
State Regulation of Migration Policy in the Republic of Tajikistan

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Abstract

The Republic of Tajikistan is a country that emerged in the post-Soviet space, and its economy is currently characterized by a high degree of dependence on money transfers made by migrant workers to their families located outside the country. Therefore, migration issues, as well as the sovereign's policy in this area, are extremely important from the point of view of maintaining the stability of the national economy. External migration processes have a different impact on certain aspects of the country's socio-economic development. Therefore, the task of the state in this case is to ensure the further development of positive trends and the leveling of threats that carry negative trends. The measures taken by the existing migration management institutions are insufficient to ensure the effectiveness of migration policy and the protection of the rights and interests of migrants. Therefore, the issues of studying the system of state regulation of migration policy in the Republic of Tajikistan in order to determine the directions of its optimization seem to be very relevant at present.

Keywords: external migration, labor migrants, money transfers, migration processes, migration policy, statutory regulation.

1. INTRODUCTION

The Republic of Tajikistan is one of the CIS countries included in the Central Asian region. Since gaining independence in 1991, the country's economic and political system has come a long way towards forming its own statehood and ensuring economic stability. To date, it can be argued that Tajikistan has formed its own political system, national economy, its own army and structures that ensure the security of the state at an integral level. What makes the results achieved even more significant is the fact that during the short period of the post-Soviet stage of development, the republic had to go through a number of serious tests, including civil war, political coups, epidemics, serious economic downturns and crises, negotiations and the process of peaceful settlement. All this makes it possible to assert that at present the Republic of Tajikistan is a full-fledged participant, both in the world political arena and in the global economy.

However, the current economic system and the achieved stability of the national economy are largely a consequence of the migration of labor resources and capital across state borders.

1.1. Characteristics of Tajikistan as an object of studying migration processes.

Despite all the results achieved, Tajikistan still remains one of the least developed countries in the post-Soviet space in terms of the effectiveness of national economic indicators. According to statistics, the domestic product (GDP) of the republic in 2019 amounted to about \$8 billion, and per capita-about \$840 (Republic of Tajikistan: Request for Disbursement under the Rapid Credit Facility-Press Release). The sluggish development of the country's economy is largely due to its high degree of dependence on remittances coming to the country from Tajik labor migrants.

So, according to the data provided by the National Bank of Tajikistan, in 2019, the flow of financial resources to the country from labor migrants from Russia amounted to about 3 billion US dollars. Despite the fact that a number of officials deny the determining nature of the impact of this type of financial resources on the country's

economy, the share of such funds in the total amount of republican budget revenues is very significant (Intikoli buli muxoqironi tojik az Rusia dar se mox 103 million dollar kam shudaast). According to expert studies, as of the beginning of 2020, about 75% of Tajik families had foreign money transfers from their relatives who are labor migrants as their main source of income (URL:<https://tj.sputniknews.ru>). Such dependence represents a negative trend for the economy and social policy, as it increases their vulnerability and contributes to the risk of social instability in Tajikistan in the face of fluctuations in the economies of key countries; Tajik migrants have been admitted to their territories. First of all, such a country may be recognized as the Russian Federation, where the bulk of Tajik migrant workers (according to various estimates, more than 1 million) are employed.

The current economic situation in the country was extremely negatively affected by the pandemic of the new COVID-19 virus that began in 2020, as a result of which a large number of labor migrants from Tajikistan lost their sources of income on the territory of the Russian Federation, and some of them were completely forced to return to Tajikistan. As a result, there was an expected decline in the flow of external financial resources to the territory of the republic. In general, at the end of 2020, a 20% drop in the volume of money transfers made by migrant workers was noted on the world market. If the total amount of money transferred to Tajikistan from the Russian Federation is specified, the total amount decreased by 28% (Dadabaeva, 2020).

Against the background of a decrease in the volume of cash receipts in the republic, the price of imported goods and food began to rise, which has an extremely negative impact on the level of effective demand of the country's population, especially given the fact that the republic imports about 60% of the total volume of food products. Unfortunately, the coronavirus pandemic and the restrictive measures introduced have only reinforced this trend. Such trends, if continued, threaten to reverse all the results that the Republic has achieved in combating poverty and increasing unemployment in the country.

Thus, the peculiarity of Tajikistan, as a territory within and outside of which the processes of population migration are carried out, is a large dependence of the country's economy on the processes of external labor migration, the income from which is one of the "pillars" of the national economy. Money transfers from migrants also fulfill the task of maintaining peace and social stability in the republic. However, the difficulties of the last year and a half, both in the economy of Tajikistan and Russia, and at the global level, worsen the situation of labor migrants from Tajikistan and will have a prolonged negative impact on the socio-economic situation in the republic.

1.2. Main characteristics, results and trends of migration processes in Tajikistan.

The previously determined positive nature of the impact on the state's financial resources, as well as the achievement of a certain social effect, still cannot become a decisive factor in the country's economic growth. In the case of Tajikistan, it is clear that remittances certainly allow migrant families to increase consumption, which is a driving force for the growth of the national economy as a whole. However, the country's economy appears to be "trapped" by money transfers. Such dependence is not the engine of the economy, but acts only as a shock absorber of socio-economic fluctuations. Moreover, it has ambiguous political and economic side effects, for example, it negatively affects the level of government accountability to citizens, contributes to a decrease in public interest in participating in the country's political life, and so on.

Another aspect of migration processes that does not have a positive impact on the economy or social sphere is the emergence of so-called social costs, which are expressed in the form of family breakdown. Leaving the country, migrants find themselves in a different socio-cultural environment, often characterized by higher living standards. In many cases, such factors are the reason that initiates the breakup of families, and, even more so, which is very typical for Tajikistan, if the marriage was concluded under force.

Social statistics show that just over 30% of unmarried migrants from Tajikistan marry abroad, in particular in Russia, while more than 50% of married men create "second families" (Tadjibaeva & Azimova, 2017). This trend has a very negative impact on the socio-demographic structure of the republic's population. The share of divorces and unmarried women under the age of 30 is growing. At the same time, it is labor migration that is indicated as the fundamental reason for such an alarming trend (Kanoatov, 2010).

In contrast to the trend discussed above, "family" migration from Tajikistan to other countries is developing in parallel. Thus, the share of citizens who use the opportunities provided by the State Program for the Resettlement of Compatriots to Russia is growing in the country. In particular, in 2018, similarly from the Republic of Tajikistan about one and a half thousand families moved to Russia.

However, the economically active population aged 18 to 40 still dominates among migrants from Tajikistan. According to the national statistical observation system, about 40% of the young working-age population

annually migrates to Russia and other countries in search of earnings. This trend initiates a widespread problem "brain drain", since the share of socially and economically significant employees in the country's labor force is decreasing, and they also have a high level of qualifications, as doctors, teachers, engineers, etc. often migrate. Within the global economic space, such a trend can be recognized as natural and not having a significant impact on individual national economies. However, for Tajikistan, with its limited intellectual potential, such an outflow of qualified specialists is an internal threat to the economic security of the state, as it has a negative impact on the domestic labor market, and also leads to a slowdown in the development of knowledge-intensive and labor-intensive industries and industries that require the introduction of innovative technologies.

Another aspect that must be taken into account when analyzing migration processes is the relationship between migration and religious radicalization. According to various expert studies, migrants from Central Asian countries often represent the object of interests of various religious extremists on the territory of the host country. Moreover, the consequences of the pandemic of a new coronavirus infection, as well as the restrictive measures introduced to prevent its spread, as it was found, contribute to the reactivation of recruiting efforts of religious extremists (Artykov & Babadzhanova, 2017).

The increased susceptibility of labor migrants to such influences is explained by the fact that they have a break in contacts with their family and national ideology, including religious ones. In this regard, it is important for Tajikistan to improve such an aspect of migration policy as establishing cooperation not only and not so much through government departments, but also among public organizations and diaspora structures.

The last of the main set of problems associated with migration processes is the growing number of labor migrants returning back to Tajikistan on a forced or voluntary basis. According to Rosstat, since 2018, the number of Tajik labor migrants in Russia has decreased by slightly more, than 30%, which is a significant amount (Nodiri, 2020). In addition to the outflow of financial resources from the country's economy caused by this reason, the domestic market of Tajikistan is not ready for the growth of its labor potential. The national economy does not have the number of jobs that provide full employment for the working-age population, and the state's financial resources are not sufficient to ensure a decent level of wages. Starting from the second quarter of 2020, the rate of return of the population back to the republic has increased even more. The growing importance of this problem in terms of implementing various political initiatives is due to the fact that among labor migrants, most often, the predominant socio-demographic group is men of working age. The resulting outflow of the most active part of the male population of the country ensured a significant decrease in the protest potential of the society.

The above theses, of course, are more relevant to the process of external migration of the population of Tajikistan. This type of migration is currently predominant on the territory of the republic, but it is often unorganized.

At the same time, it should be remembered that in addition to external migration, it can also be internal, which occurs in the form of population movement from rural areas to cities. If one describes migration processes on a time-based criterion, one can argue that they are largely temporary (seasonal) processes.

However, in any case, the reason that determines the emergence of population migration is the lack of stability in terms of the current socio-economic situation in the country. Given the current migration situation in Tajikistan, it can be stated that the migration of citizens of the republic is mainly forced, temporary and unorganized.

1.3. Characteristics of the place of migration policy of Tajikistan in the general political and legal system of the country.

Migration policy in Tajikistan is an integral part of the overall political and legal system of the country, which contributes to ensuring one of the priority tasks of the state to ensure its internal and external stability. Migration processes affect almost all aspects of the life of society and the state: national security system, socio-economic policies of the country, foreign economic development and socio-demographic structures of the country.

At the same time, despite the processes of forming and optimizing elements of migration legislation that have been going on for a long time, migration law in Tajikistan still cannot be recognized as an independent branch of law. According to experts, this industry should reflect the complex processes taking place in the field of migration relations and, as a result, have a complex character.

The principles and norms of international law, which include normative acts of various international migration

institutions, form the basis for the formation of the system of migration legislation of Tajikistan. Certain provisions regulating various stages and aspects of migration processes are in the field of administrative, constitutional, labor or housing law, which also needs to be taken into account when determining the scope of migration legislation.

Tajikistan is currently a party to almost all international human rights instruments, including those regulating legal relations arising in the course of labor and other types of migration.

Therefore, it may be concluded that the existing system of statutory regulation of migration processes and its results is hierarchical and is being implemented at the following top-down levels:

- a) state level-represented by the Constitution of the Republic of Tajikistan, as well as the system of laws and bylaws in the form of decrees of the President, resolutions of the Government, regulatory acts of line ministries and departments;
- b) level of local self-government – includes normative acts adopted by local self-government bodies or individual officials representing them;
- c) interstate level - provides for the conclusion of multilateral and bilateral agreements with other States in the field of migration and the development of various types of regulatory documents on the basis of such agreements.

1.4. Characteristics of Tajikistan's migration policy.

In addition to the national Constitution, the set of normative legal acts that form the legal basis for regulating the migration policy of the Republic of Tajikistan includes:

- laws "On the legal status of foreign citizens in the Republic of Tajikistan", "On Citizenship of the Republic of Tajikistan", "On migration registration of foreign citizens and stateless persons in the Republic of Tajikistan";
- Resolutions of the Government of the Republic of Tajikistan;
- International treaties and agreements concluded or recognized by the Republic of Tajikistan;
- Other regulatory legal acts of the Republic of Tajikistan on the regulation of migration processes.

This set of normative legal acts of different levels and varying degrees of regulation of migration processes largely ensures the legislative implementation of the main tasks facing the state in terms of regulating migration relations.

In accordance with the provisions of legislative acts at various levels of the system of normative definition of migration policy, its main tasks in Tajikistan are:

- coordination of the activities of executive authorities regulating the implementation of migration processes;
- ensuring the protection of the rights and interests of migrants in accordance with both national legal norms and internationally recognized legal norms;
- prevention of illegal migration;
- statistical accounting and forecasting of migration indicators;
- participation of the Republic of Tajikistan in the system of international treaties, as well as its fulfillment of international obligations on migration issues;
- formation and implementation of state programs on migration issues;
- solving other issues in the field of population migration.

Priorities of the state policy on migration in the Republic of Tajikistan may include:

- cooperation based on the conclusion of international agreements with countries that accept labor migrants from Tajikistan, aimed at protecting their legal rights;
- informing potential migrants about the existence and scope of state programs in the field of migration;
- involvement of international organizations in the development and implementation of specific state programs in the field of migration;
- creation of a state system for managing migration processes in the country;
- formation and optimization of the system of normative legal acts, as well as ensuring their compliance in the territory of the Republic of Tajikistan and abroad.

These provisions, which characterize the direction of the state policy of the country in the field of regulating migration processes, are reflected in the Concept of State Migration Policy of the Republic of Tajikistan adopted by the Government of the Republic of Tajikistan together with the International Organization for Migration, approved by the Republic of Tajikistan's Government Resolution No. 411 dated October 8, 1998 (as amended by the Republic of Tajikistan's Government Resolution No. 532 dated 07.08.2014). The implementation of the provisions of this Concept is designed to contribute to the protection of national security, preserve the identity of the Tajik people, as well as contribute to the economic, socio-cultural development of the country [6].

Institutions that ensure the direct implementation of measures within the framework of the migration policy of the Republic of Tajikistan are:

- State Committee of National Local Executive Authorities (Hukumats);
- Interdepartmental Commission for Migration Management under the Government of the Republic of Tajikistan;
- Ministry of Foreign Affairs;
- Ministry of Labor and Social Protection of the Population.

The structure of the last of them is created and operates the State Agency for Social Protection, Employment, Population and Migration, which is a state management body at the republican level, whose task is to perform special functions in the field of population migration, as well as coordinate this type of work on the territory of the entire state. Nature of activity of the State Agency provides for its interaction with various ministries, departments and other executive authorities of the Republic of Tajikistan, as well as public associations that protect the rights and interests of migrants. The State Agency also carries out international activities for the regulation of migration relations between different States and social groups of the population.

1.5. Existing shortcomings in the system of state regulation of migration policy.

It should be noted that as of the current moment, in the system of national legislative acts of the republic, migration policy issues are reflected in a fairly large number of regulatory legal acts that directly or indirectly regulate this area. Such diversity contributes to the fact that the need for systematization of normative legal material, which is currently divided into various branches of law, comes to the fore.

The existing provisions should be brought into structural uniformity, given internal consistency, and possible gaps and mutual contradictions between the provisions of legislative acts and generally recognized norms of international law should be monitored. A number of authors are inclined to believe that at present Tajikistan does not have a full-fledged system of statutory regulation of migration processes (Rakhimov, 2008). This statement is based on the fact that the republic does not have a specialized legislative act regulating general issues of migration processes. Thus, at the state level, the fundamental vector of development of migration legislation in the country is not defined (Tajikistan, 2020).

In this regard, it is advisable to adopt a number of laws regulating the implementation of labor migration, which would list possible types of migration, methods of its implementation, etc. It is necessary to state the fact that the national legislation of the Republic of Tajikistan on migration policy issues does not yet allow to sufficiently ensure its effectiveness. In addition, migration processes and interrelations are characterized by dynamism, variability, and therefore migration legislation also requires constant updating of its norms.

At the beginning of the XX-I century, the Republic of Tajikistan signed a number of intergovernmental agreements on migration issues with the states that are currently part of the EAEU: with the Kyrgyz Republic (1998), with the Russian Federation (2004), with the Republic of Kazakhstan (2005), with the Republic of Belarus (2012).

In addition, taking into account the fact that the vast majority of migrant workers from Tajikistan are coming to work in the Russian Federation and in 2013 was drafted 5-intergovernmental agreements between the two countries on cooperation in the field of migration, in particular, on the legal status of the representative offices of the migration services of the parties on the territory of each other, on cooperation in the field of social security of migrants, and on an organized set of migrants and providing them with employment, etc. (Labor migration in the structure of social and labor relations in the Republic of Tajikistan. - Dushanbe, 2016.).

Unfortunately, none of these projects have been signed or implemented since then, which indicates that the authorized state body of the Republic of Tajikistan, represented by the Ministry of Labor, Migration and Employment, is passive in promoting the organization of the process of labor migration of the population.

This inertia of the body responsible for regulating migration policy can also be illustrated by the following example. Back in 2010, the Government of the Republic of Tajikistan initiated the creation of interdepartmental working groups to compile two draft laws on labor migration and on the formation of private employment agencies. Due to the significant importance of the initiatives under consideration, the relevant draft laws were prepared by 2013, and they provided for all the necessary procedures for interdepartmental coordination. However, to date, none of the projects have been approved at the state level (Shokirov, 2014).

Since November 2013, the authorized state body of the Republic of Tajikistan on migration issues, as noted

above, has been the Ministry of Labor, Migration and Employment. Unfortunately, its structure, which is directly responsible for the management of migration issues, does not have a specific mandate, which means that it cannot effectively influence decision-making in this area. The Ministry is overloaded with other equally important areas of activity, in particular, the regulation of labor and employment in the domestic market, professional education of young people, training, employment of unemployed citizens, etc. However, this structure does not have enough functions to solve the existing problems in the field of migration. Issues of migration regulation remain in the background, which only aggravates the situation in the field of migration policy.

1.6. Directions of optimization of the state migration policy of the Republic of Tajikistan.

Given the prevalence of positive migration factors that have an ever-increasing impact on the global community, it is very important to determine how public authorities should manage migration processes in order to maximize their positive impact and, as far as possible, minimize all possible negative consequences. At the same time, it should be noted that in order to improve the efficiency of state management of migration processes, it is advisable to identify a number of measures that should be implemented at all levels of government, starting from the national and ending with the global one.

According to the estimates of international experts, the Republic of Tajikistan is considered a developing country that is currently experiencing serious socio-economic problems due to the following factors:

- a high number of external labor migrants in need of social and legal protection of the state;
- high growth of unemployment;
- lack of a sufficient number of jobs with decent wages;
- poorly developed industrial and rural infrastructure;
- increase in the number of poor strata of the population (Azimov, 2015).

The above-mentioned trends, as well as a number of other trends in the development of the republic, determine the fact that Tajikistan will be involved in the process of external labor migration for a long period of time.

Issues of interregional cooperation and state management of migration processes are among the priorities for Tajikistan, as the migration flow of citizens both within the country and abroad only increases over time.

The Government of the country is carrying out systematic work in this direction. Since 2000, a regulatory framework has been established and laws of the Republic of Tajikistan have been adopted; "On Refugees", "On Migration", "On licensing certain types of activities", the Concept of Migration Policy of the Republic of Tajikistan, the Concept of Labor Migration of Citizens of the Republic of Tajikistan abroad, as well as a number of other legislative acts regulating migration issues.

A comprehensive analysis of trends in the development of external and internal migration processes in the territory of the Republic of Tajikistan allowed determining the main directions for its optimization.

Thus, in the field of regulating external labor migration of the population, it is advisable to:

- state support for small and medium-sized businesses, the sector of which is a generator of new jobs;
- development and diversification of the domestic labor market;
- development of the tourism industry in the region;
- creation of such socio-economic conditions in the state that would restrain the outflow of the population from the country.

From the point of view of optimizing the processes of internal migration, it can be quite effective to intensify efforts to restore and develop the agro-industrial complex, create conditions for securing young professionals in the national economy (by providing housing, allocating interest-free loans, etc.). In terms of regulating illegal labor migration of Tajik citizens, it is necessary to implement at the state level a set of measures aimed at combating criminal manifestations of illegal migration, as well as actively promote the further development of international cooperation in this area. Thus, after analyzing the current migration situation in the Republic of Tajikistan, taking into account the changes, taking place in the countries of the near and far abroad, it is necessary to recognize the fact of globalization of migration processes (Arkhiptsev & Dzhobirov, 2015). As a socio-economic phenomenon, labor migration is designed to meet the demand for vacancies where this process cannot be met at the expense of the state's internal resources. However, the State authorities of the donor and recipient countries of labor resources should control the flow of labor migration.

Tajikistan faced the problem of external migration after the republic gained state independence, and based on the growing trend in the number of unemployed citizens within the country, it can be argued that labor migration issues will be relevant for the country for a long time to come. It would therefore be advisable to separate the migration service from the Ministry of Labour, Migration and Employment and to establish an independent State institution, strengthening it with qualified and highly professional migration personnel. The solution of this issue is designed to stabilize the migration situation, as well as provide an opportunity to prevent negative consequences and risks in the field of population migration.

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