

## Legal Aspects of Labor Migration in Uzbekistan

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**Abstract:** *This article discusses the legal framework for migration in Uzbekistan. The author discusses the rights and interests of migrants in law*

**Key words:** *labor law, migrants, law, code, government decisions, contracts, benefits*

From the very beginning of Uzbekistan's independence, along with the development of all spheres, special attention was paid to the regulation of migration processes in the country. Although no separate law on migration has been enacted in the country's legislation to date, a number of other laws, codes, government decrees and mutual agreements and treaties between states guarantee a number of migrants' labor-related rights.

In particular, Articles 10-12 of the Labor Code [1] of 21 December 1995, which play a key role in establishing labor relations in Uzbekistan, specifically address the rights of migrants. In particular, Article 10 of the Code stipulates that if an international treaty of the Republic of Uzbekistan or a convention of the International Labor Organization ratified by Uzbekistan establishes more preferential provisions for employees than labor laws or other regulations, the provisions of an international treaty or convention apply. Article 11 of this Code also stipulates that labor legislation applies to foreign citizens and stateless persons working in the territory of the Republic of Uzbekistan under an employment contract with an employer.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 408 of October 19,

1995 "On labor activity of citizens of the Republic of Uzbekistan abroad and foreign citizens in the Republic" [2] is one of the first legal bases in the field of migration. According to this decision, in accordance with the legislation of the Republic of Uzbekistan and the Agency for External Labor Migration, after obtaining work permits, citizens of the Republic of Uzbekistan leaving the country for work and entry visas to citizens of foreign countries entering the Republic of Uzbekistan. The Ministry of Internal Affairs and the Ministry of Foreign Affairs of the Republic of Uzbekistan are responsible for issuing and extending the terms. Resolution No. 408 also stipulates the procedure for entry and exit of foreign citizens and stateless persons to the Republic of Uzbekistan. According to this procedure, entry visas to foreign citizens, including transit entry visas, are issued by consular offices of the Republic of Uzbekistan abroad, and in the absence of such consular posts - by consular offices of other countries with a bilateral agreement of the Ministry of Foreign Affairs.

According to Article 13 of the Law of the Republic of Uzbekistan "On Amendments and Addenda to the Law of the Republic of Uzbekistan" On Employment "[3], adopted by the Oliy Majlis of the Republic of Uzbekistan on May 1, 1998, citizens of the Republic of Uzbekistan ownership of job search and employment rights is guaranteed. It is also planned that the Agency for External Labor Migration will employ citizens of the Republic of Uzbekistan outside the country. This article guarantees that foreign citizens work in the Republic of Uzbekistan in the manner prescribed by law.

One of the main legal documents regulating labor migration is the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated November 12, 2003 No 505 "On measures to improve the organization of labor activity of citizens of the Republic of Uzbekistan abroad" [4]. This decision takes into account the growing scale of interstate cooperation on labor migration, the growing number of countries and foreign companies wishing to provide jobs for citizens of Uzbekistan, as well as the system and mechanism of organizing the departure of citizens to work abroad. regulation was adopted in order to further develop the infrastructure of labor bodies that provide employment of citizens abroad. Based on this decision, the Agency for External Labor Migration of the Ministry of Labor and Social Protection of the Republic of Uzbekistan (Employment and Labor Relations) was established. The resolution also approved the Charter of the Agency for External Labor Migration and the structure of the agency's staff, as well as the Regulation on the order of employment of citizens of the Republic of Uzbekistan abroad.

Regional bureaus of employment of citizens abroad in the form of branches of the agency were established.

In accordance with the Regulations on the Regulation of Labor Activities of Citizens of the Republic of Uzbekistan Abroad, citizens of the Republic of Uzbekistan have the right to travel abroad on the basis of intergovernmental, interdepartmental agreements and contracts only with the assistance of the Agency for External Labor Migration. . Citizens of the Republic of Uzbekistan may travel abroad under private employment contracts only on the basis of permits issued by the Agency for External Labor Migration under the Ministry of Labor and Social Protection

of the Republic of Uzbekistan (Employment and Labor Relations). Execution of exit documents of citizens for employment abroad under private contracts is carried out by the Ministry of Internal Affairs of the Republic of Uzbekistan on the basis of permits issued in accordance with the form established by the Agency for External Labor Migration.

According to the Regulations on the Agency for External Labor Migration, the Agency has the following tasks:

- Development and implementation of international cooperation projects in the field of labor migration;
- Cooperation with the competent authorities of foreign countries on the allocation of quotas and issuance of permits for employment of citizens of the Republic of Uzbekistan abroad and foreign citizens in the Republic of Uzbekistan;
- Employment of citizens of the Republic of Uzbekistan in the exercise of the right to work abroad, assistance to them by conducting initial training with candidates for employment abroad;
- Coordination of labor activity of citizens of the Republic of Uzbekistan abroad and foreign citizens in the Republic of Uzbekistan;
- Supervision of the activities of regional bureaus for employment of citizens abroad, as well as the Center for Pre-adjustment and Training of Citizens Traveling Abroad;
- development of cooperation with foreign firms (enterprises, institutions, companies) employing foreign labor force;
- Issuance of permits to citizens of the Republic of Uzbekistan in accordance with the

decisions of the Interdepartmental Commission on the selection of candidates for sending citizens of the Republic of Uzbekistan to foreign countries to work abroad (extension of permits);

- Providing citizens of the Republic of Uzbekistan with information on employment opportunities and conditions abroad;

- selection of candidates for employment abroad who meet the requirements of foreign employers;

- Assistance to citizens of the Republic of Uzbekistan in obtaining exit documents, including visas and other documents required for employment abroad;

- implementation of preliminary training and education of citizens;

- Informing citizens going abroad for work about the basics of legislation, traditions and ethics of the host country;

- teaching the language of the country, the rules of technical safety and labor protection in contracted employment, sufficient for communication and performance of labor functions;

- Comprehensive medical examination of the health status of citizens sent abroad for employment with the involvement of authorized medical institutions, taking into account the requirements of foreign employers;

- Permits for legal entities to attract foreign labor, as well as for foreign citizens in the Republic of Uzbekistan in accordance with the proposals of the Ministry of Labor of the Republic of Karakalpakstan, regional and Tashkent city khokimiyats, taking into account the analysis of

external labor migration processes, long-term and medium-term forecasts of labor migration issuance of certificates for the right to engage in employment (extension of their term).

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According to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated May 15, 2007 No 97 "On improving the registration of citizens of the Republic of Uzbekistan going abroad for work" [5] Calculation of the number of people going abroad for work and entrepreneurship The scheme of the module on preparation and presentation of the integrated information on According to this scheme, the Ministry of Labor and Social Protection, the Agency for External Labor Migration, the State Customs Committee, the Ministry of Foreign Affairs, and the State Statistics Committee are responsible for calculating the number of people going abroad for employment and entrepreneurship.

Another of the rights guaranteed by the state for those working in foreign countries was the introduction of a procedure for recording their work abroad in the employment record book. According to the appendix to the order of the Ministry of Labor and Social Protection of the Republic of Uzbekistan from May 27, 2010 of No. 402-4 "About modification and additions in the Instruction on the procedure for keeping labor books" [6] Intergovernmental, interdepartmental agreements (contracts) according to the legislation of citizens of the Republic of Uzbekistan and on

the basis of private labor contracts only with the support of the Agency for External Labor Migration under the Ministry of Labor and Social Protection of the Republic of Uzbekistan and the regional bureaus of economic accounting for employment abroad. It was noted that citizens who have started their careers abroad will have their employment records issued by the Agency for External Labor Migration.

Accordingly, in accordance with Article 16 of the Law of the Republic of Uzbekistan "On Amendments to the Law of the Republic of Uzbekistan" On Trade Unions, Their Rights and Guarantees of Activity "dated November 28, 2016 [7], trade unions are responsible for migration, employment, labor, pricing and participate in the conclusion of international agreements of the Republic of Uzbekistan on social security in the manner prescribed by law.

In order to regulate migration processes, a number of tasks were set in the Presidential Decree No. PF-4947 of February 7, 2017 "On the strategy of actions for further development of the Republic of Uzbekistan" [8]. In particular, Section IV of the Action Strategy, entitled "Priorities for the development of the social sphere" sets the task to develop a draft law of the Republic of Uzbekistan "On labor migration" in the IV quarter of 2017. The development and adoption of this bill will determine the main directions of state policy in the field of labor migration, mechanisms and forms of employment of citizens abroad, the main activities of diplomatic missions in the field of work with migrant workers, measures to ensure personal safety and social protection of Uzbek citizens abroad. measures.

Also, paragraph 205 of the tasks set out in the Action Strategy aims to increase the efficiency of the Agency for External Labor Migration of the

Ministry of Labor. In carrying out this task, it is planned to develop a draft resolution of the Cabinet of Ministers. The draft resolution provides for:

- Establishment of regional offices of the Bureau of Economic Accounting for Employment of Citizens Abroad in the regions, as well as the Center for Pre-Adaptation and Training of Citizens Going Abroad with the task of teaching the basics of ethics, culture and language, legislation of the host country;

- cancellation of work permits for citizens to work abroad and the introduction of a procedure for notification of registration of citizens traveling abroad;

- Negotiations with the competent authorities of foreign countries in order to expand the scope and direction of employment of citizens of the Republic of Uzbekistan in foreign countries (USA, Canada, Japan, EU and Gulf countries).

The adoption and implementation of the above-mentioned law of the Republic of Uzbekistan "On labor migration" and the decision of the Cabinet of Ministers on the regulation of the sector will greatly help to prevent the illegal outflow of migrant workers from Uzbekistan and human trafficking.

In accordance with the Decree of the President of the Republic of Uzbekistan dated July 11, 2017 No. PF-3126 [9], aimed at radically improving the activities of the Ministry of Internal Affairs in the field of migration and citizenship, now exit passports are issued to citizens of the Republic of Uzbekistan. This, in turn, allows you to keep statistics on the number of people working abroad and to keep track of which countries and for what purposes they are going.

In order to regulate the process of targeted external migration in the Republic of Uzbekistan, government documents have been adopted and agreements and treaties have been signed with a number of foreign countries. In particular, in order to regulate the sending of migrants to the Republic of Korea "On measures to further expand cooperation with the Republic of Korea in the field of migration" [10] (July 1, 2013, PQ-1993), "On ratification of international treaties" [11] (June 19, 2017), PQ-3069) Presidential Decrees, Agreement on Re-admission of Illegal Persons signed with the Government of Bulgaria on November 24, 2003 [12], Agreement on Temporary Labor Activity of Citizens of One State in the Territory of another State signed on August 23, 2011 [13] Agreement between the Government of Turkmenistan and the Government of the Republic of Kazakhstan "On the conditions of entry and exit of citizens" signed on July 7, 2000, signed with the Government of the Republic of Kazakhstan on February 7, 2000 [15] Agreement, Agreement on Cooperation, signed with the Ministry of Internal Affairs of the Republic of Kazakhstan on June 14, 2013, CIS state The legal framework, such as the Agreement on the Establishment of an Advisory Council on Migration, Social Protection and Labor, serves to regulate migration processes.

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