The Problems of Combating Illegal Migration: Experience of Kazakhstan

Ibraeva Alua, Yessetova Saltanat, Dusebalieva Soledad

Abstract - The paper considers the problem of illegal migration in the Republic of Kazakhstan. Author developed proposals to address some problems in the field of migration.

Keywords – migration, illegal migration, combating illegal migration.

1. In Kazakhstan there are certain problems in the area of migration currently illegal migration poses a serious danger to the interests of Kazakhstan today, there has been a sharp rise in illegal migration according to Kazakhstani researcher E. Sadouskaya, the main reasons for this growth are the geopolitical, political and socio-economic. One of the causes of irregular migration are shortcomings in the area of international cooperation. Believe true view Sadouskaya E. as to the reasons for the growth of illegal migration in Kazakhstan[1].

Note that today has become a lucrative business out of migrants, which is carried out by criminal groups with a developed infrastructure, advanced technologies and communications. Laws of Kazakhstan does not provide for liability for illicit import-export people. The major cause of ineffective combat irregular migration is a weak legal and institutional framework, poor interagency cooperation on migration management.

2. In Kazakhstan a new law on migration of population from July 22, 2012 year. This law, in article 1, the following definitions are given. "The illegal immigrant - it the foreigner or the person without the citizenship, driven in the Republic of Kazakhstan and staying in the Republic of Kazakhstan with infringement of the legislation of the Republic of Kazakhstan. Illegal immigration-entrance to the country, and staying in the Republic of Kazakhstan. Author developed proposals to give accurate information of infringements of the legislation by the migrants driving to Kazakhstan."

Our offers.

In article 1 of the law of the Republic of Kazakhstan on population migration "Concepts used in this Act" to supplement and follows. "The illegal migrant is the foreigner or the person without citizenship which has driven in Republic Kazakhstan and Kazakhstan stays in Republic Kazakhstan with infringement of the legislation of Respuliki, namely drives in craputy out of control points; to avoid examination by officials; obtains the permit fraudulently or enters fictitious marriage to bypass immigration laws".

Such definition will allow to give classification of illegal migrants for practical workers as follows:

a) The persons who do not have lawful (legal) documents for entrance to the country;

b) The persons driving with false documents in the Republic of Kazakhstan;

c) The persons driving to the country with documents issued under the law, however remaining over the resolved term, or otherwise breaking rules of entrance and stay[2].

3. Let's allocate problems of struggle from illegal migration in Kazakhstan.

a) Many potential infringers of the law originally arrive to the country legally (on tourist visas or business invitations), but in law infringement remain in the country after visa term.

b) There are cases when foreigners enter fictitious marriages with citizens of Kazakhstan.

c) There are cases when citizens of the third states and the person without citizenship, break rules of transit journey through territory of Kazakhstan.

d) Many kinds of illegal migrations are those for the reason not a readiness of the legislation and demand legal regulation, for example, illegal labor migration; unregistered refugees and the persons who are in a situation, similar to them; persons without citizenship; the migrants, following transit through Kazakhstan and not having corresponding documents etc. Especially the labor legislation in the field of import of foreign labor demands the perfection[3].

4. The basic state structure of struggle against illegal migration are law-enforcement bodies. They carry out operatively-rozyksnuju activity, executive and administrative
functions on protection of a public order and maintenance of public safety, and also according to legislation RK carry out exclusion from RK foreigners and persons without citizenship which by the actions it is created from threats or the damage of safety of a society and the state cause.

For suppression of illegal migration in Ministry of Internal Affairs of the Republic of Kazakhstan in 2004 special mechanisms on struggle against human traffic are created. In Management Structure on struggle against the organized crime the Center on coordination of struggle against especially dangerous crimes, intra-department on fight against terrorism, is created by extremism and the traffic of people. That state activity on a non-admission of illegal migration was effective, strict monitoring and state regulation of migratory processes is necessary.

It is necessary to carry out control in the decision of problems of labor migration, including control over attraction and use of foreign labor, protection of a domestic labor market, maintenance of the priority right of the Kazakhstan citizens on employment of vacant workplaces, legalization arriving on territory of Kazakhstan of workers-immigrants, observance by employers of conditions of labor contracts etc.

Also the organization of control over timely departure from the country on end of work of labor migrants, deportation of the foreigners employed with infringement of the current legislation is necessary.

5. One of the reasons of that Kazakhstan even more often faces recently problems of illegal migration, imperfection of our legislative base and "transparency" of borders with the CIS countries is. For this reason criminal groups have fulfilled channels of illegal migration from the countries of Asia, Near and Middle East that gives the chance to them to take also through territory Kazakhstan narcotic, psychotropic substances and the weapon. Both possibility of illegal migration of participants of confrontations isn't excluded from the states CIS, and from the far abroad countries also.

Imperfect the mechanism of crossings of frontier which is certain by the intergovernmental Agreement on mutual visa-free trips of citizens within the limits of EAEC (Euro-Asian of Economic Community) today is. Too long list of documents which migrants should make out, infinite circulation on official bodies for the purpose of registration of these documents push a part of migrants to use of services of the smugglers specializing on legal transportation of people through border. Therefore, in our opinion, it is necessary to sign the Report on reduction of the list of documents to thegiven Agreement, valid for entrance, departure and stay of migrants in territory of EAEC, including in territory of Kazakhstan.

6. Problems of illegal migration probably to solve only in a complex. It is necessary to accept the law establishing responsibility for the organization of illegal migration of foreign citizens and persons without citizenship on territory of the Republic of Kazakhstan. Also it is necessary to define accurately the rights and powers of the public authorities which are carrying out immigration control; the differentiated payment for the right of attraction of foreign workers taking into account conditions and possibilities of the Kazakhstan labor market; a procedure of control over receipt of incomes and an expenditure of the public funds directed on the decision of immigration questions; to study the experience of struggle stored by the European states with illegal migration with a view of its use at realization of actions for perfection of legislation of the Republic of Kazakhstan in the given sphere. It demands constant carrying out of basic researches in migratory sphere.

References
[3] The international contracts ratified by Republic Kazakhstan, in sphere of maintenance of the rights, the basic freedom of the person, a labor safety, migration politics.-Almaty, 2003.-Kn. 2.-455s.