

**The Ministry of Education of Azerbaijan
Republic**

**Influence of labor migration on economy of the
sending and
host country**

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Introduction

International labor migration (labor alliance migration) is the working population's movement from one republic to another republic inside of the global labor market and last there for more than a year, for the environment of the growth of the fruitful forces and the production dealings, and also economic laws. International movements of migrants are taking a growing role in the globe economy.

My research work provides a brief analysis of the current literature on the economic effect of migration on the both sending and receiving countries, taking microeconomic and macroeconomic views into account. It'll also mention about the most important problem of the last years named 'brain drain'. Brain drain is one of the crucial issue especially in the developing countries. High skilled individuals of the developing or the less developed countries leave their home country for the better work opportunities in the other developed countries. My research work shows the ways that sending countries use against the brain drain. I'll answer in my research work this question: How does brain drain affect to the sending and receiving countries?

The number of global migrants worldwide is continuing to grow over the earlier seventeen years, reaching 258 million in the year of 2017, increase from 248 million in the year of 2015, 220 million in the year of 2010, 191 million in the year of 2005 and 173 million in the year of 2000. Between two years in 2000 and 2005, the global migrant stock grew and reached an average of 2 % per year. During the years from 2005 to the 2010, the annual growing rate accelerated and reaching 2.9 per cent per year. After then, nevertheless, it was slowed and decreasing to around 2.4 % per year during the years from 2010 to 2015 and falling to 2.0 per cent annually during the period from the year of 2015 to the year of 2017. In the year of 2017, nearly 260,000 individuals living in Azerbaijan that were born in other countries. And in the year of 2017, nearly

1,160,000 people that born in Azerbaijan were existing in other countries. Rising international labor migration recommends the importance of this theme in international economics. So, immigration has an influence on a lot of financial related features in receiving and also in sending countries. These facts characterize, in our view, the importance of the theme and the main motivation aimed at this part, which focuses on the special effects of migration on host and receiving nations' economic performances. First subchapter defines the theoretical basics of the international labor migration. The following subchapter provides a brief analysis of economic effects of labor migration and also so-called 'brain drain' discussion. How countries combating with the brain drain or the leaving of the high skilled people. And the following chapter is about Azerbaijan as a sending and receiving country for the migrants.

Chapter 1. Theoretical and practical aspects of labor migration

1.1 Theoretical basics of international labor migration

Firstly, what is the term of migration? Migration, which is as old as human history, especially in various parts of the world under the influence of civil war and trauma millions of people (rising international) leaving the country the world in recent years as a result of one of the most controversial topics in the whole became like that. People's political, social and or economically justified countries permanent or temporary transition to other countries international migration that means doing source (emigrant) countries and host (migrate area) have various economic consequences for the countries. This study is based on country experiences international migration to host country economy effects. Under the scope of analysis international migration to host country economy growth in relation to its effects, labor market, critics of the economy, such as public finance and inflation areas of focus.

When examining international migration, "voluntary migration" and "forced migration" must be separated from each other. Meaning of voluntary migration a person can find a better job, more to make money or to have a better socioeconomic migration to another country to live in the environment It is not. Some countries are working people of the population in the population

the need for young workforce A specific strategy and program to meet voluntarily accept immigrants. Forced migration is a human war, natural

disaster, epidemic diseases, ethnic-religious because of similar problems

to a country other than his country. In the face of such a situation, countries within a specific strategy and program people who are forced to refuge themselves without accepts.

The musts under which immigrant enters a receiver population is able to have broad effects for all parties that related. The expression migration experience mentions the fact that causes which are so different for the migration will create different outcomes visible from the countries. For instance, a person who moves to the another country have not the same migration experience than other migrants that migrate for a political cause that we say them refugees. In most cases, they need special attention from the receiving countries' population such as food, place for living, emergency shelter, and legal aid and other things that important for life.

Considering that migrants are able to be slaves or refugees, or they may come for the working as job-seekers, or may be have some another reason for the moving and leaving their own countries. So, we cannot explain the migration process with the single theory that provide a comprehensive explanation.

Even though a comprehensive theory is unachievable, it remains a vital task of demographers that they must explain why people migrate to the other countries.

Theories of migration are vital because theories are able to help us recognize population movements inside their wider economical and politic contexts. For instance, if out movement or outmigration from Third World countries is shown to be a consequence of economic problems that caused by the global economics, then such movement could be managed with the better worldwide economic agreements against of restrictive immigration acts. Definitely, rather than reducing Mexican emigration to the United States, they create the bracero program for the reducing migrants from Mexica, but that program truly increased the amount of unlawful immigration because it intensified

Mexican poverty. So, sometimes migrations agreements good for the useful migration than restrictive migration acts for all the countries.

Now I would talk about migration theories. There are many migrations theories, but I want to talk only about labor migration theories. We can say that all the migrations theories created by the push-pull process.

- **‘Migration Laws’ of Ernst Georg Ravenstein.**

Ernst Georg Ravenstein who is broadly regarded as the first migration theorist. Ernst Georg Ravenstein is one of the first people that working on the conceptualizing the migration process. U.Farr who was the famous English statistician and the demographer that had stated a hypothesis . This hypothesis was about migration process. He said that migration is a chaotic process, nobody can regulate this process. This declaration was challenged by Ravenstein. Ernst Georg Ravenstein, he is an English geographer that used census data for the developing his "Laws of Migration" in the year of 1889. Ernst Georg Ravenstein formulated some migration laws. Originally, they were seven. But then it increased to the eleven. This happen after the studying with the migratory data on the United State of America and other countries. He took the data from countries. His migration laws attempt to describe and forecast both inner and international migration. Majority of these laws are belonging to the present moment. They continue to help as a starting argument for the many of migratory models. They testify Their objectivity and deep theoretical validity even more than a century late.

He decided that migration was governed via a "push-pull" process.

Push-pull process, firstly, push that is happen by the situation in the country, it can be negative conditions in one country like oppressive laws, heavy tax system or something like this. And it affects to the people that they push the people out. And secondly,

against of those countries with heavy taxation in some countries have favorable conditions in an outward location for those migrants and they "pull" them out. Ernst Georg Ravenstein's laws detailed that what were the main causes for migration.

On the basis of learning of large volume of experimental material, Ernst Georg Ravenstein distributed the following Migration Laws:

- There is a reorganization of the population between territories.
- Superior external economic opportunities.
- Majority of migrants move to short interval.
- Migration happens in stages against of one long move.
- To each migratory stream there agrees the return stream.
- Migrants on long distances usually migrate in large manufacturing and trade centers.
- City peoples are less mobile than peoples of rural areas.
- Large cities grow principally because of migration
- Women are more moveable than men in movements inside the country; but men are more moveable than women in migrating on long distances.
- The capacity of migration increases with growth of the industry, trade and transportation.
- The crucial reasons of migration process are economic.

Migration laws have a giant impact on the future works in the part of forming and conceptualization of migration processes. Based on widespread empirical material, Ernst Georg Ravenstein managed to appportion accurately and rather objectively basic appearances of migration processes. However, his migration laws have quite illustrative character and clarifications the migration causes and the factors stimulating reproduction of that are absent.

- **Push-Pull Factors Model of Everett Lee**

Along with Ernst Georg Ravenstein's migration laws Everett Lee developed an econometric model in the 1960th. And this econometric model belongs to classical migration theories. Everett Lee redeveloped the theory of Ernst Georg Ravenstein and gave more weight to internal or we can say push factors. Everett Lee also defined the impact that intervening difficulties have on the migration procedure. Lee argued that factors such as economical, physical and political barriers, interval and having dependents can inhibit or even avoid migration. Lee said that the migration procedure is selective because there are many differences like age, gender and societal class affect how persons react to push-pull factors, and those conditions also contour their ability to come through intervening problems. Furthermore, other factors like personal aspects such as an individual's education, or knowledge of a possible receiver population, family bonds, and the like can alleviate or retard migration process.

According to that econometric model, different groups of migration factors work on each territory. Where some features affect most of individuals, and some – only certain persons.

In his well-known research, Lee managed to point the features influencing migratory processes. Some features of economic character such as unemployment, low income or heavy taxes are able to belong to the pushing process. There are also other social and political factors such as poverty, discrimination, limitations on an independence of worship, religions and wars; or opposing natural and climatic conditions and etc.

Lee said that safety, the high economic development, higher income, opportunity to get entrance to labor market also including in informal sector and its especially important for the illegal migrants and other aspects belong to pulling ones.

Like pushing and pulling, intermediate factors also affect migratory processes. Intermediate factors increase with growing in distance between places and they can performance as limiters of migration streams. These include transport costs, legislative regulation of movements, obtainability of information on the professed region of arrival and etc.

Li notes the same factors are able to influence different people differently. Lee notes that the attracting features make bigger impact on high skilled people who can get more favorable suggestions in other place than a certain situation in the outcome region. High mobility is a characteristic for only highly qualified experts because migration often intends career ladder advertising and increase in the work world and also income level. By contrast, Lee said that the negative, pushing factors make bigger role for low-skilled workforces.

According to Everett Lee, an individual becomes the active representative in labor market, those individuals that have a chance for free decision-making to emigrate or not. The vital characteristic influencing the migration propensity is stay at certain periods of life cycle. So, these who enters labor market or who marries are inclined to outflow of the parental house, while the people who get divorced or exiting labor market, for example, retiring from the work can make back migration. In the model, much consideration is paid to econometric features of the migrant and periods of his life cycle. Nevertheless, Li concentrates on economic features of migration, losing view of non-economic factors. At the same time, regardless of a set of the sensible reasons of migration, the unreasonable and personal reasons are also able to influence this process.

- **Neoclassical Migration Theory**

This theory is the oldest and well-known theory of international migration. Primarily the theory was developed due to description about labor migration in the procedure of economic development. This theory describes the effects of labour migration on the economic development. According to that theory and its additions, the main reason for global migration is geographical inequality between demand of labor and supply of labor. It means that people are high-skilled, but there is not productive work for them. They work only with low wages. In these regions where the labor's supply is variable, nevertheless the labor pays low wages and they have low marginal productivity, so workforces tend to move to a high-wage republic. As a consequence of this trend, payments generation has become a dominant incentive for labor-sending republics to inspire outmigration. In addition, migration subscribes to the labor-receiving republic's economy by development production, and the remittances getting country could ideally decrease its income difference and wage differences. Nevertheless, the understood idea behind this principle is that the removal of wage differences would end labor actions and labor migration would achieve its minimum. It has represented proofs that they are the main supportive fact of that argument by Tomas and Harris in the year of 1970. They emphasize that the choice to migrate is heavily impressed by job chances available to the immigrant at the preliminary stage and expected income differences. Another major statement made in the Neo-classical clarification is that the worldwide flow of labor mainly occurs in labor markets. Other markets don't have an important role for international migration. When those assumptions are considered, it might be argued that this theory is hopeful about the effects of outmigration on labor-sending regions due to high opportunities of decreased poverty, low employment and overpopulation. According to this theory, it is more assumed that labor market rulebooks and panels might control global migration of sending and receiving countries. That assumption looks to be right in the present situation, since several regulations effectually regulate the export of labor. For example, the government of Sri Lanka imposed mothers who

have children under the age of five years to accept overseas works in the capability of housemaids. Many factors like poverty, public conflicts, and restraining national policies play a significant role. It means that in most developing republics, the earliest migration is not necessarily voluntary. Thus, the assumptions of the Neo-classical approach could be challenged particularly in the context of developing countries. Though the household conditions are not very favourable and greener pastures available abroad, nonmigrants may sometimes stay at home for socio-cultural reasons such as hierarchical power relations within the family, kinship systems, and gender. Females may stay at home because gender norms prescribe that leaving the family behind is inappropriate, while males may be forced to stay behind to fulfill a perceived security function in the household. Also, parents might decide against out-migration in the interest of their children's education, security, mental health, etc.

Migration is a consequence of geographical dissimilarities in work. A signal to movement is differences in wage levels between zones of departure and entrance. That is why that approach found the practical request in many republics of the world.

The disadvantage of that model is this labor market do not able to be perfect. Balancing of demand needs time while at the faultless market there should be no unemployment. At the consequence, migration does not balance supply and demand on work in short terms.

This theory includes a number of theoretical assumptions at the micro level:

- The governments of the republics can activate migratory streams, mainly, by impressing on labor market.
- Afterward the elimination of the salary gap on a worldwide scale movements of work will stop

- The worldwide labor migration is affected by distinctions in an income between the republics.
- Labor market is the core mechanism which there are worldwide streams of labor. Additional types of the marketplaces have much smaller effect.
- The human capital movement, in cases of high qualified and low qualified labor, is able to occur in dissimilar directions owing to many driving forces influencing those processes.

Migrants have to visit the certain expenses connected with expenses on transportation, job search, efforts on learning of a different language and culture, emotional expenses of breaking old relationships and making new relationships and the other difficulties rising in the process of conformation to a new residence. And the expected benefits from movement are more the advanced education level of immigrants is. It often mains that immigrants, as a rule, got higher education level than population of the outcome republic in general.

- **Labor Migration's New Economics (NELM)**

This theory has been developed lately with the aim of challenging the expectations and decisions of Neo-classical Theory. Labor Migration's New Economics focuses on movement from the micro personal level to macro elements such as families, homes or other socially defined units. In other arguments, a main insight of this new method is that the choice to migrate is not just an individual choice, but is a collective choice of households or relatives where their goal is not only to rise income, not only economic, but is also a danger management strategy in the situation of market failures, in count to failures in the work market. Though, the theory proposes not to ignore personal

performance, nevertheless also in the context of group. Families are very probable to consider wage differences to be a durable, however definitely not the only aspect, when individuals select a labor destination for their family participant abroad. In this case migrant must earn much money for the sending their family members. And this is also important problem for the host countries. It creates economical problems for the hosting republics. And we can say that this theory pointed on that, when high skilled people tend to move to the other country, they think not only themselves but also their family members. Academics discover that the location nature of hosting country is more important than transportation costs in determining labor reorganization. It means that when the high skilled people chose the destination, they look all facts, all elements, not only economic elements.

- **Dual Labor Market Theory of M. Piore**

As a result of limitations research of the labor migration's neoclassical theory Michael Joseph Piore developed this theory. According to this theory, the worldwide migration is happened because of a stable demand for migrants' work that is characteristic in developed countries. Michael Joseph Piore pointed out that immigration is caused by such features as low salaries and high unemployment in the countries of origin and opposite in host republics, where there has a need for foreign work.

Piore said that there are two segmented structure of work market. The dualism between work and the capital. Low wages, unstable situations and also lack of equitable prospects for mobility in unimportant sector complicate involvement of native workers who, on the opposing, get a job in main, capital-intensive sector where incomes are higher, workplaces are harmless and there is an opportunity of professional

improvement. To complete the lack of request on secondary sector, employers talk to immigrants.

The income reflects not only conditions of supply and demand, it also affects to the standing and respect, social qualities. People take into account that the income has to affect the social status. May be the labor is very high wage, but it is for the un-skilled people, the native people don't work in these works. Native people want productive and also high income works. But employees want un-skilled people that will work with low wages. And these people are immigrants. Involvement of local workforces during shortage of work by salary increase is luxurious and unprofitable action for the employer that forces it to search more good-looking decisions, such as importation of migrants. They are ready to effort for lower wage.

Employers need workers who pay attention to the lower level professions as a means of making money, for whom effort is only the revenue, without consequences for the position or prestige. These are immigrants, the bulk from which aspires to get money for specific goals, for example, to advance a state and comfort of the house, structure of the house, expenses for school, purchase of property, acquisition of consumer goods and etc. Because of dissimilar living conditions in advanced and developing countries, the income of the migrant by native principles is sufficient however he knows that has the low respect abroad. Such migrants don't guess themselves as a part of the accepted society.

In labor-consuming, unskilled secondary sector, workers have unsteady, unskilled work situations, they can be discharged at any time with unimportant or zero expenditures for the employer.

Consequences of this theory differ from similar moments of microeconomic models:

1. Possibilities of the government inspiration on the global migration are low, only thoughtful changes in economy can touch demand for immigrants.
2. Low income level in host republics can decrease as a consequence of growth in number of immigrants.
3. Low income level in host countries will not increase in reaction to decline in number of migrants.
4. As request for migrants is formed for structural wants of economy, the wage level is not a condition for work migration therefore employers can hire workers, without raising a income.
5. The worldwide labor migration is constructed on demand of the advanced countries employers.

- **Migration System Theory**

The main assumption behind that theory is that movement help to change the economic, cultural and institutional circumstances in both the receiving country and sending country. Further, the concentration of the System method is both on the worldwide and micro connections of spaces linked to the movement process. Micro level factors contain kinship and friendship systems, whereas macro level factors concentration on economy, dominance, political networks, national strategies of migration, and cultural and social frameworks. Unlike other models, this theory emphasizes on the common link between migration and expansion. Then, this model is relevant for improving a theoretical context that considers movement in a broader growth perspective. Not only economic expansion, but migration also encourages social development. For example, remittances sent back to household members could change the social and economic situation of labour-sending republics. Later, it could be claimed that migration has the capability to

influence socio-economic growth of the republic of origin and encourage following migration both at macro level and micro level.

1.2 Examples of economic impact of the international labor migration

The economic impacts of migration vary broadly. Sending countries can practice both gains and damages in the short term nevertheless may stand to gain out the longer term. For getting countries temporary worker programs support to address skills shortages nonetheless may decrease domestic wages plus add to public welfare weight. The economic effects of movement for both sending and getting countries may also vary bounding up who is moving, specifically by respect to migrant workers' ability levels. International migrants in the year of 2000 and in the year of 2017

2000		2017	
United State of America	34.8	United State of America	49.8
Russian Federation	11.9	Saudi Arabia	12.2
Germany	9.0	Germany	12.2
India	6.4	Russian Federation	11.7
France	6.3	United Kingdom	8.8
Ukraine	5.5	United Arab Emirates	8.3
Canada	5.5	France	7.9
Saudi Arabia	5.3	Canada	7.9
United Kingdom	4.7	Australia	7.0

Australia	4.4	Spain	5.9
Pakistan	4.2	Italy	5.9
Kazakhstan	2.9	India	5.2
Iran	2.7	Ukraine	5.0
China, Honk Kong, SAR	2.7	Turkey	4.9
United Arab Emirates	2.4	South Africa	4.0
Italy	2.1	Kazakhstan	3.6
Kuwait	2.0	Thailand	3.6
Jordan	1.9	Pakistan	3.4
Israel	1.9	Jordan	3.2
Japan	1.7	Kuwait	3.1

A Swedish Professor says, “the problem is not migration; it is integration, especially on the labor market. If they have no jobs, the conclusions are segregation, housing difficulties and separated cities” (Traynor, in the year of 2010).

Agreeing with the World Bank, remittances calculated 529 billion dollars worldwide in the year of 2012. 401 billion dollars of that cash going to developing nations in the year of 2013. Significantly, these statistics only count for funds directed through official channels, consequently the amount of payments is likely much greater than these numbers recommend. The World Bank writes that remittances directed through informal channels might add at least fifty percent to the internationally recorded flows.

For sending republics, the short-term economic advantage of emigration is created in remittances. Payments are funds that emigrants get abroad and direct them back to their home republics, mainly in order to promote relatives left behind.

A recent UNCTAD report makes notes:

Remittances are more steady and predictable as likened to other financial currents and, more significantly, and these payments are counter-cyclical providing barrier against economic surprises. In conflict or after conflict situations, remittances are able to be vital to survival, sustenance, reintegration, then reconstruction. In providing mainly aimed at household livings, fees are expended on general consumption things in local communities that donate to native economies by promoting minor businesses. A reasonable share of those expenses is focused to the building of homes, health attention and education, along savings in economic institutions, thus making employment in these dangerous services zones. Furthermore, in subscribing to foreign exchange incomes, remittances can encourage economic development by improving sending countries' wealth and expanding their contact to worldwide capital markets.

In Tajikistan, payments from its cheap, unskilled work force working abroad in republics like Russia, Kazakhstan, and also Uzbekistan have helped the republic rebound from the disappointments of a scheduled economy and government unsteadiness; payments have calculating for around fifty percent of Tajikistan republic's GDP in the recent years.

Although the effect of remittances on developing republics is tough to calculate, one World Bank research has decided that a 1 per cent growth in the share of allowances in a country's GDP affects to a zero point four per cent weakening in lack.

At the same time, growing countries are able to hurt from “brain drain”. It is the loss of skilled and educated persons to emigration. Brain drain designates the out-migration of well-informed, well-educated, and skillful professionals from their home republic to another country. This is able to take place because of numerous factors. The most noticeable is the availability of superior job chances in the different country.

Brain drain occurs most generally when individuals quit fewer advanced countries with fewer chances aimed at career advancement, research, and educational employment and emigrate to the more developed countries (MDCs) by more chances.

But, it also happens in the movement of persons from one more advanced republic to another more advanced republic.

The Brain Drain Loss

These countries that practice brain drain suffer a loss. In less developed countries, this phenomenon is much lot widespread and the damage is much more important. Less developed countries, commonly don't have the capability to promote growing industry and the want for better research accommodations, career advancement, and income rises. There is an economic damage in the imaginable money that the professionals might have been able to take in, a loss in improvement and development while all of the educated persons utilize their knowledge to turn to account a republic other than their own, then a loss of schooling while educated people leave without lending assistance in the teaching of the following generation.

There is also a damage that happens in more developed countries, nonetheless that loss is less important because more developed countries generally see an outmigration of those educated experts as well as an migration of other enlightened professionals.

Possible Brain Drain Advantage

There is an understandable gain for the country suffering "brain gain", however there is also an imaginable gain for the republic that misses the high skilled person. That is only the circumstance whether professionals decide to come back to their home republic after a period of employing abroad.

When this happens, the republic recovers the employee as well as advantages a new wealth of knowledge and awareness received from the period abroad. Though, this is very unusual, principally for fewer advanced countries that should see the most advance with the homecoming of their specialists. That is due to the strong inconsistency in upper job chances between fewer advanced countries and more developed countries. It is commonly gotten in the movement between further developed countries.

There is also a probable advantage in the expansion of global interacting that is able to come as a consequence of brain drain. In that detail, this involves networking between natives of a republic that goes abroad with their coworkers who continue in that home country. For example, Swiss-List.com, that was recognized to encourage interacting between Swiss professors abroad and these in Switzerland.

- **In Russia samples of Brain Drain**

In this country, brain drain was an issue during Soviet periods. During the Soviet period and after the Soviet Union's fall in the early years of 1990s, brain drain happened when best professionals relocated to the Europe or to socialist countries to labor in economics otherwise science. The Russian administration is still working to stand out against that with the distribution of the funds to new plans that inspire the homecoming of scientists that gone Russia and encourages future specialists to continue in Russia to labor.

- **In India samples of Brain Drain**

In this country the schooling structure is one of the topmost in the world, with very limited drop-outs, but traditionally, when India's high skilled people graduate, they tend to leave India for the moving to other countries, for instance the United States, with superior job opportunities. Nevertheless, in the previous few years, that tendency has started to oppose itself. More and more, Indians in America sense that they are losing the cultural practices of India and also they think that there are at this time better economic chances in India.

- **Combating against Brain Drain**

There are several things governments are able to do for the combating with this problem. According to the OECD Spectator, "Science and technology strategies are important in this look." The most valuable tactic should be to boost job improvement opportunities and also research chances in order to decrease the initial damage of brain drain as fine as inspire higher skilled workforces both inside and on the outside the country to labor in this republic.

The procedure is demanding and it takes much time for establishing those sorts of facilities and chances, but it is probable, and becoming progressively necessary.

Those tactics, nevertheless, do not address the problem of falling brain drain from republics by problems such as battle, political unpredictability or health dangers. It means that brain drain is expected to keep going as long as those difficulties happen.

For example, there are presently more African professors and engineers laboring in the United States than having in all professors and engineers of Africa, agreeing to the International Organization for Migration or we can say IOM. In Zambia, outmigration

has reduced the quantity of working doctors from nearly two thousand some years ago, to a mere 400 today. The IOM calculates Africa's brain drain has set back nearly 9 billion dollars in lost human capital and development potential since the year of 1997. Considering the United Nations Population Fund, the year of 2006 State of the Globe Population statement, Africa only keeps one point three percent of the globe's health care specialists. Consequently, in spite of having above a quarter of the globe's tuberculosis cases and 64 per cent of the total quantities of people diseased with HIV, Africa merely has, on average, a measly one health worker per one thousand people. It was noted by Shiner in the year of 2008.

In current years, Kenya has been laboring hard to fight this problem. The Kenyan government, in association with international aid organizations, formed the Emergency Hiring Strategy to rise nursing workforce in public health services. Worldwide donors afforded assistance cover the price of workforce recruitment, employment agreements, wage subsidies and staff placement.

The strategy used public-private corporations to fund and rise health-care worker placement. The WHO established that EHP nurtures were absorbed into civil humanity and accounted for a twelve per cent increase in treatment staff. This model improved Kenya's health provision capacity in countryside and underserved zones above the short-term.

Current strikes by Kenyan clinicians and nurses demonstrate that the republic still has a long way to go to enlightening pay and other inducements that inspire health workers to stay and labor in the country.

Because of simple shortages, Kenyan doctors, who labor for little to no wage and have narrow experience, are often carrying out the equal amount of medical procedures that

surgeons in developed countries achieve only in one year, they achieve this amount in just only two months.

Chapter 2. Effects of labor migration to Azerbaijan's economy

2.1. Situation with emigration and with immigration of labor in Azerbaijan

With the attainment of independence, the country becomes a subject of international relations and international law. At present, the state's participation in international politics is also complemented by its involvement in migration processes. The Republic of Azerbaijan becomes an acknowledged participant in the migration process, at the same time being both the sending country of migrants and the country receiving migrants. However, considering the date of independence of Azerbaijan as the beginning of the process of its involvement in migration processes is an incorrect approach, since our Republic was earlier an active subject of the migration process, which was to a large extent within the framework of the USSR.

The disintegration of the USSR gave migration processes that covered, including the Republic of Azerbaijan, a qualitatively new content, which subsequently led to a change in the forms of processes. It should be noted that Azerbaijan, being a part of the USSR, had some experience of taking migrants. Migration of that period was determined by such factors as a single national economic complex, which was the essence of the Soviet economy, or the migration of Azerbaijanis from neighboring Armenia and Georgia. The flow of migration to Azerbaijan, which was associated with the well-known events of the late 1980s and early 1990s, was unusually large, with a negative impact on the socioeconomic and political situation in the republic. In such a situation, the growth of emigration from the country was predictable and was a natural process designed to alleviate the fate of a part of the population and weaken social and political tensions.

Immigration.

Intensification of the process of immigrants' arrival in Azerbaijan during the disintegration of the USSR and the formation of statehood took place in the absence of an appropriate regulatory and legal framework. The Law of the Republic of Azerbaijan "On Immigration" was adopted in 1999. This gap was to a certain extent compensated by the composition of the immigration flow: most of the immigrants in the 1990s were ethnic Azerbaijanis (refugees and internally displaced persons from Armenia, part of the Azerbaijani population of Georgia, Meskhetian Turks from Uzbekistan and Azerbaijan-who wanted to return to their historical homeland from other republics of the former Soviet Union), which to a large extent facilitated the process of adaptation. An important feature of the immigration process was that its main reason was not migration attractiveness of Azerbaijan, but the consequences of interethnic and interethnic conflicts in the conditions of which the USSR disintegrated. The coming to power of nationalist forces in some states also stimulated these trends.

Currently, there is a tendency to increase the immigration attractiveness of the Republic of Azerbaijan. There are signs and prospects of certain advantages of the Republic of Azerbaijan in comparison with a number of countries in Asia and Africa. The positive development of the economy and the geographic location of our country become prerequisites for expanding immigration flows. This requires some preparation, which should not allow uncontrolled processes and damage to the economy of the country. The existing cases of the arrival in Azerbaijan of irregular migrants of citizens of several countries of South-East Asia, confirm the need for a serious approach of the state bodies of our country to this issue. The regulatory framework governing these issues should be improved. At the same time, taking into account the nature of the immigration process in one country as an integral part of world trends, a special need is to ensure that the laws of the Republic of Azerbaijan comply with international conventions regulating migration processes. In particular, it refers to the "International Convention on Civil and

Political Rights" (1966), "International Convention on Economic, Social and Cultural Rights" (1966), "Convention on the Rights of Migrants and Members of Their Families" (1990) and the Charter of the International Labor Organization. The improvement of the relevant legislation should also take into account the specifics of modern Azerbaijan, which includes the current state of the economy, the requirements of the historical stage undergoing, and the features of ethno-national and cultural-cultural nature. Naturally, the intensification of the immigration process should not lead to an increase in unemployment and social tension - the state must prevent the influx of cheap labor.

Emigration.

The complex of reasons for emigration from Azerbaijan has been thoroughly studied. These include problems associated with the formation of a new state (ethnic, religious), ethnic conflicts, the desire to become citizens of the historical homeland, and socio-economic problems.

As a consequence of the last group of these problems, a category of migratory process such as labor migration has been formed. The classic cause of labor migration is economic crises (or a difficult situation in the country's economy) and a high level of unemployment. The difficulties encountered by Azerbaijan in the 1990s have given stability to labor migration from the country. The main directions of labor migration from Azerbaijan have also been formed. For a number of well-known reasons, the Russian Federation has become the country that receives a significant part of labor migrants from Azerbaijan.

The scale and intensity of the process contributed to the fact that to date labor migrants from Azerbaijan occupy a certain place on the Russian labor market.

At present, labor migration from Azerbaijan to Russia has become a factor influencing the social and economic situation in these countries. Thus, the departure of labor

migrants from Azerbaijan is capable of creating a vacuum for some time in a number of sectors of the Russian economy, according to many experts, the trade in horticultural products in virtually all large cities of the Russian Federation can be paralyzed. At the same time, the money transfers of labor migrants to their relatives have become an important part of financial transfers to Azerbaijan from abroad.

Labor migration from Azerbaijan to Russia also has an impact on relations between countries. A significant role in this issue is played by the emerging (already in somewhat different quality from the times of the USSR) and the developing Azerbaijani diaspora in Russia. The quantitative and qualitative development of the diaspora has created the need for public organizations that perform political (contribute to the development of interstate relations), legal (to ensure, if necessary, the protection of the rights of one or another part of compatriots) and cultural and educational function.

The state is obliged to maintain a constant connection with the foreign diaspora. A significant foreign diaspora has a direct impact on the development of the state. In addition to economic and foreign policy factors, the influence is also on the internal political situation in the country. A classic example confirming the last statement is the degree of influence of foreign diasporas on the policy of the governments of Israel and Armenia.

When building relations with the foreign diaspora, all the features of the formation of the community must be taken into account. The relevant state institutions (primarily the State Committee of the Republic of Azerbaijan for Working with Compatriots Living Abroad) should carry out research on studying the composition of foreign communities, the stages of their formation, their economic and intellectual building. The availability of such information base will allow the state to influence migration processes more actively (first of all, in order to prevent emigration, or to prevent chaos in this process).

Migration politics.

The state approach to migration policy issues, in our opinion, should be based on the following principles.

The state must gradually create and expand the conditions for the development of private entrepreneurial activity and the development of tourism. Increasing employment in the country is the key to more successful economic development and reduces migration flows.

It is well known that strengthening the role and activities of state bodies dealing with migration issues within the country is a more effective measure than closing the borders. In order to ensure more active activities of these bodies, adoption of a number of laws that regulate this sphere.

It is important to intensify work on concluding bilateral agreements with countries accepting migrants from Azerbaijan. In order to ensure migrants' work, it is necessary to ensure that quotas are obtained for their own citizens.

The Embassies and Consulates General of Azerbaijan should be oriented towards protecting the rights of the citizens of the AR who have migrated as migrants (within the framework of the norms of international law, international conventions, to which the Republic of Azerbaijan has acceded, on the basis of provisions of interstate treaties and intergovernmental agreements).

It is important to use the experience of developed countries in the issues of migrants' acceptance. The problems associated with the presence of illegal migrants on the territory of the Republic of Azerbaijan, create the need for the establishment of reception receivers in the structures of migration services. Adaptation centers should operate under these services. Certain restrictions and prohibitive measures should be extended to a number of categories of immigrants in order to prevent the arrival of cheaper labor (compared to local citizens).

Given the geographic proximity of the Republic of Azerbaijan to European states, one can not allow the transformation of our country into a transit state for illegal migration from third countries.

We should not rule out the possibility of damaging the national interests of the country that is a participant in the migration processes. Because of this, it is necessary to participate in the relevant state bodies (within the limits of legal authority) that ensure the protection of national interests.

2.2. Ways of rationalization of labor migration in Azerbaijan

Socio-economic problems of labor migration in the republic

Azerbaijan has an important place in the labor market for its economic and social characteristics. Literacy of the Azerbaijani population is 98.8%. This and other factors over the years have made Azerbaijanis a relatively cheap productive labor force. The above factors also determined the nature and direction of the main flows of migrants.

Illegal labor migration became an integral part of the Azerbaijani reality even in Soviet times in the early 80s. Thousands of Azerbaijanis went to work in Russia and other republics of the USSR. At the same time, they were officially listed at work in their institutions. In general, this category of people, leaving their country, engaged in trade and seasonal construction work.

The situation changed after the beginning of the Karabakh conflict in 1988. The changed political climate led to a reduction in the exit from the country in search of a means of subsistence, and most of the Azerbaijanis preferred to return to their homeland. In 1988-1991 years the republic was mostly left by Armenians, Russians, and so-called Russian-speaking ones. On the one hand, the conflict and the seizure of about one-fifth of the territory by the Armenian armed forces led to the emergence of refugees and internally displaced persons. On the other hand, the disintegration of the USSR, the disruption of previous economic ties, and the unstable domestic political situation caused a severe economic crisis in Azerbaijan. Closed factories and factories, collective farms and state farms ceased to exist. Production fell sharply (by the end of 1993 it amounted to half the 1989 level).

Beginning in 1992, the outflow of people seeking employment from the country took a full-scale character in 1994. At the same time, new directions have emerged: if migrants

used to go only to Russia and other former Soviet republics, now thousands of workers began to appear in Turkey, as well as in Iran, and later in the United Arab Emirates. Mostly these were young men aged 20-40 years.

Speaking about Azerbaijani emigrants in Russia, it is worth noting that most of them are concentrated in Moscow (according to some estimates, about 1.4 million people).

After the signing of the oil "Contract of the Century" in September 1994, businessmen and ordinary citizens from the USA and Western Europe were drawn to Azerbaijan. In turn, many Azerbaijanis began to leave for the West. Caught in Eastern Europe (Poland, Hungary, Slovakia, Czech Republic), Azerbaijani migrants are engaged in trade.

In the United States, in the main, the intelligentsia is directed, primarily technical (programmers, physicists, etc.). Quite a lot of Azerbaijanis work part time in Canada. Since 1997, Azerbaijanis are also attracted by Australia and New Zealand, where they leave for a tourist visa and stay for a long time.

However, Azerbaijanis mostly prefer Germany and the Netherlands from Western countries. This is largely due to the fact that there are many immigrants from Turkey and southern Azerbaijan. This allows you to overcome the language barrier. In 1992-1995, many came to Germany and the Netherlands as refugees or representatives of national minorities, automatically falling under the protection of international conventions.

There are very inaccurate data on illegal immigrants. It is believed that up to 10,000 Azerbaijanis live illegally and work in Germany, and in the Netherlands they are half as many. In Germany, most of them live in Halle near Magdeburg, as well as in Leipzig, Berlin and Cologne. In the Netherlands, most live in The Hague and Amsterdam. Despite the tightening of control over the flow of illegal emigrants, it not only does not decrease, but tends to increase.

The regulation of labor migration in the Azerbaijan Republic is carried out by the following state bodies:

- State Migration Service;
- Ministry of Foreign Affairs;
- Ministry of Labor and Social Protection of Population;
- Committee on Refugees and Forced Migrants;
- The State Border Service.

The Azerbaijani legislation on labor migration consists of the Constitution, the Law on Labor Migration, the Law on Immigration, the Law on Entry into the Country, exit from the country, the Law on Combating Trafficking in Human Beings, international conventions ratified by Azerbaijan, as well as bilateral and multilateral agreements signed Azerbaijan.

State migration policy is implemented on the basis of the principle of non-discrimination based on race, sex, religion, citizenship, age, political beliefs or membership of any social group.

The main tasks of the state migration policy are:

- effective use of migration processes for the development of the state;
- observance of the interests of the state, society and people in the implementation of migration programs and activities;
- combating illegal migration;
- creation of conditions for accelerated adaptation of migrants to the socio-economic situation in the country;
- protection of migrants' rights.

The migration policy provides for the coordinated activities of the relevant state structures within the State Program on Migration in the following areas:

- forecasting of migration processes, the formation of an effective state migration policy, taking into account changes in the political and economic situation, improvement of the governance mechanism in the migration sphere;
- Improvement of legislation in the field of migration;
- ensuring the effectiveness of state regulation in the field of migration, implementing appropriate measures to eliminate duplication of functions, coordinating the activities of relevant state structures in the field of migration;
- development of cooperation with migration services of other states and international organizations to solve problems in the field of migration;
- creation of an appropriate system for integration into society and adaptation to local conditions of foreigners and stateless persons residing in Azerbaijan;
- implementation of a set of measures to combat illegal migration and human trafficking;
- establishment of a migration advisory service, etc.

At the present stage, there is an expansion of the processes of labor migration in Azerbaijan. Along with the labor migration of Azerbaijani citizens abroad, labor migration of foreigners to our country also takes place.

Azerbaijan's implementation of large-scale international projects for the development of oil fields and the transportation of oil, socio-political and macroeconomic stability, the creation of an enabling environment for business and foreign investment, and the dynamic development of the economy are the main factors for increasing the migration of foreigners to Azerbaijan.

According to official data, there are more than 4 thousand labor migrants in Azerbaijan. They come from Turkey and Great Britain. However, in addition to legal labor migration, there are many cases in the country where people from other countries work illegally in the territory of Azerbaijan.

Given the current pace of economic development and social and political stability in the country, an increase in the flow of migrants to Azerbaijan, to our domestic labor market, is expected in subsequent years.

Strengthening the country's economy in recent years has allowed Azerbaijan to significantly improve its position in the international division of labor. Azerbaijan is one of the oldest and largest producers of oil and gas in the world. The main sales market are the CIS countries and Western Europe.

Currently, the economy of Azerbaijan is on the rise. The country positions itself in the world market not only as an exporter of oil, but also as a producer of agricultural and industrial products. However, despite these positive changes in the country's economy, the problem of the outflow of the able-bodied population from Azerbaijan is quite acute. To solve this problem, the main goal of the migration policy should be the regulation of the migration flow, the satisfaction of the economic and social interests of migrants, an in-depth study of the causes of mass migration and their optimal solution.

The development of labor migration as a form of foreign economic cooperation and its special place among other priority areas in relations with countries calls for an enhanced initiative in the mutual regulation of migration processes.

The main directions of labor migration.

According to the results of a comprehensive study of unregulated migration from the Republic of Azerbaijan in recent years, reflected in the report "From Azerbaijan to Europe: a study of the causes, ways and methods of migration", presented earlier this year by the Azerbaijani Mission of the International Organization for Migration (IOM), funded by the government Netherlands, the information collected during the study allowed the authors of the report to conclude: ethnic and political motivations are not the main reasons for the emigrants' departure from Azerbaijan to the West. At the same time, judging by the figures presented by the IOM, the situation with migration from Azerbaijan is critical.

According to the Ministry of Labor and Social Protection of Population, the report states, in 1991-2007, 272,000 people migrated from Azerbaijan legally and settled in Russia, Ukraine, Turkey, Germany, Israel and the Netherlands. 11,200 people are Russian, 65,000 are Azerbaijanis, 11,000 are Jews, and 9800 are Ukrainians.

But this is official statistics, which does not reflect the real state of affairs. In 1998-2000 total migration from Azerbaijan, according to the State Statistics Committee, was less intensive. Nevertheless, in 1998 the flow of emigrants from Azerbaijan amounted to 10,498 people, in 1999 - 9,142, and in 2007 - 9947. According to statistics, about 400 Azerbaijanis applied in 2007 for refuge in the western countries.

The Netherlands and Belgium are the leaders in the list of addressees of Azerbaijani "refugees". More than 70% of all appeals are connected with "harassment for ethnic and religious reasons", but most of the appeals are denied after studying the state of affairs in our republic and the plausibility of statements about "harassment".

According to the report, in 1994-1997 more than 1.5 million people emigrated from Azerbaijan to Russia, Turkey and Iran. According to the UN High Commissioner for

Refugees, 6210 people applied for asylum in Western Europe in 1999, and in 2010 4000. The number of applications for 2013 is 1261.

According to the Russian Interior Ministry, the country is temporarily resident 78,000 Azerbaijanis, 67,000 chose Russia as their permanent residence. However, these data are far from the truth, since, despite the requirement to register all individuals living in Russia for more than a month, most Azerbaijanis do not.

The RF Goskomstat also cites data, from which it follows that the migration of Azerbaijani citizens to this country has decreased in recent years. In 1999, 29,878 immigrants from Azerbaijan settled in Russia, and in 2010 and 2013 their number was 22,210 and 15,902, respectively.

Among the countries most attractive for Azerbaijani emigrants, Turkey is especially popular. Moreover, there Azerbaijanis enjoy special advantages. Due to friendly relations between the peoples, various problems, for example, with violations of the visa regime, are solved very easily, therefore there are a lot of offenders - Azerbaijanis in Turkey - in 2010 - 2261 people, and in 2013 - 2350.

Turkey in general attracts a lot of emigrants, including those from European countries. Azerbaijanis constitute a small but steadily growing part of this migration process. According to statistics, in 2013, 10564 Azerbaijanis received a permanent residence permit in Turkey.

The authors of the report, referring to the data of the Embassy of Belgium in Russia, write that 1250 Azerbaijanis applied for refuge in this country in 2013. Several years ago another West European neighbor of Belgium was called a paradise for emigrants. But the threat of demographic change due to emigrants from developing countries forced the Dutch government to reconsider its policy. As it turned out, 94% of emigrants are staying in this country illegally - 41 thousand migrants come here annually with a total

figure for Europe - 4000 thousand. However, the illegal flow of emigrants several times exceeds these figures.

The level of migration to developed countries is quite large: it is difficult to trace it. Nevertheless, Azerbaijanis who have penetrated into European countries by illegal means sooner or later turn to the authorities of these states for asylum.

According to the UN High Commissioner for Refugees, in 2000 alone, 2,953 Azerbaijanis sought asylum in various countries of Europe, North America and Australia. In 2013, the number of applications from citizens of the Republic of Azerbaijan was 4058.

Most of these applications were registered in European countries, but attracted seekers of happiness in foreign countries and the USA (427 cases), Australia (5 cases), Canada (108 calls).

The lion's share of Azerbaijani refugees was taken by Germany. The country has registered 1,228 asylum applications. In this country, a fairly liberal demographic policy. In recent years, the standard of living among migrant workers (workers from developing countries) has risen markedly. Turks, who constitute the majority among foreigners, become part of German society and even set the tone for local elections. In addition, given the low birth rate in the country, the German authorities allocate benefits for large families, most of whom are Turkish.

France occupies a prominent place among the countries of Europe that have accepted Azerbaijani refugees. France followed by Belgium (115 hits) and Sweden (97). The latter attracts refugees not only from Azerbaijan. According to the Swedish state emigration department, the majority of incoming citizens of the Republic of Azerbaijan are asked to provide them with political asylum for religious reasons. The main reason for this is sectarianism. Neutral Switzerland (80), Norway (60) and Austria (58) also

attract Azerbaijani migrants. However, the less developed countries of Europe are also in demand - the Czech Republic (44), Spain (18), Ireland (11), Greece (5), Bulgaria, Hungary, Slovakia (in the last three cases isolated cases were recorded).

Among the above-mentioned countries, Norway should be specially noted. This country attracts mainly economic prosperity. Over the past year, 60 of our compatriots have addressed the Oslo authorities. However, in Norway it is rather difficult to obtain an official status. According to the directorate for the reception of foreigners, Azerbaijani citizens apply for asylum quite often. However, from 1995 to 1999, of the 364 applications for asylum from the citizens of the former USSR, only one was granted.

The main transit countries for emigrants - illegal immigrants - Turkey, Russia and the former Yugoslavia. As a result of the measures taken - tightening the regime, funding projects to improve the social situation and education on explaining the situation with migration from donor countries, work to prevent illegal migration, etc. - it was possible to stop the growth of migration to this country.

The number of Azerbaijanis who are applying for asylum in Holland has decreased. In 1999, 2449 Azerbaijanis applied for asylum in Holland, in 2000 their number was 1163. Only 5% of refugees from Azerbaijan receive shelter in Holland. The real state of affairs in Azerbaijan - the low level of political activity of the population and the urgency of social problems - casts doubt on the validity of requests for political asylum. Most of the appeals are related to the poor social situation in Azerbaijan. The duration of periods of unemployment also plays an important role. Illegal outflow of emigrants is also a bad topic. In the Republic today there are many companies that provide services for illegal migration.

The laws "On Migration" and "On Labor Migration" passed by the Azerbaijani Parliament will allow to strengthen control over migration processes - at the same time,

the provision of labor migration services will be transferred to a licensed basis. This applies to those firms that are engaged in the employment of Azerbaijanis abroad, and those who attract foreign labor to Azerbaijan.

Meanwhile, the current laws on internally displaced persons abound in contradictions.

In accordance with the Guiding Principles on Forced Displacement, the only international standard for the protection of citizens from forced displacement, developed by UN lawyers (1992-1997), conclusions on the study of compliance of Azerbaijani legislation in this area with international standards can be considered positive. For example, there are no discrimination against internally displaced persons in the republic, that is, immigrants, according to the existing legislation, can enjoy all rights and freedoms on an equal basis with other citizens of the Azerbaijan Republic.

But there are a number of issues that are not settled by national legislation. For example, the existence of a single law "On the Status of Refugees and Forced Migrants". The adoption of separate laws "On Refugees" and "On Forced Migrants", with a clear delineation of their status, legal status and procedural issues, seems more appropriate.

In addition, there are contradictions in existing laws, not to mention that in practice even the current legislation is applied either weakly, or only partially effective. For example, the law "On the Social Protection of Forced Migrants", the Law "On State Duty" and the new Tax Code of the Republic of Azerbaijan contain mutually exclusive articles on payment of state fees for identification and payment of income tax. In addition, the law should contain a provision stating that "relocations" should not last longer than the time required by circumstances. The last remark is particularly relevant - the circumstances that are known today last 10 years.

Perfection of legal regulation of migration in Azerbaijan.

The Law of the Republic of Azerbaijan "On labor migration" establishes the legal, economic and social bases of the labor migration processes in the Republic of Azerbaijan, regulates the relations arising in the field of labor migration. Legislation on labor migration consists of the Constitution of the Republic of Azerbaijan, the Labor Code of the Republic of Azerbaijan, the Law on Labor Migration, other relevant legislation of the Republic of Azerbaijan and interstate agreements supported by the Republic of Azerbaijan. The law on labor migration does not apply to persons:

- permanently residing in the country where they work;
- engaged in entrepreneurial activities;
- senior officials of organizations established on the basis of international treaties;
- working in diplomatic missions and consulates;
- working in international organizations;
- on a business trip for a period not exceeding three months;
- attracted to work by the relevant executive authority;
- engaged in religious activities in religious organizations and societies that have passed state registration;
- accredited media employees;
- seafarers;
- athletes and art workers;
- faculty, lecturers, invited to lecture courses, and specialists conducting research work in higher educational institutions.

The main conditions related to the employment of foreigners in the Republic of Azerbaijan.

Every able-bodied foreigner who has reached the age of 18 can come to the Republic of Azerbaijan to engage in paid employment. The main conditions for employment of

foreigners with paid labor are availability of vacant places that are not claimed by a citizen of the Republic of Azerbaijan, who has professional training and qualifications that meet the requirements of the workplace, as well as the lack of the ability of the employment service authorities to meet the employers' needs in the labor force at the expense of local labor reserves.

Inviting foreigners to work in the Republic of Azerbaijan.

Foreigners may be employed by legal entities, individuals engaged in entrepreneurial activities without creating a legal entity, as well as branches and representations of foreign legal entities (hereinafter - legal entities and individuals). To attract foreign labor, legal entities and individuals in accordance with the procedure established by law are required to obtain a special permit from the relevant executive authority.

Legal entities and individuals are obliged to provide work for the foreigners involved on a special permit only with themselves and conclude an employment contract with them. A foreigner must receive one copy of this contract before leaving his country. Inviting foreigners to work in the Republic of Azerbaijan for the purpose of providing them with work from another legal or physical person is not allowed. It is not required for foreigners attracted to the position of heads of foreign legal entities operating in the Republic of Azerbaijan, branches and representative offices of foreign legal entities and their deputies, as well as foreigners engaged in business activities.

Legal entities and individuals inform the relevant executive authority about their involvement of foreigners in labor activity in the Republic of Azerbaijan, as well as on the conclusion and termination of an employment contract with them.

Labor activity of foreigners.

Foreigners can work in the Azerbaijan Republic after obtaining an individual permit for paid employment (hereinafter - individual permits). In order to obtain individual

permits, foreigners are required to apply to the relevant executive authority through willing individuals to hire them to work for legal entities and individuals. Individual permission for foreigners, foreign legal entities, foreign branches and representative offices of foreign legal entities and their deputies, as well as foreigners engaged in entrepreneurial activities, who are employed in the Azerbaijan Republic, are not required.

Legal status of a migrant worker in the Republic of Azerbaijan.

Migrant workers are foreigners who arrived in the Republic of Azerbaijan on legal grounds and who have received an individual permit in accordance with the procedure established by law to engage in paid employment in the Republic of Azerbaijan.

Entry, stay and departure of a migrant worker from the Republic of Azerbaijan.

The rules for the entry, stay and departure of a migrant worker from the Republic of Azerbaijan are regulated by the relevant legislation of the Republic of Azerbaijan. An alien who is employed by legal entities and individuals can enter the Azerbaijan Republic on a visa issued by the relevant executive authority on the basis of an individual permit, which gives the right to work in the Republic of Azerbaijan. The documents stipulating the legislation, which give the right to a migrant worker to stay in the Azerbaijan Republic, are issued for the period of validity of the individual permit.

A migrant worker has the right to cancel an employment contract in accordance with the procedure established by law and leave the Republic of Azerbaijan freely. After the expiration of the individual agreement or when the employment contract is canceled, the migrant worker must leave the Republic of Azerbaijan. In the event of early

cancellation of the employment contract for reasons beyond the control of the migrant worker, the costs associated with the return of the migrant worker and his family members are paid by the legal or natural person who has hired him. If a migrant worker is engaged in paid labor activity in the Republic of Azerbaijan in violation of the provisions of this Law, he is expelled from the Republic of Azerbaijan and the costs associated with the return of the migrant worker and his family members are paid by the legal or natural person who has accepted it to work.

Re-labor migration of foreigners.

Re-authorization for labor migration of an alien to the Republic of Azerbaijan may be granted after the foreigner resides outside the Republic of Azerbaijan for at least one year from the date of completion of his last work activity in the Republic of Azerbaijan.

Social protection of migrant workers and members of their families.

Migrant workers and members of their families enjoy the same rights to social protection provided for by the relevant legislation for citizens of the Azerbaijan Republic engaged in labor activity and their family members (with the exception of pension provision). The provision of pensions for migrant workers and members of their families is regulated by bilateral and multilateral international treaties of the Republic of Azerbaijan. In employment contracts concluded between legal entities and individuals and a migrant worker, other conditions that allow improving the social protection of a migrant worker may be envisaged. The imposition of restrictions on the reunification of migrant workers with families is prohibited.

The quota for labor migration.

In order to regulate the labor migration of foreigners, the quota for labor migration is applied to the Azerbaijan Republic. The quota for labor migration is an integral part of

the immigration quota. Its establishment and application are carried out in order to establish and apply a quota for immigration.

Labor activity of citizens of the Republic of Azerbaijan in foreign countries.

Citizens of the Republic of Azerbaijan who have reached the age of 18 can engage in paid work in foreign countries. Citizens of the Republic of Azerbaijan can get a job in foreign countries by direct invitation of foreign legal entities or individuals, with the mediation of state registration of legal entities that have been registered in the Republic of Azerbaijan or privately. When students in paid employment are employed in foreign countries, the citizens of the Republic of Azerbaijan must, within 1 month, register in the diplomatic representation of the Azerbaijan Republic of that country and present an official document on the work in this country. Diplomatic representations of the Republic of Azerbaijan within 1 month shall notify the relevant executive authority thereof. In case of absence in the country where the citizens of the Republic of Azerbaijan are engaged in paid labor activity in foreign countries, the diplomatic representation of the Republic of Azerbaijan, they send an official document on work to the relevant executive authority of the Republic of Azerbaijan within 1 month.

Mediation in the organization of citizens of the Republic of Azerbaijan to work in foreign countries.

Legal entities that have passed state registration in the Republic of Azerbaijan can be intermediaries in organizing citizens of the Republic of Azerbaijan to work in foreign countries. To carry out activities in this area, legal entities are required to obtain a special permit in the manner prescribed by the legislation of the Republic of Azerbaijan. Legal entities that have received a special permit entitling them to carry out intermediary activities may attract citizens of the Republic of Azerbaijan to paid work in foreign countries on the basis of contracts concluded with legal or individuals of foreign

countries after their approval by the relevant executive authority of the Republic of Azerbaijan. In contracts concluded by legal entities that carry out intermediary activities with legal entities and individuals of foreign countries, and in the proposed employment contracts, a guarantee is provided for the social protection of citizens of the Republic of Azerbaijan in accordance with international norms. Legal entities that carry out intermediary activities ensure that a migrant worker receives a copy of the employment contract before his departure from the Republic of Azerbaijan. Receiving legal entities engaged in intermediary activities from migrant workers is not allowed to pay for the provision of services. Legal entities that carry out intermediary activities inform the relevant executive authority about the citizens of the Azerbaijan Republic who are attracted to paid labor activity in foreign countries. Implementation of activities by individuals in this area is prohibited.

The state regulates labor migration by applying a quota to attract migrant workers to work in the Republic of Azerbaijan, granting a special permit for mediation to set up citizens of the Republic of Azerbaijan to work in foreign countries, granting a special permit to attract foreigners to work in the Azerbaijan Republic by legal and physical persons and individual permits for the implementation of foreigners in the Azerbaijan Republic are paid labor activity, as well as the relevant legislation of the Republic of Azerbaijan. The relevant executive body exercises control over the legality of foreign workers' work in the Republic of Azerbaijan, the provision of their social protection, the activities of legal entities and individuals in the field of labor migration.

Permissions related to labor migration.

The provision of a special permit to attract and use foreign labor in the territory of the Republic of Azerbaijan, an individual permit for the foreigner to perform paid labor activity in the territory of the Republic of Azerbaijan and a special permit for the intermediary activity of legal entities on the organization of citizens of the Republic of

Azerbaijan for work in foreign countries is carried out by the relevant executive authority. The validity of individual permits should not be more than 1 year. Individual permits in accordance with the procedure established by law may be annulled by the relevant executive authority issuing them, or the term of their validity can be extended no more than 4 times. The special permits provided for in this Law may be annulled, temporarily suspended or extended by the relevant executive authority that issues them.

Duties related to labor migration.

Legal entities and individuals pay in the amount established by the legislation of the Republic of Azerbaijan the state fee for a special permit to employ foreigners for work in the Republic of Azerbaijan and to obtain and extend the period of validity of individual permits for the performance of paid labor activity of foreigners in the Republic of Azerbaijan, and legal entities that carry out mediation organization of citizens of the Republic of Azerbaijan to work in foreign countries , - for the receipt and extension of the validity period of a special permit to engage in this activity.

Import into the Azerbaijan Republic at the beginning of labor activity and export from the Republic of Azerbaijan at the end of labor activity of the money earned by the migrant worker and the items purchased from them, household equipment, as well as instruments necessary for labor activity, is not subject to duty.

A migrant worker who is legally performing activities in the territory of the Republic of Azerbaijan pays taxes provided for by the legislation of the Republic of Azerbaijan. The taxation of the income of a migrant worker by a double and an additional tax is prohibited. Cross-border labor migration Cross-border labor migration is regulated by interstate international treaties of the Republic of Azerbaijan.

The analysis of the foreign experience of migration policy allows us to justify the need for the application of regulatory measures within the framework of the national migration strategy in the republic.

In this regard, the experience of the ILO in providing legislative support for the rights of migrant workers is interesting.

One of the main ideas of the ILO Convention on Migrant Workers is the recognition by the states that ratify this document of equality with respect to migrants, regardless of their nationality, race, religion, gender, etc. The Convention contains articles aimed at regulating the conditions under which migrant workers will have equal rights with nationals of the host State in matters defined by the convention.

Protection of the rights of migrant workers is ensured by:

- Organization of free services to assist migrants and provide them with necessary information (art. 2);
- Taking measures against unreliable information and propaganda regarding issues related to immigration and emigration of citizens (art. 3);
- Taking measures that facilitate all stages of migration: leaving, moving, and receiving migrants (art. 4);
- The organization of appropriate medical services (Article 5);
- Permission to transfer to the homeland the earnings and savings of migrant workers (art. 9).

The Convention also includes appendices, among which the first two deal with the hiring, placement and working conditions of migrants, and the third - the issues of the importation of migrants' personal property, working tools and equipment. Annex 1, in

particular, states that the intermediary activity for the employment of migrants may be dealt with by:

- The employer or a person who is in his service or acting on his behalf, with permission from the competent authorities and under their control;
- A private agency that has received prior authorization from the competent authorities of the territory on which these operations will be performed, subject to conditions and in cases that may be provided for by either the legislation of the given territory or by agreement between the competent authorities of the receiving and sending countries.

This document also indicates that a person or organization contributing to illegal migration is subject to appropriate penalties.

ILO documents proclaim the equality of migrants with nationals of the host country also at the level of the minimum wage, and in those countries where this is provided for by national laws, it is possible to participate in wage setting procedures. It is stipulated that the salary of migrant workers must be paid regularly and in cash.

Article 9 of Convention No. 97 secures the right of a migrant worker to freely transfer the received foreign currency funds to his or her home country.

International standards also provide for the possibility for migrant workers to obtain an education or improve their qualifications in the host country. So. The ILO Recommendations for Migrants stipulate equal access to education for citizens of the host country.

The ILO Convention, adopted in 1962, guarantees the equality of citizens of host countries and foreigners or stateless persons in the field of social security. The States that have adopted this Convention, undertake to respect, in relation to the citizens of any other state, the signatory of this Convention, equality in social security regardless of the

length of stay in the country. At the same time, the obligations accepted, at the request of the parties, may provide for one or more social guarantees: medical care, disability benefits in case of disability, pensions, temporary disability allowance, unemployment benefit, etc.

According to the ILO Convention of 1975, states should identify illegal migration in their territory and take the necessary measures to reduce it. The Convention contains requirements for States on equality in education, employment, social security, participation in trade unions and other civil rights and social guarantees for persons legally resident in the territory of the State as migrant workers or members of their families.

Finally, the ILO Convention, approved in 1982, sets forth an international system for the protection of the rights of migrant workers in the field of social security. The purpose of this Convention is the coordination of national social security systems, taking into account the differences in the levels of development of individual countries.

The ILO Constitution is almost entirely devoted to the creation of the structure and procedure of an institution that regulates the international relations between workers and employees and employers and the working conditions of workers and employees.

However, it also contains a number of other provisions concerning the regulation of the recruitment of labor, the protection of workers against disease, occupational diseases and accidents at work, the protection of the interests of workers who work abroad, etc.

Experience shows that the goals set forth in the ILO Constitution can only be achieved through a program aimed at ensuring the well-being and development of the individual, which is viewed as a person, rather than simply a labor force hiring for a certain fee.

The ILO carries out its activities under the tripartite principle of representation in its bodies: The Government, Entrepreneurs, Trade Unions.

Azerbaijan joined the ILO in 1992. Since then, Azerbaijan has received technical assistance through ILO programs aimed at improving national labor and social legislation, institutional development, improving ILO staff skills, and increasing employment. So far, Azerbaijan has approved 54 ILO Conventions. [8, 22, 23]

During the period 1994-1995 The ILO assisted the Government of Azerbaijan in the design and implementation of an experimental and review labor project.

This project was funded by the United Nations Development Program and was implemented by the ILO, the State Statistics Committee in close cooperation with the Ministry of Social and Labor Security. This project played an important role in improving the system of labor statistics, in supplying statistical data, such as real employment, opportunities for self-employment.

Thanks to the cooperation between the ILO and the Ministry of Labor and Social Protection of Population, the ILO Conventions and Recommendations were first translated into the Azerbaijani language.

In 1997-1998 the ILO implemented a project to improve self-employment and training skills in the Nakhchivan Autonomous Republic, Agdam and Salyan districts. As a result, almost 300 people received training, acquired various qualifications and were provided with work.

One of the important aspects of ILO technical assistance to Azerbaijan was aimed at improving the labor management system. As part of this project, the ILO began activities to establish Labor Inspection Services, including staff training and organizational structure.

It should be noted that the new Labor Code, which has been functioning since January 1, 1999, passed an important examination by ILO experts, and this meets international

labor standards. As a rule, all national labor laws and social security legislation were monitored by ILO social experts.

In 2002, the ILO launched the idea of creating a mail for the ILO National Correspondence in Azerbaijan. This was the result of active cooperation between the ILO and the Government of Azerbaijan, the fruit of many years of work of ILO experts and Azerbaijani experts, the active participation of employers and trade unions, whose purpose is to promote the principle of tripartite cooperation at the national level.

The visits of the ILO representatives to Azerbaijan in 2002 were very important for setting the framework for further action, focused on:

- the preparation of a national strategy for occupational safety and health;
- conducting seminars, activities related to HIV-AIDS in the world of work;
- implementation of employment policy;
- development of women's entrepreneurship;
- support of women's trade unions;
- preparation of a national employment strategy.

At the same time, the Government advocated the adoption of Convention No. 182 on the Worst Forms of the Exploitation of Children. The Ministry of Labor and Social Security showed interest in creating an information and training center for Occupational Safety and Health, as well as in developing a wage policy for the restructuring of state-owned enterprises.

Over the last period, the activity of 3 national missions was carried out on the basis of a bilateral agreement between the ILO and the Government of Azerbaijan. The last

agreement was signed in June 2001 for a two-year period. It covers important areas: the use of international labor standards, increasing employment, improving social security.

The next stage of bilateral cooperation is support in the development of the National Strategy for Health and Safety of Workers and in the foundation of the Information and Training Center for Occupational Safety and Health in the near future. In this work, conducted by MLSPP experts in cooperation with other participants, progress has already been made. We also intend to work in close cooperation with our partners in the South Caucasus region. Therefore, joint actions of the South Caucasus colleagues on the development of women's entrepreneurship are planned, including the preparation of the Action Plan and the holding of joint seminars.

As a rule, young people play an important role in the economic and social life of the country. Nowadays, the Government encourages youth employment in the public and private sectors. Young people are also active in the activities of NGOs. But there is a real need to improve the business skills of young entrepreneurs. As a result, ILO support for the "How to start a business" project, "How to improve business" would, in our opinion, be very important.

Together with the ILO, the Ministry of Labor and Social Protection developed a draft "On the rules for issuing permits for individual labor activities to migrant workers"; "Rules for issuing a special permit (license) for the mediation of citizens of the Republic of Azerbaijan in foreign countries"; Rules for issuing a special permit (license) to attract and use a special workforce "; "Rules for the issuance of a personal permit for the performance by a foreigner of paid labor activity in the territory of the Republic of Azerbaijan and a sample of this personal permit".

The cost of licenses for the organization is 1 million AZN plus an individual labor license of 200 thousand manats. To obtain licenses for the use of foreign labor, a

justification is necessary. Individual permits are issued for a year, in the absence of national specialists, the contract with a foreign specialist is extended for another 4 terms.

In the republic, 1.3 thousand citizens of foreign countries (91% in the private sector) had a license.

The project "On rendering assistance in labor activity to the citizens of Azerbaijan in foreign countries" is being prepared. In connection with the change of permanent residence, 1% of emigrants leave Azerbaijan, 25% leave for commercial purposes, 14% for a historical homeland, 9% for rest, 5% for business trips.

There are 2 ways of labor migration - individually and through the firm. The intermediary firm must conclude a contract with a foreign employer and approve it in the Ministry of Labor. Every citizen who has left abroad is obliged within a month to be noted in the Permanent Mission of Azerbaijan. In this case, he is exempt from customs duties upon departure and upon return to his home country.

The new economic and political realities that arose as a result of the independence of the Republic of Azerbaijan and its recognition by the world community, made significant adjustments to the nature, form and direction of migration flows. For a long time, Azerbaijan was a closed system in which the international migration was limited to tourist and private (by invitation) trips, participation in sports and cultural events. Labor migration to foreign countries was episodic and was carried out in the form of trips of Azerbaijani engineers, highly skilled workers mainly for the construction of industrial refineries and enterprises and other facilities in developing countries.

The perestroika processes in the economic and political life, the implementation of the policy of "openness" of the country, the liberalization of views in relation to emigration, intensified the retirement of the republic's population to Russia, Turkey, the United States, Israel and other countries.

Emigration entails a loss of labor potential, so the most relevant and promising policy is to reduce "irrevocable" emigration, to turn it into a "returnable" one, which brings significant economic benefits.

The first in a series of legislative acts on the management of migration processes in the Republic of Azerbaijan is the Law "On employment of the population", which states that one of the principles of state employment policy is "international cooperation in solving employment problems, including the professional activity of the citizens of Azerbaijan - the Republic of Jama overseas and the labor activity of foreign citizens of Azerbaijan abroad "(Article 4). An important measure to implement this principle was the adoption by the Cabinet of Ministers of the Republic of Azerbaijan of a Resolution regulating the procedure for state regulation of external labor migration. At the same time, the Provision on External Labor Migration was approved. Today, the law on external labor migration has not been adopted. Mandatory licensing of mediation in this area has been introduced. Since 1993, more than 70 business entities have been licensed to work abroad, but for a variety of reasons only about a third of these activities are actually handled. They send citizens to work in a dozen countries, mainly to Russia, Poland, the Czech Republic, Germany. Functions of regulation and control are entrusted to the Department of Migration under the Ministry of Labor and Social Protection of Population.

In 2013, 3226 people went to work abroad (in 2000 - 1894). The main stream was sent to Russia, followed by Turkey. However, one should not forget about the presence in the republic of highly qualified personnel. In this regard, the problem of creating an image of our professional workforce abroad becomes very topical, using trade representations and consulates of the republic abroad.

Is there a problem of brain drain in Azerbaijan? The data are not frightening, although, among other things, the difference in the pay of the scientist of the US and Azerbaijan

tens of times is a strong argument in favor of emigration. On average, the number of emigrated scientists does not exceed 0.4% of the total number of scientific workers of the republic.

Migration of scientists in the amount of up to 1% is considered a normal indicator in the world. In 2005, 27 scientists emigrated from Azerbaijan, and during the period from 1998 to 2000 - 320, including 114 candidates of science, 28 doctors of science. Most of them left for Turkey, Iran, Russia, the USA, Israel, Germany.

Among the three sectors of the science of the republic, the largest losses were suffered by the sectoral, then academic and, to the least, university science. As evidenced by surveys of scientific personnel, among the motives of departure indicate a desire to improve their financial situation 88%, increase their professional level - 34%, realize their ideas - 28%. Non-return of scientists after a temporary stay abroad has not become a widespread phenomenon in the republic. For our country, the internal leakage of highly qualified personnel from science to other spheres of activity is much more urgent.

"Brain drain" (internal and external) leads to undesirable structural shifts in the economy, a decline in the prestige of Russian science, the aging of scientific personnel. To its positive aspects, we can include the identification of new enterprising young researchers, previously left in the shadow of the authorities, natural selection among scientists and scientific trends. But the losses are still much greater. According to estimates, the lower limit of the value of a specialist in the Western markets is 300 thousand dollars.

Only drastic measures can alleviate the situation with the emigration of scientific personnel and highly qualified specialists: both economic stability, the accumulation of resources for investment in science and innovative activity. Partial solution to this problem can be helped by expanding forms of cooperation with the international

scientific community, including participation in international conferences (in terms of geographical directions, Turkey, Iran, Russia, Germany, France, USA, Italy, Poland lead), internships (most visited countries - Turkey, Iran, Germany, USA, Poland, France, Great Britain), work under a contract or a grant (leader among countries - Germany,), postgraduate and doctorate studies abroad.

Along with leaving for work abroad, contractual work also involves illegal labor migration from the country, when people leave for another country on a visitor's visa, and then they are arranged for temporary work there, as well as for the recruitment of various kinds of firms and joint ventures. According to expert estimates, about 50,000 Azerbaijani citizens work abroad. As a result, the majority of Azerbaijani citizens working abroad are not socially protected, skilled workers and specialists are recruited for unskilled jobs, their labor is paid lower than the labor of local workers (25-30% of what a local worker receives). In the event of the exposure of illegal activities, a fine is imposed on the employer and employee (in Germany, respectively, \$ 100,000 and \$ 1,000).

The identified problems pose a number of complex problems in the field of state migration policy. With regard to exports, it is the protection of rights and interests of migrant workers in countries of immigration, the organization of an optimal outflow of unnecessary work for temporary work abroad, the maintenance of close contacts with them to prevent their assimilation abroad and compensation for losses from the departure of the national labor force for borders of the country. With regard to imports, it is the protection of the interests of the national labor force and the satisfaction of the needs of the republic's economy in labor resources in the required volume and quality.

The solution of these tasks is impossible without the development of a contractual and legal framework in the sphere of external labor migration. The current legislation on the entry into and residence of foreign citizens, as well as stateless persons, does not

adequately address all the problems that arise. For example, the issues of immigrant relatives' permanent residence are not regulated, there is no clear definition of the procedure for deportation, the legislation does not contain measures of responsibility of state bodies for a number of new violations related to illegal migration. It is necessary to adopt the Immigration Act, which would determine the status of immigrants, sanctions against violators, the body that controls the lawfulness of the stay and employment of foreigners, etc.

The Ministry of Labor and Social Protection drafts: "On the rules for issuing permits for individual labor activities to migrant workers" ; "Rules for issuing a special permit (license) for the mediation of citizens of the Republic of Azerbaijan in foreign countries"; "Rules for issuing a special permit (license) to attract and use a special workforce"; "Rules for the issuance of a personal permit for the performance by a foreigner of paid labor activity in the territory of the Republic of Azerbaijan" and a sample of this personal permit.

The adoption of these projects, as well as other laws in this area, will contribute to the improvement of the migration policy of the republic.

Conclusion

The term means a move, relocation that comes from the Latin word. In the other hand moving people from one place to another place for living and working intentions is mentioned as a migration.

In the world people are moving for different reasons from their own countries. Those differences among the countries affect the total migration process.

The market economy makes a stable demand for workforces who are ready to effort in inadequate circumstances and for a low salary, with small chances for additional promotion. Women and teenagers take these positions earlier. And women were ready to reflect temporary job with low incomes since the man was employee in a household and the family is always on the first place for the woman and they are not terrified to lose work. For youngsters it was additional chance to earn cash and to accumulate practice. And I tried to show effects of that labor migration to the world, especially to the countries' economy, individuals and natives life standard.

In modern social and economic conditions, the republic will act as a potential exporter of labor. Decrease in living standards, economic instability, aggravation of environmental problems and employment problems will continue to stimulate the process of emigration. Sociological surveys conducted among young people show that 45% of those under age 18, 43% aged 18-25, 34% aged 26-30 want to go to work abroad under any conditions. Of course, not all potential migrants will fulfill their desires, but this indicates a high orientation of the population, especially young people, to work abroad.

I also touched in my work to the most well-known problem of the modern world named brain drain. We know that our country also suffers from the brain drain. Our high skilled specialists leave our countries to the developed countries, especially to European

countries and Canada. And my research work show that peoples after the graduation from the university or master degree they firstly think about the opportunities from the other countries. And the main reason for this situation is differences between the sending and receiving countries. Those differences can be about income differences, life standard, better work opportunities and better future and etc.

I think that my work partly shows that emigration or brain drain also has positive side. People that going abroad for the working opportunities or going for the educational reasons but stay there for some years, those people after several years come back to their home republics with the experiences of abroad. And I think that it is so grateful thing for the home countries. Those individuals will make those experiences happen in their works.

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