

This is an unofficial translation.

**Resolution of the Government of the Republic of Kazakhstan
No. 1346 of 05.09.00**

On concept of migration policy of the Republic of Kazakhstan

In accordance with the Resolution No. 327 of 29.02.00 of the Government of the Republic of Kazakhstan “On approval of the plan of measures to implement of assignments of the President of the Republic of Kazakhstan stated at the expanded session of the Government of the Republic of Kazakhstan on 9 February 2000” the Government of the Republic of Kazakhstan RESOLVES:

1. To approve the attached Concept on migration policy of the Republic of Kazakhstan
2. The Agency for migration and demography together with interested central executive bodies, akims of oblasts, the cities of Almaty and Astana, to develop for the term of prior to 01.07.01 the program and plan of measures for realization of this Concept
3. This Resolution comes into force from the day of signing.

K. Tokayev
Prime Minister of the Republic of Kazakhstan

Concept of migration policy of the Republic of Kazakhstan

The concept of migration policy of the Republic of Kazakhstan (hereinafter referred to as the Concept) is a system of basic principles, priorities, mechanisms, tasks and methods of improvement and regulation of migration processes. Under regulation of migration processes in this Concept is understood a system of administrative, social-economic measures directed at stimulation or limitation of movement of people in directions which meet current and future needs of Kazakhstan and provide for realization of rights of immigrants

Migration processes influence the state security, public accord, economic and demography situation in the country. The migration policy is integral part of state foreign and domestic policy of Kazakhstan, its realization must become one of priority tasks of the state.

Subjects of the migration policy are central and local executive bodies.

Partners of state authorities related to realization of the migration policy must be public associations. The concept determines the fundamentals of the migration policy considering national interests on the basis of observance of rights and freedoms of a human being. The concept is applied during the transition period to the stable development of the country and a long-term perspective of stabilization and growth of the economy.

For the nearest perspective the concept is based on political realia and the social-economic situation of the state which will restrict of a system to regulate migration processes in the Republic of Kazakhstan.

The migration policy is based upon the Constitution of the Republic of Kazakhstan, generally acknowledged principles and norms of the international law, international treaties of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan and other normative and legal acts.

The concept considers domestic and foreign experience of regulation of migration processes.

1. Evaluation of the migration situation

The peculiarity of Kazakhstan in the field of migration of the population is the existence of multinational community of people that are stipulated by historical peculiarities of the state's development. Prior to 1968, for the republic was characterized by a positive balance of migration of the population, i.e. a number of those who arrived to the country was much more higher than that of those who left. For example, for periods from 1950-1959 and from 1960-1967, on average in one year, the migration increase of the population of the republic made up respectively 12 and 5 people per 1000 people.

But, starting 1968 till present a reverse situation came out in the migration process of the republic, i.e. more higher activity of leaving than coming people. For example, for the periods from 1970 to 1979 and from 1980 to 1989, on average in one year, the migration decrease of the population of the republic made up respectively 7 and 5 people per 1000 people.

When the Republic of Kazakhstan became independent, transformation processes of former USSR started in Kazakhstan as in many other CIS countries and a tend of growth in a negative balance came out. So, over last 10 years, the negative balance not only entirely absorbed the natural increment of the population in this period (the natural increment in 90-s reduced twice at the expense of a sharp drop of the born and increase of the deceased compared to 80-s) but exceeded it twice as much.

The migration situation in the Republic of Kazakhstan is characterized by the following main processes:

1. In emigration prevails departure of representatives of Russian-speaking part of the population previously exiled under Tsarist times and deported in the years of the Stalin regime directed to develop virgin lands;
2. In immigration prevails the income of ethnic Kazakhs caused by the following circumstances:
 - desire to maintain their national identity;
 - consequences of armed conflicts;
 - desire to return to the historic homeland.
3. In domestic migration:
 - outcome of the population from rural regions as a result of declined agrarian sector;
 - departure of people from small and medium towns because of shutdown of town-forming enterprises and processing plants;
 - ecological causes at the Semipalatinsk ground zone and Aral.
4. Illegal migration caused by the geopolitical location of the Republic of Kazakhstan, transparent frontiers with CIS countries, the lack in a single agreed policy of the CIS countries and imperfect legislation base.
5. Labour migration related to attracting foreign labour force under existing excess of own workers in the internal labour market.
6. Presence of refugees caused by the instable public and political situation in a number of countries.

Joining of the Republic of Kazakhstan to the UN **Convention** on the status of refugee of 1951 and 1967 **Protocol** imposes certain obligation as to acceptance of persons who apply for the status of refugee.

Solving migration problems is determined by perspectives of stabilization of the social-economic situation in Kazakhstan.

2. Purpose and principle of migration policy

The purpose of migration policy is administration of migration processes, the provision of a stable demographic development, strengthening the national security of the country and the creation of conditions for realization of rights of migrants.

The migration policy of the Republic of Kazakhstan is based upon the principles:

- observance and protection of the rights of migrants, inadmissibility of discrimination of them as to race, nationality, language, origin, religion, political opinion, belonging to a certain social group;
- provision of fulfillment of law conditions in the sphere of regulating migration processes and international obligations;
- combination of interests of an individual and the state, unification of efforts of all power branches and public associations;
- protection of interests of the population in the Republic of Kazakhstan, agreement of priorities of Kazakhstan and partner countries on migration processes on the basis of the equitable cooperation;
- provision of the rights and lawful interests of the local population and migrants.

3. Priorities, main directions of realization of the migration policy

Analysis of a modern state of the migration policy and perspectives of its development allow to determine firstly, priorities in solving migration problems, secondly, main directions, mechanism for their solution during the transition period and development of a **program** as to regulate migration processes and planning of its realization for a long-term perspective – the period of social-economic stabilization and stable development of the country.

The most important priorities of the migration policy are:

for solving issues of the transition period:

- comprehensive assistance to settlement of oralmans, their adaptation in places of residence and integration into the local social environment, psychological rehabilitation of persons who survived military conflicts;
- prevention of flows of forced migration, including unlawful, and negative consequences caused by it;
- provision of conditions for the soon integration into the local social environment for persons recognized as refugees and their voluntarily return to countries of origin;
- creation and development of a system of the immigration control on the territory of the Republic of Kazakhstan;
- assistance to reduction and stabilization of emigration processes, including prevention of drain of the intellectual potential of the republic;
- provision of regulation of internal and foreign labour migration;

For a long-term perspective:

- creation of social-economic preconditions and on this basis re-orientation of migration streams;
- creation of conditions for maintenance and further formation of the number of the population in important, from the geopolitical point of view, regions of Kazakhstan;
- provision of integration of Kazakhstan into the international labour market, stimulation of return of Kazakhstani emigrants, especially qualified specialists;
- provision of controlling immigration processes through introduction and implementation of a unified system for the migration control on the territory of the Republic of Kazakhstan;
- support and development of constructive relations with countrymen who are abroad.

Main directions, mechanism of realization of the migration policy

For the transition period:

1. Comprehensive assistance to settlement of oralmans, their adaptation in places of residence and integration into the local social environment, psychological rehabilitation of persons who survived military conflicts.

Integration of oralmans in a new place presumes:

- creation of new necessary conditions and rendering assistance in realization of main rights and freedoms guaranteed by the state;
- development and implementation of measures for social support, creation of a system allowing to return and re-invest budget resources spent to settlement, employment and training

of the jobless, encouraging the entrepreneurial initiative, provision of real access to the system of social protection.

The most effective coordination of programs of assistance to oralmans with programs of social-economic development in regions implies:

- consideration of interests of the local population. Emergence of discontents among the local population during assisting to oralmans and development of infrastructure in places of their compact residence must be prevented. It is important to consider the ethnic, culture, language and confession distance between arrived migrants and the local population;
- choice of a place of residence acceptable for local executive organs and oralmans;
- information of the population on adaptation problems and integration of oralmans with the wide use of mass media.

2. Prevention of flows of forced migration and prevention of negative consequences caused by it.

The most important direction of prevention of forced migration from other countries is comprehensive registration of migration flows, improvement of the legislative base and study of social-economic situation of countrymen in establishment by the Republic of Kazakhstan of bilateral relations with foreign states.

State administration organs will further the soonest conclusion and practical realization of bilateral and multilateral agreements regulating processes of resettlement of citizens and protection of their rights.

Central and local executive organs will assist in obtaining by ethnic Kazakhs residing in CIS countries and far abroad, objective information on movement conditions, receiving the status of oralman and staying in the Republic of Kazakhstan.

It is necessary to introduce monitoring of the ecological situation in all regions of the Republic of Kazakhstan. In cases, when the situation does not meet established norms for vital activity of the population, central and local executive organs will implement measures for liquidation of causes of violation of the ecological situation, and if it is impossible to do this – to implement a set of measures as to re-settlement of the population and attraction of enterprises and organizations of all types of property actions of which resulted in violation of the ecological situation for financing of these measures.

It is necessary to develop and carry out measures for restriction of influx of migrants to the regions with the unfavourable ecological conditions.

3. Voluntarily return of forced immigrants and refugees to the countries of their origin is one of main directions of the migration policy implementation of which presumes:

- individual approach to each specific person;
- presence of desire of the interested person to return to the place of permanent residence;
- participation of the state in the process of return;
- inadmissibility of discrimination and observance of human rights, consideration of national customs and tradition;
- availability of full and impartial information on the situation in the region of return.

Central and local executive organs must assist in obtaining such information from independent sources as well. International and non-governmental organizations observing the situation in the sphere of human rights and personal security play a significant role.

4. Creation and development of a system of the migration control.

Preclusion of illegal migration is the most important factor to provide the security of the Republic of Kazakhstan, protection of its economic interests and interests of Kazakhstani citizens.

The existing system of the migration control in Kazakhstan is inadequate to the present situation of matters related to illegal migration. Therefore, in organization and administration of migration processes it is necessary to go out of the provision of conditions of fulfillment by Kazakhstan of international obligations, realization of the human rights and protection of the national interests of the state, including the provision of its security.

New problems to Kazakhstan related to the influx of immigrants, illegal in first place, require coordinated endeavors of state authorities within their competence.

Illegal immigrants coming to Kazakhstan and staying on its territory are more mobile and prepared to actions to achieve their goals whereas they receive assistance from their diasporas and communities.

The basis for the prevention and preclusion of illegal migration must be a systematic approach to the solution of this problem and joint actions of executive bodies through the following directions:

- acceleration of a process to create an effective unified system of the immigration control;
- improvement of the migration legislation that foresees protection of lawful rights of migrants, from one side, and adoption of measures, including deportation of foreigners and stateless persons who have violated the legislation of the Republic of Kazakhstan, from the other side;
- creation of conditions to the soon integration into the social-economic life of the country of persons recognized refugees;
- creation of a network of specialized centers of sojourn for foreigners and persons recognized refugees who have no certain legal status;
- activation of an agreeing process with each of CIS states and conclusion of appropriate agreements in the framework of the Commonwealth with a clear determination of obligations in it and responsibility for the situation at internal and external frontiers in fighting illegal migration;
- enhancing responsibility of local executive organs for observance of norms and regulations for staying foreigners and stateless persons in their relevant territories under the existing legislation of the Republic of Kazakhstan;
- improvement of activity of state authorities related to entry, stay and departure of foreigners and stateless persons, strengthening of cooperation and relations between them;
- formation within the state of a system for unified registration of foreigners and stateless persons allowing to have information of their number in places of residence, formation of their diasporas and communities on the ethnic or other basis (migration and information center).

5. Regulation of labour migration

Central and local executive organs must take measures as to enhancing cooperation in solving problems related to the labour migration, including control over attraction and the use of foreign labour force, protection of domestic labour market, provision of the priority right of the Kazakhstan citizens for filling vacant working places, legalization of working migrants arriving to the territory of the Republic of Kazakhstan, observance by employers of labour contract conditions, fighting against illegal labour migration, organization of control over timely departure from Kazakhstan of foreign employees upon completion and deportation of foreigners employed with violation of the existing legislation.

We anticipate transformation of productive forces of the country when western, northern, eastern and southern regions will be developed in first place. In the central region, towns and townships specializing in mining and processing sectors will maintain the priority development.

The rural population will move from zones of natural low fertile lands to zones of higher fertility having not less than 60-90 scores of the land cadastre valuation.

In agriculture we expect creation of new working places in zones with favourable nature and climatic conditions, and vice versa, in zones of less than 50 scores of the land cadastre valuation there will be kept the process of curtailment in agricultural production and withdrawal of the population as a result of decrease in working places.

The population policy will envisage active measures contributing to the move of people from zones of ineffective production in regions favourable for residing and working.

The existing migration of the able population from villages to towns will be regulated and formed to a new proportion when in villages near 25% of the population will stay.

New working places will create a migration wave of economically active population. Migration of the population will be implemented in accordance with placement of production facilities and creation of working places.

Able-bodied part of the population will move to zones of effective land utilization and developed infrastructure.

For a long-term perspective:

1. Settlement of the population on the basis of re-orientation of migration streams through the directed social-economic policy.

In the course of normalization of the social-economic situation in the country, together with the traditional direction of migration from villages to towns, a new direction of migration may appear consisting of displacement of the population from southern regions to northern.

Migration from villages to towns meets the long-term interests of the Kazakhstani society, if it is based on accelerated development of agricultural branches, increase in labour productivity when the principle for the provision of the domestic market with foodstuffs is followed.

The state in the person of central and local executive bodies will reserve the responsibility for development of the infrastructure and social sphere. Attraction of the working force to competitive enterprises in private sector, including the hire of workers, their displacement and granting of all benefit types which compensate uncomfortable life and work conditions will be carried out by enterprises.

2. The provision of the civilized integration of Kazakhstan into the international labour market, stimulation of return of qualified specialists out of emigrants.

The Republic of Kazakhstan within the restrictions imposed on it by international agreements will regulate foreign migration in order to protect its own economic interests, including the domestic labour market.

While attracting foreign labor force, the Republic of Kazakhstan will be governed by its geopolitical and economic interests when implementing employment of working migrants, in first place, who are highly qualified and professions and specialities insufficiently represented in the domestic labor market

The important task is stimulation of return to Kazakhstan of country fellows who previously left abroad for a permanent place of residence or on labor contracts: in first instance, of scientists, other categories of highly qualified specialists, businessmen, potential investors.

3. Provision of control over immigration processes on the territory of the Republic of Kazakhstan envisages:
 - introduction and implementation of a single immigration control through development and improvement of activity of migration organs, including posts of migration control and migration inspection;

- creation of political and social-economic conditions to fulfill international obligations regarding acceptance of persons who seek asylum;
- development of specialized programs as to accelerating integration and creation of conditions for the use in the interests of the republic of intellectual and labor potential of immigrants.

4. Support and development of constructive relations with country fellow abroad

In future, in different countries, first of all on the territory of the former USSR, will be exist numerous diasporas connected with Kazakhstan by ethnic roots.

Central and local executive bodies will pursue the policy of priority development of mutually beneficial, political, economic, culture ties with the stated countries and take measures for:

- assistance to congeneric communication, simplification of procedures for crossing the borders and stay on the territory of the Republic of Kazakhstan;
- provision of preferences for country fellows residing in foreign countries, other foreigners as to priority access to labor activity and investment projects, study, receiving the citizenship and residence permit in the Republic of Kazakhstan;
- development of border cooperation, including implementation of joint economic and culture projects.

5. Provision of conditions for quick integration into the social environment of persons recognized refugees

Depending on real social-economic conditions present in Kazakhstan, peculiarities of market relations, to develop mechanisms of integration into the social environment of persons recognized refugees.

4. Tasks of migration policy

While pursuing the migration policy, organs state authorities of the Republic of Kazakhstan, public associations have the following tasks:

1. In the field of foreign policy:

- development and implementation at the interstate level of the bilateral and multiple format of mechanisms for solution of problems of oralmans, refugees, forced re-settlers;
- cooperation of CIS states with respect to prevention of conflicts and the amicable solution of ethnic and regional problems;
- conclusion of interstate agreements by the Republic of Kazakhstan as to regulation of migration processes and exchange of relevant information with countries of origin of migrants;
- participation of Kazakhstan in bilateral and multiple agreements on the rights of working migrants;
- achievement by the Republic of Kazakhstan of interstate and intergovernmental agreement on simplification of border trade, the ease of culture, social and other contacts;
- assistance to realization of the rights of country fellows on the equal political, social-economic and cultural development in countries of residence and the provision of spiritual and other ties with Kazakhstan;
- interrelations with migration services of foreign countries, international non-governmental and humanitarian organizations in the interests of solution of migration problems.

2. In the field of domestic policy and social-economic sphere:
 - creation of conditions for settlement, development of state addressed social help and support of oralmans;
 - coordination of priorities of the demographic and migration policy with basis directions of social-economic reforms of the Republic of Kazakhstan;
 - development and realization of migration programs taking into account of priorities of the migration policy;
 - inclusion of measures for the settlement of oralmans to the regional programs of social-economic development;
 - monitoring of the social-economic situation in regions of the republic, in labor markets, housing and the cultural sphere;
 - coordination with public associations that provide help to oralmans;
 - development of normative-legal acts foreseeing issues of control over entry and exit of foreigners and stateless persons as well as their stay on the territory of the Republic of Kazakhstan.
3. In the field of the legislation – passing laws of the Republic of Kazakhstan and other normative-legal acts related to the migration policy.
4. In the information sphere:
 - formation and dissemination of ideas of the spiritual unity, friendship of peoples, public and interethnic accord;
 - dissemination of knowledge on history and culture of Kazakhstan peoples’;
 - registration of national customs and traditions of migrants;
 - assistance to mass media with respect to objective explanation of the legal and social-economic situations of migrants;
 - formation of positive public opinion on effective solutions of migration problems;
 - development of a system of collection and dissemination of information on investment projects in the sphere of migration.

5. Forms and methods of realization of the migration policy

The main form of realization of the migration policy is a programmed aimed method – development and realization of the republican migration program, other aimed programs, regional programs, local executive bodies directed at the solution of migration problems. The programs must include legal, organization and concept measures and the differential approach to the solution of different categories of migrants.

Taking into consideration the comprehensive nature of migration processes affect to the national security, public accord, economic and demographic situation in the country, central and local executive bodies must take part in development and realization of the migration policy.