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## THE ROLE OF FOREIGN MIGRATION IN THE DEVELOPMENT OF NATIONAL DIASPORAS

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### ABSTRACT

*In this article, the author studies the views of various scholars on the phenomenon of “external migration”, defines the concept of “migration”, analyzes the factors affecting external migration to the diaspora. Models for the management of migration processes and the experience of foreign countries are studied. Problems in the management of migration processes and their impact on the national diaspora are analyzed on the example of Uzbekistan and recommendations are given.*

**KEYWORDS:** *Migration, Diaspora, Migrant, External Migration, Migration Balance, Emigration, “Jus Sanguinis”, “Jus Solis”.*

### INTRODUCTION

In studying the nature of national diasporas, it is necessary to emphasize the various social phenomena that explain diasporas. National diasporas do not be strongly influenced by external migration from a country that is a historical homeland to this country to maintain their sociological status, culture, national values (language, traditions, etc.). External migration affects the lifestyle of national diasporas in the following areas:

1. To be the primary source for the formation of national diasporas on the territory of foreign countries.
2. Preserving the cultural identity of the national diasporas and preventing their assimilation by the local population.
3. Ensuring close ties with the population of the country, which is the historical homeland of national diasporas, and transforming changes in mental values.

4. Ensuring the need of human diasporas in human resources and solving demographic problems.
5. Economic and social development of national diasporas on the basis of migration, raising the image of the state as a historical homeland.

In recent years, migration has been at the center of active political debate in the international arena. One of the main reasons why people are now involved in migration processes is the difference in income between the countries of origin and the countries of destination.

External migration of the population, from the economic point of view, is an objective process and plays a spontaneous role in the formation of national diasporas.

Today, population migration is the object of research in many disciplines, such as sociology, law, political science, economics, philosophy. As Z.H.Rayimjanov said, “the history of mankind is closely linked with the history of migration”. In the international arena, as a result of the establishment and development of relations between states, we can see that the factors that prevent people from crossing administrative and territorial borders and freely communicating in the pursuit of their goals have disappeared.

Most of the existing national diasporas in the world have emerged as a result of the establishment of international cooperation and relations between these countries.

The desire of people to live in countries with good living and working conditions and high wages in order to realize their dreams is contributing to the development of migration processes in the international arena. In the context of globalization, the increasing participation of the population in migration processes indicates the need to develop perfect social mechanisms in this area.

In the process of globalization, population migration has become a social phenomenon that is not mandatory, but only based on economic interests. The formation of modern diasporas is also largely based on economic interests.

Population migration is a concept in a broad sense, it is understood that citizens cross administrative-territorial boundaries based on their goals and objectives. At present, the issue of regulation of citizens involved in migration processes in the international arena, control over its management has become one of the global problems of countries around the world. A migrant participating in migration processes has limited opportunities in the community, regardless of any strong potential or level of professionalism. To date, various theories on employment, unemployment problems and their solutions have been developed.

In particular, A.Smith’s “unshakable hand of the market,” which is able to balance the demand for labor and its supply<sup>1</sup>, A.Marshall’s theories of the crisis-free development of a market economy<sup>2</sup> can be recalled by regulating the supply and demand of labor for employment.

One of our national researchers, O.B.Otamirzaev, A.A.Qayumov, A.M.Kopirov, H.M.Nazarova<sup>3</sup> and several other Uzbek scholars have also studied the field of migration on a scientific basis.

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<sup>1</sup>Smith A. Exploration of the nature and origins of the richness of peoples. –Moscow: 1976.-332 p.

<sup>2</sup>Marshall A. Principles of economic science. V 3-x tomax. – Moscow: Izdatetskaya group “Progress”, 1993.

<sup>3</sup> Каюмов А.А. Ўзбекистан меҳнат ресурсларининг шаклланиши ва ривожланишининг социал-географикасослари. Автореферат г.ф.д. - Т.,1994, 406.; Ата-Мирзаев О. Потенциал сельско-городской миграции молодёжи в Узбекистане. М.:1999. 28с.; Назарова Х-М. Оила тараккиётида аҳоли миграциясининг роли. Рисола. Т.,

Given the active participation of people in migration today, let's define the concept of population migration. The term "migration" is derived from the Latin word "migratio", which means "moving". Despite the widespread use of this term, there is no single interpretation of it. The International Organization for Migration defines migration as "the movement of people from their place of residence across an international border or within a state border". The concept of migration has been variously defined by scientists and experts. In his works, Russian scholar O.D.Vorobyov focuses on the participation of the population in migration processes, describing any territorial migration in which the population crosses the internal and external borders of the country to change their place of residence or education and employment.

According to A.Achiezer, sustainable mass migration is an activity aimed at realizing the values of certain groups of the population through temporary or permanent change of residence, depending on its importance, and is one of the elements of changing people's lifestyles. Forced relocation by the authorities is also considered migration. The role and importance of migration in society can change to such an extent that even that society itself can be considered a product of migration (for example, the United States was formed and developed as a result of population migration in some countries around the world). Accordingly, migration is an important problem of a society, the conditions of its change, the result, the result of overt or covert processes.<sup>4</sup>

Summarizing the above points, Population migration serves to demonstrate human rights and freedoms, the formation and development of national diasporas, national values, democratic traditions.

Ernst Georg Ravenstein, a German scientist of German descent, is the founder of the "theory of migration". At the end of the 19th century, he created "The Law of Migration", in which he substantiated the following 11 principles of migration based on the analysis of migration processes in countries:

1. Most migration takes place over short distances.
2. Migration occurs gradually.
3. Long-distance migration will be mainly directed by large industrial and commercial centers.
4. Each migration flow will have its opposite flow.
5. Urban residents are less mobile than those in rural areas.
6. Women are more active in internal migration, and men are more active in external migration.
7. The majority of migrants are older people, families rarely migrate outside their country.
8. The larger the big cities, the more the natural growth of their population will increase as a result of migration.
9. The scale of migration will increase as a result of the development of industry and trade, especially transport.

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1999Й.; *Расулова Д.В.* Бозор муносабатлари тизимида ишчи кучи миграциясининг назарий- услубий асосларини такомиллаштириш. Автореф. и.ф.д. - Т., 2010 й., 40

<sup>4</sup>*Ахиезер А.* Миграция и урбанизация в СНГ и Балтии в 90 годы. Под ред. Ж. А. Зайончковской. М., 1999., С.17.

10. Regions differ mainly depending on their economic characteristics.

11. The main reason for migration is economic.<sup>5</sup>

We can see that in these laws of migration the main reasons for population migration are developed in relation to the good infrastructure of the regions, the development of economic and financial spheres.

The processes of population migration have been studied by representatives of various fields, and G.Iontsev has created an integrated classification of theoretical interpretations of migration by analyzing local and foreign sources. According to him, 17 different theoretical approaches to migration processes have been identified, which are economic, pure migration, demographic, political, historical approaches.<sup>6</sup>

To date, population migration has also been studied by local researchers, and according to the analytical results conducted by V.A.Ibragimov, there are 36 different approaches to the concept of migration in local publications.<sup>7</sup>

Of course, the above considerations do not fully cover the concept of migration. Because the concept of migration is a very broad concept, each research school sheds light on the theory of migration based on its field.

As for the term “migrant”, there is no universally accepted definition of the term “migrant”. The International Organization for Migration has developed the following definition for its purposes: “Migrant is a general term not defined in international law that reflects the general unprofessional interpretation of a person leaving his or her place of residence temporarily or permanently and for various reasons within a country or across an international border”.<sup>8</sup>

The United Nations considers "any person who changes their country of residence" to be an international migrant. The UN definition excludes migration caused by “holidays, visits to friends and relatives, business, medical treatment and religious visits”. In summary, there is no consensus on the term “migrant” and its definitions.

Today, labor migration is becoming increasingly global and topical. Particular attention is paid to strengthening interstate cooperation to improve this area and the effective use of labor resources, based on the identification of specific areas of international labor relations in the world. In particular, it is important to rationally organize labor migration, the introduction of "smart regulation" models in this area.<sup>9</sup>

According to the territorial structure, migration is divided into internal (within the territory of one country) and external (migration from one state to another). The increase in demand for new areas from densely populated areas within the country, as well as the infrastructure of cities

<sup>5</sup> Абдурахмонов Қ. Меҳнат иқтисодияёти назарияси ва амалиёти. Дарслик Т., 2019. – Б.297-298.

<sup>6</sup> Игорьян Д.И. Теория и практика исследования миграции населения. –Москва: Наука, 2011. – С. 181.

<sup>7</sup> Иброҳимов В.А. Международная миграция населения: теория и история изучения. –Ташкент, 2013. – С. 69.

<sup>8</sup> Migratsiya sohasidagi atamalar lug'ati. Xalqaro migratsiya huquqi. XMgT (Glossary on Migration. International Migration Law. IOM) 2019. 130-131 b.

<sup>9</sup> Мусоев.Б.Т. Ўзбекистонда меҳнат муносабатларини коллизияон-ҳуқуқий тартибга солишнинг амаллаштириши: Yurid. fan, nomz. Dis. ... avtoref. – Toshkent, 2018. – 5 b.;

relative to rural areas, leads to the emergence and development of internal migration due to the well-being of labor resources.

According to international research, people crossing the administrative territory of the state for various purposes (study, work, travel) are motivated to carry out external migration.

Uzbekistan has been actively involved in international migration since independence. As L.P.Maksakova said: “External migration relations serve as a bridge connecting Uzbekistan with the rest of the world. If in the days of the former Soviet Union migration was mainly connected with Russia and neighboring Central Asian countries, today its geography has expanded unprecedentedly. Every year, migration flows affect tens of thousands of people, the scale of which is sometimes increasing and sometimes decreasing. In general, the migration processes observed in Uzbekistan today have in common with the migration processes in all countries of the world”.<sup>10</sup>

Accordingly, taking into account the full participation of its citizens in the migration process in the international arena, the full use of their rights and freedoms and the growing role of public authorities in the systematic organization of safe migration, re-establish systematic regulation and implementation should be put. According to D.N.Dzhakhongirova: “Labor migration has begun to play an increasingly important role in solving the problem of employment in the country.”<sup>11</sup>

This will play an important role in the development of the Uzbek diaspora in some CIS countries, including Russia, Ukraine and the Baltic states, the United States, Turkey and some European countries, and the establishment of close ties with Uzbekistan after the collapse of the former Soviet Union.

Uzbekistan pays special attention to citizens involved in external migration and a number of measures are being taken. Decree No.5785 of August 20, 2019 “On measures to further strengthen the guarantees of protection of citizens of the Republic of Uzbekistan and their family members working temporarily abroad” was also adopted.

In our opinion, the role of relevant public administration bodies in the implementation of state control over internal and external migration processes is great. Accordingly, we believe that one of the key issues is to strengthen the control of public administration in the field of migration and to ensure the compatibility of these bodies.

The migration of a population to another country for temporary or permanent residence is called emigration. Immigration is the movement of people from one country to another to work. The difference between these two cases is called the migration balance.

Today, in the management of migration processes, it is necessary to develop an effective and modern public administration by combining the interests of the state with the interests of the individual. However, given that some aspects of the interests of the countries supplying labor and

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<sup>10</sup>Максакова Л.П. Миграция населения: проблемы регулирования. Т., ИД «Эльденур», 2001., С.5.П

<sup>11</sup>Джахонгирова Д.Н. О совместной деятельности профсоюзов Узбекистана с органами власти и работодателями в сфере занятости населения Республики. Сб. Материалик научно-практической конференции по теме: “Проблемы занятости и трудовой миграции в странах ЕврАзЭС». Т., 2006., С.16-17.

the countries receiving it do not coincide, it is advisable to approach it from the point of view of immigration and emigration in establishing state management of migration processes.

While immigration has a positive character for the development of national diasporas, emigration is a social phenomenon that leads to the extinction of diasporas. In the process of emigration, the diaspora tends to return to their historical homeland.

From the point of view of immigration, models of state management of migration processes have been developed, and the management of migration processes in the host recipient countries is divided into American, French and German models. The American model (in the U.S. and Canada) emphasizes the promotion of human rights abused refugees, the legalization of illegal migrants, and their integration into American society. The French model (in France and the UK) differs by a networked system of admission, accommodation and integration of refugees from different countries into French society, with the “jus solis”, i.e. the principle of birth, taking precedence in granting citizenship. The German model (in Germany and Southern European countries) focuses on the admission of ethnic Germans to Germany and their subsequent integration into German society, and the principle of “jus sanguinis,” i.e., the origin of a particular ethnic group, is a priority in determining migrant citizenship.<sup>12</sup>

We believe that through the above models for managing immigration processes, states can select ways to work with their respective national diasporas based on their needs.

At the same time, in recent years, there is a “scoring system” or “selective approach” of public administration in the field of migration.<sup>13</sup> This system is currently the main solution in the selection of qualified migrants to address socio-economic issues such as geopolitical, i.e. the accumulation of human capital through the placement of migrants in sparsely populated areas, demographic (population growth). In our opinion, this approach can also be used to strengthen the activities of national diasporas.

L.H.Isakov noted that to date, the scientific community has not come to a clear conclusion on the models of management of emigration processes. When we refer to the official documents of international organizations, we can see that they are categorized on the basis of certain criteria, although not divided into specific models, or descriptions of what a “good governance model” would look like.<sup>14</sup>

However, there are international standards and approaches to the management of migration processes by international organizations, such as the UN Sustainable Development Goals, the ILO “Fundamentals of Migration Management”.

Based on the approaches to the above-mentioned models of public administration in the field of migration, we believe that it is necessary to create an environment for Uzbekistan in the management and regulation of general processes of immigration and emigration, on the basis of

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<sup>12</sup>Исоқов Л.Х. Миграция жараёнларини бошқаришнинг замонавий моделлари // Юрист ахборотномаси – Вестник юриста – Lawyer herald. № 4 (2020), Б. 153–160.

<sup>13</sup>Wahba, Jackline. Selection, Selection, Selection: the Impact of Return Migration. Journal of Population Economics, vol. 28, no. 3, 2015.

<sup>14</sup>Исоқов Л.Х. Миграция жараёнларини бошқаришнинг замонавий моделлари // Юрист ахборотномаси – Вестник юриста – Lawyer herald. № 4 (2020), Б. 155.



which the relevant government agencies interact. The migration sector in Uzbekistan is regulated and managed by several competent authorities. Therefore, it would be expedient to take the Agency for External Labor Migration under the Ministry of Employment and Labor Relations of the Republic of Uzbekistan out of the ministry's control, to establish a special state agency for migration management and to work with the Uzbek diaspora abroad.

Today, there are 1 billion people in the world. people are participants in migration processes, of which 270 mln. one is working outside his own state.

The use of modern information technologies in the establishment of a system of orderly management of migration processes by government agencies creates favorable conditions for the competent authorities and migrants.

The Ministry of Employment and Labor Relations of the Republic of Uzbekistan launched the electronic program "Labor-migration" in 2019 to provide social support to citizens wishing to work abroad and create favorable conditions for them to legally work abroad. 310,503 citizens are registered.<sup>15</sup> Under this program:

Providing online information to citizens wishing to work abroad on the rules of stay in the country of employment, labor, social, housing and living conditions, legal aspects of concluding employment contracts with foreign employers, as well as financial assistance measures established by law;

the possibility of remote application by migrant workers in difficult situations abroad and in need of assistance;

provides information on the activities of external labor migration agencies and private employment agencies, including the types and prices of services they provide, vacancies available to foreign employers, as well as the procedure for employment in these jobs.

In our opinion, this e-program interacts with the government and citizens and serves to form a database of the competent authorities on the geography of employment of migrant workers, their areas of activity and types.

However, we can see that there are a number of systemic problems in this electronic program. For example, we can see that currently the system does not provide for the registration of migrants with a passport, and there is no system to take into account the needs of women working temporarily abroad.

In order to improve the functioning of the electronic program, we consider it expedient to expand the range of services used in the process of orderly employment of migrant workers and their legal and social assistance through "Labor-migration". The widespread use of information technology in the field of migration plays an important role in ensuring open and transparent relations between government agencies and citizens in accordance with the law, in satisfying the requests of people with disabilities.

In the international arena, we can see that migration processes are taking place in all countries of the world, and a large number of migrants are moving to economically developed countries. In

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<sup>15</sup> Labor labormigration dasturi. <https://labormigration.uz/>

these cases, the issues related to migration and work with the Uzbek diaspora abroad cause the following problems:

*First*, the number of citizens of the Republic of Uzbekistan living abroad and entering into labor relations is growing from year to year. Most citizens have entered the right of permanent residence in foreign countries or have acquired foreign citizenship. The system for monitoring these processes and working with current and former citizens of Uzbekistan is not well established. Therefore, it is recommended to promote the establishment of non-governmental and non-profit organizations serving the interests of the Republic of Uzbekistan in foreign countries (especially Russia, Turkey, the United States) and to develop systematic mechanisms for working with the Uzbek diaspora.

*Second*, effective economic and legal measures to prevent and combat illegal labor migration must be developed and communicated to the population and employers. It is necessary to widely promote illegal labor migration, its practical and legal consequences, increase knowledge in the field of legal aspects of external labor migration of citizens, the formation of the necessary legal culture.

The analysis shows that the crime of trafficking in human beings is often caused by the desire of the poor to work illegally outside the country, and criminal elements deceive people due to inexperience, lack of legal knowledge and gaps in our existing laws. they manage to complicate it through fraud.<sup>16</sup>

*Third*, it is necessary to ensure the effective implementation of a unified technological approach to the introduction of information technology and communications in public administration, in particular, to increase the interaction of separate departmental information systems and resources related to migration. As a result, the process of integrating them into a single information space will be improved. As an example, the website [migratsion.uz](http://migratsion.uz) of the Agency for External Labor Migration and the website [Labor.migratsion.uz](http://Labor.migratsion.uz) of the Ministry of Employment and Labor Relations have the same goals, so it would be appropriate to strengthen or merge the two official websites of the country.

*Fourth*, on the official websites of the state, which are often used by migrants in finding employment and other migration issues, in particular, [migration.uz](http://migration.uz) and [labor.migration.uz](http://labor.migration.uz), it is necessary to regularly and simply post normative documents on labor legislation of the countries with the largest number of migrants. appropriate This, in turn, will greatly increase the legal awareness of citizens wishing to go abroad and provide them with great practical assistance in the full realization of their rights and freedoms, as well as their obligations abroad when necessary.

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<sup>16</sup>*Tursunov Y.* Tashqi mehnat migratsiyasi va uning huquqiy asoslarini rivojlantirish istiqbollari. Adliya vazirligi. Toshkent davlat yuridik institut. 2012.138-bet.



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