

Features of the Regulation of Labor Migration in Uzbekistan



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ABSTRACT: Almost all countries of the world are involved in the migration process, and Uzbekistan is no exception. While our country is involved in the international migration process, including labor migration, one of the main factors is the large number of young workers and the underdeveloped domestic labor market. Therefore, our citizens are working abroad in the world labor market.

KEYWORDS: labor migrants, international migrants, migration, economic, geographical and demographic factors, On Employment, CIS countries, qualified specialists, independent employment.

INTRODUCTION

As we observe the scale and growth rate of population migration in the world, different views of migration patterns are formed according to the influence of economic, geographical, demographic and other factors of each country. According to the International Organization for Migration, as of January 1, 2021, the number of international migrants reached 281 million, of which more than 164 million (60%) were labor migrants [1].

There are two trends in the migration process in Uzbekistan: the first is the increasing integration of Uzbek migrants into the international labor market; in the second, the stabilization of the country's economic development leads to a reduction in the absolute number of migrants [2, p. 20].

The situation with labor migration in Uzbekistan is reflected in the following statistics. For example, the number of people leaving the country is higher than the number of migrants. In particular, the number of people who left the country between 2000 and 2010 averaged 2,391,726 [3], which are 786,545 more than the number of migrants during this period [4].

Most of the migrants are from CIS countries. For example, according to the results of monitoring the socio-economic situation in the Russian Federation conducted by experts of the Russian Academy of National Economy and Civil Service under the President of the Russian Federation (hereinafter - the RF), the majority of foreigners entering the Russian Federation are citizens of CIS countries. In particular, as of August 1, 2019, 8.9 million citizens of the CIS came to Russia. (83% of all foreign nationals, 97% of labor migrants). Of these, 2.2 million citizens of Uzbekistan or 25% (an increase of 1% compared to 2018). It was observed that labor migration increased mainly due to three countries - Uzbekistan, Tajikistan and Kyrgyzstan [5, pp. 40-41].

THE MAIN FINDINGS AND RESULTS

In the research of economists, this situation of labor migration in Uzbekistan can be seen in the following main factors, in particular, the lack of visa restrictions, the existence of historical ties, language skills and the location of countries [6, p. 116].

We consider the legal framework for regulating labor migration in Uzbekistan in the following two areas. **The first direction** is the implementation of labor activity of citizens of Uzbekistan abroad and the protection of their rights. In particular, in accordance with Article 13 of the Law of the Republic of Uzbekistan "On Employment", citizens of the Republic of Uzbekistan have the right to engage in labor activity outside the Republic of Uzbekistan, to seek independent employment and employment. Employment of citizens of the Republic of Uzbekistan outside the country is carried out by the Agency for External Labor Migration and private employment agencies.

Reducing the flow of illegal labor migration, which has persisted in our country for years, further improving the system of external labor migration, radically expanding its organizational forms; ensuring the protection of labor and social rights of citizens leaving the country for employment; Radical reforms are being carried out to expand the involvement of returning migrant workers in entrepreneurship and labor.

In this regard, the migration policy of Uzbekistan is the organized deportation of its citizens. Organized selection of citizens of the Republic of Uzbekistan and sending them for temporary employment abroad is carried out by legal entities

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registered in the Republic of Uzbekistan (private employment agencies) on the basis of a license issued by the Ministry of Employment and Labor Relations of the Republic of Uzbekistan. Organizational employment of citizens in foreign countries is carried out on the basis of agreements signed, taking into account the labor legislation of the employer.

Today, Uzbekistan has similar agreements with Russia, the United Arab Emirates, Poland, Turkey, Bulgaria, Japan and Canada.

In the framework of interstate agreements and arrangements, it is necessary to take into account the requirements of the employer to the candidate for the employment of citizens in foreign countries in an organized manner. There are general requirements (knowledge of a foreign language, non-violation of the law (non-deportation), medical and physical health) and a number of procedures in the selection of citizens (applying to the Agency or private employment agency, selection at the request of the employer, employment contract and documents) formalization, obtaining a work visa to the countries where the visa is required, adaptation before departure, sending to work in an organized manner).

For example, according to the Memorandum signed between the Ministry of Employment and Labor Relations of the Republic of Uzbekistan and the Ministry of Employment and Labor of the Republic of Korea, citizens of the Republic wishing to work in Korea are required to participate in the registration process and Korean language tests. Candidates wishing to work in the Republic of Korea are selected on the basis of requirements, in particular, age, criminal record, state of health.

In order to ensure the safety of citizens of the Republic of Uzbekistan when traveling abroad for temporary employment, railway and air tickets are sold at special box offices at preferential rates; as well as insurance agents to formalize the life and health insurance of citizens traveling abroad.

However, today there is no mechanism to fully regulate labor migration at the legislative level. The right of citizens of the Republic of Uzbekistan to work outside the territory of the Republic is provided only in Articles 101-106 of the Law of the Republic of Uzbekistan "On Employment".

External labor migration, its mechanisms and forms, requirements for improving public policy in the field of employment of citizens abroad, the implementation of measures to strengthen employment, work with migrant workers abroad, ensuring their legal and social protection; It is also time to adopt the Law of the Republic of Uzbekistan "On labor migration" for the development of competition and market infrastructure in the field of employment of citizens abroad.

The second direction is devoted to the regulation of labor activity of foreign citizens in Uzbekistan. In accordance with the Law of the Republic of Uzbekistan "On Employment", the legislation on employment applies to citizens of the Republic of Uzbekistan, as well as foreign citizens and stateless persons permanently residing in the territory of the Republic of Uzbekistan (hereinafter - foreign citizens). Also, in accordance with Article 14 of the Labor Code, the subjects of labor relations in Uzbekistan are foreign citizens and stateless persons. Foreign citizens and stateless persons permanently residing in the territory of our country are not required to obtain a special permit [7, pp. 31-38].

Over the past period, certain work has been done to regulate the labor activities of foreign nationals in the country, to regulate the system and mechanisms of organization of entry and exit from the country, as well as the development of labor bodies.

Necessary measures are being taken to pursue a differentiated immigration policy based on a selective approach to the entry of foreign migrants. According to experts, the removal of barriers to attracting qualified foreign managers will lead to an increase in GDP more than the increase in foreign investment inflows.

Therefore, the requirement to obtain (extend) permits to attract foreign labor to highly qualified and qualified foreign specialists has been abolished, while maintaining a single procedure for obtaining (issuing) certificates confirming the right to work in the territory of the Republic of Uzbekistan.

In addition, a new procedure has been introduced for the recognition of **"highly qualified specialists"** and **"qualified specialists"**, and multiple-entry work visas have been issued to these individuals; Extension of its validity is granted for a period of valid labor or civil contract without the need to leave the territory of the Republic of Uzbekistan, but in each case not more than 3 years, their family members are issued a residence permit for the period of valid labor or civil contract [8].

In order to exercise and protect the rights of foreign citizens in Uzbekistan, the Law of the Republic of Uzbekistan "On the legal status of foreign citizens and stateless persons in the Republic of Uzbekistan" contains the following provisions: the concept of foreign citizens, highly qualified and qualified specialists and the definition of their legal status; transparent and open procedure for foreign citizens to go through administrative and civil procedures and interaction with government agencies and other organizations in the field of labor relations; wide access of foreign citizens to public services; Creation of an effective mechanism for the protection of the rights and legitimate interests of foreign citizens in the territory of the Republic of Uzbekistan.

Indeed, all states have the right to set their own policies in managing labor migration. International labor norms and other international instruments should play an important role as guiding principles in ensuring the coherence, effectiveness and fairness of this policy [9].

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The activities of labor authorities play an important role in the management and legal regulation of labor migration. Because the main part of this industry is labor migration. In turn, it is natural that the labor authorities are directly involved in protecting the rights and legitimate interests of migrant workers.

It is known that the Ministry of Employment and Labor Relations of the Republic of Uzbekistan is responsible for the regulation of labor migration in the country and the implementation of a unified state policy in this area and works in the following areas:

First, analyzes the processes of labor migration, identifies the causes and factors of external labor migration;

Secondly, develops proposals to improve the regulatory framework in the field of external labor migration, assists in the employment of citizens returning from labor migration;

Third, international cooperation in the field of labor migration

Third, international cooperation in the field of labor migration participates in the development of proposals for the development and improvement of effective mechanisms of cooperation in the field of labor and employment with international organizations and foreign countries in the establishment and strengthening;

Fourthly, in accordance with the established procedure, cooperates with the International Labor Organization and other international organizations on labor and employment issues and takes appropriate measures in the interests of the Republic of Uzbekistan;

fifth, prepares materials explaining the content of the legislation in the field of labor, employment, labor protection and labor migration on the issues of conducting a broad awareness-raising among the population and employers on labor rights and labor protection, and among the population, including the media distributes through tools and the Internet;

sixth, the Republic of Uzbekistan on legal and social protection of citizens of the Republic of Uzbekistan in employment abroad, their repatriation, employment abroad, as well as the issuance of permits for foreign labor and certificates for the right to work in the Republic of Uzbekistan cooperates with the competent authorities of foreign countries on the regulation of the process of employment of citizens abroad and ensuring their labor rights;

Seventh, participates in the development and implementation of international cooperation projects in the field of labor migration.

Along with the protection of the rights and legitimate interests of citizens of Uzbekistan participating in labor migration, the Ministry ensures the legality of their labor activity, i.e. the organization of their work. In this case, the **Agency for External Labor Migration** is the competent body of the Ministry for the regulation of labor migration of citizens of the Republic of Uzbekistan and their organized employment abroad.

In turn, the Agency carries out its activities on employment of citizens of the republic outside the country, based on international legal norms and rules, taking into account the national interests of the republic and the interests of foreign citizens with the status of legal entities in the Republic of Uzbekistan.

For example, on December 13, 2012, the Ministry of Labor and Social Protection of the Republic of Uzbekistan and the Ministry of Employment and Labor of the Republic of Korea signed a Memorandum of Understanding on sending workers to the Republic of Korea under the employment permit system. a system of employment permits was introduced after passing special tests. This, in turn, will help our citizens to adapt faster and work more efficiently in a foreign country.

In this regard, it is expedient to dwell on the main activities of this public institution, which plays an important role in the system of external labor migration. This organization:

first, to assist citizens of the Republic of Uzbekistan in exercising their right to work abroad through effective selection, training, adaptation and effective management and control of employment abroad;

Second, a comprehensive analysis of external labor migration, on this basis, the development of proposals to improve the regulatory framework, assistance in employment of citizens returning from labor migration;

Third, participation in the development and implementation of international cooperation projects in the field of labor migration; Cooperation with the competent authorities of foreign countries on the regulation of employment of citizens of the Republic of Uzbekistan abroad and ensuring their labor rights;

fourth, to perform the functions of the working body of the Ministry of Employment and Labor Relations of the Republic of Uzbekistan on employment of citizens of the Republic of Uzbekistan abroad and control over their activities, accreditation of legal entities engaged in certification of citizens of the Republic of Uzbekistan going abroad for employment;

fifth, issuance of permits to legal entities to attract foreign labor and certificates entitling foreign citizens to work in the territory of the Republic of Uzbekistan, as well as keeping records of foreign citizens working in the Republic of Uzbekistan [10].

According to the External Migration Agency, in 2019, 13,458 citizens were employed abroad, of which 10,247 were employed through the agency. However, we can see that this figure has slightly decreased in the case of the COVID-19 pandemic in 2020, i.e. 10,272 citizens were employed abroad in 2020, of which 9,558 were employed through civil agencies. The majority of citizens employed abroad are in the Russian Federation, with 7,876 jobs. In the two-year data, we can see that the agency's contribution to the employment of citizens in foreign countries is not less than 90 percent.

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Reintegration of persons returning from labor migration is one of the important activities of the Foreign Labor Agency.

CONCLUSION

In particular, training of business skills and foreign languages in order to ensure the employment or orientation of persons returning from labor migration, registered as unemployed by the territorial labor authorities; expenditures related to vocational training, retraining and advanced training are carried out at the expense of the State Fund for Employment in accordance with the Decree of the President of the Republic of Uzbekistan dated August 11, 2020 No PD-4804.

Through the information system “Single Register of Social Protection”, those who are recognized as low-income family members and return to work temporarily abroad receive a subsidy of up to 10 times the basic calculation to cover the following costs from the State Fund for Employment. In particular, payment of rent for buildings and structures leased during the first three months from the date of registration as an individual entrepreneur or state registration of small enterprises and micro-firms; basics of entrepreneurship and financial literacy; making payments under the insurance policy provided as collateral in obtaining a loan According to the External Migration Agency, in 2019, 60,122 of our labor migrants were assisted abroad, while in 2020 this figure was 141,302 [11].

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