

Kazak Migrant Policy Criticised

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Low migrant quota will make foreign seasonal workers vulnerable to mistreatment, say critics. Kazakhstan has slashed the quota it sets for the number of migrant workers it will allow in as it copes with recession. However, critics say the move is unlikely to stem the flow of unskilled workers, who will come anyway wherever there is demand, but will enjoy fewer protections because they will be in Kazakhstan illegally.

Under a government decree, the quota for migrant workers in 2010 has been set at 0.75 per cent of the working-age population, equivalent to around 64,000. Unofficial figures put the current number of foreign workers in Kazakhstan at half a million, many of them working illegally.

Government officials say the quota is needed to protect Kazakhstan's domestic labour market and curb illegal immigration.

In a mid-term plan for 2008-2010, the government originally estimated that foreign migrants would make up 3.2 per cent of the working population.

The new low quota was prompted by the impact of the economic crisis on Kazakhstan, officials say.

The European Bank for Reconstruction and Development says Kazakhstan's gross domestic product probably contracted by 1.9 per cent in 2009 after 3.2 per cent growth in 2008.

"Only a mild recovery is foreseen in 2010," said the bank's forecast.

The change in the quota was defended by the head of the labour ministry's department for employment and migration, Daulet Argandykov, as "fully justified".

The deputy chairman of the Kazak Federation of Trade Unions, Kayrat Amandykov, said the crisis had led the authorities to understand that the local labour force needed support. He was referring to unemployment, which according to official statistics was 6.3 per cent at the end of last year.

In an interview with the weekly *Kursiv* on January 14, Amandykov said, "Unemployment went up and there was a need to give priority in jobs to Kazak citizens."

With its extensive reserves of oil and gas, Kazakhstan has a better developed economy than other countries in the region and has become a magnet for labour migrants from poorer Central Asian countries like Kyrgyzstan, Uzbekistan and Tajikistan.

Some of these workers settle temporarily in Kazakhstan and work as builders, doctors, hairdressers and bakers. Others come seasonally to pick cotton and tobacco, while others still come over the border on a

daily basis selling fruit and vegetables at the markets.

Rights activists say that the reduced quota will not curb the influx of migrant workers working illegally, and could make them more vulnerable to mistreatment.

Also of concern to campaigners is the system introduced under a decree from December 2007 whereby migrant worker permits are issued to employers rather than the individual.

Argandykov said this regulation was aimed at preventing a big influx of migrants.

An employer with a vacancy is required to see whether there is a suitably qualified and experienced national of Kazakhstan for the job before hiring a foreigner.

“If there is no specialist of this kind then naturally a foreign worker is hired,” Argandykov said.

He said the relevant local department of the ministry responsible for employment and social programmes is notified of the decision to hire a foreigner and monitors the whole process.

“They [foreigners] do not enter the country until the employer gets a work visa and sends out an invitation,” said Argandykov.

These changes are part of wider efforts to make migration more effective by preventing an influx of illegal workers generally while still attracting skilled labour when it is needed.

The minister for labour and social protection, Gulshara Abdykalikova, was quoted by news agency Novosti-Kazakhstan on January 18 as saying that “particular attention is paid to attracting highly skilled specialists, when the demand cannot be satisfied by the local work force”.

The overall quota will be broken down according to country of origin, economic sector, and specific priorities.

According to Victoria Tyuleneva from the Kazakhstan Bureau for Human Rights and the Rule of Law, the labour quota contradicts the reality that manual labourers are still in demand in some areas of the economy.

Tyuleneva said that while the economic crisis would clearly have some impact on the number of migrants, it did not greatly affect certain labour-intensive sectors like cotton and tobacco growing in southern Kazakhstan.

“For example, in [the southern village of] Chilik where tobacco is cultivated, practically nothing has changed. The crisis has had no impact. There is work,” she said.

The reason for the labour shortage in such areas, she said, was that local people were reluctant to do this type of low-paid job, "Kazak citizens do not want to work there."

She said the process of setting quotas is not transparent and it is unclear how authorities came up with the overall number, "Procedures are not explained and as a result we get a quota that does not reflect Kazakhstan's needs."

The government has ignored a call from the International Federation for Human Rights, FIDH, for the Kazak government to revise the system of work permits so that they are issued to the migrants themselves.

A FIDH report last July criticised Kazakhstan's reduction in the migrant quota and said the policy "severely limits opportunities for legal employment and thus increases the vulnerability of migrants".

The report also said handing over the work permit process to employers made migrants "dependent on employers and unable to seek work elsewhere when they suffer abuse".

The FIDH mission documented what it called serious violations of migrant workers' rights particularly in agriculture and construction.

"Migrants without regular status and without contracts are particularly vulnerable to exploitation: long working hours, lack of rest days, confiscation of passports, non-payment of salaries and sale of migrant workers from one employer to another," the FIDH report said.

It also said that corruption within the police, customs, and border officials "places migrants at constant risk of extortion and deportation".

Business representatives say the reduced quota will not bring about any fall in the number of workers who are hired illegally. If anything, it will become another source of bribery among law enforcement bodies, they say.

A 45-year-old entrepreneur from the southern town of Shymkent, who gave his name as Aibek, told IWPR he had been using workers from neighbouring countries for several years and would continue to do so because "our citizens do not want to do low-skilled jobs".

He said the benefits of hiring seasonal workers outweighed the cost of bribery, "I pay labour migrants less than Kazaks and the difference allows me to pay bribes without any pain to myself."

Abdullo, 32, from the Surkhandarya region of southern Uzbekistan, has not heard about the new quota.

"I just come and work," said Abdullo, adding that he would want to have official permission to work if he could get it.

He believes that in the lawless environment that migrant workers find themselves, changes like the new work permit scheme will not affect foreign workers, “We have no rights and that’s the way it will stay.”

Despite the difficulties of working in Kazakstan, there are many Uzbeks like Abdullo waiting eagerly for spring, when employers in Kazakstan typically start hiring for work on farms and on construction sites.

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