

**REPRESENTATIVE OFFICE OF RAST FOUNDATION IN KYRGYZSTAN  
SOCIAL RESEARCH CENTER OF AMERICAN UNIVERSITY IN CENTRAL ASIA**

## **ANALYTICAL REPORT**

**«CONDITIONS AND STATE OF SOCIAL REHABILITATION OF LABOR  
MIGRANTS-CITIZENS OF THE KYRGYZ REPUBLIC FOLLOWING  
THEIR RETURN TO HOMELAND»**

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## BASIC CONCEPTS

**Adaptation** – a process of a human's adjusting to new life conditions;

**Residence permit** – a document issued to a foreign citizen or an individual without citizenship (IWC) confirming their right to permanently reside in a nation and their right to depart from, and arrive into, the nation's territory;

**External labor migration** – a voluntary legal departure abroad by citizens permanently residing in the nation's territory as well as arrival into the nation's territory by foreign citizens and IWCs permanently residing outside of the nation's borders to obtain a paid job per an employment contract or a civil and legal contract on the performance of work or rendering of services;

**Internal migration** – movement of citizens of one nation for various reasons across the territory of the same nation for purposes of temporary or permanent change of residence;

**Deportation** – forced removal of a foreign citizen or an IWC outside of the nation's territory in case of a loss or expiration of legal grounds for the individuals' further stay (residence) in the nation's territory;

**Foreign citizen** – an individual not being a nation's citizen and possessing proof of being a citizen (national) of a foreign nation;

**Pendulum (cross-border) labor migration** – departure of one nation's citizens to another neighboring nation's territory and arrival of the neighboring nation's citizens into the nation's territory to get a paid job per an employment contract under conditions of permanent residence in the territory of the departure nation;

**Migration situation** – a set of factors brought about by the arrival, stay, transit, and departure by foreign citizens and IWCs affecting socioeconomic and demographic situation, domestic political and foreign political situation, and national security of a state;

**Illegal migration** – arrival into a nation's territory, stay in that territory and departure from that territory in violation of the effective legislation of the nation in question;

**Cross-border migration** – movement by individuals from territory of one nation to that of another within the border protection areas for purposes of engaging in labor activities under the conditions of permanently residing in the territory of the nation whose citizenship the individuals in question bear;

**Employer** – an enterprise, institution, or organization regardless of forms of ownership and legal form that offers jobs within the nation's territory;

**Seasonal migration** – migration engaged in during a certain period of time of the year – season and period timed to intensive performance of industry-specific cyclic programs – in agriculture, forestry, construction, etc.

**Labor migrant** – an individual that engaged in, engages, or will engage in paid labor activities in a nation whose citizenship he/she does not bear and in which he/she does not reside permanently.

## **INTRODUCTION**

Over the past decade, reforms of the political and socioeconomic areas of the Kyrgyz Republic resulted in the latter becoming active in the international labor market. Population migration today touches all areas of the nation's life.

Poverty and population growth in the poorer regions of the country causes internal (domestic) and external (foreign) migration. Poverty level despite tending to decrease remains to be relatively high. Birth rate in the periphery (65%) significantly exceeds that in the urban areas (35%). About 70% of those who are behind the poverty line reside in rural areas.

Domestic migration is a flow of rural residents streaming from villages to urban areas. Domestic migration flows are also triggered by job-seeking abroad, mainly in Kazakhstan and Russia. According to National Statistical Committee's data, the total volume of migration flow over 1990-2005 totaled about half a million people which is a significant for a country whose labor resources amount to 2,8 million people.

Labor migration, both legal and illegal, is currently the major factor of the development of the Kyrgyz economy and citizens' employment.

The main economic effect of labor migration is the reduction of unemployment and payment balance deficit thanks to remittances.

At the same time, the significant cash inflows of labor migrants' remittances is the only source of means for many households. The main goals of remittances include family support, coverage of daily expenses, children's education, and medical treatment costs.

Thanks to migrants' remittances, entire sectors of the nation's economy are developing – trade, construction, transportation, agriculture, etc. this factor is a significant financial support that prevents the drop in living standards and the spreading of poverty among the population and serves as an additional source and channel of currency inflows.

Kyrgyzstan's major partners in migration are Russia and Kazakhstan where according to data up to 300 thousand and 50 thousand Kyrgyz citizens work today.

## **SITUATION ANALYSIS**

As the Kyrgyz Republic gained independence and started transitioning to market economy, it executed socioeconomic and political reforms and transformations in all areas of societal life. The production capacity was largely lost and jobs decreased which aggravated the socioeconomic situation and resulted in a tension in the national labor market. The economy went into a steep stagnation. These circumstances formed the migration behavior among the population. Loss of areas of labor application predetermined the migration outflow into the neighboring nations.

Recently, migration affects important areas of life in the Kyrgyz Republic and renders a significant influence on the socioeconomic development of the nation. The main factors for the increase in population's movements include high unemployment in the periphery, townships and smaller cities, lack of due infrastructure, low level of medical and educational services, and inadequate social protection. People mostly of labor-capable age leave their areas of residence and move to more developed regions. According to the National Statistical Committee's data, over the period between 1991 and 2005, the total volume of inter-provincial movements totaled 889,921 people. However, the official statistics does not fully take into consideration moving individuals and therefore the actual number of migrants is much higher. The majority of incoming people settle in Bishkek and Chui province which aggravates tension in already overpopulated centers. Outflow of population from remote areas deteriorates development prospects for the rich-in-natural-resources periphery. In addition to domestic migration, there is a strong trend for an overseas migration. The intensification of population outflow peaked in 1993 and totaled 121 thousand people. Starting 2000, immigrants tend to include the titular (indigenous) nationals. According to the National Statistical Committee's (NSC) data, the total volume of migration outflow during 1991-2005 totaled 475,621 people. Immigration negatively

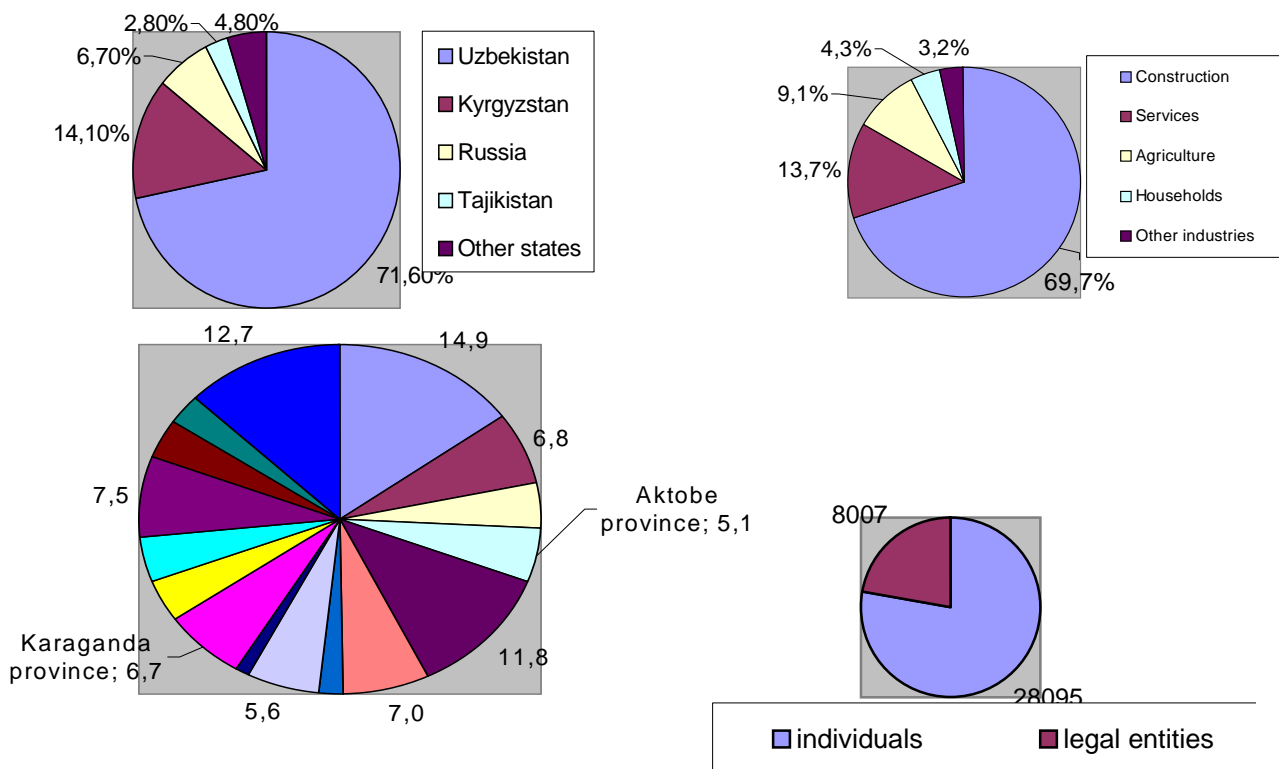
affects the nation's development due to the massive departure of qualified specialists which eventually results in the depletion of labor resources in the national labor market. Simultaneously, the population outflow leads to the reduction of the nation's demographic capacity. Up to 400 thousand Kyrgyz citizens annually leave the country seeking temporary jobs. The majority of population employed overseas does so on their own or through unofficial channels. Many of them are employed illegally which brings about their illegal status of stay in the country of employment<sup>1</sup>.

Today, for various sociological reasons, labor migration from Kyrgyzstan is mainly focused on Russia and Kazakhstan. This is due to the fact that these countries currently need labor and the economic appeal is triggered by high wages compared to those in Kyrgyzstan.

Indeed, the reality shows that at this stage labor migrants from Central Asia (hereinafter, CA) working in Russia and Kazakhstan face various problems. First of all, it's the procedures of registration which pushes many Kyrgyz labor migrants to ignore the registration procedure thus breaching the legislation of the recipient nations and creating conditions for their right-less status and their own extortion by law enforcement bodies. As a result, in order to regularly prevent the illegal stay of migrants in the territory of Russia and Kazakhstan, migration services and other law enforcement bodies regularly check IDs of foreign nationals including Kyrgyz labor migrants and identify repeated violations including the forgery of migration cards and registration.

Based on the above, one can conclude that the problem of registration and obtaining the work permit remain the major issues that Kyrgyz citizens encounter in Russia and Kazakhstan. This problem needs to be resolved by mutual efforts at the inter-state level via adopting mutual agreements and amending the migration legislation.

At the round table conducted from 11 through 15 June 2007 in Almaty dedicated to "Migration Policy of Republic of Kazakhstan: Realities and New Approaches," representatives of Center for Marketing and Analytical Studies, OJSC under the *Kazyna* Foundation for Sustainable Development, OJSC presented the following statistical data in the area of illegal labor migration in Kazakhstan:



<sup>1</sup> For example: per findings of State Committee for Migration and Employment, in 2006, 253,930 Kyrgyz citizens stayed and worked in Russia of whom only 32,5 thousand had work permits and only 16, 2 thousand people in 2005.

*Various estimates of the number of illegal migrants:*

*Kazakh Ministry of Internal Affairs – 300 thousand*

*Kazakh Ministry of Foreign Affairs –500-600 thousand*

*Various experts – up to 1 million*

*Estimates of illegal migration from Kyrgyzstan in 2006 vary from 80 thousand to 120 thousand according to Kyrgyz MIA data. In particular, in Chilik district about 7,5 thousand Kyrgyz migrants reside and in Kazakh markets between 6 to 10 thousand Kyrgyz migrants are employed.*

The majority of labor migrants do not possess sufficient information about employment opportunities especially if it's their first time abroad. Similarly, employers in host nations seek more effective ways to fill vacancies via labor migrants and need information about matching candidates. Favorable conditions for legal employment are created through private employment agencies<sup>2</sup> in order to minimize the dependence of labor migrants on illegal recruiters.

Remittances facilitate the reduction in poverty in Kyrgyzstan. Acting as sources of foreign currency, some of the incoming remittances are invested in production and social development.

The situation analysis suggests that the growth of labor migration from the Kyrgyz Republic to overseas will sustain in the mid run. The growing need for labor in the labor markets of Russia and Kazakhstan and attempts at liberalizing the migration legislation undertaken in those nations (like the immigration amnesty in Kazakhstan conducted from 31 August - 31 December 2006 as well as amendment of the migration legislation in Russia that went into effect on 15 January 2007, namely the introduction of a simplified procedure for accounting for migration and issuance of work permits in Russia), together with the opportunities for making better wages will maintain high migration attractiveness of these states.

However, labor migrants upon completion of their labor activities in foreign nations (due to the expiration of employment contracts, completion of the season or for other reasons) return home. As a rule, migrants returning home especially if they stayed there for a while oftentimes fall out of the socioeconomic flow in their homeland and become affected by the negative consequences of such a long absence.

These gaps can pertain to the following areas:

- State and social provision;
- Infringement of constitutional and civil rights;
- Deterioration of health;
- Emotional and psychological depression.

For more detailed study of conditions and state of social rehabilitation of labor migrants returning from abroad, sociological surveys were conducted as part of this research along with a comparative analysis of migration legislation of the Kyrgyz Republic which are the subjects of the sections below.

## **SOCIAL PICTURE OF A LABOR MIGRANT**

Pursuant to the program of surveying labor migrants and according to various expert estimates, one can draw the demographic and social portrait of an average labor migrant and conclusions about the nature of migration processes and factors affecting them:

- Active involvement of remote areas of Kyrgyzstan in migration;

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<sup>2</sup> “Regulation on Procedure for Employment of Citizens of the Kyrgyz Republic Abroad” as approved by the Resolution of the Government of the Kyrgyz Republic № 639 dated 8 September 2006.

- Major countries (regions) that attract labor migrants;
- Reasons for seeking jobs outside of the Kyrgyz Republic;
- Expected type of activity;
- Possibilities and forms of employment.

In the age and gender structure of interviewed labor migrants, the majority were males mostly coming from the Batken and Jalalabat provinces.

As a rule, labor migrants are of a labor-capable age, most of men aged between 25 and 40, and most of women aged between 20 and 40.

Most of migrants are characterized by a relatively high level of education with women's education being better than men's.

National composition of labor migrants is represented by the major nationalities residing in the Kyrgyz Republic. The majority of migrants from South Kyrgyzstan are Kyrgyz and Uzbek, most from the central and northern parts of the country are Russian, Kyrgyz and Kazakh.

In terms of marital status, labor migrants tend to be either married or single people who were never married.

Professional composition of labor migrants is rather diverse but still a majority of them are retail and wholesale people (entrepreneurs, sales agents), businesspeople, construction workers, agricultural specialists, engineers and representatives of other occupations.

In terms of official status and employment, the composition of labor migrants consists of qualified workers of large enterprises, higher-level specialists and unskilled laborers with few of them being high-level managers.

The duration of stay of labor migrants outside of the country is 1 day at least and 3 years at most. For seasonal (construction and agricultural) work, the duration of stay is normally 3 to 6 months.

Main types of jobs abroad include construction, commercial (exports-imports) activities, various services, and agricultural work.

Men tend to prefer temporary work (construction, services, agricultural work) while women tend to prefer commercial activities and services.

Mostly population of Bishkek, Osh, Chui, Jalalabat and Issyk-Kul provinces is involved in labor migration.

Host countries include Russia and Kazakhstan, Uzbekistan, Tajikistan and Ukraine.

Major destination centers for migration in Russia include Yekaterinburg, Novosibirsk, Samara, Barnaul, Orenburg, Omsk, Novokuznetsk, Surgut, Krasnoyarsk, Moscow, Penza, Chelyabinsk, Kurgan, Tyumen, Nizhnevartovsk, Irkutsk, Abakan, and Yaroslavl.

Major destination centers for migration in Kazakhstan include Almaty, Astana, Taraz, Shymkent, and Kordai.

Major destinations for overseas migration include China, Germany, Turkey, USA, Czech Republic, UAE, South Korea, and Korean People's Democratic Republic.

With respect to overseas nations, men tend to prefer Denmark, Canada, USA, South Korea, and Germany while women tend to prefer North Korea, UAE, Poland, and France.

The major flow of labor migrants goes outside of the nation on their own initiative and per employment contracts while an insignificant part of them go per relatives' invitations and per individual invitations.

Thus, one can conclude that the labor migration process involves representatives of various layers of society, various nationalities, gender groups, social status groups and occupations<sup>3</sup>.

Labor migrant returnees can be classified into the following categories:

1. Those who successfully completed their work and/or came back healthy;

<sup>3</sup> A. S. Lomakova, analytical report "Kyrgyzstan: Problems in Labor Migration and Possible Approaches to Policy Formulation," Bishkek, 2004.

2. Labor migrants who suffered from unscrupulous employers (and earned little or nothing) and/or needing medical treatment;
3. Labor migrants who fell victim to human trafficking.

In order to study the portrait of a labor migrant returnee, sociological research was conducted to analyze the social conditions for social adaptation of migrants available in the Kyrgyz Republic.

## **SOCIOLOGICAL RESEARCH**

### **Goals, objectives, and relevance of research**

Migration by Kyrgyz citizens to near and far abroad in search for better jobs and their return to homeland are brought about by a set of economic, political and social reasons. People leave for temporary periods of time working seasonal jobs or for lengthy periods, sometimes spanning for 3-5 years, lacking opportunities to return home. Upon return to the Kyrgyz Republic, many of them can face various social, economic and psychological problems. For some of them, the issue of housing (residence) and employment in Kyrgyzstan are quite acute. For others, the problems include cultural adaptation of those who spent a lot of time overseas and adapted to the cultural norms of those countries.

#### **This research will aim to focus on the following aspects of adaptation:**

1. **Employment:** assessment of current qualification, which production skills migrants gained, difficulties with finding employment in Kyrgyzstan, which labor activities they are engaged in or plan to engage in;
2. **Financial position:** subjective assessment of well-being (what they can afford to buy in Kyrgyzstan compared to the country to which they migrated: residence, food, rest and recuperation, etc.);
3. **Marital relationship** between wives and husbands, parents and children and other relatives;
4. **Social services:** police force, social protection, social provision, passport agency, registration. What kinds of assistance they expect from the state and society upon return. Whether or not they know of any centers for assisting returnees and whether they need social protection;
5. **Healthcare:** opportunities to receive treatment, pay for a lengthy treatment and visit hospitals;
6. **Education:** opportunities for good education for their children, opportunities for gaining/continuing their own education and opportunities for paying for education of their children.

### **Method of data collection**

Data was collected via focus group discussion with target audience. Applying this method assumed group discussion under supervision of a specialist (moderator). This approach is the more acceptable one when researching in-depth information about a subject. A decision was made to use a semi-structured format of discussions. This degree of formalization of focus groups is in line with a flexible manual that is materially adjusted based on respondents' reaction. The manual or scenario included a set of question suggested for discussion and was tested during a pilot session on September 11. With consideration given to results of the pilot research, the toolkit was duly adjusted. Each group discussion started with general issues listed above; more specific issues only were discussed after more trustworthy relations formed between focus group participants and the moderator. In addition, structured surveying was used to obtain additional demographic and factual information about the participants.

During the discussion, voice recording devices were used. The deciphering of all interviews was conducted and used for analysis purposes. Overall, focus groups lasted about 2



hours. Discussions were held in the evening of working days or during weekends from 12 to 25 of September.

### **Target group**

Focus groups were conducted among labor migrants over 18 years of age who stayed outside Kyrgyzstan for more than a half a year and returned home more than 6 months ago. A total of 13 informants participated in the focus groups. Recruitment of informants was conducted via snowballing which provides for selecting people meeting set eligibility criteria per information provided by people about their acquaintances.

Currently, the domestic sociology of labor and demographic is yet to develop a typology of migrants with consideration given to contemporary realities. Many international governmental and nongovernmental organizations apply the system of definitions used by International Labor Organization and International Organization for Migration. ILO defined labor migrants as “individuals admitted by a nation other than their own nation with a definite purpose of engaging in economic activities.” In this research migrants include people who studied outside of Kyrgyzstan individuals who work in near or far overseas, and individuals who worked outside of Kyrgyzstan for more than 2 years.

### **Main results of discussion**

The main results of focus groups are presented in 5 thematic sections: employment, social feeling, financial position, family relations of labor migrants and assessment of performance of social services.

### **Employment**

Employment in Kyrgyzstan is one of the hardest issues for labor migrants. Many of those who decide to return to Kyrgyzstan after years of staying abroad migrate again due to lack of work. Those who find jobs noted that they need about 4-5 months to do so. At the same time, the nations in which they migrated offered jobs within a couple of days. A lot of migrants actually can choose their jobs there.

Difficulties with employment, first of all, emerge due to labor migration affecting the expected wages level which many participants deem acceptable for the performance expected. Excessive wages demands are attributed by respondents not only to the difference in levels of salaries among the countries, but also with the enhancement of qualification.

However, as certain informants noted, in Kyrgyzstan it is impossible to find a well-paying job. A well-paying job is understood by interviewees as a job paying enough to not only cover the living minimum but also afford education for one's children, save money to arrange a wedding, etc. Many group discussion participants expressed a notion that they are paid much less in Kyrgyzstan for the same job they performed in other countries.

Employment issues also arise since migrants wish to work per specialization although they agree to do menial jobs. One of the participants shared his experience that he worked as tile layer in Russia for more than 4 years. However, upon return to Kyrgyzstan he wishes to land a lawyer job. He was able to find a security guard job 4 months after coming back home. Today he works but is still seeking a job of a lawyer.

### **Social feeling**

The employment issue is the major one, however, not the only one that labor migrants who spent a significant time overseas face. Emotional state of the majority of returnees cannot be described as calm. They talk about difficulties with adapting back to the Kyrgyz culture since while living detached from it they were absorbing social values of Russia, Kazakhstan, South Korea, etc. Difficulties of social and cultural adaptation mostly affect household life and social services. Participants noted that even though they encounter social adaptation issues from the very beginning upon return, it is the rude treatment, unwillingness to help or listen that

oftentimes factor into their decisions to go back to the destination country with an intent of settling there for good. Many interviewees noted that one needed seminars and psychological consultations to readapt to the Kyrgyz realities.

### **Financial position**

The majority of participants noted that one of the migration's reasons was severe financial situation in their family. Migration was a transition to a higher societal stratum for some of the participants. Certain participants were even able to buy a residence and then pay for education or start a business that guaranteed revenues for their families.

Most of participants noted that migration did not affect the financial situation of their families, though. Moreover, they said that there were a number of bankruptcies. One of the participants said that after he borrowed money for the trip but was swindled and had to come back and pay the debt at home.

One of the questions that got the participants most agitated was the improvement of financial situation during the migration and after their return. Most of interviewees agreed that at this moment their financial situations worsened. Many of them noted that today being home they couldn't even afford to buy the set of food and items that they were able to afford during the migration. Such changes most of them attributed to higher income during migration and that they were able to devise a strategy to minimize their expenses when abroad.

Lack of stable jobs guaranteeing steady revenues for their families create a negative background on which migrants' daily lives run. Due to the vulnerable financial situation many interviewees are not sure about their future and plan to migrate again. In addition, some of the interviewees expressed their discontent with the level of mortgaging in their homeland which is only available to a very narrow circle of population.

### **Family relations**

Many interviewees noted that migration negatively impacts their relationship with spouses and relatives. Many families also complain about migrants' not being able to devote enough time to their families. Many marriages fall apart. When children stay with relatives in Kyrgyzstan, they do not see their parents for months; when whole families migrated, parents found it difficult to devote enough time to their children due to the enormous quantity of hours and energy they to spend at work.

### **Assessment of social services**

Focus groups participants shared their experiences regarding the social benefits and privileges. Due to their departure many of them cannot take advantage of benefits guaranteed to Kyrgyz citizens. In most cases, returnees returned due to health complications since they had to work for more than 10 hours a day without weekends and under stressful conditions. Therefore, many of them had to address medical institutions upon return. Many of them complained about the rudeness and lack of professionalism on part of medical personnel. There even were cases where doctors demanded that they pay for free-of-charge services as soon as they learned that the returnee patients had just returned from labor migration tours.

The discussion also revealed that respondents realize that a lengthy absence, although helping at times to save money for large purchases (such as home, apartment or car), also leads to them being left without guaranteed pension payments. This is particularly worrisome for migrants closing in on 50. In one of the examples, Mahmuda, a focus group participant, was saddened that she was reaching a retirement age, however, since she was in Russia for 5 years she can no longer expect assistance from the Social Fund and is now totally on her own. This fact was also noted by other participants, although they hoped that they still had time to accumulate sufficient number of years to qualify for a pension.

Some of the participants complained about lack of coordination among state bodies of Kyrgyzstan and their host nations. A whole range of problems emerge when one tries to recover documents verifying an individual's identification.

Moreover, many participants said that such a mess emerged when the system of dual citizenship went into effect. Many of them noted that in recent years, due to Russian officials' changing the policy, many Kyrgyz citizens obtain a dual citizenship. Upon return to Kyrgyzstan such migrants may have problems with social payments since they made contributions to the budget of a foreign nation. Thus, they may become ineligible for pension and other state social services.

Therefore, the sociological survey of labor migrants who returned from overseas showed that in addition to opportunities to make money, migrants are exposed to health and psyche deterioration, social isolation and problems within their families upon return. Many of them truly need state and societal support in terms of benefits and social privileges, rehabilitation courses and centers, and attention on part of relatives and close people.

## **COMPARATIVE ANALYSIS OF EFFECTIVE MIGRATION LEGISLATION OF KYRGYZSTAN**

The majority of labor migrants from Kyrgyzstan use unofficial channels of employment and stay in host nations on an illegal basis which is the reason for their violating labor, tax and migration legislation and dooms them for socioeconomic and legal vulnerability.

Violations occur on part of both employers and migrants. Illegal labor migrants hold unskilled jobs. They are heavily exploited: low wages, poor working conditions, noncompliance with occupational safety rules, no social guarantees. Employers frequently use unregistered labor migrants as a cheap labor and do not make any social or pension payments. Violations occur on part of both employer and migrant employees. Illegal migrants are unskilled labor performing unskilled jobs. Employers normally use unregistered labor as cheap resources and fail to make any social payments. They are exploited severely: low wages, poor working conditions, unobserved safety rules, and no social guarantees. Employees thus do not make any tax payments violating the law and refrain from turning to courts to have their rights protected.

A significant share of labor migrants become illegal migrants for obvious reasons with all legal (penalties, deportation, criminal liability) and life consequences.

The migrants' illegal status gives birth to challenges for the host nations: crime in the society rises, not as much due to crimes by migrants as due to crimes against migrants (corruption, exploitation, slavery labor, failure to pay the amounts promised, torture and repossession of earnings at the borders, etc.); a threat to a nation's economic security, citizens' health, etc. arises.

Because the problem of registration and need for obtaining work permits persist, the majority of migrants remain in the shadow sector. Surveys of migrants proved that they were willing to pay appropriate taxes to the state budget but cannot do so due to the legislative gaps.

The situation at hand forces Kyrgyz migrants to take Russian citizenship en masse. Whether this is probably an answer to our bureaucracy's slowness in the resolution of migrants' problems or their true wish to change their citizenship, it's tough to say. Today, it might be the easiest way to safeguard oneself from pressure by controlling bodies and lead normal entrepreneurial activities.

Legislative gaps in labor legislation and a lack of a clear-cut mechanism for migration flow regulation within CIS became reasons for illegal migration and emergence of conditions for human rights violations and corruption.

As a result, most of them have to come back home where unfortunately only unemployment awaits them. This is evidenced by the studies of forced labor and illegal

migration and social status of foreign workers conducted by IOM, ILO, OSCE and other public organizations in Kazakhstan, Kyrgyzstan, Tajikistan and Russia.

In his Address to the People of Kyrgyzstan as of 28.09.06, President Bakiyev said, *“We see that a lot of Kyrgyz citizens are in labor migration. Their contribution to the nation’s economy is estimated by experts at about 500 million USD. However, concurrently, there is a lack of qualified labor in the very Kyrgyz Republic. Social stratification increases with migrants departing from the national culture. Our goal is to maximize advantages of labor migration with simultaneously minimizing its negative consequences.”*

Therefore, the circumstances above bring about the need for bolstering the state policy aimed at resolving migration-related problems.

Currently, the Kyrgyz Republic observes an identification of state bodies’, international and public organization’s work in this direction.

The legal basis for the resolution of migration problems consists of international conventions and pacts. Kyrgyzstan is a signatory to underlying documents of UN, ILO and IOM Conventions in the area of human rights and migration.

These documents include: UN Convention on Protection of Rights of All Labor Migrants and Their Families, ILO Convention ratified by the Kyrgyz Republic (a total of 10), including those on labor migrants (№97 dated 8.06.1949 r.) and equal rights of citizens of nations and foreigners and individuals without citizenship in the area of social protection (№118 dated 6.06.1962); ILO Convention recognized by the Kyrgyz Republic as one of the successors to former USSR (a total of 42).

Inter-state agreements on protection of labor migrants’ rights, labor activities of their citizens with major countries admitting Kyrgyz labor migrants have been signed.

Of huge importance in the Agreement on Labor Activities and Social Protection of Labor Migrants signed by the Kyrgyz Republic with the Russian Federation on 28 March 1996.

This agreement covers labor migrants who are citizens of the Russian Federation or the Kyrgyz Republic and who possess a permanent residence in either country and who legally engage in labor activities in a host nation.

In order to simplify the procedure for engaging in labor migration by Kyrgyz and Russian citizens in the territory of either country, on 22 September 2003 the Governments of the two countries signed a Protocol of Amendment of this Agreement. The Protocol provides for a set of preferences for the Kyrgyz citizens engaged in labor activities in the territory of Russia.

In addition, the Kyrgyz Republic also signed labor migration agreements with Mongolia, South Korea, Azerbaijan, Tajikistan and Kazakhstan.

Labor migration in the Kyrgyz Republic is regulated by a set of laws such as Constitution that solidifies each individual’s right to move across the Kyrgyz borders and unhindered return; right of individuals to freedom of labor, selection of occupation; guarantees to citizens of protection and auspice by the state outside of the state’s territory, creation of social guarantees for fellow Kyrgyz citizens including migrants upon their return to the homeland.

The underlying law regulating legal relations in the area of labor migration is the Law “On External Migration” dated 17 July 2000. The law provides for definitions of labor migration and labor migrants and IWCs engaged in labor activities in the territory of the Kyrgyz Republic as well as provisions ensuring the entry in, and departure from, the Kyrgyz Republic by both citizens and foreigners in the nation.

The specificity of the Law is in that it regulates a whole set of legal relations emerging due to the entry in, and departure from, the Kyrgyz Republic of not only foreigners but also citizens of the Kyrgyz Republic.

In January 2006 the Law “On External Labor Migration” went into effect establishing a procedure for departure by Kyrgyz citizens abroad for employment and attraction of foreign labor into the Kyrgyz Republic.

One needs to know that the Concept of State Migration Policy dated 30.04.04 and Program for Implementing Concept of State Migration Policy as of 4.12.04 for the first time determines

the measures to create social guarantees for labor migrants residing outside the Kyrgyz Republic including the creation of conditions for them upon their return home.

A big role in the resolution of labor migration problems in Russia and Central Asian nations, particularly in the Kyrgyz Republic, is played by international organizations such as ILO, IOM, OSCE, UNESCO, and various NGOs that support inter-state regional pilot projects aimed at regulation of labor migration, as part of which research, seminars and conferences are conducted which positively impacts the resolution of issues related to labor migration.

Thus, one can state that in Kyrgyzstan a huge work was performed over the past years to develop and implement a state policy in the area of labor migration based on which the national model of regulation will be formed with the following already accomplished:

- the government adopted a sufficient legislative framework that takes into account almost all international obligations of the nation and various issues in labor migration;
- the infrastructure to regulate labor migration, recruitment and sending overseas is developing;
- the government develops and implements measures to provide information support to this process and to ease accessibility to information for labor migrants with a range of information and analysis centers operating throughout the country;
- a simplified system of the transfer of remittances is successfully operating through the nation's banks,
- a network of branches of the State Committee for Labor and Migration in the cities and regions of Russia and Kazakhstan is expanding whose authority includes provision and protection of rights of Kyrgyz citizens and facilitating their contract-based employment;
- a system of full-fledged accounting for migrants departing abroad is being developed;
- interaction between the state and civic society in the bringing of order to the labor migration processes is being bolstered with NGOs becoming more active in this direction;
- specific steps to sign bilateral inter-governmental agreements and treaties, development of mechanisms to implement them are being devised with efforts of government and parliament coordinated here.

At the same time, to be fair one should note that many provisions of the documents above and resolutions of various conferences aimed at creating conditions for social rehabilitation of labor migrants mostly remain unfulfilled due to lack of funding and a real mechanism for implementation.

Monitoring of the state of social rehabilitation of labor migrants after their return to homeland showed the absence of any work in this area. Although certain examples of the work with labor migrants after their return are available at the *Zamandash* Association of Kyrgyz Diasporas of Russia and Kazakhstan. *Zamandash* today has several successfully operating business projects implemented with assistance of former labor migrants. Unfortunately, this example is the only one in the nation. This foundation's example, in our opinion, should be disseminated with assistance of the Government.

Since migration is an international phenomenon, isolated work of the national strategy in migration is unlikely to yield good results. Therefore, coordinated efforts by CIS nations' governments and Eurasian Economic Community, harmonization of legislation, adoption of intergovernmental agreements and development of mechanisms to implement them are the component aimed at the resolution of this problem.

It seems advisable that using the harmonization of legislation one should ensure equal guarantees for the Community's members including guarantees in the areas of employment, protection and payment of labor, social protection and insurance.

Also, as part of the inter-state mitigation of labor migration issues, the more important issues is the coordination of activities of the social, pension and medical support. Unfortunately, today labor migrants engaged in labor activities overseas have to pay required contributions to the bodies of the host nation, although in the future these contributions do not count toward his/her retirement baggage in Kyrgyzstan.

An important meaning is also borne by the conclusion that in order to create a common labor market in CIS one needs to pursue a determined policy taking into account the ever-growing demand for labor in CIS nations and their social and financial opportunities.

An important element in the strengthening of new social labor relations in CIS labor markets must be labor legislation providing for compliance with uniform principles based on international norms that can ensure the needed level of and fullness of labor regulation as well as guarantees of rights of citizens and mechanisms for the implementation thereof per all institutions of labor law.

The normative legal area needs to intensify further analysis and preparation of suggestions for improving national legislation in migration and other related areas (tax, customs, residence, etc.), as well as the development and solidification of coordination among relevant state bodies and international organizations, their cooperation in improving labor migration legislation to protect labor migrants and effectively use human resources including the signing of agreements both at the bilateral and multilateral level including under the community and other regional organizations.

Thus, following the completion of the comparative analysis of effective legislation of the Kyrgyz Republic in the area of labor migration, one needs to state the fact that the major stress in the development and adoption of legislative acts is on the legal solidification of the labor migrants' status in host countries and maximization of the legalization process to prevent illegal labor migration, etc.

However, unfortunately, the legislative framework in the rehabilitation of labor migrants after their return to homeland is developed poorly.

Certain assistance on part of government can only be received by certain groups of people, namely:

1. People with disabilities – pursuant to the Law of KR “On Social Protection of the Disabled in the Kyrgyz Republic” dated 17 April 1991, № 421-XII;
2. Citizens of the Kyrgyz Republic sent pr an established procedure to work overseas - on the basis of bilateral agreements (treaties) of the Kyrgyz Republic with host nations pursuant to the Law of KR “On State Social Insurance” dated 17 June 1996, № 20;
3. Low-income families and citizens – pursuant to the Law of KR “On State Benefits in the Kyrgyz Republic” dated 5 March 1998, № 15.

All these factors bring about the need for legislative activities in the area of rights protection and support rendering to Kyrgyz citizens coming from abroad where they engaged in labor activities.

## **CONCLUSION**

The sociological research used as part of the preparation of this analytical report as well as the comparative analysis of the effective migration legislation of the Kyrgyz Republic in the area of migration showed the existing and getting larger-scale volume problem of rehabilitation of labor migrants following their return to homeland.

Particularly acute need for assistance from government and public is experienced by migrants who suffered from unscrupulous employers, fell victims to power abuse by officials and law enforcement agencies, received one-the-job trauma and damaged their health or were deprived of their freedom as a result of human trafficking.

In order to prevent the illegal activities above, one needs to pursue a coordinated harmonized inter-state legislative activities aimed at making liability more severe for illegal employment and acceptance of migrants without proper work permits and aimed at improving medical services to, and social insurance of, labor migrants who suffered as a result of their engaging in labor activities abroad.

In addition to the medical and social assistance, many labor migrants, particularly those employed outside of Kyrgyzstan for a while, desperately need emotional and psychological

counseling since upon return they face various adaptation challenges: adaptation to previous living conditions, problems and issues within the family resulting from their lengthy absence, search for a new job, etc.

Many labor migrants, especially those who suffered while overseas and faced the problems above upon return home, break down emotionally and face domestic discord and have extremely difficult time getting out of this problem hole.

Unfortunately, today there are very few such rehabilitation centers for labor migrants in Kyrgyzstan, especially for those who suffered while abroad and people have to take the rehabilitation matter into their own hands.

However, the negative consequences of labor migration do not touch all labor migrants and the majority of them successfully work in foreign nations and send their remittances to their loved ones and do not experience acute problems upon return to homeland.

The main foundation for the Kyrgyz labor migrants' successfully being employed overseas and returning home safe and healthy is the legal employment through authorized organizations possessing the right to engage in such activities. Only legal employment can save our citizens from undesired consequences of working abroad.