



LEGAL AND INSTITUTIONAL FRAMEWORK FOR REGULATING MIGRATION PROCESSES IN UZBEKISTAN

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Abstract

This research article analyzes migration issues and their legal foundations. It presents the factors driving migration, the institutions regulating it, and government policy in this area.

Keywords: Migration, social situation, public policy, institutions, Uzbekistan, international cooperation.

Introduction

Today, economic development increasingly depends not only on global trends and the laws of social development, but also on the active interaction of national economies. This is confirmed by the growth of population migration, which is one of the most obvious manifestations of economic globalization. Migration is not only a factor in national development and social transformation but also the source of numerous problems requiring constant monitoring.

Labor migration is an objective and economically justified process. For migrants, it means the opportunity to find work in another region or even country. For the economy of the region or country receiving migrants, this process creates the opportunity to attract additional labor resources due to labor shortages in the local market. However, along with its positive effects, labor migration also creates numerous problems. In this context, we are primarily talking about international labor migration.

The primary reason for the use of foreign labor in most countries is labor shortages in certain sectors and regions of the economy for specific professions and types of work. This labor force is primarily employed in low-wage, unskilled,



and remote jobs. Current government policies regarding labor migration are primarily aimed at combating domestic unemployment. Since the concept of internal migration also exists in economics, countries prioritize providing employment for their citizens[1].

Uzbekistan has been paying increased attention to this sector since 2016. Since then, 12 regulatory documents have been adopted that directly or indirectly regulate this sector.

According to a 2016 Cabinet of Ministers resolution, citizens participating in labor migration will be considered to have work experience if they pay social tax on time.

In accordance with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 505 of November 12, 2003 "On measures to improve the organization of labor activity of citizens of the Republic of Uzbekistan abroad", the Agency for External Labor Migration under the Ministry of Labor and Social Protection of Population of the Republic of Uzbekistan and regional departments for ensuring employment of citizens abroad are responsible for regulating labor migration processes and resolving issues related to ensuring employment of citizens of the Republic of Uzbekistan abroad and foreign citizens in the Republic of Uzbekistan. To expand their coverage, similar bureaus also operate in the cities of Tashkent, Bukhara, Nukus, Fergana, and Karshi. According to the law, citizens of our country have the right to travel abroad for work based on intergovernmental and interdepartmental agreements concluded by the Ministry of Labor and Social Protection.

In accordance with the aforementioned government decision, as well as Resolution No. PP-4804 of August 11, 2020, citizens have the right to travel abroad to work under individual employment contracts based on permits issued by this agency. For example, a Memorandum of Understanding was signed between the Ministry of Labor and Social Protection of the Population of the Republic of Uzbekistan and the Ministry of Labor of the Republic of Korea. According to this document, citizens of Uzbekistan will undergo training at the Center for Adaptation and Vocational Training for Citizens Traveling Abroad before leaving for work in the country[2].

Here, they will learn the basic laws, traditions, and norms of behavior of the country they plan to visit. They will master the language of the country they will



be visiting to a level sufficient to communicate and perform their job duties, learn the safety and health regulations at the companies where they will be working under contract, and undergo a medical examination that takes into account the requirements of foreign employers. In this case, migrant workers from Uzbekistan will be entitled to life and health insurance, as well as other types of insurance upon arrival in the country.

At the same time, in accordance with Resolution No. PK-5117 of the Republic of Uzbekistan dated May 19, 2021, every employer is required to enter into an employment contract with an Uzbek employee, which must include social and labor guarantees, including health insurance, for the duration of employment. Furthermore, this document establishes the working and living conditions of Uzbek citizens in the Republic of Korea, as well as the procedure for paying wages, including the minimum wage established in that country.

Uzbekistan consistently works to protect the rights of its citizens working abroad. In particular, in accordance with Presidential Decree No. 610 of March 13, 2020, all issues arising in this regard in the Republic of Korea are resolved by contacting the Ministry of Labor of that country, the Korean Human Resources Development Service, the Embassy of the Republic of Korea in Uzbekistan, or the Embassy of Uzbekistan in the Republic of Korea.

In accordance with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On approval of regulatory documents necessary for the implementation of the Law of the Republic of Uzbekistan "On state pension provision of citizens", adopted on May 11, 1994" and paragraph 2.17-1 of Instruction No. 402 "On the procedure for maintaining work books" dated January 29, 1998, entries in the work books of citizens of the Republic of Uzbekistan on the period of work abroad (on a contract basis) are made on the basis of relevant information from the Agency for Employment Abroad under the Ministry of Labor and Social Protection of Population of the Republic of Uzbekistan after payment of insurance premiums to the off-budget pension fund under the Ministry of Finance of the Republic of Uzbekistan (upon presentation of an information sheet), unless otherwise provided by international agreements. According to Decree No. PF-6279 of the President of the Republic of Uzbekistan dated August 17, 2021, starting in 2021, citizens will be required to undergo organized vocational and language training before traveling abroad. Special



centers will be opened in Uzbekistan in cooperation with employers from foreign countries to organize legal labor migration. President Shavkat Mirziyoyev signed the resolution "On measures to implement a safe, orderly, and legal system of labor migration." The resolution introduces a safe, orderly, and legal system of labor migration and defines its main areas[3].

A system of safe, orderly and legal labor migration has been approved in accordance with the appendix, and its main directions are:

- increasing the scale of organized sending of citizens of the Republic of Uzbekistan abroad for temporary work activities, expanding for these purposes the range of tasks and powers of ministries, departments and local executive authorities;
 - development of international cooperation in the field of external labor migration, strengthening ties with organizations of compatriots and Uzbek diasporas abroad;
 - effective establishment of the practice of teaching professions and foreign languages to citizens of the Republic of Uzbekistan before leaving for work abroad, the introduction of a system of issuing them internationally recognized certificates confirming their professional qualifications;
 - expansion of the practice of financial and social support for labor migrants who find themselves in difficult situations, insurance for their life and health, and organization of cultural and educational events for them;
 - implementation of measures aimed at promoting and ensuring the rights of citizens working abroad, creating favorable conditions for them;
 - reintegration of persons returning from labor migration, including ensuring their employment, improving their professional qualifications and stimulating entrepreneurial initiatives.
- A mandatory vocational training system for individuals traveling to work abroad as part of organized labor migration was introduced on January 1, 2021. In addition to 13 "Ishga Marhamat" monocenters, 30 vocational training centers, short-term vocational training courses in 11 districts of Tashkent, and 136 vocational training centers for residents of microdistricts, it includes the following:



- 13 colleges and 13 technical schools (with a total annual capacity of 20,200 students) have organized short-term (up to 3 months) courses for vocational training and foreign language learning for labor migrants;
- the curricula of short-term courses are adapted to the requirements of large foreign employers;
- contacts will be established with large foreign employers and private employment agencies, and qualified specialists will take short-term courses in in-demand professions.

In accordance with Resolution No. 122 of the Cabinet of Ministers of the Republic of Uzbekistan dated March 5, 2021, microloans will be provided to family members registered as low-income in the Unified Register of Information on Social Protection when they travel abroad for work.

As a result of the new migration policy of the New Uzbekistan, a change in approach to this area and the implementation of systematic work, efforts are being made to return to Uzbekistan citizens who have found themselves in difficult situations abroad or are being held in temporary centers in foreign countries, especially Russia, as well as to cover the costs of providing medical care to affected citizens.

As is known, on August 17, 2020, a videoconference chaired by the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, was held on the creation of decent conditions for citizens working abroad and systematic work with them. It was emphasized that 600,000-700,000 people enter our country's labor market annually, and that measures to develop economic sectors and regions create up to 500,000 jobs annually. At the same time, the need to improve the system of external labor migration was highlighted. This is a natural process that all developing countries have experienced. Where labor migration is properly organized, employment, family incomes, and the number of skilled specialists increase.

In recent years, attention has been focused on protecting the rights of our compatriots abroad and improving their living conditions. International agreements on labor migration have been signed with Russia, Kazakhstan, Turkey, Japan, and the United Arab Emirates. A special fund to support citizens working abroad has been created, with over 100 billion soums allocated. At the



same time, the position of advisor to the prime minister on foreign labor migration has been created.

According to Resolution No. PK-4939 of December 31, 2020, the importance of expanding ties with major employers was emphasized, ensuring that Uzbeks can work abroad under favorable conditions. This requires, first and foremost, training specialists with the qualifications and language skills that meet the requirements of these companies. Therefore, a decision was made to introduce a new system in this regard[4]. Specifically, the powers of the regional branches of the Agency for Foreign Labor Migration will be expanded, giving them the right to directly conclude contracts with foreign employers and negotiate with migration services. These branches are headed by assistants to regional khokims. Officials were instructed to negotiate with major employers in foreign countries, increase the number of workers and specialists sent, and provide migrant workers with preferential loans of up to 10 million soums to cover travel expenses, patents, and insurance premiums.

Funds from the Fund for the Protection of Citizens Abroad have been allocated to provide life and health insurance for migrant workers. Tasks have been set to strengthen legal protection for citizens abroad, create an online platform and call center, and attract qualified lawyers. President Shavkat Mirziyoyev emphasized that our country's embassies must strengthen ties with the diasporas of our compatriots in other countries, noting that culture is a vital means of connecting those working abroad with their homeland. He also instructed that the number of cultural and educational events for them be increased.

It was also recommended to widely publicize the activities of Uzbek embassies and consulates aimed at providing public services. The Ministry of Family and Neighborhood Affairs, together with local governments, was instructed to regularly receive information from the families of compatriots who have left to work abroad and to provide them with assistance regarding their parents' health, children's education, and other needs. The need to support entrepreneurial initiatives by citizens who have worked and obtained qualifications abroad was emphasized. To this end, it was decided to create a system that would work specifically with them and provide financial support.

Another problem is that only 4,500 people are registered in the system for recording the work experience of citizens working abroad. Therefore, officials



have been instructed to register self-employed individuals and implement a work experience recording system for migrants as well.

As a result of systematic work organized in accordance with the Decree of December 31, 2020, a support system for family members of migrant workers has been established. Where necessary, efforts are underway to provide housing on preferential terms and financial assistance. Systematic efforts have been launched to ensure employment for Uzbek citizens returning to Uzbekistan after working abroad. In this regard, citizens who wish to open their own business will be provided with a subsidy of up to 10 times the basic salary, funded by the employment support center.

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