

MIGRATION POLICY OF THE KYRGYZ REPUBLIC TODAY

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ABSTRACT

This article examines several issues relating to migration in the Kyrgyz Republic today. It studies the regulatory and legislative framework and practice of implementing the country's migration policy. The author carries out an institutional analysis of the migration management system. She identifies the most urgent problems of

regulating the migratory flows occurring in post-Soviet Kyrgyzstan based on the results of a sociological poll. She also draws corresponding conclusions and offers recommendations for harmonizing all the available migration management tools in practice, which is essential for raising the legitimacy of migration as a whole.

KEYWORDS: *Kyrgyzstan, international migration, external labor migration, labor migrants, countries of origin, countries of destination, illegal migration, employment of the population.*

Introduction

After gaining its independence and transferring to a market model of economic development, Kyrgyzstan encountered the problem of population migration. The migration phenomenon is playing an important role in the republic's post-Soviet socioeconomic development; this is prompting an increase in the scientific-practical importance of studying and understanding it. It stands to reason that this social phenomenon must be primarily viewed from the political and legal viewpoint, keeping in mind the need for state management of migration. The unstable development dynamics of the economic sector and deteriorating situation in the domestic labor market have been instrumental in forming the migratory flows of some of the country's population. The shrinking job market and opportunities to earn a living inside the country have compelled people to move abroad in search of employment. This migration trend has made it urgent for the Kyrgyz Republic to draw up a state migration policy. Its priority tasks are to regulate, streamline, and stabilize migration. Corresponding legislation is being improved and regulation enhanced in order to manage the migratory flows.

During the two decades of its sovereign development, Kyrgyzstan has seen the emergence of fundamental political and legal principles of its national migration policy and the institutional tools for regulating it. However, there is still no full understanding of the essence and role of migration and how it influences the prospects for the republic's political and socioeconomic development.

It goes without saying that at the current stage in its development, Kyrgyzstan must take a serious look at the approaches to migration, as well as at the system for managing and regulating it. The state's goals and tasks with respect to the migrants themselves must also be precisely defined. The efficiency of the state's migration policy greatly depends on this.

State Migration Policy

The state began formulating its migration policy around the mid-1990s; this was when the republic started drawing up its strategy. This policy suggested using preventive measures to expand the state's migration regulation potential.

One of the first steps in this direction was a government resolution of 30 July, 1993 on the creation of a Migration Administration under the Ministry of Labor and Social Security of the Kyrgyz Republic.

In 1995, due to the increase in number of refugees from neighboring Tajikistan, the Osh Regional Migration Center was established. In August 1996, the regional representative office of the International Organization for Migration (IOM) began functioning in Bishkek, the most important tasks of which were drawing up a policy on migration of the population and ensuring efficient migration management. Great efforts were exerted within the framework of the agreement entered between the U.N. Office of the High Commissioner for Refugees (UNOHCR) and the IOM to define a joint action plan for the CIS countries leading in particular to elaborating fundamental principles of cooperation in solving the problems of refugees and migrants. On 20 March, 1997, the government of Kyrgyzstan, the UNOHCR, and the IOM signed an agreement on opening a Migration Management Center in Bishkek.

In August 1999, a State Migration and Demography Agency was established under the Kyrgyz government that took several steps, in cooperation with interested ministries, state committees, and other republican departments, as well as with the regional administrations and local self-government bodies of Bishkek, to implement the Main Vectors of the Migration Policy Strategy for 1999-2001. From 2001 to 2005, migration was managed by the Migration Service Department under the Kyrgyz Ministry of Foreign Affairs.

After 2000, a specific legislative framework appeared, which facilitated the drawing up and implementation of the state's migration policy. In April 2004, a Concept of State Migration Policy until 2010 was drawn up and adopted that determined its main prerequisites, goal, tasks, and principles. On 13 January, 2006, a Kyrgyz Law on External Labor Migration was adopted.

The Kyrgyz government has drawn up and is implementing several programs promoting the regulation of migration, in particular, the Country's Development Strategy for 2007-2011, the National Employment Policy of the Kyrgyz Republic until 2010 (17 August, 2006), the State Program of the Kyrgyz Republic for Migration Regulation for 2007-2010 (25 September, 2007), and others.

During the same period (2005-2009), a State Committee of Migration and Employment (SCME) was established, which was subsequently transformed into the Migration Administration of the Ministry of Labor and Employment; it made a considerable contribution to implementing migration policy. The SCME determined this state body's tasks and functions in regulating external labor migration. It focuses in particular on drawing up a state policy for migration and population employment in the Kyrgyz Republic and abroad, executing corresponding regulatory legal acts, and exercising control over their performance and the establishment of an international contractual base with partners, international cooperation, and so on.

An Information and Consultation Center (ICC) was created under the SCME in 2006 to assist citizens addressing the territorial bodies regarding migration and employment issues. The main purpose of this structural subdivision of the SCME is to provide citizens with information and consultation services regarding jobs both in Kyrgyzstan and in the Near and Far Abroad, as well as to assist in looking for employers.

The Kyrgyz leaders have also engaged the Ministry of Foreign Affairs in drawing up state migration policy. The Migration Service Department under the Kyrgyz Ministry of Foreign Affairs is one of the first institutions for migration regulation in the post-Soviet period.

The Ministry of Labor, Migration, and Youth (MLMY) and the Ministry of Foreign Affairs are the government bodies of the Kyrgyz Republic currently involved in regulating migration relations. It is the task of the Ministry of Foreign Affairs to keep tabs on external migrants, but this only applies to Kyrgyz citizens who encounter problems while abroad. The MLMY, in turn, deals with labor migrants before they leave the country.

The tasks and functions of the MLMY, as well as of its regional subdivisions and services, include providing consultation to those who address the territorial bodies regarding issues relating to employment abroad. The Information and Consultation Center is also engaged in this task, striving to provide all strata of the population with extensive information on training opportunities and jobs both in the Near and Far Abroad in the “foreign employment” vector.¹

In 2010, an Employment Center for Kyrgyz Citizens Abroad was formed under the Ministry of Labor, Employment, and Migration (MLEM). Its main task was to provide assistance to Kyrgyz citizens looking for jobs abroad. In keeping with the government program, this Center was mainly engaged in looking for employers, signing contracts, and finding jobs for Kyrgyz citizens in Russia, South Korea, and Turkey.²

In 2012, during the government structural reforms, the Information and Consultation Center and the Employment Center for Kyrgyz Citizens Abroad were transformed into a single Employment Center, the office of which was located in the Bishkek City Employment Department.

In addition to the Ministry of Labor, Migration, and Youth, private employment agencies are also engaged in keeping migrants informed; their tasks include looking for employers abroad and providing assistance in entering work contracts.

Government bodies are also involved in the problems of migration policy. For example, in September 2013, an Employment Assistance and Foreign Labor Migration Regulation Program was adopted. And a General Agreement was signed among the Kyrgyz Government, Trade Union Federation of the Kyrgyz Republic, and republican employer associations for 2013-2015.

So fundamental principles on which to base the state’s migration policy have emerged during Kyrgyzstan’s post-Soviet development consisting of delimiting the functions of the executive power bodies, establishing interdepartmental collaboration, and coordinating all regulation tools (of the state bodies, local self-government bodies, and public associations of migrants).

Nevertheless, several shortcomings become evident when analyzing the content of Kyrgyzstan’s state migration policy. In our view, the main one is that this policy does not envisage a long-term strategy or ways to implement a program that will turn labor migration into a real source for stimulating socioeconomic development and raising the standard of living of the country’s population. The emphasis is placed on achieving immediate positive results relating to migrants earning money, which, there can be no doubt, ensures the employment of some citizens of Kyrgyzstan and a certain level of material prosperity for their families, while reducing the social tension in the country.

¹ Official website of the Kyrgyz Republic Ministry of Labor, Employment, and Migration, available at [www.mz.kg].

² [http://www.24kg.org/community/92352-nurdin-tynaev-rabota-dlya-trudovyx-migrantov-iz.html].

However, we should not forget that for a country with five million residents, a decrease in the most active and able-bodied part of its population could lead to disaster. So while defining the strategic parameters of labor migration from Kyrgyzstan, it is important not to step outside the limit beyond which it could turn into a threat to the country's security.

It should also be kept in mind that current migration policy does not envisage tools that help to remove the existing obstacles to its implementation, make use of migrants' income to develop the Kyrgyz economy, or create conditions for investing the money earned abroad. The government should look into applying financial tools that will encourage migrants to use the money they earn for implementing long-term projects.

It would also be expedient to encourage business development among returning migrants and help them to set up their own businesses, which will promote the formation of a middle class. This requires drawing up an incentives scheme in the spheres of taxation, lending, remittances, and so on.

The strategy for regulating migration in the country must also be feasible. The main vectors of migration policy should be implemented on the basis of a study and analysis of the international experience of countries that have successfully passed through its formation stage. Migration legislation and migration policy principles are universal; each country should study them and adapt them to their local conditions.

The Regulatory and Legislative Framework of Kyrgyzstan's Migration Legislation

It stands to reason that external migration is an important social process that has an effect on all aspects of public life. In this respect, Kyrgyzstan has formed a legislative framework for regulating migration. For example, in 2004, the Concept of State Migration Policy and Program of Measures for its Implementation were approved. In addition, the Kyrgyz Law on External Migration, the Kyrgyz Law on Internal Migration, the Kyrgyz Law on Refugees, the Kyrgyz Law on Foreign Labor Migration, and the Kyrgyz Law on Preventing and Fighting Trade in Humans were adopted.³ The draft Law on Employment Assistance to the Population was approved by a Kyrgyz government resolution of 27 September, 2012.

Current Kyrgyz legislation reveals a striving to take world experience into account as much as possible and adhere to the provisions of international legal acts on state regulation of migratory flows (their international legal regulation comprises unified interstate regulation of migration based on the regulations ratified by international organizations and envisaged in international legal agreements). So state regulation of Kyrgyzstan's migratory flows is based on the Kyrgyz Constitution and formed keeping in mind the corresponding international law regulations ratified or recognized by the supreme power bodies.⁴

The contractual and legal base of Kyrgyzstan's international cooperation is comprised of agreements on migration and related spheres entered in multilateral, regional, and bilateral formats. Cooperation in these spheres primarily applies to national security and is aimed at keeping peace, maintaining regional stability, warning against armed conflicts, and preventing influxes of refugees. In addi-

³ See: I. Gorbachev, "Po dannym MOT, bolshinstvo potentsialnykh migrantov v Kyrgyzstane—sami kyrgyzy," available at [<http://www.centrasia.ru/newsA.php?st>].

⁴ See: *Constitution of the Kyrgyz Republic*, Raritet Info, Bishkek, 2003, p. 5.

tion to everything else, it applies to labor relations, migration, social policy, citizenship, and asylum, as well as to political, economic, and sociocultural rights and freedoms.

The following should be mentioned among the international legal universal acts that regulate the legal status of people, including migrants: the U.N. Charter, the Universal Declaration of Human Rights, the Pact on Civil and Political Rights, the Pact on Economic, Social, and Cultural Rights, the U.N. Convention on Refugees (1951) and the Protocol to It (1967), the International Convention on the Suppression and Punishment of the Crime of Apartheid (New York, 28 September, 1954), the Convention on the Reduction of Statelessness (New York, 30 August 1961), the International Convention on the Elimination of All Forms of Racial Discrimination (New York, 7 March, 1966), the Declaration on Territorial Asylum (14 December, 1967), and the Declaration on the Human Rights of Individuals who are not Nationals of the Country in Which They Live.

The above-mentioned and many other international regulatory acts⁵ determine the fundamentals of the legal approach to forming an institution of human rights in the signatory states to these documents.

Migration has become a general trend throughout the entire post-Soviet space. Despite the CIS's relatively short existence (20 years), its partner states have been able to draw up and sign several multilateral agreements that cover issues relating to legal regulation of the main migratory flows within the Commonwealth. A number of corresponding bilateral legal acts have been drawn up and signed. Each CIS partner state is actively taking legislative steps to draw up and adopt national legal acts regulating external migration.

Free movement of labor throughout the Commonwealth was first enforced in Art 19 of the CIS Charter, which declares: "Member states shall cooperate in economic and social spheres in the following directions: the formation of a common economic space on the basis of market relations and free movement of goods, services, capital and labor."⁶

In the 2000s, the CIS countries reached a new level of collaboration in migration.

In 2000, the main vectors of cooperation in the humanitarian sphere among the states of Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation, and Tajikistan were approved in Minsk by a decision of the Interstate Council at the head of state level and an Agreement on Mutual Non-Visa Travel was signed.

In March 2005, the states of the EurAsEC signed a Protocol to the Agreement that made it even easier for the citizens of this organization's member states to travel from one country to the other. After it was signed, it was possible not only to travel without a visa, but also using domestic passports.⁷

On 16 September, 2004, the Concept of Cooperation among CIS Partner States in Combatting Illegal Migration was approved. It comprises the fundamental principles and areas of collaboration among the supreme power bodies of the CIS countries in ensuring security and protection of the state, society, and individual against the threats of illegal migration.

A review of the documents drawn up and adopted within the CIS shows that a comprehensive approach to solving the tasks of internal, external, legal, and illegal labor migration began in 2007.⁸

At a meeting of the Council of Commonwealth Heads of State held on 5 October, 2007 in Dushanbe, a Concept of Further Development of the CIS was adopted. It defined the priority areas of cooperation between the law-enforcement agencies and migration services of the Commonwealth partner states.

⁵ See: *International Acts on Human Rights*, Collection of Documents, Moscow, 2000.

⁶ See: *Charter Establishing the Commonwealth of Independent States*, available at [<http://www.dipublico.com.ar/english/charter-establishing-the-commonwealth-of-independent-states-cis/>]

⁷ See: S.V. Ryzantsev, R.V. Manshin, E.E. Pismennaia, "Trudovaia migratsiia v EvrAzES: legalnaia i nezakonnaia," in: *Trudovaia migratsiia i puti preodoleniia nelegalnoi zaniatosti*, Collection of Papers, 17th-18th Moscow-Berlin Seminars on Urgent Migration Problems, Moscow, 2008, pp. 97-107.

⁸ See: "State and Improvement of Migration Policy of the Commonwealth of Independent States," available in Russian at [<http://www/cis.minsk.by/main.aspx?uid=6632>].

The next, equally important, document was the Convention on the Legal Status of Labor Migrants and Members of Their Families signed on 14 November, 2008 by the heads of government of nine CIS partner states. This was the first time this organization adopted a basic document laying the legal foundation for further development of integrated cooperation in labor migration. It included many pertinent provisions of current universal and regional legal acts and enforced the fundamental rights of labor migrants.

The external labor migration flows between certain countries are also regulated by interstate contracts and agreements. For example, labor migration between Kyrgyzstan and the Russian Federation is largely regulated by bilateral interstate relations.

The contractual and legal base of bilateral cooperation between Russia and Kyrgyzstan is set forth in a whole series of documents (around 120), which envisage and amend the main areas, tasks, and mechanisms of cooperation in labor migration between the two countries.

Significant changes have occurred in this sphere in recent years, which is largely related to the consensus to create an organized recruitment system of labor migrants from Kyrgyzstan. In October 2009, an agreement was signed between Kyrgyzstan and the Russian Federation on further enhancing cooperation in regulating labor migration. It envisaged cooperation between the sides on professional retraining, advanced training, and certification of labor migrants, as well as bringing their level of training in harmony with the demands of the Kyrgyz and Russian labor markets. There are plans to establish a learning center in Kyrgyzstan to provide advanced training, teach professors, and carrying out certification of specialists in keeping with Russian standards. Organizing short-term training courses in the Russian Federation was also envisaged.⁹

Regular meetings of working groups of both countries in 2012 in Troitsk (Russia) produced an agreement on creating mechanisms for streamlining employment of labor migrants in Kyrgyzstan and Russia, supporting the professional technical education system, raising its level, and solving other tasks relating to the establishment of civilized labor exchange. An agreement was also reached on the possibility of registering and issuing work permits at the Russian Federal Immigration Service Representation Office in Kyrgyzstan.

On 11 October, 2012, an Agreement on Readmission and an Administrative Record on Its Implementation were signed in Bishkek between the Kyrgyz and Russian governments. This Law was signed by the President and adopted by the Kyrgyz Jogorku Kenesh on 27 June, 2013.¹⁰

Steps are being taken in cooperation with the Social Fund of Kyrgyzstan to draw up ways to provide citizens working temporarily abroad with pensions and social security.

Keeping in mind the pertinence of a state migration regulation policy that includes stepping up integration among CIS countries and the need for its long-term implementation in current Kyrgyz conditions, the country's Foreign Ministry is drawing up a Migration Regulation Strategy until 2020 and an Action Plan for its implementation between 2013 and 2015.

Institutional Migration Management Mechanisms

The Ministry of Labor, Migration, and Youth and the Ministry of Foreign Affairs are the Kyrgyz state bodies currently involved in regulating migration relations.

⁹ See: An agreement has been reached on unified qualification demands between Russian and Kyrgyzstan, available in Russian at [<http://www.mz.kg/ru/news/164/>].

¹⁰ See: Kyrgyzstan ratifies an agreement with Russia on readmission, available in Russian at [<http://for.kg/news-232415-ru.html>].

In addition to the Ministry of Labor, Migration, and Youth, private employment agencies are also engaged in informing migrants and in looking for foreign employees and assisting with labor contracts. The Ministry's efforts to change the existing legislation envisage increasing the responsibility of recruiting agencies and stepping up control over their operations. At present, a draft law has been drawn up regarding private employment agencies that have lawyers on their staff who provide consultation on Russian migration legislation issues.¹¹

Outside Kyrgyzstan, the state is mainly engaged in protecting the economic and social interests of labor migrants living in other countries. In addition to everything else, this is complicated by the fact that Kyrgyz citizens employed abroad under a labor contract entered with foreign employers do not fall under the Kyrgyz labor legislation (Kyrgyz citizenship is of no consequence in this situation). These labor migrants fall under the labor legislation of the destination country and international labor migration regulations (if the particular state recognizes them).

So foreign and international organizations are being incorporated into the migration management system. Their activity is regulated by international legislation and interstate agreements, respectively.

In order to ensure efficient cooperation in the practical implementation of migration regulation, states are creating international institutional mechanisms.

Some countries today are essentially unable to control international labor migration independently. So the need has arisen to create international bodies for regulating external labor migration. They include several international intergovernmental organizations, such as the IOM, UNOHCR, and the International Labor Organization (ILO), one of the tasks of which is to protect the interests of laborers working abroad and assisting the implementation of programs that ensure full employment by means of "movement of workers, including migration, in order to find a job."¹²

It is international institutional mechanisms that provide a way for the state to perform its commitments. They are enforced in the regulations and principles of international agreements on external migration.

Nevertheless, it should be admitted that the efforts of international organizations to regulate migration are not always effective. During the adoption and ratification of international agreements, difficulties often arise related to the ambiguous interpretation of certain points and their possible contradiction to national legislation.

One of the bodies engaged in migration regulation in the post-Soviet countries is the Council of Heads of Migration Agencies of the CIS Partner States. In October 2009, this Council instituted the Fundamental Principles and Mechanisms for Organized Recruitment of Labor Migrants for Employment in the CIS Countries.

At present, the basic learning establishments for carrying out professional training of potential labor migrants have been determined within the framework of Russia's bilateral cooperation with Kyrgyzstan and Tajikistan.¹³

Interstate contracts and agreements entered between the countries of origin of labor resources and the countries of destination are also legal tools that facilitate cooperation between specific states. As mentioned above, Kyrgyzstan and Russia are experiencing the largest volume of labor migration; it is regulated by bilateral interstate relations.

¹¹ See: *Vozdeistvie mirovogo ekonomicheskogo krizisa na trudovuiu migratsiiu iz Kyrgyzstana v Rossiiu. Obzor izmenenii migratsionnykh protsessov*, Bishkek, 2009, pp. 38-39.

¹² *Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers*, Adopted on 24 June, 1975, available at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312288:NO].

¹³ See: "On the Migration Situation in the CIS Partner States and Measures to Regulate It," available in Russian at [<http://rud.exdat.com/docs/index-760341.html>].

Keeping in mind the constantly growing volume of migration and in order to promote more efficient cooperation, a bilateral Russian-Kyrgyz working group consisting of the Russian Immigration Service and the Kyrgyz State Committee for Migration and Employment was created in 2007. Its main task was to overcome difficulties that arise with registration, its extension, and the legal employment of Kyrgyz migrants.

At the beginning of 2011, urgent migration problems were discussed at two meetings of the Intergovernmental Kyrgyz-Russian Commission for Trade and Economic, Scientific-Technical, and Humanitarian Cooperation (in February in Bishkek, and in March in Moscow).

The government of Kyrgyzstan, in cooperation with the Russian nongovernment pension fund, is planning to establish a new body (agency) for registering all labor migrant permits before they leave for the Russian Federation. It has already been decided to open offices in 6 cities of Kyrgyzstan.¹⁴

The need to resolve all the problems migrants from Kyrgyzstan encounter has led to their consolidation and the establishment of various types of nongovernmental organizations. They are called upon to protect the rights of migrants from Kyrgyzstan and the Russian Federation, as well as their public associations representing the Kyrgyz diasporas that have begun springing up in various regions of Russian since 2000.

The representatives of these associations are cooperating with the embassy and consular services of Kyrgyzstan in the Russian Federation and assisting the diplomatic departments. The most stable and active among them are public organizations located in Moscow and the Moscow Region: the Council of Aksakals, Kyrgyz birimdigi, the Association of Teachers, the Association of Physicians, the Association of Builders, and so on.

There are also public organizations in Moscow's major markets; they are formed according to branch or professional characteristics; the former Cherkizov (it was oriented toward promoting the wares of clothing manufacturers), Strogino (specializing in the sale of building materials), etc., markets are good cases in point.

The Kyrgyz Consulate General in Ekaterinburg also cooperates closely with such public organizations as Ata Zhurt in the Sverdlovsk Region, the Kyrgyz Autonomy in the Chita Region, Birimdik in the Cheliabinsk Region, and the Kyrgyz Union in Sakhalin.

Today, one of the largest and best known organizations, both in the republic and beyond, is the Association of the Kyrgyz Diasporas established in 2003 (later it became an international association).

Analysis of the Results of a Sociological Poll of External Labor Migration

In order to study Kyrgyzstan's emigration patterns, as well as conduct a fuller and deeper analysis of the reasons for and consequences of their development, M. Mamyrganov carried out a sociological poll in 2013 that addressed 890 respondents and 37 experts throughout all of Kyrgyzstan's regions and two settlements in the Russian Federation. The author of this article also took active part in drawing up the program and analyzing the poll results.

The goal of the research was to identify the common patterns, dimensions, special features, trends, motivations, and socioeconomic consequences of external labor migration in Kyrgyzstan.

¹⁴ There are plans to make Russian work permits as cheap as possible for migrants, available in Russian at [<http://www.vb.kg/233206>].

In order to carry out the set goal, the following main tasks had to be solved: finding out how satisfied migrants were with the quality of their living and working conditions, determining how much protection they enjoyed, and identifying their future plans and actions, as well as the prospects for further migration activity.

Only the most general results will be given below.

Qualitative Composition of Labor Migrants

The poll of labor migrants revealed the differences in the gender and age structure of the different categories. The largest was the group of respondents between the ages of 16 and 36; 16-25-year olds accounted for 44.1% of the respondents, 26-35-year olds—31.4%, and people older than 36—6.8%. This clearly shows a trend toward younger people leaving the country to work.

Keeping in mind the largely young age of the poll participants, it should be noted that more than half of the respondents have secondary (52.2%) and higher (36.7%) education.

As for the gender balance among labor migrants, it looks as follows: 56.5% men and 43.5% women.

The overwhelming majority of labor migrants are representatives of the Kyrgyz ethnicity, which comprises 97.2%; the share of other nationalities is no higher than 1% each.

A total of 55.1% of the respondents are married with children, the other 41.9% are young single people, some of whom moved to Russia with their relatives.

Reasons for Seeking Employment Abroad and Types of Jobs

The research results showed that most Kyrgyz citizens went to the Russian Federation to find jobs as hired workers; more than 3/4 of the respondents gave this response. A total of 12.5% of the migrants are engaged in business; this is primarily those who already have sufficient experience and were able to establish themselves financially.

Finding a job largely depends on the migrants' connections and how well informed they are. A total of 52.8% of the polled were assisted in finding a job by their relatives temporarily living and working abroad, 35.1% by friends and acquaintances, 10% found work by themselves, and 2.2% through an employment service or bureau. Only 1.7% of the respondents were assisted by private recruiters and even fewer, 1%, found work through the Internet.

As in the past, people going abroad in search of employment usually find a job through the social networks of migrants that have formed there. The use of this resource makes it possible for migrants to compensate for the shortcomings of the social infrastructure.

Residence of Labor Migrants Abroad

The survey showed that 38.2% of the respondents working abroad do not register any documents, whereby 38.8% of this number are young people. At the same time, 34.1% of the polled signed a contract with their employer, while 17.7% counted on doing this after their arrival. Only 6.3% of the poll participants signed a contract through an employment agency, while 3.3% did this under a corresponding interstate agreement.

The poll results confirmed the hypothesis that most Kyrgyz citizens in search of work in the Russian Federation continue to use unofficial channels, which creates a precedent for illegal migration. However, it is very encouraging that the number of legal (law-abiding) Kyrgyz citizens has significantly grown in the past few years.

Many of the respondents have a pretty good idea about the procedure and regulations that apply to the residence of foreigners in the Russian Federation. In particular, 88.2% are aware of the registration deadlines and procedures, 80.5% know where to find the institutions engaged in them, and 85.3% know what documents are required. Moreover, 75.9% of the polled have temporary registration, while 10.4% are permanently registered. Only 13.4% live and work in Russia without any registration.

Level of Awareness of Labor Migrants

One of the goals of the poll was to find out whether Kyrgyz citizens have all the information they need and where they turn for help in dire need. The poll showed that almost half (46.1%) of the respondents first turn to the Kyrgyz Embassy and Consulate in Russia, while more than one third (36%) preferred to ask relatives, acquaintances, and fellow countrymen for assistance.

Kyrgyz migrants have much lower trust in the state power bodies and public organizations of the destination country. This may be due to the fact that Kyrgyz citizens do not have enough information about how they operate. Only 13.1% of the respondents could rely on assistance from the Russian Immigration Service, 9.9% turned to local law-enforcement bodies if necessary, while 8.7% to government structures; only 2.8% trust local nongovernmental organizations and human rights associations.

Labor Activity of Migrants

Today, only 12.8% of the respondents are employed in Russia in their field of specialization. The other 83.6% gave the following reasons for changing their profession: lack of available jobs in their field of specialization (17.4%), refusal to hire them for jobs in their field of specialization if their qualifications were acquired in Kyrgyzstan (17.9%), indifference of employers to the field of specialization and qualifications of labor migrants (19.4%), lack of higher education (14%), and lack of recognition by employers of their professional qualifications (7.4%).

A total of 67.1% migrants work all year round, and only one third of them have seasonal jobs. Construction is the leading field of employment for migrants, in which mainly men (95.8%) work—30% between the ages of 26 to 35. Women prefer to work in the service sphere, restaurants, clothing manufacture, and private households.

The number of migrants occupied in spheres that require high qualifications is very small; only 1.3% of them work in the financial sector and 1% each in public health and education. Only 4% of the respondents are engaged in business and entrepreneurship, but 12.5% intend to open their own business in future in Russia, while 2.8% are currently stakeholders.

Problems/Risks of Labor Migrants on the Job

Labor migrants often have to work in difficult and, at times, severe conditions. Their work place is not always as equipped and organized as it should be; what is more, during all kinds of audits by

controlling authorities, they periodically encounter all kinds of problems/risks, are often hoodwinked by unconscientious employers, and are often subjected to pressure, racket, and threats from criminal and other destructive elements.

The respondents identified the following problems among the main problems/risks: ill-equipped work places (30%), outdoor work in all weather conditions (26.4%), work on weekends and holidays (26.9%), and work in anti-sanitary conditions (25%). Another 13.5% of the respondents noted that there were no elementary amenities (running water, toilets) at work places. And 20.7% complained about the frequent audits by controlling authorities.

The poll participants pointed to the following risks when answering the second part of the question: working at night (16.6%), overtime (14%), and working without lunch and rest breaks (12.9%). Migrants also have to work under life-threatening conditions (12.8%), are constantly insulted and treated rudely (9.3), and often do not receive their pay (5.1%), while some have become the victims of racket and extortion (3.9%), as well as regular beatings (3.7%).

On the whole, 40% of the polled noted that they have to put up with all the difficulties and deprivations of migrant life. A total of 36.8% say the balance of negative and positive aspects is 50:50, while 23.5% of the respondents say that "this kind of life" basically suits them.

Living Conditions of Labor Migrants

Since it is very expensive to rent lodgings, many labor migrants have to live in the same room. They usually live with friends, acquaintances, or fellow villagers (38.5%), relatives (31.8%), wives and husbands (18.7%), and very rarely alone (9.4%).

Nevertheless, 45.6% of the respondents are quite satisfied with where they live, saying it has all the necessary amenities, while 41.7% live in accommodations with partial amenities, and only 11% noted that their lodgings have no amenities at all.

The poll of respondents asked to assess the cost of living in Russia (based on the price of food, clothing, amount of salary, entertainment, and so on) showed that most of them (58.1%) think that it is more expensive in all respects than at home. Only 12.5% said the opposite, while 17.9% noted that there was not much difference and 10% think that the standard of living and prices in Russia are just about the same as in Kyrgyzstan.

Income of Labor Migrants and Their Families

A total of 33.5% of the respondents think that wages in Russia are the main source of income; almost the same number indicated that they were the basis of their family budget. It should be noted that the second of these opinions was particularly characteristic of respondents between the ages of 16 and 25 (38.5%). Older people between the ages of 26 and 35 think that earnings abroad are the main source of income (40.8%) or one of the main sources (34.2%).

Nevertheless, almost half of the labor migrants (49%) participating in the poll assessed their wages as low (average), while 3% noted that they were even lower than the average level. A total of 37.8% of the respondents considered their wages average, and only 8.9% thought they were high.

The overwhelming majority of respondents essentially maintain their families on the wages they earn. In so doing, 43.9% provide financial assistance to their families regularly, 21.5% maintain them in full, 21.1% help them periodically, and only 11.9% do not have anyone dependent on them.

The lion's share in the structure of labor migrant spending is remittances sent home. For example, between 26 and 50% of the respondents send up to 38.2% of their savings home, between 51 and 75% send 34.7%, and between 76 and 100% send up to 18.8%.

Level of Satisfaction with Work Abroad and Its Prospects

Among other things, the results obtained revealed the moods and psychological wellbeing of labor migrants. For example, 67.8% of the polled do not regret that they went to work in another country; only 7.8% of the respondents expressed dissatisfaction, while 21.2% were undecided.

Almost 60% of the respondents noted that labor migration made it possible for them to improve the financial status of their families, and another 11.1% pointed out that they were able to buy the commodities, services, and property they needed. A total of 5.4% of the respondents believe that they have gained good business and professional experience, while 4.5% expressed their satisfaction with the fact that they have been able to spend time in another country and seen the world; it was mainly young participants in the poll who gave these answers.

However, along with them, 9.9% said that work abroad had not yielded anything positive. It is worth noting that most young people between the ages of 16 and 25 (36.6%) gave this response.

Almost one quarter of the respondents named deterioration in their health (24.7%) and in their family relations (5.9%) among the negative consequences of external labor migration. What is more, almost all the age categories of respondents complained about a loss or deterioration in their health. Moreover, 53.8% of the polled think that going abroad to work has not had any negative consequences.

The positive social and psychological mood of the migrants as a whole was also shown by their future plans. Most of the polled (85.4%) believe they achieved all, half, or some of what they set out to do when they went abroad to work. Based on this, it can be assumed that this category of migrants will continue seeking employment in the Russian Federation in the near future and that they will encourage other Kyrgyz citizens who might be planning to engage in labor migration for the first time.

The questionnaire finished with asking Kyrgyz citizens coming to the end of their work contract in the Russian Federation about their immediate plans for returning home. Most of the polled (71.4%) said that they would definitely be going home, while 18.2% said that they would definitely return home, but not immediately. Only 4.1% of the respondents wanted to go back to Kyrgyzstan temporarily but then return. Only 2.7% answered the question with "most likely not"; and 1.7% plan to return home for a while and then leave again.

A small number of those polled want to reside permanently in Russia or obtain Russian citizenship; the study showed that 68.4% do not intend to do this, and around 10% still do not know what they will do.

A total of 63.7% of the respondents said that one of their main tasks for the near future was to find a permanent job. Another 8.1% noted that they were trying to acquire new qualifications or profession; the same number wish to obtain Russian citizenship. Around 3.4% of the polled want to eventually obtain permanent residence in Russia in order to provide their children with a good education. Along with those who indicated they were expecting some positive changes, 8.7% responded that they do not see any prospects for themselves.

When asked the reason for returning to Kyrgyzstan, 36% of the respondents said that they were worried about falling victim to ethnic clashes and repression from skinheads, neo-Fascists, and nationalists; almost as many respondents also mentioned other life-threatening reasons. A total of 8.3%

of the respondents noted that they would leave Russia if the economic situation deteriorates; and just as many intend to leave the country if most of their relatives and friends do the same. Another 22% do not see any reason at the moment to return home.

The second part of the study focused on a survey of experts. These experts included specialists in the sphere of migration, the labor market, and employment, as well as representatives of the Kyrgyz state bodies, international organizations, embassies, the Russian Immigration Service in Kyrgyzstan and local nongovernmental organizations, along with employees of employment and information and consulting centers (a total of 37 experts).

During this survey, the respondents were asked to give their opinion of the current legislative acts of Kyrgyzstan that protect the rights of labor migrants in the Russian Federation and the steps the republic's authorities should take to alleviate the negative consequences of external labor migration. In addition, they were asked to evaluate how well social guarantees are ensured and the conditions necessary for safe, full-fledged residence and employment of migrants in the destination country.

The experts were also asked control questions designated to check the reliability of the respondents' answers. The experts were unanimous in their opinion that the problems of external labor migration of the Kyrgyz population to Russia are extremely important. Like the labor migrants themselves, they said that the main problems were renting housing and obtaining a temporary residence permit. They also mentioned how difficult it was for newcomers to achieve the level of cultural and psychological adaptation necessary for establishing relations with the local residents. Some of the experts believe that labor migrants from Kyrgyzstan have all the necessary opportunities for safe and full-fledged residence and employment in Russia. However, this viewpoint is only justified providing they are legally employed and/or if they become Russian citizens.

The experts also paid attention to instances of infringement on the rights and freedoms of migrants by the law-enforcement and other controlling authorities, relating this to the underdeveloped and fragmented nature of the institutional environment, as well as to the absence of a developed migration policy in Kyrgyzstan. According to some of the experts, this is precisely why Kyrgyz labor migrants have very limited opportunities for obtaining full-fledged social protection and support.

Some of the other experts think that providing labor migrants with social guarantees depends primarily on their status.

With respect to external labor migration, all the experts are unanimous in their opinion that it will continue in the near future.

Conclusion

During the two decades of Kyrgyzstan's sovereign development, the political and legal foundations of migration policy and a system of institutional mechanisms for its regulation have formed. Nevertheless, the migration policy of Kyrgyzstan has still not been fully determined and does not correspond to current reality.

In order to define a strategy for regulating migration processes, a Concept of State Migration Policy of the Kyrgyz Republic until 2010 was drawn up and adopted in 2004. The main shortcoming of this document is that its main provisions are declarative; it does not envisage a targeted approach to certain state and public structures regarding solutions to particular tasks, which, like the measures for their implementation, have not been specifically defined.

Within the framework of executing the National Strategy of Sustainable Development of the Kyrgyz Republic for 2013-2017 developed by a working group at the Presidential Administration of the Kyrgyz Republic under the supervision of an independent expert, ex-minister of labor and social

security A. Ryzkulova, a decision was made to draw up a strategy for forming a migration policy concept and ways to implement it. This document, according to its compilers, should give migration a whole new look.

In our opinion, when drawing up the new concept (strategy) of migration policy, it should be kept in mind that migration is not a short-term project and Kyrgyzstan's dependence on external labor markets, primarily, Russia's and Kazakhstan's, is growing stronger. Priority attention should also be paid to developing an understanding that permanent and long-term migration is a socioeconomic phenomenon. It is this that should be kept in mind when drawing up special programs and making specific decisions.

Kyrgyzstan's new migration policy must primarily be aimed at reducing the number of illegally employed citizens. The main obstacle to their legalization is both the limitations of the migration procedure and shadow employment, which deprives people of the motivation to obtain the necessary permits.

In the past few years, the share of legal migration has increased several-fold. Correspondingly, the taxable base of migrant wages has also grown. Raising the level of migration legitimacy will help to improve the status of migrants, including reducing violations of their rights and intercepting exploitation.

However, the new approaches to legal regulation of external migration have exposed a multitude of problems that require immediate solutions. Much remains to be done for migration, including labor, to become a boon for Kyrgyzstan.

- First, a comprehensive migration policy must be drawn up that keeps in mind regional differences and meets the country's national interests.
- Second, not only must strategic goals and specific tasks of migration policy be formulated, but gradual steps taken to carry them out. The state must clearly declare its willingness to protect its citizens who are working abroad and help them to find employment and return home. It is also extremely important that migrants are adequately informed in order to prevent those planning to go abroad in search of work or move permanently to another country from becoming disoriented.
- Third, while implementing migration policy, the state should envisage special measures for protecting the legal rights and interests of its own citizens.
- Fourth, the rights of labor migrants must be kept in mind even if they are illegally employed and their illegal activity is related to the actions of third persons. Fundamental human rights, including of the migrant, enforced in international law should not be infringed upon in any circumstances. The country sending migrants should do everything in its power to ensure that the employer of the receiving country is held responsible for violations of the use of labor migrants. The task of immigration services was and remains assisting migrants in every way they can to register for work. This procedure should be as simple, transparent, and quick as possible.
- Fifth, measures that promote migration and do not allow the bureaucracy to step in should be made priorities. This should be done in a way that helps Kyrgyz citizens overcome their mistrust in the official structures.
- Sixth, a compromise in resolving the problems relating to labor migration can only be found if the state, business, and society pool their forces, that is, on the basis of collaboration among all sectors of society.

In our opinion, implementing the above goals can be achieved by creating a centralized body in the Kyrgyz Government (a Council, Interdepartmental or Government Commission) capable of help-

ing to put the migration policy into practice and carrying out joint coordination work with all interested ministries, departments, and organizations engaged in this sphere. It should be noted that the Ministry of Labor, Migration, and Youth is not endowed with these functions.

The future pro-government structure should pledge to create a migration development model keeping in mind the special features of Kyrgyzstan's socioeconomic and political situation. The areas of activity of the new centralized body should be determined with the aim of drawing up specific measures and actions to implement the set tasks.

Several measures are required in order to ensure the country's national security, enhance its sustainable socioeconomic and demographic development, and further improve the management of labor migrant employment.

Today one of the state's most urgent tasks is to analyze and define the risks involved in Kyrgyzstan's accession to the Customs Union. The possible socioeconomic consequences of the republic joining this organization have still not been examined. It is just as important to minimize the risks involved in migrants living and working in Russia, Kazakhstan, and Belarus.
