

Migratory Risks of Kazakhstan: Modern Tendencies, National Safety, and State Regulation Problems

Kazakhstan is the 9th largest country in the world with population about 16 million. For Kazakhstan pay a lot of attention to migration in recent times because it has very big demographic problem. After gaining its independence the Republic of Kazakhstan, being the country of origin, destination and transfer, has become an active agent of the world migrational processes.

Kazakhstan's advantageous transit-geopolitical situation between East and West mean that country is an active participant of global migratory processes. Migrants from Central and South-East Asia transit to Europe via Kazakhstan. Serious challenges which countries of transit zones face are problems of illegal migration, drug trafficking, religious extremism and international terrorism.

In the Central Asian context Kazakhstan has become a popular destination and transit country of migrant workers and other categories of people on the move. According to the statistics, main flows of migrant workers in the Republic of Kazakhstan come from the Kyrgyz Republic, Uzbekistan and Tajikistan, attracted by growing salaries and demand for workers. Unfortunately, due to a restricted legal framework for foreign employment, most labour work irregularly. The country is also marked by the high volume of internal migration: thousands of rural residents move to urban areas seeking for job opportunities many of them end up as victims of trafficking. Outside Kazakhstan main destination countries for Kazakh labour migrants are the United Arab Emirates and Turkey.

Kazakhstan ranks ninth on the world's list of migrant receiving countries. The figures given to the FIDH (International Federation for Human Rights) mission varied between 500,000 irregular migrants to just under two million). According to estimations of UN experts, Kazakhstan occupies the 15th place in the world for intensity of emigration and immigration. Large numbers of people move through this territory.

Among the positive factors of the overall development and of the migration situation becoming stable in Kazakhstan are the following: political stability, considerable improvement of socio-economic conditions, rising standard of living. All these lead to the fall of the negative migration balance as well as to the increase in the number of immigrants entering the country.

Estimates are all the more complicated due to the visa-free regime and those entering Kazakh territory are not necessarily migrant workers. Moreover, it is not always possible to know whether the figures given are those of persons entering the country or those registered with the migration police in Kazakhstan. Migrants can be counted several times if they enter and leave the country several times during the year, or if they register with the police several times.

Whatever the precise figures, it is clear that the true scale of labour migration is not reflected in the figures on regular migration: there were 40,000 regular migrants in the first six months of 2009 according to the representatives of the Ministry of Labour met by the FIDH mission (the quotas being set at 65,000 for the year 2009, compared to 120,000 in 2008).

Therefore, country possesses the entire set of problems linked with labor migration.

Key constraints here include variable levels of political will; poor understanding by stakeholders of the migration-development link and of the impact of social, demographic, political and economic dynamics in the region, limitations in migration management capacity and inadequate legal and social framework to protect migrants, particularly their human rights.

As we know migration could be divided into external and internal. Kazakhstan's external migration for the period of independence could be considered in two stages: first is outflow after collapse of USSR for the period 1991-2004 and second inflow of ethnic Kazakhs for the period 2004-2010. Compare to external migration internal migration in Kazakhstan was stable. From 1991 till 2010 internal migration didn't exceed more than 450000 people per year.

As a country of destination of migration, Kazakhstan has two flows of external labor migration directed at it: legal and illegal. According to expert estimates, the scale of “shadow flow” exceeds the number of the legally drawn in labour force by many times and this factor influences the post-Soviet labour market. The World Bank report on ratings of countries receiving migrants, states that the 1st place is occupied by the USA, the 2nd by Russia. Kazakhstan is in 6th place.

Motivations for Migration

The illegal form of international labour migration to Kazakhstan is widespread in all its manifestations. This is the main cause of all the labour migration problems. Long, insufficiently controlled borders stimulate development of illegal migration across the frontiers from neighbouring states.

In order to regulate this inevitable labour migration, to utilise its positive aspects and to neutralize its negative manifestations, Kazakhstan takes measures for its legalization. Legalization actions taken by the law enforcement bodies showed that from the total number of legalized migrants to date there are 72.8% citizens of Uzbekistan, 13.2% - from Kyrgyzstan, 6.4% - from Russian Federation and 2.9% - from Tajikistan. Amongst the complex aggregate of factors “pushing out” the labor force from their own countries the dominant factors are agrarian overpopulation, high unemployment levels, low income levels and general poverty of the population.

External migration in Kazakhstan for last years is positive and in 2010 the balance of migration is accounted for 15465 people. The immigration to Kazakhstan for 2010 is 41996 people and emigration from Kazakhstan for 2010 is 26531 people. External migration in Kazakhstan is divided into two big parts. First part considers period from 1991-2004 and the second part considers period from 2004-2010.

The migration situation in Kazakhstan in 2002-2005 has significant changes. Formed in 2004 the positive balance of external migration in 2005 increased by more than 8 times and has reached 22,668 people.

After 2006 migration in Kazakhstan has decreasing tendency till 2008. Although the effects of the economic crisis are hard to assess with any degree of accuracy, it is reported that the number of migrant workers in Kazakhstan has fallen. In practice, in response to the crisis, Kazakhstan halved the quotas for labour migrants, as did Russia.

Kazakhstan is one of a few of countries which proclaim and realize an ethnic migratory policy. It should be noted that with increasing numbers of ethnic Kazakhs (oralmans) arriving in Kazakhstan, there is also a tendency towards an increasing return of former Kazakhstan citizens of working age.

In 1996, there was an organized return of 70,000 Kazakhs from Mongolia, Iran, and Turkey. During 1991–95, 82,000 Ukrainians and 16,000 Belarussians repatriated. Between 1991– 96, 614,000 Russians repatriated and 70,000 Kazakhs had repatriated from CIS countries. During 1992–96, 480,000 ethnic Germans had returned to Germany. These Germans were forcibly deported to Central Asia during World War II as from the Volga region.

As of 1996, 42,000 Kazakhs had been displaced internally or had left for other Commonwealth of Independent States (CIS) countries as a result of the ecological problems of the Aral Sea, which had lost three-fourths its volume of water. There were also 160,000 displaced persons as a result of Semipalatinsk, an aboveground nuclear testing site in northern Kazakhstan. Since 1991, 45,000 Kazakhs were displaced internally, and 116,000 had left for other CIS countries.

As of 1999, there were an estimated 35,000 refugees and asylum seekers in Kazakhstan. Of these, there were some 25,000 returnees of ethnic Kazakh origin, 6,000 Tajiks, 3,000 Afghans, Chechens, Georgians, and Armenians, as well as individual cases from China, African and other countries. The majority of the refugee population is located in the former capital Almaty and the southern part of the country. In 2000 the net migration rate was -12.2 migrants per 1,000 population, amounting to a loss of 200,000 people. The government views the emigration level as too high.

The majority of migrants are concentrated in four regions: Almaty, Astana, Atyrau and southern Kazakhstan. The migrants are specialized in several different sectors: according to estimates, nearly a third work in the construction industry, another third in convenience services (the food service industry, small business, home repairs services), and the last third in agriculture.

Kazakhstan and arrived in Kazakhstan for the purpose of permanent residence. The policy aims “to comprehensively assist the immigration of persons of the Kazakh ethnicity into the Republic of Kazakhstan, in organizing their settlement, creation of working places, social welfare and social assistance to oralmans.

The policy provides for fixed quotas. Oralmans who return outside the quota system have less access to resettlement assistance. Incentives are provided to those who return within the fixed quotas, including payment of the costs of return by the state and other financial benefits. All oralmans have the right to a pension, social insurance and social allowances (depending on the budget); access to education, including professional and higher education; assistance in finding work; access to land.

The Committee on Migration has departments in each Governate and centres for temporary accommodation of repatriates. They also have four centres for “adaptation and integration” of migrants, with language courses and professional training. A new programme (“*Nurly Kosh*”) provides for further resettlement and integration assistance.

From 1991 to 1 June 2009, 188,248 families of oralmans migrated to Kazakhstan, making a total of 737,991 persons. Of these 59,9% were from Uzbekistan, 11,2% from Mongolia, 8,1% from Turkmenistan and 11,2% from China. The majority (100,420 families, the equivalent of 498,859 persons) came under the quota system.

The Kazakh government is currently trying to conclude a bilateral agreement with China, particularly concerning ethnic Kazakhs from China returning to Kazakhstan. This remains a difficult issue between the two countries. It is likely that if such an agreement is concluded it will relate more generally to migrant workers in each country.

This policy raises a number of problems, including difficulties linked to integration, accessing benefits and assistance, finding work and accommodation, obtaining registration, corruption and difficulties with local authorities.

The working conditions of Central Asian migrants in Kazakhstan are still very poor. Legislation dealing with immigration continues to be largely insufficient, failing to penalize abusive employers and to guarantee a minimum of social rights to migrants. In fact, the country will be needing more than a million additional workers until 2015: migrants, then, are also contributing to Kazakhstan’s development and economic success. Moreover, since labor out-migration is postponing unemployment-fuelled social tension and socio-political instability in Kyrgyzstan and in Uzbekistan, Kazakhstan contributes to stability throughout Central Asia, taking on the role of the region’s economic leader

Although Kazakhstan has ratified the majority of the international human rights conventions, which contain provisions covering protection of the rights of migrants, the state has thus far failed to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Kazakhstan has not ratified the ILO Convention No.97 of 1949 concerning Migration for Employment and the ILO Convention No. 143 of 1975 concerning Migrant Workers (Supplementary Provisions).

Kazakhstan is party to a number of regional agreements, especially within the framework of the CIS, and has signed bilateral and trilateral agreements with Azerbaijan, Belarus, Kyrgyzstan, Mongolia, Tajikistan and Uzbekistan.

In response to economic changes in Kazakhstan, several new laws and decisions have recently been adopted and amendments have been made to existing laws. The legal framework governing migration is complex. According to the Committee on Migration, there are more than 200 laws and regulations that apply to migration.

Conclusions:

Indicators of “migratory risks” for present day Kazakhstan:

- Lack of experience in regulating international migration;
- Kazakhstan’s geographic location as a transit zone;
- Increase of migration rates, frequent illegal migration coupled with the quasi-control of the state;
- Budget cuts and other restrictions, slow response by officials;
- Lack of accurate statistics on the number of migrants;
- Lack of specific programs for each different type of migrants;
- Lack of high quality specialists with expertise in migration regulation;
- Existence of refugees;
- Intensive internal migration which brings increased tension due to uneven settlement of immigrants in certain territories.

Recommendations:

- Orientation of legislation to meeting economic requirements and overcoming the negative consequences of migration processes.
- Creation of correlating system of planning and control in the area of labor migration in legislation.
- Activation of interstate interaction in the sphere of migration and formation of the regional common labor market formation.
- Perfection of the system of labor migrants and their family members adaptation.

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