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### Perspectives on Labor Migration: Insights from Kazakhstan

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#### Abstract

*Kazakhstan's labor migration management is currently faced with pressing challenges. These include a disparity between attracting labor migrants and effectively regulating their flow, a lack of tools to assess regional demand for skilled foreign workers, and inadequate systems to monitor migrant movement and placement. Moreover, there's a pronounced brain drain across various industries without efficient strategies to retain this talent. This research proposes evidence-based strategies for establishing an integrated labor migration regulation system. Our goal is to refine Kazakhstan's migration policy, strengthen its legislative framework, and offer actionable recommendations for government bodies. The methodological foundation is built on a blend of general scientific and specialized legal methodologies, drawing insights from comparative jurisprudence. These methodologies encompass system-structural, historical-legal, socio-legal, and comparative legal approaches, ensuring a holistic, nuanced, and comprehensive research strategy.*

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

#### Introduction

Migration policy has consistently held a significant position in Kazakhstan's contemporary economy. As we reflect on the history of Kazakhstan as a sovereign nation, we can delineate three primary epochs of migration policy development and corresponding legislative shifts.

1. The Formative Years (1991-2000): The inception of this era coincides with the disintegration of the USSR, resulting in notable socio-economic challenges. Within this decade, Kazakhstan underwent a substantial demographic transition. Specifically, driven by migration dynamics, the national populace diminished from 16.5 million in 1991 to 14.8 million by the close of 2000. Concurrently, birth rates dipped while death rates ascended (Kazakhstan, 2022). Key Legislative and Policy Developments:

Focus on repatriating ethnic Kazakhs.

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1995: Launch of the State Program supporting the Kazakh Diaspora.

1997: Enactment of the Republic of Kazakhstan's first "On Population Migration" Law.

Establishment of the Migration and Demography Agency in 1993, along with the inaugural annual immigration quota for Kazakhs (10,000 families or 40,000 individuals).

1998 saw the adoption of the Concept, emphasizing the repatriation of ethnic Kazakhs to their ancestral land.

2. The Period of Growth and Transition (2001-2010): This era is marked by burgeoning economic advancement, vibrant socio-political metamorphoses, and extensive reforms. Strategically designed state initiatives championing motherhood, child welfare, poverty alleviation, precise social aid for economically challenged families, and the continued repatriation of ethnic Kazakhs significantly enhanced the nation's demographic metrics. Key Statistics and Trends:

3. The Era of Globalization (2011-2022): This phase is shaped by the omnipresent facets of globalization, with external socio-economic factors holding sway. The ramifications of these influences included a decline in ethnic repatriation rates coupled with an uptick in the emigration of skilled professionals.

In summary, Kazakhstan's migration policies and their subsequent reforms provide an insightful lens into the nation's socio-economic and political journey. Understanding this evolution is crucial for formulating future strategies in response to both domestic and global challenges.

The migration landscape of Kazakhstan underwent notable shifts from 2011 to 2022. Following the tumultuous 1990s, 2012 witnessed the emergence of a negative migration balance for the first time, registering a decline of 1.4 thousand inhabitants. This trend, both in absolute and relative terms concerning the country's total population, showed a consistent rise.

Over this 12-year span, a significant 367.1 thousand individuals, predominantly of working age and holding higher (38%) or technical vocational education (34%), emigrated for permanent residency abroad. A stark example of this trend is the 2019-2020 period, where 74.3 thousand residents relocated overseas. Notably, 90% of these emigrants sought opportunities in the Commonwealth of Independent States, either pursuing employment or returning to ancestral lands.

Recent migration patterns underscore a concerning development: the rising emigration of highly-educated citizens coupled with a diminishing inflow of equivalently skilled immigrants. By 2020, the number of inbound residents with higher education credentials had dwindled by over half from the preceding decade, recording a mere 1.9 thousand arrivals.

Such evolving migration dynamics highlighted the imperative to bolster "human capital." Accordingly, national policies were shaped with a focus on leveraging this resource to drive the country's modernization. In alignment with this vision, 2011 saw the promulgation of a revised "Law of the Republic of Kazakhstan on Population Migration." Several key amendments and strategies were incorporated:

Alignment with International Standards: The mechanism to attract international labor was standardized in line with global benchmarks.

Facilitation for Specialists: Simplified work permit processes were introduced for top-tier experts.

Employee Mobility: Transnational corporations were granted the privilege of free employee movement.

**Workforce Composition Regulation:** Clear directives were set to balance the ratio of local to foreign specialists.

**Wage Parity:** Initiatives were implemented to uphold the principle of equal pay for equivalent work, ensuring a non-discriminatory approach.

Further, measures were instituted to manage migration flux from the Eurasian Economic Union nations. These strategies culminated in the issuance of over 1,618.9 thousand permits for visa-exempt nations' labor migrants to undertake professional roles in Kazakhstan. This initiative, in turn, contributed more than 29.9 billion tenge in individual income taxes to the nation's coffers.

In essence, Kazakhstan's migration narrative from 2011 to 2022 offers invaluable insights into the nexus between national policies, human capital development, and economic outcomes.

While the issues of labor migration have consistently garnered state attention, the political and legislative progress in this domain hasn't fully addressed both the longstanding and emergent challenges inherent to the Kazakhstani context. There remain several crucial areas of concern in the administration of labor migration:

- **Unintegrated Migration Systems:** The strategy for attracting labor migrants to Kazakhstan lacks integration with the broader migration management apparatus.
- **Demand Analysis Deficiency:** No mechanism currently exists to discern the demand for skilled foreign workers within regional labor markets.
- **Inefficient Tracking Systems:** The existing mechanisms to track labor migrant movements and gauge the utility of such migration are suboptimal.
- **Talent Drain:** The nation witnesses a notable exodus of professionals across various sectors, and lacks strategies to retain high-caliber talent.
- **Undocumented Migration:** Issues with illegal labor migration persist.

The advent of the COVID-19 pandemic cast a spotlight on certain accepted norms, revealing that principles once deemed foundational to international mobility can be rapidly sidelined during global crises. More profoundly, the pandemic underscored deep-seated inequalities permeating societies worldwide. Migrant workers and diasporas emerged not merely as essential players in critical professions, but also as pivotal contributors to global human development, notably through their roles as remittance senders (McAuliffe et al., 2022).

In conclusion, the examination underscores the multifaceted challenges of labor migration in Kazakhstan, further complicated by global events such as the COVID-19 pandemic. Addressing these issues requires integrated strategies and a recognition of the evolving dynamics of global migration.

## **Theoretical framework**

Labor migration and the rights of migrants are pressing concerns shared across the global community engaged in globalization and economic integration. Recent data indicates a significant rise in international migrants, with estimates reaching 281 million in 2020, accounting for 3.6% of the global population (McAuliffe, & Triandafyllidou, 2022).

Historically and contemporarily, economic factors have predominantly driven migration trends. Ravenstein's seminal law of migration asserts: "The primary causes of migration are economic" (King & Collyer, 2016; Ravenstein, 1885). In the past decade, the global labor force has seen a threefold increase in migrants. Interestingly, the remittances these migrants send back to their home countries in lower- and middle-income brackets now

surpass foreign aid. The World Bank even notes that these remittances exceed foreign direct investments and overseas development assistance (Black, 2021).

The UN Economic and Social Commission for Asia and the Pacific (UN ESCAP) observes that labor migration is a dynamic and ever-expanding phenomenon. This movement is spurred by variable economic growth, intensified regional collaboration, and widening wealth gaps both intra and inter-country (Anukoonwattaka & Hea, 2014).

Global discourse now centers on legitimizing migrant labor, safeguarding their legal rights, and crafting a legal structure for their pension and social protection. Recent data from the International Labor Organization reveals that migrant workers have ballooned to nearly 170 million from 53 million in 2010. While the total migrant count remains relatively stable in relation to global population, foreign-born workers constitute an ever-increasing portion of the global workforce. From less than 2% in 2010, they now represent around 5%. Despite this reliance on migrant labor, countless individuals grapple with immense risks due to the absence of lawful migration routes in their pursuit of enhanced prospects (Black, 2021).

Present-day Kazakhstan grapples with numerous emergent challenges that were previously less recognized but have gained prominence. The permeability of borders, coupled with insufficient regulatory oversight on migrant labor, has escalated breaches of migration regulations and has heightened incidents of forced labor and human trafficking, particularly among labor migrants. Presently, labor migration in Kazakhstan exhibits an unregulated pattern, and unchecked labor migration is likely to escalate criminal activities, such as illegal migration, human trafficking, and an uptick in migrant-involved crimes.

It is important to highlight the role of illegal migrants in the unfortunate incidents, terrorist acts, and civil disturbances that unfolded in Kazakhstan in January 2022 (Radio Azattyk, 2022).

Recent developments have also introduced Kazakhstan to a new form of migration – forced migration. This includes a significant portion of labor migrants, especially those in high-demand professions. The military conflict in Ukraine and the subsequent economic and political sanctions imposed on the Russian Federation by the United States, the European Union, and other nations have propelled a significant number of forced migrants towards Kazakhstan. Notably, a large proportion of these migrants are highly skilled professionals. Historically, Kazakhstan predominantly received migrants from Tajikistan, Kyrgyzstan, and Uzbekistan. However, due to the recent Ukrainian crisis, there has been a marked increase in the number of Ukrainian and Russian migrants in the Republic of Kazakhstan (365info.kz, 2022; Forbes Kazakhstan, 2022; Tengrinews, 2022).

Furthermore, it's becoming evident that different migration types often overlap. The notion of "mixed migration flows", currently acknowledged by the UN High Commissioner for Refugees and other international law entities, holds significant importance from a human rights perspective and provides a foundational concept for researchers (Koser, 2005; Reed, 2018).

Currently, Kazakhstan lacks comprehensive research specifically focusing on the legal regulation of labor migration and strategies to mitigate its adverse effects. While several studies (Buribayev et al., 2016; Khamzina et al., 2022; Ibrayeva et al., 2019; Djorobekova et al., 2020; Khamzin et al., 2021; Khamzin, et al., 2015; Zhetpisov et al., 2021; Alpysbaeva et al., 2015; Kurmanov et al., 2017) have addressed various facets of population migration in Kazakhstan, they predominantly explore specific issues concerning migration processes' legal regulation, both within and outside of Kazakhstan. To date, a thorough examination of the political and legal challenges associated with labor migration regulation in the country remains to be undertaken.

In the course of this study, we referenced research by international scholars who have extensively studied broader aspects of migration processes (Ivakhnyuk, 2006; Korobkov, 2007; Anukoonwattaka & Heal, 2014; Cadier, 2014; Latham-Sprinkle et al., 2019). We also

delved into works focusing specifically on illegal and forced migration internationally (Curley, 2004; Koser, 2005; Bank, 2014; Chaloff, 2014; Hartwell, 2016; King & Collyer, 2016; Kirillova et al., 2016; Kraly & Abbasi-Shavazi, 2017; Reed, 2018; Yousaf, 2018; Kreichauf, 2021).

Further insights were drawn from existing research by scholars (Barsbai et al., 2017; Luzina & Khamzin, 2022; Khalaf, 2015; Ruhs, 2015; O'reilly, 2017; Cohen, 2016; Abrantes, 2013) that touch upon integration processes, challenges in the legal support of labor rights implementation, and the state's role in supporting labor migrants. The findings from these diverse studies informed our analysis and conclusions on the regulation of labor migration in Kazakhstan.

## **Methodology**

This research leans on a robust methodological framework that combines both conventional general scientific and specialized legal methods as commonly utilized in comparative law. These include:

**System-Structural Analysis:** This method enables a holistic view, understanding migration as an intricate, interconnected system rather than isolated events or trends.

**Historical-Legal Analysis:** This considers the evolution and historical context of migration laws and practices, offering insights into how past precedents influence current circumstances.

**Sociological-Legal Approach:** By examining societal perspectives and reactions, this approach offers a deeper understanding of how society at large views and responds to labor migration.

**Comparative-Legal Analysis:** By comparing Kazakhstan's situation and solutions with those of other nations, this method aims to derive best practices and lessons learned.

To extract primary data pertinent to our research objectives, we employed the following strategies:

Scrutiny of statistical datasets and reports from key institutions such as the Bureau of National Statistics, the Ministry of Labor and Social Protection of the Republic of Kazakhstan, and the Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, focusing on migration trends and patterns.

Evaluation of law enforcement outcomes, encompassing judicial decisions, initiatives of state bodies, and contributions from non-governmental organizations (NGOs) with respect to migrant labor rights protection.

A comprehensive review of international precedents and practices concerning labor migration regulation and illegal migration countermeasures.

Our research design was anchored in three primary approaches:

**Systematic Approach:** This involves viewing labor migration and its resulting social phenomena as a cohesive, interrelated system. This perspective ensures a holistic understanding of the migration matrix and its multifaceted implications.

**Integrated Approach:** This encompasses a dual analysis of both internal factors (like national socio-economic shifts) and external dynamics (such as geopolitical developments or demographic changes) that drive labor migration and associated challenges like forced labor and human trafficking.

**Collaborative Approach:** Recognizing the strength in collaboration, this approach consolidated the expertise of all contributing authors. This synergy enabled us to craft

informed recommendations for enhancing Kazakhstan's regulatory landscape regarding migration and to provide actionable insights for the nation's governing bodies.

## **Results and Discussion**

The research team has delineated the following pivotal strategies for the effective execution of a migration policy within the socio-labor domain:

Migration, as a natural conduit for elevating population income and addressing employment concerns, should foster specific intra-regional and ethnic immigration patterns. This approach aims to supply labor-intensive regions with the necessary workforce, ensuring an even population distribution across the country. Concurrently, there's a need to:

Direct migration towards areas primed for industrial expansion and new job creation.

Boost the migratory appeal of hosting cities and towns by enhancing infrastructure and services.

Extend governmental support to migrants during their initial phases of integration, encompassing housing acquisition, financial aid, and adjustment assistance, all aligned with the cost of living in labor-intensive regions.

The study underscores the pressing need for a reimagined migration policy for the nation. This revamped framework should:

Draw inspiration from globally recognized best practices, tailored to reflect national nuances.

Stimulate the domestic economy by addressing salient objectives, including:

Carving a niche for Kazakhstan as a magnet for proficient professionals, facilitating their seamless assimilation into the Kazakhstani culture. This should consider both domestic disparities and the nation's international commitments.

Establish a robust framework for safeguarding the rights of Kazakhstani citizens residing abroad.

Implement innovative strategies and tools to redress existing demographic imbalances.

Our study outlines the following critical principles and methodologies for nurturing labor migration within Kazakhstan:

Ensuring and upholding the rights and liberties of labor migrants in alignment with the Kazakhstani Constitution, its legislative framework, and international accords.

Safeguarding national priorities while fortifying national security.

Harmonizing the objectives of individuals, the broader society, and the government.

Advocating transparency in migration policy through consistent information updating and reuse.

Adopting a nuanced state stance toward different facets of labor migration.

Championing labor mobility as a fundamental human right and ensuring straightforward, comprehensible rules.

Emphasis on external labor migration should pivot toward recruiting skilled workforce, curtailing the influx of unregistered migrant laborers, and defending the indigenous labor market. The strategies on labor migration should stem from a genuine understanding of labor market dynamics, favoring selective labor migration. This implies offering incentives to skilled workforce and placing constraints on the inflow of unskilled laborers. Strengthened regulations for the transient migration of low-skilled workers necessitates a

revamp of global collaboration with their countries of origin, including a deep dive into Kazakhstan's legislative provisions on employment conditions. To counteract unauthorized migration, we recommend instituting a comprehensive tracking system, particularly for lower-skilled workers, to enhance administrative effectiveness.

To actualize these objectives, consider the following implementations:

For proficient experts in sectors like science, healthcare, industry, and IT, offer relaxed requirements and a visa category that also permits residency.

Launch a "specialized skills visa" that grants residency to foreign nationals, inclusive of ethnic Kazakhs, who possess skills invaluable to sectors like science, education, IT, sports, and culture.

Periodically refresh a competency ranking system that lists high-demand professions and specialties, ensuring an automated annual update for industry-specific quotas for immigrant labor.

Actively seek elite international specialists in in-demand professions for domestic workforce upskilling and establish national or global centers of excellence in partnership with premier global entities.

For recruited experts, streamline work modalities, ease all regulatory procedures, and provision the "specialized skills visa" alongside a residence permit.

Implement strategies to continually refine the valuable skills ranking to enhance domestic training aligned with these skills.

Ultimately, the fruit of these labor migration enhancements should be a state-of-the-art digital system for migrant registration, documentation, and monitoring, benchmarked against global best practices. This system should facilitate migrant identification, oversee their financial undertakings, and, when required, trace their movements. Additionally, the system should offer migrants a bespoke service bundle (like bank cards, SIM cards) and enable remittance facilitation to their countries of origin. This approach is of immense significance given the global tripling of migrant participation in the workforce over the previous decade. Remittances, surpassing foreign direct investments and overseas developmental assistance, have played an instrumental role, with the World Bank noting their significance in nations like El Salvador, Lebanon, Kyrgyzstan, Tajikistan, and Tonga, where in 2020, they constituted over 25% of the GDP (Black, 2021).

To bolster ties with the ancestral homeland, we recommend introducing the "Kandas Card". This card would be issued to ethnic Kazakhs (who are citizens of other countries) and are either distinguished professionals or have pioneered successful business ventures in their respective countries, with aspirations to expand them in Kazakhstan. This card would offer its bearers streamlined entry into Kazakhstan and rights analogous to those of a residency permit, such as initiating businesses, property ownership, and executing financial transactions. However, political rights would be exempted. Eligible individuals should also be granted the option to secure temporary work permits, allowing them to work and reside in Kazakhstan for up to three years, particularly for long-term projects.

A subsequent focus area necessitates state intervention: safeguarding the rights of labor migrants, especially those who hail from Kazakhstan.

It's imperative to explore and implement strategies to support Kazakhstani citizens in their pursuit of opportunities with foreign employers. This encompasses facilitating the procurement of work permits outside Kazakhstan and designating a responsible governmental agency to oversee such endeavors. Precautionary measures should be in place when Kazakh citizens finalize employment agreements with overseas employers. This ensures that their rights and working conditions abroad are upheld. Moreover,

initiatives should be set in motion to formalize agreements safeguarding the rights of Kazakh labor emigrants, especially with industrially advanced nations.

A paramount consideration is the establishment of collaborative mechanisms with highly skilled Kazakhstani expatriates. Harnessing their expertise is pivotal for the enrichment of the national economy.

## **Conclusion**

The overarching objective of Kazakhstan's migration policy is to adeptly legislate and manage migration processes, underpinning national agendas in the realms of demographics, economics, socio-politics, and cultural evolution. Successful migration policy and labor mobility development can be inferred from the following benchmark indicators:

**Skilled Labor Influx:** A measurable increase in the percentage of skilled professionals, encompassing those with higher and secondary vocational education, who migrate to Kazakhstan for employment.

**Curbing Illicit Employment:** A marked decrease in the unauthorized employment of foreign labor migrants, especially those hired for domestic tasks.

**Enhanced Internal Mobility:** A rise in the migration of individuals to the northern and eastern provinces of Kazakhstan as part of interregional migration endeavors.

**Resettlement Initiatives:** The conceptualization and roll-out of dedicated programs to spur the relocation of populations to labor-scarce zones within Kazakhstan.

**Legislative Updates for Resettlement:** Introduction of modifications to the Rules for Voluntary Resettlement, emphasizing state-supported relocation of kandas to regions experiencing labor shortages.

**Digital Monitoring:** Incorporation of labor migrants within an electronic surveillance mechanism to ensure regulatory compliance.

**Simplified Permit Issuance:** Establishment of a streamlined protocol for issuing a single permit for foreign labor attraction, spread across multiple administrative regions. This should also promote the mentoring of local Kazakhstani workers by international specialists, subsequently phasing out foreign workforce in non-essential sectors.

**Harmonizing International Protocols:** Assimilating provisions from the 1951 Convention into Kazakhstan's national legislative framework, guaranteeing equitable access to employment and welfare provisions for refugees, asylum seekers, and stateless individuals.

**Bilateral Labor Agreements:** Crafting bilateral accords with countries known to employ significant numbers of Kazakh nationals, such as Turkey, UAE, USA, UK, Korea, Israel, and Germany, to ensure labor and social rights for Kazakhstani emigrants.

**Consul Protections:** Establishing protocols for specialized consuls who are mandated to safeguard the labor rights of Kazakhstanis employed overseas.

**Engagement with NGOs:** Fostering ties with civil societies in host nations of Kazakh emigrants to ensure their well-being and rights protection.

**Informative Outreach:** Producing and disseminating informational resources to educate Kazakh nationals venturing abroad for employment. This would encompass aspects of legislation, culture, language, and administrative procedures.

**Engagement with Expert Emigrants:** Devising strategies to collaborate with highly-skilled Kazakh diaspora, leveraging their expertise for fortifying Kazakhstan's economic landscape.



In essence, a confluence of legislative reform, international collaboration, and technological intervention forms the bedrock of a comprehensive and efficient migration policy for Kazakhstan.

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