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To: All OSCE Delegations

Partners for Co-operation

Mediterranean Partners for Co-operation

Subject: OSCE/ICMPD Workshop on Labour Migration in Central Asia.

Please find attached the Consolidated Summary of the OSCE/ICMPD Workshop on Labour Migration in Central Asia, Almaty, Kazakhstan, January 31 - 01 February 2006.





Office of the Co-ordinator of OSCE Economic and Environmental Activities

Vienna, 19 April 2006

OSCE/ICMPD WORKSHOP ON LABOUR MIGRATION IN CENTRAL ASIA

ALMATY, KAZAKHSTAN

(JANUARY 31 - 01 FEBRUARY 2006)

CONSOLIDATED SUMMARY

TABLE OF CONTENT

Conclusions	
Welcoming remarks by Ms. Bagila Bisembayeva Deputy Head of the Committee on Migration, Republic of Kazakhstan	10
Welcoming Statement by Mr. Bernard Snoy, Co-ordinator of OSCE Economic and Environmental Activities	15
Keynote Speech by Mr. Gottfried Zürcher, Director General, International Center for Migration Policy Development (ICMPD)	18
Annex 1: Agenda	20
Annex 2: List of participants	24
ANNEX 3 Log of contributions	29

CONCLUSIONS

The workshop was co-organised by the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the International Centre for Migration Policy Development (ICMPD) with the support of the OSCE Centre in Almaty in follow-up to the 13th Meeting of the OSCE Economic Forum, organised in Prague, on 23-27 May 2005, as well as to the annual Budapest Group meeting in Vienna on 29-30 June 2005, which at the same time was the final meeting of the project "Re-direction of the Budapest Process towards the CIS countries".

The workshop gathered representatives from mostly governments, but also civil society from Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkey, Ukraine and Uzbekistan as well as a number of international and regional organisations, including the Eurasia Economic Community.

The purpose of the workshop was, through the identification of concrete ideas, to facilitate the development of labour migration regimes and the strengthening of implementation capacities of governmental and non-governmental organisations dealing with migration issues, thereby contributing to improved overall economic and social development and reduced irregular migration and its associated risks. A further aim was to identify activities that could contribute to furthering a closer inter-state cooperation and partnership on labour migration.

Opening session

In her introductory key note speech, Ms. Bagita Bisembayeva, Deputy Chair, Migration Committee, Ministry of Labour and Social Protection of Population of the Republic of Kazakhstan, welcomed the initiative and underlined the importance of labour migration and the needs to improve legislation. Ambassador Ivar Vikki, Head of the OSCE Office in Almaty, stressed the need for international co-operation as well as the need for an appropriate legislative basis and interagency co-operation. Mr. Bernard Snoy, Co-ordinator of OSCE Economic and Environmental Activities, outlined the need to identify and develop concrete ideas and activities related to the strengthening of national implementation capacities of migration management policies, in both governmental and non-governmental organisations, in view of facilitating legal orderly migration and minimising irregular migration and the connected hazards and security concerns for countries of destination, transit and origin. He also mentioned the current preparation of a joint OSCE-IOM Handbook on Establishing Effective Labour Migration Policies in the Countries of Origin and Destination. The aim of the Handbook was to facilitate information sharing and dialogue among policy-makers and experts in the OSCE participating States about effective policies and good practices in the area of labour migration management. Ambassador Adriaan van der Meer, Head of the Delegation of the European Commission in Kazakhstan, underlined the effects of migration on social security, employment and rights of labour migrants, and the link to illegal activities. He invited the Central Asian countries to study the EU experiences with regard to building up institutions, designing policies and practices. He pointed out the benefits of migrant legalisation campaigns. Since 2003 the EU was supporting the strengthening of institutional capacity in the fields of asylum and labour migration systems in the Central Asian countries. Mr. Gottfried Zuercher, Director General of ICMPD, pointed out that the Budapest Process meeting in Almaty in May 2005 acknowledged managed labour migration as one of the main priorities of the region. The Budapest Process called for the development of regional policy responses addressing regular as well as irregular migration. The present workshop was to be seen as a direct follow-up to the priorities of the countries expressed in the framework of the Process. He stressed that migration policy was per se within the prerogatives of national

sovereignty, but that the development of adequate responses to meet the challenges required inter-state and regional co-operation.

Participants identified the following priority actions within each session:

Session I: Overview of labour migration issues in Central Asia

From Central Asia people migrate mainly to Kazakhstan and Russia. Kazakhstan with its growing economy has a strong demand for foreign labour. The legislative and policy responses to the increasing labour migration are lagging behind. The present visa free regime among most of the Central Asian countries gives access to the territory, but an employment contract is not necessarily provided so that migrants often find themselves in an irregular situation, vulnerable to abuse, corruption and exploitation. It is estimated that 500,000 to 1,000,000 migrants are in an irregular situation in Kazakhstan. Most are employed by the cotton or tobacco industries or in the construction sector, where there is a demand for flexible seasonal labour. The Central Asian countries have the demographic potential to continue to be suppliers of labour. Of the active populations of Kyrgyzstan and Tajikistan, 25-30% are crossing the borders every year as seasonal workers. Also, small scale trade among border communities is a feature.

The positive impact of remittances on economic development was discussed. In Kyrgyzstan, Uzbekistan and Tajikistan the remittances are estimated to be considerably high. However, the downside of large scale migration on the economic and social structures in the countries of origin, including brain drain, was also brought up. Labour agreements exist to some extent, but they are not always implemented. There are also certain transit flows through the region towards Russia.

Circular temporary migration was presented, particularly in the context of a draft report of the World Bank, as one possibility of addressing the need for more orderly legal migration as well as responding to the labour market demands for flexible labour in Central Asia. Currently most migration regimes of destination countries do not facilitate short-term and circular migration, and therefore often inadvertently encourage irregular migration as well as smuggling and human trafficking. Where there is an obvious demand for additional labour not available domestically, one option could be to allow for new bilateral and multilateral migration arrangements to be developed, that would permit higher levels of legal circular migration of unskilled workers. The benefits could be a better fit between the labour supply and demand, reduced irregular migration, less cultural friction as people return at the end of their work assignment, increased fiscal benefits by allowing for tax collection, and reduced policing costs in the destination countries. The sending countries would benefit from the return of human capital and savings. However, the success of such arrangements would depend largely on the idea of voluntary return after completed employment. Therefore, it would require that the sending countries actively pursue improvements in their economic policies and institutions for the overall improvement of the quality of life. The reforms should enable the returning migrants to benefit from their saved earnings and acquired skills abroad.

Participants proposed to:

• improve the data collection and strengthen the research basis to allow for a clearer assessment of the migration situation, migrants' rights, and the economic impact of

migration, particularly the volume of remittances, from the point of view of countries of destination, transit and origin, as well as in a regional context;

- develop common standards for research methodologies and common data collection mechanisms to better assess the magnitude of the irregular and regular migration in the region;
- explore the possibilities to carry out migration research projects, involving students, to carry out assessments of the legal situation of migrants and assessments of the economic impact of migration; studying the economic impact of migration in the destination countries is also important;
- study the option of circular temporary migration as one possibility of addressing the need for more orderly legal migration by both countries of destination and origin and the arrangements required by both sides (admission of temporary labour migrants, readmission and reintegration arrangements, effective economic reforms in sending countries), etc;
- carry out a study on the demand for labour migrants in the construction and agricultural sectors in the region;
- improve access to information, studies and latest publications on migration for the civil society.

Session II: Towards a comprehensive management of labour migration

It was acknowledged that migration policy falls within the national sovereignty of each country, and that labour migration is to a large extent connected with the overall economic policy development of a country, but it was also felt that migration cannot be dealt with purely as an internal issue. An efficient migration policy can only be developed by the countries of origin, transit and destination working together, since migration is of a cross-border and trans-national nature. Closer interstate cooperation and a regional approach are required to more effectively stem security and other threats (irregular migration, labour exploitation, trafficking in human beings, corruption and money-laundering) and to maximize economic and social benefits. However, for regional cooperation to function well, the institutional capacities of countries of destination, transit and origin need to be strengthened and correlated.

It was recognized that while the prevention of irregular migration and labour exploitation remains a priority, the protection of migrants' rights and the assistance to irregular migrants, victims of labour exploitation and human trafficking are also crucial elements in a comprehensive labour migration strategy. Such a strategy should also ensure adequate protection measures of female migrants from violence and discrimination. Special attention should be paid to under-aged irregular migrants.

Furthermore, it was acknowledged that in the long term large numbers of irregular migrants may give rise to security concerns and, in the end, involve higher costs to the national economy and social cohesion than timely investment in regular migration systems.

The session also discussed the need to develop efficient and transparent labour migration regimes in the interest of States, as a part of a comprehensive migration policy, thereby

contributing to general economic development and responding to labour market demands. A comprehensive migration policy should regulate the following areas: admission and visa policies, short/long term residence permits, improved document security, border management, readmission and return, as well as links to labour permit regulations, labour standards (and their enforcement), strict penalties and the degree of punishment for perpetrators of human trafficking as well as of smugglers of migrants, and victims oriented anti-trafficking responses.

Participants proposed to:

- strengthen the legislative basis and institutional framework to better manage labour migration and irregular migration, by improving existing legislation and regulatory frameworks (registration practices, regularisation and control measures, institutional capacity and implementation mechanisms etc.) related to labour migration, smuggling of human beings, and trafficking in persons;
- bring the above mentioned legislations into compliance with international standards;
- strengthen the measures for the protection of the legitimate rights of migrants as well as the identification of employers and sectors which might use trafficked persons;
- strengthen inter-agency coordination among national authorities dealing with migration at all levels (ministries, agencies, committees, etc.);
- strengthen inter-state co-operation mechanisms at the bilateral, regional and multilateral levels through informal and formal consultations and exchange of information on economic migration management, in particular on improving legislation, strategies, good practices in the fields of employment, immigration, return, obtaining citizenship, and preparation of corresponding documents (identity, residence and labour permits);
- develop procedures to establish migrant labour exchanges, within the framework of regional co-operation.

Session III: Institutional capacity building

The need for co-ordination and further capacity building was acknowledged among national authorities dealing with labour migration in the development of legislation and policies contributing to national migration governance, supported by the civil society, including trade unions and migrants associations.

Participants proposed to:

- conclude and effectively implement bi- and trilateral labour agreements, including agreements on social rights, such as on regulating pension schemes;
- strengthen the capacity of migration authorities on national, regional and local levels to more effectively deal with enforcement of legislation to promote good governance and curb corruption and stop illegal practices;
- establish state supported employment agencies to (i) provide reliable information to potential migrants on job vacancies, migrant rights, procedures regaring pensions and

social contributions, additional vocational training, and accommodation in host country; and (ii) facilitate the exchange of information between national authorities in the countries of origin and destination,;

- assist the governmental bodies in fighting against trafficking in human beings, including
 through national as well as regional projects aimed at identification of victims of
 trafficking in human beings and trafficking cases and by providing protection and
 assistance to those in need, irrespective of their willingness to co-operate with the law
 enforcement as they are victims of violations of human rights;
- continue to fight labour exploitation;
- address environmentally induced migration and associated labour migration issues;
- develop the role of the labour attaches with regard to monitoring labour market demands in the host countries and strengthen co-operation with relevant actors in both the host country and the country of origin, including on protection of migrants' rights;
- strengthen consular support, in co-operation with migrants associations, through registering immigrants, as well as providing information also from other ministries and agencies on subjects relevant to migrant support (e.g. Ministry of Economy on establishment of an own business; Ministry of Interior/State Committee for migration and citizenship on the acquisition and re-acquisition of citizenship and passport and other procedures; Ministry of Social Affairs on the transfer of the pensions and educational qualifications);
- introduce short-term as well as long-term national strategies of the sending countries on how to manage export of their labour force, including the need to improve the legislative basis, important for the provision of legal channels and aimed at the reduction of irregular out-migration;
- consider and apply, if appropriate, the good practices developed within the information offices, providing information on legal channels for migration and employment opportunities;
- strengthen the role of the Ombudsman in protecting migrant's rights.

Session IV: Migration is a factor of economic development

The flow of remittances from migrants abroad to their family members at home continues to increase in significance as such flows plays an important role in reducing poverty and supporting economic and social development, especially when used for education, health, housing and small business development rather than consumption.

Relevant public and private bodies ought to consider options for and seek realization of more cost-effective remittances arrangements by strengthening the financial infrastructure and expanding the spectrum of services, both in countries of destination and origin, thereby encouraging migrants to remit through formal transfer systems, thus increasing official remittance receipts as well as reducing the risk of exploitation by money laundering networks.

The need to improve the collection of reliable data on remittances was emphasized. Better data would improve the understanding of the role of remittances in poverty alleviation and economic and social development as well as help formulation of policies and programmes that support more effective use of these private funds.

The Session also discussed the establishment of necessary conditions for consultation, partnership and cooperation with migrant-based community organizations and networks with a view to facilitate the transfer of knowledge and resources of returning migrants or the diaspora communities to the country of origin.

Furthermore, the results of a pilot project carried out by IOM/UNDP on investment of remittances in Tajikistan were also discussed. The project looked at a sample of 150 families and their use of the remitted funds. Through awareness raising and training programmes, the families were trained to design their own business plans and save some of the remittances for investment in income generating activities. The project was considered very relevant and it was stressed that there would be a need to replicate it on a larger scale.

Participants proposed to:

- increase the economic impact of remittances through implementing projects that supplement remittances with additional financing and channel these into investments, such as micro credits;
- support efforts to improve the investment and business climate in the countries of origin through policy advice, and SME training and support;
- facilitate efforts to make more effective use of remittances through appropriate training programmes targeting different stakeholder groups: households, local communities, migrant associations, diaspora organizations, financial institutions, etc;
- encourage the establishment of national transfer systems.;.
- promote the removal of obstacles and reduction of fees in formal banking systems that restrict access by the poor to appropriate financial services;
- facilitate exchange of information and experience on best practice in the reform of banking and financial regulations to allow for improved competition in the money transfer markets, lowering transfer costs.

<u>Session V: The development of mechanisms to regulate the demand for labour in the framework of interstate co-operation</u>

The importance of the external dimension of a comprehensive national migration policy, covering several policy areas, was recognised. In this context, the necessity to strengthen inter-state co-operation mechanisms at the bilateral, regional and multilateral levels was also emphasized. The possible role of EURASEC in promoting such co-operation was discussed.

The overall aims of promoting free movement of migrants in the region and safeguarding the social rights of the migrants, while respecting and adhering to the national legislation of a destination country were also acknowledged.

Participants proposed to:

- contribute actively to experience exchange mechanisms involving European countries to develop labour exchange mechanisms and the conclusion and implementation of labour agreements, including possibly also incentives for return of migrants back to their countries of origin;
- participate in informal and formal dialogues to promote information and experience exchange on guest workers programmes, programmes for seasonal workers, regimes for circular temporary migration, regularisation of irregular migrants, the development of national migration strategies, as well as on improving legislation, strategies, good practices in the fields of employment, immigration, return, acquiring citizenship, and corresponding documents (identity, residence and labour permits), etc.;
- promote the harmonization of legal systems among the Eurasian countries as a precondition for the long-term objective of free movement of people in the Eurasia region;
- highlight the importance of experience exchange on regularisation campaigns to assess
 possible applicability in the relevant national contexts, including their short and long-term
 impacts on other migration policy areas, keeping in mind the need to couple such
 campaigns in their implementation with effective prevention measures, such as efficient
 return of migrants to their home countries.

Overall conclusions:

The participants expressed appreciation for this opportunity to share experiences and concerns. ICMPD and OSCE representatives called on them to come up with ideas for pilot projects and other activities that they could support with potential important demonstration effects.

At their turn, the OSCE and the ICMPD will try to develop project proposals and activities in the area of labour migration in Central Asia and will seek support and involvement for their implementation from the Governments in the region, non-governmental organizations as well as regional organizations such as the EURASEC. The following areas could be envisaged:

- fostering exchange of experience with Europe on migration policy development and legislation;
- strengthening the data collection and research in the Central Asian countries to allow for better assessment of the migration situation and support migration policy development and implementation;
- strengthening the implementation capacity of public authorities at the national and local levels as well as of non-governmental actors dealing with labour migration issues;
- strengthening the capacity of public institutions as well as of non-governmental organizations to provide services and information to migrants;
- promoting good governance and preventing corruption in dealing with labour migrants;
- promoting a more effective use of remittances;
- advancing inter-state cooperation and partnership on labour migration in Central Asia.

The participants asked the OSCE together with the ICMPD and other agencies that are working on migration in the Central Asian context (e.g. IOM, ILO, UNICEF, UNESCO, the World Bank, Eurasia Foundation, EURASEC, etc.) to consider organizing a regular yearly regional event on labour migration to allow for consultations and exchange of experience and information.

WELCOMING REMARKS

by Ms. Bagila Bisembayeva Deputy Head of the Committee on Migration, Republic of Kazakhstan

at the Workshop on Labour Migration in Central Asia, 31 January – 1 February 2006, Almaty

Dear Sirs and Madams, Dear seminar participants!

Allow me to welcome you at this forum on behalf of the Committee on Migration with the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan.

After gaining its independence the Republic of Kazakhstan, being the country of origin, destination and transfer, has become an active agent of the world migrational processes.

Among the positive factors of the overall development and of the migration situation becoming stable in Kazakhstan are the following: political stability, considerable improvement of socio-economic conditions, rising standard of living. All these lead to the fall of the negative migration balance as well as to the increase in the number of immigrants entering the country.

The migration policy of the government of the Republic of Kazakhstan has brought its positive results and the migration processes have come to a stable position by the beginning of the current millennium. During the early 1990's the negative migrant flow balance amounted to almost half a million persons, i.e. the flow of citizens out of the country considerably exceeded the number of those entering Kazakhstan. Since 2002 the negative migration balance reduction became a stable tendency and in 2004* it became positive. In 2005* migration balance remained to be positive.

One of the priorities of the state migration policy in the Republic of Kazakhstan is management of active ethnic immigration, receiving of ethnic Kazakhs returning to their historical homeland. From 1991 till 2005 122,845 oralman families (481,4 thousand persons) have come to Kazakhstan. In 2005, although the limited quota amounted to 15,000 families 28,239 came (115,1 thousand persons); as a matter of fact, the limited quota for 2000 was 500 families.

Practically all oralman who are coming to Kazakhstan based on the special quota are successfully adapting to the new environment. In accordance with the law of the Republic of Kazakhstan "On population migration" the Committee on Migration of the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan being the authorized state body has been securing full scale payment of corresponding benefits and compensations to this category of citizens.

- 2004: entered 69,1; departed 65,8; migration balance-- +3,3 thousand persons;
- 2005: entered 70.3; departed 52.2; migration balance-- +18.1 thousand persons.

Along with increase of ethnic immigration rate Kazakhstan is also experiencing the increase in the amount of labor migrants moving both internally and from abroad.

Labor migration is a normal process in the life of the international community. But it has to be carried out in a civilized manner and regulated based on the national legislation and the international legal acts.

In this regard the issue of migration regulation is becoming increasingly acute for Kazakhstan as well as for all other countries which serve as destination and origin regions for labor migrants.

Currently the Kazakhstan labor market is characterized by the stable decline in the unemployment rate and, simultaneously, by the increase in the number of employed population.

Along with that, though, Kazakhstan possessing enormous natural resources is not able to utilize them to the full extend and is forced to attract foreign experts and companies. This is happening due to the low level of skills among the national workers, lack of professional knowledge and necessary skills and qualifications among the national employees. For example, in 2001 there were 10,7 thousand foreign workers attracted, in 2004 -17,2 and in 2005-24,7.

The leading work force exporters to Kazakhstan are Turkey, China, the UK, India, Yugoslavia, Italy, the USA, Romania, and the Philippines. Out of the total number of foreign work force Turkish citizens comprise 32,4%. Out of the CIS states the largest numbers of foreign workers come from Russia, Kyrgyzstan and Uzbekistan.

The main spheres where foreign work force is used are construction, agriculture and mining industry.

During the current year distribution of foreign work force among various industries is the following: construction -53% (in 2004-50,8%), agriculture -17% (in 2004-12,4%), extractive-mining -13,3% (in 2004-13,6%), manufacturing-processing industry -4,7% (in 2004-4,4%).

The increase in the share of foreign work force in the agricultural sector is linked to attraction of a large number of Kyrgyzstan citizens for agricultural works in accordance with the bilateral agreement on labor activities and social protection of labor migrants occupied in the agricultural sector in the bordering regions.

Geographically, the import of foreign work force is concentrated in Atyrau region (30,5%) and Almaty region (18%), the city of Astana (14,4%) and the city of Almaty (9,9%), i.e. the regions of oil production or active construction development.

Along with the foreign work force import specially licensed employment agencies are involved in export of Kazakh workers.

In 2004 1744 persons went abroad out of which 1218 persons – to further foreign countries, including to the South Korea – 1210, and 526 persons to closer foreign countries (Russia). In 2005 663 Kazakhstan citizens went to work abroad out of which 447 persons – to Russia and 107 – to the South Korea.

The legal labor migration in Kazakhstan is developing together with the illegal or irregular labor migration which is becoming a serious problem for our country. Illegal migrants impose considerable pressure on domestic labor market and the state is suffering significant losses in the form of unpaid taxes as well direct outflow of currency abroad.

Taking account of the general state of the internal labor market and with the goal of protecting it from exceeding presence of foreign work force and preventing import of unqualified workers the Kazakhstan government has taken a number of steps to control and regulate migration processes related to labor migration specifically. During this process the priority has been given to the protection of the internal labor market.

Today the Republic of Kazakhstan has laid certain legal foundation providing for legal regulation and management of migration processes. The Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan being the key state body dealing with issues of employment in its activities is guided by the law of the Republic of Kazakhstan "On population employment" the main principles and objectives of which with regard to state population employment and labor migration policies are the following:

- 1. Securing protection of the internal labor market by way of introducing quotas and issuing corresponding licenses to employers in order to be able to attract foreign work force:
- 2. Licensing activities related to import of foreign work force to Kazakhstan as well as export of domestic work force.

Based on the mentioned above law the government of the Republic of Kazakhstan annually sets quotas for intake of foreign work force for the purpose of employment on the territory of Kazakhstan. The quotas are set based on percentage share of foreign workers to the overall number of economically active population of the country. In 2005 the corresponding quotas were set at the level of 0,23%; during the running year based on the increasing demand the quotas have been set at the level of 0,45%.

For the implementation of the law of the Republic of Kazakhstan "On population employment" with regard to attraction of foreign work force special Rules on setting quotas, providing for requirements and the procedures of licensing employers for import of foreign work force into the Republic of Kazakhstan were endorsed by the special Enactment of the Government of the Republic of Kazakhstan #836 of June 19, 2001. The Rules serve the protection of the internal labor market and the prevention of the import of unqualified work force. Based on the Rules in order to receive the permission to hire foreign employees the employer has to execute and present to the authorized body the qualification requirements set for each imported worker in accordance with the Qualification Reference Register of supervisors, experts and workers (QRR), the Single Tariffs and Qualifications Register of services and occupations (STQR) as well as has to justify the need to hire each foreign worker.

Also during the process of receiving the corresponding permission the employer is informed of the burden to fulfill one of the following conditions:

- 1. hold training, further training or continued training of Kazakhstan workers;
- 2. hold training, further training or continued training of Kazakhstan workers with the purpose of subsequent substitution of foreign work force;
- 3. maintain current number of working positions;
- 4. create additional working positions for Kazakhstan workers.

Granting of license for activities related to taking labor force into and out of Kazakhstan is regulated by the law of the Republic of Kazakhstan "On licensing" and the Rules on granting license for activities related to attraction of foreign work force and taking the national work force abroad developed within the framework of implementation of the law of the Republic of Kazakhstan "On population employment" and enforced by the Enactment of the Government of the Republic of Kazakhstan #862 of June 25, 1999.

With the goal of improving the quality of the legislation regulating the area of foreign work force import the Enactment "On amendments and supplements to the Enactment "On establishing the Rules regulating issues of licensing of foreign work force import and export of national work force of the Republic of Kazakhstan abroad" of the Government of the Republic of Kazakhstan #862 of June 25, 1999" of the Government of the Republic of Kazakhstan was passed on June 22, 2005. Based on the amendments the list of required documents necessary for granting such license has been extended, the qualification requirements for legal and physical entities desiring to receive such license have been made stricter.

In the sphere of labor migration regulation the Government of the Republic of Kazakhstan and the Government of the Republic of Kyrgyzstan signed a bilateral Agreement on labor activities and social protection of labor migrants occupied in the agricultural sector in bordering regions enforced by the Enactment of the Government of the Republic of Kazakhstan #29 of January 16, 2003.

In accordance with the Agreement signed by the Government of the Republic of Kazakhstan and the Government of the Russian Federation on cooperation of bordering

regions of the Russian Federation and the Republic of Kazakhstan of January 26, 1995 a regular exchange of information regarding the situation on both labor markets is conducted, certain measures are taken in order to curb dangerous migration processes in CIS countries and to conduct associative activities to prevent illegal migration.

Notwithstanding all the measures taken a share of foreign work force present in Kazakhstan includes a share of illegal labor migrants the accurate size of which it is hard to estimate.

Close cooperation of bordering countries within the framework of bilateral agreements as well as conducting awareness raising campaigns on issues of labor legislation, conditions allowing attraction of foreign work force, increasing liability of employers for hiring foreign workers in the absence of permissions from authorized state bodies seem to be key with regard to regulating and decreasing the level of illegal labor migration.

The facts of illegal hiring of labor migrants are established in the course of inspections of employers with regard to following the procedure of attracting foreign work force. During the reported period of 2005 the state labor inspectors have identified 628 cases of violations related to unauthorized hiring of foreign citizens or stateless persons living on the territory of the Republic of Kazakhstan. The migrants who were illegally employed were deported.

With the goal of battling human trafficking and improving regulation of the work of private employment agencies the Ministry of Labor and Social Protection of the Republic of Kazakhstan has developed a draft law of the Republic of Kazakhstan "On amendments and supplements to the law of the Republic of Kazakhstan "On population employment". Within the draft law certain principles are laid down which allow for the protection of the citizens of Kazakhstan during their traveling abroad. Export of work force is allowed only to countries with which there are international agreement in the sphere of labor migration signed. There is also a requirement guaranteeing returning of citizens employed abroad by way of employers obliged to make deposits in private commercial banks of the country of employment to cover traveling costs of the worker on the way back home.

Upon passing the procedures of inter-ministerial analyses and approval the draft law is planned to be enforced.

Thus, the work conducted by our agency with regard to regulating labor migration has its successes but the reality demands constant and continual improvement, finding new approaches and methods of regulating migration processes, including labor migration.

Research is one of the ways of evaluating the condition of migration processes. In this regard, we would like to ask the organizers of the seminar for technical assistance in implementation of a research project on issues of labor migration.

The idea is to conduct a research in Kazakhstan with the goal of assessing the scale of illegal labor migration, identifying obstacles to its legalization and researching some other issues. Based on the results of the research it will be possible to develop specific suggestions and recommendations related to practical solution of the problem of labor migration.

The idea of conducting such a research on the territory of Kazakhstan is justified by the fact that Kazakhstan is currently and will be in the future the country attracting foreign work force as a destination and transit region as well as by the fact that southward of Kazakhstan there are these labor force excessive regions, and the channels from these countries will be either targeting Kazakhstan or going through its territory. Thus, identification, even if done in a forecast form, of qualitative and quantitative factors of the illegal labor migration will foster legalization measures and curbing it on both origin and destination sides, which, as it seems, will be to the benefit of all countries of the region.

Also with the purpose of improving methods of labor migration regulation it is our opinion that the following possible measures may be considered:

 making the immigration legislative regulation in border regions more stern – development and introduction of corresponding amendments and supplements to current legislation allowing stricter immigration measures in border regions

- which will allow improvement of the control over migration flows and increase their transparency level;
- bringing immigration processes in accordance with the demands of labor market – amending immigration legislation in such a way that immigrants would be allowed to come to Kazakhstan based on strict adherence to the demands of the labor market, fully secured and only with corresponding guarantees (housing, employment, law-abiding behavior of immigrants) on the side of employers;
- amending the procedure of labor migrant registration amending the provisions of migration legislation in accordance with which registration of labor migrant shall be done not at the address of residence but at the address of employment based on the written statement from the employer;
- developing a pilot project to order to identify criteria governing separation of immigrants into different groups

Introducing score-based system for the administration of labor immigration. Entrance of immigrants allowed based on the statements from potential employers in accordance with the earned score.

• Developing the mechanism for legalizing migrants who have entered the country illegally.

This is our vision of the problem of labor migration.

Using this opportunity, we would like to draw the attention of the representatives of the international organizations that in order to escape the potential negative side effects of the cut-and-try method with regard to regulating labor migration it is desirable to organize with your assistance study trips of corresponding experts involved in the sphere with the purpose of learning the experience of the countries where successful migration regulation models are already working, like Canada, Australia, Pakistan, the Philippines.

Concluding, allow me once again to thank the organizers of the seminar for the opportunity to speak before the seminar participants on the issues of labor migration which have different forms in each given country but, at the same time, are influenced by migration situation in each country of Central Asia. I hope that in the future such meetings of state representatives will create foundation for the development of unified migration policies and for carrying out activities in close cooperation of the countries of the region.

Thank you for your attention!

WELCOMING STATEMENT by Mr. Bernard Snoy, Co-ordinator of OSCE Economic and Environmental Activities

at the Workshop on Labour Migration in Central Asia, 31 January – 1 February 2006, Almaty

Ms. Deputy Chair, Your Excellencies, Ladies and Gentlemen,

I would like to begin by expressing my appreciation to the host country Kazakhstan and the OSCE Center in Almaty for the excellent organization of this Workshop. I also want to welcome you all to the Workshop on Labour Migration in Central Asia. I am very pleased to note the large number of national migration experts attending from the region and the Russian Federation. Your insight into the most relevant and pressing issues related to labour migration management and security in your countries will be most valuable throughout our discussions here today and tomorrow.

As the title indicates this is meant to be a workshop and the aim is to identify and develop concrete ideas and activities related to the strengthening of national implementation capacities, in both governmental and non-governmental organizations, of migration management policies to facilitate legal orderly migration and minimise irregular migration and the connected hazards and security concerns of both counties of destination, transit and origin. The Workshop may also identify activities which could contribute to furthering closer inter-state cooperation and partnership on labour migration among countries from Central Asia, the rest of the CIS region and the European Union. For the future security, stability and prosperity of the OSCE region, it will be essential for us to find more effective and coherent responses to the challenges of increasing international migration with its unwanted side-effects of irregular migration, labour exploitation, trafficking in persons and smuggling of human beings.

As you may know, the OSCE is an institution dedicated to ensuring the stability of its participating States through actions in its three dimensions dealing with politico-military, human and economic and environmental issues. Security is a priority high on the Agenda of the OSCE participating States and under the Slovenian Chairmanship in 2005, OSCE addressed the new threats to stability and security of its participating States resulting from growing demographic imbalances, increasing demand for flexible labour and growing migration flows. At a number of recent OSCE seminars and the Economic Forum in Prague last May the issues of economic migration and integration were discussed and the need for a balanced and more comprehensive approach to migration management on a multilateral level was emphasised in order to better realise the opportunities and deal with the challenges.

The Forum also emphasized the importance of **regional co-operation and of identifying regional solutions** to challenges related to demographic trends, migration and integration. The Workshop here today organized in co-operation with the International Centre for Migration Policy Development (ICMPD) is a direct outcome of these recommendations.

As another concrete example of inter-organisational cooperation and relevant for these discussions, let me also mention the current preparation of a joint OSCE-IOM **Handbook on**

Establishing Effective Labour Migration Policies in the Countries of Origin and Destination. The aim is to facilitate information sharing and dialogue among policy-makers and experts in the OSCE participating States about effective policies and good practices in the area of labour migration management.

Migration is clearly a **cross-dimensional issue** with implications on security and economic stability as well as political and human development including human rights. OSCE provides in that respect a good platform for discussion of better migration management solutions involving both countries of destination, transit and origin in Europe and the CIS. Already the Helsinki Final Act of the Conference for Security and Co-operation in Europe provided a solid starting point for the development of co-operation in migration management among the participating States. Since then a wide array of the OSCE commitments relating to migration have been adopted enabling participating States to develop more co-operative and co-ordinated partnership in managing migration within the OSCE. However, as we all know more still needs to be done.

I would like to draw attention to some of the issues on our Agenda, which call for closer consideration and where I hope we will be able to come up with some concrete suggestions:

- International migration is predicted to increase as a reflection of the realities of globalization and the economic and demographic disparities. The migration movements have brought with them growing irregular migration and associated criminal activities such as smuggling and trafficking of human beings as current immigration policies have not provided sufficient legal channels to accommodate the labour market needs. This is of real concern to both countries of destination as well as origin. To **reduce irregular migration and prevent exploitation of irregular migrant workers**, the Workshop should consider what concrete actions could be taken to strengthen the capacities of migration structures to facilitate legal migration; improve dissemination of reliable information to intending and potential migrants about legal labour migration channels and the conditions of host country entry and residence; increase the awareness of risks associated with illegal employment and labour exploitation; establish labour market information systems on available jobs at home and abroad; monitor the legality of private recruitment agencies; and provide pre-departure language training and cultural orientation.
- A way to address irregular migration and prevent labour exploitation in destination countries is through **regularization programmes**. We will hear more about the amnesty plans and concerns of the Russian Federation.
- To support more orderly and legal economic migration, the Workshop will also discuss what more can be done to facilitate the development of mutually acceptable and effective temporary labour and readmission agreements including reintegration arrangements. Readmission of legal and illegal migrants will be an important element of any comprehensive migration management policies and key in improving public acceptance of legal economic migration.
- Migration, especially temporary circular migration, can bring significant benefits to the countries of origin, which gain from reduction of unemployment, skills transfers and remittances. For example, in Tajikistan official remittances constituted 12 per cent of GDP in 2004. Remittances can significantly increase purchasing power and foreign exchange reserves of countries and they tend to be stable and countercyclical related to the economic cycle. But, to achieve these results adequate policies need to be in place. Among these policies, let me mention a few that are of particular importance: reform of banking and financial regulations to allow for improved competition in the money transfer markets, lowering transfer costs, efforts to improve the investment and business climate in the countries of origin, support services to migrants both in the origin and destination

countries, efforts to channel migrants' remittances towards the creation and development of SMEs, and encouraging migrants in the diaspora to contribute to the development of their country, thus mitigating the adverse impact of brain drain. These issues will be discussed in Session IV this afternoon and we will also learn more about the findings of a recent study on remittances in Tajikistan.

Last week I attended the Pan-European Process on Migration Management – a high-level Ministerial Conference bringing together representatives from the EU, its neighbouring states, the Russian Federation and the Stabilization and Association process countries. The Conference discussed the need for regional cooperation and collaboration in managing migration and security. In particular issues related to combating of irregular migration, improvement of travel document security, management of economic migration and integration were discussed. The Conference acknowledged the need for allowing increased legal economic migration but emphasized the need for common admission criteria, effective control mechanisms and readmission and reintegration arrangements. Many at the Conference reiterated the need for Europe to agree on a common comprehensive migration management policy to better address migration. Many of the issues that we will discuss at the Workshop were also raised at the Conference. Therefore any action-oriented suggestions and ideas we come up with should also support the ongoing regional and sub-regional efforts to improve migration management in the OSCE region.

Let me finish by saying that I am convinced that the Workshop will yield a number of useful suggestions and concrete ideas on how to further the migration management agenda. OSCE and its partner organizations can help to contribute to the correlation of emerging EU migration policy with that of countries in Central Asia, and provide a political platform for the articulation of migration policy development involving all OSCE participating States.

Thank you for your attention.

KEYNOTE SPEECH

By Mr. Gottfried Zürcher Director General

International Centre for Migration
International Centre for Migration Policy Development
(ICMPD)

Excellencies, ladies and gentlemen,

Let me start by warmly welcoming you to this workshop on behalf of ICMPD, co-organiser together with the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the OSCE Centre in Almaty.

This is the third time within the past year that I have had the privilege to attend a labour migration related workshop in Almaty. This first was organised by OSCE, a preparatory meeting for the Economic Forum, organised during the Slovenian OSCE Presidency in 2005. The second was organised within the framework of the Budapest Process, to which ICMPD functions as the Secretariat.

The Budapest Process meeting in Almaty was organised within the project on the re-direction of the Budapest Process to the CIS region, financed by the European Commission and several European states. The meeting acknowledged managed labour migration as one of the main priorities of the region, which when properly managed is an important contributor to economic development. The annual meeting of the Budapest Group, at the same time the final conference of the project, reconfirmed the need for comprehensive national as well as regional policy responses, addressing regular <u>as well as</u> irregular migration. This workshop is to be seen <u>in direct follow-up</u> to the priorities expressed by the participating states and in particular the Central Asian countries in the framework of the process.

The present workshop, endorsed by the Belgian 2006 Presidency to OSCE, is co-organised by both OSCE and ICMPD, both committed to support the countries in the region in their quest for identifying the proper responses to meet the challenges specific to the region.

Migration per se falls within the national sovereignty of each country, as exemplified by the fact that labour migration policy development to a large extent is connected with the economic policy development of the country. Nevertheless, migration cannot be dealt with as a purely internal issue. As Ms. Ferrero-Waldner, EU Commissioner for External Relations, recently stated:"The external relations' components are essential. Migration management can be compared to river management – picture a river, the different countries downstream and upstream need to work together to protect their common interests. An efficient migration policy can only be developed by the countries of origin, transit and destination working together. Managing migration is a shared responsibility." Countries develop co-operation mechanisms primarily to protect their own national interests. The national sovereignty in the field of migration is of course compromised by obligations under international law: obligations to protect human rights and refugees.

It is important from the outset to be reminded of the <u>complexity</u> of labour migration: for instance, enjoying visa-free entry does not at all mean that labour migration status will automatically follow, instead illegal employment and if prolonged stay, illegal residence

could be the consequence. Usually, there are also economic benefits to be gained by keeping migrants in an irregular situation – low labour costs. What are the long-term effects? Does an unregulated situation pose the perfect operational environment for labour exploitation? Are we in the long-term talking about the risk that an unregulated situation may involve serious security considerations, and what are the long-term economic effects? At the EU level, for instance, legal and illegal migration are addressed in parallel.

I look forward to two interesting days when we will look at the issue from a comprehensive perspective. We will try to identify the concrete priority actions on how to tackle the challenges related to labour migration, recognising from the outset that we operate within a framework which recognises that migration is a matter of national sovereignty, but that many challenges have to be tackled through inter-state co-operation in order to be addressed successfully. The goal is to maximise the economic benefits of migration for both sending and receiving countries, e.g. through better developed inter-state co-operation mechanisms, benefiting from experience exchange in developing migration systems etc. I look forward to a vivid discussion, particularly inviting the representatives of the states to take the floor. The experts from international organisations are here to assist and facilitate. The objective is to see what concretely can be done, how, and through which actions and activities? But first we need to carefully listen to the representatives of the states.

Finally, a warm thank you to the Kazakhstan authorities and our OSCE co-organisers - as I said this is Almaty for the third time on migration and specifically labour migration – underlining the importance of the matter.

Annex 1



Organization for Security and Co-operation in Europe

The Secretariat

Office of the Co-ordinator of OSCE Economic and Environmental Activities

Vienna, February 2006

OSCE / ICMPD Workshop on Labor Migration in Central Asia Almaty, Kazakhstan, 31 January-1 February 2006

Workshop Venue: Hyatt Regency Almaty Rahat Palace Hotel 29/6, Satpaev Ave., Almaty, Kazakhstan tel +7 3272 50 12 34 fax +7 3272 50 88 88

http://almaty.hyatt.com

Annotated Agenda

Tuesday, 31 January 2006

09.00 – 09.45 **Opening Plenary**

Welcoming remarks by:

- **Ms. Bagila Bisembayeva**, Deputy Chair, Migration Committee, Ministry of Labour and Social Protection of Population of the Republic of Kazakhstan
- Ambassador Ivar Vikki, Head of the OSCE Centre in Almaty
- **Mr. Bernard Snoy**, Co-ordinator of OSCE Economic and Environmental Activities
- **Mr. Gottfried Zuercher,** Director General of the International Centre for Migration Policy Development
- **Ambassador Adriaan van der Meer**, Head of the Delegation of the European Commission in Kazakhstan

09.45 – 10.30 <u>Session I:</u> Overview of labour migration issues in Central Asia

Facilitator: **Ms. Blazka Kepic**, Deputy Head of Mission, Councellor, Slovenian Delegation to the OSCE

Speakers:

- **Mr. Simon Kenney**, Regional Program Coordinator, Europe and Central Asia Region, the World Bank, on the forthcoming report on migration in the Europe Central Asia region
- Mr. Serik Primbetov, Deputy Secretary General, EURASEC

- **Ms. Elena Sadovskaya,** Expert, Research Council on CIS and Baltic states, Migration studies, Russian Academy of Sciences in Almaty

10.30 – 11.00 **Coffee break**

11.00 – 13.00 <u>Session II</u>: Towards a comprehensive management of labour migration

- National policy and regulatory framework for managing labour migration
- Promoting inter-agency co-operation (between migration authorities, travel document and visa issuing agencies, border services, customs and law enforcement)
- Combating irregular migration and labour exploitation
- Interstate co-operation in combating them (awareness raising, external/internal controls, sanctions for employer violating the law and repatriation of illegal migrants)
- Research needs concerning irregular migration in view of achieving better management

Facilitator: **Mr. Rasto Ovin,** Professor, Dean of the Faculty of Economics and Business, University of Maribor, Slovenia

Speakers:

- **Dr. Amanzhol Nurmagambetov**, Member of the Constitutional Council of Kazakhstan
- **Ms. Bagila Bisembaeva,** Deputy Chairman, Migration Committee, Ministry of Labour and Social Defense of People, Kazakhstan
- Ms. Felicita Medved, Researcher, University of Stockholm
- Mr. Zlatko Zigic, Chief of Mission, IOM, Bishkek
- Ms. Vera Gracheva, Senior Adviser, Anti-Trafficking Assistance Unit, OSCE Secretariat

Discussion

13.00 – 14.00 **Lunch break**

14.00 – 16.00 Session III: Institutional Capacity Building

- Capacity of national labour and migration agencies to take a comprehensive approach to labour migration management
- Capacity of employment agencies to facilitate legal migration
- Other support services to migrant workers (migrant information centres, labour attachés, awareness campaigns etc. in countries of origin and destination)
- Role of civil society in promoting legal migration and protecting the rights of migrants workers (including migration associations, trade unions, and the private sector)

Facilitators: **Mr. Bernard Snoy**, OSCE CoEEA and **Mr.Gottfried Zuercher**, Director General of the International Centre for Migration Policy Development

Speakers:

- **Mr. Muzaffar Zaripov**, Director of the OSCE-IOM Information-Resource Center for Labor Migrants, Dushanbe, Tajikistan
- **Ms. Aygul Ryskulova,** Chairman of the State Committee on Migration and Employment, Ministry of Labour, Kyrgyzstan
- Mr. Qudratullo Qurbonov, Head of Department of regulation of migration processes and international relations, Ministry of Labour and Social Protection, Tajikistan

Discussion

16.00 – 16.30 **Coffee break**

16.30 – 18.30 Session IV: Migration as a factor of economic development

- More cost-effective remittances arrangements to encourage increased use of formal transfer systems and reduce the risks of exploitation of money laundering networks
- Policies encouraging use of remittances for savings and private investment
- Initiatives to collect reliable data on remittances and their impact on local economic development
- Use of diaspora knowledge and resources for the countries of origin

Facilitator: Mr. Bernard Snoy, OSCE CoEEA

Speakers:

- **Mr. Mahmud Naderi**, Head of the IOM Mission in Tajikistan recent study on remittances in Tajikistan
- Mr. Simon Kenney, Regional Program Coordinator, Europe and Central Asia Region, the World Bank – lessons from the World Bank report on Economic Implications of Remittances and Migration 2006 (Global Economic Prospects)

Discussion

19.00 Reception

Wednesday, 1 February 2006

09.30 – 11.00 <u>Session V:</u> Mechanisms to regulate demand for labour in the framework of interstate cooperation

- Bilateral labour agreements including seasonal labour agreements
- Regional arrangements
- Cross-border commuters (daily migrants)

Facilitator: **Mr.Gottfried Zuercher**, Director General of the International Centre for Migration Policy Development

Speakers:

- Mr. Serik Primbetov, Deputy Secretary General, EURASEC

- **Mr. Özer Ercan**, the Labor Counsellor at the Embassy of Turkey in Almaty best practice
- Ms. Felicita Medved, Researcher, University of Stockholm

Discussion

11.00 – 11.30 **Coffee break**

11.00 – 12.30 Continuation of Session II: Towards a comprehensive management of labour migration

- National policy and regulatory framework for managing labour migration
- Promoting inter-agency co-operation (between migration authorities, travel document and visa issuing agencies, border services, customs and law enforcement)
- Combating irregular migration and labour exploitation
- Interstate co-operation in combating them (awareness raising, external/internal controls, sanctions for employer violating the law and repatriation of illegal migrants)
- Research needs concerning irregular migration in view of achieving better management

Facilitator: **Ms. Nadzeya Zhukava,** Migration Officer, OSCE/ Office for Democratic Institutions and Human Rights

Speaker:

- **Mr. Georgy Gadenko,** Deputy Head of the Labour Migration Unit, Federal Service on Labour and Employment of the Russian Federation, "Recruitment and use of foreign labour force in the Russian Federation: legal framework"

Discussion

12.30 - 13.30	Lunch break

13.30 – 15.00 The way forward – joint priorities, proposed activities

Facilitators: **Mr. Bernard Snoy,** OSCE CoEEA and **Mr.Gottfried Zuercher,** Director General of the International Centre for Migration Policy Development

- Identification of priorities for further actions
- Proposals for capacity-building projects

15.00 – 15.30 **Coffee break**

15.30 - 16:30 **Closing session**

Closing remarks



Organization for Security and Co-operation in Europe

The Secretariat

Office of the Co-ordinator of OSCE Economic and Environmental Activities

Vienna, February 2006

OSCE / ICMPD Workshop on Labor Migration in Central Asia Almaty, Kazakhstan, 31 January-1 February 2006 Workshop Venue: Hyatt Regency Almaty Rahat Palace Hotel

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Log of contributions

Author and Institution	Title of presentation	Language
OSCE and ICMPD	Agenda of the Workshop on Labour Migration in Central Asia, organized jointly by OSCE and ICMPD, Almaty, Kazakhstan, 31 January – 1 February 2006	English Russian
OSCE and ICMPD	Concept paper for the joint OSCE/ ICMPD meeting on labour migration in Central Asia, 31 January – 1 February 2006, Almaty, Kazakhstan.	English Russian
OSCE and ICMPD	Organizational Modalities	English Russian
OSCE and ICMPD	List of participants	English Russian
Mr. Bernard Snoy, Co-ordinator of OSCE Economic and Environmental Activities	Welcoming Statement	English Russian
Ms. Bisembaitova B.M., Deputy Head of the Committee on Migration	Presentation for the OSCE ICMPD Workshop on labour migration in CA	English
Mr. Simon Kenny, Regional Program Coordinator, World Bank	Enhancing gains from migration	English Russian
Mr. Mahmoud Naderi, IOM Tajikistan	Labour Migrants Remittance and Economic Development Case of Tajikistan	English Russian
International Labour Organization	International Legal standards and policy frameworks: essential parameters for regulating labour migration in Central Asia, an ILO contribution	Englisch
Mr. Patrick A. Taran, Senior Migration Specialist, ILO	Imperatives and options for combating discrimination against migrants in the age of Globalization	Englisch
Vera Gracheva, Senior Adviser, Anti-Trafficking Assistance Unit, OSCE Secretariat	Human Trafficking vis-à-vis Irregular Migration and Labor Exploitation	Englisch
Ms. Marina Baskakova, Sc.D. Economics and Ms. Elena Tiurukanova, Ph.D., Institute for	Human Trafficking in the CIS	English

Socioeconomic problems of the population, Russian Science Academy, Ms. Dono Abdurazakova, Ph.D., UNDP Regional Centre, Bratislava.		
Mr. Mozharova V.V., Consultant, EurAsEC Integration Committee	Enhancement of the EurAsEC activities in the sphere of labor migration: problems and solutions	English Russian
Mr. Serik Aidossov, executive director of Sociological Resource Center	Integration economic migrants from Central Asian countries into Kazakhstan's labour market.	English
Mr. Nurmagambetov A.M. Member of the Constitutional Council of the Republic of Kazakhstan	Some issues of reforming labor legislation of the Republic of Kazakhstan	English
Ozer Ozdzhan, Adviser on Labor and Social Protection, Embassy of the Turkish Republic in Almaty	Presentation for the OSCE ICMPD Workshop on labor migration in CA	English