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**STATEMENT BY MR. YESET KARAMENDIN,
HEAD OF THE DEPARTMENT OF CITIZENSHIP AND
IMMIGRATION, ADMINISTRATIVE POLICE COMMITTEE OF THE
MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF
KAZAKHSTAN, AT THE 2010 OSCE REVIEW CONFERENCE**

Vienna, 20 October 2010

**Economic and environmental dimension (EED) session 4:
Economic cluster (continued) – Migration; energy security;
the way forward**

Ladies and gentlemen,

Kazakhstan's migration policy is based on the realities of economic development and political and social stability. With respect to migration Kazakhstan has created a legislative framework that is for the most part in keeping with international standards, making it possible to develop tourism, attract foreign labour and secure the return of ethnic Kazakhs (*oralmans* in the Kazakh language) to their historical homeland.

Over the last five years the number of foreigners entering Kazakhstan each year has increased fivefold and in 2009 the figure stood at more than 9 million persons. Most migrants come from within the Commonwealth of Independent States (CIS), primarily Russia, Ukraine and the Central Asian countries, and from Germany.

Since 2004 the country has achieved a positive balance in terms of outward migration, after having been in the negative for 36 years in a row. Whereas in the late 1990s 200,000 persons were leaving the country each year to take up permanent residence elsewhere, in 2009 this figure stood at a little over 30,000 persons.

Kazakhstan is one of the few countries that have proclaimed and are implementing an ethnic migration policy. An immigration quota is set by the State each year with a view to regulating the immigration of ethnic Kazakhs and assisting them in their relocation and settlement.

The procedure for acquiring Kazakh citizenship has been simplified for ethnic Kazakh returnees and for persons who were born as Kazakh citizens or used to have Kazakh citizenship and for members of their families.

A government decree of 2 December 2008 established the *Nurly Kosh* (Blessed Migration) programme for 2009 to 2011 for ensuring rational population distribution and

assisting in the settlement and integration of ethnic immigrants and citizens of Kazakhstan living in disadvantaged parts of the country.

Adaptation and integration centres have been set up to assist migrants in their efforts to integrate into Kazakh society and to provide temporary accommodation for *oralmans* and their families along with temporary accommodation centres for ethnic Kazakhs and their families until they acquire *oralman* status.

Since Kazakhstan gained its independence, 736,828 persons have acquired Kazakh citizenship, 668,293 or 90.7 per cent of whom were *oralmans* returning to their historical homeland. Every year between 70,000 and 80,000 persons are granted Kazakh citizenship.

Kazakhstan has gone from being a country of origin for labour migration to a country with an influx of foreign labour, mainly thanks to its favourable economic conditions.

At the same time, the problems of labour migration and the attraction of foreign labour call for clearer regulation by law. To that end, the Government submitted to Parliament the draft Law on the Migration of the Population at the end of 2009. The purpose of this law is to update the legal principles for the regulation of migration processes with account taken of the geopolitical interests of the country and its development, national consolidation, ensuring security and stability, and the growth in the prosperity of the population. The law envisages a new mechanism for co-operation and responsibility on the part of the State authorities for migration issues, defines the types of migration and categories of migrants, and provides for additional social support measures for compatriots returning from abroad and for citizens living in economically disadvantaged and environmentally unfriendly regions.

Representatives of the OSCE Centre in Astana, the International Labour Organization, the European Commission and the International Organization for Migration took part in the work on the law.

For the purpose of regulating labour migration processes and protecting the internal labour market the Government of the Republic of Kazakhstan sets an annual quota for foreign labour force, making it possible to effectively limit and distribute it, taking into account the situation in labour market and the economy's need for a qualified workforce.

Kazakhstan ratified the Convention on the Legal Status of Migrant Workers and Their Families in the Member States of the CIS in December 2009. This Convention regulates the duration of stay of migrant workers in the host country and sets out the basic rights of their families. It contains provisions prohibiting slavery, any other form of servitude, forced labour, torture and cruel and degrading treatment or punishment with respect to migrant workers and their families.

Labour migration problems with neighbouring countries are resolved on a bilateral basis through agreements on employment and the protection of the rights of migrant workers.

With a view to regulating the labour migration processes a one-time campaign to legalize the status of illegal migrant workers took place in 2006.

As a result, more than 164,000 migrant workers had their status legalized, social welfare was provided, and the level of illegal labour migration within the black labour market was reduced.

Putting a stop to illegal migration is one of the most important factors in ensuring the country's security and protecting its economic interests and those of its citizens. A serious threat to national security interests is posed by transnational crime and its attempts to use the territory of Kazakhstan for the illegal transfer of migrants from Central and South-Eastern Asia to Russia and the countries of Western Europe.

Illegal migration is likely to exacerbate ethnic conflicts within society. It runs the risk of increasing crime and the epidemic situation in the country and provides a breeding ground for xenophobia and radical nationalism.

With a view to reducing illegal labour migration emphasis is placed on closing down the channels for the supply of illegal labour from abroad. Here we are for the most part guided not by the need to identify unlawful actions by migrants but rather by the need to identify employers who oversee the channels for illegal migration.

With a view to regulating the return and reception of migrants who are illegally present on the territory of countries with which we have an agreement, the Ministry of Internal Affairs is working with the Ministry of Foreign Affairs on the signing of readmission agreements with 15 countries. Agreements of this kind have been signed with the Federal Republic of Germany and the Swiss Confederation.

Today Kazakhstan is the most multi-ethnic country in the CIS.

At the same time, an analysis of inter-ethnic relations shows that among the various ethnic groups there are virtually no eruptions of nationalistic sentiment in everyday life. The Ministry of Internal Affairs is implementing a plan of co-operation among State agencies and law enforcement authorities for the early detection and elimination of the conditions that give rise to ethnic conflicts and for a prompt response to such conflicts when they arise.

A permanent link has been established with national cultural centres and the Small Assemblies of the Peoples of Kazakhstan. Meetings with expatriates and other events are organized in conjunction with them.

Memorandums of understanding have been signed with the Spiritual Administration of Muslims and the Russian Orthodox Church of Kazakhstan.

With a view to regulating migration processes improvements are being made to the migration laws. The Law on Refugees was adopted in 2009. This law establishes the procedure under which refugee status is accorded in Kazakhstan. Special provisions have been introduced with respect to the children of refugees, and travel documents have been provided for refugees allowing them to travel beyond the borders of Kazakhstan.

Kazakhstan's migration policy strategy is reflected in the conceptual framework adopted for the period 2007 to 2015.

In conclusion, I should like to mention that Kazakhstan is endeavouring to create a most-favoured regime for foreigners living in our country. Work is in progress to liberalize visa and registration procedures, bringing them into line with global standards.

Thank you for your attention.

Another pressing issue in the human dimension within the OSCE region is the protection of women's rights and further promotion of the gender balance.

In accordance with Article 3 of the International Covenant on Civil and Political Rights and with Article 3 of the International Covenant on Economic, Social and Cultural Rights, the Republic of Kazakhstan undertakes to ensure the equal right of men and women to the enjoyment of all civil, political, social and cultural rights. Article 14 of the Constitution, which prohibits any discrimination on grounds of gender, is in keeping with this commitment by Kazakhstan. Furthermore, Kazakhstan has commitments stemming from its ratification of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention on the Political Rights of Women and the United Nations Convention on the Nationality of Married Women.

A number of constitutional provisions on this problem have been elaborated in the new Labour Code, the Constitutional Law on Elections in the Republic of Kazakhstan, the Law on Marriage and the Family, the Law on Civil Service and other instruments.