SUMMARY

Subject of the diploma paper: topical problems of a legal status of foreign citizens in the Russian Federation.

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Relevance of the subject of research is defined by that circumstance that now the problem of a legal status of foreign citizens becomes more and more acute as every year the number of migrants increases which is testified by the last statistical data.

Certainly, coming to the Russian Federation from the various countries of the world foreign citizens make a certain contribution to the solution of economic and social problems of our state. Inflow of migrants, to a certain degree, helps to fill gaps at job market, not demanded by the national human resources. However it is necessary to consider the fact that thousands of foreign citizens carry out labor activity in the territory of Russia illegally, without having the corresponding permission, thereby creating obvious threats to social stability and national security of Russia.

As a result there is an imperative need for scientific analysis of the problems connected with international legal and national legal regulation of position of foreign citizens in general and labor migrants in particular, to consider a problem of illegal migration and to offer ways of fighting against it.

The object of the research is the public relations developing in the sphere of legal regulation of position of foreign citizens in the Russian Federation.

The subject of the research is the specific problems connected with legal regulation of labor migration and the fight against violations in this sphere.

The purpose of the research is to consider the topical problems of a legal status of foreign citizens and labor migrants in the Russian Federation.

According to the research objective it is possible to formulate the following tasks:

- to cover theoretical framework of a legal status of foreigners, to analyse the contents of the various definitions used by the legislation of Russia and other countries for defining a legal status of foreign citizens and persons without citizenship;

- to establish features of a legal status of various categories of foreigners,
define criteria for distinguishing such categories;
- to carry out the analysis of international legal base in the sphere of regulation of legal status of foreigners;
- to consider types of the legal regimes provided to foreign citizens and stateless persons;
- to reveal the problems existing in the sphere of legal regulation of labor migration and suggestions for the solution of these problems.

Scientific novelty of the research lies in the fact that based on the analysis of the Russian legislation, the legislation of member states of the CIS, the international legal acts included in the Russian legal system, and such works of the Russian and foreign authors the legal content of such concepts as “foreign citizen”, “migrant worker” was investigated.

In this paper the legal mechanism of the admission of foreign labor to the Russian Federation based on the current legislation analysis in this area is investigated and specific proposals for its improvement are developed.

The following provisions and conclusions are to be defended:
1. Fixing of the universal term “foreigner” related to foreign citizens and stateless persons in international law is necessary.
2. In the Russian Federation it is reasonable to adopt the federal law regulating attraction and use in Russia of foreign labor, and also accession of the Russian Federation to the UN Convention “About protection of the rights of all migrant workers and members of their families” adopted in 1990.
3. To solve the problem of labor deficiency and fight against illegal migration, we consider it reasonable to introduce broader application of such punishments as the obligatory, corrective and forced hard labor provided by articles 49, 50 and 53.1 of the criminal code of the Russian Federation by article 3.13 (31.13) CODES OF THE RUSSIAN FEDERATION ON ADMINISTRATIVE OFFENCES.
4. Different countries as well as the international community as a whole need to develop special approaches to regulate legal status of the persons who aren’t citizens of the state of residence and who constantly live in its territory. It is considered the goal of such regulation is consecutive and effective fight against illegal migration, and also prevention of creation of “national and cultural enclaves”, formed on the territory of many modern megalopolises. Everything mentioned doesn’t at all mean that members of immigration communities have to be deprived of the right to preserve their language, culture and religion. They only need to adhere to certain models of social behavior which are based on traditions and culture of indigenous people of the country. Thus, special attention to problems of legal status of migrants should be paid in the modern international and internal law.