
Definition and Modern Particularities of the International Legal Status of Forced Migrants

Submitted 11/01/19, 1st revision 21/02/19, 2nd revision 29/03/19, accepted 25/05/19

Yastrebova A.Yu.¹

Abstract:

Purpose: *The paper examines issues the definition and the international legal backgrounds of the forced migrants' status regulation in the context of the approval of Global Compacts on Refugees and Migration. The principles established by current legal instruments to protect refugees and asylum-seekers, humanitarian law and human rights provisions are essential to form an international legal mechanism of the forced migration regulation.*

Design/Methodology/Approach: *For the purpose of defining the forced migrants' legal status, it seems necessary: first, to look through the contents of such international treaties as International Covenant on Civil and Political Rights of 1966, Convention Relating to the Status of Refugees of 1951, the IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949 and the relevant international legal documents of UNHCR; second, to formulate the basic rights and guarantees applicable to forced migrants; third, to identify the particular international legal approaches to both situations of a mass influx of migrants from the states where armed conflicts take place and the conditions of hostilities where forced migrants are considered as the protected persons under the IHL rules.*

Findings: *The author forms a set of basic rights and guarantees, which may supplement the UN Global Compact on Migration and the IV Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949. The legal recommendations proposed here could be implement by the international community in the above situations of forced migration.*

Practical implications: *The results are designed to improve the international legal standards of reception and resettlement of forced migrants in specific situations.*

Originality/Value: *The main contribution of the study is the formulating the author's position on definition and particularities of the international legal status of forced migrants, general and special principles of the involuntary migration legal regulation and some results of the scholarly discussion which takes place in the field.*

Keywords: *International legal status of forced migrants, refugees, asylum-seekers.*

JEL Codes: *K33, K37, K38.*

Paper Type: *Research paper in Special Issue dedicated to Russian Economy.*

Section 4: *Migration.*

¹Doctor of Science (Law), Associate Professor, Professor of International Law Chair
Diplomatic Academy of the Ministry of Foreign Affairs of the Russian Federation,
allayastrebova@mail.ru

1. Introduction

International legal status of various categories of migrants is defined by the particularities of the regulation of the international movement of persons and depends on the reason for such movements. This status is understood as a set of rights, freedoms, obligations and guarantees provided to these persons, special principles and standards of their treatment, as laid down by the international community. States have adopted differentiated regional and universal approaches towards the regulation of migration due to the specific nature of the regulation of forced and voluntary movement of persons.

Today the conditions for forced migration are closely inter-related with the existence of international and non-international armed conflicts, which lead to mass exodus, disorganized and often undocumented departure of people from their state of origin. It is argued that those are precisely the conditions to be taken into account by the international community for the purposes of: 1) the admission of potential refugees and asylum-seekers, as well as other categories of forced migrants in extreme cases of flight from armed conflict; 2) the protection of such persons in the territory of states, where an armed conflict is ongoing. The general term “forced migrants” applies here to persons, who left their country of nationality or residence and entered another country due to expulsive reasons, which are objectively out of their control. This term comprises refugees, asylum-seekers, beneficiaries of international protection (under EU Law), persons enjoying temporary protection or asylum, and any other categories as may be established in the national legislation of host States.

General rights and freedoms of foreigners, contained in the Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they live of 1985², have partially been incorporated by the States within the legal status of both voluntary and forced migrants. These, in particular, include the right to life and security of person, family, the right to freedom of thought, opinion, conscience and religion; the right to retain one’s own language, culture and traditions, the right to personal property and to leave the country of residence (Article 5 of the Declaration)³.

Prof. E.B. Ganiushkina notes that one of the main principles of the regulation of the status of foreign citizens is the power of each State to legislate the conditions of foreigners’ admission and stay within its territory (Ganiushkina, 2010, p. 72-73). In our view, the right to freedom of movement and the power of the State to prescribe

²See *Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they live*. Approved by the UNGA Res. 40/144 on 13 December 1985, http://www.un.org/ru/documents/decl_conv/declarations/not_nationals_rights.shtml

³The basis for the realization of these rights and freedoms is the national legislation of the host State and its international obligations towards foreign citizens and stateless persons. For more on the legal status of non-citizens see (Kovalev, 2013)

the order of admission and stay of foreign citizens and stateless persons in its territory are connected and closely interact. Prof. T.A. Prudnikova links the role of the State's regulation of the migration processes, inter alia, to the human rights guarantees and views the genesis of the freedom of movement as a separate element within the structure of such regulation (Prudnikova, 2015, p. 7-44). It appears that the admission of various categories of foreigners and stateless persons is linked both on the State's sovereignty and its existing international obligations, stemming from the applicable treaties.

Nonetheless, the content of the 1985 Declaration does not consider the specifics of the international legal status of separate categories of foreigners. Thus, the right of an individual to asylum, falling under the set of forced migrants' special rights, is separately defined by the appropriate international treaties and is viewed by Prof. L.N. Galenskaya as an opportunity to escape the jurisdiction of the state of origin, not envisaged in its own legislation (Galenskaya, 1968, p. 61).

2. The Directions of Scholarly Discussion on the General and Specific Principles to Regulate Migration

The principle of the freedom of movement, established by Article 12(2) and 12(3) of the International Covenant for Civil and Political Rights of 1966 is, as known, embodied in the right of a person to freely leave any country, including his (her) own, and in the prohibition to limit this right other than for the reasons of national security, public order or health and morals or rights and freedoms of other persons⁴. The unification of general and specific principles of international regulation of migration is highly debated in the modern legal doctrine.

According to Prof. E.V. Kiseleva, these principles include state sovereignty, freedom of movement, and international cooperation, describing the object of governance as internationally-regulated relations among states and other subjects of international law, which may be dealt with the crossing of state borders by persons (Kiseleva, 2017, p. 73-74). Prof. A.A. Tebryayev, talking about host states' fulfilment of the universally recognized human rights standards, notes that migrants, equipped with a certain set of rights and obligation must, in principle, retain them, after moving to another State (Tebryayev, 2017, p. 124). Prof. M.S. Volkova considers the principles governing the legal status of foreigners to be subsidiary to those of international human rights law, and adds the following to this list: the Receiving State's power to set the legal regime for foreigners in accordance with its international obligations; the obligation of foreigners to abide by the host State's laws and be held liable for any violations, the right of foreigners to enjoy a certain

⁴See *International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966*, <https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>

complex of rights and freedoms; the prohibition of mass deportation of foreigners; the right of foreigners to appeal to the state of origin for protection (Volkova 2011). In our opinion, as noted above, the abovementioned rights and obligations of foreigners are partially used to regulate the legal status of both voluntary and forced migrants. However, a proper formulation of the legal status of these categories requires special principles, which would consider the differences among the categories and their special features. The principles of international human rights law, such as the prohibition of discrimination and equal treatment, can also be applied as general foundations to safeguard the status of all types of foreigners (Klein, 2017).

The list of such principles was further expanded in the Report of the Special Rapporteur on the human rights of migrants, presented at the 63rd session of the UN General Assembly in 2013⁵, including such principles as non-discrimination, non-Refoulement, taking into account the best interests of the child and family unity (Paragraph 28). The draft UN Global Compact on refugees (dated June 2018) contains a separate clause, outlining the Guiding Principles, determining the meaning of the Compact, which include humanity and international solidarity, and seeks to operationalize the principles of burden- and responsibility-sharing, non-Refoulement⁶ and the fundamentals of the protection of civilians in international humanitarian law (Paragraph 5 (ii))⁷.

We consider it appropriate that in the future general and particular principles of the regulation of migration should be systemized and fixed in the addition to Global Compact for Migration (in particular, those reflecting the differences among the types of migration) and other international treaties on the movement of persons.

3. Institutional Grounds of the Admission of Forced Migrants to the EU

Contradictions, linked to the co-existence of the universal and regional governance of forced migration, have become especially visible in the context of the so-called “migration crisis”, pointed out by the European Union. Largely limiting approaches of Member-States towards the admission and receiving of nationals of the Middle Eastern and the Northern African States. The special nature of the modern admission of forced migrants to the EU is the combination of two approaches to the definition of the term “refugee”: the classic one, derived from the 1951 Refugee Convention

⁵See the Report of the Special Rapporteur on the human rights of migrants, François Crépeau, <https://www.ohchr.org/Documents/Issues/SRMigrants/A.HRC.26.35.pdf>

⁶This principle implies the prohibition of compulsory forcible and unfounded return of forced migrants to the country of origin, where they may face persecution and/or fear for their lives and personal safety

⁷The Global Compact on Refugees (draft as at 26 June 2018), <https://www.un.org/pga/72/wp-content/uploads/sites/51/2018/07/Global-Compact-on-Refugees.pdf>

(Paragraph A (2) of Article 1)⁸, and the one stemming from the institutional foundations of the EU law, as provided by the Dublin System for the consideration of asylum-application in the territories of Member States (Voynikov, 2017, p. 150-166; Grncharova, 2015, p. 191-199; Guilrt, Costello, Garlick & Moreno-Lax, 2015)⁹. On the one hand, the principle of the freedom of movement stipulated in Paragraphs 2 and 3 of Article 12 of the International Covenant for Civil and Political Rights of 1966 (the right to leave any country, including his own) is interpreted narrowly, whereas the institute of temporary protection in the territory of the EU in its current interpretation essentially boils down to the non-Refoulement and fundamental human rights and freedoms (Mole & Meredith, 2010; Ktistakis, 2015), with the identification of the country of first entry or a country, consenting to take in the migrants. On the other hand, the use of this institute does not ensure an effective procedure to recognize their permanent legal status of forced migrants and their free choice of the host country within the EU.

Since that the majority of forced migrants from the Middle East and Northern Africa (Syria, Yemen, Libya, Sudan, Eritrea etc.) leave their States due to prolonged armed conflicts and the lack of personal safety, it is impossible for them to acquire the refugee status as persons, fleeing persecution or the threat thereof. Apart from that, the proposals of the European Commission on the Reform of the Dublin Mechanism by distributing the asylum-seekers proportionally among the real capabilities of the EU Member States, which is rather consistent with the principle of burden-sharing, fixed in the Preamble of the 1951 Refugee Convention, was rejected by a number of States (Spain, Portugal, the Baltic States, Hungary, Poland, the Czech Republic and Slovakia) (Vimont, 2016, p. 13-14). Mandatory quotas for the admission of migrants never became an instrument of the EU migration policy. The main results of the EU Summit, which took place on 28-29 June 2018, are the arrangements, concerning the voluntary basis of the admission of forced migrants, the creation of the “unloading centers” for migrants outside the EU territory, the continuation of the financing of

⁸A refugee is a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. See Convention relating to the Status of Refugees. Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950, <https://www.unhcr.org/3b66c2aa10>

⁹See Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0604&from=en>

the EU Trust Fund for Africa and the collaboration with Turkey on the settlement of Syrians, the limitation of the movement of asylum-seekers within the EU¹⁰.

4. Temporary Asylum and Specific Rights of Forced Migrants

We understand the term “asylum” to mean the provision of protection to foreign or stateless persons in its territory by the host State, which manifests itself in the guarantee of non-Refoulement, the right to permanently or temporarily reside in the territory of the host State and the respect for fundamental human rights and freedoms. Apart from that, Conclusion N 22 (XXXII) Protection of Asylum-Seekers in Situations of Large-Scale Influx issued by the Executive Committee of the High Commissioner’s Programme (1981) remains relevant and provides for the protection of persons without an assigned legal status, to whom the host States must firstly guarantee the admission in their territory.

The International Organization for Migration voiced the position of universal intergovernmental organizations regarding the Host State’s duty to assess how well-founded a person’s fears are in the context of the general human rights climate in their State of origin, as well as in the light of their personal circumstances; at the same time the rules regarding non-Refoulement apply to all migrants, regardless of their eligibility for qualifying as a refugee (IML Information, 2014, p. 3). European legal scholars posit that asylum-seekers appeal to the international protection on the ground that they cannot be returned to their country of nationality or residence due to well-founded fear of being persecuted or being subjected to other forms of severe personal harm (Handbook, 2016, p. 43). The temporary provision of protection to such persons by the Host State operates as a legal alternative to acquiring a permanent refugee status and significantly simplifies the applicable recognition procedures.

The institute of temporary asylum, found in the federal legislation on refugees, was actively used by the Russian migration authority in 2014-2015 to admit Ukrainian citizens, fleeing from the territories affected by the armed conflict in the Donetsk and Lugansk People’s Republics. Additionally, the Government of Russia issued two decrees, introducing provisional rules for simplified temporary asylum and preliminary surveying of the applicants¹¹. These instruments sought to provide the

¹⁰European Council Meeting dated 28-29 June 2018,

<http://www.consilium.europa.eu/en/meetings/european-council/2018/06/28-29/>

¹¹See Provisional rules for the temporary granting of asylum to the Ukrainian citizens and stateless persons, permanently residing in the Ukrainian territory, arriving in the Russian territory to seek asylum, under a simplified procedure were adopted by the Governmental Decree of the Russian Federation “On the provision of temporary asylum to the Ukrainian citizens under a simplified procedure” dated 22 July 2014. No. 690, Collection of the Laws of the Russian Federation dated 28 July 2014. No. 30 (Part II). Article 4326; The Governmental Decree “On amending the rules for the granting of temporary asylum in Russia to Ukrainian citizens and stateless persons, permanently residing in Ukraine, arriving

most appropriate legal status for this category of persons, which also implied their registration and settlement with a view towards their voluntary return to the country of origin after the situation in the region has stabilized. Thus, the minimum set of rights, belonging to forced migrants is the following:

- the right to freedom of movement outside their State;
- the right to be admitted into the territory of another State to seek either temporary or permanent protection;
- the right to rely on the principle of non-Refoulement;
- the right to access to the recognition procedures of the legal status (refugee, the person, recognized as an asylum-holder or a person enjoying temporary asylum etc.);
- the right to unity/reunification of family;
- the right to enjoy basic human rights and freedoms within the host State (The economic, social and cultural rights, 2014);
- the right to relocate to a safe third state or to voluntarily return to the country of origin;
- guarantees of the prohibition of discrimination on whatever ground and the equality of treatment

5. Specific Features and Conditions Attached to the Realization of the International Legal Status of Forced Migrants in the Context of an Armed Conflict

In the conditions of armed conflicts international human rights law continues to apply simultaneously with the international humanitarian law. The status of refugees and asylum-holders gets significantly more complicated both in their capacity as civilians due to the dangers of hostilities and in their capacity as a special group. As recognized, the main refugee protection treaties were adopted by the States within the framework of the League of Nations after the establishment of the Nazi regime in Germany and its military occupation of the neighboring states on the eve of the Second World War (Convention, 1997; Ivanov, 1998; Bekyashev and Ivanov, 2015; Yastrebova 2014; Ivanov *et al.*, 2018).

The IV Geneva Convention of relative to the Protection of Civilian Persons in Time of War 1949¹² partially prescribes mechanisms for the protection of forced migrants. Article 4 of the Convention includes in the definition of “protected persons” those, who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the power hands of a Belligerent Party to the conflict or in

in Russia to seek asylum, under a simplified procedure” dated 29 October 2014 No. 1118 (amended on 8 August 2017), Collection of the Laws of Russian Federation dated 3 November 2014. No. 44. Article 6080; dated 21 August 2017. No. 34. Article 5275.

¹² See *The Geneva Conventions of August 12, 1949*, <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>

the power of Occupying State of which they are not nationals. By “protected persons” the Convention means separate categories of civilians, who are endowed with special rights due to their greater vulnerability during armed conflicts, as opposed to other persons (Aleshin, 2007; The Geneva Conventions, 1960). Article 13 of the Convention requires that States Parties extend, in the conditions of war conflict, the protection to the entire population without any discrimination based on race, nationality, religion or political convictions. The warring Parties are also mandated to abide by the principle of humanity towards migrants as non-combatants. At the same time, States have the liberty to choose any means of control over migrants within their jurisdiction, including internment (a temporary forced relocation of foreigners in specifically designated places in safe areas).

The IV Geneva Convention of 1949 does not contain a specific definition of the term “War migrants”, but rather uses the terms “refugees” and “foreigners” without any clarifications as to their origin. Article 44 covers the application of measures of control *vis-à-vis* refugees as *vis-à-vis* the people who do not, in fact, benefit from the protection of any government; treating refugees as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State is prohibited. Article 73 of Additional Protocol I of 1977 to the Geneva Conventions of 1949, relating to the protection of relating to the Protection of Victims of International Armed Conflicts¹³ provides that “persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons within the meaning of Parts I and III of the IV Geneva Convention of 1949, in all circumstances and without any adverse distinction”.

Article 70 (2) of the IV Geneva Convention of 1949 guarantees the protection of Nationals of the Occupying State who, before the outbreak of hostilities, have sought a refuge in the territory of the occupied State, from the deportation from the occupied territory. Such actions can only be taken as a response to offences committed prior to the start of the armed activities, for which the host state’s legislation prescribes extradition in peacetime. The requirement of applying the principle of non-Refoulment and the foundations of refugee law is linked to the special international legal status of such persons and the obligations of states under the 1951 Refugee Convention.

To preserve the humanitarian approach to the treatment of refugees even in the time of war, the protection mechanism is further intensified by Article 44 of the IV Geneva Convention of 1949: the status of a refugee cannot be revoked by any of the

¹³ See Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), of 8 June 1977, https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf

conflicting parties. In our view, international humanitarian law also prescribes that formal belonging to a certain nationality of one of the warring parties does not entail the termination of the refugee status. Part 4 of Article 45 of the IV Geneva Convention of 1949 states: “In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs”.

The real protection of refugees and asylum-holders in armed conflicts can be delegated to the Protecting Power or the International Committee of the Red Cross (ICRC). According to Paragraph 1 of Article 9 of the IV Geneva Convention of 1949, the primary duty of Protecting Powers is to safeguard the interests of the Parties to the conflict. Humanitarian functions of the ICRC envisaged in Article 10 and Paragraph 5 of Article 143 of the IV Geneva Convention of 1949 enable its delegates to protect forced migrants. If these persons are nationals of a third State, not party to the conflict, then appointing a Protecting Power would be appropriate. This would neutralize the risk of biased treatment of refugees and asylum-seekers. In any circumstances, forced migrants must be protected during armed conflicts. The above norms and principles can be further complemented by some Conclusions of the Executive Committee of the Office of the High Commissioner for Refugees, relating to the issues of forced migrant’s protection in the context of armed conflicts.

These, inter alia, include Conclusion No. 48 (XXXVIII) *Military or Armed Attacks on Refugee Camps and Settlements*, 1987¹⁴, where such acts were condemned as contrary to international law in general and to international humanitarian law. The Conclusion states that refugee camps and settlements are purely civil and humanitarian in nature and are, therefore, civilian objects, the attack on which is prohibited by the Hague and Geneva Law. On the other hand, refugee camps and settlements also have a duty to abide by the public order requirements of the host country and refrain from any activity, contrary to their civil and humanitarian character (Paragraph 4a). The application of the before mentioned international legal rules must also be considered during the creation of the so-called “safe zones” for temporary location of forced migrants, who found themselves in the situation of internal displacement. These places of internal displacement of the internally displaced people were organized in the context of the armed conflict in Syria; the Syrian authorities and the representatives of the Russian military have on multiple occasions stressed the necessity to undertake measures to safeguard the personal safety of citizens located in the area. The UNHCR EXCOM’s Conclusion No. 12 (XXIX) *Extraterritorial Effect of the Determination of Refugee Status*, 1978¹⁵

¹⁴*Conclusion No. 48 (XXXVIII) Military or Armed Attacks on Refugee Camps and Settlements, 1987. Conclusions on the International Protection of Refugees adopted by the Executive Committee of the UNHCR Programme. Geneva: UNHCR, 1990. P. 109–111.*

¹⁵*Conclusion No. 12 (XXIX) Extraterritorial Effect of the Determination of Refugee Status, 1978. Conclusions on the International Protection of Refugees, adopted by the Executive Committee of the UNHCR Programme. Geneva: UNHCR, 1990. P. 24–25.*

recommends that States Parties to the 1951 Refugee Convention and 1967 Protocol should recognize the continued validity of the status of refugee in all these states unless such persons fall under any terminating or excluding clauses. This is compatible with the content of Article 73 of the Additional Protocol I of 1977, according to which Persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons.

A principal issue of the international legal protection of forced migrants during armed conflict is the treatment by states of persons who found themselves in their territory as a result of an uncontrolled mass migration. The legal status of such migrants is hard to define in an expedited way, which is evident, for example, from the situation of the mass outflux of the population from Libya to neighboring Tunisia and other bordering African countries.

The procedures of recognition due to the inner instabilities are often not even conducted. The application of the fundamental principles of IHL, such as the principle of distinction between military and civilian objectives, the prohibition of reprisals towards civilians and civil objects, the possibility of conversion of civil objects to military ones, is further expanded by the specific situation of refugees and asylum-seekers. International instruments, developed by the United Nations High Commissioner for Refugees, are intended for the protection of these persons in places of internment, camps and settlements, and lay down uniform standards of their treatment. Article 4(1) of the International Covenant for Civil and Political Rights of 1966 provides that States Parties can undertake measures to deviate from their obligations only to the extent proportionate to the situation, provided such measures are not inconsistent with their other international obligations and are not discriminatory in nature. It is posited, that the universal 1951 Convention on the Status of Refugees and the Protocol Relating to the Status of Refugees of 1967 contain precisely this type of obligations.

Prof. I.A. Umnova points to the limitation of the freedom of movement in the situation of an armed conflict, which is preconditioned by the purposes of national security and defense, the need to protect civilians (Umnova, 2010, p. 155). Precisely, forced migration in the context of military activities presents a complex humanitarian issue. Thus, special rights of forced migrants, located in the territory of a state, in whose territory there is an armed conflict, present themselves as the following:

- The right to move within the territory of his (her) state (Ivanov, 2011; Yastrebova, 2012) and leave the territory of the state for the reasons of safety;
- The right to asylum, granted by other states on a temporary or permanent basis;

- The right to retain the legal status of a refugee and asylum-holder, where they were received prior to the start of the armed conflict and the application of the non-Refoulement;
- The right to unity/reunification of family;
- The right to enjoyment of basic human rights and freedoms in the host state;
- The right to enjoy the status of a protected person during armed conflict;
- The right to safe relocation to a third state, as guaranteed by the Protecting Power, UNHCR or ICRC, with special guarantees.

6. Conclusion

The thought-out balance of rights of states and freedoms of a person must be guaranteed by the international community to solve problems, arising from the movement or persons, taking place in the context of or caused by armed conflicts. It appears that simultaneous application of the rules of international humanitarian law and international human rights law reinforces the effect of the cumulative application of the protection standards for the protection of forced migrants.

Timeliness and effectiveness of their application, while considering the specific features and safety concerns of forced migrants, are a special legal mechanism, aimed at the protection of the civil population in the context of hostilities. It appears that situation-dictated approaches to regulating the status of forced migrants could be examined in order to complete the content of UN Compact for Migration, adopted by States in December 2018. The mentioned legal act is designed to set out the updated priorities of international community cooperation for admission and support of these persons needed special protection.

References:

- Aleshin, V.V. 2007. *International Law of Armed Conflicts*. Moscow, Yurlitinform.
- Bekyashev, D.K., Ivanov, D.V. 2015. *International Legal Regulation of Forced and Labor Migration: A Monograph*. Moscow, Prospect.
- Convention relating to the Status of Refugees: Its History, Contents and Interpretation: A Commentary of Nehemiah Robinson. 1997. Geneva, UNHCR.
- Galenskaya, L.N. 1968. *The Right of Asylum: International Legal Issues*. Moscow, International Relations.
- Ganiushkina, E.B. 2010. Conditions for the Entry of Foreigners into the State. *Law: Journal of the Higher School of Economics*, 4, 72–84.
- Grncharova, Yu.N. 2015. Application of Right for Asylum in the European Union. *Bulletin of Omsk University. Law Series*, 3, 191–199.
- Guilt, E., Costello, C., Garlick, M., Moreno-Lax V. 2015. *Enhancing the Common European Asylum System and Alternatives to Dublin*. CEPS Paper in Liberty and Security in Europe, 83.
- Handbook on European Law relating to Asylum, Borders and Immigration. 2016. Luxembourg, Publications Office of the EU.

- IML Information Note on the principle of Non-Refoulement. International Migration Law Unit. 2014. Geneva, IOM.
- Ivanov, D.V. 1998. International System of the Refugees' Protection. *Moscow Journal of International Law*, 3, 141-159.
- Ivanov, D.V. 2011. International Cooperation of States in the Field of Protecting the Rights of Internally Displaced Persons. *Moscow Journal of International Law*, 1, 15–30.
- Ivanov, D.V., Krylov A.V., Morozov, V.M., Pechatnov, V.O., Sklyarov, S.A., Shebalina, E.O. 2018. "Conscience of the World" or "Conspiracy of Silence"? To the Anniversaries of the Évian and Bermuda Conferences. *MGIMO Review of International Relations*, 4, 125-152.
- Kiseleva, E.V. 2017. *International Legal Regulation of Migration*. Moscow, Yurayt.
- Klein, E. 2017. *The Future of International Human Rights Law. The Future of International Law*. Ed. by K.A. Bekyashev. Moscow, Prospect.
- Kovalev, A.A. 2013. *International Protection of Human Rights*. Moscow, Statut.
- Ktistakis, Y. 2015. *Protecting migrants under the European Convention on Human Rights and the European Social Charter*. Strasbourg: Council of Europe.
- Mole, N., Meredith, C. 2010. *Asylum and the European Convention on Human Rights*. Strasbourg, Council of Europe Publishing.
- Prudnikova, T.A. 2005. *Administrative and legal regulation of migration processes. Modernity and Prospects: A Monograph*. Moscow, UNITY-DANA.
- Tebryayev, A.A. 2017. Some of the Issues of Labor Migration in the Context of Relations of Succession in the EAEU. *Eurasian Law Journal*, 2, 123-124.
- The economic, social and cultural rights of migrants in an irregular situation. 2014. New York, Geneva, United Nations.
- The Geneva Conventions of 12 August 1949: published under the general editorship of J.S. Pictet, Vol. IV, 1960. Geneva, ICRC.
- Umnova, I.A. 2010. *The Law of Peace: A Course of Lectures*. Moscow, Eksmo.
- Vimont, P. 2016. *Migration in Europe: Bridging the Solidarity Gap*. Brussels, Carnegie Europe.
- Volkova, M.S. 2011. Peculiarities of international procedural norms of inter-branch institution of diplomatic protection of foreign citizens abroad in modern international law. *Russian Juridical Journal*, 3, 124-133.
- Voynikov, V.V. 2017. Reform of European Union asylum legislation as a response to the migration crisis in Europe. *Proceedings of the Institute of State and Law RAS*, 12 (5), 150–166.
- Yastrebova, A.Yu. 2012. The International Legal and the Constitutional Mechanisms of Protection of Internally Displaced Persons: Correlation and Prospects. *Bulletin of the Moscow City Pedagogical University. Legal Studies Series*, (1), 14–22.
- Yastrebova, A.Yu. 2014. *International Legal Mechanisms for Regulating Migration: Doctrinal Approaches and Experience of the Russian Federation: A Monograph*. Moscow, VAKO.