the Russian Federation may not be deprived of his or her citizenship or of the right to change it", Article 62 "1. A citizen of the Russian Federation may have the citizenship of a foreign State (dual citizenship) according to the federal law or an international agreement of the Russian Federation. 2. The possession of a foreign citizenship by a citizen of the Russian Federation shall not derogate his rights and freedoms and shall not free him from the obligations stipulated by the Russian citizenship, unless otherwise provided for by federal law or an international agreement of the Russian Federation. 3. Foreign nationals and stateless persons shall enjoy in the Russian Federation the rights and bear the obligations of citizens of the Russian Federation, except for cases envisaged by the federal law or the international agreement of the Russian Federation", Article 71 "The jurisdiction of the Russian Federation includes: ... citizenship in the Russian Federation, regulation and protection of the rights of national minorities", Article 89 "The President of the Russian Federation shall: ... solve the issues of citizenship of the Russian Federation and of granting political asylum" [6].

In the year 2002 in Russian Federation a new version of the Federal Law "On Citizenship of Russian Federation" and the new Federal Law "On the Legal status of Foreign Citizens in Russian Federation" was adopted.

In view of the necessity of further strengthening of the Russian statehood with the realities and specifics of socio-economic development of Russia, the search for ways of a balanced combination of interests of the state and the rights of the individual at the decision of questions of citizenship, the changing nature of relations with the new independent States issues relating to the topic of the research are very acute [7].

## **CONCLUSION**

In general, Federal Law of Russian Federation "On the Legal status of Foreign Citizens in Russian Federation" covers all previously existed gaps in the legislation governing issues of foreign citizens and stateless persons stay in Russian Federation and is very close in its nature to the generally recognized principles and norms of international law. However this law still contains inaccuracies, inconsistencies and causes some misunderstanding in application [8].

In our view legislation wrote a very up-to-date law that was based on the previous historical experience and current geo-political situation and state of modern globalized civil society. Unfortunately mistakes and white spots do exist in law, unfortunately court cases are sometimes even more contradictory. In such light it is important to talk about the Federal Law, that was accepted on August 15, 1996 - "On the Procedure for Exit from Russian Federation and Entry into Russian Federation". This law reinforced some positions, that was written in the Constitution of Russian Federation and established democratic procedures for entry to Russia and exit from Russia. Under the Constitution of Russian Federation "Everyone is free to leave Russian Federation. Citizen of Russian Federation has the right to freely return to Russian Federation". To cross the border of Russian Federation one must have a Russian visa (if required), regular passport, diplomatic passport, service passport or seaman's passport. Unlike the previous law, new law contains an full list of grounds on which foreign citizen may not be allowed to enter Russia and exit from Russia and contains three provisions when entry to Russian Federation may be prohibited [9].

An ideal civil society is open, democratic, social market society where there is no place for personal authority, a totalitarian modes, violence over people where full respect of law and morals exist, principles of humanity and justice are exercised by every person [10].

If we want to be sure that Russian Federation would exist in the future and economy will be stable and growing laws, regulating immigration and human migration must be prepared more wisely. Appropriate research institutes should thoroughly look into the situation and prepare practical recommendations and only after that politicians and governmental officials must start new law preparation.

#### **REFERENCES**

1. Lapina, M.V., 2011. Migration and emigration processes in the CIS // *Justice*, 4: 194.
2. International Migration Report. N.Y, United Nations, 2002.
3. Population of Russia 2002. Tenth annual demographic report. National Research University - Higher School of Economics, pp: 133.
4. Main results of the All-Russia population census of the year 2002, Government of the Russian Federation, pp: 24.
5. Nikolay, G., 2013. By, To the Question of Human Migration in Russian Federation and Migration Processes Regulation // *Pravovaya Initsiativa*, 8: 10.
6. Constitution of the Russian Federation. Text. Comments. Jurcompany, 2013.
7. Grebennikov, V.V., N.N. Marchuk and A.A. Galushkin, 2013. Organizational and legal bases of the nationality institute and its place in the system of rights in Russia // *World Applied Sciences Journal*, 23(9): 1217-1220.
8. Fedotova, M.F. and I.S. Shoyko, 2010. Information and Analytical Department of the Moscow City Duma, Modern migration policy of Russian Federation // *Pravo i Bezopasnost*, 2: 92.
9. Kulagin, A.O., 2012. Legal Culture as a Base of Civil Society // *Pravozashitnik*, 3: 140.
10. Grudtsina, L.J. and A.A. Galushkin, 2013. Questions of modern civil society development in Russian Federation // *World Applied Sciences Journal*, 25(5): 790-793.