

Integration economic migrants from Central Asian countries into Kazakhstan's labour market avoiding intolerance and discrimination .

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The "Sociological Resource Centre" is an Independent Non-Government Research Organisation in Shymkent (the South-Kazakhstan region) has been conducted monitoring of observance human rights for those who have recognized as subjects of an illegal labour migration in South Kazakhstan.

The current migration situation is a result of contradictory socio-economic and political processes in the region and over the world. The increasing of mass economic migrations, plus illegal ones, challenges government agencies to regulate this migration process. A large number of illegal migrants who arrived from N.I.S. countries, who are not registered in Department of Internal Affairs, who don't have special permissions for work and who create "shady" economic fields is also an unfavourable factor. The external factors create the situation of migration - transparency of borders, presence of tensions in different places, insufficiency of normative base -, which are still destabilised. A peculiarity of this process is the fact that migrants come into the country legally, according to N.I.S. "Open Borders" agreement, but after they become illegal migrants, because their true goals do not express to what they declared at the border.

In conditions of non-realised demographic potential of border regions, relatively successful (comparing to other countries in region) in the social-economic position the South Kazakhstan is exposing to migration expansion, which brings the real threat to social and economic security, inter-ethnic relationships and also to economic interests of Kazakh people.

Development of migration processes in South region gives us an evidence of the serious problem in this area, some of those processes touch even the interests of security. Among the main problems, there are most difficult situations connected to the mass illegal labour migration from the border N.I.S. states.

In fact, this situation brought to concentration of illegal migrants in border regions, the major portion of them are very active people in economic side of life, but even though they do not have an opportunity to legalise their positions, therefore we still have not a very clear financial situation inside the region . Without any conditions, such migration is a result of "shady" economic relationships in our society, which we can subdivide on three main sectors: informal, hidden and criminal ones.

Such migration connects to the situation in an agrarian economy where the dominant position belongs to branches in which labour requirement is irregular.

As a result of that, in work seasons those branches have a large need in an unqualified labour force. As an example of that, there is one branch in South Kazakhstan region, which cultivates the raw- cotton.

An illegal seasonal or continual labour migration, makes local authorities to pay more attention on what happens in the region. Some experts consider that because of this situation we started to have the destruction of the demographic potential, which one already had problems for the last decade, because of the mass migration from the region.

Inspite of an anxiety increase, it is still very difficult to analyse the whole process and to give some characteristics of quantity and quality of that occurrence. Striving for the right solution, our local authorities and low departments are trying with the force and administrative methods to restrict the intensity such migration stream . Not rarely we can see incidents of an illegal deportation, or barriers for people who are citizens of NIS. countries to entry in South Kazakhstan, even they have all rights of movements for free without visas and special permissions.

South borders of Kazakhstan (the total length is 784 kilometres) with Uzbekistan are transparent; it assists to filling of the region territory with uncontrolled migrants. The major migration stream comes from the neighbouring Uzbekistan and much less from Kyrgyzstan and Tajikistan. There is one perspective in this - return of repatriants, who were not included into an official quota for migrants from Uzbekistan, Tajikistan and Turkmenistan. Moreover illegal migrants from Turkmenistan will be persecuted according to the law, because the entry to Kazakhstan for the citizens of that country could be only with the entry-visa. Part of migrations are refugees, so one day they can get an official status. The lack of order in a lawful status for such category citizens of other countries and people without citizenship, create the base for their discrimination, an infringement their rights from the side of local state workers and law-enforcement agencies.

The social negative opinion, as a result of this problem, may lead to the beginning of inter-ethnic conflicts in small cities or in the rural areas. South Kazakhstan is the region where are enough job places, but yet about 45% of the all population do not have a permanent job and sufficient incomes.

But even though, the temporary job places, for instance in an agriculture sector or in construction could be taken by migrants with other ethnic origins, because they do not require big wages, it means the living standards are much lower in their home countries than in Kazakhstan. Striving and a big desire to improve their well-being, working on Kazakhstan territory, leads to the contradiction with local low and the interests of capable of working Kazakhstan citizens who are mostly Kazakh.

The information which has been found out as an evidence of the violation of the main human rights and universal freedoms of illegal labour migrants, the discrimination of them and an inequality before the law of the ethnic origin and belonging the citizenship of another country, so therefore one of the main goal of this monitoring was making research of an observance of human rights conditions for the subjects of an illegal work migration in South Kazakhstan region and also an improvement of the normative - rights base for

defence of migrant workers and for the people who take the same position, an improvement of the legalisation the subjects of labour migrations.

Making constructive dialogue between State and illegal labour migrants associations and employers for the inter-ethnic agreement and conflicts prevention - is the main task at present.

The analysis of monitoring results confirmed that the main social-economic problems of an illegal work migration from the border NIS states are connected to the situation in a full employment sphere to the wide spreading of "shady" relationships in economic and non-economic spheres.

The influence of an illegal work migration on a labour market is very contradictive. Filling in the gaps in an unqualified seasonal labour resources, particularly on not interesting work places in the agriculture, the illegal work migration provides with the certain balance on the labour market and also it is a very important factor of support and an expansion of the production, particularly in the agriculture in South Kazakhstan region.

A basic negative consequence in the economy leads to impossibility to have good conditions for market competitions on the labour market. With increase of intensity of that process, losses for the State budget of Kazakhstan are increasing as well, because of the tax loss and charges for using of the foreign work force, the deviation from the tax payment and allocations to the social and pension funds. Creating an uncontrolled trade market, stimulating a development of "shady" sectors, illegal migrants are contributing in the development of a "shady" sector of the economy and making obstacles to create the civilised labour market.

According to the experts evaluation, the mass illegal labour migration is a result of a disparity of the labour and migration laws of Kazakhstan to the modern economic realia in South Kazakhstan region, when the impossibility for the lawful labour activity of seasonal unqualified workers from the border NIS states make them illegal.

Based on a subjective experts' estimation, considering the level of an involvement labour migrations in industrial processes in the agriculture and the volume of the whole production, we may assert that the number of illegal labour migrants in South Kazakhstan from March till November, are floating from 30 to 70 thousands people, in maximum reaching the own level in September-October.

Local authorities and law enforcement have a very clear understanding about the scale of this situation and all its negative consequences, they repeatedly took steps for the bringing changes in the legislation of Kazakhstan for simplification of licence order and recruiting the foreign human resources. Though those initiatives did not find the adequate attention and the answer from the Government of the Kazakhstan.

The legislative Kazakhstan base - Constitution and the major portion of its laws correspond to international standards in defence of work migrants rights and also members of their families.

As a result of doing this monitoring the mass and systematic violation of illegal work migrants' rights became an obvious fact for us. In fact they don't break the law directly, explaining that by illegal status, which is a result of their living without temporary registration and a work activity without a special permission of the State Departments. Such circumstances create good conditions for the violation of human rights and the presence of corruption.

The excessive use of an evicting is not a very effective, but very expensive way of struggle with this problem.

The lack of special centres of temporary allowance, for subjects of illegal migration and also for people without citizenship leads to illegal sending such category of people into detention centres, where are concentrated suspects.

The humiliation of a human dignity, moral and physical pressure, an extortion, the lack of possibilities for attraction of an advocate, leads to the exposure of people rights, who were arrested by police as those who do not have a temporary registration and also those who are subjects of illegal labour migration.

The lawful exposure of illegal work migrants leads to manipulations and violations of their social and economic rights by local employers and law enforcement agencies.

An illegal work migration from the border NIS states and the search for effective ways of the regulation that is most important problem of the immigration policy of Kazakhstan. The positive influence of immigration streams on the economy development, the demographic situation and the country safety provision depends on making timely and correct decisions. Main tasks in this situation are not only the reinforcement of measures for discontinuance illegal migration, but also creating conditions for an expansion of the legal work migration and the legalisation for those migrants, who already work in Kazakhstan.