

Methodological Bases Of Regulation Of International Labor Migration Processes.

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ANNOTATION. The article analyzes the regulation of labor migration. It is studied that labor migration is regulated at three levels, namely at the national, regional and international levels. Organizations regulating migration processes at the international level and their conventions were considered. All theories related to the regulation of international labor migration have been studied economically.

KEYWORDS. Theories of migration, international labor migration, regulation, international organizations, regulation of labor migration.

INTRODUCTION. In order to reduce the negative effects of labor migration and increase its positive effects, measures should be developed to regulate this process by the state, based on the experience of many countries. Since the consequences of regulating labor migration by the state are controversial, the regulation of this process can be aimed not only at attracting immigrants and encouraging migration, but also at reducing migration flows.

The regulation of international labor migration involves migration policy. Many scholars have given their definitions of the concept of migration policy.

LITERATURE REVIEW. Migration policy is a set of legislation, international agreements and social measures aimed at regulating migration flows to combat the factors that cause unwanted migration.¹. V. According to Bobylev, migration policy is a system of principles, goals and actions through which the state and other political entities regulate the flow of migrants ². L.L. Rybakovsky, on the other hand, focused on migration policy as a system of generally accepted ideas at the level of conceptually

¹ Воробьева О.Д. Миграция населения. Вып. 6: Миграционная политика. – М.: Минфедерации России, 2001. С. 8

² Бобылев В. Миграционная политика (сущность, структурное строение, основные типы)// Власть. №6-2009. С 61

integrated tools, with the help of which the state, as well as other state institutions, achieve their goals in accordance with certain principles³. In this regard, S.V. Ryazantsev also stressed that migration policy is a system adopted at the level of ideas and conceptually integrated tools, through which the state, as well as its institutions, aims to achieve the goals of the next stage of development of society in accordance with the principles of the country⁴.

Researchers found that T.A. Prudnikova, S.A. Egorova, S.A. According to Akimova, the regulation of migration is based on objectively defined goals, objectives, the system of development of social relations in the field of migration, the norms of migration legislation, as well as the subjects of the migration process (individuals, public organizations, government agencies). is a process that provides incentives and controls for the location and consolidation of the state and (or) its individual territories⁵.

In turn, foreign scientists M. Giugni, F. Passi also argues that migration policy should include a decision-making process that is relevant to this area of public administration and is regulated by a competent government and regulated by legal norms aimed at regulating migration processes. According to them, the state migration policy is a system of conceptually integrated tools, through which the state, as well as its public institutions, adhere to certain principles and strive to achieve goals that correspond to the current and future stages of development of a particular society⁶.

METHODS. In this paper work authors used qualitative research methods with secondary source data from various scholars in this field. Especially, advantages of this methods can be discussed as a ground theory

method. To date various methods have been developed and introduced to measure regulation level of the migration process.

In most recent studies show that only regional point of view data and analyses. Previous studies have based their criteria for selection on pull or push factors migration policy. But authors have explained regulation of labor migration in a variety of ways.

As a material authors used UN, ILO, International Migration Reports and various scientific paper works from Google Scholar and ScienceDirect.

³ Рыбаковский Л.Л. Миграционная политика России: теория и практика // Современные проблемы миграции в России: материалы общероссийской научной конференции (11–13 ноября 2003г.). – М., 2003. С. 36

⁴ Рязанцев С.В. Материалы международной конференции. Политика народонаселения: настоящее и будущее. – М: МАКС Пресс, 2005. С. 365

⁵ Прудникова Т.А, Егорова С.А., Акимова С.А. Правовые и организационные особенности миграционной политики в ряде зарубежных стран. – М.: ЮНИТА-ДАНА: Закон и право, 2013. С 10

⁶ M. Giugni, F. Passy Dialogues on migration policy. – Oxford: Lexington Books, a division of Rowman & Littlefield, 2006. С.21

RESULTS. Summarizing the above scientific definitions, it can be said that the migration policy of the state is a targeted activity of political institutions aimed at regulating migration processes in the territory of the country.

It should be noted that labor migration is regulated at 3 levels: national, regional and international⁷.

Scale	Mechanisms
Nationwide	<ul style="list-style-type: none"> -Creation of relevant state institutions; -Requirements related to the quality of the workforce (certificate of education); - Indirect regulation of direct quotas or labor imports; -Administrative measures to ensure the import of labor; -Formation of the emigration environment -Investment and tax policy
At the level of countries in the region	<ul style="list-style-type: none"> - strengthening border controls in the region, - strengthening measures to control the flow of migrants in the region; - combating illegal migration in the region; - fight against employers of illegal migrants in the region; - Take measures to improve cooperation not only between the host but also the donor countries;
Internationally	<ul style="list-style-type: none"> - International agreements (bilateral and multilateral); -Economic assistance to areas of mass emigration; -Regulation on economic criteria; - Normative legal regulators of labor import and export

1.1 picture. Mechanisms for regulating labor migration⁸

State regulation of international labor migration includes the regulation of migration flows, the elimination of the negative effects of self-developing migration processes, the creation of conditions for the protection of the rights of migrants, as well as ensuring humane treatment of asylum seekers. Also, migration regulation policy is an integral part of the foreign policy, economic, demographic, socio-cultural, legal and other areas of the state.

ANALYSIS. The regulation of migration processes in recipient and donor countries that receive, send and re-employ labor includes legislation on the legal, political and professional status of migrants, national

⁷ Кодирова З.А. Глобаллашув шароитида Ўзбекистоннинг халқаро меҳнат бозорига интеграцияллашуви. Монография. - Т.:Иқтисодиёт, 2016. 62 бет

⁸ Compiled by the author based on statistic data.

immigration, emigration and re-migration services, and many government agreements. Public organizations in almost all countries that use foreign labor have a targeted policy on the selection, distribution and use of foreign labor.

Occupational and sectoral restrictions may also apply in the form of bans on the use of foreign labor in countries. Clear prohibitions in this regard will be aimed at occupations that foreigners cannot engage in. Sanctions (deportation, fines, imprisonment) are also imposed by law against those who violate immigration regulations.

In most recipient countries, an immigrant permit is issued on the basis of an employment contract between the employer and the employee and based on the conclusion of the Ministry of Labor. The regulatory framework for immigration is based on a number of laws and regulations.

The priorities in the regulation of labor migration in the region are to eliminate the irregularities in its formation, to coordinate decisions on the regulation of the labor market in the national interest and to take measures to prevent illegal migration. The voluntary participation of member countries in the process of labor migration in the region, the free movement of migrants in the region, the creation of equal rights and opportunities for them with the local population is important. An example of this is the regulation of labor migration in the CIS.

Stages	Features
<p>Step 1. It began after the formation of the CIS on the basis of multilateral agreements.</p>	<p>1) October 1992 "On visa-free travel of citizens of CIS countries in the territory of its member states", 2) November 13, 1992 "On mutual recognition of visas of CIS countries", 3) March 1992 "Pension benefits of citizens of CIS countries" 4) "On cooperation in the field of labor migration and social protection of migrant workers" by all CIS countries in 1994, 5) "On cooperation in the field of labor protection and received by a worker abroad on the detection of industrial injuries.</p>
<p>Step 2. Regulation of labor migration and the fight against illegal migration have begun on the basis of bilateral agreements between individual countries</p>	<p>1) Agreements on visa-free travel and labor migration have been signed between the two countries. Russia and Armenia, Belarus, Ukraine, Moldova, Uzbekistan and Kazakhstan have signed agreements in this regard. 3) Due to the problems related to illegal migration, smuggling, organized crime and armaments, the transition from multilateral agreements to bilateral agreements, a policy restricting the regulation of labor migration has begun.</p>
<p>Step 3. Labor migration began</p>	<ul style="list-style-type: none"> • Examples include the Declaration on Collective Security, the Central Asian Economic Community, and the Eurasian Economic Community.

to be regulated on the basis of interstate associations.	<ul style="list-style-type: none"> • By 2000, Russia, Belarus, Kazakhstan, Kyrgyzstan and Tajikistan had signed agreements on visa-free travel for their citizens.
Step 4. "Visa asymmetry"	It is based on the experience of operating on the basis of a simplified form of visa.

1.2. picture. Stages of migration in the CIS region⁹

INTERPRETATION OF RESULTS. The importance of international labor migration is that the regulation of this process is carried out by two or more entities that have an impact at different stages of population migration and have a common interest. If the importing country is responsible for the entry and use of the migrant, the exporting country is responsible for regulating the departure of migrants and the protection of their interests abroad. In most cases, the interests of importing and exporting countries are closely intertwined. The legal aspect of the mutual interest of the importing and exporting countries is that this process takes the form of bilateral or multilateral agreements on migration.

Name of organization	Year of establishment
International Labor Organization (ILO)	1919
United Nations Educational, Scientific and Cultural Organization (UNESCO)	1945
United Nations High Commissioner for Refugees (UNHCR)	1950
International Organization for Migration (IOM)	1951
Organization for Economic Co-operation and Development (OECD)	1961
United Nations Population Fund (UNFPA)	1969
Office of the United Nations High Commissioner for Human Rights (OHCHR)	1993
Global Migration Group (GMG)	2006

1.3 picture. Organizations regulating migration processes at the international level

According to the Program of Action adopted by the International Labor Organization at the International Conference on Employment in 1976, the recruitment process can be carried out on the basis of bilateral

⁹ Қодирова З.А. Глобаллашув шароитида Ўзбекистоннинг халқаро меҳнат бозорига интеграцияллашуви. Монография. - Т.:Иқтисодиёт, 2016. 62 бет

or multilateral agreements, taking into account the economic and social needs of importing and exporting countries.

The role of international organizations in regulating migration processes at the international level is important.

In particular, the role of the International Labor Organization (ILO) in regulating international migration is important. The organization calls for the socio-economic development and improvement of working conditions not only of citizens of the country, but also of foreign citizens working there, in particular labor migrants. The main task of the ILO is to ensure that everyone has an effective and paid salary, based on the principles of social justice and equality. The ILO adopts conventions and recommendations setting labor standards in the areas of wages, working hours, holidays and occupational safety.

There is a comprehensive program of measures for voluntary countries in need of labor migration, and the first and foremost step for such countries is to ratify the conventions on migration. In particular, the conventions and recommendations developed by the ILO, which are actively involved in the international regulation of labor migration, are important.

To date, the ILO has adopted up to 188 conventions and 200 recommendations. Throughout its existence, the ILO pays special attention to labor migration processes and the protection of the rights of migrant workers. In this regard, the organization has adopted 3 main conventions¹⁰.

Name of the Convention	Year of adoption	The main content of the Convention
ILO Convention No. 97 on the Rights of Migrant Workers ¹¹	1949	Areas such as equality between national workers and legal migrants, employment, living and working conditions, legal protection, taxation, social protection.
ILO Convention No. 143 on Equal Opportunities and Equality in the Field of Migration and Migration ¹²	1975	Establishes norms for combating the exploitation and trafficking of migrants, ensuring the protection of illegal migrants, and creating conditions for the integration of legal migrants into the host society.
International Convention for the	1990	This international convention is based on the above two

¹⁰ Қодирова З.А. Глобаллашув шароитида халқаро меҳнат бозоридаги жараёнларнинг тартибга солиниши.// Ижтимоий фикр-инсон ҳуқуқлари №4. 2015 й 52-61 б.

¹¹ Migration for Employment Convention (Revised), 1949 (N 97). Принята на 32-й сессии МКТ 01.07.1949 г., вступила в силу 22.01.1952 г. – www.ilo.org/wcmsp5/groups/public/-ed_norm/normes/documents/normativeinstrument/wcms_c097_ru.htm

¹² Migrant Workers (Supplementary Provisions) Convention, 1975 (N 143). Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers. Принята на 60-й сессии МКТ 24.06.1975 г., вступила в силу 09.12.1978 г. -www.ilo.org/wcmsp5/groups/public/---ed_norm/--normes/documents/normativeinstrument/wcms_c143_ru.htm

<p>Protection of the Rights of All Migrant Workers and Members of Their Families ¹³</p>		<p>conventions, which contain provisions on the recognition of the economic, social, cultural and civil rights of migrant workers.</p>
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Picture 1.4. Basic conventions protecting the rights of migrant workers¹⁴

These 3 conventions are called the “International Charter on Migration” and serve as a broad legal framework defining the rights of migrants. These conventions serve as a basis for the regulation of migration processes, as well as for international cooperation and the development of national macroeconomic policy, taking into account the international workforce.

The slow progress in the ratification of these conventions over the past decade can be explained by the existence of political opposition to the recognition of the universal rights and standards of migrant workers, especially illegal migrants. However, it should be noted that the countries that have ratified these conventions have achieved positive results in the effective regulation and management of labor migration, ensuring the rights and freedoms of migrant workers and their families, and preventing illegal migration.

In this regard, we can see that the requirements set out in the ILO conventions in order to combat violations of the rights of migrant workers, abuse in the field of migration, illegal migration and human trafficking are being perfectly implemented in both recipient and donor countries. Examples include the EU Directive on Trafficking in Persons, the Mekong Subregional Project to Combat Trafficking in Children and Women (implemented in Vietnam, Cambodia, Laos, Thailand and China), the Respect European Network of Migrant Workers as domestic workers, and human trafficking. Examples include the Bali Conference¹⁵ on Cross-Border Trafficking and Trafficking and Related Cross-Border Crimes, the Agreement on the Prevention of Trafficking in Human Beings between the United Kingdom¹⁶, Thailand and Cambodia, and the National Institute for the Prohibition of Human Trafficking in Nigeria¹⁷.

The Office of the United Nations High Commissioner for Refugees (UNHCR) deals with the protection of refugees, the implementation of long-term decisions and, most importantly, repatriation. The adoption of the UN International Convention on the Status of Refugees in 1951 created a legal convention to assist refugees.

¹³ International Convention on the Protection of the Rights of All Migrant Workers and members of their Families. Принята резолюцией 45/158 Генеральной Ассамблеи ООН от 18.12.1990 г., вступила в силу 01.07.2003 г. – [www.un.org/ru/documents/ decl_conv/conventions/migrant1.shtml](http://www.un.org/ru/documents/decl_conv/conventions/migrant1.shtml)

¹⁴ Compiled by the author based on statistic data.

¹⁵ www.baliprocess.net

¹⁶ www.mfa.go.th

¹⁷ Adepoju A. Review and research and data human trafficking in Sub-Saharan Africa. International Migration. Vol.43.2005

Founded in 1951, the International Organization for Migration is the only intergovernmental organization in the field of migration. The number of member countries is 173, and in 2018 Uzbekistan became the 173rd member of the organization.

SUGGESTIONS AND RECOMMENDATIONS.

- implementation of planned and regulated migration of citizens;
- organizing the resettlement of refugees;
- prevention of "smart migration";
- advising on migration issues.

The activities of the International Organization for Migration are based on the principle of humane and regulated migration, which is beneficial and convenient for all. This principle is implemented through the provision of services and recommendations to the government and migrants.

The International Organization for Migration operates in four main areas of migration regulation:

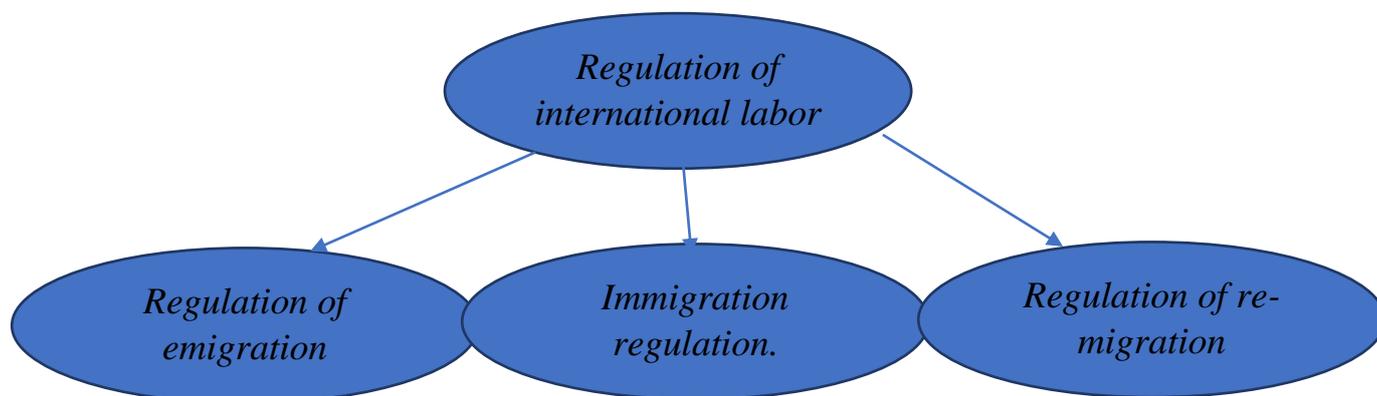


1.5 picture. Areas of migration regulation of the International Organization for Migration

The comprehensive measures in these four areas include the promotion of international legislation in the field of migration, discussion and assistance in developing strategies, protection of migrants' rights, migrant health, as well as the gender assessment of migration.

Today, most organizations and associations within the UN, as well as regional associations, are involved in population migration and labor resources. In particular, the UN Population Committee has a special fund to subsidize national programs in the field of population migration. The United Nations Population Fund (UNFPA) was established in 1969. UNFPA supports the collection, analysis and development of demographic forecasts, conducting various surveys and the use of demographic data in the development of national socio-economic policies and programs.

However, there are 3 types of regulation of international labor migration, including regulation of immigration, emigration and re-migration¹⁸.



1.6 picture. Types of regulation of international labor migration

1. Regulation of emigration. The basis of immigration policy is the regulation of the full 3 phases of the re-migration cycle associated with the departure of a worker from the country, his stay abroad and his return to his homeland. According to the International Labor Organization, the emigration policy will be aimed at reducing unemployment, the inflow of foreign currency to balance export-import operations, ensuring a decent standard of living for migrant workers abroad, adapting the profession and education of migrants abroad to the demand for return. To this end, the volume and composition of emigration flows are directly and indirectly regulated to create a favorable emigration environment.

2. Regulation of immigration. Most labor-receiving countries use a selective approach to regulating immigration. The essence of this method can be explained by the fact that the state does not resist the entry of a number of categories of workers necessary for the country, and the rest prevent the entry. Highly qualified migrants who know the language of the host country will immediately become the country's net taxpayer. Such a policy is widely used by rich countries such as the United States, Canada, and the United Kingdom. Although the list of immigrants who prefer to be involved varies from country to country, they usually fall into the following categories:

- 1) Workers who are willing to perform heavy, harmful, dirty and unskilled work such as construction, agriculture and household, seasonal for a minimum wage.
- 2) Specialists for new and promising industries, such as programmers, specialized professionals;
- 3) Diamond cutters, speed restorers, doctors, representatives of unique professions using non-traditional methods of treatment;
- 4) Well-known specialists such as musicians, artists, scientists, athletes;
- 5) Large entrepreneurs who relocate, invest and create new jobs in the host country.

¹⁸ Қодирова З.А. Ишчи кучини экспорт қилувчи мамлакатларда меҳнат миграциясининг халқаро миқёсда тартибга солиниши. // Иқтисодиёт ва инновацион технологиялар №3. 2015й. 1-9 б.

In most recipient countries, an immigrant permit is issued on the basis of an employment contract between the employer and the employee and based on the conclusion of the Ministry of Labor. This conclusion must state that the work offered to the immigrant or the work cannot be performed by local workers due to the special qualifications or other reason required. The regulatory framework for immigration is based on a number of laws and regulations.

3. Regulation of re-migration. Due to increasing pressure from trade unions, which link the main cause of unemployment in the country to the large number of immigrants entering the country, most western countries have been developing programs since the 1970s to encourage immigrants to return to their homelands. Table 1.7.

<p>Immigration regulation</p>	<ul style="list-style-type: none"> - payment of taxes by immigrants for employment; - giving preference to migrants who invest in the country's economy in the reception of migrants; - Taxation of entrepreneurs using the labor of immigrants; -restriction of the length of stay of immigrants in the country; - Restricting the entry of immigrants; - Compulsory deportation of foreign workers; - Encourage the voluntary relocation (repatriation) of migrant workers; -time restrictions; - imposing sanctions;
<p>Regulation of emigration</p>	<ul style="list-style-type: none"> - means of stimulating and effective use of foreign currency transfers; - Providing benefits for foreign currency deposits in national banks; - sale of non-taxable securities to labor emigrants; - customs benefits for returning migrants; - Restrictions on exit passports; - Prohibition of certain categories of workers to go abroad; - introduction of immigration quotas; - providing soft loans to migrants; - establishment of special funds and representative offices to monitor the implementation of international agreements on labor migration
<p>Regulation of re-</p>	<ul style="list-style-type: none"> - financial compensation programs are provided to immigrants who have left the recipient country before their term expires. Such payments do not place an additional burden on budget expenditures, as they are paid from social insurance or pensions; - Vocational training program is implemented to help immigrants return to their home countries and provide them with high wages and promising jobs;

migration	- economic assistance program for countries of mass emigration - recipient countries transfer part of migrants' remittances with donor countries in the form of investments;
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1.7 table. Types of regulation of international labor migration¹⁹

CONCLUSION. Historical experience has shown that most of the programs that encourage re-migration have not led to the expected results. The main reason for this can be explained by the fact that the exporting country is not interested in the re-export of its labor migrants due to the conditions.

Labor migration is a complex process and one-sided regulation is not enough, which requires a comprehensive approach at the national, regional and international levels, as well as measures based on the migration potential of each country.

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