



## PECULIARITIES OF THE NATIONAL LEGISLATION OF THE REPUBLIC OF UZBEKISTAN ON MIGRATION

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**Abstract:** In the article, the scope of the work carried out on the regulation of migration processes in the Republic of Uzbekistan and its legal basis were studied in recent years, and proposals were put forward regarding the prospects for the development of legislation in the field of migration.

**Keywords:** Constitution of the Republic of Uzbekistan, laws, Decree of the President of the Republic of Uzbekistan, decision, decision of the Cabinet of Ministers of the Republic of Uzbekistan, migration policy strategy of the Republic of Uzbekistan, refugee status, labor migration.

In recent years, the growing population [1] and the disparity in job creation [2], as well as the various political, military, and economic situations in mining regions [3][4], have led to the implementation of consistent reforms in the management of migration by our state.

Studies show that in recent years, the tendency to regulate this area legally in our country is developing in the following directions:

- a) External labor migration;
- b) Internal migration for the purpose of employment;
- c) The legal status of foreign citizens and stateless persons;
- d) Development of relations with compatriots abroad.

When discussing the national legislative framework on the rights of migrants in the Republic of Uzbekistan, it is important to first refer to the legal basis provided in the Constitution of the Republic of Uzbekistan. The Constitution guarantees the basic civil, political, economic, and social rights of citizens, including the right to freedom of movement and the right to engage in labor activities.

Specifically, Article 23 of the new edition of *the Constitution of the Republic of Uzbekistan* states that the Republic of Uzbekistan guarantees the protection of its citizens both within the country and abroad. It ensures that citizens of Uzbekistan cannot be forcibly removed from the country or handed over to another state. The state ensures the preservation and development of relations with compatriots abroad in accordance with international legal norms [5].

Sh. Khodjaeva emphasizes that Article 23 of the Constitution of the Republic of Uzbekistan "ensures the protection of citizens leaving the country, including those traveling abroad for work, and guarantees that the rights and freedoms of Uzbek labor migrants are not violated, and that conditions for their effective labor are created [6]."

In our opinion, this provision should not only apply to labor migrants but also to citizens temporarily migrating for education, recreation, medical treatment, or tourism, as this would be more appropriate.

The right of citizens of the Republic of Uzbekistan to migrate within the country and abroad for the purpose of finding work is legally established in Article 32 of the Constitution, which guarantees the right of every person staying within the territory of Uzbekistan to freely move, choose a place of residence, and travel abroad, with the exception of restrictions established by law, and the right to return to Uzbekistan without obstacles [7].

N. Siddikov notes, "While the Constitution and several legal norms ensure the right of our citizens to freely move and migrate from one place to another within the country, there was, in fact, a registration system that openly contradicted our Constitution." In our view, the Constitution of the Republic of Uzbekistan is the fundamental law, and it would be appropriate to emphasize this by referring to it as the "Main Constitution [8]" or even an "encyclopedic text."

Another guarantee of these rights is stated in Part 1 of Article 42, which specifies: "Everyone has the right to decent work, freely choose their profession and type of activity, work under conditions that meet safety and hygiene requirements, receive fair remuneration that is no less than the established minimum wage without any discrimination, and the right to protection from unemployment in accordance with the procedures established by law" [9].

Another guarantee of the rights mentioned above is provided in Article 43, which states: "The state ensures the employment of its citizens, protects them from unemployment, and takes measures to reduce poverty. The state organizes and encourages the professional training and retraining of its citizens" [10].

Studies show that the Constitution does not contain a specific norm related to the economic and social rights of citizens engaged in temporary labor activities abroad. However, several developed foreign countries (Spain, Italy) have directly addressed this issue in their constitutions. For instance, Article 42 of the Spanish Constitution [11] states: "The state provides special protection for the social and economic rights of Spanish workers abroad and pursues a policy aimed at their return to the country." Similarly, Article 35 of the Italian Constitution [12] strengthens the protection of labor rights for Italians working abroad.

The Mexican Constitution's Section 6, Article 123, Paragraph 26 specifies that any labor contract between a Mexican citizen and a foreign employer must be certified by the competent municipal authority and signed by the country's consulate. The contract must also clearly specify the conditions regarding the employee's return to their home country and the expenses covered by the foreign employer [13].

Article 62 of the Turkish Constitution addresses the state's obligation to take necessary measures to ensure the unity of families, stating that it will provide support to Turkish citizens working abroad to meet their cultural needs, ensure their welfare, maintain their connection with their homeland, and assist with their return [14].

According to Article 108 of the Greek Constitution, the state is responsible for ensuring that Greek citizens abroad maintain their ties to their homeland, as well as for providing care for their education, social, and professional development [15].

S. Djoldasova suggests that "Today, migration policy includes the improvement of the passport system; the procedures for entry and exit, residence, and movement within the country, and the formalization of citizenship; the regulation of external labor migration; the management of foreign labor migration systems; the development of mechanisms for

attracting foreign labor forces; and the strengthening of international cooperation in the field of migration” [16].

In our view, among these migration policy areas, it is important to highlight internal skilled labor migration. Specifically, in accordance with the Presidential Decree No. [PF-6108](#) of November 6, 2020, on measures to develop the fields of education and upbringing, and science in the new period of development of Uzbekistan, one-time initial assistance equivalent to 50 times the basic calculation amount, and monthly compensation for renting housing equivalent to 2 times the basic calculation amount, are provided for highly qualified specialists from other regions coming to work in budget organizations in remote areas. According to another decree ([PF-6110](#)) from November 12, 2020, medical staff from other regions working in remote family doctor clinics must receive one-time assistance of 30 million sums and or compensation for housing costs for at least three years [17].

Based on the above-mentioned normative legal documents, it can be concluded that the legal framework for internal skilled labor migration is gradually being established. Indeed, certain sectors of skilled internal labor migration are being regulated.

The analysis of Uzbekistan’s legal documents [17] shows that the legislative framework in this area, particularly regarding the right to free movement, housing choice, labor rights, and political asylum, is improving. For example, the new approach to regulating labor migration in Uzbekistan is reflected in the Decree of the President of Uzbekistan dated February 7, 2017, and in the relevant sections (76, 204–205) of the State Program for the Implementation of the Action Strategy for the Development of Uzbekistan in 2017-2021 during the “Year of Dialogue with the People and Human Interests.” This strategy focused on improving the legal and organizational measures to create favorable conditions for citizens working abroad or temporarily engaged in labor activities, strengthening guarantees for their rights and freedoms, improving the activities of border control agencies, and boosting tourism development.

Furthermore, the Uzbek scholar J. Yuldashev highlights that “with the Decree of the President of Uzbekistan, No. PF-5005, dated April 10, 2017, the Ministry of Internal Affairs and the FRB were tasked with *reviewing the issues of permanent monitoring of external migration and political asylum, directly carrying out these tasks*” [18].

Studies show that there are some minor shortcomings in the scholar's opinions, and according to the decree of the President of the Republic of Uzbekistan dated May 29, 2017, No. PF-5060, the authority of the Ministry of Internal Affairs and FRB on this issue is the “review of political asylum issues” task.

In 2017, during the implementation of the Strategy of Action, special attention was given to the principle “The interests of people are above all else” and the noble idea “State bodies should serve the people, not the other way around,” primarily focusing on direct communication with the people and ensuring the real protection of citizens' rights, freedoms, and legal interests. According to this, the prohibition on hiring citizens without temporary or permanent registration or who do not have a residential record was lifted, as well as the employer's responsibility for hiring such citizens.

According to the Decree of the President of the Republic of Uzbekistan dated January 17, 2019, No. PF-5635, and the Decision of the Cabinet of Ministers dated February 19, 2019, No. PQ-4193, to further simplify the passport service system for citizens of Uzbekistan, foreign

nationals, and stateless persons, it was determined that starting from January 1, 2021, citizens should apply to the internal affairs departments or state services centers in the districts (cities) convenient for them for temporary residence registration, and the procedure for registering and deregistering citizens at their permanent and temporary places of residence would be carried out by the nearest internal affairs departments or state services centers. Furthermore, the requirement for the personal participation of property owners during the registration process was abolished, and a system of digital signature certification for documents was introduced, while the time limit for submitting documents for residence registration was extended up to ten days.

Additionally, since January 1, 1995, the population of Uzbekistan has been documented with national passports. In accordance with the requirements of the International Civil Aviation Organization (ICAO) and the International Organization for Standardization (ISO), and to facilitate border crossings, biometric passports were introduced from 2011 to 2020, which contained biometric and biographical data on an electronic information carrier (chip).

The procedure for issuing a two-year temporary exit permit sticker required for our citizens to travel abroad was abolished as of January 1, 2019. In its place, the issuance of the "Biometric Passport for International Travel," which is valid for 10 years and complies with international standards, was introduced, offering several advantages.

Since January 1, 2021, citizens have been able to apply to the internal affairs departments or State Services Centers in the districts (cities) convenient for them to register for temporary residence.

In our country, the following procedures have been implemented concerning the registration of citizens' places of permanent and temporary residence:

- The term for staying without registration has been extended from 10 to 15 days.
- The registration of permanent and temporary residence is now processed within one day.
- The previous procedure of deregistering citizens from their former permanent residence has been abolished.
- The procedure of stamping the passport, house book, or household card when registering citizens' permanent residence has been canceled.

The increasing population in Uzbekistan has led to the need to address various issues, such as providing employment. Every year, about 700,000-800,000 new workers enter the labor market. Given this, regulating external labor migration is crucial.

In recent years, under the efforts of the President of the Republic of Uzbekistan, significant progress has been made, and the approach to "labor migration" has changed dramatically. This indicates the comprehensive work carried out in the legal, organizational, institutional, and international cooperation areas.

The new approach to regulating labor migration processes in Uzbekistan is based on the tasks set out in the President's Decree of February 7, 2017, in the context of the 2017-2021 Strategy of Action. The 204th and 205th points of the State Program outlined the following measures: First, to ensure private sector participation in shaping demand and supply in the labor market and fostering a healthy competitive environment, the "Private Employment Agencies Law" (No. URQ-501) was adopted on October 16, 2018. This law sets the principles of legality, transparency, and non-discrimination for private employment agencies.



Between 2018 and 2024, 116 private employment agencies have been registered with the Ministry of Employment and Labor Relations. Currently, 16 agencies have licenses to provide employment services for individuals seeking work abroad"[21]

"X. Mamadaliyeva states, "The state monopoly on the export of labor force in the republic has led to some private firms and individuals violating the law by facilitating labor migrants in carrying out labor activities abroad" [22].

While partially agreeing with the scholar's opinion, we believe that in order to further develop the activities of this institution, it is essential to create equal opportunities and conditions for private employment agencies in providing services for temporary labor activities abroad in order to prevent the monopolistic dominance of the competent state bodies in this field. We will discuss this issue in more detail in the next paragraph.

Moreover, according to the 29th clause of the roadmap approved by the Decree of the President of the Republic of Uzbekistan No. PF-59 on "Improving the processes of labor migration and supporting individuals engaged in temporary labor activities abroad," it is stipulated that the responsible organizations should develop a draft migration policy strategy for the Republic of Uzbekistan (hereinafter referred to as the Strategy) by 2030. The implementation of this strategy was confirmed in the April 23, 2024, Resolution No. KQ-717-IV of the Senate of the Supreme Assembly of the Republic of Uzbekistan, which established a working group to improve the country's migration policy, in accordance with the annexes and roadmap for its development. The roadmap, dedicated to the study of external labor migration issues and the improvement of relevant legislation, includes the first item of inventorying the existing legal and regulatory documents that govern external labor migration. Based on the results of the inventory, an analytical report will be prepared. In this regard, S. Ishankhodjaev has emphasized the need to adopt the "Migration Law" and the "Refugee Status Law" of the Republic of Uzbekistan and strengthen international cooperation, highlighting Uzbekistan's active participation in the recent Prague Process. This platform aims to examine Uzbekistan's migration process and organizational and legal work in the third phase of the process. Key attention should be given to discussions on agreements necessary for the effective implementation of these tasks, and it has been proposed that a declaration and a targeted roadmap be signed by participating states at the end of the meeting [23].

The formation of the strategy project within the framework of the 23 objectives of the UN Global Compact for Safe, Orderly, and Regular Migration is expected to develop norms and mechanisms for the sector at international standards, thereby ensuring the systemic and comprehensive development of this area in the future.

Based on the information presented above, we believe it is necessary to highlight the following points.

First, it has been determined that the trend of legal regulation in our country is developing in the following areas:

- a) External labor migration;
- b) Internal migration for employment purposes;
- c) Legal status of foreign nationals and stateless persons;
- d) Development of relations with compatriots abroad.

Second, it has been studied that the regulation of these areas is primarily carried out within the framework of the Action Strategy for the Development of the Republic of Uzbekistan for 2017-2021 and 2022-2026, as well as the New Uzbekistan Development Strategy. This

demonstrates the existence of a complex and systemic approach to the development of the sector.

Third, the study has shown that foreign constitutions contain provisions regarding the rights of labor migrants, which will become an important factor in the future development of our national Constitution.

Fourth, research shows that recent normative and legal acts primarily focus on regulating external labor migration. This can be explained first by the insufficient availability of jobs in the domestic labor market, and second by the much higher wages offered in the labor markets of developed countries compared to the salary levels for the professions listed by the Ministry of Employment and Labor Relations in Uzbekistan, which is several times higher.

Fifth, in shaping the migration strategy, the proposal to carry out an inventory of national legislation and systematize various scattered norms across different sectors has been put forward. This will lead to the adoption of the "Migration Law" and the "Refugee Status Law" in the Republic of Uzbekistan."

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[chrome-extension://efaidn-bmnni-bpcajpc-glclefindmkaj/https://stat.uz/img/demografiya-uzb-\\_p53716.pdf](chrome-extension://efaidn-bmnni-bpcajpc-glclefindmkaj/https://stat.uz/img/demografiya-uzb-_p53716.pdf) (accessed on June 21, 2024, at 13:57).

2. According to the data from the Ministry of Poverty Reduction and Employment Relations, the number of labor resources is 19,724,906 thousand people. Of these, the economically active population is 15,041,970 million people, and the number of people in need of employment is 1,024,069 million. It is also noted that the number of economically inactive people is 4,682,936 million.

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