

## Engaging highly qualified specialists

Labour migration is an important part of attracting investments and developing the country's economy. Over the past thirty years, majority of developed countries have concentrated their migration policies on obtaining economic benefit from external labour migrants. Pursuing the set objectives, such countries primarily took measures of state regulation to simplify the system of obtaining work permits and created additional favorable conditions for employing foreign labour. It should be noted that policies of such countries were aimed only at employing highly qualified migrants, who may thereafter contribute to the competitiveness of labour market, development of economy and attracting investments to the country.

A highly qualified specialist is a foreign employee, a citizen of both visa and visa-free country, who has experience, skills and achievements in a particular field of activity and whose wage is no less than the amount established by the state. As a rule, such employees have certain preferences entering the country of employment, during employment and obtaining work permits.

Looking at the experience of developed and developing countries, one may note a competition among these states for attracting highly qualified specialists as the key role in the development of economy is given to the human resource. For instance, the United States of America in 1980-2000 have changed migration policies to differentiate qualifications of migrants and adopted laws aimed at removing barriers for employing migrants with high qualifications. According to the opinion of American economists, engaging highly qualified specialists usually leads to the increase of country's gross domestic product. Furthermore, over the past ten years majority of European countries focused on national policies and strategies for attracting highly qualified specialists and have implemented measures for employment of third world country nationals on high-skill positions. In addition, Russia and other CIS countries concentrated policies for attracting foreign highly qualified specialists.

The experience of our country in attracting foreign labour is different from countries where the legislation is aimed at highly qualified specialists. Until 2018 our legislation was silent on regulating foreign highly qualified force. In accordance with the single report on migration in the Kyrgyz Republic prepared by the State Migration Service, in 2015 12,012 foreign specialists were employed in the country in accordance with the approved quotas (with quotas of 12,990 people), 81.1% of which were migrants from China. As a rule, such foreign employees are involved in the sphere of construction, specifically construction and reconstruction of automobile roads. Given the nature of the above sphere it becomes apparent that only low skilled specialists were employed.

However, on March 14, 2018 with the signing of the draft Law on introducing amendments into the legislative acts, the term of the highly qualified specialist had been adopted in Kyrgyz law and pursuant to amendments, highly qualified specialists should have the right to obtain work permit for the duration of three years exempt from the quotas on labor migration upon application of an employer. As per the term, the Law of the Kyrgyz Republic "On External Labor Migration" No. 4 of 13.01.2006 (hereinafter referred to as the "Law on External Labor Migration") stipulates the highly qualified specialist as a foreign citizen or stateless person with higher education, work experience, skills and achievements in a specific field of activity, in case the conditions of his/her involvement in labor activity in the Kyrgyz Republic meet the criteria determined by the

Government of the Kyrgyz Republic. However, what are the criteria and when they will be adopted are currently unknown. It also follows the question whether the employer can independently determine the qualification of the employee without the formation of a commission or a specially created commission after receiving the necessary documents will decide whether an employee is a highly qualified or not. In that case, during how many days should such decision be made? What package of documents should be provided? Hence, Kyrgyzstan, by introducing the concept of the highly qualified specialist into the legislation, took the first step towards attracting highly qualified specialists into the country. However, it follows from the above that this step is currently unenforceable.

At the current moment, Kyrgyzstan does not have sufficient resources to provide highly qualified specialists with such benefits as tax incentives, concessional loans, programs for providing low-cost temporary accommodation, assistance in the form of partial payment of wages, *etc.* However, we could enshrine at the statutory level the exact term of the highly qualified specialist, which will not create additional questions; make simple decisions that would serve as levers for launching this system. First, the criteria for engaging highly qualified specialists should be adopted by the KR Government. The right to receive a multiple work visa for the period of the work permit should be granted instead of obtaining a single work visa and subsequent renewal of the latter. In case the work permit is extended, there should be the right to extend a multiple work visa and the visa of accompanying family members without the need to leave Kyrgyzstan and enter again. Family members of highly qualified specialists should have the right to enter Kyrgyzstan with accompanying person's visa for the duration for which the work permit is given to highly qualified specialists. In addition, the highly qualified specialist's family members should have the right to obtain the work permit exempt from quotas via simplified procedure on behalf of accompanying family members' visa. Consequently, the above would be the first and essential steps for creating further favorable conditions for attracting highly qualified specialists to the Kyrgyz Republic.

The issue on changing the present system and introduction of the special system for engaging highly qualified specialists has been raised by the Kyrgyz business community and has been discussed with the authorized state bodies multiple times during past years. The business community associates the need to engage highly qualified specialists with the improvement of investment climate in our country. As a rule, investors identify the procedure of obtaining the necessary permits, as well as the availability of qualified personnel, as one of the determining factors for choosing a country for investment. Perhaps it is for this reason that in 2016 the KR Government determined development of education and liberalization of the regime of skilled labour import as one of the seven principles for attracting investments. In addition, engaging highly qualified specialists directly contributes into the development of the economy as well as into strengthening the competitiveness of the labor market. Consequently, both business community and members of the Government have reached the conclusion that employment of highly qualified specialists will have a positive impact on the development of Kyrgyzstan. However, it is necessary to take actions, i.e. implement the above described steps and possible then the mechanism for engaging highly qualified specialists will get activated, and will pay off to the economy of the country in future.