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IMPACT OF TRAVEL RESTRICTIONS RELATED TO THE COVID-19 PANDEMIC ON MIGRATION FLOWS BETWEEN UKRAINE AND SAUDI ARABIA

As a result of the COVID-19 pandemic, many countries and regions have imposed quarantines, entry bans, or other restrictions for citizens of or recent travelers to the most affected areas [1]. With measures introduced by governments to ‘flatten the curve’ of infections, the COVID-19 pandemic is already greatly impacting mobility and migration. Travel restrictions are passed to contain the virus, including by prohibiting entry of residents from other countries, and some countries have closed their borders entirely. Labour migration has been temporarily suspended in some countries while, in others, migration processing and assistance to asylum seekers are being slowed down. Generally, the adopted restrictions have unambiguously influenced all types of migration flows between countries, such as tourism, employment, study, private visits, pilgrimage, work visits, etc.

Saudi Arabia introduced some of the most stringent preventive measures in the world, which were aimed at preventing a large spread of the coronavirus in the country. At the beginning of a pandemic, all international flights was suspended, except in exceptional cases, for a period of two weeks, as of 15 March 2020. The Saudi Ministry of Foreign Affairs recently issued a statement announcing that all religious visits (Umrah) to the sacred Muslim sites of Mecca and Medina have to be cancelled or postponed for the time being. In

fact, the borders in Saudi Arabia remained permanently fully closed until September 15, 2020, and some restrictions remain in effect to this day. So, for example, all citizens of the Kingdom have the right to leave the country only if there is a special permit received from the competent authorities, which is issued in very rare and really significant cases. Entry visas are also issued only in exceptional cases. The issuance of electronic visas has been suspended until the entry restrictions are completely lifted.

This period is marked by an almost complete suspension of migration processes. During the period of the rapid spread of coronavirus in the country, orders of the King and decisions of the government introduced command hours, bans on movement between provinces, cities, as well as within cities and even urban areas.

Due to the lack of opportunities to leave the country, some foreigners have expired their visas. From the point of view of migration policy and legislation in the field of migration, most countries consider that the presence of a foreigner on its territory without a legal basis is an offense that entails administrative or criminal responsibility, as well as forced deportation. The situation with the COVID-19 pandemic has forced a number of states, including Saudi Arabia and Ukraine, to revise legislation in the field of migration, as well as to urgently adopt decrees and resolutions in order to regulate the status of a foreigner who exceeds the period of permitted stay in the country for reasons beyond his control. For example, during the absence of regular road, sea and air communications, the State Migration Service of the Kingdom of Saudi Arabia (Jawazat) announced that all tourist visas will be extended for 3 months without fee [3]. In conditions where national legislation cannot be applied due to the weighty nature of the reason, decisions regarding migration processes were made at the highest level. So, on July 2020 Custodian of the Two Holy Mosques King Salman has approved the extension of the validity of the expired iqama (residency permit) and exit and reentry visas of expatriates who are outside the Kingdom for a period of three months without any fee. The beneficiaries of the King's order included all expatriates who were outside the Kingdom on exit and reentry visas, which expired during the lockdown period and after lifting of the lockdown [4]. Despite the very low incidence rates of COVID-19 in the country and the massive vaccination campaign launched a month ago, The General Authority of Civil Aviation (GACA) has informed all airlines operating in the Kingdom's airports that the suspension of international flights will be lifted completely and the Saudi airports will be fully operational from 31 March 2021 onwards [5].

Compared to Saudi Arabia, in Ukraine the most severe restrictions were in effect from March 17, 2020 to June 12, 2020 according to which checkpoints across the state border for the international passenger railway, air, automobile (for buses) service were closed [6]. Also, in view of the growing number of new COVID-19 cases in Ukraine, the Government has made a decision to impose

temporary restrictions on the entry of foreigners and stateless persons to Ukraine from 00:00, August 28 until 00:00, September 28, 2020 [7]. At the same time, the entry restrictions do not apply to some categories of persons as first degree relatives of citizens of Ukraine; those with an official valid work permit for Ukraine; those arriving in Ukraine to study; those having a temporary or permanent residency permit for Ukraine and other categories of persons defined by the Resolution of the Cabinet of Ministers of July 22, 2020 №641 "On the introduction of quarantine and the stepping up anti-epidemic measures in the area with a significant spread of acute respiratory disease COVID-19 caused by coronavirus SARS -CoV-2". Most of these categories of people was required to have proof of insurance covering possible costs of COVID-19 treatment and observation (issued by an insurance company with an office in Ukraine). Following the lifting of restrictions on the entry of foreigners into Ukraine, this requirement for an insurance policy remained mandatory.

As in Saudi Arabia, the issue of legislative settlement of the migration issue under current restrictions has become acute in Ukraine. Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Aimed at Preventing and Exacerbating Coronavirus Disease (COVID-19)" provided that in connection with the introduction of quarantine to foreigners and stateless persons who could not leave Ukraine or could not apply to the territorial bodies/units of the State Migration Service of Ukraine with a request to extend the stay in Ukraine and / or exchange of a certificate of temporary/permanent residence in connection with the introduction of quarantine, no administrative liability is applied for violations of the legislation on the legal status of foreigners and stateless persons, if such violations occurred during or as a result of quarantine [8].

Thus, the COVID-19 pandemic had a direct impact on the state regulatory policy in the field of migration in most countries of the world, including Ukraine and Saudi Arabia. Closure of borders, lack of scheduled flights, anti-epidemic and other restrictions within countries have led to a sharp decrease in resumed migration flows between two countries. The period of border closure not only affected the cessation of potential migration flows, but also created a phenomenon when own citizens could not return to their country, and foreigners could not return to their homeland. In Saudi Arabia, any migration process has virtually been suspended, in part due to a ban on the vast majority of its own citizens traveling abroad, even after the borders have been opened. The situation around the COVID-19 pandemic posed new challenges to state legislatures, as well as to migration and border services, the Ministry of Health, the Ministry of Foreign Affairs and diplomatic missions abroad.

It is considered appropriate, taking into account the experience gained by the state in responding to the spread of COVID-19, analyzing the legislative changes introduced by countries as a matter of urgency, develop legislation that

would provide clear mechanisms for regulating migration processes and determine migration policy, including visa policy for epidemics, pandemics and other situations or emergencies, defining criteria for assessing hazard levels and appropriate regulatory measures.

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МЕЖДУНАРОДНЫЕ СТАНДАРТЫ В ОБЛАСТИ ПРАВ МИГРАНТОВ

Миграция является всеобъемлющим явлением, в связи с этим принятие решений и мер должно носить глобальный, международный, характер, направленный на спасение жизней, защиту прав человека и справедливое распределение ответственности на глобальном уровне [3].

По определению Международной организации по миграции, мигрантом является любое лицо, которое перемещается или уже переместилось через международную границу или внутри государства и покинуло место своего обычного жительства независимо от 1) юридического статуса лица; 2) добровольного или недобровольного характера перемещения; 3) причин перемещения; 4) продолжительности пребывания [3].

В Соглашении о сотрудничестве государств–участников СНГ в борьбе с незаконной миграцией 1998 г. незаконные мигранты определены как «граждане третьих государств и лица без гражданства, нарушившие правила въезда, выезда, пребывания или транзитного проезда через территории Сторон, а также граждане Сторон, нарушившие правила