

THE STATE CONTROL OF MIGRATION IN UZBEKISTAN AND THE SOME ASPECTS OF ITS FURTHER IMPROVEMENT

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Abstract: In this article, we analyzed migration management process in the Republic of Uzbekistan, the possibilities of migration and employment of Uzbek citizens abroad, and reviewed the state measures on creation of new workplaces for reduction of illegal labor migration. Moreover, we analyzed the basic streams of emigration and reasons of its illegal character, role of the state bodies in regulation of migration and identified the main problems in their activity. The concrete directions and actions for further improvement of the state control system of migration in the Republic are also shown by the author.

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Introduction

The construction of a democratic society in Uzbekistan and its integration into the world community have created for Uzbek citizens the possibility of free migration. In accordance with international codes, the Uzbekistan Constitution gives freedom of choice in occupation both on the territory of the republic and abroad.

Key basic principles of reforming Uzbekistan society (Karimov, 1995) determined alongside other policies the labor migration processes. In the beginning of 2010 the country's population has exceeded over 28 million people. The given figure reflects 15-20 year effect of demographic consequences connected with high birthrate and traditionally large families; such situation led to high unemployment rate among the youth. In response, the Government has been carrying out scale, systematic and effective activities on creation of new workplaces. By the end of 2009, more than 940,500 new workplaces were created. Furthermore, the Legislative Chamber of the Majlis (Lower Chamber of Uzbek Parliament) approved a new "Program on creation of workplaces and securing employment for the year 2010". The program assumes to create in 2010 over 950 000 new workplaces.

Labour migration keeps certain reserves in resolving the employment challenges of domestic market.

Scopes and geography of migration

It should be noted that official statistics on migration mainly takes into account migrants who have permanent residence. The last two decades experienced outflow of mainly Slavic people, as well as Jewish, Germans, Tatars to their historic motherland. Now the potential of migration of the above mentioned category of people has substantially decreased (some ten thousand people a year) and further large outflow is not expected in the nearest future. At the same time the volume of temporary migration motivated by temporal (including not registered statistics) employment search in foreign countries is increasing.

The geography of migratory streams of Uzbek citizens covers many countries of the world. Experts give various estimations of scales of cyclic migration from Uzbekistan - from 1 to 3 million people. According to the Federal

Migration Service (FMS) of the Russian Federation, in 2008 over 642 thousand Uzbek people officially were registered as workers in the Russian Federation. If we pay attention to illegal workers, this figure might be much higher. The majority of migrants prefer moving to Russian Federation and Kazakhstan, because of absence of the visa regime, closeness of culture, mentality and geographical location. The stream of emigrants to the USA, EU countries, South East Asia and the Near East is also considerable.

This study sociological survey conducted in 2007 and 2009 showed the transformation of thoughts of population of the country about migration. The majority of respondents wishing to leave for abroad have indicated temporary employment as their purpose. Over 44% of respondents have noted 6-12 months as preferable terms of the departure. 31% and 4.8% respondents have specified the terms exceeding 2-3 years and till 5 years correspondingly. It should be noted that the overwhelming majority of the respondents intend to return home - to Uzbekistan. The migratory mobility analysis and the attitude of Uzbek people to foreign migration have shown the following results: 54% respondents are positively, and 9.3% negatively estimate the departure abroad. About 9.1% have stated the full indifference, and 15% of respondents do not plan the departure abroad in the near future.

The existing regulation of labor migration

The Uzbek Ministry of Labor and Social Protection plays the central role in state control in the field of labor migration. At the same time under the ministry the External Labor Migration Agency was created with the status of an independent state and commercial entity having 5 regional branches on self-financing basis. Unfortunately, there exists only one Center on pre-departure vocational training and adaptation of labor migrants with rather low throughput (some thousand people per a year). The activity of legal entities, individuals, and private agencies on assistance to abroad employment is forbidden by Uzbek legislation.

The narrowness of official channels of employment in foreign countries through the External Labor Migration Agency, and a small number of employment contracts given by the foreign countries (basically to the South Korea) lead to an independent search of work by citizens of

Uzbekistan in foreign countries. As a result, majority of migrants leave the country without certain assistance of state organizations, preliminary preparation, and necessary knowledge of foreign migration legislation.

So, the overwhelming majority of respondents intending to leave for the purpose of foreign employment have specified the desire to familiarize with foreign legislation, studying of language and foreign culture, readiness to pass the pre-departure program of vocational training for the purpose of the maximum satisfaction with requirements of foreign employers and accepting community. Potential labor migrants are ready to pay the cost of such training programs.

As far as we can see, another problem in labor migration is imperfection of methodology and as a whole statistical reporting system. It limits possibilities of forecasting of migratory processes, acceptances of corresponding measures by their evaluation and regulation. Besides that, the systemic analysis of internal and external factors influencing migration, studying of its dynamics, geography and social structure, socially-psychological feelings and migratory mobility of the population, reasons, motives and driving factors of employment abroad are rather important for comprehensive understanding of essence of migration.

Another challenge of Uzbek migration is the absence of historical experience in this aspect, weak level of interaction between ministries and public departments among themselves, as well as with organizations of those foreign countries where migrants leave for time employment.

At the same time, it is necessary to note the insufficiently coordinated activities of ministries, departments, committees, local administration and public organizations in the solving of migratory problems and complex administering of migration.

Necessity of the conceptual approach

Considering increasing influence of migration on all spheres of social, political and economic life of the country the main problem is to identify how to administer migration in order to increase positive effects as much as possible and to reduce to minimum potentially negative consequences of migration. It is known that "management of migration" is the universal term covering measures on management of migration at national, regional and global levels.

International Organization for Migration (IOM) developed the concept of management of migration based on necessity of working out, firstly, national policy, legislation and administrative actions directed on maintenance of mutually beneficial migration for a migrants, societies and governments. In our opinion, such concept has proved the fidelity and can be applied in working out of the concept of Uzbek migration policy.

In working out of such concept, first of all, it is necessary to define the bases of a national migration policy, strategy of migratory management, mutual linkage of their structural elements and influencing factors. Now, one of the main reasons of inefficient control of migration is the absence of the confirmed concept of Uzbek migration policy. Such concept should be developed on the basis of scientific approaches, conclusions of analytical workings out and researches of scientists and experts in the field of management of labor migration. The concept will be a basis

of an effective migratory policy, acceptance of the strategic decisions answering to interests of Uzbek citizens, Uzbek government and international community. It will allow generating scientifically proved complete state control system of migration, to improve its institutional base and the migratory legislation.

In developing of the Uzbek migratory policy concept, it is necessary to consider progressive and acceptable foreign experience. It is necessary to provide integrated approach of the concept, adequacy legal and institutional policy and measures on migration regulation.

It is necessary to note that world experience is various and has no unique universal approach to management of migration, equally acceptable to all countries. The experience of Malaysia, Indonesia and other states in the field of management of migration has shown high productivity of interactivity of the state and private agencies on employment abroad, an orientation of this activity on maximization of positive effects of labor emigration without damage to national interests.

In developing of the Uzbek concept on long-term perspective, it is important to consider global world tendencies, social and economic situation of the country, demographic processes and other factors expressly or by implication influencing migration. Realization of this concept, in our opinion, should be based on programs, plans of development of perspective labor markets with simultaneous working out of the effective mechanism of their monitoring and the control from the Uzbek government.

Considering national interests, the state policy in the field of labor migration calls for creation of conditions for temporary migration, stimulation of returnable and especially cyclic migration, as it allows keeping a constancy of structure of the population, prevention of brain drain. Thus, for a short time labor migrants could be abroad and come back, not increasing scales of constant migration.

Thereupon, it is urgent to use the international and bilateral intergovernmental labor agreements and arrangements as causes a method of assistance, protection of the social and labor rights of migrants.

Government control and liberalization of migration

It is necessary to notice that migration problems become one of the major state priorities in many countries of the world, especially in the CIS countries, resulted in an intensive development, updating institutional and legal bases of a migratory policy. Discussion on problems of a migratory policy intensively develops in the Central Asian countries as well.

In the proceedings of Uzbek researchers (see e.g. Maksakova, 2007) studying migration for a long time, the expediency and necessity of government regulation of migration is convincingly proved.

Only and only the government regulation is capable of providing operated, regulated, legal migration, taking into account the international principles, preventing threats of intellectual and economic safety of the country, labor and other operation and position of migrants deprived of civil rights, excluding problems accompanying it, both for Uzbekistan, and for host countries.

At the same time, a number of foreign scientists mark an essential role of the state in regulations of programs of

employment abroad. It is necessary to note that proceedings of Achacoso (2000), an adviser to the International Organization on Migration and the International Labor Organization, who emphasizes the necessity of essential liberalization of employment system with participation of private agencies on foreign employment, He showed the experience migration management of Bangladesh, India, Sri Lanka and the Philippines where high efficiency of joint activity of the state and private agencies in migration aspects is observed. Conceptual and scientific conclusions of the above-stated authors are close to our visions of directions of the further reforming of control system of Uzbek migration.

It is necessary to note that the majority of the countries, both developed and developing are still at a stage of reforming of the migration legislation. It is connected with the difficulties in their working out, multiaspect migration, necessity of the taking into account the set of factors and forecasting of possible consequences. International Organization on Migration in order to assist to the countries intending to reform the migration legislation has created a database on migration problems containing legal acts on regulation of migration at national, regional and global levels.

In our opinion, in further perfection of the national legislation profound studying of the international regulatory legal acts in migration, international conventions, regional and bilateral agreements and pacts, international resolutions and conventions, and also positive experience in foreign rule-making is required. Thereupon, it is of great interest the investigating of experience of migration management of such countries as Philippines, China being the emigrant countries, and also Greece, as the states with transitive type of the migratory situation which are simultaneously being the country of sending and accepting migrants.

Government regulation of migration should be based on the thought over legislation system, governmental documentation, including above mentioned concept, on an exact long-term and large-scale program of expansion of the international cooperation in labor spheres, on effectively functioning support organization to Uzbek citizens in employment issues abroad.

In addition, taking into account the results of the analysis of merits and demerits of the developed system of migration regulation processes and the conclusions following from an estimation of foreign experience, it is proved to start liberalization of migration abroad, in particular, by means of the permission and development of the activity of corresponding non-government bodies. This activity should be under state control, licensable and guarantee reliable protection of social and economic rights of labor migrants abroad.

Results of the sociological survey of labor migrants have also shown the expected requirement for government assistance, including:

- protection of labor rights of migrants in host countries;
- preparation and registration of travelling documents;
- constant informing on possibilities of travelling;
- guaranteeing of wages;
- teaching a foreign language;
- maintenance of the medical insurance;
- short-term crediting for pre-departure expenses, etc.

Maintenance of the above-stated comprehensive measures of government assistance to migrants is impossible and is not a direct function of a government, however presence of such potential demand signals on the directions of possible development of migration issues including commercial.

The necessity of creation of the effective and flexible market of services for external employment of Uzbek citizens has ripened. It will allow to lower volumes of illegal migration, to deduce a shade of commercial entities on employment abroad, to provide effective government regulation and monitoring of labor emigration from Uzbekistan.

Ways of perfection of labor migration management

Taking into account the analysis of the existing tendencies and an estimation of a demographic situation in the next years and in medium-term prospect, it is possible to assume that Uzbek labor migration trend will increase. It is important that it will be civilized and regulated, based on the international acts on rights, interstate agreements.

In interests of purposive management of labor migration, it is expedient to:

- create specialized state body on a ministry or committee level;
- define its specific tasks, functions, and the mechanism of interaction with other state bodies which are engaged in separate aspects of migration.

It is necessary that the primary goals of such body would be:

- working out and realization of strategic priorities in migratory issues;
- realization of international cooperation activities;
- perfection of legal base in the field of migration;
- keeping a record, controlling, managing, and coordinating scientific researches;
- investigating of social and economic aspects of migration;
- analyzing of the influence on national economy of remittances of migrants.

For the effective government control of migration, the integrated approach is needed to estimate demographic structure of migrants, reasons of labor emigration, mechanism of social adaptation of migrants abroad, conditions of life, financial and economic condition of families of migrants, terms of their homecoming, etc.

Complexity and variety of aspects of migration requires establishing in Uzbekistan the specialized scientific institution conducting and coordinating theoretical-methodological and applied researches on actual problems of migration. This body could incur preparation of experts on migration issues and working out of methodical materials.

Moreover, government support to the following issues is expedient:

- protection of the civil, social and labor rights of migrants;
- stimulation of creation of the informational centers on legal, social, economic and cultural aspects of migration;

- adjustment and development of cooperation with foreign diasporas in protection of the rights of Uzbek citizens abroad.

It does matter the increase of efficiency of the information companies directed to the prevention of illegal migration and a human traffic, on an explanation of their risks and consequences.

Summary

Labor emigration from Uzbekistan, as well as from other countries of the world, will further mature. It is important that it would occur in the civilized and adjustable forms, in interests of all parties involved in migration. For achievement of goals, it is necessary for the Government to have specific, long-term and large-scale program on effective support of its citizens in employment issues abroad; and stimulating returnable and especially cyclic migration in interests of prevention of confinement of brain drain.

The services market in the field of employment of Uzbek workers abroad should be under state control and, at the same time, suppose licensed intermediary activity of business entities.

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