The article reflects the rulemaking and legislative regulation of the migration sphere in the region, based on a common documentary basis, which is the basis of the national legislation of the studied countries - the legal provisions of the Soviet period. Another source of international law is the common international norms developed within the framework of universal and specific interstate structures (UN, IOM, ILO, etc.). The process of formation and improvement of migration legislation in the Republic of Belarus, the Republic of Moldova, the Russian Federation and Ukraine continued throughout the study period. Its basic elements include the creation of a regulatory framework for general issues that indirectly dealt with migration issues and address specific issues of a purely migration area. Its results were in accordance with general norms and democratic principles. The article focuses on the migration concepts of each of the countries studied. It is concluded that the nature and magnitude of the migration movement of Ukrainians within the studied region are distinguished by the specificity of the respective migration space. It is based on strong cultural and historical ties between actors and is reinforced by the migration laws of Belarus, Moldova, Russia and Ukraine.

Key words: migration; migration policy; migration legislation; migration processes.

Introduction

Migration legislation directly reflects the relevant policy concepts and strategies adopted in the country regarding the phenomenon of migration. It aims to regulate the implementation in practice of specific migration policies of the state actor. In this context, it can be considered as a subjective continuation of the activities of state bodies. On the other hand, it includes a whole set of bills that in one way or another affect the phenomena of migration, its specific forms and manifestations (labor migration and the problem of employment for foreigners, forced migration and the issue of refugee status). In this context, the specificity of the current migration process poses an objective challenge for the state, which the latter must respond to in the form of rulemaking. Whatever the goals and objectives of the country, its policy strategy - it should in any case form the legislative base on a specific list of topical issues (eg border crossing, employment of foreigners, etc.), most of which are directly or indirectly related to the migration problem. Migration, as a social phenomenon and social phenomenon, requires specific regulation by state authorities and government, a regulatory system that will ensure the implementation of migration policy adopted in the country. In the absence thereof, it can be transformed into an unregulated social system. The proposed regulation of this phenomenon is presented in several forms - in the form of rules of international law, enshrined in the documents of universal and specific organizations, in the format of bilateral and multilateral interstate agreements and at the level of national legislation on migration issues.

Studies of specialists from various fields of knowledge make it possible to understand the conditions under which migration processes take place, to evaluate the positions of individual countries regarding migration and compare them with generally accepted international standards. Linguists, for example, examine the linguistic media and media strategies that influence the perception of migrants by the local population (Blekar, 1979; Ruz, 2015; Komarova, 2019). The historians D. Hoeder, (2002) devote their work to the analysis of the causes of knowledge and the history of the development of "migration nodes". F. Shenk (2001; 2019). A very detailed history of the formation of migration laws in Europe is also considered in (Bessa Vilela, Brezovnik, 2018; Sredanovic; Stadlmair, 2018). Critical issues that are ambiguously interpreted in European migration legislation are raised by I. Kuznetsova, J. (2019), I. Carles-Berkowitz (2015) and R. Hansen (1999).

Despite the variety of areas of study of migration processes (economic, demographic, sociological, geographical, historical, psychological, political, etc.), researching them within their own subject fields at macro, meso or micro levels, studying political, legal and economic aspects migration, we come to the conclusion that there is a constant exchange of ideas and concepts between individual scientific schools and approaches. Historians rely on theories formulated by sociologists, demographers use the position of research by economists and political scientists, jurisprudence is incorporated into all social and historical studies of migration processes and more (Castles, Miller, 1993: 420; Kozykina, 2010: 82).

At the same time, an important link in the scientific research of migration issues is national policy and the forms of its regulation in countries that are close to the local conflict zone, as, for example, happened in Ukraine in 2014.

The purpose of this study is to analyze a set of regulations of migration legislation of individual countries of Eastern Europe (Ukraine, Russian Federation, Republic of Belarus, Republic of Moldova) and to conclude on their common basis in the form of documents of the Soviet period and provisions of international law.
The article focuses on an aggressive strategy aimed at the imperialist domination in the framework of compliance with international law and the formation of national legal bases of the post-Soviet states. This method may be useful when studying different groups of sources. For example, regulations and sources of personal identity cover the same events in different ways, and the use of the information comparison method will help you come to an objective conclusion. The use of the problem-chronological method made it possible to identify the most important external and internal factors that influenced the political and systemic transformation of the studied region, and to determine at various stages the role of the state in regulating migration flows and processes. Following the problem-chronological method does not work without analytical and logical methods. Thanks to their use, the material is presented in a clear sequence and logical completeness.

Results and Discussion

The rulemaking and legislative regulation of the migration sphere in the region is based on a common documentary basis, which is the basis of the national legislation of the studied countries - the legal provisions of the Soviet period. Another source of migration law is the generally accepted international standards developed within the framework of universal and specific interstate structures (UN, IOM, ILO, etc.).

The process of formation and improvement of migration legislation in the Republic of Belarus, the Republic of Moldova, the Russian Federation and Ukraine continued throughout the study period. Its main elements include the creation of a regulatory framework for common issues that indirectly address migration issues and address specific problems of a purely migration area. Its results are in line with general norms and democratic principles. However, their practical implementation remains problematic in the context of corruption in the governments of the countries studied and the ambiguous attitude of societies towards particular categories of migrants.

From a political point of view, the migration concepts of each of the countries studied had their own specific features. Only the Republic of Belarus did not invest in them the proper content, focusing on the economic effect and proper life, health and education systems, rest, etc.

The rights of migrants are primarily enshrined in ILO Convention 97 on Migrant Workers, which concerns the most widespread category of migrants in the world today. Article 11 of this document defines a "migrant worker" as a person who migrates from one country to another with the intention of obtaining a job differently than at his own country. The member expense. A comprehensive definition includes any person who migrates from one country to another with the intention of obtaining a job differently than at his own country.

The system of international migration law began to emerge after the Second World War, when the newly formed United Nations made the necessary efforts to formalize this area. Its foundation and basic provisions are set out in the UN Charter (1945), the Universal Declaration of Human Rights (1948), the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the Convention on the Status of Refugees (1951), International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (1990). Each of these documents is extremely important. For example, today there is no doubt that the democratization of public life in all countries of the world determines the freedom to choose a person's place of residence regardless of place of birth and nationality. For the first time, this right was enshrined in Article 13 of the Universal Declaration of Human Rights, which stated that "everyone has the right to move freely and to choose his place of residence within each State; Everyone has the right to leave any country, including his own, and to return to his own country.

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The comparative-historical method helps to compare scientific, political, sociological methods and approaches. It is based on the application of a wide range of general methods, in addition to conceptual backgrounds and empirical basis, is determined by its interdisciplinary nature (Buzan, Waever, DeWilde, 1998: 241). The article is based on the application of a wide range of general scientific, political, sociological methods and approaches. Thus, the comparative-historical method helps to compare the political and legal principles of regulation of migration of citizens in the region in the framework of compliance with international law and the formation of national legal bases of the post-Soviet states. This method may be useful when studying different groups of sources. For example, regulations and sources of personal identity cover the same events in different ways, and the use of the information comparison method will help you come to an objective conclusion. The use of the problem-chronological method made it possible to identify the most important external and internal factors that influenced the political and systemic transformation of the studied region, and to determine at various stages the role of the state in regulating migration flows and processes. Following the problem-chronological method does not work without analytical and logical methods. Thanks to their use, the material is presented in a clear sequence and logical completeness.

Methods

Research methodology (approaches, principles, methods) in addition to conceptual backgrounds and empirical basis, is determined by its interdisciplinary nature (Buzan, Waever, DeWilde, 1998: 241). The article is based on the application of a wide range of general scientific, political, sociological methods and approaches. Thus, the comparative-historical method helps to compare the political and legal principles of regulation of migration of citizens in the region in the framework of compliance with international law and the formation of national legal bases of the post-Soviet states. This method may be useful when studying different groups of sources. For example, regulations and sources of personal identity cover the same events in different ways, and the use of the information comparison method will help you come to an objective conclusion. The use of the problem-chronological method made it possible to identify the most important external and internal factors that influenced the political and systemic transformation of the studied region, and to determine at various stages the role of the state in regulating migration flows and processes. Following the problem-chronological method does not work without analytical and logical methods. Thanks to their use, the material is presented in a clear sequence and logical completeness.

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shall, at the first request, make available to the International Labor Office and any other member of the organization information on the policies and legislation of their country in the field of emigration and immigration; information on specific provisions applicable to migration for employment purposes, as well as the working conditions and residence of migrant workers (Article 1 of the current document). The Convention focuses on the definition of the rights of migrants and their protection mechanisms. In accordance with Articles 5 and 6, each member of the organization undertakes to provide migrant workers and their families with the necessary medical care and hygiene conditions; act on them without discrimination based on nationality, race, religion or gender; to provide migrants with no less favorable conditions than their own citizens for living and working conditions (wages, working hours, social security, etc.). Migrants should be provided with housing. They are also eligible for union membership and may participate in collective agreements. Services provided to migrants by public employment services should be free of charge. Equality in the application of the principles of respect for fundamental rights and freedoms for migrants is separately ensured by ILO Conventions No. 100 “On Equal Remuneration of Men and Women for Work of Equal Value” (1951), No. 111 “On Discrimination in Labor and Employment” (1958), No 143 “On the abuse of migration and on ensuring equal opportunities and equal treatment for migrant workers” (1978).

When referring to the application of the principles and norms established by IOM and ILO with regard to the migration field in the Eastern Europe region, it is worth considering separately how far they have been adopted and implemented by regional states. First, let’s analyze the example of Ukraine. It has been a member of the International Organization for Migration since 2002 and has the appropriate status and rights. The representative office of this institution was opened in Kyiv in 1996. Its activities are primarily aimed at promoting awareness of the opportunities and problems of migration in the Ukrainian context, combating trafficking in human beings, assisting the Government of Ukraine in improving its system of migration management, and developing a health policy that addresses migrants. The IOM Office is involved in the appropriate promotion of the creation of legal channels of employment for Ukrainian migrant workers, harnessing the potential of migrant development and integration, promoting cultural diversity and combating xenophobia and intolerance.

With regard to the argument of such neglect, some documents from the Ukrainian side can lead to a discussion of the possible possibility of ratification of ILO Convention No. 143 and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, carried out by the Ukrainian Government in 2004. As an argument against joining the documents, the domestic Ministry of Labor and Social Policy cited the fact that most countries where Ukrainian wage earners work also avoid signing the said conventions. In our view, this approach to the question is ambiguous. The fact that the documents mentioned above is that their effect also extends to illegal labor migrants. Given that today and in the near future, the number of Ukrainians who work illegally abroad will remain far higher than the number of foreigners in a similar position in Ukraine, it should be recognized as exaggerated fears of government officials about the negative impact on the Ukrainian labor market. In our opinion, the consequences of their ratification by Ukraine should be analyzed in more detail, determining whether in this case additional mechanisms will be provided to protect the rights of Ukrainian workers abroad. At the same time, it is worth assessing how serious the threat of an influx of undocumented migrants from countries with a lower standard of living is.

The partnership is being activated in the following areas:
- improvement of the system of management of arrangement of checkpoints across the state border of the Russian Federation;
- the fight against human trafficking in the Russian Federation;
- development and implementation of state programs in the field of labor migration management;
- providing a wide range of services for migrant workers and their families;
- implementing measures to increase social tolerance for migrant workers;
- Assistance in voluntary return to countries of origin, etc.

However, in practice, the matter has not moved from the dead - the issue of Russian Federation membership in the International Organization for Migration remains open.

In addition to the above-mentioned institutions, regional integration associations are contributing to the formation of common rules on the treatment of migrants in the territory of the region - their documents on relevant issues include the Commonwealth of Independent States (CIS) Convention on Human Rights and Fundamental Freedoms (1995)11. In characterizing the situation in the post-Soviet space, which directly affects the legal status of migrant workers - citizens of Ukraine in the Russian Federation, Belarus and the Republic of Moldova, other regional initiatives aimed at improving the legal framework should also be addressed. This is precisely what the interstate treaty, such as the Agreement on Cooperation in the Field of Labor Migration and Social Protection of Migrant Workers12, which was adopted within the CIS on April 15, 1994...

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1994 року та надано Україною 7 липня 1995 року. До цього шацього понад 70000 українців, які мешкали в Польщі, та 60000 в Словаччині, відновили власні міграційні документи.

В основному, ця палітика була спрямована на стимулювання міграції Українців з країн СНД, зокрема з Польщі, в Європу. Однак, динаміка міграції змінилася внаслідок введення економічних та соціальних обмежень у країнах кандидатів у ЄС.

З метою стимулювання міграції, уряд України створив Інститут міграційних досліджень (Інститут міграції), який проводить дослідження та підтримує контакти з іншими організаціями, які займаються проблемами міграції.

Інститут міграційних досліджень співробітничає з іншими організаціями та організаціями, які займаються проблемами міграції, включаючи міжнародні організації, наприклад, Інститут міграції та громадянства в Європі.

Це покращило зрозуміння міжнародної міграції та створило більше можливостей для партнерства і співробітництва.

В заключі, міграція України збільшила економічні та соціальні можливості для українців, які роблять зусилля для нових шансів в економіці країни. З позитивною сторони, це сприяло розвитку та суттєвій стабілізації в економіці країни.

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16 Закон України "Про захист прав споживачів" (Закон України № 1146-13 від 26 липня 2013 р.). Ретроспективна дата звернення: 26.08.2017

17 Закон України "Про державну міграційну службу України" (Закон України № 4/2011 від 26 липня 2011 р.). Ретроспективна дата звернення: 26.08.2017

18 Закон України "Про державну міграційну службу України" (Закон України № 4/2011 від 26 липня 2011 р.). Ретроспективна дата звернення: 26.08.2017

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directions of state migration policy of Ukraine and urgent measures to improve its effectiveness* of June 15, 2007}
deserves special attention (Rishennia RNBO Pro napriam-
yy derzhavnoi mihratsiini polityky Ukrainy ta nevidkladni
zakhody schhodo pidvyshchennia yii efektivnosti vid 15
chervnia 2007 r.). The purpose of this document was to:
- the desire to improve the state policy in the field of
labor migration, which is realized through Ukraine's
accession to international treaties, which regulate the
relevant issues;
- conclusion of bilateral international agreements on
employment and social protection of citizens working
abroad;
- improvement of organizational principles in the field
of providing mediation services in employment abroad;
- prevention of illegal labor migration and human
trafficking;
- protection of the rights and interests of Ukrainian
citizens adopted by foreigners.

Also, on December 30, 2002, Regulation No. 241 "On
Issuing a Work Permit to Foreigners and Stateless Persons" was adopted**
which provided for an extremely complicated and lengthy procedure for applying for,
applying for and issuing employment permits (note that only consideration a potential employee's application
formally should take up to 30 calendar days). It should be
noted that the procedure for issuing a work permit did not
provide any preferences for citizens of the CIS member
states. Until January 2007, the scheme of employment
of foreign workers in the territory of the Russian Federation
was the only one for immigrants from any state (Ukrai-
nians, like representatives of other former Soviet republics,
had no special rights and did not enjoy special treatment
by Russian officials). It consisted in the fact that the
employer had to obtain permission to attract a foreign
workforce by submitting to the territorial units of the FMS
and the Federal State Service for Labor and Employment
a statement and the necessary documents, including a
draft employment contract. As a result, according to the
legislation, the permit had to take no more than 45 days.
After receiving it and paying taxes on the use of labor, the
employer again had to contact the local FMS body. Now
his goal was to get personal work permits for each of the
employees he hires. Upon their receipt, medical certificates
should be provided to each migrant, indicating that he or
she did not have infectious diseases in society (Ivakhnyuk
I.V. Migration policy of Russia, 2008: 81). In turn, a foreign
national had the right to work only if he had a work permit
and only in the territory of the subject of the Russian
Federation where he was allowed temporary residence.

The stay of a foreign national in Russia, with his native
country supported by Moscow without a visa regime,
extended for the duration of the concluded employment
contract, but for no more than one year. The decision to
extend the stay of a foreign national was made by a territorial
body of a federal body of executive power.

Realizing the inefficiency of the methods used to
combat illegal migration, and soberly assessing the effects
of tens of thousands of workers leaving the shadows, the
Russian authorities changed their tactics. In 2006, the
migration legislation of the Russian Federation was
supplemented by a number of legal acts aimed at simpl-
ifying the procedure of entry, registration and stay of labor
migrants in the country legally. According to the official
version, this was the answer to illegal migration, and in
practice - helped to regulate the market of foreign labor.

Conclusions

Thus, analyzing the policy of migration legislation of
these countries in the period 1991-2013 for migrants,
including Ukrainian citizens, we can conclude that the
Russian Federation objectively assessing the needs of
the national labor market, tried to ensure the development
of the country at the expense of visiting staff. It should be
noted that, due to their relatively high qualifications and
cultural and linguistic affinity with the Russians, Ukrainians
were a desirable category for migrant workers. However,
despite the real need of the Russian Federation for addi-
tional labor, the authorities tried to avoid competition in
the internal labor market between newcomers and citizens of
the Russian Federation.

Belarusian national legislation and a number of agree-
ments with other countries (including Ukraine) regulate
migration processes. At the same time, it is quite common
for certain specific issues to be addressed. Currently, the
system of legal acts in detail specifies the legal status
and legal status of only persons belonging to the first and
second categories. In practice, however, there are more
and more cases where persons who have arrived in the
country for training use this legal channel of entry, with
quite different intentions. Upon arrival, they gradually
dissolve in the local population, replenishing the statistics
of illegal migrants. That is why the governments of both
Ukraine and the Republic of Belarus need to improve the
regularly framework every year in order to respond timely
and adequately to the new challenges of the migration
movement between countries. The Republic of Moldova
has tried to solve the radical problem of labor shortages
caused, in particular, by the active travel abroad of its own
citizens.

On the basis of the analyzed complex of normative acts
of the migration legislation of individual countries of
Eastern Europe (Ukraine, Russian Federation, Republic
of Belarus, Republic of Moldova), a conclusion was drawn
about their common basis in the form of documents of the
Soviet period and provisions of international law. The vast
majority of these states' laws are in line with the democratic
traditions and principles of respect for human rights, while
at the same time aiming to protect specific national
interests in the migration field. However, the implementa-
tion of the adopted provisions in the practical sphere, in
the conditions of certain political instability caused by
objective (process of radical post-Soviet transformation of
society) and subjective (internal political upheavals, con-
cepts of individual political forces and leaders), remains
problematic.

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ФОРМУВАННЯ ТА IМПЛЕМЕНТАЦIЯ МIГРАЦIЙНОГО ЗАКОНОДАВСТВА ГРОМАДЯН УКРАЇНИ ДО БІЛОРУСI, МОЛДОВI ТА РОСIЇ (1991-2013 рр.)

Стаття вiдображає нормотворчiсть та законодавче регулювання мiграцiйної сфери в регiонi, заснованої на спiльний документальнiй базi, покладений в основу нацiональних законодавств дослiджуваних краiн - юридичних положень радянського перiоду. Іншим джерелом мiжнародного права стали загальнi мiжнароднi норми, розробленi в рамках унiверсальних та спецiфiчних мiждержавних структур (ООН, МОМ, МОП тощо). Процес формування та дослiдження мiграцiйного законодавства в Республiцi Бiлорусь, Республiцi Молдова, Росiйськiй Федерацiї та Українi тривав протягом всього дослiджуваного перiоду. До його основних елементiв вiдноситься створення нормативної бази iз загальних питань, якi опосередковано стосувалися проблем мiграцiї та вiрiшення специфiчних питань сутi мiграцiйної сфери. Його результати вiдповiдали загальним нормам та демократичним принципам. У статтi акцентується увага на мiграцiйнiй концепцiї кожної з дослiджуваних держав. Робиться висновок, що характер та масштаб мiграцiйного руху українцiв у рамках дослiджуваного регiонu вiдзначаються спецiфiкою вiдповiдного мiграцiйного простору. Вона заснована на сталi культурно-iсторичних зв'язках мiж акторами та пiдсилюється положеннями мiграцiйного законодавства Бiлорусi, Молдови, Росiї та України.

Ключовi слова: мiграцiя, мiграцiйна полiтика, мiграцiйне законодавство, мiграцiйнi процеси.