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The Phenomenon of Labor Migration as a Determining Factor of Global Problems

Abstract: Based on a theoretical analysis, the most urgent problems of labor migration as a legal phenomenon that is global in nature and carries both positive and negative features that depend on the subjective and objective factors of the region of each country are characterized. The relationship of labor migration to the potential for economic development of the country is shown. The focus is on the need for the legislative attention of the national legislator to the mechanisms of legal protection of labor rights of migrants.

Keywords: labor migration, migration policy, migration processes, economic strategy, labor resources.

Introduction

Migration processes, which have become one of the main factors of social and economic transformation, have gained global proportions, covering all continents of the planet. The last decades can truly be marked as an era of population migration.

An important issue for states that have entered the agenda is the issue of whether migration, as such, contributes to or impedes the further socio-economic development of a particular country. The formation of a labor market that is global in nature is seen as the result of the growth and interaction of three factors of production – capital, labor, and information – which create the integrity of the economic platform in the world. Therefore, their interconnection and interaction are becoming more influential and significant. Acquiring a pronounced character, labor migration makes adjustments to the political, economic, social, and cultural life of society, thereby acquiring a globalist character.

1. Migration Processes as Global Phenomena

Currently, all the relevant determinants of research approaches to the study of the phenomenon of migration at the international and state levels are undergoing significant changes due to the intensification of migration processes, which naturally transform under the influence of the geopolitical unification of socio-legal and cultural-economic space. It agrees with a statement that global migration consists of many diverse narratives with specific causes, socio-economic consequences for all participants, and contextual and political responses¹.

According to British researchers, modern concepts raise questions about political allegiance, cultural and performative expression, and emotional affinity, in addition to material concerns relating to development, citizenship, and the possibilities of economic integration².

The achievements of the industrial and information epochs form its future, more dangerous than ever, and richer in opportunities. Depending on the choice that humanity will make, hope or fear will prevail in the world³.

The gradual development of the economic and social spheres, as a result of progress, over the past decades in different countries of the world changes the place of each country in the world hierarchy, thereby changing the design and place of each country in the world economic system. This, in turn, leads to a certain type of cooperation between states in certain sectors of the economy and, at the same time, to dependence, which can either increase or decrease. Such dependence can be expressed, first of all, in international production cooperation, both in foreign trade

1 Europe and Central Asia Economic Update, Fall 2019: Migration and Brain Drain. WorldBankPublications 2019, p. 25.

2 K. Mitchell, R. Jones and J.L. Fluri, Handbook on Critical Geographies of Migration, Cheltenham 2019, p. 11.

3 Globalnyie tendentsii. Paradoks progressa. Yanvar 1917 g. Publikatsiya Natsionalnogo soveta po razvedke (Global trends: The paradox of progress), <https://www.dni.gov/files/images/globalTrends/documents/GT-Core-Russian.pdf> (accessed 01.06.2020).

and in international economic relations as a whole. In each country, there may be a shortage of labor resources, which, accordingly, provides the necessary inflow of missing labor. In the last decade, one can note the constant presence of foreign labor in the labor markets, which ensures the simultaneous competitiveness and stability of the development of the economy of each developed state.

The migration process is really insurmountable since it is based on the globalization of the world economy, the all-encompassing development of communications, transport, trade, and, as a result, the interpenetration of cultures. Interstate borders are gradually losing their significance. The ideology of free trade, free exchange of information, and business without borders inevitably leads to the activation of migration processes⁴. The pattern of this movement is obvious.

People have been moving from place to place since time immemorial. While some relocate in search of a better job, education, economic benefits, or family reunion, others are forced to flee from conflict, terrorism, or human rights violations. The number of those who are being removed from their places as a result of the effects of climate change, natural disasters, or other environmental factors is growing.

In today's world, we are witnessing the movement of people on an unprecedented scale. More than ever, more people do not live in the countries in which they were born. According to statistical studies conducted by B. Dogramaci and K. Pinther last year, worldwide migration increased from 173 million in the year 2000 to 244 million in the year 2015, with two-thirds of the migrant population living in only twenty nations, e.g. in the US (47 million), followed by Germany and Russia (each of them with 12 million), and Saudi Arabia (10 million). In particular, the number of refugees increased from 1975 (2.5 million) to an estimated 66 million today – with an upward tendency⁵.

In 2019, the number of migrants reached the mark of 272 million. In 2000, the number of migrants in the world was about 173 million people. Women make up 48% of the total number of migrants, about 38 million are children, 4.4 million are international students and 164 million are labor migrants. 75% of migrants are people of working age (20–64 years old). Almost 31% of all migrants live in Asia, 30% in Europe, 26% in the Americas, 10% in Africa and 3% in Oceania. However, the share of international migrants in the total number of inhabitants of the planet has not changed much over the past decades: 3.4% in 2017, 2.8% in 2000, and 2.3% in 1980.

The problem of migration and the regulation of migration flows is on the agenda in all countries, including Ukraine. According to the State Statistics Service, the main

4 V.V. Mynaev and V.B. Zhyromskaia, *Myrovaia polytyka y hlobalnye problemy sovremennosti* (World politics and global problems of our time), <https://cyberleninka.ru/article/n/migratsii-globalnaya-problema-sovremennosti-1> (accessed 01.06.2020).

5 B. Dogramaci and K. Pinther, *Design Dispersed: Forms of Migration and Flight*, Bielefeld 2019, pp. 11–12.

countries of destination for Ukrainian migrant workers are neighboring countries: Russia, Poland, the Czech Republic, Hungary, as well as countries in southern Europe (Italy, Spain, Portugal). A comparison of the results of 2008, 2012, and 2017 shows that the distribution of migrants by destination countries has gradually changed: the share of the Russian Federation has been declining, while European countries, primarily Poland, have increased. It is the Republic of Poland today that is the main destination country for labor migrants from Ukraine, which is due to the needs of the country's labor market, favorable for temporary (up to 6 months a year) employment of foreigners by legislation, territorial, and cultural proximity⁶.

Changes in the geographical origin of workers are, *inter alia*, related to the military conflict in the east of the country. So, according to a study conducted by the National Bank of Poland in 2016, among Ukrainian migrants who first arrived in Poland in 2014 and 2015, 28.4% were from the eastern part of the country. But by 2014, the proportion of people from this region was only 6.3%. During 2016 alone, 24.1 thousand Ukrainians received EU citizenship. They took first place among naturalized foreigners in the Czech Republic, Poland, and Romania. And if in Romania it can be assumed that we are talking about Ukrainians in neighboring Bukovina, who have the right to Romanian citizenship, although they do not migrate to Romania, then in the case of the Czech Republic and Poland, acquiring citizenship is possible only for immigrants. According to the United Nations Population Department, the number of international migrants of Ukrainian origin outside Ukraine, as of July 1, 2019, is 5,900,000. From 2015 to 2019, the number of international migrants from Ukraine has grown by approximately 200,000 points⁷.

Sociological data says that 37% of Ukrainians want to work in Germany. In this country, subject to official work, the Ukrainian will have the same rights as local residents, as well as receiving help for children (if the children live in Germany). "Many European countries are claiming Ukrainians because of problems with low birth rates and the aging of the nation". "Ukrainians work well, quickly socialize in European countries and are geographically close to them". Larger Germany may require 1,500,000 workers, and little Lithuania only 100,000. "But they are united by an interest in attracting Ukrainians not only to work but also for permanent residence"⁸.

6 Trudova mihratsiia hromadian Ukrainy za kordon: Vyklyky i shliakhy reahuvannia (Labor of Ukraine's countrymen for the cordon: Wikimedia Commons), <https://niss.gov.ua/sites/default/files/2018-09/Malynovska-d28e1.pdf> (accessed 01.06.2020).

7 Dopovid OON sprostovuie tverdzhennia pro mihratsiinu kryzu v Ukraini [The UN report refutes allegations of a migration crisis in Ukraine], <https://www.ukrinform.ua/rubric-society/2783092-dopovid-oon-sprostovue-tverdzena-pro-migracijnu-kryzu-v-ukraini.html#:~:text=%D0%D1%80> (accessed 01.06.2020).

8 Ukrainskyi trudovyi mihrant: vyhoda sohodni i kolaps vzhe zavtra (Ukrainian labor migrant: benefit today and collapse tomorrow), <https://www.ukrinform.ua/rubric-society/2822268-ukrainskij-trudovij-migrant-vigoda-sogodni-i-kolaps-vze-zavtra.html> (accessed 01.06.2020).

In accordance with the results of the review of the economic situation in Europe and Central Asia at the end of 2019, produced under the auspices of the World Bank, labor mobility is certainly able to solve many of the long-term problems that the regions of Europe and Central Asia are facing, such as, primarily, a burden created by demographic pressure due to aging populations and low birth rates. At the same time, the main difficulty lies in the development of policies that will allow regions to maximize the benefits derived from labor mobility and reduce migration costs. The benefit arises from a more efficient distribution of labor across sectors and geographic areas, which corresponds to unmet demand in many professions⁹.

A serious challenge for Ukraine is due to the fact that in recent years the number of citizens working abroad without proper permits has increased. Given unfavorable demographic trends, the gradual transformation of part of temporary labor migration into resettlement is for Ukraine the most serious danger caused by migration¹⁰. As this problem is global in nature, the ILO has adopted a number of conventions on these issues. So, in particular, the ILO Convention “Migrant Workers” no. 97 of 06.24.1975 stipulates that each member of the organization that has ratified it must provide immigrants who are legally located in its territory with no less favorable conditions than those used by its own citizens in relation to various issues listed in this Convention and to the extent that these issues are regulated by law or are subject to control by administrative authorities¹¹.

The ILO Convention “On the abuse of migration and on ensuring equal opportunities and equal treatment for migrant workers” no. 143 of 12.09.1978 states that measures are taken to promote educational programs and the development of other activities aimed at fully familiarizing migrant workers with the adopted policies, with their rights and obligations, as well as with activities aimed at providing them with effective assistance in ensuring their rights and protection. In addition, within the framework of national legislation or rules, measures are envisaged for the effective detection of the illegal employment of migrant workers and for the determination and application of administrative, civil, and criminal penalties, including imprisonment for the illegal use of the labor of migrant workers, and for organizing the migration of workers in order to obtain work, which is defined as related to abuse¹².

9 Europe and Central Asia Economic Update, Fall 2019: Migration and Brain Drain. World Bank Publications 2019, p. 25.

10 Trudova mihratsiia hromadian Ukrainy za kordon: Vyklyky i shliakhy reahuvannia (Labor of Ukraine’s countrymen for the cordon: Wikimedia Commons), <https://niss.gov.ua/sites/default/files/2018-09/Malynovska-d28e1.pdf> (accessed 01.06.2020).

11 Konventsiiia pro pratsivnykiv-mihrantiv (Convention on Migrant Workers) N 97 or 24.06.1975, https://zakon.rada.gov.ua/laws/show/993_159 (accessed 01.06.2020).

12 Konventsiiia “Pro zlovzhyvannia v haluzi mihratsii i pro zabezpechennia pratsivnykam-mihrantamy rivnykh mozhlyvosti i rivnoho stavlennia” (The convention “On discrimination in the migration sector and on ensuring equal opportunities and equal treatment for migrant

In Ukraine, the Concept of State Migration Policy was also approved by a decree of the President of Ukraine in 2011. Accordingly, the need was noted for improving the system of state management of migration processes, which is due to political and socio-economic factors affecting the situation in Ukraine and the world, which are mainly: the integration of Ukraine into the international labor market, accompanied by the outflow of labor from Ukraine; population decline in Ukraine and other European countries; the active immigration policy of foreign states aimed at attracting foreign labor; the inconsistency of the legislative acts of Ukraine on migration with the requirements, in particular, due to the lack of legislative acts in the field of protection of foreigners and stateless persons who are not granted refugee status in Ukraine, in the event that it is impossible to return them to their states of citizenship or former permanent residence, taking into account the need for Ukraine to fulfill its international obligations, as well as the impossibility of residence or stay of such persons in the territory of their state of origin, due to environmental, industrial, or other circumstances of an emergency nature; insufficiency of staffing, material, and technical support of state bodies for the implementation of the state migration policy of Ukraine; lack of automated information systems for registration of citizens of Ukraine, as well as foreigners and stateless persons residing or temporarily staying on the territory of Ukraine legally¹³.

The concept of state migration policy contains a number of provisions where migration is considered as an important component of not only the socio-economic but also the demographic development of Ukraine. In addition, on this basis, the goal of the concept is to attract investors and highly qualified specialists from developing sectors of the economy.

A recurring question arises: for all the negative manifestations of migration, does this phenomenon have positive features, or is it a tangle of unresolved problems within the country that can be solved outside it? One thing is clear – migration is that legal phenomenon that cannot be assessed unambiguously since it would be wrong. It carries both positive and negative traits, which depend on the subjective and objective factors of the region of each country. One of the positive characteristics of migration is the solution to the demographic problem, which also helps to find the most favorable conditions for the self-realization of a person as a professional. It is also always a redistribution of labor.

There is no sector of the economy where migrants do not work. In the context of an aging population and low birth rates, rural and industrialized cities are especially

workers”) N 143 vid 09.12.1978 r., https://zakon.rada.gov.ua/laws/show/993_163 (accessed 01.06.2020).

13 Kontseptsiiia derzhavnoi mihratsiinoi polityky skhvalena Ukazom Prezydenta Ukrainy vid 30.05.2011 r. no. 622/2011 (The concept of state migration policy was approved by the decree of the President of Ukraine), <https://zakon.rada.gov.ua/laws/show/622/2011> (accessed 01.06.2020).

in need of labor migration. The advantages of migration are also that this process is a simultaneous convergence of cultural traditions and their enrichment. Therefore, all countries tend to actively benefit from migration.

Many countries of the world have gained and continue to derive a lot of positive effects from migration. And some have made migration policy part of their socio-economic development strategy. Australia, New Zealand, South Africa, the USA, Canada, Brazil, Argentina – this is not a complete list of countries that emerged and developed as a result of external migration as host countries. And Spain, Italy, Portugal, Great Britain, the Netherlands, France, thanks to emigration, created entire “diasporal states” outside their borders, still using the migration factor also in their interests¹⁴.

On the other hand, migrants increase the birth rate, including of the indigenous population, which is not always so cloudless – as the traditions of the indigenous population die. Be that as it may, it is also necessary to take a sober look at the fact that migration has always intensified and intensifies competition in the struggle for jobs, worsens the material situation and working conditions of the working indigenous population, and, as a result of this, increases unemployment, which leads to criminal situations, and to ethnic and religious conflicts.

Taking into account the positive in migration, it is necessary for the national legislator to pay attention to the mechanisms of legal protection of migrant labor rights. It is necessary to study the causes of migration dependence of citizens within each region and those subjective and objective factors that contribute, alas, to its dependence and strengthening.

2. The Impact of Migration on the Economic Potential of the Country

The low level of economic development can be defined as the main factor among the reasons for migration of citizens of Ukraine. The decline in the level of economic development, and against this background the bankruptcy of enterprises, including artificial ones, the low level of wages and their unjustified differentiation among different sectors of the population, the lack of jobs, imperfections in the labor market, military operations in the east of the country caused by Russian aggression, and many other factors determine favorable conditions for the migration of the population of Ukraine.

States have always stimulated temporary labor migration if labor has served as a stable source of income, with one difference only: incomes in some countries

14 S.V. Riazantsev, *Zovnishnia mihratsiina polityka yak faktor demohrafichnoho rozvytku* (Foreign migration policy as a factor in demographic development), <https://cyberleninka.ru/article/n/vneshnyaya-migratsionnaya-politika-kak-faktor-demograficheskogo-razvitiya-rossii> (accessed 01.06.2020).

are used effectively for economic development, in others they are in shadow. Unfortunately, the funds that should be directed to the Ukrainian economy were and are steadily shadowy in nature.

Even the economic recovery, which has been going on in Ukraine for some time, since 2000, has not led either to a real improvement in the living conditions of wide sections of the population, or to an increase in demand for labor. Most indicators of socio-economic development are still far from European standards. Employment opportunities in the official labor market of Ukraine remained limited; moreover, employment in the registered sector of the state economy not only does not guarantee well-being, but often does not provide for the reproduction needs of the workforce¹⁵. Therefore, migration processes in Ukraine, as a rule, are always involved in the economic factor.

At the same time, according to Glenda Bonifacio, these factors are neither mutually exclusive nor absolute, since each determinant is independent of the others, starting from a combination of adverse economic opportunities enhanced by environmental factors, ending with family reunion, social prestige, and the desire for freedom¹⁶.

Since labor emigration is associated with the departure of the able-bodied population outside the country, it is precisely due to changes in the quantitative and qualitative characteristics of the labor potential of society, in particular, the impact on the professional structure of the able-bodied population, its gender and age composition, and affects the economic potential of the country as a whole. A particularly acute problem of reproducing domestic labor potential is a significant deterioration in the age structure of the population¹⁷. According to statistics from the Institute for Demography of Social Research of the National Academy of Sciences of Ukraine, the working-age population of Ukraine aged 20–40 years by 2030 will decrease by about three million people.

However, it should be borne in mind that researchers note the positive effect of the outflow of labor when there is a high level of unemployment in the country – as a result of migration, the officially registered unemployment rate may decrease. Emigration can also contribute to social stability and economic development. At the same time, as noted, migrants who have left the country do not pay direct taxes,

15 Naselennia Ukrainy. Trudova emihratsiia v Ukraini (The population of Ukraine: Labor emigration in Ukraine), https://idss.org.ua/monografii/poznyak_2010.pdf (accessed 01.06.2020).

16 G. Bonifacio, *Global perspectives of gendered youth migration: Subjectivities and modalities*, Bristol 2019, p. 8.

17 I.O. Pinchuk and O.O. Yurenko, *Vplyv trudovoi mihratsii na ekonomichnyi potentsial Ukrainy* (The impact of labor migration on the economic potential of Ukraine), no. 2 (58), 2013, http://www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe?I21DBN=LINK&P21DBN=U-JRN&Z21ID=&S21REF=10&S21CNR=20&S21STN=1&S21FMT=ASP_meta&C21COM=S&S21P03=FILA=&S21STR=Nvpushk_2013_2_11 (accessed 01.06.2020).

therefore revenues to the country's budget are reduced. In addition, the burden on social security and the working population is increasing¹⁸.

But be that as it may, it is worth noting that migration, which is international in nature, has an economic impact on all countries without exception, and on those that accept labor as well as those that give it away. Therefore, migration will always be considered by all states as a resource, including a cheap one, on which success and the potential for economic development of the country will depend. Therefore, a certain analysis of the interaction of labor migration and the economic development of each particular country is needed, which, when studied, should affect the following areas:

- the interaction of migration and economic processes that occur at the macro level: the relationship of migration and inflation processes, differentiation of wages, tax levels, interdependence, and the effect of remittances by migrants on the country's balance of payments.
- And of course, the impact of labor migration and the social policy of the state on the country's unemployment rate.

The problems of international labor migration and the study of its essence is one of the key tasks of modern economic science. International labor migration influences not only the development of the national labor market; it has become one of the main elements of the international economic relations of many developed countries.

Conclusions

Despite the fact that the processes of labor migration are regular and irreversible, we need to pay attention to the alarming indicators that characterize the structural differentiation of labor migration in general. Therefore, it is necessary to regulate the processes of labor migration with reference to the state migration policy as an element of the social and economic development strategy of each country.

Each country should clearly assess its domestic needs for foreign labor and, accordingly, develop legal mechanisms to remove certain barriers on the way to employing foreign workers, specialists, and scientists. There must be a balance of labor resources.

When balancing labor resources, it is necessary to link them with demographic policies in order to replenish the population in those regions that suffer from both labor shortages and population growth, especially in rural areas.

18 Y.A. Kurunova, *Mizhnarodna mihratsiia robochoisly yak factor ekonomichnoho rozvytku krain (na prykladi mihratsiinykh potokiv mizh EU i Ukrainoiu)* (International labor migration as a factor in the economic development of countries (using migration flows between the EU and Ukraine as an example), 2015, 216 c, https://www.lnu.edu.ua/wp-content/uploads/2015/12/dis_kurunova.pdf (accessed 01.06.2020).

A transparent policy of each country regarding a residence permit and citizenship is needed. It is necessary not only to adopt relevant laws, but also to create effective mechanisms to remove bureaucratic obstacles in this matter.

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