

Торайғыров университетінің
ҒЫЛЫМИ ЖУРНАЛЫ

НАУЧНЫЙ ЖУРНАЛ
Торайғыров университета

**ТОРАЙҒЫРОВ
УНИВЕРСИТЕТІНІҢ
ХАБАРШЫСЫ**

ЗАҢ СЕРИЯСЫ
2022 ЖЫЛДАН БАСТАП ШЫҒАДЫ



**ВЕСТНИК
ТОРАЙҒЫРОВ
УНИВЕРСИТЕТА**

ЮРИДИЧЕСКАЯ СЕРИЯ
ИЗДАЕТСЯ С 2022 ГОДА

ISSN 2958-8618

№ 4 (2023)

Павлодар

НАУЧНЫЙ ЖУРНАЛ
Торайгыров университета

Юридическая серия
выходит 4 раза в год

СВИДЕТЕЛЬСТВО

о постановке на переучет периодического печатного издания,
информационного агентства и сетевого издания

№ KZ90VPY00046812

выдано

Министерством информации и коммуникаций
Республики Казахстан

Тематическая направленность

публикация результатов научных исследований, актуальных проблем
в области права, привлечение внимания к перспективным
и актуальным направлениям юридической науки

Подписной индекс – 76199

<https://doi.org/10.48081/TOIE1676>

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SRSTI 325.1.3

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*e-mail: 480609@mail.ru**LABOR MIGRATION: A VIEW FROM KAZAKHSTAN**

Today, Kazakhstan has a comprehensive system for attracting foreign labor force. There is a quota system for skilled foreign labor and labor immigrants and a multi-stage system for issuing work permits. Nevertheless, a number of problems remain in the management of labor migration that need to be addressed: the system for attracting labor migrants to Kazakhstan is not associated with the management of other migration flows; there is no mechanism for determining the demand for skilled foreign labor in regional labor markets; the system of recording the movement of labor migrants and determining the effectiveness of its use is not perfect; there is an outflow of qualified workers from various fields of activity and there is no mechanism for retaining highly qualified specialists in the country; illegal labor migration persists. The study substantiates individual proposals for the formation of a comprehensive mechanism for regulating labor migration.

Keywords: migration, labor migrant, employment, social protection, labor market, Kazakhstan.

Introduction

Issues of migration policy occupy an important place in the modern economy of Kazakhstan. In the history of the existence of our country as an independent state, three main periods in the development of migration policy and relevant legislation can be distinguished.

The first period [1991–2000], the beginning of which is characterized by the deterioration of the socio-economic situation in the country, due to the change in the administrative regime and the collapse of the USSR. During this period, the demographic profile of the country changed significantly; under the influence of migration processes, there was a sharp decrease in the country's population from 16.5 million people in 1991 to 14.8 million people in 2000, a decrease in the birth rate, and an increase in the death rate [Kazakhstan, 2022].

The migration state policy of this period was focused on the repatriation of ethnic Kazakhs, which was reflected in the legislative acts on the regulation of migration processes: in 1995, the State Program for Supporting the Kazakh Diaspora was adopted, and in 1997 – the first Law of the Republic of Kazakhstan «On Population Migration»; the Migration Agency was created and demography; in 1993, the first annual quota of immigration of Kazakhs was established [10 thousand families or 40 thousand people]; in 1998, the Concept of repatriation of ethnic Kazakhs to their historical homeland was adopted.

The second period [2001–2010] is characterized by economic growth, dynamic socio-political transformations, and reforms.

State programs were implemented purposefully focused on supporting motherhood and childhood, poverty reduction, targeted social assistance to low-income families, and the repatriation of ethnic Kazakhs had a positive impact on the demographic indicators of the country.

During this period, the population reached 16.4 million people, the mortality rate significantly decreased, and the number of ethnic Kazakhs who arrived in the country amounted to about 1 million people.

For the first time since 2004, there was a positive balance in all migration flows, which by 2006 had reached +33.0 thousand people, and it remained until the end of the period.

During this period, there could be observed an increase in the country's attractiveness for foreign specialists; the maximum influx of legal labor migrants [58.8 thousand people] into the country was recorded in 2007. There is also a revival of internal migration, the number of its participants exceeded 300 thousand people. due to the flow of the rural population to large cities and to the new capital. At the same time, the massive influx of the country's population to large cities and the voluntary resettlement of Kazakhs returning from abroad in the southern regions of Kazakhstan exacerbated the problem of demographic imbalance in the country.

The third period [2011–2022] outlined the characteristic conditions of globalization, the dominant influence of external social and socio-economic factors, under the impact of which the ethnic repatriation rates decreased, and the outflow of qualified personnel increased.

In 2012, for the first time after the crisis of the 1990s, a negative balance of migration [-1.4 thousand people] was formed in the country, which subsequently had an increasing trend both in absolute terms and in relation to the total population of the country. In general, during the period from 2011 to 2022, 367.1 thousand people left for permanent residence abroad, mostly of working age, with higher [38 %] and/or technical vocational [34 %] education. In 2019-2020 alone, 74.3 thousand people left the country for permanent residence abroad, of which

90 % went to the countries of the Commonwealth of Independent States, okl find employment or repatriate to their historical homeland [1, p. 514].

The dynamics of migration flows in recent years show an increase in the number of emigrants with higher education and a decrease in the counter influx of highly educated immigrants into the country: over 10 years, the number of people with higher education who entered the country has more than halved and amounted to 1.9 thousand people in 2020.

The ongoing migration processes identified the problem of the need to develop «human capital», and state policy was formed to influence the modernization of the country through its prism. In this context, in 2011, a new Law of the Republic of Kazakhstan «On Population Migration» was adopted. The mechanism for attracting foreign labor was brought into line with international standards, a simplified procedure for obtaining work permits for highly qualified specialists was introduced, and the principle of free movement of employees for transnational corporations was introduced. Conditions were also regulated to ensure the proportion of Kazakhstani and foreign specialists, and guarantees of the principle of equal remuneration for work of equal value without any discrimination were introduced.

The quota system was reoriented to a sectoral format, and a differentiated rate of fees was introduced for attracting foreign labor, depending on the category of workers and the branch of economic activity.

Measures were taken to regulate the flow of migration from the countries of the Eurasian Economic Union. As part of these measures, more than 1,618.9 thousand permits were issued to labor migrants from countries with a visa-free regime to carry out labor activities, while they paid individual income tax of more than 29.9 billion tenge to the budget of the Republic of Kazakhstan.

Measures to address problems within the regional disproportion in the population's resettlement were specified in the framework of employment programs implemented from 2011 to 2021. During the period 2017–2020, within the framework of these programs, about 32 thousand people were resettled to the northern, central, and eastern regions of Kazakhstan, half of them were people of working age [2].

The review shows the constant attention and relevance for the state of the problems of labor migration, however, the political and legal development of this area did not allow solving both traditional and new issues in this area inherent in Kazakhstani reality. Several problems remain in the management of labor migration:

– the system of attracting labor migrants to the Republic of Kazakhstan is not associated with the management of other migration flows;

- there is no mechanism for determining the demand for skilled foreign labor in the regional labor markets;
- the system of recording the movement of labor migrants and determining the effectiveness of its use is not perfect;
- there is an outflow of qualified workers from various fields of activity, and there is no mechanism for retaining so-called «talents» in the country;
- illegal labor migration persists.

The COVID-19 pandemic and the associated restrictions on the movement of people and on cross-border transport, which were introduced in 2020, reduced migration flows almost everywhere in the world for a long time. COVID-19 has seriously limited business activity movement within the country [within the region] and led to the loss of jobs, a decrease in the incomes of the population, and internal interregional migration flows. COVID-19 highlighted that widely accepted norms previously considered to be cornerstones of international mobility were quickly set aside in the face of the pandemic. The pandemic also pointed to pervasive inequalities deeply rooted in modern-day societies around the world, while also demonstrating that migrant workers and diaspora are frontline workers not only in essential occupations but also as agents of global human development as remitters [McAuliffe et al., 2022].

The prerequisites for the development of this study are the problems of legal regulation of labor migration, as well as the problems of counteracting the negative consequences of labor migration, among which are the following: illegal migration, forced labor, and human trafficking [3].

After the collapse of the USSR, having embarked on the path of their sovereign development, the post-Soviet states are pragmatically looking for the most acceptable ways to benefit from the globalization in which they are involved. Having become open to the rest of the world, the post-Soviet space remains closely interconnected in the economic and social context. One of the problems that have arisen in the post-Soviet territories is the problem of migration, including labor migration, as well as the problems of its legal regulation, both within the framework of national legislation and within the framework of adopted international legal acts [4, p. 37].

It should be noted that the problem of labor migration and the rights of migrants is typical and relevant at present for the entire world community participating in the processes of globalization and economic integration. Globally, international experts estimate that there are 258 million international migrants [5]. According to the latest current global estimates, there were about 281 million international migrants in the world in 2020, representing 3.6 percent of the world's population [McAuliffe, & Triandafyllidou, 2022].

Both historically and currently, migration is determined by the economy. One of Ravenstein's famous laws of migration was formulated as follows: «The main causes of migration are economic» [6]. The number of migrants in the labor force worldwide has tripled in the past decade, and the remittances they send home to lower- and middle-income countries outpace foreign aid. Money migrants send home from their host countries has exceeded foreign direct investment and overseas development assistance, according to World Bank estimates [3].

According to experts of the UN Economic and Social Commission for Asia and the Pacific [UN ESCAP], labor migration is dynamic and constantly growing. Fluctuating economic growth, deepening regional integration, and growing wealth disparities both within and between countries provide strong incentives for workers to move across borders [2].

Today, on the agenda of the world community are the issues of legalizing the labor activity of migrants, protecting their legal rights, and forming a legal framework in the field of pension and social security for labor migrants. Worldwide, migrant workers number nearly 170 million, according to the latest International Labor Organization estimates, more than three times as many as the 53 million foreign workers in 2010. Unlike the total number of all migrants, which has remained relatively steady when compared to the world's population, foreign-born workers play a growing role in the labor force. Migrants make up an estimated 5 percent of the global workforce today, compared to less than 2 percent in 2010. But while the global economy continues to rely heavily on migrant workers, people continue to face terrible risks when they cannot access legal pathways in their search for better opportunities [3].

In modern conditions, Kazakhstan is faced with a number of important, previously little-known problems that have now become topical. The “openness of borders” and the lack of proper regulatory regulation of the labor of migrants have led to a significant increase in violations of migration laws, as well as facts of forced labor and human trafficking, especially in the environment of labor migrants. Currently, labor migration in Kazakhstan is quite spontaneous, and uncontrolled labor migration will contribute to the growth of such criminal manifestations as illegal migration, human trafficking, the growth of mercenary and violent crime of migrants, etc.

At the same time, it should be noted that illegal migrants played a significant role in the tragic events, acts of terrorism, and riots that took place in Kazakhstan in January 2021 [Radio Azattyk, 2022].

In addition, in recent months, the Republic of Kazakhstan has faced a relatively new type of migration itself - forced migration, which includes a significant part of labor migrants in the most sought-after professions. So, in

particular, in connection with the military conflict on the territory of Ukraine, and the economic and political sanctions announced by the United States, the states of the European Union, and other countries against the Russian Federation, a large flow of so-called forced migrants rushed to Kazakhstan, and there was a significant proportion of highly qualified specialists among them. It should be noted that if earlier mainly migrants from Tajikistan, Kyrgyzstan, and Uzbekistan entered the territory of Kazakhstan, then due to recent events in Ukraine, the influx of migrants – citizens of Ukraine and the Russian Federation – has significantly increased in the territory of the Republic of Kazakhstan [365info.kz, 2022; Forbs Kazakhstan, 2022; Tengrinews, 2022].

At the same time, it is becoming more and more obvious that these types of migrants largely intersect, and the concept of “mixed migration flows”, which is currently recognized by the UN High Military Commissioner for Refugees, as well as other subjects of international law, is very important, from the point of view of protection of human rights, and is also conceptual for researchers [5].

Studies of irregular population movement indicate that illegal migration for labor and other purposes is growing all over the world, including from Asian countries, which requires attention from regional politicians. In recent decades, there has also been an increase in the criminalization of migration in a lucrative form of human capital – human trafficking [6].

At present, there are no special comprehensive studies in Kazakhstan devoted to the study of the legal regulation of labor migration and counteracting its negative consequences. There are some works [7, p. 58], which are devoted to certain aspects related to the problems of population migration in Kazakhstan. These scientific sources contain the results of research on specific issues related to the legal regulation of migration processes in Kazakhstan and beyond. A study of the problems related to the political and legal problems of regulating labor migration in our country has not been conducted.

In conducting this study, we relied on the results of studies by foreign scientists devoted to the study of general issues related to migration processes [Ivakhnyuk, 2006; Korobkov, 2007; Anukoonwattaka & Heal, 2014; Cadier, 2014; Latham-Sprinkle et al., 2019], as well as illegal and forced migration abroad [Curley, 2004; Koser, 2005; Bank, 2014; Hartwell, 2016; King & Collyer, 2016; Kirillova et al., 2016; Kraly & Abbasi-Shavazi, 2017; Reed, 2018; Yousaf, 2018; Kreichauf, 2021]. The currently available studies of foreign scientists [Barsbai et al., 2017; Anonymous Reference 5, 2022; Khalaf, 2015; Ruhs, 2015; O’reilly, 2017; Cohen, 2016] are devoted to the study of general issues of integration processes, the problems of legal support of mechanisms realization of labor rights, performance by the state of a social function concerning labor migrants. The

presented research results were used by the authors in preparing the conclusions of this manuscript regarding the regulation of labor migration in Kazakhstan.

Materials and methods. The methodological basis of the study was the traditional general scientific and special legal methods used in comparative law: system-structural, historical-legal, sociological-legal, and comparative-legal.

The system-structural method made it possible to form a holistic view of labor migration as a social phenomenon, as well as to identify the multiplicity of connections of its components and bring them into a single theoretical system. For this, the main social and legal factors that cause the imperfection of the legal regulation of labor migration and the negative consequences associated with this were studied.

The use of historical and legal analysis was due to the need to study the history of the formation and development of labor migration as a social phenomenon, as well as the negative consequences of its insufficient legal regulation. In addition, the use of the historical and legal research method made it possible to identify the characteristic features of the shortcomings in the protection of the social and labor rights of migrants in Kazakhstan and citizens of the Republic of Kazakhstan abroad in a historical retrospective.

The comparative legal method made it possible to analyze foreign experience in the legal regulation of labor migration, as well as to study the features of the implementation and protection of the rights of labor migrants and compare it with the practice of application in Kazakhstan.

The authors used a formal-legal approach to the work, which made it possible to analyze the existing regulatory framework for the study, with a view to its further improvement.

The analysis of the problems of international legal regulation of the object of study was carried out in a systematic connection with the study of the problems of the organization and activities of intranational institutions. This vector of research, aimed at improving the legislative process, will have a positive impact on the process of fulfillment by Kazakhstan of its international obligations in the field of observance of human rights, as well as in the field of observance of the social and labor rights of citizens, which will allow for better implementation and direct application of international norms fixing the guarantees of social and labor rights.

In the course of the work, the authors used general scientific methods for collecting primary information, through the prism of the main goal of the study and its tasks, in particular:

– analysis of statistical official data and reports of the Bureau of National Statistics, the Ministry of Labor and Social Protection of the Republic of

Kazakhstan, the Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan in the field of migration;

– processing and analysis of the results of law enforcement practice [judicial practice, work of state bodies, NGOs] of legislation on the protection of the labor rights of migrants;

– analysis of the existing foreign and international experience in the field of legal regulation of labor migration problems, as well as combating illegal migration.

The main approaches to the study were:

A systematic approach to research consists of the study of labor migration and the social phenomena generated by it in the form of a complex integral interdependent social system.

An integrated approach that involves taking into account and analyzing both internal and external factors that cause labor migration and social phenomena contributing to it, such as forced labor, human trafficking, etc. At the same time, the use of an integrated approach made it possible to take into account not only internal but also external factors [socio-economic, geopolitical, demographic, etc.].

The integration approach in the conduct of the study made it possible to unite the efforts of all members of the author's group for the best achievement of the set goal of the project, to develop proposals for improving the regulatory framework for regulating the sphere under consideration, as well as to develop practical recommendations for state bodies in Kazakhstan.

Results and discussion

The research group identified the following relevant areas for the implementation of migration policy in the social and labor sphere.

Migration, as a natural mechanism for increasing the income of the population and solving the issue of employment, should be aimed at the development of targeted internal interregional and ethnic immigration to provide labor-deficient regions with labor and a uniform population density in the country. At the same time, it is necessary to ensure migration movements to the regions with the opening of new industries and the creation of new jobs; increase the migration attractiveness of settlements and cities of the host territories through the development of infrastructure and services; provide state support to migrants for their initial adaptation, the acquisition of housing and material assistance, taking into account the cost of living in labor-deficient regions.

Migration as a factor in the development of "human capital" should be aimed at reducing the migration outflow and creating conditions for attracting qualified specialists. It is necessary to take measures to curb the growth of emigration of highly educated youth and qualified personnel; work out a program to attract highly

qualified specialists with scarce competencies; develop a flexible and transparent mechanism for the entry and employment of attracted specialists.

Migration as a factor of integration into the global migration process to ensure national security should be aimed at interacting with international institutions and countries of the European Union, the CIS, and the United States to exchange information with countries of origin of labor migrants and countries of reception of Kazakh citizens, take joint measures to reduce the level of illegal migration, create an institutional system for protecting the rights of citizens of Kazakhstan who left for employment, and combat illegal migration.

The authors of the study consider it important and relevant to develop a new migration policy for the country, which should be based on the best world practices adapted to national specifics and contribute to the development of the domestic economy through the solution of the following key tasks:

- creating conditions for transforming Kazakhstan into a center of attraction for qualified personnel with the possibility of comfortable integration of a separate, in-demand category of immigrants into Kazakhstani society, taking into account domestic imbalances and international obligations of the state;

- creation of a system of effective protection of the rights of citizens of Kazakhstan who are outside the country;

- introduction of effective tools and mechanisms to regulate the accumulated demographic imbalances.

As experience shows, an uncontrolled influx of labor into a particular industry, as a rule, creates economic and social problems. Based on this, taking into account the predicted growth of illegal labor migration from the countries of Central Asia, Russia, and Ukraine, a clear, meaningful, comprehensively developed approach to solving this problem is needed. A decisive step in this direction is the implementation of labor activity in the legal field. Within the framework of this direction, the intensification of work on the implementation of operational and preventive measures and special operations aimed at identifying and suppressing violations of the migration legislation of the Republic of Kazakhstan is in demand. We support the position on the need to improve the legal framework for combating illegal migration, as well as reviewing the penalties for violating the migration legislation of the Republic of Kazakhstan.

The solution to these tasks can potentially ensure the transformation of Kazakhstan into:

- 1 an attractive regional educational hub, both for young students, undergraduates, and doctoral students, as well as for faculty and researchers, as part of educational immigration;

2 a sought-after investment object for the creation of modern competitive industries and service enterprises, including in priority sectors with the development of special cases, through the prism of business immigration;

3 a state that is attractive to skilled labor resources within the framework of the «labor immigration» direction, including by rethinking the process of repatriation within the framework of ethnic immigration;

4 a reliable partner in the fulfillment of international obligations in the framework of work with refugees and stateless persons;

5 a guarantor of the protection of the rights of citizens of Kazakhstan abroad [labor emigration], taking into account the unconditional right to free movement of citizens of Kazakhstan, inevitable in the context of globalization of labor markets. Guarantor of ensuring the social rights of labor migrants legally employed in the economy of Kazakhstan;

6 a territory where there is no demographic imbalance between labor-surplus and labor-deficient regions due to the revision of resettlement programs as part of the program of internal mobility of the population.

State policy in the field of migration should be accompanied by modern information systems and technologies for processing large amounts of data to develop predictive scenarios for the development of events in the short, medium, and long term and to form the most transparent decision-making system. This will improve both the quality of forecasting and the effectiveness of planned and implemented decisions, as well as ensure constant monitoring of the implementation of measures.

We have identified the following relevant principles and approaches for the development of labor migration in Kazakhstan:

1 recognition and guarantee of the rights and freedoms of labor migrants following the Constitution of the Republic of Kazakhstan, laws, and international treaties;

2 protection of national interests and ensuring national security;

3 a combination of the interests of the individual, society, and the state;

4 transparency of regulation of migration processes based on updating and repetitive use of information;

5 a differentiated approach of the state to the regulation of various types of labor migration;

6 labor mobility as a human right. Create clear and understandable rules.

Naturally, the political and legal development of labor migration management should be strategically based on a combination of several campaigns. It is important to use temporary migration for the short-term attraction of foreign workers to certain sectors of the economy or to the implementation of priority projects. It can

be designed to obtain a quick economic effect in the basic sectors of the economy. On the other hand, liberalization of the conditions of long-term labor migration is in demand to attract qualified foreign specialists to the implementation of long-term projects. Its implementation implies a long-term effect from the introduction of innovations, increasing entrepreneurship, and developing human capital and can become one of the factors for increasing the competitiveness of the economy on the world stage. It is important to increase the level of competencies of the population of Kazakhstan, improve qualifications, and train personnel with modern requirements. The training of qualified domestic specialists in the medium and long term will not only meet the needs of the developing economy in labor resources but will also improve the quality and content of Kazakhstan's labor resources.

New challenges arising from the current situation in the world and ongoing global geopolitical changes, along with identified internal risks, predetermine the need to find solutions within three key blocks [external immigration and emigration, as well as internal migration or mobility].

Their implementation provides for: stimulating the influx of qualified personnel into the country; protection of the rights of citizens of Kazakhstan working abroad; assistance to kandas [ethnic Kazakhs living abroad] and other categories of migrants in business development in our country; increasing the efficiency of mechanisms for eliminating demographic imbalances between the regions of Kazakhstan.

A popular direction of political and legal development in the field of labor migration is to attract skilled labor migrants to Kazakhstan with an emphasis on foreign specialists in scarce professions with a high degree of professional training, which will provide technology transfer and training of national personnel – «openness to qualified personnel». Studies show that the immigration of workers with higher education has a significant impact on strengthening the competitiveness and economic development of countries - this is confirmed by the impact of talent migration, which is assessed by the values of case studies [8, p. 61]. Their impact on macroeconomic indicators is higher compared to the links with social development indicators. in the macroeconomic management of a competitive, according to our research, economy actions aimed at attracting highly skilled migrants have the most significant and obvious impact [9].

The negative trend of the outflow of qualified personnel over the past decade, along with a decrease in the counter influx of educated immigrants, as well as the lack of qualifications among graduates of educational institutions, require the implementation of new approaches to labor immigration to compensate for emerging losses in the labor market [10].

External labor migration should be focused on attracting qualified personnel, reducing the number of unregistered migrant workers, and protecting the national labor market [11]. Labor migration policy should be based on the study of the real needs of the labor market, selective labor migration based on the provision of preferences for highly educated personnel, and restrictions on the admission of unskilled labor migrants [12, p. 15]. At the same time, to tighten the regulation of temporary migration of low-skilled workers, it is necessary to update the organization of international cooperation with the countries of their departure, including the clarification of the legislation of the Republic of Kazakhstan on employment and conditions of stay. In addition, to reduce illegal migration, we propose the creation of a system for recording labor migrants, primarily low-skilled ones, to improve the quality of administration.

The above tasks can be solved by implementing the following initiatives.

For valuable professionals in the field of science, healthcare, industry, and IT, the introduction of relief and the provision of a visa with the right to obtain a residence permit is in demand [13, p. 184].

It is proposed to introduce a «valuable skills visa» with a residence permit for foreigners, including ethnic Kazakhs who have valuable skills for our country in science, education, industry, information technology, sports, and culture [14, p. 67].

It is relevant to develop a rating of key competencies [a dynamically updated list of scarce professions, and specialties] for the annual update of sectoral quotas for labor immigrants, with categorization by priority of professions and full automation of the process [15, p. 56].

It is essential to attract the best foreign specialists in scarce professions for advanced training of domestic personnel and the creation of national [international/regional] centers of excellence in cooperation with leading world companies.

For invited specialists, it is necessary to provide a convenient mode of work, simplification of obtaining all permitting procedures, and the provision of a «valuable skills visa» with the issuance of a residence permit.

It is in demand to take measures to form and update the rating of valuable skills [deficient professions and specialties] for advanced training of domestic personnel following them [16].

The result of the implementation of the proposed measures to stimulate and regulate labor migration should be the introduction of a Digital system for registering, recording, and monitoring the stay of migrants, which meets the best international standards. The system will make it possible to digitally identify a migrant, track his financial transactions, and, if necessary, monitor his location and travel routes. The system should also provide for the provision of a special package of services to migrants [bank card, SIM card, etc.] and the possibility of making

money transfers to their homeland on their behalf. This direction is especially relevant, given that the number of migrants in the labor force worldwide has tripled in the past decade, and the remittances they send home to lower- and middle-income countries outpace foreign aid. Money migrants send home from their host countries has exceeded foreign direct investment and overseas development assistance, according to World Bank estimates. In some countries – including El Salvador, Lebanon, Kyrgyzstan, Tajikistan, and Tonga – these remittances made up more than 25 percent of total GDP in 2020 [17].

An important direction in this area is the rethinking of the regulation of ethnic migration, aimed at preserving national traditions and strengthening economic ties with the historical homeland through the involvement of ethnic Kazakhs who are citizens of other countries in the development of Kazakhstan, including their involvement in active and productive employment.

To strengthen the connection with the historical homeland, we propose to introduce the Kandas Card, with the issuance of it to ethnic Kazakhs [citizens of other countries] who are high-level professionals or who have implemented successful business cases in their countries and wish to scale them up in Kazakhstan. Its holder may have the possibility of simplified entry into the country, identical rights with a residence permit [opening a business, owning real estate and other property, conducting financial transactions], except for political rights. Candidates should be allowed to obtain a permit for temporary work, work with a stay in the Republic of Kazakhstan for up to 3 years, and perform professional activities within the framework of long-term projects.

It is important to develop the issue of introducing support measures in the field of culture, education, and joint business for Kazakh businessmen living abroad through authorized organizations. Implementation of a mechanism for determining the place of arrival at the stage of receiving documents and taking measures to regulate and stimulate relocation to labor-deficient regions, with the provision of citizenship after a 5-year period of stay.

The next area that requires the attention of the state is the protection of the rights of labor migrants [emigrants] who are citizens of Kazakhstan.

In the context of globalization, labor emigration is seen as a given, inherent in all open economies. The task of the state is to protect the rights of its citizens working abroad and use a separate category of emigrants [highly qualified workers] as a resource for development and a carrier of innovative knowledge [18].

It is necessary to study the issue and take measures to assist Kazakhstanis in finding employment with foreign employers and assistance in obtaining a work permit outside of Kazakhstan with the determination of the responsible state body. Support measures should be taken when signing labor contracts [contracts] with

foreign employers and ensuring the protection of the rights and working conditions of compatriots when working abroad, as well as work should be organized to sign agreements on the protection of the rights of Kazakh labor emigrants with developed countries.

It is important to develop mechanisms for interaction with highly qualified compatriots – labor emigrants – to use their potential in the development of the national economy [19].

We consider as a modern direction of migration policy the stimulation of internal mobility of Kazakhstanis to equalize demographic imbalances between labor-surplus and labor-deficient regions through the revision of resettlement programs. The organization of the regulated movement of citizens to the northern, eastern and central regions of Kazakhstan is in demand with the creation of jobs through the transfer and expansion of existing business projects already established in other regions of the country, as well as the adoption of direct and indirect measures to stimulate employers to hire immigrants from labor-surplus regions. So, for example, along with the preservation of existing measures of state support, it is necessary to introduce mechanisms for involving employers in the process of voluntary resettlement of citizens with a guaranteed solution to the issue of employment of immigrants, provide subsidies to employers for each specialist hired for permanent work [12].

As a result of the proposed measures, in our opinion, effective legislative regulation and management of migration processes should be formed. As a promising positive result, we see a qualitative increase in the level of human capital in the technical, educational and cultural fields of activity, with further development potential. In addition, the improvement of the situation with the political and legal support of labor migration will lead to a quantitative and qualitative increase in the indicators of the business environment.

Conclusion

The goal of the migration policy of the Republic of Kazakhstan is the effective legislative regulation and management of migration processes, aimed at ensuring national priorities in the field of demographic, economic, social, political, and cultural development of the Republic of Kazakhstan. To such target indicators, which would testify to the success of the political and legal development of labor migration, we believe, include:

- an increase in the share of qualified personnel in the total number of people of working age [persons with higher and secondary vocational education] who arrived in Kazakhstan as labor migrants;
- reduction of illegal employment of foreign labor immigrants, including those employed by individuals in the household;

increase in internal mobility of those who arrived in the northern and eastern regions of Kazakhstan from the total number of persons within the framework of interregional migration;

- development of a special program to stimulate the resettlement of the population in labor-deficient regions of Kazakhstan;

- introduction of amendments and additions to the Rules for Voluntary Resettlement of Persons to increase the mobility of the labor force by revising the conditions and mechanisms of state support for kandas, subject to resettlement in labor-deficient regions;

- coverage of labor migrants by the electronic monitoring system;

- introduction of the procedure for issuing one permit to attract foreign labor force with distribution to several administrative-territorial units and mentoring of Kazakhstani workers by attracted foreign specialists, as well as replacing foreign workers with Kazakhstani personnel in professions that are not in demand on the domestic labor market;

- implementation of the provisions of the 1951 Convention into the national legislation of the Republic of Kazakhstan [in terms of providing refugees, asylum seekers, and stateless persons on the territory of the Republic of Kazakhstan with access to employment and social assistance on an equal basis with citizens and permanently residing foreigners during their stay on the territory of Kazakhstan to achieve sustainable social and economic development and full and productive employment];

- development of bilateral agreements [memorandums] on ensuring the labor and social rights of labor migrants with countries that attract a significant number of Kazakhstani citizens [Turkey, UAE, USA, UK, Korea, Israel, Germany];

- development of rules for the work of specialized consuls to protect the labor rights of Kazakhstani citizens working abroad;

- organization of interaction with public organizations in the host countries of labor emigrants from Kazakhstan;

- development and dissemination of information materials for the preparation of citizens of the Republic of Kazakhstan traveling for employment abroad [legislation, culture, language, paperwork, etc.];

- development of mechanisms for interaction with highly qualified compatriots [migrant workers] to use their potential for employment in the economy of Kazakhstan.

Funding information.

This research was funded by the Science Committee of the Ministry of Science and Higher Education of the Republic of Kazakhstan (grant no. IRN AP19679267).

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Accepted for publication on 18.12.23

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ЕҢБЕК КӨШІ-ҚОНЫ: ҚАЗАҚСТАННАН КӨЗҚАРАС

Бүгінде Қазақстанда шетелдік жұмыс күшін тартудың кешенді жүйесі жұмыс істейді. Білікті шетелдік жұмыс күші мен еңбек иммигранттарына арналған квота жүйесі, сондай-ақ Жұмысқа рұқсат берудің көп сатылы жүйесі бар. Соған қарамастан, еңбек көші-қонын басқаруда шешілуді қажет бірқатар проблемалар сақталуда: Қазақстанға еңбек көшіп-қонушыларын тарту жүйесі басқа көші-қон ағындарын басқарумен байланысты емес; өңірлік еңбек нарықтарында білікті шетелдік жұмыс күшіне сұранысты айқындау тетігі жоқ; еңбек мигранттарының орнын ауыстыруды есепке алу және оны пайдалану тиімділігін айқындау жүйесі жетілмеген; әртүрлі қызмет салаларынан білікті қызметкерлердің кетуі байқалады және елде жоғары білікті мамандарды ұстап қалу

тетігі жоқ; заңсыз еңбек көші-қоны сақталады. Зерттеу еңбек көші-қонын реттеудің кешенді механизмін қалыптастыру бойынша жеке ұсыныстарды негіздейді.

Кілтті сөздер: көші-қон, еңбек мигранты, жұмыспен қамту, әлеуметтік қорғау, еңбек нарығы, Қазақстан.

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Принято к изданию 18.12.23.

ТРУДОВАЯ МИГРАЦИЯ: ВЗГЛЯД ИЗ КАЗАХСТАНА

Сегодня в Казахстане действует комплексная система привлечения иностранной рабочей силы. Существует система квот для квалифицированной иностранной рабочей силы и трудовых иммигрантов и многоступенчатая система выдачи разрешений на работу. Тем не менее, в управлении трудовой миграцией сохраняется ряд проблем, которые необходимо решить: система привлечения трудовых мигрантов в Казахстан не связана с управлением другими миграционными потоками; отсутствует механизм определения спроса на квалифицированную иностранную рабочую силу на региональных рынках труда; система учета перемещения трудовых мигрантов и определения эффективности ее использования несовершенна; наблюдается отток квалифицированных работников из различных сфер деятельности и отсутствует механизм удержания в стране высококвалифицированных специалистов; сохраняется нелегальная трудовая миграция. В исследовании обосновываются отдельные предложения по формированию комплексного механизма регулирования трудовой миграции.

Ключевые слова: миграция, трудовой мигрант, занятость, социальная защита, рынок труда, Казахстан.

Теруге 18.12.2023 ж. жіберілді. Басуға 29.12.2023 ж. қол қойылды.

Электронды баспа

1,06 Мб RAM

Шартты баспа табағы 9,2.

Таралымы 300 дана. Бағасы келісім бойынша.

Компьютерде беттеген А. К. Мыржикова

Корректоры: А. Р. Омарова, Д. А. Кожас

Тапсырыс № 4183

Сдано в набор 18.12.2023 г. Подписано в печать 29.12.2023 г.

Электронное издание

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Усл.п.л. 9,2. Тираж 300 экз. Цена договорная.

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Заказ № 4183

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