



Improvement of the Model of State Governance of Foreign Migration in the Republic of Uzbekistan

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Abstract

The article is devoted to the actual improvement of the mechanism and model of state regulation of migration processes in Uzbekistan, as well as to the analysis of the issues of the most effective ways of its implementation. The current state of the control system, the main structural elements, the role and conceptual bodies of its regulation are considered. The article analyzes the need to fill in the gaps in the formation of models for regulating various migration processes, especially labor migration, in order to improve the efficiency of its management in Uzbekistan. To determine state priorities and successfully implement tasks in the migration sphere, it is proposed to implement the State Strategy for The Migration Policy of the Republic of Uzbekistan for the period up to 2030.

Keywords: *Migration Policy; Methods of Migration Management; The Role of State Bodies in Migration; International Labor Migration; Concept of Migration Policy of the Country*

Introduction

Migration management is one of the central topics in the international community, it is debatable among scientists and specialists both within the framework of international organizations and individual countries of the world. Migration management issues are included in the global agenda of the United Nations and are becoming an integral part of most international global challenges (United Nations, 2015)¹. This issue is due to the diverse specifics of existing social relations, socio-economic development (Geiger M., Pécoud A., 2010), demographic development, and the structure of the population of each country. Accordingly, for optimal and efficient use or copying of standard models of migration management is impossible. (Krutskikh D.A., Bizin S.V., 2021).

¹ Transforming our world: the 2030 Agenda for Sustainable Development. Resolution adopted by the General Assembly on 25 September 2015. United Nations. A/Res/70/1. URL: https://www.unfpa.org/sites/default/files/resource-pdf/Resolution_A_RES_70_1_EN.pdf

Review

Over the course of several decades, Uzbekistan has been brewing the need for a radical improvement of state policy in the field of migration, deepening integration processes and the development of international cooperation, a radical revision of the system of organized employment of citizens abroad, ensuring the rights of citizens to professional activities both in the territory of the Republic of Uzbekistan and abroad. Situations associated with the unstable nature of international relations, the occurrence of natural disasters, armed conflicts, financial and economic crises, as well as those related to health care and pandemic², can significantly change the global dynamics of migration processes (MOM, 2021), and affect the socio-economic development of individual countries of the world³ (Ryazantsev S.V., Bragin A.D., Ryazantsev N.S., 2020). This causes the need for actualization and activation the role of the state and state structures in the regulation of migration processes, including labor migration.

It can be stated that in the period from 2017 to 2020 in Uzbekistan there was a transformation of the management system of migration sphere and the state role in this process, as a leading and system-forming role and place of public administration PD -5785 dated August 20, 2019, PD-3839 dated July 5, 2018, PD 4829 dated September 15, 2020). The functions and tasks of the Ministry of Employment and Labor Relations were revised (Resolutions of the Cabinet of Ministers of the Republic of Uzbekistan (RCM) №1066 dated December 31, 2018), the system of organized forms of labor migration was transformed on the basis of the conclusion of bilateral and multilateral international treaties and agreements. Within the composition and structure of the executive body of the Cabinet of Ministers of the Republic of Uzbekistan, a Department for the protection of the rights of citizens of the Republic of Uzbekistan engaged in temporary labor activity abroad and for international economic cooperation has been created (№ 198 dated April 04, 2020). This indicates the importance of coordination and state management of migration processes in Uzbekistan.

Have also been created Branches of the Agency for External Labor Migration and the Center for the Training and Retraining of Migrants in various regions of the country (RCM №725 dated September 12, 2018), which allow increasing the coverage of organized forms of labor migration, and, accordingly, ensuring social and labor rights, as well as protecting our citizens planning to carry out labor activities abroad.

All these reforms were also accompanied by an accelerated pace of creation of new jobs in Uzbekistan, significant economic development of various sectors of the economy of heavy and light industry, processing industries, large-scale construction, deepening reforms in the country's agriculture. The reforms and the accompanying growth of real incomes of the population made it possible to reduce the incentives for labor migration of a part of the working-age population and to optimize the structure of employment in the country. (The State Statistics Committee of the Republic of Uzbekistan. Available from <https://stat.uz/ru/ofitsialnaya-statistika/labor-market>).

Ensuring the constitutional rights of citizens to freedom of migration and spheres of employment, including in foreign countries, protection of the rights and freedoms of citizens in the process of migration and labor activity abroad is an important state task (Beduschi A., 2020). In addition, the protection of national interests in the migration sphere is an important state task requiring coordinated work of all state

² The situation of labor migrants in the regions of the world: the challenges of the covid-19 pandemic and the response of governments. Ryazantsev S.V., Bragin A.D., Ryazantsev N.S., Institute for Demographic Research, Federal Scientific Research Center of the Russian Academy of Sciences, journal: Scientific Review. series 1: Economics and Law No.3, 2020, pp: 7-21

³ Refugee and migrant health in the COVID-19 response, www.thelancet.com Vol 395 April 18, 2020, Published Online March 31, 2020 [https://doi.org/10.1016/S0140-6736\(20\)30791-1](https://doi.org/10.1016/S0140-6736(20)30791-1)

and non-state organizations and institutions. In our opinion, the main goal of the state should be: effective regulation of the migration process through a developed migration policy, considering all stakeholders (interested parties).

Analysis and Results

At the present stage of deepening the international division of labor, it becomes necessary to develop new approaches and instruments of migration policy of various countries of the world (Piper N., Ramia G., 2018, Kasperek B., 2016), including Uzbekistan. Among the main and important tasks in the regulation of migration in Uzbekistan, in our opinion, is the definition and legislative consolidation of the main types, types and forms of migration, as well as the creation of a unified system for monitoring, analysis, forecasting and planning of migration processes. Unfortunately, in these issues, there are some gaps and need to be improved.

Obviously, that an untimely solution of pressing issues and problems can aggravate the situation in the future (Popov S. Shoshich E., 2021). In this regard, the main and primary efforts of the state should be directed to the formation of a legislative framework and legislative activity, to promote the creation of a market infrastructure in the process of migration, to create conditions for legal but regulated activities of entities in the migration sphere, and most importantly to develop its own model and system of migration management in including labor migration, based on the specific characteristics of our country.

As the analysis of the current situation in Uzbekistan has shown, in order to implement the state migration policy, it is necessary to provide measures to improve the activities and strengthen mutual interdepartmental cooperation of ministries, departments, state committees, local authorities, various public organizations, citizens' self-government bodies, the media in terms of effective regulation migration processes.

For effective management of migration processes in Uzbekistan it is crucial to determine:

- directions of improving the legal support of state regulation of migration processes;
- to develop the basis for the functioning of the system of sociological support of migration policy (in-depth analysis of social aspects and consequences);
- to identify and predict trends in the development of migration as a socio-economic phenomenon, to develop comprehensive projects for solutions to migration problems, considering the interests of citizens, to increase the efficiency of rule-making in the field of migration;
- taking into account the specifics of labor migration from Uzbekistan (free labor resources not in demand on the domestic market), it is necessary to diversify the geography, directions and types of labor migration, expand the channels of legal labor activity through the conclusion of international agreements and contracts.

Required Interdepartmental work to strengthen social protection of the interests and rights of citizens working abroad, form a positive image of a labor migrant, conduct pre-departure training and adaptation programs. The aforementioned set of measures in the field of labor migration will make it possible to form an effective mechanism for interaction between ministries and departments of the republic in the field of regulation of external labor migration of the population.

Also necessary to reform and improve the activities of state institutions, including the Agency for External Labor Migration, including excluding their direct employment activities, and focusing on the coordinating and regulating role (as a classic state governing body) of the activities of private employment agencies. and other infrastructure to facilitate labor migration.

For example, out of the total number of labor migrants traveling to foreign countries, estimated at 2.6 to 3 million people in 2019, according to the Review.uz, 201. Available from <https://review.uz/post/chislo-trudoviyx-migrantov-iz-uzbekistana-sostavlyayet-26-millionov-chelovek>) only 72 thousand people left through official organized forms of labor migration, for the period 2018 - the first half of 2021

In addition, despite the opportunities provided in Uzbekistan for private employment agencies for the employment of citizens abroad, their dynamics of work is insignificant, so for the period of 2019 - including the first half of 2021, they employed only 3.4 thousand people abroad, which in the scale of the annual outbound flow is 0.13%.

In subsequent reforms in the field of management of migration processes, it is necessary to use the enormous potential and organizational structures of the country abroad, the involvement of the organized diaspora of compatriots operating in various countries of the world.

The State Program for Implementation of The National Action Strategy on Five Priority Development Areas 2017-2021⁴ (Decree of the President of the Republic of Uzbekistan, 2017) provided for the development of 3 important legislative and regulatory acts in the migration sphere. Including the draft "Law on External Labor Migration", the Resolution of the Cabinet of Ministers "On Measures for The Effective Use (Prevention of Leakage Abroad) of Highly Qualified Personnel for Public Service and Work in The Sectors of the Economy", as well as "On Measures for Further Improvement and Fundamental Revision System of Organized Employment of Citizens of the Republic of Uzbekistan Abroad" (Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, 2018).

At the request of the Ministry of Employment and Labor Relations and the Agency for External Labor Migration, we have developed drafts of the above legislative and regulatory legal acts and submitted for consideration to the Ministry of Employment and Labor Relations⁵.

The development by the author of this article of the draft "Law on external labor migration" consisted of 4 chapters and 55 points, including various aspects of the regulation of migration processes, including the departure of citizens for the purpose of labor activity abroad, as well as the admission of foreign citizens to work on the territory of the Republic of Uzbekistan. Public discussions and coordination were held in a number of ministries and departments of the country ("Tashqi mehnat migratsion tuzilishi"ni qonun loyihasi mukhokama qilindi <https://mehnat.uz/uz/news/tashqi-mehnat-migratsiyasi-tuzilishidagi-qonun-loyihasi-muhokama-qilindi>)

In addition, the author of this article prepared a draft Resolution of the Cabinet of Ministers "On measures for the effective use (prevention of leakage abroad) of highly qualified personnel for public service and work in the sectors of the economy", which, unfortunately, has not yet been adopted. In our opinion, given the relevance of the problem of brain drain and intellectual migration, the discussion of this document is important and necessary.

The above draft documents were submitted for consideration to the Ministry of Employment and Labor Relations, which were approved by the leadership of the Ministry by the letter implementation act No. 02-24/4847 dated October 12, 2017. Positive feedback was also received from the Agency for

⁴ Decree of the President of the Republic of Uzbekistan (2017). "On the Strategy of Actions for the Further Development of the Republic of Uzbekistan" №. PD-4947 dated February 7, 2017.

⁵ Civil - legal agreement concluded between the Agency for External Labor Migration and Isakulov Sh. (2017). dated May 25, No. 24.

External Labor Migration (act of implementation No. A / 07-5733 dated August 28, 2017). Many aspects of the author's scientific developments, including those under the project "On measures to further improve and radically revise the system of organized employment of citizens of the Republic of Uzbekistan abroad, were considered by the Government of the country.

The author is satisfied that at the regulatory level in Uzbekistan there have been positive changes in the mechanisms of state administration and regulation of migration processes, including labor migration.

Currently, one of the most important legislative acts that require early adoption in our country is the adoption of the "Law on external labor migration", which will regulate a number of important legal, socio-economic and organizational processes in the field of migration. When preparing the draft law, we analyzed the international experience of legislative regulation of migration processes, studied the conceptual aspects of rule-making, based on the observance of international individual rights to freedom of migration. Project ID No. 48646 on the portal for discussing draft regulatory legal acts. Available from <http://Regulation.gov.uz>).

In the current situation, due to the presence of a number of the above problems, it is necessary to expand the powers, rights and obligations of the subjects of legal relations in the field of labor migration and their reflection in the draft Law on Labor Migration of Uzbekistan. For the effective implementation of the norms of the law, it will also be necessary to develop the main directions of state policy in the field of labor migration of the population, the formation of effective mechanisms and forms of employment, as well as the implementation of labor activities of citizens of the Republic of Uzbekistan abroad.

The formation and functioning of the state system for managing the migration process and external labor activity of the population is a rather lengthy and difficult process and it is impossible to fully foresee the whole range of problems that may arise in the future (Titova O.V., Bessonova D.A., 2021). This requires a gradual improvement of the employment system, timely adjustment of administrative, organizational, legal and other levers and mechanisms of influence, considering the positive foreign experience. As the regulatory management system develops and the market infrastructure for serving migrants develops, government regulation will change in accordance with the objectives of each stage of the system's development.

Based on foreign experience, the optimal structure for managing migration in Uzbekistan should have the following system elements:

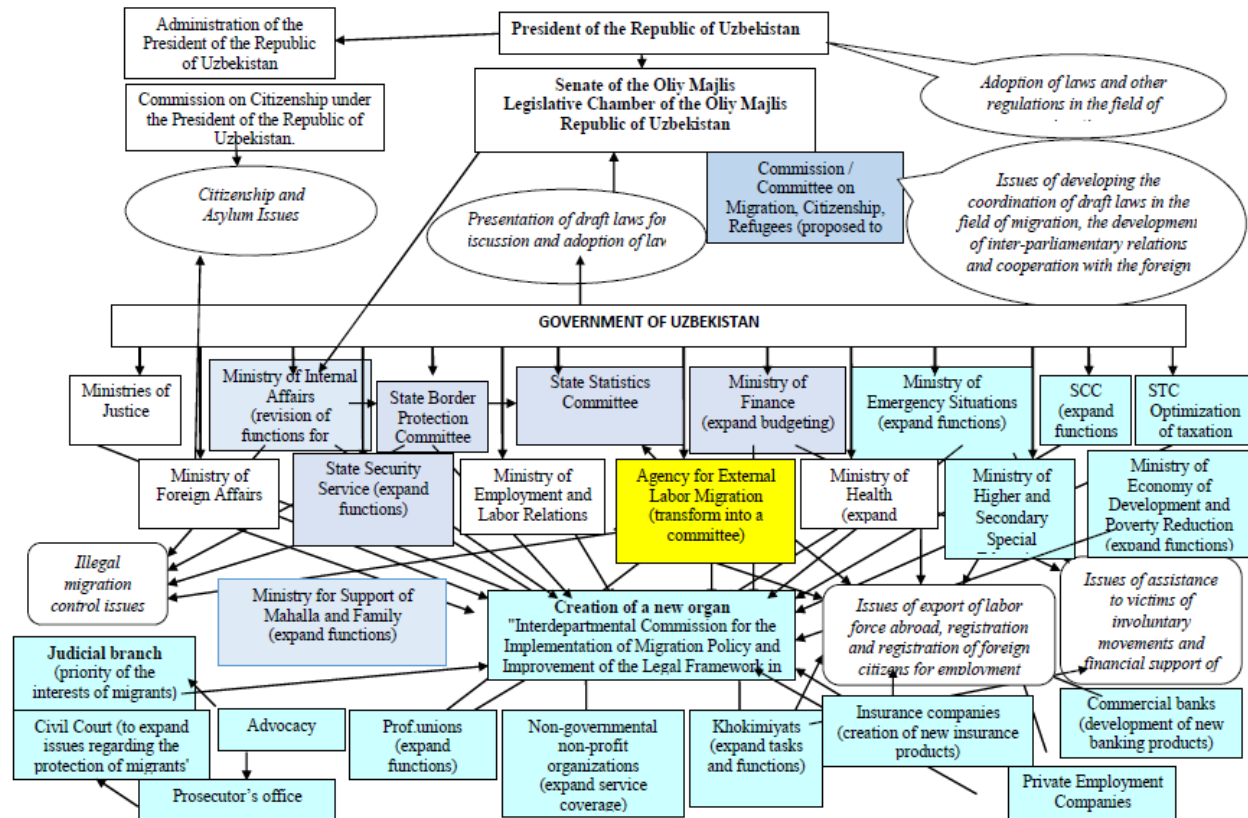
- state bodies of management of migration processes and employment;
- non-governmental non-profit organizations providing various types of assistance to migrants;
- profit organizations providing paid services in the process of migration and employment;
- independent activity of citizens of the country in search of work and employment abroad.

Effective management of migration processes can be realized by improving the institutional framework, i.e. creation of a specialized state body on migration issues.

As of July 2021, the scheme of public administration in the field of migration processes, including labor migration, is shown in Fig. 1. The structure of state governing bodies of the Republic of Uzbekistan in the field of migration.

It should be especially noted that in modern conditions migration is becoming a lever of political influence on various countries of the world, and excessive dependence on international migration and related flows of migrants can be an element of the lever of influence on sending countries (Trykanova S.A., 2021). Among the destabilizing factors may be social discontent with the threat of expulsion of

migrants, an increase in socio-economic tension, a decrease in the flow of foreign exchange remittances of migrants, an increase in protest potential within the country in conditions of unemployment and a lack of places of employment (Ryazantsev S., Khramova M., 2020). There are many such examples in the world, such as the expulsion from the EU of migrants from various countries of origin in 2017-2019, the United States in relation to migrants from Latin American countries in 2016-2020, the response of the Russian Federation related to the mass deportation of illegal migrants against in relation to Georgia that occurred in 2008 and in relation to Tajikistan in 2011 (Panfilova, 2011), the requirement for the legalization or deportation of Uzbek migrants who are on the territory of Russia in 2021.



For this reason, in our opinion, at the government level, multivariate programs of measures should be developed to regulate migration processes, especially in the context of possible international financial and economic crises, man-made disasters, international conflicts and related mass migrations of the population. Such programs can be developed in close coordination with state executive bodies and public organizations. Such documents should specify the specific functions and tasks of each structural subdivision of the state apparatus, local authorities, public organizations, etc. Like any state program of such a plan, its implementation must be provided with an appropriate reserve fund for financing activities.

Undoubtedly, in order to reduce dependence on external migration, it is necessary to stimulate migration within the country, which are important for the socio-economic and demographic development of the country, as well as for the implementation of large national projects in various regions of the country. For this, a comprehensive system of benefits and economic incentives should be developed, the size and form of which allows people to make decisions on the temporary and permanent migration of their habitable places and move to the territories necessary from the point of view of the state.

For timely forecasting and effective regulation of migration processes in the country, it is necessary to develop a socio-demographic map of the migration mobility of the population for each region of the country, in which it is necessary to reflect the most important driving factors of migration. Such a socio-demographic map will make it possible to apply timely preventive measures in the event of negative trends, as well as to develop the necessary measures and programs for socio-economic development and solutions to labor market problems based on the specifics of each locality.

Conclusion

In general, taking into account the current situation associated with the demographic factors of the republic, trends in the natural movement of the population, and labor redundancy in certain territories of the country, the export of labor can be characterized as a positive phenomenon, allowing to reduce the unemployment rate, save on the costs of training and retraining of workers, facilitates structural and technological restructuring of production, will provide an inflow of foreign exchange, etc.

Unfortunately, to date, strategic conceptual documents, concepts and comprehensive programs focused on a long-term period have not been developed. In this regard, for systemic public administration, it is necessary to develop the State Concept of Migration Policy of the Republic of Uzbekistan, which should be implemented in three stages. At the first stage, the implementation period is until 2022, the second - until 2026, and the third - until 2030.

In our opinion, at *the first stage of the implementation of the above Concept* for the period until the end of 2022, it will be necessary to develop and adopt:

- basic and necessary regulatory legal acts in the field of migration;
- to create an information and analytical system to ensure their implementation;
- to develop and test various programs and action plans in the field of migration processes;
- to create various types of centers for the promotion of migration, as well as centers for medical services for migrants;
- to develop a comprehensive infrastructure for servicing labor migrants;
- to liberalize and improve the system of employment abroad, as well as develop measures to legalize illegal flows of labor migration;
- to conduct comprehensive sociological studies of internal and international migration of the population.

As part of *the second stage of the Concept implementation* for the period until the end of 2026, it is necessary:

- to monitor the previously adopted programs and practices of applying the existing normative legal acts in the regulation of migration processes;
- to implement comprehensive measures for the further development and modernization of the information and analytical system for managing migration processes, including in foreign countries;
- to analyze the implemented programs in the migration sphere to identify gaps and problem areas, as well as to develop new complex tasks for the future;
- to carry out statistical and analytical work in the field of internal and international migration of the population of the Republic of Uzbekistan. Identify problematic issues for further adjusting the implementation of the concept of the country's migration policy.

The Third Stage of the Implementation of the Concept of Migration Policy for the period until the end of 2030, in our opinion, should be devoted to:

- summing up the results of activities in the field of migration, completing the implementation of the strategic objectives defined in the concept of migration policy;
- evaluating the effectiveness and clarifying the directions and priorities of the migration policy of the Republic of Uzbekistan for the future.

Migration processes require constant analysis and systematic study of various aspects of human life, social relations, identifying problem points and systemic problems. Only on the basis of such empirical data is it possible to effectively manage and adopt verified and effective methods of regulating migration processes, which should be based on reliable protection of the rights and freedoms of citizens of the country.

Thus, the conducted studies have shown the existence of a number of problems in the field of management and regulation of migration processes, which actualizes the need for subsequent reforms, specifying the goals, tasks and functions of various government bodies in the process of regulating migration, amending the guidelines for the work of various departments, as well as improving the current legislation. For the conceptualization of strategic tasks in the migration sphere and its effective implementation, it seems expedient to develop the State Concept of the Migration Policy of the Republic of Uzbekistan for the period up to 2030, which will allow integrating interdepartmental work in this direction with the determination of state priorities in the migration sphere for the long term.

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