

N. Tsekalova
Postgraduate Student,
Department of Administrative Law,
Law Faculty,
Taras Shevchenko National University of Kyiv

INDIVIDUAL SUBJECTS OF LEGAL RELATIONS CONCERNING MIGRATION

Subject composition of legal relations concerning migration is peculiar to public relations, because on the one hand the participants always are such individual subjects as migrants (citizens, foreign citizens and stateless persons); on the other hand the public authorities, which have powers of authority. Given the nature of legal relations concerning migration and the possibility of participation of a wide range of subjects in these relations, it is impossible to describe each of them within this article. Therefore, we propose to focus on individual subjects.

Within this article we consider such individual subjects of legal relations concerning migration as: refugees, persons who need additional protection, persons who need temporary protection.

The author draws attention to conditions that enable the recognition of a person as a refugee, and concludes that the absence of at least one of them completely eliminates it. These conditions are: absence of Ukrainian citizenship;

intend to be recognized as a refugee in Ukraine outside the country of person's nationality; presence of circumstances that led to the forced departure from the country of his/her nationality; inability or unwillingness to use the protection of the country of his/her nationality.

Separately the author considered that "new category of migrants", based on the conditions defined in the Convention relating to the Status of Refugees of 1951, can not be classified as refugees or persons in need of additional protection. In particular, the analysis of the terms "immigrants", "forced migrants" or "internally displaced persons" is carried out.

The author concludes that migration is understood only as moving outside the country of one's nationality (external spatial displacement), which is why migrants should be understood as foreign citizens and stateless persons. This statement means the inability to consider in the plane of legal sciences of the type of immigrants legal status of which would remain unchanged.