Migration Governance Snapshot: the Kyrgyz Republic

September 2018

In 2015, the International Organization for Migration (IOM) developed a Migration Governance Framework (MiGOF) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI) were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators that could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions. Instead, it operates as input-based benchmarking framework that offers insights on policy measures that countries can use to strengthen migration governance. The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies, or to identify gaps and areas that could be strengthened. The MGI aims to assist countries while advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the Sustainable Development Goal Target 10.7, “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country snapshot presents a summary of well-governed areas of the Kyrgyz Republic (hereafter referred to as Kyrgyzstan) migration governance structures, as well as the areas with potential for further development, as assessed by MGI.1

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1 The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of the Economist Intelligence Unit and financed by IOM Member States.

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Key findings

I. Adherence to international standards and fulfilment of migrants’ rights

1.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered is by no means exhaustive.

<table>
<thead>
<tr>
<th>Convention name</th>
<th>Ratified</th>
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<tbody>
<tr>
<td>International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)</td>
<td>Yes (2008)</td>
</tr>
<tr>
<td>United Nations Convention relating to the Status of Stateless Persons, 1954</td>
<td>No</td>
</tr>
<tr>
<td>ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)</td>
<td>No</td>
</tr>
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</table>

1.2. Migration Governance: Examples of well-developed areas

All types of immigrants, regardless of their legal status, have access to health care and education in Kyrgyzstan on the same basis as nationals, as stipulated by the Law on the Legal Status of Foreign Nationals.

Permanent residents and those with work permits have access to social security payments and pensions. A bilateral agreement on the portability of pensions and social benefits was signed with Turkey in April 2018. (The agreement is awaiting ratification.)

Family reunification permits are available to all immigrants, regardless of their visa or residency status, provided they can support their family members. However, those in Kyrgyzstan on family reunification visas still need to apply for work permits to take up employment.

All permanent residents and temporary residents with work permits are free to become self-employed or take up employment in the private or public sector, although they are not permitted to run for public office or work as judges, in law enforcement or defence, or occupy leading positions in government agencies.

All immigrants can apply for permanent residence. Those who speak Russian or Kyrgyz and have the funds to support themselves can apply for citizenship after five years of uninterrupted residence in the country.

Kyrgyz nationals abroad are allowed to vote in all elections.

1.3. Areas with potential for further development

Electoral law is an area for potential improvement; civil participation of all types of immigrants is limited, as they cannot vote in local elections.
2. Formulates policy using evidence and whole-of-government approach

2.1. Migration Governance: Examples of well-developed areas

A dedicated government agency, the State Migration Service, is tasked with implementing migration policy. While not officially in charge of policy formulation, in practice, this agency drafts policy, which is then finalized by the Prime Minister’s Office. The laws on the Legal Status of Foreign Nationals, on Immigration, on External Migration, and on External Labour Migration cover the various areas of migrants’ rights, as well as immigration into Kyrgyzstan and emigration from the country.

Kyrgyzstan is making efforts to enhance horizontal policy coherence. There is a Coordination Council on Migration Issues under the Government, headed by the Vice-Prime Minister. The Council’s task is to coordinate the activities of State organs, and social and international organizations, and to prepare policy recommendations relating to migration.

The State Migration Service and the Communications Ministry are in charge of ties with Kyrgyz nationals abroad. They focus on rights protection, information dissemination and attracting investment. The State Migration Service has an office in the Russian Federation tasked with assisting Kyrgyz nationals who reside there. The Council for Relations with Expatriates, headed by the Prime Minister, works with central and local governments and non-governmental organizations, as well as international organizations, in supporting social, humanitarian and cultural projects in Kyrgyz diaspora communities abroad.

2.2. Areas with potential for further development

There is no strategic or programmatic document defining the goals and tasks of migration policy in Kyrgyzstan.

The collection and publication of migration data are sporadic. The State Migration Service’s data are not collected on a regular basis. The National Statistical Committee’s yearbook contains data on emigration and immigration, but the information is not disaggregated by sex.

There are no consistent efforts to promote vertical policy coherence through regular consultation between different levels of Government.

3. Engages with partners to address migration and related issues

3.1. Migration Governance: Examples of well-developed areas

Kyrgyzstan is a member State of the Eurasian Economic Union (EAEU), which offers free movement for goods, services, labour and capital among its member States (Armenia, Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation). Employers within EAEU are free to employ nationals of other member States, and governments do not impose quotas or other limitations aimed at protecting their labour markets. Employees, in turn, do not need work permits to take on employment in other member States. Qualifications are reciprocally accepted.

Kyrgyzstan is part of several regional consultative processes, such as the Almaty Process, the Budapest Process and the Prague Process. These processes serve as consultative forums promoting cooperation and coordination between member States in addressing migration challenges. The Commonwealth of Independent States, of which Kyrgyzstan is also a member, operates a Council of the Heads of Migration Agencies, which is aimed at coordinating migration policy. Furthermore, Kyrgyzstan is a member of IOM and
of the United Nations Office of the High Commissioner for Refugees, although it is not represented in the governing bodies of either organization.

At the national level, the Government of Kyrgyzstan seeks to partner with civil society in the formulation of migration policy. The Public Observing Councils, under the State Migration Service, meets twice a year and includes representatives of civil society, academia and Kyrgyz diaspora communities. The Coordination Council on Migration – aimed primarily at interministerial coordination – includes representatives from certain civil society organizations, and there is ad hoc and semi-formal cooperation between government organs and independent experts.

Officials have conducted national consultations on migration that included members of the diasporas and other co-nationals – for instance, during the preparation of the Law On the Foundations of State Policy on Supporting Co-nationals Abroad. There is a Council for Relations with Expatriates under the Government of Kyrgyzstan, which provides recommendations for State policy with regard to co-nationals abroad.

A Consultation Centre under the State Migration Service regulates the operation of Private Recruitment Agencies.

### 3.2. Areas with potential for further development

There is no specific forum for engagement with the private sector on migration issues. Experts report that engagement happens in the implementation phase as companies apply for quotas to take on migrant workers.

### 4. Advances the socioeconomic well-being of migrants and society

#### 4.1. Migration Governance: Examples of well-developed areas

Kyrgyzstan’s State Migration Service takes into account immigrants’ skills and qualifications when deciding whether to grant them work permits. Highly qualified migrants enjoy priority; annual quotas established by the Government are filled up from this pool first.

International students have equal access to education after obtaining student visas. Tuition fees are equal for local and international students in public universities, but State-subsidized education is available only to nationals and Kyrgyz ethnic returnees. International students are not allowed to work while studying, but they can carry out professional placements within the framework of their higher education programmes. Should they wish to stay on and work in Kyrgyzstan after finishing their degrees, international students must apply for work permits.

Bilateral labour agreements signed with Kazakhstan and the Russian Federation – the top destinations of Kyrgyz migrant workers – allow for labour mobility, and the free flow of people among member States is guaranteed by EAEU.

The Law on External Labour Migration guarantees the ethical recruitment of migrant workers. The country seeks to protect the rights of its own nationals working abroad through the Russian “field office” of the State Migration Service, as well as its embassies and consulates. Guarantees for the protection of the rights of migrant workers have been incorporated into bilateral labour agreements with the Russian Federation and Kazakhstan.
4.2. Areas with potential for further development

Kyrgyzstan does not participate in any international schemes with common qualification frameworks. However, Kyrgyz higher education conforms to the Bologna Process of the European Union – bachelor’s and master’s degrees are issued by Kyrgyz universities, and PhD programmes are being introduced.

There is no consistent or reliable assessment of domestic labour supply and the effects of emigration on the domestic labour market, although a Labour Market Information System is in development. The System is expected to provide information to jobseekers and employers on labour market trends, professions in demand and vacancies.

There is no clear data analysis for making yearly decisions on migrant quotas. There is no dedicated programme for labour immigration, nor are there different types of visas to attract specific labour skills.

Despite its large diasporas, Kyrgyzstan has not developed formal remittance schemes.

Although the Government has a database on the labour market (based on ILO methodology, which disaggregates data by sex but not by migration status), and one on migrant workers, neither of these is publicly available. The only publicly available data on the labour market are found in the yearbook of the National Statistical Committee and not disaggregated by sex.

5. Effectively addresses the mobility dimensions of crises

5.1. Migration Governance: Examples of well-developed areas

Internal displacement in the wake of crises is regulated by the Law on Internal Migration, which guarantees the rights of the displaced to State assistance, with the provision of shelter and medical treatment, as well as to return to their place of residence. Authorities also assist the displaced with restoring aspects of their livelihoods, including the reconstruction of destroyed houses.

In line with the Law on Refugees, Kyrgyzstan offers shelter to persons fleeing their countries of residence in times of crisis, and in the event of a mass influx of refugees, the administration of applications for refugee status is expedited. Kyrgyzstan also has a contingency plan for refugee crises.

The State Migration Service keeps a record of citizens registered as living and working abroad. Kyrgyz citizens are required to register with Kyrgyz authorities within 15 days of moving abroad.

5.2. Areas with potential for further development

Crises such as environmental emergencies, armed conflict or mass revolt are regulated by the Law on the Protection of Citizens. Neither this core Law nor its disaster risk reduction strategy, the Strategy of Complex Security, addresses migration issues or crisis-related displacement.

There is no strategy to address migratory movements caused by environmental degradation. In addition, neither the national development strategy for the period 2013–2017, nor the draft strategy for the period 2018–2040, discusses migration, except for references to persistently high levels of emigration from the country.
Communication during a crisis is not tailored to accommodate migrants and their particular situations. Experts confirm that messaging is addressed to the population at large, including immigrants. Communications are made in Russian and Kyrgyz.

6. Ensures that migration takes place in a safe, orderly and dignified manner

6.1. Migration Governance: Examples of well-developed areas

The State Border Service is responsible for the protection of the State border, border control, and the prevention and prosecution of violations of the State border regime. Border guards are specifically and regularly trained, although training may be inadequate for the management of migrants’ potential vulnerabilities. Since 2015, the State Border Service, along with the State Migration Service (and several ministries), has had at its disposal a system for monitoring visa overstays.

The application for Kyrgyz visas can be made online or on paper, although those with electronic visas can enter the country only through Bishkek and Osh Airports and the Akzhol crossing on the border with Kazakhstan. The Ministry of Foreign Affairs operates a [website](#) explaining the types of visas available and the application process, although it is not available in English.

Kyrgyzstan conforms to international standards in its efforts to combat human trafficking. The criteria of the identification of victims of trafficking have been enshrined in law since early 2018. The anti-trafficking strategy stipulates that relevant government agencies are to develop bylaws to implement standard operating procedures for the identification and referral of victims, as well as for social assistance provided to them. Reports on the implementation of the [Law on the Prevention and Combatting of Trafficking in Persons](#) have been prepared yearly since 2015.

The authorities are focused on giving opportunities to ethnic Kyrgyz. The [Kayrylman](#) programme is aimed at supporting the return of ethnic Kyrgyz from other countries, while the [Meken-Card](#) programme targets those migrants who have lost their Kyrgyz citizenship and taken up the citizenship of the host country. Both programmes offer legal status and simplified naturalization in Kyrgyzstan.

6.2. Areas with potential for further development

There is no programme to attract emigrants to return.
Key sources

Eurasian Economic Union (EAEU)

Government of the Kyrgyz Republic

Government of the Kyrgyz Republic, Ministry of Foreign Affairs

Government of the Kyrgyz Republic, Ministry of Work, Migration and Youth

Government of the Kyrgyz Republic, Prime Minister

Government of the Kyrgyz Republic, State Migration Service
Kyrgyz Republic, National Council for the Sustainable Development of the Kyrgyz Republic

Kyrgyz Republic, National Statistical Commission

Kyrgyz Republic, Parliament