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## Legal Policy Of Uzbekistan In The Field Of Migration

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### ABSTRACT

Migration is a multidimensional process, and different countries face different regulatory challenges with regard to migration. The legal policy of the state in the sphere of migration is established under the influence of one or more factors. Adoption of legal norms in legislation, such as the imposition of prohibitions or granting benefits for migrants, providing incentives or imposing limits for specific groups of people is to be noted in particular. The establishment of the regulatory framework in this area is based on state policy in the sphere of migration. The regulation of migration in Uzbekistan today differs significantly from that in the early days of our independence. The article analyses the implemented reforms in the field of migration by direction in the framework of the Action Strategy for the five priority areas of development of the Republic of Uzbekistan, identifies relevant problems and proposes solutions.

### KEYWORDS

Migration, Migration Policy, Passport System, Citizenship, Registration System, External Labor Migration, International Relations And Agreements.

### INTRODUCTION

Human migration is characterized by dynamic development and is a social legal relationship that requires legal regulation. Almost every

country in the world is involved in the migration process, whether voluntarily or involuntarily, and Uzbekistan is no exception.

The nationwide movement “Yuksalish” conducted an expert survey to determine the most effective reforms that have contributed to significant changes in the country over the past five years, as a result President Shavkat Mirziyoyev’s 15 historically significant reforms have been formed. Two of these reforms, recognized by experts, are in the field of migration. In particular, noted the introduction of the procedure for granting citizenship to persons who have been permanently residing in Uzbekistan for 15 years, as part of the development of tourism, the introduction of a visa-free regime for 90 countries and visa-free transit regime for citizens of 48 countries [1].

The state policy of Uzbekistan in the field of migration can be reflected in the following areas.

#### **Improvement of the passport system**

In particular, efforts are currently underway to replace blank biometric passports with identity cards in order to modernize the passport system and bring it in line with international standards and trends.

From 2021, on the basis of the existing infrastructure of the republican biometric passport system (by Decree of the President, No. PD-4079 dated December 26, 2018), a system of identifying IDcards will be used instead of biometric passports of 2011 [2]. The introduction of identifying IDcards in most developed foreign nations (Austria, the United States, Belgium, Germany, South Korea, Malaysia, Ukraine, Singapore, Kazakhstan, Kyrgyzstan, and India) demonstrates a positive result.

Introduction of identification IDcards in Uzbekistan helps to have a unique

identification number of each person, with regard to the citizens of the Republic of Uzbekistan, permanently residing stateless persons and foreign nationals. In addition, this helps to have an identification that contains their personal information and can be used to identify an individual when using public services (Registration of ID cards), introduction of a single system of digital identification, wide introduction of innovative technologies in various sectors of the economy, social security of the population, effective use of primary data on individuals for information cooperation between different accounting systems of government agencies and organizations.

#### **Improving the procedures for entry to and exit from the country, being on the territory of and movement in the country, and registration of citizenship.**

This is directly related to the right to freedom of movement. This right is specified in Article 28 of the Constitution of Uzbekistan, according to which a citizen of the Republic of Uzbekistan has the right to freedom of movement on the territory of the Republic, as well as to free entry to and exit from the Republic of Uzbekistan.

In addition, foreign citizens and stateless persons, during their stay on the territory of the Republic of Uzbekistan, shall be guaranteed the rights and freedoms in accordance with the forms of the international law (Article 23 of the Constitution)

Three important institutions are included in this direction: the visa system, the registration system, and citizenship institutions.

Entry to and exit from the country (visa system)

Procedures for foreign nationals and stateless persons arriving in, departing from, staying in, and transiting the Republic of Uzbekistan is regulated by the Resolution No. 408 (November 21, 1996) of the Cabinet of Ministers, which determines the Order of entry to and exit from Uzbekistan of foreign citizens and stateless persons, the Rules of stay of foreign citizens and stateless persons in Uzbekistan, as well as the Rules of transit of foreign citizens and stateless persons through the territory of Uzbekistan [3].

Furthermore, in accordance with the Presidential Decree “On additional measures for the accelerated development of tourism in the Republic of Uzbekistan” (January 5, 2019, No PD-5611) [4] and the Presidential Resolution “On measures to accelerate the development of the tourism industry” (January 5, 2019, No. PR-4095) [5] approved the list of 28 categories (types) of entry, exit and transit visas of Uzbekistan (non-electronic) and the list of countries whose citizens be granted a visa-free regime in Uzbekistan (for an indefinite period - for citizens of 85 countries, for a period not exceeding 7 days - for citizens of the People’s Republic of China, including the Hong Kong-the Special Administrative Region of the People’s Republic of China).

What is more, established a bilateral visa-free regime with the Republic of Azerbaijan, Georgia, the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Republic of Moldova, the Russian Federation, Ukraine, the Kyrgyz Republic (up to 60 days) and the Republic of Tajikistan (up to 30 days)

on the basis of bilateral international agreements and equality.

Stateless persons permanently residing on the territory of the aforementioned nations are not eligible for the visa-free regime. The 30-day and 60-day visa-free regimes take effect when a foreign person crosses the state border of the Republic of Uzbekistan, and the foreign citizen must leave the republic before the visa expires.

For the citizens of the People’s Republic of China, including the Hong Kong Special Administrative Region, a visa-free regime has been established for a maximum of 7 days from the date of entry into Uzbekistan through its international airports, and for citizens of the United Arab Emirates for 30 days (from the date of entry).

In order to eliminate the requirement that foreign citizens must apply to the embassies (consulates) of Uzbekistan abroad to enter the territory of Uzbekistan, and with purpose of reducing the period for obtaining an entry visa, the electronic entry visa E-VISA.UZ was introduced, through which a foreign citizen is issued a stay permit on the territory of Uzbekistan for a period of up to 30 days, and it is valid up to 90 days from the date of receipt.

Being on the territory and movement in the country (registration system)

The procedure for registering citizens of the Republic of Uzbekistan, foreign nationals, and stateless persons at their permanent and temporary residences is determined by this legal institute. The following legislation has been passed in this regard:

- 1) The list of categories of persons (citizens of the Republic of Uzbekistan) subject to permanent registration in the city of Tashkent and Tashkent region, approved by the Law of the Republic of Uzbekistan (No. 296, September 14, 2011)
- 2) The procedure for permanent registration of foreign citizens and stateless persons from other countries in the Republic of Karakalpakstan and regions (except Tashkent region) approved by the Government Resolution No. 845 (October 22, 2018), the Regulation on the procedure for registration of foreign citizens and stateless persons at the place of permanent residence and temporary residence. The list of categories of persons (foreign citizens and stateless persons) from the Republic of Karakalpakstan and regions (except Tashkent region) who have the right to register at the place of permanent residence (approved by the Decree of the President of the Republic of Uzbekistan dated August 28, 2018 No. PD-3924).

#### Procedures for obtaining citizenship (registration of citizenship)

A number of measures are being taken to improve the citizenship application process. On March 13, 2020, a new edition of the Law “On Citizenship of the Republic of Uzbekistan” (July 2, 1992) was adopted, which specifies the procedures for obtaining and registering Uzbek citizenship.

In particular, the concept of citizenship of the Republic of Uzbekistan has evolved, and its new interpretation has touched a larger segment of the people. In addition, for stateless persons permanently residing in

Uzbekistan, the Institute of Recognition of Citizenship of the Republic of Uzbekistan has been established. The Republic of Uzbekistan has created a simpler procedure for getting citizenship. A letter of guarantee of citizenship of the Republic of Uzbekistan was introduced in particular. Requirements for sufficient knowledge of the state language for communication were introduced as a condition for citizenship of the Republic of Uzbekistan. The grounds for loss of citizenship of the Republic of Uzbekistan have increased from five to six, and one of them has had its criteria amended. The system for determining Uzbek citizenship and registering certificates of non-citizenship in the Republic of Uzbekistan has been developed [6].

The adoption of this Law in its new version served to ensure that the updated and newly introduced rules in this regard are correctly applied in law enforcement practice and that this legislation is uniform.

According to Department of Migration and Registration of Citizenship of the Ministry of Internal Affairs, 179 foreign citizens were granted Uzbek citizenship in 2016, in 2020 this number constituted 8,310 persons, which is 46 times more than the former. As of April 1, 2021, 3473 persons were recognized as citizens of Uzbekistan.

#### Regulation of the system of external labor migration

In accordance with Article 13 of the Law of the Republic of Uzbekistan “On Employment of the population”, citizens of the Republic of Uzbekistan have the right to engage in labor activity outside the territory of the Republic of Uzbekistan, to seek work independently and

get employed. Employment of citizens of the Republic of Uzbekistan outside the country is carried out by the Agency for External Labor Migration and private employment agencies.

In this regard, the country's migration policy entails the systemic selection and deployment of its citizens. On the basis of a license given by the Ministry of Employment and Labor Relations of the Republic of Uzbekistan, legal organizations registered in the Republic of Uzbekistan (private employment agencies) select citizens of the Republic of Uzbekistan and send them for temporary employment abroad. Employment of citizens in an organized manner in foreign countries, taking into account the labor legislation of the employer country, is carried out on the basis of concluded agreements.

Similar agreements have been reached today with the Russian Federation (Republic of Tatarstan, Krasnoyarsk Krai, Rostov Oblast Government, Astrakhan Oblast Government), the UAE, Poland, Turkey, Bulgaria, Japan, and Canada.

It is very important to take into account the employer party's requirements to the applicant for the employment of nationals in other countries in an organized manner (within the framework of interstate agreements and arrangements). There are general requirements such as knowledge of a foreign language, non-violation of the law (non-deportation), medical and physical health etc. At the same time, citizens have to go through a number of procedures (applying to the Agency or a private employment agency, to pass the selection on the basis of the employer's request, conclusion of employment contract and registration of documents, obtaining a

work visa for countries where a visa is required, adaptation procedures before departure, sending to work in an organized manner).

In 2019, based on the Agency for External Labor Migration, 11 pre-departure training centers (including 2 under the Agency and 9 under private employment agencies) were established in the country. In 2019, 4392 citizens were trained in these centers and employed in the required positions overseas.

Improving foreign labor force attraction methods

Pursuant to the Law of the Republic of Uzbekistan "On employment of the population", the legislation on employment applies to citizens of the Republic of Uzbekistan, as well as foreign citizens and stateless persons permanently residing on the territory of the Republic of Uzbekistan. In addition, foreign citizens and stateless persons are also defined as subjects of work relations in Uzbekistan, according to Article 14 of the Labor Code. Foreign citizens and stateless persons permanently residing in our country are not required to obtain a special work permit [7, 31-38].

To achieve a differentiated immigration strategy based on a selective approach to the intake of foreign migrants, necessary steps are being implemented. Experts believe that removing barriers in hiring talented foreign managers will result in a greater boost in GDP than an increase in foreign investment inflows.

As a result, the requirement to obtain (extend) permits to engage highly qualified and qualified foreign specialists has been eliminated in accordance with the single method for acquiring (issued) certifications



proving the right to work on the territory of the Republic of Uzbekistan.

For the purpose of protecting the rights of foreigners, and provide them with favorable conditions to exercise their rights in Uzbekistan, the Law of the Republic of Uzbekistan “On the legal status of foreign citizens and stateless persons in the Republic of Uzbekistan” specifies the followings:

To define the concept and legal status of foreign citizens, highly qualified and qualified specialists;

To create a transparent and open procedure for the passage of administrative and civil-legal procedures by foreign citizens, as well as for cooperation with government agencies and other organizations in the field of labor relations;

To provide opportunities for foreign citizens to use public services;

To create an effective mechanism for the protection of the rights and legitimate interests of foreign citizens on the territory of the Republic of Uzbekistan.

Development of international cooperation in the field of migration

Development of international cooperation in this area is an important direction in migration policy of Uzbekistan. In particular, the following measures can serve as a reliable foundation in this regard: reduction of the negative consequences of labor migration, good regulation in the reception and expulsion of migrants, employment of persons involved in the migration process, strengthening interstate cooperation in the regulation of

vocational training and social protection of migrants [8, 88].

Multiple bilateral agreements and treaties have been signed in this respect. The Council of Heads of Migration Authorities of the CIS Member States was established (by the Agreement on the Establishment of the Council of Heads of Migration Authorities of the CIS Member States on October 5, 2007, Dushanbe), one of the main tasks of which is to ensure the protection of the rights of migrants.

In addition, a number of steps have been taken to establish Uzbek government representative offices in foreign countries where Uzbek citizens can visit. The governments of Uzbekistan and the Russian Federation, in particular, signed an agreement on the reciprocal opening of institutions of competent authorities in the sphere of migration on April 5, 2017. The heads of diplomatic missions are in charge of these competent institutions. In Moscow, St. Petersburg, Novosibirsk, and Rostov-on-Don, authorized Uzbek migration offices have opened.

Taking into consideration the aforementioned and based on the analysis of the work carried out in the framework of the Action Strategy on the five priority areas of development of the Republic of Uzbekistan, it is expedient to focus on the following aspects in developing migration policy in our country:

Firstly, as long as migration is a human rights related issue, which exercise the right to freedom of movement, the rights of migrants such as social, economic, labor, housing and other rights must be ensured;

Secondly, it is necessary to clearly define the powers and functions of state bodies implementing state policy in the field of migration, as well as to establish a system of inter-agency cooperation, in order for the functions of state bodies implementing state policy in the field of migration to serve the implementation of the above-mentioned types of human rights;

Thirdly, today has come the time to develop legislative documents in the field of migration, so in addition to systematization and enactment of a unified law, we should apply comprehensive approach to regulating migration by including the following issues in legislation and/or regulatory legal acts: basic principles of migration, the main directions of state policy in this area, powers of state bodies and organizations in this regard, legal status of subjects, the main institutions of migration (citizens, refugees and others), administrative procedures of state bodies in the field of migration, templates of documents, and inter-agency cooperation procedures.

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