

# ADMINISTRATIVE AND LEGAL ASPECT OF ENSURING AND PROTECTING HUMAN RIGHTS IN THE FIELD OF MIGRATION

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## **Annotation:**

The article analyzes the legal basis for the prevention of offenses in the field of migration, as well as the use of administrative and preventive measures in relation to persons who violate migration relations, and also analyzes the opinions of scientists in the migration service.

## **Key words:**

Migration, migration control, migration flows, foreign citizens and stateless persons.

Legal regulation of migration processes in the Republic of Uzbekistan covers a wide range of problems: visa and visa-free entry and exit regimes, freedom of movement and choice of residence, Russian citizenship, the legal status of a migrant, his personal, social, property and other rights, ensuring and protecting the rights of migrants.

In accordance with the Decree of the President of the Republic of Uzbekistan «On additional measures to further improve the system of external labor migration of the Republic of Uzbekistan» under the Ministry of Employment and Labor Relations of the Republic of Uzbekistan, a Fund for Support and Protection of the Rights and Interests of Citizens Working Abroad [4].

The main tasks of the Fund are: provision of legal and social protection, medical care of citizens who, while in labor migration, required medical assistance due to injury, accident, in case of impossibility to pay the cost of medical services provided at the expense of a labor migrant with subsequent reimbursement of paid funds by these citizens, the return of citizens previously sent to work abroad as part of an organized recruitment and expelled (deported) due to violation of the legislation of the host country, with the subsequent reimbursement of paid funds at the expense of these citizens, as well as the return of citizens who were not provided with the agreed conditions of employment by foreign employers and etc.

Thus, modern approaches to the legal regulation of migration processes should be based on the principles, norms and methods defined in international law and found their consolidation in national legislation. The main institution in the system of migration relations is a person with inherent rights. Human rights determine his position in any state and society. In accordance with the Constitution of the Republic of Uzbekistan, it is determined that the Republic of Uzbekistan guarantees legal protection and patronage to its citizens both on the territory of the Republic of Uzbekistan and abroad. [1].

As the President of the Republic of Uzbekistan noted «... It is not the people who should serve the state bodies, but the state bodies must serve the people» [2].

In the conditions of the formation of the rule of law, democratic principles and norms are established in all spheres of life, the legislative recognition of human rights, enshrined rights and their practical implementation is carried out. This fully applies to migrants who have a special legal status. For people looking for a new job, quick labor and social adaptation is extremely important. For certain categories of migrants, the legislation provides for benefits, payments, housing loans, etc.

In accordance with the Decree of the President of the Republic of Uzbekistan «On measures to further strengthen the guarantees of protection of citizens of the Republic of Uzbekistan who work abroad, and their family members», a mechanism has been introduced to pay labor migrants payments on loans, allocate microloans, allocate subsidies to cover the amount of insurance

premiums on insurance life and health of citizens and other risks during the period of their temporary work abroad [3].

It should also be noted that the «International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families» adopted by General Assembly resolution 45/158 of 18 December 1990 provides that migrant workers and members of their families have the right to receive protection and assistance from parties to consular or diplomatic offices of their states of origin or of a state representing the interests of that state when the rights recognized in this Convention are violated. In particular, in the event of expulsion, the person concerned is promptly informed of this right, and the authorities of the sending State will facilitate the exercise of this right. [5].

So, according to the scientist Isankulov Sh.N. when forming external employment of free labor resources of the country, it is necessary to proceed from the fact that the state should act as a system-forming regulator of the organized employment of its citizens abroad, actively influence their structure of migration flows, taking into account the interests of the country and the individual. Effective state management of migration requires a comprehensive approach to such issues as the demographic composition of migrants, the reasons for labor emigration, the mechanism of social and labor adaptation of migrants on the spot, the state of living conditions, the nature of work, the financial and economic situation of migrant families in the country of departure, the possibility of making money. transfers, terms and reasons for returning home [7].

As a result of the development of interstate and interpersonal relations in the world, the scale and high level of population migration remains, which emphasizes the globalization of public relations in this area. The migration policy of some countries is changing significantly, from a policy of limiting and curbing migration flows to a policy of greater selectivity, openness, attractiveness and active involvement of immigrants in solving their economic problems. In the next decade, as a result of climate change, a new social phenomenon – «climate refugees» may appear on the planet.

Regulation of demographic processes and migration flows in the country is becoming not only an economic, but also a social task of the state. In the structure of interrelated elements that reveal the essence of state domestic policy, today adjustments are being made regarding the priority of demographic and migration policy over socio-economic policy.

It should be noted that according to world statistics, migrants pay more taxes and social contributions than they receive benefits, thereby relieving some of the burden from pension systems in developed countries with an aging population; they make a significant contribution to the economies of destination countries, providing them with the workforce and the skills and qualifications needed in critical occupations and sectors such as agriculture, construction, domestic work, hospitality, health care, engineering and information technology. The ever-increasing number of highly educated immigrants has a significant impact on productivity levels, the scale of innovation and the development of entrepreneurship. Migrants also have a role to play in facilitating trade and investment flows and cross-border transfer of knowledge and technology; as consumers of goods and services, they stimulate a sharp increase in domestic market demand [6].

Thus, migration today is directly or indirectly related to the search for decent employment opportunities. Even though employment is not the main driver of the initial movement of labor, it usually becomes the main driver later in the migration process. Family members moving to migrant workers abroad can also start working either as wage earners or as self-employed persons. Labor migration is an increasingly complex and dynamic phenomenon taking place within and between all regions of the world. In separate migration corridors, the number of international migrants, the vast majority of whom are labor migrants. Temporary labor migration, especially low-skilled workers, currently exceeds the flows of permanent labor migrants, and this poses a serious challenge to the agenda in terms of governance in terms of ensuring decent work and reducing the costs of migration for this category of labor migrants.

## Literature

1. The Constitution of the Republic of Uzbekistan Tashkent, 2019
2. Message from the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis on January 24, 2020
3. Decree of the President of the Republic of Uzbekistan «On measures to further strengthen the guarantees of protection of citizens of the Republic of Uzbekistan engaged in temporary labor activity abroad, and their family members» dated August 20, 2019, No. UP-5785
4. Resolution of the President of the Republic of Uzbekistan «On additional measures to further improve the system of external labor migration of the Republic of Uzbekistan» dated July 5, 2018, No. PP-3839 // National database of legislation, 06.07.2018, No. 07/18/3839 / 1463; 01.01.2020, No. 07/20/4555/4257
5. 5. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families \\ Adopted by General Assembly resolution 45/158 of 18 December 1990
6. International Monetary Fund (IMF): «Spillovers from China's Transition and from Migration», in World Economic Outlook October 2016, Washington, DC, 2016; F. Jaumotte et al. : Impact of Migration on Income Levels in Advanced Economies, IMF Spillover Notes, Issue 8, Washington DC, October (revised December) 2016.
7. Sh.N. Isankulov Social protection of the rights of labor migrants in the Republic of Uzbekistan and the Russian Federation \\ Scientific journal Bulletin of the Polozh Institute of Management. 2009., S. 192-196