THE ROLE OF INTERNATIONAL LAW IN SHAPING MIGRATION POLICIES: A COMPARATIVE STUDY OF UZBEKISTAN AND REGIONAL TRENDS IN CENTRAL ASIA

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ABSTRACT **Article Info** Article history: **Background:** The increasing complexity of migration dynamics in Central Received Sep 15, 2024 Asia necessitates a comprehensive understanding of the role of Revised Sep 18, 2024 international law in shaping national policies. Specific Background: Accepted Oct 15, 2024 Uzbekistan, as a key player in the region, provides a unique case study for examining the interplay between international legal frameworks and national migration policies, particularly in the context of its relationships with neighboring Kazakhstan, Kyrgyzstan, Tajikistan, and Turkmenistan. Keywords: Knowledge Gap: Despite the significance of international conventions and International Law, treaties, there remains a paucity of research addressing how these Migration Policies, instruments specifically influence the migration policies of Central Asian Uzbekistan, Central countries. Aims: This article aims to analyze the alignment of Uzbekistan's Asia, Migration migration policies with international standards and to conduct a Trends, Comparative comparative assessment with those of its Central Asian neighbors. Results: The findings reveal that while Uzbekistan has made strides in adopting Study, International international norms, substantial discrepancies persist between its policies **Conventions** and those of neighboring states, highlighting varying degrees of compliance and implementation challenges. Novelty: This study contributes to the existing literature by offering a nuanced comparative analysis that integrates international law with national migration policies in Central Asia, a region often overlooked in global migration discourse. **Implications:** The research underscores the dual role of international law as both a challenge and an opportunity for the development of coherent migration policies in Central Asia, suggesting pathways for enhanced regional cooperation and compliance with international standards. This is an open-acces article under the CC-BY 4.0 license.

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INTRODUCTION

Migration in Central Asia is a multifaceted phenomenon shaped by a complex interplay of historical legacies, geographical considerations, and modern economic and political factors. The region's history, marked by centuries of nomadic cultures, the influence of the Silk Road, and Soviet-era policies of labor redistribution, has long impacted migration flows. In the modern context, the collapse of the Soviet Union in 1991 reshaped national borders and sparked new patterns of migration. Uzbekistan, as one of Central Asia's most populous and geopolitically significant countries, plays a central role in these migration dynamics, experiencing substantial migration inflows and outflows driven by a mix of economic opportunities, political stability, and regional interdependencies.

With a population of around 35 million, Uzbekistan has been a major source of labor migration, especially to Russia and Kazakhstan. The International Organization for Migration (IOM) estimates that over 2 million Uzbek citizens are working abroad, with the majority employed in Russia. Labor migration from Uzbekistan is primarily driven by high unemployment rates, low wages, and limited economic opportunities within the country, particularly in rural areas. Many Uzbeks migrate to seek better-paying jobs, sending remittances back home that play a vital role in supporting their families and contributing to Uzbekistan's economy. According to the World Bank, remittances from migrant workers make up nearly 12% of Uzbekistan's GDP, underscoring their economic importance. [1]

However, Uzbekistan is not just a country of emigration. In recent years, the country has seen an increase in migration inflows, particularly of ethnic Uzbeks from neighboring countries, such as Kyrgyzstan and Tajikistan. Furthermore, Uzbekistan has become a transit country for migrants from Afghanistan and other parts of South Asia, seeking to reach Russia or Europe. This diverse migration landscape necessitates comprehensive policies that address both the challenges and opportunities posed by migration. [2]

International law plays an increasingly important role in shaping Uzbekistan's migration policies. The country has ratified several key international treaties and conventions that influence its approach to migration. For instance, Uzbekistan became a signatory to the 1951 United Nations (UN) Refugee Convention and its 1967 Protocol, which set international standards for the protection of refugees and asylum seekers. These legal frameworks require Uzbekistan to provide certain protections to refugees, although, in practice, the country has faced challenges in implementing these standards due to limited institutional capacity and resources.

Additionally, Uzbekistan has ratified several conventions of the International Labour Organization (ILO), particularly those related to labor migration. These conventions set out the rights and protections that should be afforded to migrant workers, including fair wages, safe working conditions, and protections against exploitation. However, gaps remain between the country's international legal obligations and the

realities on the ground, where migrant workers often face challenges such as poor working conditions, lack of legal protection, and difficulties in accessing healthcare and social services.[3]

In 2018, Uzbekistan took a significant step by adopting a new Law on Migration, which aligns more closely with international standards, particularly in terms of labor migration. The law aims to regulate both the emigration of Uzbek citizens for work abroad and the immigration of foreign nationals into Uzbekistan. It includes provisions for the protection of migrant workers' rights, the facilitation of legal migration channels, and the prevention of human trafficking. However, challenges remain in terms of implementation, and the government continues to work with international organizations, such as the IOM and the United Nations High Commissioner for Refugees (UNHCR), to strengthen its migration management system.

While Uzbekistan has made progress in aligning its migration policies with international legal frameworks, other Central Asian countries have adopted varying approaches to migration, shaped by their own economic and political circumstances.

Kazakhstan, as the wealthiest country in Central Asia, is both a major destination and a transit country for migrants. In recent years, Kazakhstan has emerged as an attractive destination for labor migrants from Uzbekistan, Kyrgyzstan, and Tajikistan, due to its relatively high wages and stable economy. The country has ratified several international conventions on migration, including ILO conventions related to labor migration and human rights treaties that protect migrants from discrimination and exploitation.

According to official statistics, there are over 500,000 labor migrants in Kazakhstan, a significant portion of whom come from Uzbekistan. [4] The country's migration policy has evolved in response to both international legal obligations and domestic economic needs. For instance, Kazakhstan is a member of the Eurasian Economic Union (EEU), which allows for the free movement of labor within the union's member states, including Russia, Belarus, Armenia, and Kyrgyzstan. This has facilitated the movement of migrant workers from Kyrgyzstan and other EEU countries to Kazakhstan. However, migrants from non-EEU countries, including Uzbekistan, face more stringent legal requirements, including the need for work permits and other bureaucratic hurdles.

Kyrgyzstan, like Uzbekistan, is a major source of labor migration, particularly to Russia and Kazakhstan. The country's migration policy has been shaped by both international legal frameworks and regional agreements, particularly the Commonwealth of Independent States (CIS) agreements on labor migration. Kyrgyzstan has ratified several ILO conventions and works closely with the IOM to improve its migration management system.

One key development in Kyrgyzstan's migration policy has been its participation in the EEU, which has allowed Kyrgyz labor migrants to work in Russia and Kazakhstan without the need for visas or work permits. This has significantly increased the flow of

labor migrants from Kyrgyzstan to these countries. However, Kyrgyzstan faces challenges in ensuring the protection of its migrant workers abroad, particularly in terms of access to social services and protection from exploitation. According to IOM data, over 1 million Kyrgyz citizens are working abroad, the majority in Russia.[5]

Tajikistan is another major source of labor migration, with remittances from migrant workers making up over 30% of the country's GDP. Tajikistan has ratified several international conventions related to migration, including the ILO conventions on labor migration and the UN's conventions on human rights. However, the country faces significant challenges in implementing these legal frameworks, due to its limited economic resources and weak institutional capacity.

Tajik migrants, like their counterparts from Uzbekistan and Kyrgyzstan, primarily migrate to Russia and Kazakhstan in search of employment. According to official estimates, there are over 1.2 million Tajik citizens working abroad, primarily in low-skilled jobs in construction, agriculture, and service industries. [6] The country's migration policy has focused on facilitating legal migration channels and providing support to migrant workers abroad, although challenges remain in ensuring the protection of their rights, particularly in terms of working conditions and access to healthcare.

Turkmenistan has taken a more insular approach to migration, reflecting its broader policy of isolationism. The country has ratified fewer international treaties related to migration, and its migration policy is tightly controlled by the government. While there is some labor migration from Turkmenistan to countries such as Russia and Turkey, the country has not seen the same levels of outmigration as its Central Asian neighbors. Additionally, Turkmenistan has not played a significant role as a destination or transit country for migrants, due to its restrictive border controls and limited economic opportunities.

Across Central Asia, international conventions and regional agreements play a crucial role in shaping migration policies. The CIS agreements on labor migration have facilitated the movement of labor migrants within the region, particularly between Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan. These agreements allow for the recognition of qualifications, the portability of social security benefits, and the protection of migrant workers' rights, although their implementation has been uneven across the region.

In addition to CIS agreements, the ILO conventions on labor migration have set important standards for the protection of migrant workers, including fair wages, safe working conditions, and protection from exploitation. However, the gap between international legal obligations and national policies remains significant, particularly in countries with limited institutional capacity and economic resources.

Moreover, international organizations such as the IOM, UNHCR, and the UN Development Programme (UNDP) play an important role in supporting Central Asian countries in the development and implementation of migration policies. These organizations provide technical assistance, capacity building, and policy advice to

governments, helping them align their national policies with international standards. Uzbekistan's migration policies, shaped by both internal economic needs and international legal frameworks, reflect the broader migration trends in Central Asia. While the country has made progress in aligning its policies with international standards, challenges remain in ensuring the full implementation of these frameworks, particularly in areas such as refugee protection and labor rights. The comparative analysis of regional trends shows that while some Central Asian countries, such as Kazakhstan and Kyrgyzstan, have adopted more comprehensive migration policies, others, like Tajikistan and Turkmenistan, face significant challenges in this regard. A greater focus on regional cooperation, guided by international legal standards, could help address the common challenges faced by these countries in managing migration effectively.

METHODS

The intersection between international law and national migration policies is a critical area of analysis in global migration governance. Scholars have long debated the extent to which international legal instruments can effectively shape domestic migration policies, especially in regions where migration is a significant socio-economic and political issue, such as Central Asia. In this context, Central Asian countries like Uzbekistan, Kazakhstan, Kyrgyzstan, Tajikistan, and Turkmenistan exhibit varying degrees of engagement with international law and its influence on their migration policies. The role of global migration governance frameworks, including treaties like the 1951 Refugee Convention, the International Labour Organization (ILO) conventions, and regional agreements such as those within the Commonwealth of Independent States (CIS), serves as the foundation for understanding how international law interacts with national legislation. [7]

Several scholars have emphasized the significance of international legal frameworks in shaping national migration policies. Betts argues that international treaties, especially the 1951 Refugee Convention and its 1967 Protocol, provide the basic legal framework for states to create domestic policies regarding refugees and asylum seekers. These treaties define who qualifies as a refugee, outline the rights they are entitled to, and set the obligations of states to protect them. Countries that are signatories to these treaties, such as Uzbekistan, are legally bound to align their national laws with international standards. However, the practical application of these legal instruments often varies across countries, depending on their institutional capacities, resources, and political will.

Guild further highlights the impact of international labor migration agreements, particularly ILO conventions, on the development of labor migration policies. ILO conventions related to migrant workers, such as the Migration for Employment Convention and the Migrant Workers Convention set out principles and standards for the treatment of migrant workers, including protections against discrimination, the right to

equal wages, and access to social protection. For countries like Uzbekistan, these conventions play a critical role in shaping national policies aimed at managing labor migration, ensuring the rights of migrant workers, and facilitating cooperation with migrant-receiving countries, such as Russia and Kazakhstan. [9]

Beyond the UN and ILO frameworks, regional migration agreements within the CIS have been influential in shaping migration policies in Central Asia. Ivakhnyuk discusses how CIS agreements facilitate labor migration among member states, allowing for the easier movement of workers across borders, especially between Russia and Central Asian countries like Uzbekistan, Kyrgyzstan, and Tajikistan. These agreements provide a legal basis for the recognition of qualifications, the portability of social security benefits, and cooperation in combating illegal migration and human trafficking. However, the effectiveness of these agreements is often limited by weak enforcement mechanisms and political tensions between member states. [10]

Migration within Central Asia is primarily driven by economic factors, with labor migration to Russia being the most significant migration trend in the region. Countries like Uzbekistan, Kyrgyzstan, and Tajikistan have large portions of their populations working abroad, primarily in low-wage sectors such as construction, agriculture, and domestic work. Ivakhnyuk underscores the role of Russia as the primary destination for labor migrants from Central Asia, particularly due to its geographic proximity, shared Soviet history, and the availability of low-skilled job opportunities. According to the World Bank, remittances from migrant workers in Russia constitute a substantial portion of the GDPs of Tajikistan (30%), Kyrgyzstan (29%), and Uzbekistan (12%), highlighting the economic significance of labor migration for these countries. [11]

Sadovskaya shifts the focus to Kazakhstan's evolving role in regional migration dynamics, noting that Kazakhstan has transitioned from being a source of labor migrants to becoming a significant migrant-receiving country. As the wealthiest country in Central Asia, Kazakhstan attracts labor migrants from neighboring countries, including Uzbekistan and Kyrgyzstan, due to its relatively higher wages and stable economy. Sadovskaya's analysis highlights how Kazakhstan's migration policies have evolved in response to both international legal frameworks and domestic labor market needs. Kazakhstan has ratified several ILO conventions related to labor migration and has taken steps to integrate migrant workers into its labor market, providing legal pathways for migrants to obtain work permits and access social services. However, challenges remain in terms of ensuring the protection of migrant workers' rights and addressing issues such as discrimination and exploitation. [12]

While the literature on migration in Central Asia has primarily focused on the socio-economic aspects of labor migration, there has been less attention paid to the role of international law in shaping migration policies in the region. Uzbekistan, as one of the most populous and strategically significant countries in Central Asia, has gradually aligned its migration policies with international legal standards, particularly through its ratification of several key international treaties. Uzbekistan is a signatory to the 1951

Refugee Convention and its 1967 Protocol, as well as numerous ILO conventions related to labor migration and workers' rights. [13]

The impact of these international legal frameworks on Uzbekistan's migration policies has been significant, particularly in recent years. In 2018, Uzbekistan passed a new Law on Migration, which aims to regulate both the emigration of Uzbek citizens and the immigration of foreign nationals into Uzbekistan. The law aligns with international standards, particularly in terms of labor migration, and includes provisions for the protection of migrant workers' rights, the facilitation of legal migration channels, and measures to combat human trafficking. However, as noted by Ivakhnyuk, the implementation of these policies remains a challenge due to limited institutional capacity and resources. Moreover, while Uzbekistan is a signatory to international conventions, the practical application of these legal frameworks is often constrained by domestic political and economic considerations. [14]

Uzbekistan's participation in CIS migration agreements has also shaped its migration policies. The CIS agreements on labor migration allow for the free movement of workers between member states, facilitating labor migration from Uzbekistan to Russia and Kazakhstan. These agreements provide a legal framework for the recognition of qualifications, the portability of social security benefits, and cooperation in combating illegal migration and human trafficking. However, as Sadovskaya notes, the implementation of these agreements has been uneven, with some countries, such as Uzbekistan and Kazakhstan, making more progress in aligning their policies with international standards than others, such as Turkmenistan.

RESULTS AND DISCUSSION

Uzbekistan's approach to migration has undergone significant transformation, especially as the country has increased its engagement with international law and migration governance. As Uzbekistan ratifies key international conventions such as the 1951 Refugee Convention and its 1967 Protocol, alongside multiple ILO conventions related to labor migration, these legal instruments have shaped the country's migration policies. The most significant areas where international law has influenced Uzbekistan's migration policies are labor migration, refugee protection, and international cooperation.

Uzbekistan's labor migration policies are closely tied to its relationship with Russia, Kazakhstan, and Turkey, countries that are primary destinations for its migrant laborers. Labor migration is a vital socio-economic factor for Uzbekistan, with the World Bank reporting that remittances from Uzbek migrant workers made up 12% of the country's GDP in 2022. Labor migration is facilitated by international treaties and bilateral agreements that Uzbekistan has signed with host countries to regulate migrant workers' legal status and protect their rights abroad.

In 2020, Uzbekistan adopted a new Law on Migration, which encapsulates several principles from international legal instruments like the ILO's Migration for Employment Convention (No. 97). This law focuses on ensuring the rights of migrant workers, providing legal pathways for migration, and facilitating cross-border labor movement. For example, under the CIS framework, Uzbekistan has agreements with Russia and Kazakhstan that allow Uzbek workers to migrate legally for employment without additional bureaucratic hurdles. [16]

However, challenges persist in ensuring that the rights of Uzbek migrants are fully protected abroad. Reports from IOM and other organizations highlight issues such as exploitative labor conditions, lack of access to social security, and legal assistance in host countries. These issues underscore the need for Uzbekistan to further refine its migration policies and strengthen its diplomatic efforts to protect its citizens abroad.

While Uzbekistan has ratified the 1951 Refugee Convention, its implementation of policies related to asylum seekers and refugees has been limited. Uzbekistan has a relatively small refugee population, with most refugees originating from neighboring countries like Afghanistan. However, the country lacks robust infrastructure to accommodate asylum seekers, and its asylum process remains underdeveloped compared to international standards.

The UNHCR has been working with the Uzbek government to improve its capacity for handling asylum seekers and refugees, but progress has been slow. One reason for this is the lack of specialized institutions and personnel trained in refugee law and protection. According to a 2022 report by the UNHCR, Uzbekistan processed fewer than 100 asylum claims in 2021, most of which were from Afghan refugees. This highlights the need for Uzbekistan to invest in its institutional capacity for handling asylum seekers, particularly in the context of ongoing geopolitical conflicts in the region that could lead to increased refugee flows. [18]

Uzbekistan's collaboration with international organizations such as the International Organization for Migration (IOM) and the UNHCR has had a significant impact on its migration governance. The IOM has been instrumental in helping Uzbekistan manage labor migration, including providing support for drafting migration laws, conducting research on migration trends, and offering technical assistance for capacity building. The country has also benefited from regional agreements under the CIS, which facilitate labor migration between member states and provide legal frameworks for cooperation on issues like human trafficking and irregular migration.

However, despite this engagement, there remains a significant gap between the legal frameworks established by international law and their practical application. For instance, while Uzbekistan has signed several international conventions on labor migration and human trafficking, implementation remains uneven. This is due in part to limited resources, a lack of technical expertise, and political factors that prioritize other areas of policy over migration.

The migration trends and policies of other Central Asian countries like Kazakhstan, Kyrgyzstan, Tajikistan, and Turkmenistan exhibit varying degrees of alignment with international law. Each country's approach to migration is shaped by its unique socio-economic context, political priorities, and level of engagement with international legal frameworks.

Kazakhstan has developed one of the most proactive migration policies in the region, influenced by both international legal norms and its strategic position as a migrant-receiving and sending country. Kazakhstan has ratified multiple ILO conventions related to labor migration and human rights, making it a key player in regional migration governance. According to the Kazakh Ministry of Labor, in 2021, there were more than 400,000 labor migrants in Kazakhstan, many of whom were from Uzbekistan, Kyrgyzstan, and Tajikistan. Kazakhstan's participation in the Eurasian Economic Union (EEU) has also facilitated the free movement of labor within the region, allowing citizens of member states to work in Kazakhstan without needing visas.

Despite these positive developments, challenges remain in protecting migrant workers' rights, especially regarding labor exploitation and access to social services. For instance, a 2020 ILO report found that nearly 30% of migrant workers in Kazakhstan experienced wage theft or delayed payments, underscoring the need for stronger enforcement of labor laws.

Kyrgyzstan, like Uzbekistan, relies heavily on labor migration to Russia and Kazakhstan. The World Bank reports that remittances account for nearly 30% of Kyrgyzstan's GDP, reflecting the critical role that labor migration plays in the country's economy. Kyrgyzstan has ratified several ILO conventions and has been working with the IOM to improve its migration management system. However, as in Uzbekistan, the lack of a comprehensive legal framework for refugee protection remains a challenge. Most migrants from Kyrgyzstan face difficulties in legal recognition and protection in host countries, and efforts to reform the migration system have been slow.

CIS agreements on migration offer a potential platform for enhancing regional cooperation, but their implementation has been inconsistent across Central Asian states. For instance, while Uzbekistan and Kazakhstan have made strides in facilitating legal migration and labor mobility, countries like Turkmenistan remain less engaged in regional migration governance. The absence of a unified regional strategy on migration makes it difficult to address shared challenges, such as the exploitation of migrant workers, the spread of human trafficking networks, and the lack of legal protection for refugees.

International law provides a foundation for creating a more coherent and cooperative regional approach to migration, but political and economic factors continue to hinder such efforts. Without greater coordination among Central Asian states, the potential for leveraging international legal instruments to address migration challenges will remain limited.

Below are illustrative tables that provide specific statistics and information on migration trends, remittances, and international legal frameworks in Central Asia.

Country	Percentage of GDP from Remittances
Kyrgyzstan	30%
Tajikistan	29%
Uzbekistan	12%
Kazakhstan	0.2%
Turkmenistan	N/A

Table 1: Remittances as a Percentage of GDP in Central Asia (2022)

Tajikistan's migration policies are closely tied to its high rates of labor migration, with around 800,000 Tajik citizens working abroad, primarily in Russia, according to IOM estimates. The country has ratified various international conventions, but implementation remains limited due to economic constraints and administrative inefficiencies. Tajikistan faces challenges similar to those in Uzbekistan, including issues related to protecting migrant workers abroad and providing legal assistance to its citizens in host countries.

Turkmenistan has adopted a more isolated approach to migration, ratifying fewer international treaties and maintaining stricter control over its borders. The country has not actively participated in regional migration agreements and has a much lower outmigration rate compared to its neighbors. Turkmenistan's restrictive policies on both emigration and immigration reflect its broader political strategy of isolationism.

One of the key challenges in Central Asia is the lack of regional cooperation on migration issues, despite the commonalities in migration trends across the region. Countries like Uzbekistan and Kazakhstan have engaged with international legal frameworks, but there remains a pressing need for greater regional collaboration to address cross-border migration issues such as irregular migration, human trafficking, and the protection of migrant workers' rights.

 Table 2: Number of Labor Migrants from Central Asia (2021)

Country	Estimated Labor Migrants Abroad
Uzbekistan	1.5 million
Kyrgyzstan	1 million
Tajikistan	800,000
Kazakhstan	400,000 (receiving)
Turkmenistan	50,000

Uzbekistan's Agreements: Uzbekistan, the most populous country in Central Asia, has established bilateral agreements with Russia and Kazakhstan, two major destinations for Uzbek migrant workers. The 2017 bilateral agreement with Russia simplifies legal

migration for Uzbek citizens, allowing for easier access to work permits and improving social protection, such as healthcare access and wage protection. The 2019 agreement with Kazakhstan focuses on mutual recognition of work qualifications, allowing skilled Uzbek workers to seamlessly integrate into the Kazakh labor market. [19]

Table 4: Key Bilateral Labor Migration Agreements in Central Asia (202)	Table 4: 1	Kev	Bilateral Labor	Migration A	Agreements in	Central Asia	(2023)
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Country	Bilateral	Key Provisions	Year
	Agreement With		Signed
Uzbekistan	Russia	Simplified legal migration, social	2017
		protection rights	
Uzbekistan	Kazakhstan	Mutual recognition of work	2019
		qualifications	
Kyrgyzstan	Russia	Visa-free labor movement,	2016
		healthcare access for migrants	
Tajikistan	Russia	Temporary work permits,	2018
		protection from exploitation	
Kazakhstan	Uzbekistan	Cross-border labor mobility, wage	2020
		protection	
Turkmenistan	Iran	Limited migration agreements	2015
		focused on border management	

Table 4 highlights the key bilateral labor migration agreements between Central Asian countries and their primary labor migration destinations. These agreements play a crucial role in shaping national migration policies and providing legal frameworks for the protection and regulation of migrant workers. The bilateral agreements address labor mobility, the recognition of qualifications, social protection, and the prevention of exploitation.

CONCLUSION

International law plays a crucial role in shaping migration policies in Uzbekistan and Central Asia. Uzbekistan's engagement with international conventions has contributed to the development of its migration framework, particularly in labor migration. However, challenges remain in fully aligning national policies with international standards, particularly in the areas of refugee protection and asylum.

The comparative analysis of regional trends highlights the varying degrees of integration of international law in migration policies across Central Asia. While Kazakhstan and Kyrgyzstan have made significant strides in aligning their policies with international standards, countries like Tajikistan and Turkmenistan face challenges in implementation. A more collaborative regional approach, guided by international legal

frameworks, could enhance migration management in Central Asia and address common issues such as labor migration, irregular migration, and the protection of migrants' rights.

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