

## Annotation

**The theme:** «Problems and prospects of legal regulation of population migration in the Republic of Kazakhstan».

**The goal of the dissertation work.** Conducting a comprehensive study of the theoretical foundations, legislation and law enforcement practice in the field of population migration in Kazakhstan, the activities of government agencies, the experience of foreign countries, special literature and developing on its basis proposals of theoretical and practical importance aimed at improving legal regulation.

**The objectives of the dissertation research:**

1. Definition of the content of the concepts of «population migration», «international migration», «internal migration», «immigrant», «immigration», «illegal immigration», «subject of illegal immigration»;

2. Identification and classification of factors affecting population migration;

3. Justification of the need to provide benefits to stimulate the return of qualified specialists from among migrants, the inclusion of former compatriots in the number of persons taking citizenship in a simplified manner;

4. To study the need to consider the totality of sanctions for illegal work of foreigners, increase the number of readmission agreements with foreign countries, and take measures to legalize foreign citizens engaged in illegal labor;

5. Analysis of legislation on the expulsion of foreigners from the Republic of Kazakhstan;

6. Study of the issues of legal regulation of the organization of effective assistance to displaced persons moving from one region to another, and to relocating Candace;

7. Development of proposals to improve the legal regulation of population migration in the Republic of Kazakhstan.

**Methodology:**

The theoretical and methodological basis of the research was the works, views and concepts of foreign and domestic researchers devoted to the problems of population migration.

The research used methods of analysis and synthesis, the dialectical method, the method of formal logic, system analysis, the concrete historical method, the statistical method and the comparative legal method. These methods made it possible to comprehensively and systematically consider the research topic. Due to the interdisciplinary approach in writing the work, the issues of regulating population migration were considered from the point of view of various legal sciences, as well as other humanitarian disciplines.

**The object of the dissertation research** is public relations in the field of legal regulation of population migration in the Republic of Kazakhstan.

**The scientific novelty of the research.** The dissertation research is the first comprehensive research work on the problems of legal regulation of population migration. In the research work, a comprehensive analysis of theoretical, methodological and practical problems of legal regulation of population migration

was carried out, and a new approach was formulated. For the first time, a systematic study aimed at improving the effectiveness of legal regulation was conducted on the basis of a comprehensive analysis of various aspects of population migration. Based on the results of the study, the author substantiates the need to make changes and additions to the current legislation and law enforcement practice.

For the first time in a research paper, a new author's approach to a number of provisions that have not been fully considered in the legal literature was written and justified. The specific provisions characterizing the novelty of the study are the typology and classification of migration, the characteristics and classification of migration factors, the author's definitions of the concepts «population migration», «international migration», «internal migration», «migrant», «immigration», «illegal immigration», «subject of illegal immigration» are given for the first time.

A set of measures is proposed to improve legislation and law enforcement practice in the field of external and internal migration of the population, labor migration, ethnic migration, illegal migration, crime prevention in the field of population migration.

**The main provisions submitted for protection:**

1 The clarity and clarity of the conceptual apparatus in legislative acts is of great importance in law enforcement. The definitions of the proposed concepts should contain a meaning that is not subject to a comprehensive interpretation. The research paper provides an in-depth analysis of the definitions of legislation regulating migration of the population. The concept of «population migration» in the current legislation has significant drawbacks: movement between different localities is not taken into account, which is one of the main signs of migration, in addition, the idea of including types of migration in the definition intended to describe the main signs of migration, in our opinion, is incorrect. Permanent and temporary movement refers not to signs of migration, but to types and timing. Voluntary and forced migration also refers not to its signs, but to its forms. Thus, the following definition can be proposed, which includes signs of migration and is suitable for use in the text of the law: «population migration is the movement of individuals between settlements registered in accordance with the procedure established by law with a change of residence or return to a place of residence or temporary residence».

The definition of «international migration» is not legally fixed in the Republic of Kazakhstan. We consider it necessary to introduce a definition of this concept for the correct classification of incoming immigrants. «International migration is the movement of individuals with a change of place of residence or with a return to their place of residence or temporary residence crossing the borders of states, registered in accordance with the procedure established by law».

2 The necessity of improving internal migration using factor analysis in the development of state documents aimed at regulating population migration in the Republic of Kazakhstan is substantiated. Factor analysis has many advantages in understanding the problem, since determining which living conditions surrounding

a person affect their movement is a guarantee of the correctness and effectiveness of the goals and objectives of the adopted state documents.

The scientific and practical importance of identifying the factors that determine population migration is enormous, since if they are underestimated, wrong decisions can be made in regulating migration processes. In the research work, the factors influencing population migration are identified, and their three-level classification is proposed. Legal and infrastructural factors were proposed as new factors.

Legal factors include the level of offenses, the level of legal culture, the level of legal protection and security of the individual, the level of development of the rule of law, legislation that stimulates or restricts migration.

Infrastructural factors are the development of public services, the development of the housing construction system, the development of the school and hospital construction system, the development of public catering facilities, the development of wholesale and retail trade facilities, the development of the driver transportation system, the development and quality of the highway network, the development of telephone, Internet and television, the development of mass recreation and healthy lifestyle life, the development of a system of art and entertainment facilities.

3. In order to accelerate the diversification of the economy, create productive employment, improve the demographic situation in improving the legal regulation of external migration of the population, it is necessary to provide benefits to stimulate the return of qualified specialists from among migrants, the need to include former compatriots in the number of persons taking citizenship in a simplified manner in accordance with the legislation of the Republic of Kazakhstan is justified.

4. In order to increase the effectiveness of the fight against illegal migration, it is necessary to provide a set of sanctions for illegal work of foreigners. It is necessary not only to impose an administrative fine on persons who illegally use the labor of subjects of illegal immigration, but also to collect from them the costs of expelling an illegal immigrant to the country of permanent residence.

It is necessary to increase the number of readmission agreements with foreign countries, as this will allow citizens to return to their country quickly and efficiently in accordance with specially agreed procedures. The expulsion of foreign citizens illegally staying in the state is an urgent issue in practice.

There are hundreds of thousands of people in Kazakhstan whose status, according to various estimates, is not regulated. It is necessary to hold an event on the legalization of foreign citizens engaged in illegal labor. This will reduce the level of the shadow economy and protect the domestic labor market.

5. Considering that in Article 28 of the Law of the Republic of Kazakhstan «On the legal status of foreigners» the legal norm «if he violated the legislation of the Republic of Kazakhstan», which is the basis for expulsion from the territory of Kazakhstan, has too voluminous meaning and causes different interpretations in law enforcement, the following option is proposed for its improvement: «A foreigner may be expelled from the territory of Kazakhstan The Republic of

Kazakhstan: ... c) on the grounds and in accordance with the procedure provided for by the legislative acts of the Republic of Kazakhstan». This option does not allow for expulsion from the state for violation of any legislation, but makes it possible only on the grounds specified in the laws.

6. Since gaining independence, Kazakhstan has been implementing a policy of returning ethnic Kazakhs to their historical homeland. At the same time, a clear social policy is necessary for the effective implementation of the return of the Kandas. Thus, when determining regions and setting quotas for the resettlement of Kandas and migrants, it is necessary to take into account the peculiarities of socio-economic development and climate of settlement zones, linguistic characteristics of migrants, psychology, ensuring the reception and accommodation of arrived Kandas. Kazakh and Russian language courses should be paid for by the Kandasam at the expense of the state budget. When awarding a pension, the length of service in the country of origin must be taken into account.

In order to accelerate the processes of adaptation and integration by organizing effective assistance to Candace and displaced persons, it is necessary to include types of assistance in paragraph 2 of Article 6 of the Law of the Republic of Kazakhstan «On Volunteer Activities» dated December 30, 2016 No. 42-VI of the ZRK stating in the following wording: «The main types of volunteer activities are: ... 12-1) participation in providing assistance to Candace and displaced persons».

The direction of implementation of measures to promote the adaptation and integration of displaced persons and Candace should be included in paragraph 2 of Article 2 of the Law of the Republic of Kazakhstan dated November 16, 2015 No. 402-V of the ZRK «On Charity», stating in the following wording: 2. «The purpose of charity is achieved by performing the following tasks: ... 4) implementation of measures to provide assistance to Candace and displaced persons». In addition, it is necessary to support various forms of awarding sponsors and patrons who contribute to the creation of various conditions for them.

The increase in the population of the region and the attraction of investments in rural regions should be included in the list of indicators of the progress index in the country as a whole and the list of key performance indicators of the evaluated state bodies specified in paragraph 66 of Decree of the President of the Republic of Kazakhstan dated March 19, 2010 No. 954 «On the system of annual assessment of the effectiveness of central state bodies and local executive bodies of regions, cities of national importance, capitals».

#### **Scientific contribution and practical significance.**

This study is the first comprehensive study aimed at studying the issues of legal regulation of population migration in the Republic of Kazakhstan. The dissertation proposes new theoretical and practical approaches to the legal regulation of migration. As a scientific contribution, the author's definitions of some concepts are given, as well as amendments to legislation are proposed. This study develops a system of specific proposals aimed at improving the legal regulation of population migration, and justifies the need to amend regulatory legal acts.

**The practical significance** of the study lies in the availability of a system of specific proposals aimed at improving the effective legal regulation of migration. This research is aimed at the scientific substantiation of the development and implementation of existing systems, methods and tools that contribute to the legal regulation of migration. Proposals to improve the system of legal regulation and migration management have been submitted to the deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan, the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan, the Migration Committee, the Supreme Court of the Republic of Kazakhstan and the Institute of Public Policy of the Amanat Party.

**The scientific conclusions** and results of the study were discussed at scientific meetings and meetings. In addition, 8 scientific papers were published on the research topic, 3 of them were published in scientific publications included in the list of the Committee for Control in the Field of Education and Science of the Ministry of Science and Higher Education of the Republic of Kazakhstan: «Bulletin of KazNU. The series is legal», «Bulletin of the L.N. Gumilyov Eurasian National University. The legal series», «Bulletin of the Institute of Legislation and Legal Information of the Republic of Kazakhstan», 2 articles were published in international scientific journals indexed in the Scopus database, as well as in other scientific publications 3 articles.