



Eurasian Development Bank

INVESTING IN DEVELOPMENT & INTEGRATION



Labour Migration in the CES: Legal Consequences and Economic Effects of New Agreements

**Centre for Integration Studies
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- ✓ **Overview of CES Agreement on Legal Status of Labour Migrants and Members of Their Families (ALSLM) and Agreement on Cooperation in Counteracting Illegal Migration from Third Countries (ACCIM)**
- ✓ **Legal and Institutional Consequences**
- ✓ **Economic Impact**
- ✓ **Recommendations**

- ✓ Entered into force on 1 January 2012
- ✓ Defines the legal status of labour migrants (LMs), provides a regulatory framework for employment of LMs and their social welfare
- ✓ Essence: employers in CES countries can hire LMs from the CES *without consideration of national quotas for international labour force or any other restrictions thereof* whilst LMs from the CES *do not need to seek work permission to work in any of the CES countries*

- ✓ Employment is regulated not only by the national legislation but also by the Agreement
- ✓ Access to national social welfare for LMs (e.g. health, education and trade unions)
- ✓ Extends rights and privileges to the families of LMs (e.g. right to attend schools and kindergartens, access to medical treatment, etc.)
- ✓ Deadline for registration of LMs with local authorities is extended to 30 days
- ✓ LM is entitled to stay in the country where s/he seeks employment for another 15 days to conclude a new contract in case the initial one is terminated
- ✓ LM is entitled to seek and receive information on employment

- ✓ Enters into force on 1 January 2012
- ✓ **Framework agreement**: calls for developing and implementing common policy towards CIM and taking coordinated efforts against illegal migrants (e.g. readmission agreements, exchange of information, etc.)
- ✓ Defines forms of state cooperation in CIM
- ✓ Establishes legal foundation for cooperation in CIM; identifies directions and formats for such cooperation; but further prescription is needed for impact assessment

- ✓ No terms “Migration” and “Migrant” in the RF and RB legislations and different interpretation – from the one in the Agreements – of the terms in RK legislation → developing unified terminology and common conceptual basis for labour migration in the CES legal framework should be prioritised
- ✓ RF migration legislation is diverse and spread-out – over 200 legal acts on 4 levels of regulation → discrepancies and collisions in law application → needs unification

- ✓ Definition of “employment” of a foreign worker (Art. 1 refers to national legislations, collisions as interpreted differently)
- ✓ Potentially discriminative norms which might impose limitations to on employment of LMs (Art. 6 – national security, protection from unemployment of nationals, etc.)
- ✓ 15-day prolongation to stay in the country of employment for a conclusion of a new contract in case the initial one is terminated early

✓ Significant **contribution** into the development of **labour mobility legislation** in the CES and setting up of a legal framework for the **development of common labour market**

✓ **Expansion of social rights** of foreign workers in each of the CES countries, in particular cutting down on administrative procedures for accessing a labour market by LMs, extending the period of stay of LMs and their families in the employment country and providing social welfare and employment-related information

- ✓ Introduce into national legislations unified terms Migration, Migration Policy and Labour Migrant
- ✓ Devise and adopt National Strategies for Development of Migration Legislation as programmatic documents setting out goals, tasks and ways to reform existing legislations on migration
- ✓ Devise and adopt the Joint Concept of State Migration Policy with the CES countries
- ✓ Set up a Supra-National Body entrusted with developing and implementing a comprehensive and balanced migration policies in the CES countries

- ✓ Low – Countries-Signatories of the Agreements are recipient countries of LMs
- ✓ Employment of Russian and Belarusian LMs is regulated by the agreements within the framework of the RU-BY Union State – since 1998, LMs have enjoyed national regimes of employment
- ✓ However, framework for development of common labour market, within which it would be feasible to redistribute *highly*-qualified labour force → development of concrete programmes at the government level to this effect is required

- ✓ Real economic impact – from further expansion of the CES and accession to the CES of countries-donors of migrants (Kyrgyzstan and Tajikistan)
- ✓ Reduction of the medium wage in economic sectors hiring migrants and consequential increase of labour supply → increase in employment → increase in production outputs and profits
- ✓ increase of legally working migrants from Kazakhstan by 47,000, from Kyrgyzstan by 360,000 and from Tajikistan by 890,000 → 40 billion Russian roubles as additional income to the RF budget

1. Enhance inter-governmental cooperation in migration within the CES for further development of common labour market
2. Develop effective tools and methodologies for proper assessment of required foreign labour supply
3. Improve the quality of data collection on migration (qualitative and quantitative characteristics of migrants, models of employment, strategies of behaviour, etc.) and develop common approaches within the CES
4. Improve quality and provision of information on employment opportunities to LMs and rights and privileges of LMs



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Thank you!
