

UDC 341

**THE RIGHTS OF MIGRANTS IN KAZAKHSTAN**

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The regulation of migration processes is becoming an important area of the country's socio-economic development, designed to meet the needs of the economy with highly qualified personnel

by attracting foreign workers to achieve the goal of becoming one of the 50 most developed countries in the world. International labor migration has significant economic and social consequences both for the country of emigration, from which the outflow of workers occurs, and for the host country, where there is an influx of immigrants. It should be borne in mind that foreign workers create an additional burden for public finances due to the growth of transfer payments, the costs of maintaining public order and some social expenses [1]. However, on the other hand, the host country receives ready-made labor without incurring the cost of education and vocational training, while additional taxes are received. It is important to emphasize that the host country receives income even from illegal immigrants who still pay such indirect taxes as excise taxes, sales tax, etc. Therefore, the financial result from immigration for the host country is likely to be positive. For public finances in the country of emigration, the outflow of labor means, on the one hand, a reduction in tax revenues, and on the other hand, the burden on the state budget is reduced due to a reduction in transfer payments and social expenses. As for public goods, government spending on their production is usually very weakly related to the number of consumers of these goods. Therefore, the departure of some consumers abroad, most likely, will not lead to noticeable savings in budget funds [2].

International labor migration has a number of consequences that are not of a purely economic nature, are not captured by the market and therefore cannot be measured in monetary terms. However, it is precisely these consequences that play an important role both in determining the directions and structure of migration itself, and in shaping public opinion and public policy in relation to it. Nevertheless, at the same time, positive external effects arise, as foreign workers bring their knowledge and skills to the production process and they are distributed among other workers. A special problem is the so-called "brain drain", which has extremely negative consequences for the countries of emigration, depleting their scientific, technical and intellectual potential, holding back economic development. Developed countries, on the contrary, receive a significant positive effect due to the concentration of the intellectual elite. For countries exporting labor, in turn, there are also a number of advantages. Firstly, when the export of labor is considered as an important source of funds in the country. According to the IMF, the average rate of return on exports of goods is 20%, services - 50%, and labor exports are much higher. Revenues from labor exports in the 1990s Developing countries are growing at the highest rate - 10% per year. Receiving significant sums annually from this source, many developing countries began to specialize in labor services, the export of which has become an important source of foreign exchange earnings. For example, for Egypt, the operation of the Suez Canal in the late 1980s. It made a profit of \$ 970 million a year, tourism - \$ 600 million, emigrant transfers - more than \$ 3 billion. In Yemen, emigrant remittances in some years were 30 times higher than exports. According to data from the beginning of the 1990s, about 40 countries of the world had at least \$ 100 million from migrants in their receipts from abroad, and 10 countries had more than \$ 1 billion. According to the IMF, private transfers included in revenue part of the balance of payments, 90% are composed of emigrants [3]. Secondly, the export of labor means a reduction in the pressure of excess labor resources by industry and, consequently, social tension in the country.

Thirdly, training for the workforce for new professional skills free of charge for the exporting country, acquaintance with the advanced organization of labor, etc.

The smaller the specific gravity of the category of migrants, the longer they arrive in the country. The exception is only a relatively large category of migrants (21%) who arrived in Kazakhstan for a period of 7 to 9 years - citizens of foreign countries who arrived for permanent residence. There is only one conclusion - it is necessary to develop new economic strategies that would not only take control of the labor market of migrants in Kazakhstan, but also gradually replace the unskilled labor of attracted workers with more technologically advanced and highly paid labor of local residents. This, as well as the increasing importance of ensuring and protecting the rights of migrants, is an indicator of the success of the state in the modern world.

The domestic labor market is protected: a quota for foreign labor is set annually. Four categories are defined by which foreigners are allowed to enter work. These include: managers, shop managers, chief engineers, for workers - up to 10%.

The Eurasian Economic Union (EAEU) aims to deepen regional integration and ensure “four freedoms”: free movement of goods, services, capital and labor. In terms of the formation of a common labor market, the able-bodied population of the EAEU countries is free to carry out their activities in another member state of the Union, since they will not be subject to restrictions on the protection of the national labor market, as well as requirements for obtaining permission to carry out labor activities will be presented. The simplification of procedures related to the stay of citizens of one state - a member of the union in the territory of another state - a member of the EAEU is provided. The expansion of geography for the labor activity of citizens of Kazakhstan, involving the exchange of experience in various specializations, can help improve the skills of workers, which will also further increase their salaries and income [4].

In the regional distribution, the largest number of foreign specialists come to work in Atyrau region - 30%, Astana - 15.2%, Mangistau region - 12.2%, Almaty region - 7.5% and Almaty - 15.8%, which together accounted for 80.7% of all foreign workers. The same regional employment structure of the IRS remained in the regions (Atyrau region - 30.3% and Astana - 25.3%) [4].

Kazakhstan is taking measures to attract qualified specialists from abroad to certain sectors, for example, to the processing industry, where the growth rate of employees is still low and the demand for them is great. Foreign companies and foreign labor have a significant impact on the development of individual sectors of the economy of Kazakhstan. For example, the construction industry in Kazakhstan was in decline in the 1990s, but during the period of economic recovery, due to the growth of investments, government orders, in the years. Almaty, Astana, Atyrau, Shymkent, in the regional centers, western regions, the construction boom began. The industry began to experience a constant shortage of qualified engineering personnel and workers.

Turkey, one of the first investors in Kazakhstan, unlike other investors, began to develop its business and invest in the crisis of 1994. Turkey, on the one hand, met the urgent need for construction personnel, and on the other, invested significant capital in Kazakhstan the economy. The strategy of Turkish construction companies was the most successful. This is a high quality of work, and short construction periods: many objects, in particular high-rise residential buildings, were built in the summer literally in a few months. Admittedly, the most interesting modern buildings in various cities of Kazakhstan were built by Turkish builders: the Esentai high-rise business center, the Marriott hotel, the Rakhat Palace and Intercontinental hotels in the cities of Kazakhstan. Almaty, Astana and many others. other

Important factors for the success of the Turkish construction business were the relatively low price, modern design and layout, technological and infrastructural quality of the projects. To this should be added the ability to take on investment risk, business and partnerships with Kazakhstani customers, the ability to negotiate, lobbying campaigns. Turkish companies were also involved in infrastructure projects, developed the hotel, restaurant and trade business, supplying Kazakhstan with various goods, including food, clothing and shoes, household items.

In the implementation of the creation of Kazakh-Turkish industrial zones in the regions of Kazakhstan, it is planned to build a transnational railway to Turkey through Azerbaijan and Georgia, which will lead to the migration of Turkish specialists and workers to Kazakhstan. Turkish companies organize retraining and advanced training courses for local workers and specialists, and create jobs for them.

A positive role is played not only by large, but also by medium-sized foreign business. Medium-sized businesses create an ethnically diverse business, for example, in the field of food, trade in handicrafts, recreation, diversify the service sector, offering services - new and better quality. A significant number of foreign citizens are employed in the service sector. Thanks to foreign companies, a comfortable hotel business, new types of restaurants and national cuisines (Turkish, Chinese, Japanese, etc.) have appeared in the country. Foreign management in the hotel

and restaurant business not only provided high-quality service in this sector, but, thanks to increased competition, increased the general standard of customer service in Kazakhstan.

Foreign companies create additional jobs, retrain the local workforce in order to replace foreign managers and specialists with it. They also invest in social programs and local projects, implement charity programs, which positively affects the local labor market.

The increase in the share of citizens of Kazakhstan in the staff of employees of foreign companies has become additional to their main investment and industrial-economic activities, and is also part of the social responsibility of business [4].

Migrant labor is widely used in various sectors of agriculture. It is seasonal in nature, most often migrants act as hired workers during the harvest season. To carry out various agricultural work in the countries of the European Union, about half a million workers from non-EU countries are involved. In Spain, about 80% of all agricultural workers come from North Africa, Central America and Eastern Europe. In Germany, the use of migrant labor reaches 90%. Many workers are also employed in agriculture in Kazakhstan and Russia. In Malaysia, more than a million visitors are employed in rice production, mainly from Indonesia. In the United States, all cereal production is based solely on immigrants from Central and Latin America [5].

For developed countries, foreign labor from developing countries means providing a number of industries, infrastructure services with necessary workers, without which a well-functioning production process is impossible. For example, in France, emigrants account for 25% of all those employed in construction, 1/3 - in the automotive industry. In Belgium they make up half of all miners, in Switzerland - 40% of construction workers.

The problem of legalizing labor migrants and creating equal competitive conditions for them in the domestic market is the task of any government. Over the past two years, more than two million migrants have been registered in the country - mainly these are citizens of Kyrgyzstan, Uzbekistan and Tajikistan, however, only 1% of them cited labor activity as the purpose of their arrival, and more than 96% indicated various private goals, which is not true.

In the Enbekshikazakh district of the Almaty region, migrants are most often attracted to the field of tobacco growing and vegetable growing, grazing and caring for pets (mainly migrants from Kyrgyzstan, Uzbekistan and Tajikistan).

The current situation is convenient primarily for employers, for whom the use of migrant labor provides obvious bonuses in the form of lower wage costs and a greater dependence of migrants on them. Ignorance of laws, general illiteracy and lack of rights among visitors allow employers to set favorable conditions for them, to hire and fire workers at their discretion, without regard to social norms and the labor code [6].

The state uses the tool as a quota for attracting labor - limiting the number of workers in various sectors of the economy. The idea of quotas was conceived as a tool that will allow to take into account the opinions and needs of farmers. But its opacity led to the following: the long time for consideration of applications, the cycle for considering applications (excluding the time of their collection and formation) is four months, then the distribution by region and by farmer. From September to April, the farmer has no legislative opportunity to hire a migrant, while the agricultural season begins in March (with soil preparation and planting). A way out is being created - in hiring illegal immigrants, in addition, this is due not only to the desire of farmers to save money, but also to the peculiarity of farming. Organizers of small farms often cannot know how much land they will use for sowing crops and process it next year (and the application must be formed before September). Therefore, the measure to refuse to submit an application to attract migrants to the work is forced, then, as the needs increase, the employer is simply forced to hire illegal immigrants.

Medium-sized farms, where migrant labor is more in demand, annually attract, according to the quota, 30-40 foreign workers. About the same number of people work illegally on farms [7]. This is not a desire for savings, but a misunderstanding that arose between the Government of Kazakhstan, which forms quotas, and the employer himself, who is ready to hire 80 migrants on a

legal basis. At the same time, by decision of higher authorities, applications for quotas are almost halved under the motivation that it is necessary to attract local residents to work.

The main driving forces of resettlement are objective and subjective factors based on social and personal needs. In relation to population migration, the factor is considered as a certain combination of conditions and circumstances, which, due to a special combination and interaction, lead to differences in the territorial movement of the population [7].

The main factors that strengthen migration processes in the country include, first of all, the economic laws of development, as well as the material and spiritual needs of migrating labor resources, which are expressed in their interests. For a long period, Kazakhstan was a closed system in which international population migration was mostly episodic and limited to insignificant private trips to participate in social, cultural or sports events.

The current policy of “openness” of the country, liberalization of views regarding emigration, intensified the departure of the population from Kazakhstan to other countries, which led to the loss of labor potential. In the study of patterns of migration processes in a market economy, it is important to keep in mind that groups of resettlement factors are qualitatively different from each other and affect resettlement in different ways. Some factors stimulate migration, while others, on the contrary, inhibit it. As a rule, migration flows, in which the main share falls on young people, are directed to large and prosperous cities of the Republic of Kazakhstan (Astana, Almaty, Shymkent, etc.).

It should be noted that, along with negative trends, it is possible to state the positive ones that are characteristic of migration processes. In modern conditions, it is necessary to develop new economic strategies that would allow controlling the labor market of migrants in Kazakhstan and gradually replace the unskilled labor of attracted workers with more technologically advanced and highly paid labor of the local population. In addition, the increasing importance of ensuring and protecting the rights of migrants in the modern world is an indicator of the success of the state. Migration processes are a constant phenomenon at all stages of the history of mankind. Migrations are one of the ways of mass reaction of the population to changes in life situations, accurately and clearly reflect the changes taking place in society. Migration played a huge role in the life of Kazakhstan - a country with a huge, sparsely populated and underdeveloped territory, significant spatial differentiation of the level, pace of socio-economic development and, accordingly, the standard of living of the population.

In the study of the patterns of migration processes in a market economy, it should be noted that the groups of resettlement factors are qualitatively different from each other and affect resettlement in different ways. Some factors stimulate migration, while others, on the contrary, inhibit it. This is especially dangerous for the agricultural regions of the country, for the agricultural system in the region. To solve the problems, a speedy adoption of a number of measures is necessary, among which we highlight the increased transparency of the quota procedure for foreign labor when hiring it. This will allow for a revision of the quotas mechanism in order to make it more objective, which will make it possible to respond to changes in the labor market.

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