

Legal “decisions” in the field of regulating migration processes in the early years of the Soviet power

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Abstract. The article deals with legal policy issues in the area of regulation of migration processes in the early years of Soviet power. And it also defines the main directions of legislative activity in this area. Our research results can be used for creating better migration policies, especially with respect to cross-border areas and the countries of the former Soviet Union.

Keywords: migration processes, migration policy, emigrants, government

1. Introduction

Migration processes are an indicator of the stability and well-being of the social, economic, political spheres of any state, which is sharply reacting to any negative changes. Periods of crises and revolutions are indicated by an increase in the number of emigrants and a change in the migration policy.

In the first years of Soviet power, the government was confronted, first, with the need to control migration processes and, second, with the need to create a regulatory framework for them. They demanded legal registration of the status of foreigners who came to the RSFSR and emigrated “elements.” The politically unstable situation implied enhanced control over migration processes (labor, political migration), which resulted in the preparation and publication of a whole system of regulatory documents and circulars in the sphere of migration issues.

2. Materials and Methods

The methodological basis of the study is represented by a set of principles and methods of modern scientific knowledge, which made it possible to study the legal nature of the process of regulating migration processes in the first years of the Soviet power. The basis of the historical and legal research is based on the methodological principles of dialectics and historicism, which make it possible to identify the dynamics of the development of legislation and organizational processes of the formation of migration policy.

The article uses archival materials and regulatory sources in the field of relations under consideration (decrees, regulations, and decrees).

3. Results

A legal registration of migration issues was initiated with the Decree of the All-Russian Central Executive Committee of April 1, 1918 “On the acquisition of Russian citizenship” [1].

This document greatly simplified the entry of foreigners into Soviet citizenship. However, quite soon, in practice, many deficiencies in the act and gaps in the regulation of the acquisition of Soviet citizenship for foreigners were revealed. These reasons led to the adoption by the Council of People's Commissars of the RSFSR in addition to the decree of the All-Russian Central Executive Committee of April 1, 1918 of a new decree "On the Acceptance of Foreigners in Russian Citizenship" of August 22, 1921 [2]. The decree regulated the above issues in detail, solving many problems caused by the imperfection of the 1918 decree.

If the situation with foreign citizens was regulated by the law, then the issue of citizens who migrated abroad was still acute.

After the October Revolution, there were many Russian citizens abroad who had left there at different times and were not going to return to Soviet Russia. In addition, after the events of October 1917, a large number of people hostile to the Soviet regime fled abroad. They tried to organize their forces and use them against the Soviet regime. All these persons, living abroad for a long time and not receiving Soviet documents or not registering at the established time in the foreign representative offices of the RSFSR, in the opinion of the Soviet government, actually broke off ties with Russia. That is why, the question arose of depriving them of their citizenship, which was decided by a decree of the Council of People's Commissars of October 28, 1921 "On the deprivation of the rights of citizenship of some categories of persons abroad" [3].

The provision on union citizenship of October 29, 1924 [6] resolved a number of specific issues, such as: (a) who is recognized as a citizen of the USSR when the Soviet citizens enter into marriage with foreigners; (b) on the citizenship of children when parents change their citizenship; (c) on the acceptance of foreigners in the citizenship of the USSR; (d) on restoration of citizenship; (e) on loss of citizenship [7]. So, Art. 12 ("Law on Citizenship") identify the following individuals to be deprived of the USSR citizenship:

- a) Persons deprived of citizenship by the law of the republic, which is part of the USSR, issued before December 6, 1923, or by the law of the USSR.
- b) Persons who have left the country without permission of the authorities of the republic, which is part of the USSR or the USSR, and who have not returned back at the request of the government.
- c) Persons who have lost their citizenship according to a court decision.
- d) Persons who left Soviet citizenship according to the rules established by law.
- e) Persons who obtained foreign citizenship on the basis of an agreement concluded between the USSR and this foreign state.

Other important issues were also addressed. During this period, a decree of the All-Russian Central Executive Committee of March 16, 1925, "On the Granting of the Central Executive Committee of the Karelian Republic of Personal Amnesty Rights to the Karelian refugees in Finland" was issued [4]; Decree of the All-Russian Central Executive Committee of June 2, 1924 "On Approval of the Yakut Amnesty Applicable to Yakut emigrants in China." The amnesty was executed on May 1, 1924 [8].

On April 5, 1924, the Central Executive Committee of the Autonomous Republic of the "Volga Germans" signed an amnesty to emigrants from the Volga Germans, who showed loyalty to the Soviet regime. These amnesties restored the Soviet citizenship.

January 13, 1925, the Decree of the Central Executive Committee and the Council of People's Commissars of the USSR, the citizenship of the USSR was deprived from:

- a) Persons who did not use the amnesty for ordinary soldiers of the White Army and participants in counter-revolutionary uprisings;
- b) Persons who were not registered on time are abroad, former prisoners of war and interned by the Tsar and Red Army.

4. Discussion

It should be noted that in spite of the difficult political and economic situation, the issue of labor migration of foreign citizens was being studied in parallel. One of the numerous examples is the Resolution of the Council of Labor and Defense of the RSFSR “On American Industrial Emigration” dated July 22, 1921 [5]. Thus, the new government not only exercised control over the labor migration, but also manifested itself in the progressive development of industry, relying primarily on the positive experience of other states.

Great political difficulties were associated with the “white” Russians, who became immigrants. Often there were facts when Russian emigrants living in the Manchurian empire passed either into the Soviet or into some other foreign citizenship. This occurred, according to some authors [9], for a number of various reasons. For instance, when a Russian emigrant once and for all abandoned his anti-Soviet view and agreed with the existence of the Soviet government. Or if someone wanted to get under the patronage of the Soviet government [9].

5. Conclusion

In the first years of the Soviet regime, the legislative system defined three main directions for the regulatory regulation of migration processes:

- The first direction was immigration;
- The second direction was emigration and re-emigration;
- The third direction was the regulation of labor migration.

The first decrees and orders had a number of flaws, contained gaps and were sometimes contradictory and unsystematic in nature, but the legislative policy was aimed at the prompt elimination of the flaws. A characteristic feature of the migration legislation of the period under review was the presence of a clear ideological component. All normative documents emphasized the right of citizens of the new state for the severe responsibility for “fugitives.” In our opinion, the identified features could be considered in the development of effective migration policies with respect to cross-border cooperation.

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