

Migration Policy of the States Importing and Exporting Labour Resources

As is known, the initiators of world streams of labour migrants were the world's more developed countries, which needed additional labour force. In the same countries arose the measures of the state policy regulating migratory streams.

The first legislative acts and interstate agreements on the use of foreign labour force mainly had *incentive*, stimulating character. However migratory processes are known as having inertia: when migratory streams are formed, they get ability for self-reproduction on the basis of migratory networks. Uncontrollability of migratory streams at the certain stage conflicts with interests of the recipient countries.

At the same time in the developed countries the need for import of labour force is determined by an economic conjuncture and existing situation on a national labour market; in the conditions of economic recession this need decreases. Aspiration of the countries-importers of labour force to protect national labour market from additional competition from foreign workers has led to the necessity of developing measures of *restrictive* migratory policy. The first laws limiting immigration were adopted in the USA in the 1920s. In the 1970s in history of labour migration all migrants receiving countries undertook a serious campaign to perfect the regulating mechanisms of migratory policy. In the conditions of high migratory potential in the donor countries the major principle of the developed countries policy became *selectivity*, i.e. selection on available vacancies of the most suitable candidates from the set of applicants offered by the world labour market. For realization of this selection in the world there is a network of intermediary agencies, including international, specializing on the personnel selection. Besides, a significant part of foreign labour force enters the importer countries bypassing intermediary institutes, and here as regulating tools act the visa policy concerning granting sanctions for work, residence permits, quotas of foreign labour force, etc.

Against the general background of tightened measures of migratory policy from the recipient countries there is a formation of integration groupings (the European Union, NAFTA - North American Free Trade Association, etc.), Within the limits of which unlimited labour force migration is allowed to some extent. In this regard particularly a good example is the European Union where in 1958 were made efforts to establish a mode of free movement of labour force of the countries which signed the Rome contract about creation of the European Economic Community. In 1985 the Schengen agreement removed all barriers for free movement of capitals, goods and people between the countries signed this agreement. Nowadays citizens of any of the EU countries have the right to employment in any other EU country without any restrictions, preliminary permissions, etc.¹ Thus, the dual approach is inherent to the modern policies of developed countries which are expressed in liberalization of migratory regime inside the regional integration groupings and tightening a joint position in relation to migrants from the "third" countries.

Many authoritative researchers of international migration consider, that the globalization going on in the world and based on the general liberalization of the international movement of goods and capitals, changes the attitude to the restrictions on a free movement of people. So, A. Zolberg remarks, that "in the conditions of the world capitalist system which is based on the principles of free market economy, existence of barriers for the movement of population between countries is anomaly."² Certainly, free market economy is the powerful self-regulated mechanism which can *inter alia* act as a regulator of labour market, bringing into accord a supply and demand of labour force in the different countries and regions. However, the existing gap in the levels of economic development and demographic potential between rich and poor countries doesn't enable to lift all restrictions on

¹ Obstacles to the European Single Market. July 2012. European Economic and Social Committee.

² A. Zolberg. International Migration Systems. 1992. p.15.

free movement of people because likely consequences can be ambiguous and difficult to predict. Therefore, the question whether there should be interstate borders open or strictly controllable, has a character of scientific or political debate and not of practical application.

Recently the immigration policy became the instrument of political struggle, especially in those countries, where the number of migrants is significant. So, Le Pen in France, Jorg Haider³ in Austria build the propaganda campaigns on anti-migratory slogans, convincing local population, that the reason of unemployment in the country is the presence of foreign workers, and the society pays huge charges for social payments of migrants. Paradoxically, they get support of those inhabitants, which recently still were immigrants, and, became citizens of the recipient country, supported the restrictions of the further inflow of immigrants, being afraid of an excessive competition from their side.

The most typical features of the recipient states policy concerning labour migration at the present stage are:

- Attraction of highly skilled experts (sometimes purposeful lure of professionals from other countries for necessary profile);
- Selection of the best foreign students trained in the country (already have mastered the demanded profession, language, style of life and traditions of a host country) and granting them the right to work and residence in a country;
- Pursuance of harsh policy concerning illegal immigration and illegal employment of foreign workers (efficiency of which remains low because of advantage of the use of cheap labour force which is deprived of civil rights and its use on heavy, detrimental to health, not qualified works is very lucrative).

The countries supplying the world market with migrants, also often do not remain indifferent to migration of the part of their labour resources abroad. Their policy concerning export of labour force is determined first of all by economic reasons and consists, as a rule, of two elements:

- 1) encouragement of a part of citizens for departure abroad with the purpose of reduction of unemployment, social charges and maintenance of foreign currency inflow in the country by way of migrants remittances;
- 2) in order to limit "brain drain," efforts are made for creating worthy operating conditions for national intelligentsia on the native land and helping young experts trained abroad in employment. With this purpose the state scientific programs are adopted now in India, Malaysia, Hungary, Czech Republic, and also in many West-European countries from where high-skilled scientists, experts, managers departed from the countries for many years.

In those countries which simultaneously act both as exporters, and importers of labour force, different kinds of migration policy are combined: they aspire to encourage the unemployed and persons with low qualification to depart from the country and simultaneously involve highly skilled experts, scientific, teachers, businessmen.

1. Classification of the world countries according to their state migration policy

Since 1963 the United Nations Population Fund (UNPF) on a regular basis releases the results of large scale surveys of the state bodies of the overwhelming majority of the world countries concerning the policy in the field of population. One of the purposes of surveys is finding-out their attitude to the international migratory movement and their state migratory policy. As a result of surveys was defined typology of the state migratory policy, when more than a half of the world countries supported the necessity of the state efforts concerning the migration, directed on increase, preservation or reduction of its scales.

The table provided below clearly shows the increase of the number and share of those countries whose governments do not consider it necessary to influence migratory processes, and it appears typical both for the policy concerning immigration, and for the policy concerning emigration. The reasons of this are connected, apparently, to that fact that at the end of the XX century permanent migration, or resettlement, gave its leading place to temporary forms of migration, first of all temporary labour migration. It should be noted that the

³ Andris Zimelis. *Anti Immigration in Western Europe: Power of Symbols*. University of Illinois, Chicago. 2005.

regulation of labour migration occurs not so much by the state efforts, but by the certain enterprise groups - large farmers, transnational corporations, etc. As to labour migration of the highly skilled staff, according to R. Appleyard, the majority of the states gradually depart from the former practice when they directly participated in the encouragement of highly skilled migrants' inflow; these migrants now independently come into contact to employers, choosing the best opportunities for "capitalization" of their qualification.⁴ Besides, in official position of the state bodies of the different countries finds reflection (at least, officially) the liberal-democratic tradition which is affirmed in the international relations, one of which postulates is the free movement of people. Often it is paradoxical that this is realized in practice in strict restrictions on migration. *The real* migratory policy depends first of all on the condition of economic conjuncture and situation on labour market. At the same time the results of the surveys conducted by the United Nations Population Funds give the basis for classification of the world countries according to their migration policies, including policies concerning export and import of labour resources.

Among the countries aimed at regulation of immigration (these are the main importer countries of labour force), first of all two types of immigration policy are outlined:

1) *Assimilative* migration policy, i.e. aimed at the attraction of immigrants for permanent residence, and their inclusion in structure of their population; then immigrants must accept the basic cultural reference points and traditional values of native population with the purpose of formation of the unified nation. The countries carrying out such policy, are guided by maintenance of migration streams inflow at an existing level (the USA, Australia, the Republic of South Africa) or its increase (New Zealand, Canada);

2) *Return* migration policy which is oriented towards the attraction of temporary migrants, i.e. foreign labour force, that must fill the shortage of labour forces in the certain spheres and branches of economy. The all basic importers of foreign labour force now fall into this group of the countries, and the majority of them - where the scale of the use of labour migrants is rather great, - prefers tough policy on restraint of migration (Germany, France, Great Britain, the Netherlands, Belgium, Austria, Switzerland, Saudi Arabia), while those countries, which use foreign labour force in smaller volumes (Sweden, Denmark, Qatar), adhere to more liberal policy.

In the countries-exporters of labour force the degree of the state participation in encouragement of labour resources' migration is determined first of all by the pragmatic approach, i.e. it is in direct dependence on that, how much the balance of payments is formed at the expense of migrants currency transfers. So, those countries, for which export of a labour force is not main source of the currency income (Australia, Portugal, Italy, Jordan, Morocco, Philippines) do not consider necessary the state intervention in the process of labour migration's outflow from the country. In Turkey, India, Bangladesh from where a certain part of labour resources traditionally goes to other countries for work and the economy substantially depends on migrants remittances, the state aspires to keep the scale of labour migration. There are also countries where the export of labour force is turned into stable and lucrative source of incomes. In Pakistan and Yemen, for example, incomes from the export of labour force are the main source of the balance of payments. Accordingly, the migration policy of these countries provides for a complex of the measures aimed at stimulation of temporary labour migration, and is the important part of the state economic strategy.

2. The international legal mechanism of the regulation of labour force migration

The International labour migrants' legal provision for many decades is a subject of activity of the international organizations, first of all the United Nations Organization and the International Labour Organization (ILO).

The International Labour Organization was founded in 1919 at The League of Nations as the international

⁴ Appleyard E. *Skilled Migration in a Globalized World*, 2002, p.13.

institute which protects the rights of workers. Since 1946 the ILO has been a specialized agency of the United Nations.

In 1939 the International Labour Organization adopted the Convention #97 (it was revised in 1949) on labour migrants which until now remains the most extensive and detailed international document regulating labour migration between countries. The convention # 97 regulates duties of the countries participating in international labour migration, calls not to afford inequalities between migrants and native population in employment, contains recommendations on the provision of labour migrants with social guarantees, and also recommendations concerning the use of labour force, the conclusion of the international bilateral and individual labour contracts.

Position of the Convention does not lose its utility and represents an all-round legal mechanism for the regulation of labour force migration. Probably, if the convention had been ratified by all basic countries-participants of the international labour migration and the national migration legislations had been brought into compliance with it, there would not be any more questions on the rights of migrants and members of their families, about illegal migration, discrimination, connection of migration with national security. Some concrete positions of Convention # 97 are cited below in brief:

- to establish competent and free-of-charge consulting service of the help for labour migrants - for both foreign workers being in the country, and for the citizens going for work abroad;
- to provide special medical services for the organization of medical control before departure and arrival of labour migrants and members of their families;
- to exclude discrimination by ethnic background, race, religion or sex in employment and to provide equal conditions with native population in salaries and other benefits.
- to permit labour migrants to transfer currency (their earnings and savings) home according to the national legislation;
- Before giving an entry visa to labour migrant, competent authorities of the territory of prospective employment should make sure, that in the given territory there is no sufficient number of people, capable to perform the given work;
- Any person promoting secret or illegal migration is a subject to corresponding punishment;
- If a labour migrant entered the territory of the country which is a member of the International Labour Organization and for the reasons independent of him/her cannot get a job, for which he/she has been recruited, charges for their and immediate family members returning are not covered by migrants;
- The personal property of labour migrants (including their own working tools) is not liable to duty in the country of destination, and after returning to the country of origin.

Thus, Convention # 97 represents a wide legal field which gives the migrant a guarantee to protect their rights and interests in court in case of disputed situations. However the basic countries-importers of labour force do not aspire to take on rigid legal obligations which are provided by the Convention. The overwhelming majority among the states ratified the Convention are the countries exporting labour resources to the world market.

For the last decades numerous reports, programs, recommendations were made by the United Nations and the International Labour Organization, containing the analysis of global migratory situation, conceptual approaches of migratory policy, the basic directions and mechanisms of its realization.

The great attention is paid to migration at the world conferences of the United Nations on population, however the documents adopted on them, have an exclusively recommendatory character. At the same time in 1974 at the conference held in Bucharest was adopted the world plan of action in the field of population which states, that the policy in the field of international migration should provide for economic and social interests of host countries as well as donor countries. This action plan was the important basis for development of the subsequent international documents in that sphere.

The 1975 convention of the International Labour Organization⁵ (unlike Convention # 97 which was oriented only on the regulation of legal labour migration) provided for change of the world migratory situation: toughening of national legislations in recipient countries that were conditioned by the growth of illegal migration. The 1975 convention represented the first attempt of struggle against illegal migration at the international level, related the problem of illegal migration to illegal employment, proclaimed the necessity of protection of the rights of illegal migrants.

At the world 1994 conference of the United Nations in Cairo were addressed the global changes of the world migratory situation which occurred in the 1980-1990s. At this conference was raised the question about the search of balance between population, stable economic growth and steady development. The 20-year program of actions was adopted at this conference in the field of population and developments, recognizing a positive effect of migration for development; it emphasized, that the governments of the countries participating in international migration should make all efforts, so both native population and migrants could feel this positive effect.

In 1990 the General Assembly of the United Nations adopted the International Convention protecting the rights of all labour migrants and members of their families. This Convention for the first time established the international definition of various categories of labour migrants and represented an important step in the responsibility of host countries, that they recognized the rights of migrants and would protect them. If this Convention had come into force, it should have been ratified at least by 20 countries. However it has been ratified by a small group of the countries-exporters of labour force (Colombia, Egypt, Morocco, Philippines, Sri Lanka, Uganda, etc.).

The Council of Europe also takes initiatives in the field of interstate regulation of labour migration. In 1977 at the conference was signed the European Convention on a legal status of labour migrants.⁶ It is focused first of all on humanitarian aspects of labour migration, first of all, on labour migrants rights and freedom. The European Convention provides equal conditions of labour and residence of labour migrants with native population in the recipient countries, access to the information concerning their rights and opportunities, access to medical, social and legal aid, and also access to general and vocational education, the right to reunion of family members, avoidance of double taxation of migrants incomes, etc. By the frame agreement, the European Convention only deals with the most prominent aspects of legal status and accordingly legal protection of labour migrants, offering the decision of more concrete questions by means of the national legislation, and also multilateral and bilateral agreements.

In 2004 was signed the European Convention by 14 European states, and was ratified only by 8 states: Spain, Italy, the Netherlands, Norway, Portugal, Turkey, France and Sweden. 6 more countries which have signed, but did not ratify the Convention are: Belgium, Germany, Greece, Luxembourg, Moldova, Ukraine. That fact, that the European countries "do not hurry" to join the Convention, speaks, probably, about that it (as well as the Conventions of the United Nations) is not the perfect mechanism for regulation of labour migration. Naturally, different countries have different interest in participation in labour migration streams and their national legislation in some questions is hardly compatibly with humanitarian principles of the Convention. Especially it concerns the countries of East Europe and the former USSR where the essential part of labour migration exists in an illegal form, and liberal principles have not become a norm of state regulation yet.

For example, the country which has decided to join the European Convention, is obliged to reconsider the national legislation to give the labour migrants, working on its territory, opportunities of receiving medical and social help equal with native population; to guarantee migrants placement in a job again in case of, for example, long disease of migrant, as a result the labour contract was cancelled; to provide migrants, returning to their home country, with the information on opportunities of their employment there; to cover the charges connected with possible death of migrants as a result of accident in manufacture, etc.

⁵ <http://www.refworld.org/docid/3ddb6ba64.html>.

⁶ <http://conventions.coe.int/Treaty/en/Treaties/Html/093.htm>.

3. Experience of the separate countries in the field of regulation of international labour migration

Significant experience in carrying out of migration policy is accumulated in the world. In different countries there are various conceptual approaches to the realization of the state regulation of international migratory streams; methods and tools of such regulation are developed. Below there are provided concrete examples of the countries representing different regions of the world, a different degree of participation in international migration, different types of migration policy. Thus the basic attention is concentrated on the regulation of labour migration.

3.1. THE USA

The United States which is the world's largest country receiving migrants traditionally is oriented to the inflow of immigrants, i.e. the persons entering the country for permanent residence. Annually on average about one million people receive legal permission for permanent residence in the USA.⁷ Thus, a significant part of migratory streams in the USA is made by labour migrants who are considered as an important component of the national labour market. There are two basic models providing labour migrants inflow to the USA:

- “*Labour immigrants*,” i.e. the persons entering the country by invitation of an American company-employer for a permanent job according to the Law on immigration and naturalization within the limits of annual 140-thousand quota;
- *Temporary labour migrants (non-immigrants)*, entering the USA for work under contracts with the American companies or local businessmen for limited term. Their number is not limited by legislation and comprises 230 thousand people annually.

Labour migration in the USA (on permanent and temporary basis) is carried out under strict governmental control. By the detailed quota system and visas it is regulated not only quantitative and qualitative structure of labour migrants, but also the control over their labour activity and stay in the country. The persons entering the country through the first channel, receive the status of “immigrants” and, accordingly, the immigration visas giving them the right to obtain citizenship of the USA eventually; the persons entering the country for temporary work, are qualified as “non-immigrants” and receive the “non-immigration” visa with the right of work.

The overwhelming majority of those who enters the USA through the channel of “labour immigration”, are highly skilled experts in the field of technical and engineering sciences, management; programmers; persons possessing outstanding abilities in science, art, sports, and also qualified workers and experts in those kinds of works which are absent in the United States.

To the representatives of some trades in the USA is open “green light” by granting the working visa, since experts of those areas do not suffice for national labour market, and the need for them grows as a result of objective changes of economic, social, demographic situation in the country. According to magazine “U.S. News” and “World Report,” at the beginning of the XXI century on the list of such trades are: programmers (software developers), environmental preservation experts (in particular, engineers of waste recycling), researchers in the field of biomedicine (molecular biology, genetics, biochemistry, gerontology), aged care nurses, teachers for mentally retarded children, managers for establishments of public health services, etc.

The US legislation on migration provides complex procedure in granting of non-immigrant visa to foreigners entering the country for temporary work. The visa (and accordingly - the workplace) can be given to a foreign citizen only in the event that the American employer did not manage to find (through local service of employment and local press) the corresponding worker on a local labour market. It is proved by the conclusion of the US Ministry of

⁷ Philip Martin. International Migration: Facing the Challenge. Population Reference Bureau, 2012.

Labour, ascertaining that employment of the given concrete foreigner will not affect salaries and working conditions of American workers of a similar specialty.

Exclusively strict measures are taken in the USA policy against infringers of visa regime. So, if a foreign citizen tries to enter the USA with false documents or without documents in general, immigration authorities have powers independently to make a decision on his/her deportation without the right of the further revision of such decision. In case of revealing the fact of illegal stay of a foreign citizen in territory of the USA within 6 months, besides deportation he or she is deprived of the right of entrance to the USA within three years. In case of illegal stay for 12 months and more entrance will be forbidden within ten years. Immediate deportation and deprivation of the right of entrance within five years threatens also a foreign citizen in the event that he or she is legally in territory of the USA and was found out that he or she has broken term of the previous stay even for one day.

For illegal hiring of foreign workers the American employers must pay up to 10 thousand dollars as a penalty.

3.2. Germany

Germany which is the largest country in Europe by the size of foreign population, often changes the measures of migration policy towards foreign labour force that is depended on an economic conjuncture and changes of international situation.

According to the official data, the number of foreign citizens in Germany at the beginning of 2009 accounted for 8 million people, or 10% of the total population. Germany annually accepts not only hundreds of thousands of immigrants, but about 400 thousand temporary workers which fill the shortage of rapidly aging nation's labour force. In 2005 more than 2 million temporary foreign workers officially worked in the country from which about 30% were Turks, 10% - Italians, 10% - natives of Serbia and Montenegro and 6 % - from Greece.

In history of the state policy of Germany in the field of import of labour force it is possible to separate some stages:

The first stage (middle of the 1950s - 1973) is the period of an active and large-scale invitation of foreign workers when Germany compensated the sharp shortage of labour force, first of all in construction and sphere of heavy manual works. On the basis of the state programs and a number of intergovernmental agreements "guest workers" or "gastarbiters" were attracted from the countries of the Mediterranean Basin for temporary work which was needed in German economy. The agreements were signed with Spain (1960), Greece (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunis (1965), Yugoslavia (1968). The German federal service of employment established a network of agencies with the purpose of hiring labour force in the countries of the Mediterranean Basin. These agencies provided selection of workers according to their professional skills, age, educational level, and also did physical examination of applicants. Number of "gasterbiters" grew in the country from year to year. For 1973 the number of foreign workers in Germany exceeded 2,6 million people, and, contrary to expectations of the German government, many of temporary workers didn't return back home after the termination of the contract term and, owing to the German liberal legislation they managed to get the status of permanent residents of Germany.

The second stage (1973 - the end of the 1980s) is the period of rigid restriction on the inflow of labour migrants when the energy crisis began in 1973 and which resulted in economic depression and sharp growth of unemployment. The government of Germany unilaterally cancelled agreements on the attraction of foreign labour force and officially forbade the use of labour of foreign workers in the country. Exception was made for the citizens of the countries of the European Union and for the citizens of other countries if their professions were especially rare or prestigious (qualified nurses, sportsmen, actors, etc.).

As a result Germany differed for a long time by one of the most rigid immigration legislations in the world which, besides administrative measures of restriction on labour migration, also imposed penalties on employers for involving foreign workers and use of labour of foreigners.

The third stage (the 1990s) is connected with Germany's economic growth and renewed attraction of additional

labour force from abroad. In 1991 Germany's government cancelled the prohibition on employment of citizens of those countries which didn't enter into the European Union. Dissolution of the socialist system created new suppliers of cheap and qualified labour force in the East European countries. The government of Germany used this fact for filling its labour market and concluded bilateral interstate agreements with the East European countries on attraction of temporary labour migrants. These agreements confined to the three groups of workers;

- Guest workers (agreements provide for annual quantitative quotas for the persons entering the country as "gastarbiters" for heightening their qualification in Germany: for example, the agreement with Russia provides for annual entrance to Germany 2000 persons for temporary work, from Poland - 1000 persons, from Czech Republic - 1400 persons, from Hungary - 2000 persons, from Slovakia - 700 persons, from Bulgaria - 1000 person, etc.);

- Seasonal workers for work in agriculture and forestry, hotel sector, tourism sphere, for processing of agricultural production and in the enterprises of timber;

- Workers who are attracted and involved in certain projects of the foreign firms-contractors. Nowadays it is a widespread form in the world when a foreign firm-contractor uses workers on constructions and various spheres of service and gives a guarantee of workers return home after the end of the project, provides their social guarantees, payment of salaries.

The fourth stage (after August 1st, 2000) is connected with the reform of Germany's immigration policy when the country faced sharp shortage of professionals in the field of computer and information technologies, and also in some other areas of Germany's economy. High-skilled experts and specialists can be attracted from any countries of the world, including from those countries not entering into the European Union, and, in case of approval of their nominee by the Ministry of Labour of Germany, in comparison with other categories of labour migrants, they can be given the right of long-term residence and work in Germany.

New regulation provides for issuance of "green cards" to the foreign specialists not entering into the EU. These "green cards" permit them to work in the country during five years. During three years of operating this program the country received 14,5 thousand experts in the field of information technologies. The majority of the labour migrants who had received "a green card," are natives of India (26 %), the second large group is formed by citizens of Russia, Belarus, Ukraine and the Baltic States (13 %).

As a whole the access to the German labour market for citizens of the countries which are not members of the European Union, is essentially different. For work in Germany, citizens of the European Union countries do not need to have permission for work, they should acquire only the formal right to reside in the country which automatically gives them the right to employment or study (within 5 years). As to citizens of the countries which are not members of the EU, they can enter Germany mainly on the basis of one of the three types of above noted interstate agreements or, in case there is a special demand for their professions and qualifications (scientists and scholars, teachers, experts in the field of information technologies, masters of arts, sportsmen), and if at the same time there is consent of the Federal Department of Labour.

3.3. Italy

Italy as compared to other European countries has recently got the status of the country importing labour force. During the 1950-1970s Italy was the largest supplier of labour force on labour markets of the West-European countries. After the crisis of 1973 the situation started to change: migrants of Italian origin started to return home, and besides, Italian labour market which had not been protected by legislative barriers unlike Western European countries, began to receive the streams of labour migration from the traditional countries-donors from Asia and Africa. Labour migrants from these countries partially were reoriented from other European countries. This was promoted also by economic development which accelerated in Italy in this period. At the same time up to the end of the 1980s, in spite of rather big inflow of immigrants (up to 150 thousand persons in a year), to Italy the policy of

open doors was practically pursued in dealing with both permanent and temporary migrants. However absence of due attention from the government to uncontrollable growth of number of migrants resulted in the aggravation of situation on local labour markets, spread poverty, conflicts on ethnic ground became more frequent.

Law №39 adopted in 1990, (so-called Martelli's Law)⁸ proclaimed the new concept of migratory policy which on the one hand provided social protection of the migrants who were in the country, including illegal migrants and granting them the legal status. On the other hand it provided toughening of the rules of admission to the country, i.e. restrictions of new inflow of migrants. Such concept corresponds as a whole to the unified migratory policy of the EU.

For the first time Law №39 introduced the concept of migratory streams management in Italy. As the mechanism of such management was developed the system of priorities based as on economic principles (shortage of workers in the certain branches of economy), and on cultural preferences (persons of Italian origin and citizens of the EU countries). The system of priorities which is applied in employment looks as follows:

- 1) citizens of Italy and the EU countries;
- 2) citizens of the countries which are not the EU members, having the permission for permanent residence in Italy (permanent residents);
- 3) citizens of the countries which are not the EU members, having the permission for temporary residence in Italy;
- 4) citizens of the countries which are not the EU members, not having the permission for residence in Italy.

From 20 categories of visas with which lawful entrance to Italy is possible nowadays, only 2 categories give persons the right to enter the country with the purpose of work:

- Visa for "independent workers" (independent work: businessmen, representatives of "liberal professions", etc.),
- Visa for "dependent workers," i.e. hired workers. The most widespread second type of visas demands from the employer the presence of permission for hiring of a concrete foreign worker from Department of Labour of the given province that is to protect local labour markets from excessive competition. Besides the employer gives the foreign worker equal social guarantees with local hired workers and acts as the guarantor of his/her departure from the country after the term of contract is over.

3.4. Japan

Among economically developed states of the world Japan is one of the most closed countries from the standpoint of immigration policy. The aspiration to keep tradition and national originality has appeared much stronger stimulus for formation of immigration system, than deficiency of labour force. Shortage of labour force in Japan in the 1960-1990s was compensated by development of labour saving technologies, perfection of automation and mechanization of manufacture, and also partly - moving of manufactures abroad. Attraction of unskilled labour force from abroad as it is officially considered in Japan, can hinder development of the country which is oriented to the high technological branches.

However at the end of XX century the combination of demographic and economic factors forced the government of Japan to reconsider in certain measure the policy on attraction of foreign labour force. Decrease in rates of the population natural growth led to the reduction of national labour force. At the same time the need for labour force grows: increase in the share of construction and sphere of service which in much smaller degree than large manufactures are in need of automation, demands a lot of labour force. However the Japanese youth which is educated and oriented to the work of high technological branches, rejects physical, dangerous, not prestigious kinds of works. It conditions increasing deficiency of manpower in the sphere of small-scale production, and also in

⁸ <http://www.migrationpolicy.org/article/italys-southern-exposure>

auxiliary activities and service sphere.

The immigration law was examined in 1990 under the pressure of employers, and its new version prohibited attraction of unskilled labour force from abroad. Nevertheless, the new version of the law opened other two ways of import of labour force which can perform not qualified work on lawful bases. The first way is admission of foreigners of Japanese origin to the country (as a result of mass emigration from Japan in first half of the XX century numerous Japanese diasporas settled in Brazil, Peru, Argentina, Canada, the USA). It gives them long-term residence permit and the rights equal with Japanese, born in Japan. The second way is attraction of foreign trainees for heightening of their qualification in the large Japanese enterprises. Firstly only large companies could invite foreign trainees as there was a rigid restriction on reception of trainees: one trainee was for 20 Japanese workers. In 1990 this situation changed, and both small and middle-sized companies with the total personnel of at least 50 persons, were authorized to involve 3 trainees. Later the migratory legislation concerning trainees eased. In particular, they were authorized to extend term of stay in the country which had been rigidly limited up to 6 months earlier. Actually foreign trainees in Japan are trained not only in advanced industrial skills, but they perform subsidiary low-skilled work (cleaners, messengers, loaders, etc.) for minimal wages. There are not quantitative restrictions in Japanese legislation on number of involved trainees, and annually their number becomes more and more. So, 44 thousand foreign trainees entered Japan in 1992, and in 1999 their number already accounted for more than 70 thousand.

As to the attraction of qualified employees from other states, Japan like other developed countries tries to take maximum advantages of the objective process of globalization and to expand its research, cultural and other potential at the expense of foreign experts. The existing system of statuses of stay of foreign citizens in the country differentiates categories of foreigners by which permission for entrance to the country is given, depending on their professional qualification, an educational level, financial position, etc. There are 28 statuses in total, 16 of them allow labour activity in Japan. The period during which a foreigner can be in the territory of Japan is fixed to each status. As a rule, this period does not exceed 3 years. So, separate "statuses" are stipulated for lawyers, investors, medical workers, engineers, teachers (mainly foreign language), university professors, figures of arts (composers, poets, artists, sculptors), workers of show business, professionals (in different areas - from architecture up to national kitchen). Granting of the status gives the foreigner the right to be engaged during the allocated period of time only in that activity which is stipulated under this concrete status. Not authorized exit from the frameworks of received status is considered as a serious infringement of the regime of stay and employment in the country. Since 2000 it is classified as an independent crime and entails punishment down to imprisonment for the term of till 3 years.

3.5. Turkey

Turkey represents the country which for several decades pursues an active state policy on the encouragement of manpower export.

Turkey got involved in international labour migration in 1961, after adoption of the country's Constitution giving Turkish citizens the right of free departure abroad. High rates of population natural growth under conditions of backward economic structure conditioned population redistribution in agrarian sector and growth of unemployment in open and clandestine forms. At the same time the West-European countries (first of all, Germany which, unlike other European countries, had not colonies from where it would be possible to recruit additional labour force) paid attention to Turkish labour market as a source of the cheap and unskilled labour force necessary for the restoration of European economy during that period.

The Turkish government officially declared its interest in mass export of labour force in order to ease the problem of employment inside the country, and on the other hand labour migrants would receive vocational training and modern specialties. Besides, foreign currency would inflow into the country by way of migrants' remittances. Bilateral intergovernmental agreements on the use of Turkish labour force were signed: in 1961 - with Germany, in 1964 - with Austria, Belgium and the Netherlands, in 1965 - with France, in 1967 - with

Sweden and Australia. Thus, unlike other countries of the Mediterranean region which had entered the West-European labour market before Turkey, labour migration had mostly unorganized character, and in Turkey almost from the very beginning the process of labour force export was supported and regulated by the government.

In the 1960s at the National Service of Employment was founded the network of state intermediary agencies for employment abroad which according to bilateral agreements regulated quantity and sequence of those leaving for abroad, provided physical examination of migrants, registration of necessary documents, including conditions of labour contracts of Turkish workers with foreign employers. Between 1961 and 1975 these agencies placed in Europe more than 800 thousand Turkish workers. In the middle of the 1970s about each third labour migrant in Western Europe was a Turk.

Appeal of work abroad largely increased the number of applicants in Turkey and by the end of 1973 almost 1 million people had been registered in National Service of Employment, expecting departure for work abroad. Since it was possible to get an exit visa only under condition of presence of a concrete workplace in the country of arrival, expectation sometimes was delayed for some years. The state successfully used this situation, initiating creation of "cooperative societies for development of village." Members of cooperative societies gained the right of priority for employment abroad in exchange for that part of money sent home by them which would be used as capital investment of cooperative society.

In general, remittances of migrants sent home were a subject of purposeful policy of the Turkish government that encouraged the transfers of greater part of earned money. For this purpose labour migrants were authorized to open accounts in the state banks which guaranteed a preferential rate in the payment of sums in local currency (Turkish national currency was not convertible up to 1990). For stimulation of investments of migrants' remittances in national economy was set up the workers investment bank by the support of the government which invested labour migrants funds in industrial projects through so-called "workers' companies." Shareholders of the "workers' companies" could count on the guaranteed employment in them after returning home. Besides, the government had introduced customs privileges for consumer goods of long-term using and the goods of industrial purpose imported by migrants.

All these measures promoted fast growth of the sums of remittances of Turkish labour migrants: the amount of their remittances was 8 million dollars in 1964, 70 million dollars in 1965, 273 million dollars in 1970, 1 billion dollars in 1973, 2 billion dollars in 1978, 3 billion dollars in the 1990s. In 2006 the sum of remittances from The Turkish citizens who were abroad, exceeded 7.5 billion dollars.

When after the oil crisis in 1973 the labour migration streams to the Western Europe sharply suspended, the Turkish government undertook active steps of search of the alternative markets for Turkish labour force. In the 1970-1980s such markets appeared in the oil-extracting Arabian countries. In 1986 about 200 thousand Turkish workers were in Near-Eastern region. Thus strategy of the Turkish government for export of labour force changed: were created conditions for promotion of the Turkish private companies on the world market, first of all for competitive building sector. In turn, these firms on the basis of contracts attracted Turkish labour force for realization of building projects.

The Turkish government continued to adhere to the same tactics when at the end of the 1980s and in the 1990s the new markets were "opened" in the countries of Eastern-European and the former USSR. So, in 1987 was signed the intergovernmental contract on deliveries to Turkey the Russian natural gas and according to the conditions of the contract, Turkish side would pay 20% of the consumed gas by carrying out of construction works still in the territory of then Soviet Union. Thus, the Turkish government created "jumping-off place" for large Turkish private civil engineering firms. In the middle of the 1990s in territory of the Russian Federation already operated more than 200 Turkish civil engineering firms (including small subcontractors), and Turkish workers (about 40 thousand) are the third group in number of legal foreign labour force in Russia after the Ukrainians and Chinese