

Impact of Transnational Economic Mobility on the Regulation of International Migration, Human Rights, and Social Policies

Impacto de la movilidad económica transnacional en la regulación de la migración internacional, los derechos humanos y las políticas sociales

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Abstract

International migration has become not only an important means of equalizing economic and social opportunities for people, but also a source of various threats to human rights. The study aims to analyze the impact of contemporary migration processes on the socioeconomic status of migrants, identify the main threats faced by economic (labor) migrants and the resulting human rights and social policy challenges, and analyze the regional and universal mechanisms for international protection of migrant workers adopted to date. Using qualitative data collection methods, the authors analyze the threats to human rights experienced by migrant workers. The paper also lists the essential legal provisions that define the status of migrants at different stages of the migration process, including the universal conventions of the International Labor Organization and the UN, documents developed within the framework of regional cooperation structures, and national legislation. The study defines the tasks facing state social policy to minimize the negative consequences of migration. Conclusions are drawn on the effectiveness of legal instruments for the protection of migrants adopted to date.

Keywords: Migrant workers; immigration; human rights; labour migration; discrimination; social and economic rights.

Resumen

La migración internacional se ha convertido no solo en un medio importante para igualar las oportunidades económicas y sociales de las personas, sino también en una fuente de diversas amenazas para los derechos humanos. El estudio tiene como objetivo analizar el impacto de los procesos migratorios contemporáneos en el estatus socioeconómico de los migrantes, determinar las principales amenazas que enfrentan los migrantes económicos (laborales) y los desafíos consiguientes en materia de derechos humanos y política social, y analizar los mecanismos regionales y universales de protección internacional de los trabajadores migrantes adoptados hasta la fecha. Mediante métodos de recolección de datos cualitativos, los autores analizan las amenazas a los derechos humanos que experimentan los trabajadores migrantes. El documento también enumera las disposiciones legales esenciales que definen el estatus de los migrantes en las diferentes etapas del proceso migratorio, incluidas las convenciones universales de la Organización Internacional del Trabajo y la ONU, los documentos desarrollados en el marco de las estructuras de cooperación regional y la legislación nacional. El estudio define las tareas que enfrenta la política social del Estado para minimizar las consecuencias negativas de la migración. Se extraen conclusiones sobre la eficacia de los instrumentos jurídicos de protección de los migrantes adoptados hasta la fecha.

Palabras clave: Trabajador extranjero; inmigración; derechos humanos; migración laboral; discriminación; derechos socioeconómicos.

INTRODUCTION

Legal Frameworks of migration

In the realm of legal discourse, contemporary research into the spatial mobility of individuals is intrinsically linked to the study of migration, refugees, and various categories of internal displacement. This interconnectedness stems from the fact that international and national laws play an important role in shaping the dynamics of migration. The study of migration, for instance, involves a deep examination of immigration and visa regulations, citizenship laws, and border control policies. These legal frameworks not only govern the entry and exit of individuals but also influence the economic, social, and political issues of migration ([Barmuta et al., 2023](#)). Understanding these legal instruments is essential for addressing the complex challenges faced by refugees worldwide. Furthermore, the analysis of internal displacement delves into national legal systems, property rights, and humanitarian laws that safeguard the rights and well-being of internally displaced persons. In essence, the impact of transnational economic mobility on the regulation of international migration, human rights, and social policies is intricately entwined with the legal frameworks that govern these aspects of spatial mobility, highlighting the indispensable role of law in shaping the contemporary landscape of global migration.

Forced Migration

The contemporary definition of migration primarily relates to internal or external economic migration. In recent years, the phenomenon of forced migration has been developing dynamically. However, the theoretical foundations of research on forced migration are underdeveloped.

The phenomenon of forced migration is closely connected with the categories of refugees and internally displaced persons (IDPs) analyzed further ([Kataeva and Ozerov, 2018](#)). Forced migration covers a set of incredibly diverse demographic phenomena of internal and international nature. Specialists believe that the forced migration category cannot yet be considered an independent and well-substantiated theoretical construct ([Romanova, 2013](#)).

As an example of forced migration, we can consider the arrival of Russian citizens to the Republic of Kazakhstan due to the partial mobilization declared in the Russian Federation. From late September to early October, 200 thousand Russian citizens entered Kazakhstan. 147 thousand left the country, and the daily inflow amounted to over 20 thousand ([Polyakova, 2022](#)).

According to the Migration Service of the Ministry of Internal Affairs of Kazakhstan, 406 thousand Russians entered the country in September, most of them after September 21, when Russia announced a partial mobilization. Almost 150 thousand who arrived in Kazakhstan in late September remained in the Republic. Of these, 36 thousand received temporary residence permits, and 205 thousand left for other

countries, meaning that Kazakhstan was used as a transit site ([Ministry of Internal Affairs of the Republic of Kazakhstan, 2022](#)).

To apply for permanent residency, one must have the consent of the state from which they departed; without it, the residency permit will be denied. 47 thousand Russian citizens left for Uzbekistan, 46 thousand – for Kyrgyzstan, 37 thousand – for Turkey, and 19 thousand – for the UAE ([Khaldarova, 2022](#)).

At present, Kazakh authorities are trying to systematize the issue of Russian migrants: to make a record of them, identify those who work in Kazakhstan, separate taxpayers from those who do not pay taxes, naturalize them so that they pay taxes to the Kazakh treasury and contribute to the Kazakh economy, and obtain work visas and residence permits to do so.

This example demonstrates that migrants from Russia often did not plan to stay in Kazakhstan for the long term, and their presence in the country was determined by external factors (the end of the war, the end of mobilization, and other personal motives). Nevertheless, individuals are searching for ways to apply themselves in the new country. Therefore, the term “forced migration” is perhaps more sociological in nature because it describes people’s behavior.

Development of Refugee Protection

The second aspect of the analysis is the category of refugees. A refugee is a legal category applied to persons forced to leave their home country because of the escalation of armed conflicts and various forms of political persecution. The beginning of full-fledged research on refugees can be attributed to the 1920s and 1930s.

Among others, of note is the work of the Norwegian polar explorer F. Nansen (1861-1930) concerning political refugees from Soviet Russia (the so-called Nansen passports). In 1920, Nansen was appointed High Commissioner for Refugees by the League of Nations. The activities undertaken at that time resulted in more than 450 thousand people from 26 countries being allowed to return home.

In August 1921, the Council of the League of Nations appointed Nansen as High Commissioner for Russian Refugees. In 1930, the Nansen International Refugee Bureau ([Reinalda, 2009](#)) was established within the League of Nations, which played a major role in protecting refugees from Nazi Germany and Francoist Spain. In October 1933, the League of Nations adopted the Convention of October 28, 1933, on the International Status of Refugees.

In response to the increased persecution of the Jewish population, the Convention Relating to the Status of Refugees from Germany was adopted on February 10, 1938. Despite the adoption of the above-mentioned documents, the 1933 and 1938 Conventions did not purport to create a universal system of refugee protection worldwide. Rather, they were support instruments created for the needs of a specific group of refugees in a specific country: the persecuted Jewish population of Germany.

Only the UN succeeded in bringing about the creation of a universal and generally recognized system of normative and institutional protection for refugees. In 1946,

the UN founded the International Refugee Organization (IRO), which was later replaced by the UN High Commissioner for Refugees (UNHCR). July 1951 marked the adoption of the Convention Relating to the Status of Refugees (CRSR).

Another important step in the development of international standards of refugee protection was the adoption of the so-called Protocol Relating to the Status of Refugees of October 4, 1967. The above-mentioned documents set universal standards for the protection of refugees as an independent and legally distinct category of foreigners (Gieseken, 2017; Grigorieva, 2017).

Under the Geneva Convention, a refugee is a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, finds themselves outside of their country of origin and is unable or unwilling to take avail of this country's protection or someone who, having no citizenship and being outside the country of their former habitual residence as a result of such events, is unable or, because of such fear, unwilling to return to it.

Belonging to the group of refugees is determined by meeting formal requirements (Blinder, 2015).

Thus, the global dynamics of the phenomenon are contingent on detailed provisions of international instruments, the practices of refugee-hosting countries, and fertility rates in multigenerational refugee diasporas.

The Emergence of Internal Displacement

The third aspect in the analysis of spatial human mobility is research on internal displacement, which has now been developed for several decades. Internal displacement is a socioeconomic phenomenon involving dynamic conflicts of interest within the territory of a state (Cohen, 2006).

Scholars outline at least four primary categories of internal displacement: 1) displacement associated with the escalation of armed conflicts and various forms of discrimination, 2) displacement associated with natural and man-made disasters, 3) displacement associated with protracted environmental transformations and climate change, and 4) displacement associated with the implementation of investment projects (Muguruza and Amado, 2017). This classification, however, is general and does not reflect the complexity of internal displacement worldwide.

In 1998, the UN adopted the Guiding Principles on Internal Displacement (Arrieta-López, 2022). This is the first operational catalog of standards for the protection and support of IDPs adopted within the international community.

The 1998 document also included an operational definition of IDPs, describing them as persons or groups of people who were or will be forced to leave their home and place of residence because of or to escape the consequences of an armed conflict, situations of generalized violence, human rights violations, and natural or man-made disasters *without crossing internationally recognized national borders*.

An important tool for the protection of IDPs is also the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted in October 2009 (in force since December 6, 2012), which is now ratified by 22 member countries in the African Union (the Kampala Convention) (Gillard, 2005).

In recent decades, the directions of economic migrations have been majorly reconsidered (Álvarez, 2023). High oil prices have fueled the economic development of the Gulf states and their increasing presence on the global map of economic mobility. The Gulf states are becoming a migration destination for at least several million citizens of Asian countries, especially India, Pakistan, Sri Lanka, and Bangladesh. The legal regulations adopted in the Gulf countries cause various threats faced by migrants (Rani, 2021).

A different situation is observed in most developed countries in Europe and North America. These regions are categorized by a well-developed and efficient normative and legal base in the legal and social protection of migrants. However, for many years, these countries have been taking action to limit the scale of external migration (Hujo, 2019).

Challenges in Transnational Labor Mobility

Considering the CIS, we should note labor migration from such member states as Uzbekistan, Kyrgyzstan, and Tajikistan to Russia and Kazakhstan as more economically developed countries. Kazakhstan today is an example of stability, relative prosperity, and tranquility not only in Central Asia but also in the CIS. Its standard of living is comparable to Russia's and is an order of magnitude higher than in Central Asian states (Sidorenko, 2023).

Kazakhstan is currently considered the second recipient country, i.e., a host country, in the region after Russia for labor migrants (Kornilova et al., 2022). For the most part, a large flow of labor migrants comes from Uzbekistan and another flow from Tajikistan in transit. For instance, in 2022, Kazakhstan attracted 2.3 million citizens of Uzbekistan, 730 thousand citizens of Kyrgyzstan, and more than 330 thousand citizens of Tajikistan (Yugai, 2022).

Taking the period of seasonal work from early spring to late fall, about 10 thousand people cross the border in southern Kazakhstan every day. With the relaxation of COVID-19 restrictions (Suslova et al., 2022) and the gradual opening of borders, there is a great demand for labor migrants in the Kazakh market. Yet the annual quota allocated to each region of the country is rather low, which gives rise to various kinds of ruses (Khamzin and Moldabayev, 2013; Suslova et al., 2022), causing some migrants to fall into labor slavery.

People become victims of labor slavery when there is a violation of elementary rules of labor law from both sides: the employee and the employer. The reason behind labor slavery is ignorance of the law and the absence of a labor agreement (Chirkov et al., 2022). To hire an employee, an employer in Kazakhstan is obliged to pay a state tax, and a labor migrant upon arrival in Kazakhstan must obtain an identification document to sign an employment contract and thus protect themselves for the future.

The Government of Kazakhstan continues to work on assisting labor migrants and combating human trafficking (Toigulova, Bolat, 2022). Since 2020, with the assistance of the International Organization for Migration (IOM), new forms of work have been introduced. Namely, mobile groups have been organized, which has helped to detect violations related to human trafficking much more efficiently (Iskakova, 2021).

The current dynamics of transnational labor mobility become a source of challenges for social policy (Zhatkanbayeva et al., 2017). Social policy regulations are an important instrument shaping the dynamics of emigration and immigration and influencing the position of foreigners in a country (Zharov et al., 2022).

The lack of adequate social support mechanisms is an important factor in driving migrants away from their country of residence (Afonso and Devitt, 2016). Thus, countries that become the source of migrants are usually marked by a low level of development of social support institutions. The economic and social policy of the state often fails to solve the main problems faced by citizens, such as difficulties with employment (Kaliyev et al., 2019). Thus, migration is the only available tool to improve the current economic situation (Bansak et al., 2016).

Among the leading factors that attract foreigners (pull factors) to the recipient country, researchers name migrant-friendly legal regulations and developed social support mechanisms (Rybak et al., 2023). Regulation of economic and social policy plays a key part in shaping the economic mobility of the country's own citizens and regulating the scale of migrant inflow (Vrânceanu, 2019).

The dynamics of international labor mobility are not defined exclusively by economic factors (Acurero Luzardo et al., 2023; Bobkov et al., 2020). Of no less importance as push factors are other issues existing in the country of origin (Aguilar Caro et al., 2022). For example, discrimination against women in African and Asian countries is a major reason for the increase in economic migration to Europe.

Migration decisions of people in developing countries are also influenced by various ethnic, political, and religious issues (Cholewinski, 2010). Lack of respect for human rights becomes an important push factor for migrants in many developing countries. However, the growing scale of economic migration in countries with weak human rights protection does not improve the social situation of migrants.

The results reported in this paper focus on the mechanisms of legal protection and social support for international migrants. Labor migrants and their family members are now the prevailing category of foreigners in numbers. Their status is also characterized by tremendous differentiation. Among the leading factors shaping the variety of conditions of economic migrants is their economic and legal status, the country of residence, and the standards of legal protection in it.

Universal and regional documents on the international protection of human rights are an important reference point for national standards for the protection of migrants and the regulation of social policies (Erkinbekov et al., 2023).

However, national standards for the protection of migrants are, first and foremost, a reflection of internal political conditions and the openness of countries for labor migrants. Therefore, the provisions of international human rights protection

documents and international labor law do not play a key role in shaping domestic regulations on the status of economic migrants. Thus, it is particularly important to analyze the challenges posed by migration processes for the human rights and social policy sectors.

Data Collection

In this light, the purpose of the present study is to analyze the impact of contemporary migration processes on the socioeconomic status of migrants.

The subject of the main part of the article is to identify the main threats faced by economic (labor) migrants and the ensuing challenges in the sphere of human rights and social policy.

In order to reach the established goal authors utilized approach based on qualitative methods of information collection, which includes system-structural method, formal, legally-logical methods, comparative-legal and method of document analysis. The document analysis method, based on collecting information from various sources and its classification by type, was chosen as the main method. The first type of source: legal and regulatory documents present in legal reference systems, statistical information available on official websites of national and international public authorities. These documents include international treaties and conventions, regional agreements, and national laws relevant to migration, human rights, and social policy. In addition to general legal documents, the authors have used such as the United Nations' International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the ILO's Multilateral Framework on Labour Migration, and regional agreements like the European Convention on Human Rights. They also referenced directives and policies from the European Union regarding migrant labor. National laws and court decisions from various countries, particularly those with significant migrant populations, were also examined to understand different approaches to migrant rights and integration policies.

The second type of documents: scientific articles and conference papers of researchers, as well as research published in journals indexable through scientific citation databases Scopus, Web of Science and Elibrary over the past 10 years. To conduct the search for scientific articles and conference papers, the authors likely used a systematic approach. Authors defined specific keywords related to the study's themes, such as "transnational economic mobility," "international migration," "migrant rights," and "social policy".

Thus, analysis of the threats and challenges faced by migrants provides a starting point for more general conclusions about the impact of migration processes on human rights and social policy. It is followed by an analysis of regional and universal instruments of international protection of economic migrants adopted to date, as well as rules of employment and practical support for foreigners.

The conclusion draws attention to the challenges facing international institutions and state authorities in minimizing the main threats faced by migrants.

DISCUSSION

International Migration as a Source of Threats to Human Rights and a Sphere of Challenges for Social Policy

International migration is a process associated with a profound and rapid transformation of the social and legal status of individuals. Like most other processes with high dynamics of social change, it generates particularly strong threats to human rights ([Arrieta-López, 2021](#)). Legal crossing of the border of the country of origin entails the transfer of a part of authority over the person to the authorities of the country of arrival (further residence) ([Anderson, 2010](#)).

Legal norms and a lack of appropriate assistance tools relatively often limit the work of the country of residence on the support of migrants. The worst situation is observed in the case of various types of illegal migration. Illegal crossing of a border means that the authorities of the country of residence have very limited possibilities to carry out adequate assistance measures (including due to their unawareness of the presence of specific persons on their territory).

The illegal nature of stay means that immigrants have no possibility to become addressees of normative acts in the spheres of employment, health care, social security, and many other normative acts concerning social support of legally employed labor migrants ([Anderson, Ruhs, 2010](#)). Consequently, such migrants face the maximum possible problems in the sphere of employment and experience socioeconomic discrimination. For this reason, illegal migrants are often caught in a spiral of socioeconomic pathologies leading to their progressive marginalization ([Afanasev and Afanasev, 2022](#)).

Transformation of the legal status of migrants is frequently accompanied by far-reaching transformations in their social status. No less important is the destructive influence of international migration on economic support mechanisms. International labor mobility is commonly seen as an escape from oppressive economic and social relations (especially for women). However, this escape is fraught with the reduction of benefits derived from the social status and economic importance of family ties in the place of origin.

The weakening of the individual's position caused by the above factors becomes a significant factor threatening the socioeconomic and human rights situation of immigrants ([Bloemraad et al., 2016](#)).

The leading social response to these processes is the creation of migration networks and the strengthening of direct connections within the diaspora. This fact is reflected, for example, in the frequent practice of immigrant communities populating entire urban areas ([Bloemraad et al., 2016](#)). Thus, preserving existing ties and a sense of identity is an important factor in maximizing the individual and collective security of members in immigrant communities, especially those with limited capacity to adapt to fully autonomous functioning in a new country (e.g., lack of language skills, old age, etc.).

However, an enhanced sense of security due to functioning within the diaspora is accompanied by problems due to limited integration in the new country. Creating favorable conditions to simplify immigrants' integration and simultaneously improve their sense of security is a vital task of social policy (Hager and Veit, 2019).

The legal status of economic migrants defines their ability to enjoy more detailed and expanded human rights. Access to more advanced medical services, social security (Chumaceiro Hernandez et al., 2022), social support, and labor union rights is a clear outcome of legal stay and employment in the country of residence (Amelin et al., 2023). The legality of a stay also determines the ability to rent or purchase property, which in many cases acts as an important factor in legal employment (Fasani, 2015).

Despite internal legal norms, legally employed labor migrants continue to face various forms of discrimination, especially with respect to the term and conditions of employment, as well as remuneration. Even in highly developed countries, the salary of legally employed labor migrants is commonly at least 10% lower than that of the citizens.

In many parts of the world, immigrants can expect employment only in jobs not wanted by locals (Hainmueller and Hiscox, 2010). Only in a few countries (the UN countries, Russia, and Kazakhstan), legal norms efficiently limit the described discriminatory practice.

That notwithstanding, legally employed labor migrants have a much better legal status from the point of available means of legal support and social support mechanisms. In that sense, the position of labor migrants employed in accordance with the legislation of the country of residence is drastically different from the problems of persons present in a particular country irregularly.

Undocumented presence makes legal employment impossible, which initially serves as a factor in the marginalization of the worker's position and further – in discrimination in the workplace (e.g., from the point of time of work, remuneration, responsibility for work accidents, etc.). Another factor that aggravates the position of illegally employed foreigners is their fear of telling authorities about their illegal employment (Martin and Ruhs, 2019).

The formal and legal status of immigrants appears to be key factors defining the threats they experience with respect to human rights. However, the greatest part of the dangers faced by migrants appears difficult to eliminate even with the expanded and more efficient realization of their rights.

The sociologically important division between “us” and “them” remains a key factor in the discrimination of migrants and a source of threats to basic human rights (Hainmueller and Hopkins, 2014). A continuation of this division is various types of economic and social discrimination of migrants on the part of the local communities of the countries of employment.

The most common type of economic discrimination against labor migrants is arbitrary decisions (e.g., regarding employment or salary) in isolation from essential criteria (such as professional experience or education) in favor of members of the employer's own community. Even in developed EU member countries, national and

ethnic origin is an important aspect in making decisions on employment and hidden discrimination (Bogg and Novitz, 2014).

Discriminatory practices based on ethnicity and race are found in many European countries, both against immigrant communities and against minorities with citizenship. Immigrants also encounter many other forms of discrimination by local communities, for example, when renting apartments, starting their own businesses, or enrolling their children in school (Fennelly and Murphy, 2021).

In numerous countries, such as France and Italy, there is a rise in openly articulated xenophobic and chauvinistic sentiments. These attitudes differ in intensity depending on the national economic and political situation, the dynamics of settlement migrations in a particular territory, and its national and ethnic composition.

Immigrants from Maghreb countries in France (Kahmann, 2015) or Italy (Sanfelici, 2021) and Mexicans in the US (Hainmueller and Hopkins, 2015) are just a few examples of communities experiencing direct forms of discrimination in the country of residence. The analysis of the determinants of discrimination and threats to the human rights of migrants allows us to draw the following conclusions.

The low respect for individual rights and freedoms is an important factor contributing to transnational economic mobility (Fokina et al., 2023). Economic migrants may experience significant human rights violations in the country of origin, when migrating from place to place, and in the country of residence (Gavrilova et al., 2022). The degree of observance of human rights becomes a key pull and push factor for migrants.

In many cases, purely economic mobility from a sociological point turns out to be forced migration caused by previous human rights violations and the associated decrease in security. For this reason, migrants' motives are incredibly challenging to assess accurately. Some assistance in this regard is provided by analyzing the specifics of migration processes based on the concept of human security, which has been under development for several years.

Considering the concept, migration can be viewed as a reaction to a dynamic decrease in the levels of various types of human security. The classification of seven types of human security proposed in the UN Development Program in 1994 can become a leading foundation for multifaceted research into the relationship between migration and the issues of security.

The difficulty of a definite distinction of the motivation behind spatial mobility (including those associated with the issues of a clear definition of the primary push factor for migrants) is an issue emphasized by many contemporary specialists (Chernysheva et al., 2022; Sidorenko, 2023). One of the numerous answers to these dilemmas is a concept proposed by A. Betts – the so-called “survival migration” (Betts, 2013).

Equally significant human rights threats result from physical mobility between the country of origin and the immigration destination. Crossing borders in accordance with the laws of transit countries is a key determinant of the status of migrants that minimizes the extent of the problems they experience (Dennison, and Geddes, 2019). However, domestic regulations and the limited effectiveness of dip-

lomatic and consular agencies mean that even migrant workers who cross national borders legally face numerous legal problems in transit countries.

A particularly important challenge for agencies aiding foreigners is the growing scale of the smuggling of migrants. This phenomenon, which combines migration processes with transnational organized crime, has become truly global in recent years. Among the regions of the world particularly burdened by this phenomenon are the border between Mexico and the US, the region of South and Central-Eastern Europe, and at least a few countries in South-East Asia.

The total dependence of irregular migrants on those who organize their migration becomes a factor in many criminal acts, including the murder of migrants. Human smuggling is also closely linked to sexual crime, human trafficking, and irregular employment (Sjödin, 2021). It thus poses a threat to the most fundamental domains of human rights, such as the right to personal liberty.

Despite the adoption of several documents in recent years and the involvement of specialized international agencies of a regional nature (for example, FRONTEX), the practical activity of international organizations in minimizing the outlined dangers appears far from sufficient. The normative and institutional activities of international organizations lag far behind the much more rapid evolution of migration processes (Hernández García De Velazco, et al., 2023).

Lack of effective migration policy at the national level often paralyzes the competencies of public authorities (or unclear division of competencies) in assisting and supporting labor migrants. The involvement of the authorities of migrants' countries of origin in supporting their citizens is limited. This fact is reflected, among other things, in ineffective diplomatic and consular protection provided to migrants in their country of residence (Ruhs, 2012).

Among the leading factors in the legal marginalization of foreigners, we can cite the language barrier, limited contact with people from emigrant communities, and lack of access to relevant information on employment (Yatsenko et al., 2022), legal protection, and forms of support for foreigners in the country of their residence.

These issues are further aggravated by the irregular nature of stay or employment. The fear of losing their job becomes the reason behind migrants' access to legal protection bodies being limited and migrants themselves accepting inadequate employment conditions and discrimination in pay (Gavrilov et al., 2022). The described problems are magnified by various forms of discrimination and marginalization of labor migrants and their families on the part of local communities of the country of residence.

Thus, the nature of threats encountered by migrants is a derivative of the efficiency of existing legal support mechanisms (including the general direction of migration policy), the level of economic and social development, as well as ethnic, national, and religious relations established in the host country (Iskakov et al., 2023). Due to the change of country of residence, the weakened socioeconomic status of migrants means that this category of persons lacks appropriate mechanisms to minimize the risks they experience.

The problems arising from the migration process can contribute to the further spiral of marginalization. Deterioration of the economic situation of migrants is a reason that complicates their return to the country of origin (for example, due to lack of money for travel and a feeling of failure). The blurring of various categories of human security caused by this problem becomes a factor in the long-term marginalization of migrants and a source of human rights threats.

Especially intense threats to the most fundamental rights of migrants are observed in countries affected by armed conflicts or characterized by a low level of development of the institution of the legal protection of the individual. Particularly serious threats to basic human rights are currently seen regarding labor migrants employed in the Middle East and the Arabian Peninsula.

The rapid economic development of the Gulf countries has become a factor in the growth of labor migration from Asia (India, Pakistan, Bangladesh, Philippines, Sri Lanka, Nepal) and to a lesser extent from East Africa (Ethiopia, Eritrea), estimated in recent years at a minimum of several million people (Arshin, 2021).

Both African migrant-receiving and migrant-sending countries are characterized by relatively low standards of human rights protection. Thus, it can be said that threats to fundamental human rights represent a high social cost in the process of improving the economic situation (lowering the level of personal security is an inevitable cost in the lengthy and often unsuccessful process of maximizing the level of economic security of individuals and families).

Threats to basic human rights (right to life, personal freedom, etc.) are also witnessed in many other regions of the world, including South Asia. For example, let us mention the practice of exploitation of migrants employed in illegal forced labor camps in recent years in Thailand or Burma and the related increase in suicides among migrant workers (forced labor is a clear violation of the right to personal liberty, one of the most basic human rights) (Meyer et al., 2014).

Global issues of illegal smuggling of migrants and human trafficking have resulted in an increase in violations of the basic rights of migrants in developed countries as well. Reports by the IOM suggest that in Europe alone, human trafficking might affect up to 180 thousand people yearly (Helbling and Kalkum, 2018).

Human trafficking in highly developed countries is associated both with sex crimes and prostitution and with the exploitation of migrants forced to work in illegal labor camps. It is estimated that forced prostitution and trafficking of women affect up to several hundred thousand people in Europe. No less serious are the cases of Central and Eastern European nationals forced to perform quasi-slavery agricultural labor in camps in southern Italy (Pannia, 2022).

Human rights organizations also object to the employment of groups of Chinese immigrants in certain industries. Many of them may perform work against their will and in violation of basic employment standards and may not receive remuneration consistent with the labor contract. Cases of human trafficking and forced labor can also be observed in the US, for example, as illegal employment of children from Latin America as house servants (Hellgren, 2015).

Not all threats encountered by migrants during the migration process may be associated with intentional discrimination and human rights violations. Some of them stem from objective dangers brought about by the process of irregular migration.

People who illegally cross the border by sea consciously take the risk of losing their lives for the sake of improving their financial situation. For this reason, the international community must take preventive measures to improve the economic situation of the citizens of least-developed countries that send migrants (through development assistance mechanisms).

Furthermore, rescue and humanitarian activities need to be implemented to assist migrants during irregular border crossings and provide adequate economic and legal support for them to seek asylum in the country in which they find themselves or return to their country of origin.

The actions taken in this connection by international institutions and specialized agencies should focus on improving the functioning of migrants when they find themselves, rather than on the negative stigmatization of unregistered migrants or on protecting the Western European “garden” from the increasing inward migration from the “jungle”.

Effective standards of legal protection mean that legal migrations to highly developed countries tend to result in threats to migrants only in economic and social human rights. Problems for migrant workers in this sphere include discriminatory hiring practices of various kinds and impeded access by migrants to social benefits to which nationals are entitled.

An especially prominent issue is discrimination in employment and income ([Bantserova and Kasimova, 2023](#)). Factors that reinforce the economic discrimination of migrants can be not only objective economic indicators but also the stereotypes present in the social space. Another important factor that generates threats to human rights is social discrimination in various forms, including openly articulated xenophobic sentiments and their practical development.

Political spheres can also be held accountable for hostile acts leading to human rights violations, such as political views expressed in the media that promote xenophobia against migrants.

In the mid-2000s, in connection with the analysis of migration processes and the labor market, the term “relocation” entered scientific use, which is used to denote the movement of personnel and jobs. Notably, prior to that, the term referred primarily to the relocation of businesses (most commonly in information technology) from one country to another and had no political connotations. At present, the political sentiments of relocates have become one of the main markers of this term.

In the context of relocation, researchers are now discussing the phenomenon of digital nomads as a special group of people who carry out their labor activity using modern digital telecommunication technologies, which allows them to move freely from one country to another.

For instance, the term “digital nomad” can be applied to migrants who are IT specialists and whose work is directly associated with using information and commu-

nications technology. Yet due to the advancement of information technology and Industry 4.0, the concept of a digital nomad is starting to transform, as there is an increase in people who can work remotely, which predetermines the mobile lifestyle of such a person.

Therefore, the scientific community continues to search for a proper scientific and terminological apparatus to describe migrants who settle in the recipient country for a short term, as well as to establish what term should be considered short (Chirkov et al., 2022).

Amid the crisis, the planning horizon for the considered group of migrants has shortened. A significant number of IT specialists have not made a final decision on the country of stay (as a rule, due to the announcement of partial mobilization in Russia, migrants mainly moved to those countries with which the Russian Federation has a visa-free regime).

Those participating in emigration are predominantly qualified IT specialists whose professional level ensures demand for their services and employment in a foreign IT market in a highly competitive environment. At present, the issue of the outflow of IT specialists is the most acute. The Russian Association of Electronic Communications reports that in the first wave of emigration (February-March 2022), Russia lost around 50-70 thousand IT specialists.

Admittedly, there are some target groups who welcome the stay of relocates from Russia in Kazakhstan. These are landlords of rented apartments, owners of small restaurants and bars where relocates regularly gather, etc. However, while in the short term, the arriving relocates do increase demand for goods and services, their long-term stay leads to a rise in housing prices and inflation and, consequently, increased social tensions.

From a legal standpoint, relocation processes separately are not regulated in any way, or, at best, only initial attempts are made to start regulating these processes.

Universal and Regional Legal Protection Mechanisms for Migrants

The work of the International Labor Organization (ILO) after the Second World War brought about the adoption of three important documents concerning the legal position of labor migrants: the Migration for Employment Convention No. 97 (1949), the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955, No. 100, and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, No. 143 (1975). Nevertheless, the adopted universal conventions are currently not very influential.

To be specific, the ILO Convention No. 97 of 1949 reflects the specifics of labor migration characteristic of the first half of the last century. Furthermore, the very general nature of the document and the lack of efficient mechanisms to realize its provisions also pose a problem. Despite being general, however, the ILO Convention No. 97 is among the most critical documents adopted by the organization to protect labor migrants. In addition, this Convention has the greatest number of ratifications.

Recommendation No. 100, in turn, has played only a limited role in shaping protection standards for migrants.

A much more progressive document is the ILO Convention No. 143 of 1975 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers. This Convention was created as a further development of the 1949 document. It has become one of the first international documents devoted to illegal migration. However, only a limited number of states participate in it.

The documents of legal protection for migrants adopted under the ILO have only had a limited impact on improving the position of this category of foreigners.

The most prominent reasons behind this situation include a) long-standing disputes between migrant-sending and migrant-receiving countries, b) limited acceptance by developed countries of international labor standards for migrants developed under the ILO, c) passive attitude to the issue, and d) the limited role of the ILO as a forum for multilateral dialogue on social issues.

Since the mid-1970s, the activity of the ILO in regulating the legal position of labor migrants has been decreasing. African states created through decolonization have relatively often viewed international labor standards as a product of Eurocentric thinking. Non-European countries, in turn, chose to take steps to adopt a new UN convention to protect migrant workers.

Steps towards the adoption of a binding convention to protect labor migrants were taken at the UN in the early 1970s. In its resolution 1706 (LIII) of 1972, the Economic and Social Council drew attention to the growing scale of undocumented migration from African countries to Western European countries.

Pursuant to Resolution 34/172 adopted in December 1979, formal work began on the text of the Convention, resulting in the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in December 1990. This Convention presents the most detailed instrument for the protection and support of economic migrants.

The ratification campaign, which lasted several years, culminated in the instrument's entry into force on March 14, 2003. The 93-article UN Convention is the most elaborate international instrument for the protection of migrant workers. Furthermore, this Convention is the first binding instrument to provide for a body responsible for monitoring the implementation of its provisions. A problem lies, however, in the general rejection of its provisions by the most developed world countries (those accepting migrants).

Signatories to the Convention are almost exclusively labor-exporting countries, which significantly undermines its value as a universal instrument of legal protection. To date, 47 countries have ratified the UN Convention on the Protection of Migrant Workers. The US and EU member states have repeatedly expressed criticism of the detailed provisions of the Convention. Among the specific human rights instruments adopted under the UN framework, the 1990 Convention appears to have the lowest level of global recognition.

Documents on the legal protection of labor migrants adopted in the past several decades have also affected (and still do) the internal normative acts of many countries. Several subsequent regulations have had an equally significant impact on the domestic legislation of member states. No less important has been the influence of the European Social Charter on the domestic regulations of many European countries concerning the employment of foreigners (Hellgren, 2015).

Initially, the work of European communities was aimed at liberalizing border crossing and employment rules for foreigners undertaking economic mobility within member states. The Paris Treaty signed in 1951, which established the European Coal and Steel Association (ECSA), established the right to free movement of people employed in this sector.

The Treaty of Rome, adopted in 1957, extended these rights to all persons working in the European Economic Community (EEC). The most fundamental provisions in this respect are contained in Article 45 of the Treaty on the Functioning of the EU (TFEU). Provisions important with respect to the legal position of migrants are also found in the EU Charter of Fundamental Rights.

Analyzing the achievements of the Council of Europe in the field of the legal protection of labor migrants, it is worth paying attention to the provisions of the European Social Charter (1961), the 1977 Council of Europe Convention on the Legal Status of Migrant Workers, and several dozen PACE recommendations.

Documents on the protection of migrants adopted under the ILO have also had a major influence on the internal legislation of at least several non-European states. The legislation of many European countries is marked by a more expanded nature of the rights of legally employed labor migrants (Inghammar, 2010).

EU member countries clearly distinguish the rights of legal migrants and those of the various categories of foreigners staying in the country illegally. International documents that urge to expand the economic and social rights of irregular migrants are met with criticism by the most developed states, such as the US and Western European countries.

Of profound practical importance today are the documents adopted by the EU and the Council of Europe. The EU documents regulate standards for the movement and employment of workers within the common European market. They thereby comprise the basic principles for the equal treatment of citizens of EU member states in the sphere of migration and employment.

Documents adopted within the Council of Europe (European Social Charter, European Convention on the Legal Status of Labor Migrants, Directives of the Parliamentary Assembly of the Council of Europe) play an invaluable role as a starting point for standards of protection for foreigners in EU member states. In recent years, the Organization for Security and Co-operation in Europe (OSCE) has also been taking measures to counter the discrimination against migrants and improve their integration in EU member states.

European cooperation structures are not the only organizations active in the field of legal protection of migrant workers. Of note here are also the Association of

Southeast Asian Nations, the League of Arab States, the African Union, and the Organization of American States (OAS).

However, the practical significance of provisions on the protection of migrants adopted by non-European cooperation structures is much lower. Cooperation as part of these organizations has not yet moved beyond non-binding declarations.

The League of Arab States is an example of an organization that gives secondary importance to the mechanisms of legal protection for migrants. The situation is similar to the activities carried out within the OAS. One of the few initiatives worth noting was the creation of the mandate of a special rapporteur on the human rights of migrant workers within the OAS.

The zone of the Western Hemisphere is marked by a considerable polarization of interests between the sending and receiving countries. In particular, the US has been striving to curb illegal migration to its territory for many years.

A much greater commonality of interests is found in the countries member in the Association of Southeast Asian Nations (ASEAN). Throughout several years, the ASEAN has been showing increasing activity in regulating the legal status and rights of migrants in its member states. The most noticeable result of this work is the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers adopted at the organization's 12th Summit in January 2007.

The African Union is an example of a regional cooperation organization that is becoming increasingly active on the matter of international protection of human rights.

The work done in recent years has been reflected in the adoption of the regional convention for the protection of IDPs. However, in many regions of Africa, the scale of international labor migration within the continent is limited. A much more pressing issue affecting the stability of the region is the minimization of illegal migration to Europe. In this context, the EU-Africa Partnership on Migration, Mobility, and Employment developed in recent years has become an important form of cooperation.

Standards of social support for migrants are equally diverse in all parts of the world. National policy directives regarding migrants currently depend primarily on economic factors, the level of traditional political openness to foreigners, and historical ties to immigrants' areas of origin. The economic interests of the state can be considered a key factor in the liberalization or tightening of domestic regulation regarding migrants.

Countries characterized by rapid economic development often require an increasing number of workers. Consequently, legal regulation of migrant inflow becomes more liberal ([Inghammar, 2010](#)). For instance, this phenomenon was characteristic of Western European countries in the period of their post-war economic development when there was an influx of people from the former colonies and the southern part of the continent into their territory.

This trend was halted by the effects of the first oil crisis and the increase in irregular migration. The mid-1970s can be considered the time of the first tightening of migration policies in at least a few Western European countries (e.g., France).

At present, in most developed countries, efforts to limit the inflow of irregular migrants and low-skilled workforce are accompanied by various measures to attract highly qualified workers with special knowledge. EU member states are distinguished by a selective policy on different categories of migrants. This fact translates into the advancement of the freedom of movement and employment for EU citizens with a simultaneous restriction of external migration from outside the EU ([Hutter and Kriesi, 2021](#)).

The attitudes of political groups to migration increasingly reflect the separation lines characteristic of different social strata. For instance, many populist parties assert clearly anti-immigrant postulates ([Steinmayr, 2021](#)). The programs of some political parties further contribute to the rise of anti-immigrant and xenophobic sentiments, which directly affects the various problems faced by foreigners. A particular intensification of xenophobic and anti-immigrant attitudes is observed during prolonged and deep economic crises.

We should point out the significance of attracting highly qualified migrants for many countries and the importance of creating appropriate legal mechanisms for this. An example for Kazakhstan would be the Kyrgyz Government adopting the provision on the “Digital Nomad” Status and the Order of its Attribution to Foreign Nationals in August 2022.

This regulation allows digital nomads to enter/leave Kyrgyzstan without a visa, registration at the place of stay, or employment permit, and contains information on personal identification numbers.

The requirements posed by Kyrgyzstan to applicants for the status of digital nomad are rather strict, which partially diminishes the function of this provision as an efficient mechanism to attract highly qualified migrants and reduces the country’s attractiveness to them. Thus, the Ministry of Economy and Commerce of Kyrgyzstan reports that from September 29, 2022, to February 10, 2023, 2,799 applications were submitted for the status of digital nomad, of which only 1,049 were accepted ([Ministry of Economy and Commerce of the Kyrgyz Republic, n.d.](#)).

CONCLUSIONS

Transnational economic mobility is relatively often used as a tool for the equalization of opportunities, improvement of the legal status of individual categories of migrants, and liberation from traditional (patriarchal) economic and social dependencies.

One of the key impacts highlighted in the article is the transformation of international migration patterns. Transnational economic mobility has facilitated the movement of individuals across borders in search of better economic opportunities. Of note are the positive influence of international migration on the expansion of personal freedom, the egalitarianism of social relations, and opportunities to improve one’s welfare, considering the non-economic motives of Asian women migrating to Europe or the US. For them, migration is often the only possible way to free themselves from discriminatory social relations. Nevertheless, the migrant environment shows many pathologies that are hard to eliminate.

The economic and social problems experienced by migrants are diverse in nature. They commonly relate not to the discriminatory policy of the country of residence but to various conflicts between foreigners and representatives of the local community. Legal conditions favorable for migrants and their sound economic situation offer no protection from different forms of discrimination by residents. Therefore, authorities do not carry responsibility for all the problems faced by foreigners in the country.

A relatively frequent cause of conflict is excessive alienation of the foreigner community (for instance, in areas populated mainly by migrants) and the lack of daily interaction with members of the local community. Foreigners are often uninterested in integrating into the society of their country of residence.

The described attitude gives rise to various conflicts and a kind of self-alienation. Even if they are qualified specialists, owing to the development of ICT, migrants can reside in the receiving country only physically, while working and receiving income in the country they left or another state. That is, for the economy of the receiving country, such migration does not increase the number of qualified specialists in the internal labor market.

The work of public authorities is the key factor determining the political, economic, social, and legal status of migrants. The main means of action for the state is the creation of political and legal instruments that regulate various aspects of the functioning of migrants, including at the international level (e.g., ratification of instruments on the international protection of foreigners, establishment of regional standards on migration and asylum, joint formation of economic mobility dynamics at the subregional level, etc.). While economic mobility can enhance the livelihoods of individuals and their families, it also raises important human rights concerns. Issues such as labor rights, fair wages, and access to essential services become central in the context of transnational economic mobility.

An equally important level of effort of the government is the creation of national legal norms concerning migration. This refers to clear legislation on the rules of the stay, employment, and social support of migrants. These norms need to comply with regional and universal norms of similar nature. From the point of daily position of migrants, much more important is the practice of administration of the mechanisms of treatment and support of foreigners. Social safety nets, healthcare systems, and education policies must adapt to accommodate the diverse populations resulting from migration.

In many countries, legislation guarantees migrants broad rights to employment and access to healthcare and social support institutions. Practical implementation of these provisions, however, often has little to do with the established legal norms. National authorities also carry responsibility for creating an appropriate political climate with respect to the acceptance of migrants and the economic migration of the country's own citizens.

In the realm of future research, several promising avenues emerge for a deeper

understanding of transnational economic mobility and its regulatory dynamics. Future studies could investigate the influence of digital technologies, such as artificial intelligence and online platforms, on shaping contemporary migration patterns.

Furthermore, researchers may find it fruitful to examine the role of non-governmental organizations (NGOs) in advocating for migrant rights and delivering essential support services. A comprehensive investigation into the contributions and challenges faced by NGOs in the context of migration can illuminate their significance in safeguarding the well-being of migrants.

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