

STRATEGIC AMBIVALENCE ABOVE, SELECTIVE
IMPLEMENTATION BELOW: AN INSTITUTIONAL ANALYSIS OF
KAZAKHSTAN'S POLICY TOWARD SKILLED LABOR

ЖОҒАРЫДАҒЫ СТРАТЕГИЯЛЫҚ АМБИВАЛЕНТТІЛІК,
ТӨМЕНДЕГІ ТАҢДАУЛЫ ЖҮЗЕГЕ АСЫРУ: БІЛІКТІ ЖҰМЫС
КҮШІНЕ ҚАТЫСТЫ ҚАЗАҚСТАН САЯСАТЫНЫҢ
ИНСТИТУЦИОНАЛДЫ ТАЛДАУЫ

СТРАТЕГИЧЕСКАЯ АМБИВАЛЕНТНОСТЬ СВЕРХУ,
ИЗБИРАТЕЛЬНОЕ ПРИМЕНЕНИЕ СНИЗУ:
ИНСТИТУЦИОНАЛЬНЫЙ АНАЛИЗ ПОЛИТИКИ КАЗАХСТАНА
ПО ОТНОШЕНИЮ К КВАЛИФИЦИРОВАННОЙ РАБОЧЕЙ СИЛЕ

by

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A Thesis Submitted to the School of Humanities and Social Sciences of Nazarbayev
University in Partial Fulfillment of the Requirements for the Degree

MASTER OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS

ASTANA, KAZAKHSTAN

2016

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THESIS APPROVAL FORM
NAZARBAYEV UNIVERSITY
SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

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List of Acronyms

CIS	Commonwealth of Independent States
CSD	Consular Service Department
DESP	Department of Employment and Social Programs
EEU	Eurasian Economic Union
FDI	Foreign Direct Investments
MFA	Ministry of Foreign Affairs
MHSD	Ministry of Health and Social Development
MIA	Ministry of Internal Affairs
MLSP	Ministry of Labor and Social Protection
MNE	Ministry of the National Economy
NCE	National Chamber of Entrepreneurs
NSC	National Security Committee
RK	Republic of Kazakhstan
SEZ	Special Economic Zone

Abstract

Aiming at entering the top thirty most competitive economies in the world by 2050 Kazakhstan faces a problem of inadequate human capital. However, an objective demand for foreign skilled workers notwithstanding, Kazakhstan fails to attract as many of them as its labor market needs. Driven by this puzzle, the given study analyzes labor migration policy of Kazakhstan regarding skilled workers. It attempts to explain what factors make Kazakhstani labor migration policy ineffective under the condition when skilled foreign workers are needed.

Two main factors influence the outcomes of labor migration policy implementation: decentralized decision-making and strategic ambiguity. Transferring the function of policy implementation to local-level bureaucratic institutions the state not only shifts its responsibilities to bureaucrats but also provides them with a certain degree of autonomy and discretion. However, the state and its institutions have no a coherent vision of the national interest in labor migration. Bureaucrats concerned with their professional duties have a more protectionist stance on foreign specialists' inflows. Meanwhile, aimed at increasing these inflows the state ensures its interest through strategic ambiguity in its discourse and practices. It allows the state to reconcile an economic need in more foreign skilled workers with a political demand for a more restrictive labor migration policy. Thus, starting from above ambiguity is manipulated by local bureaucrats to meet their professional and, occasionally, personal interests when implementing the policy. As a result, the state fails to attract the needed numbers of foreign specialists. In other words, the policy through which the state aims to achieve its goals turns to be ineffective.

This thesis demonstrates that an institutional approach with an emphasis on the bureaucratic model of decision-making is a better way to understand the reasons of labor

migration policy ineffectiveness in Kazakhstan. However, it also shows that when bureaucrats are involved in the policy-making process the findings from this case can be applied to the countries other than Kazakhstan and public policies other than migration.

Acknowledgements

I would not be able to write this thesis without the support of the following people. First of all, I am grateful to Caress Schenk, my principal thesis adviser, for so many hours she spent for our meetings and discussions, numerous re-readings and corrections of my work, for her help with finding interviews and organizing meetings for me, for support, patience, and confidence of the worth of my thesis. I also would like to thank my adviser Barbara Junisbai who supported me in moments of despair inspiring, motivating, and helping to look at my work from new perspectives. I have learned much from both of my advisers.

I am also thankful to John Witte for his comments to my thesis, Alexei Trochev for his help in collecting the data, Sofia An for guiding me in data collection process, and Yoshiharu Kobayashi for sharing his advice and experience.

I thank the people who helped me to find interviewees and all the respondents for spending their time and giving insights. My special thanks to Tatiana Hadjiemmanuel and Svetlana Bekmambetova, IOM representatives, for graciously meeting with me and providing me with the very useful material.

Last but not least, I am endlessly thankful to my mother who shared all my concerns and passed through all my ebbs and flows but continued to believe in me against all the odds. Without her support I would have never become who I am.

Chapter 1 Introduction

Kazakhstan has become the second economy after the Russian Federation among the CIS countries and one of the five fastest growing countries in the world. Kazakhstan won the struggle for EXPO-2017 and this year, officially joined the World Trade Organization. The latest aim set by Kazakhstan is entering the top thirty most developed countries in the world by 2050” (Akizhanov 2015). However, the state is not doing so well in terms of supplying the growing economy with adequate human capital.

According to the survey of foreign investors in Kazakhstan, 40 percent of respondents feel that Kazakhstani specialists need more professional training. Moreover, a significant lack of field-specific knowledge and skills reduces the competitive advantages of Kazakhstan. Since there is a shortage of specialists with technical and marketing skills and management experience, investors attract foreign workers to compensate for the deficit. Respondents point out that the inflows of skilled foreign professionals promote advanced knowledge and technologies and contribute to the development of local human resources. While half of respondents are satisfied with the level of flexibility of labor legislation, 36 percent call it insufficient. As some investors say, the country’s labor laws are aimed at protecting the rights of local workers rather than balancing the interests of workers and employers (investkz.com 2013).

One of the state priorities for the nearest future is to develop industrial and innovative sectors of the national economy. Accordingly, there is a special state program of industrial-innovative development aimed at promoting economic diversification and improving the competitiveness of the manufacturing industry. But one of the problems hindering the implementation of the program is the lack of human capital. The program clearly states that

there is a deficit of professionals with engineering and technical educational background and the academic staff to train professionals.

In the “Kazakhstan-2050” strategy the shortage of highly qualified workers is identified as a threat to the economic development of the country. The state officials in their interviews also emphasize the significance of highly educated foreign workers vitally needed for attraction of foreign investments, research, and development. However, despite the existing discourse, the present labor migration policy remains puzzling. The complexity of the existing legal mechanism and duration of the work permits issuance process make it more difficult for employers to recruit foreign specialists. Furthermore, the official goals of the labor migration policy are not so straightforward. The law “On migration” defines attraction of high-skilled foreign workforce, integration of Kazakhstan in the international labor market, and protection of the domestic labor market as the main policy goals (2011).¹ However, it is highly problematic to pursue these objectives altogether without making concession in either of them. The government, thus, has to find a balance between the conflicting goals of being an internationally competitive and domestically accountable state.

The rules and conditions of issuing permits to foreign workers for employment and for employers to attract foreign labor force (2012) illustrate the measures taken to protect the national labor from the competition with foreign specialists: quotas, labor market test, numerical limits to foreigners allowed to work for a company, and professional training of Kazakhstani workers. But at the same time each protective mechanism has an exemption for various categories of employers and foreign workers. It is seen then that the ambiguity is

¹ The Law of the Republic of Kazakhstan as of December 13, 1997 № 204-I “On population migration” ceased to be in force in accordance with the law no. 477-IV as of July 22, 2011.

observed not only in the policy goals but also in the procedures employers go through to obtain a work permit.

Furthermore, ambiguity on paper extends to the sphere of policy implementation. It falls on the shoulders of local-level bureaucrats to decide what rules to apply, when, and in relation to whom. The outcomes of this way of policy implementation show that the state's demand in foreign skilled workers has not been fully met: the number of foreign highly qualified workers coming to Kazakhstan each year is smaller than the maximum permissible cap established by the government. This is strong evidence that labor market opportunities are not utilized to the full.

Research Question

The puzzle that guides this thesis is that despite the acknowledged demand in skilled foreign workers and the aim of pulling in more foreign professionals Kazakhstan fails to attract as many foreign specialists as it needs. In light of this, the central research question of this thesis is:

What factors make Kazakhstani labor immigration policy ineffective under the condition when skilled foreign workers are needed?

The Merriam-Webster dictionary defines the word “effective” as “producing a decided, decisive, or desired effect” (2015). So, policy is ineffective when it does not lead to a desired effect. However, as Czaika and de Haas (2013) argue, it is very difficult to establish what the desired effect is. Indeed, in case of Kazakhstan it is seen that the state pursues the two competing goals simultaneously (attracting foreign specialists and protecting the domestic labor market). Not only the government's ambivalent rhetoric regarding labor migration but also the policy on paper cannot indicate clearly what the intended effect of the policy implementation is. To escape from the possible “evaluative and subjective dimension” (Czaika and de Haas 2013, 491), this thesis defines policy effectiveness quantitatively by

looking at the size of the quota established by the government annually for the number of foreign labor immigrants allowed to be attracted.

What allows calling the policy ineffective is that, as the top-level officials claim, the quota is not used to its full capacity (RK Government 2013). The statistics in Table 1 demonstrate that in the last three years the quota is twice as much as the number of work permits issued annually.

Table 1. Comparison of Work Permits Issued and the Size of the Quota in Kazakhstan, 2008-2016

Indicator	Year								
	2008	2009	2010	2011	2012	2013	2014	2015	2016
Work permits	47,561	31,886	30,687	28,753	23,978	25,559	31,198	32,363	n/a
Quota (%)	1.6	0.75	0.75	0.85	1	1.2	0.7	0.7	0.7
Quota (persons)	132,000	65,000	65,000	72,000	90,000	108,000	63,000	63,000	63,000

Source: Author's own calculations based on the data from the IOM Coordination Office in Central Asia (2015) and the Internet news.²

However, there are categories of labor immigrants and employers who do not need to obtain work permits. According to the rules and conditions for issuing work permits to foreign workers for employment and to employers for attracting foreign labor force (2012), nationals of the Eurasian Economic Union (EEU), chief executives, crew members, artists, aerospace operations specialist, those coming to work for the National Medical Holding, the Nazarbayev Fund, the Park of Innovative Technologies and other categories (listed in item 5 of the rules) do not need work permits. But for example, in case with the EEU the statistics illustrates that there are more specialists leaving Kazakhstan for Russia and Belarus than

² http://tengrinews.kz/private_finance/za-3-goda-v-kazahstane-snizilos-kolichestvo-gastarbayterov-231688/
<http://www.mzsr.gov.kz/node/235198>
<http://pda.mzsr.gov.kz/node/323566>
<http://nb.kz/12341/>
<http://pda.mzsr.gov.kz/node/323566>
<http://www.meta.kz/389204-chislennost-inostrannykh-rabochikh-v-sfere.html>

coming from these countries. Unfortunately, no data have been obtained on the numbers of other labor migrant categories listed above but a relatively low demand for professions listed allows to suggest that this number will not exceed the figure of 30,000 people to get to the size of the quota.

The central research question suggests a number of additional questions about the nature of Kazakhstani labor immigration policy and labor migration management regarding foreign professionals. Is Kazakhstani labor migration policy restrictive or liberal? How does the state reconcile the demand for skilled foreign workers with its duty to protect the domestic labor market? How does the state discourse and practices influence the outcomes of labor immigration policy? What is the role of the bureaucratic institutions in shaping the direction of labor immigration policy implementation?

This thesis argues that there are two main factors causing ineffectiveness of skilled labor migration policy in Kazakhstan. First is strategic ambiguity used by top-level officials to pursue simultaneously the two conflicting goals: attraction of high-skilled foreign workers and subsequent integration in the international labor market versus protection of the domestic labor market. The second factor is decentralized decision-making, which allows bureaucrats to take those decisions that they think are proper. Making use of strategic ambiguity from above local bureaucrats implement the policy so that to meet their professional and personal preferences rather than the collective national interest. This results in the inability of the state to fill the quota for skilled foreign workers, or policy ineffectiveness.

Theoretical framework

This study looks at the nature of Kazakhstani high-skilled labor immigration policy through the lens of the institutional theory (Meyers 2000, Amenta 2005, Amenta and Ramsey 2010, March and Olsen 1989, Helmke and Levitsky 2004). The idea of the theory is that it

“brings the state back in as an actor, but still focuses on state-level interactions” (Meyers 2000, 1260). As March and Olsen point, the institutional theory allows to separate “politics from administration, and various parts of administration... from each other.” (1989, 17) However, there are many interpretations of an institutional approach that can differ depending on the sphere of its application (Wiseman et al. 2013) and “the degree of autonomy and cohesion they attribute to the state” (Meyers 2000, 1261). Moreover, as Tolbert and Zucker note (as cited in Wiseman et al. 2013), there is “very little consensus on measures or methods within this theoretic tradition” (690).

Various studies (Boucher 2013, Boucher and Cerna 2014, Codo 2008, Calavita 1992) approach migration from the institutional perspective and analyze the role of different state agents and bureaucracy in designing policy outputs and outcomes. Boucher (2013) finds that the features of bureaucratic control over decision-making process on migration in Australia and Canada were decisive in the different modes of immigration policy changes in two countries with regard to highly qualified foreign workers. Codo (2008) in her study illustrates the functioning of bureaucratic institutions in Spain. She describes how bureaucrats use procedures and language practices to exert their control over migration. Allison’s (1969) study on Cuban missile crisis clearly demonstrates that bureaucratic institutions’ agency can significantly influence the political decision-making process refuting the view of a monolithic and coherent state. At the same time, Allison shows that the operating bureaucratic interests and procedures are not a definitive factor in decision-making. High-level authorities can act independently in a search for a decision corresponding to the general state interest. This literature demonstrates that different forms of bureaucratic institutions’ agency can have a meaningful and varying impact on both how state policies are formulated and implemented.

This thesis differs from other studies by applying an institutional approach to studying migration policy in a non-democratic context. While it is easy to assume that bureaucratic

institutions in a democratic regime act independently from the state leaders' interest (though may be less so with regard to the pressures from the societal groups), it is difficult to imagine autonomy of bureaucratic institutions' interest from what the state wants in the authoritarian environment. Nevertheless, I treat the interests and behaviors of the state bureaucratic institutions as "both central and variable – and thus likely important in political outcomes and in need of greater investigation, theoretical and empirical" (Amenta 2005, 100).

Theoretically, I find that under an authoritarian regime where bureaucratic institutions participate in policy formulation and implementation the state and its constituents can be not cohesive in the idea of a paramount national interest. Rather, following their own interests and strategies bureaucratic institutions are able to act independently from the state (where the state means basically the top-level officials). Since each state institution has its own functions and objectives, there can be discrepancies in what different institutions do depending on their organizational interests and levels of governing. Moreover, I find that the interests of particular bureaucratic institutions in Kazakhstan may differ significantly so that the institutional rivalry can be a pretty feasible phenomenon. This is what Allison dubbed a bureaucratic model when he did the analysis of the American government's actions during the Cuban missile crisis (1969). This finding also speaks to Calavita's (1992) conclusion that the state administration driving the Bracero labor program in the US was a living mechanism with its internal disagreements and collisions. So, I argue that to study the process of formulation and implementation of labor migration policy in Kazakhstan, methodologically it is necessary to disaggregate the state into central and local bureaucratic institutions. While central institutions (ministries) are involved in formulating the policy, local-level ones are responsible for fulfilling it.

This separateness of interests of bureaucratic institutions and the state in the policy implementation process is an interesting finding casting doubt on a general belief that under

an authoritarian regime bureaucratic institutions adhere to one collective national interest promoted by the state. I find that under an authoritarian rule different bureaucratic institutions use labor migration policy to defend their particular preferences. I argue, nonetheless, that they can pursue their interests conditionally. Strategic ambiguity in the official discourse of the state, or high-level political authorities, and in the policy on paper allows bureaucratic institutions' distinct interests and behavior when managing labor migration in Kazakhstan.

What I call strategic ambiguity in the given study is a method top state officials use to promote two goals of labor immigration policy simultaneously: protecting the domestic labor market and attracting more foreign specialists. The economic need in attracting more foreign specialists pushes the government to seek policy liberalization whereas the political demand to save legitimacy of its labor migration policy in the public eyes makes the state elites put emphasis on the protective character of the policy. So, using intentionally an ambivalence in its discourse and actions the state reveals its attempts to settle the issue of control dilemma of reconciling economic versus political demands in one policy course (Wright 2014).

However, starting from above this strategic ambiguity is translated to the policy on paper and reinforced at local levels of policy implementation. Though the official policy includes numerous mechanisms to protect the domestic labor for each of these mechanisms policy-makers envisage exemptions made with regard to either employers or foreign skilled workers. This ambiguity on paper allows the state to meet its need in foreign professionals despite the existing protections. More importantly, nevertheless, is that strategic ambiguity gives a leeway not only to the ruling political elites but also to bureaucratic institutions implementing the policy. Bureaucrats, as I will show, use ambiguity from above to pursue their short- and middle-term professional and personal interests (differing from the state's long-term perspective of economic growth). It is seen then that the phenomenon of strategic ambiguity penetrates different levels of labor migration policy-making allowing the state

actors to meet their varying goals. Furthermore, I would argue that strategic ambiguity is a useful framework for studying not only labor migration policy but other spheres of public policy-making in Kazakhstan as well.

Thesis organization

The remainder of the thesis is organized as follows.

This introductory chapter continues with outlining the scope of the research, its methodology, and the consideration of ethics. For studying the research question, I focus on labor migration of skilled workers only which has a temporary rather than permanent character. This means that I also exclude social rights of migrants from the analysis. For analyzing Kazakhstani labor migration, I apply a case study methodology and interviewing as a primary data-collection method. Further, I put my research question in the context of other studies. The literature review shows that it is important to study Kazakhstan as an instance of ineffective policy implementation, which adds also to the scarce literature on the bureaucratic control of migration. Furthermore, it reveals the divergence in the policy regarding one category of (skilled) migration rather than accustomed contrasting of low- versus high-skilled migration.

Chapter two analyzes the institutional structure of labor migration management in Kazakhstan. The main idea that this chapter comes to is that the state is not monolithic regarding the national interest in labor migration. While the state is primarily interested in attracting more foreign skilled workers for the rapid development of the national economy, bureaucrats are more concerned with their professional and personal preferences in implementing labor migration policy. After introducing Kazakhstan and historical development of its migration management institutions the chapter shows that there is an objective need in foreign specialists. Following the analysis of bureaucrats' preferences and actions the chapter concludes that divergence in interests adds to the policy ineffectiveness.

Chapter two considered bureaucrats, what they want as an organization and individually and how they achieve what they want. Chapter three deals with the state, its interests, concerns, and analysis of its actions. Despite the fact that the state has transferred a meaningful part of its authority on labor migration management to bureaucratic institutions, it is able to interfere with how labor migration policy is formulated and implemented. Surprisingly, even being authoritarian the state is pretty much concerned with public opinion on the issue of labor migration. Since the state is primarily preoccupied with two things – economic development and political stability, legitimacy, and support – it uses strategic ambiguity in its rhetoric and policy to reconcile the two competing (in case of migration) interests. Furthermore, introducing labor migration liberalization during the period of economic downturn the state demonstrates its ability to circumvent the existing constraints and mold the policy so as it sees proper.

Chapter four combines the findings from the two previous chapters to sum up on what makes the labor migration policy of Kazakhstan ineffective. Two factors prevent policy effectiveness: decentralized decision-making and strategic ambiguity. Application of the institutional theory helps to dig to the roots to identify these factors: it shows that the state needs to be disaggregated into institutions constituting it. The bureaucratic model of decision-making illustrates that bureaucrats' professional and personal preferences guide policy implementation which affects policy outcomes. Strategic ambiguity in the state's official discourse and the policy on paper allows bureaucrats to be selective regarding the policy options available to them. A leeway that results from the state's strategic ambiguity results in either more restrictive policy when bureaucrats follow their organizational interests or more open policy when they want to satisfy their personal preferences. Nevertheless, being accountable to the state, bureaucratic institutions have to follow the policy directions and

instructions coming from above. So, unable to resist the state's interest openly bureaucrats do it latently while promoting their own preferences.

Chapter five presents analytical generalizations made on the ground of two cases. Based on the conceptual propositions made in the chapter four, this chapter uses the theory of institutionalism and its methodological implications to two other cases studying the processes unrelated to immigration. First is Aslan's study (2009) on Kurdish naming in Turkey which demonstrates that the divergence in the interests of the state and its institutions can lead to adverse policy outcomes. The second study is by King and Smith (2005) about the influence of racial orders on the US political development. The authors show that racial orders and the changes taking place inside these orders and their interactions with each other and external environment have a significant impact on the American politics in general. The Kazakhstani case can inform this study by demonstrating that institutions' are not static and inanimate. Rather, they possess inside dynamism and interact with each other and external environment. These dynamics can have at times a decisive effect on various spheres of domestic policy.

Research Design

The scope of investigation of this study. This study focuses particularly on labor migration which is a part of a more general phenomenon of economic migration. For this thesis I accept the definition that labor migration is a "movement of persons from one state to another for the purpose of employment" (IOM Glossary on Migration 2011). However, labor migration includes types of migrants differing on the terms and legitimacy of staying in the host party, a level of workers' skills, voluntariness of coming, as well as the scope of movement. The Kazakhstani law (2011) defines labor migration as a "temporary movement of individuals."

Further, this research focuses on the specific category of skilled labor immigrants broadly defined as a foreign worker "who, because of his or her skills or acquired

professional experience, is usually granted preferential treatment regarding admission to a host country (and is therefore subject to fewer restrictions regarding length of stay, change of employment and family reunification)” (IOM Glossary on Migration 2011). Kazakhstan applies mixed methods for separating skilled from low- or/and unskilled foreign labor. In general, foreign workers with secondary education only are considered unqualified, or low-skilled. Meanwhile, to distinguish between qualified workers, education criteria, work experience, and a list of occupations are used.

The central point of interest of this study is conditions and procedures of admission of skilled labor migrants coming to Kazakhstan from the third countries. For that reason, this research accepts a narrowed concept of migration which excludes irregular, seasonal, internal, and permanent immigration. Labor immigrants’ social rights are also eliminated from the scope of analysis since these are usually granted to immigrants with a permanent residence status or citizenship. A distinguishing characteristic of Kazakhstani labor migration legislation is that it regulates temporary immigration only. Neither the migration law nor the rules regulating a work permit issuance provide a mechanism for obtaining permanent residence permit by high-skilled foreign workers. The maximum allowed to an employer and a foreign worker is extension of a work permit no more than two times for a period not exceeding three years (On Migration of Population 2011). So, while foreign specialists may officially apply for permanent residence and citizenship, they are for the most part temporary workers possessing limited civil and socioeconomic rights.

Methodology. The research methodology employed in this project is a case study approach. There are many advantages that make case study the most appropriate method for studying labor migration policy in Kazakhstan. First, a case study allows to not simply explore migration policy and describe its features but also explain it (Yin 2014, 7). I want to

account for what causes ineffectiveness of Kazakhstani labor migration policy regarding skilled foreign workers.

Second, a qualitative case study allows tracing changes in migration policy over time identifying key moments in the policymaking. For example, it is essential to see whether immigration policy towards highly qualified foreign workers in Kazakhstan has become more or less restrictive with time and how these changes can be linked to specific features of the policy context. Here I take advantage of another positive aspect of a case study significant for this project. It lets the researcher investigate the case of Kazakhstani labor migration policymaking in the context of the battle for talent (Hercog 2008) and the state's deteriorating economic situation. These contextual conditions add important insights to the reasons behind the existing labor migration policy of Kazakhstan.

Next, I argue that qualitative methodology suits the goals of the thesis more than a quantitative approach. The objective lack of extensive and comparable quantitative data on immigration policies prevents researchers from making any significant quantitative analysis. Moreover, as Czaika and de Haas point (2013), immigration policies have a qualitative character. Indeed, a case study is more useful when evaluating the effect that the official discourse, policies on paper, bureaucratic institutions, and various societal groups have on the processes of policy formulation and implementation. As Schramm underlines (as cited in Yin 2014, 15), "the essence of a case study... is that tries to illuminate... a set of decisions: why they were taken, how they were implemented, and with what results." This feature of a case study approach is particularly relevant to the scope of this research since it is interested in the decisions made by the government regarding skilled labor migration management.

Fifth, a case study allows to use numerous sources of data such as "direct observation of the events being studied and interviews of the persons involved in the events" (Yin 2013). Since it is possible to study labor migration policy on the principle then and there, it is a great

opportunity to learn about the current events through the first-hand information. This also explains why this project relies on interviews with different participants to the process of hiring foreign workers as one of the main sources of the data collection procedure.

Application of a case study methodology will help to produce detailed, rich, and complete data necessary for analyzing the issue of migration.

Finally, a case study method allows the researcher to be ignorant of what she is going to find from her studies. Rather, by producing rich enough data I can shape the thesis *a posteriori*, or based on experience. Furthermore, this thesis attempts to account for the *processes* of labor migration policy formulation and implementation. Given this and the complex nature of a migration policy as a social phenomenon it is necessary to do an in-depth analysis intrinsic to the case study methodology.

Data

The primary strength of a case study, according to Yin (2014), is an opportunity to apply numerous sources of evidence. So, to answer the research questions different sources of data were used. Using various sources the project aimed at assessing the same phenomenon from various perspectives.

To begin with, it was necessary to identify which actors usually participate in labor migration policy making and implementation as well as the character of connections between them. For that purpose, the first piece of data collected was migration legislation. It appeared that there were a number of regulatory legal acts that directly or indirectly dealt with the issue of labor migration. Among them there were: the law “On Migration of Population”, rules and conditions of the issuance of permits to foreign workers for employment and to employers for attracting foreign labor force, the law “On amendments and additions to some legislative acts of Kazakhstan on Migration and Employment.” Also, the official documents such as strategies and state programs gave an insight into the priorities of the state as the main driver

of the Kazakhstani labor migration policy towards highly educated foreign workers. The abovementioned sources were supplemented with government officials' interviews in the media and statements made by bureaucrats during face-to-face interviews. Those allowed to see how political actors assessed the situation with skilled labor migrants and what their attitudes towards those were.

Additionally, media sources demonstrated the actual situation with skilled migration. Some of them included statistical data. More importantly, they showed how the real participants in the process – employers and other stakeholders to the issue of labor migration dealing with the policy, or those working with foreign professionals – perceived the system, its ebbs and flaws, and effectiveness in general. In addition, comments by readers given at the end of online articles illustrated the attitude of Kazakhstani citizens in relation to skilled foreign workers' inflows.

The main data collection method was in-depth semi-structured interviews with different types of actors. The mapping technique was used to identify the main actors in labor migration policy formulation and implementation processes. Organizing the information into diagrams helped to create a hierarchy of actors to understand from what level to start the data collection. Respondents, thus, were chosen intentionally on the ground of their involvement in the labor migration policy process.

First of all, talking to certain policymakers intended to shed light on their own attitude towards the status quo. It was quite interesting to know whether politicians perceive the existing migration system as effective or not and whether they would prefer to expand rather than curtail current inflows of foreign professionals. In reality it appeared to be extremely difficult and sometimes impossible to obtain their personal opinions regarding the policy. The primary explanation given was that being representatives of the state agencies they could not share their individual views on the issue. Nonetheless, the primary problem with the state

authorities was to access them. They did not agree to speak without having a formal letter of introduction from Nazarbayev University, a process that was tremendously time consuming and paper intensive. It is necessary to note, nevertheless, that even formal introductions do not guarantee a researcher will successfully be able to meet with the official in question. For that reason, a more effective approach was to access such people through personal connections. In sum, five officials were interviewed. None of the respondents agreed to be tape recorded even despite familiarization with the informed consent form. In general, politicians' answers were terse and strictly on the facts.

Next, conversations with employers, recruitment agencies representatives, and hiring managers spoke about the difficulties they experience when attracting high-skilled migrants and what they find unproductive in the actual practices. In total, there were 18 interviews. Though it seemed that those people would be more willing to talk about the existing problems and gaps in the migration system, it was also very difficult to persuade them to agree for an interview. Frequently they suggested that the requested information was confidential, or offered the interview questions be sent via e-mail. One person agreed to be interviewed via telephone. Out of ten e-mails sent only one person agreed to be interviewed. Given these difficulties, it was more effective to find such people through acquaintances. Those interviews were conducted in a face-to-face setting. Moreover, networking had the additional advantages: the existence of some connection made the dialogs candid, allowed to ask as many questions as was necessary to get into the nuances, and for the conversations to be tape recorded.

To this, interviewing representatives of organizations one way or another related to migration such as the International Organization on Migration and the International Labor Organization have provided the study with the data on the mechanisms other states employ to make their policies work properly as well as their personal views on the migration issue

within the state. Also, the IOM representatives provided the research with the recent statistical data relevant to the analysis such as the numbers of work permits obtained by employers, of issued work visas, the information on the annual quotas accompanied with their analysis of the situation with labor migration. Since the representatives of these organizations are foreigners and have no their own stakes when dealing with labor migration policy (otherwise than protecting immigrants' human rights) their appraisal of the system can be considered as the neutral one and free of biases.

Where possible, previous research has been used to complement the findings from the primary sources. Apart from some statistical data, the approach applied in this project is largely qualitative. Parallels between high-skilled migration and other categories of immigrants, such as oralmans, or repatriates, coming back to the historic homeland enables us to see the difference between ethnic return migration policy and the less effective high-skilled labor migration policy. This has also given an opportunity to see if there is any ethnic constituent in the restrictive character of Kazakhstani labor migration policy toward the high-skilled foreign workers.

By collecting a variety of types of data from different sources, I attempted to ensure the reliability of the conclusions made on the basis of these data. For instance, information obtained from interviews with policy makers was compared with the responses from employers, hiring managers, experts, and recruitment agencies representatives. Results of interviews were then compared to information from analysis of legislature, news media sources, reflective reading of government programs, strategies, and reports to build a comprehensive picture of the situation with labor migration in Kazakhstan.

Ethical considerations. Since the project suggests making a research involving human subjects, ethics approval was granted from the Nazarbayev University Institutional Research Ethics Committee. All the research participants were informed in a written and oral

form about the project. Human subjects engaged took part in the study on a voluntary basis only. Written informed consent guaranteed a voluntariness of participation. Moreover, any respondent was enabled to withdraw from the interview at any time. Raw materials such as audio files and transcripts were kept secure for the period of time defined by the Institutional Research Ethics Committee.

Literature Review

Research on labor migration shows that highly skilled immigrants are described by policymakers and perceived by the native population as an asset to the host state, a necessary condition of development and economic prosperity. Meanwhile, low-skilled immigrants are mostly taken as an unwanted (even if necessary) phenomenon that carries potential economic, social, political, and cultural threats. The presence of these controversies explains why a theoretical issue that has dominated the field for many years is biased towards studying low- rather than high-skilled migration. As a result, skilled, or privileged, migration remains to be underdeveloped. My thesis intends to address this gap by studying labor migration policy of Kazakhstan towards skilled foreign workers. Furthermore, I find that current research focuses mostly on policy divergence between low- and high-skilled migrations. Kazakhstan is an interesting case since it investigates the policy divergence within one category of *skilled* migrants.

As in the case with low-skilled foreign workers, the study of high-skilled migrants is usually limited to professionals moving from developing countries to advanced democracies of the West (Lan 2011). Nonetheless, contrary to expectations, quantitative research findings show that democracies attract fewer migrants (both low- and high-skilled) than countries with non-democratic regimes (Breunig et al. 2008). This study is interesting because it represents the very case when foreign professionals (often from developed democratic countries) move for employment purposes to Kazakhstan viewed as a developing non-democracy.

To elaborate on the above issues the remainder of the literature review is organized as follows. The first section will be devoted to the migrants themselves. It describes different approaches governments use to define who skilled workers are. It also identifies the reasons that drive migrants to move. I show that while an economic rationale is not important for migrants moving to developed democracies, it can be a crucial factors for those moving to developing and/or non-democratic countries. Furthermore, this section reveals that even high-skilled migrants can have a marginalized rather than privileged status. It concludes that despite migrants' agency, governments have a prevailing influence over the actual outcomes of migration.

The second section will turn to research examining the role of the state in attraction of foreign professionals. It shows that there are various reasons that guide the state decision to attract foreign professionals: economic, demographic, the factor of prestige. However, engagement in the battle for talents and a control dilemma of economic versus political costs of migration pushes states to accept policies of a conflicting nature. Kazakhstan is one example of such states. Though being authoritarian, Kazakhstan is no less than democracies concerned with public opinion on labor migration. However, the tools it uses to reconcile conflicting political and economic demands are different from what democracies usually do. In addition, this section illustrates that to ensure effectiveness of their migration policies states either centralize or decentralize migration management (with Kazakhstan applying decentralization). The conclusion says that more empirical and theoretical research is needed on the bureaucratic control of migration since bureaucrats can affect significantly the effectiveness of migration policy.

Migrants as agents of change. The existing studies in most cases accept a classic definition of a skilled worker as the one with tertiary education (Carvalho 2012, Bauer and Kunze 2004, Koslowski 2014). But as Chaloff and Lemaitre (2009, 11) indicate, states can differ in what

definitions they use. Immigrants accepted by the state as highly skilled may not even possess a university degree usually understood to mean tertiary, or post-secondary, education. For example, business immigrants may gain skills outside the university setting (Iredale 2005). The situation is different in Japan where the degree of skills is determined by visa categories (Chaloff and Lemaitre 2009, Oishi 2012). ASEAN members having agreed on the freedom of movement for high-skilled workers, define them “as seven professions: engineers, architects, nurses, doctors, dentists accountants and surveyors” (Hugo 2014, 14). These definitions are very restrictive and privilege certain categories of workers significantly restricting the channels available for skilled migrants’ entry. It is seen that states themselves decide what definition to apply to skilled labor immigrants depending on what goals they pursue when attracting them.

To date, a considerable amount of the literature both qualitative and quantitative has been published on determinants of migration. This literature demonstrates that what encourages movement of low-skilled workers is different from high-skilled migrants’ rationale. Furthermore, motives driving migration of professionals change with their country of origin, gender, age, family status and skills level (Khoo 2013). Harvey (2011) distinguishes between high-skilled migrants from developed and developing countries and finds that migrants from developing countries prefer to move not because of the lack of money but in need of high-quality education. Kōu and Bailey (2013) also show that for high-skilled migrants from developing states economic factor plays a limited role. It is rather self-actualization, or personal development, and career improvement, which motivate professionals to migrate. Oishi’s (2012) findings speak to other studies. For professionals moving to Japan the amount of salary is not very important. Rather, integration policies, children’s education, and existing institutions have a strong impact on the determination to migrate.

A key limitation of this research is that it does not address the role of the economic factor for a professional moving to a non-democratic and developing state. Such states, compared to developed democracies, have usually little to offer (except for better economic conditions) for attracting high-skilled workers. Very few publications are available in the literature that discuss how migrants' reasons to move change with the receiving state's political regime. Again an excessive focus on democracies omits potentially fruitful research in this direction. For example, Harvey and Groutsis (2012) show that high-skilled immigrants to the Middle East are driven *exclusively* by employment purposes. But more studies are needed to establish whether this behavior is a pattern. Kazakhstan can make a good contribution in this direction being a case where huge wages and benefits packages are offered to entice foreign skilled workers.

Interestingly, Harvey and Groutsis (2012) also consider the possibility of forced migration by high-skilled workers. Often, the authors argue, skilled workers have no other choice but move to less attractive and more lucrative non-democratic destinations. This perspective allows grouping the literature on high-skilled migrants into two categories: one that considers mobile professionals as privileged migrants and other that points at their marginalized status. Among the potential sources of marginalization are economic and social exclusion at home (Lan 2011) and non-recognition of high-skilled immigrants' qualifications (Iredale 2005, Lenard 2014).

Countering this group is a huge body of research in which professionals are considered as privileged migrants (Bedford and Spoonley 2014, Carvalho 2012, Cerna 2014, Artuç et al. 2012, Facchini and Lodigiani 2014, Facchini and Mayda 2010, Geis et al. 2008, Gera and Songsakul 2007, Harvey 2011, Kirkegaard 2007, Koslowski 2014). Researchers usually assume that the scarcity of professionals allows them to choose among numerous destinations. Croucher renders this phenomenon as a "privileged mobility" (2012). She

argues that “the crisis of the contemporary welfare state” makes professionals “leave relatively wealthy, politically powerfully, and culturally hegemonic homelands” (2012, 9). However, this privileged status makes foreign professionals distinct and therefore unwilling to integrate. This contradicts Harvey and Groutsis’s findings (2012) that integration of high-skilled immigrants to the host society is impeded by not their particular identities, but voluntarily avoidance.

In conclusion, there is a widespread agreement among researchers (Croucher 2012, Harvey and Groutsis 2012, Oishi 2012, Khoo 2013) that migrants, especially high-skilled ones, have agency, can take decisions and act on them, and more importantly, choose. However, despite migrants can have a great impact, in the end it is states that shape immigration policies. States are still key actors in international movement of people: they control borders selecting who gets in, grant citizenship to the deserving, and regulate an access to the labor market.

Skilled immigration and the role of the state. Central to the issue of high-skilled immigration is the phenomenon of “the global war for talent” (Ng 2010) or “the battle for talent” (Hercog 2008) which engages states throughout the world regardless of their level of development and regime type to compete for scarce high-skilled labor. The battle for human capital in pursuit of economic growth pushes governments to invent new mechanisms and adopt experiences of others in order not to fall behind the competition. Bedford and Spoonley’s (2014) study has demonstrated how successful implementation of a new system for selection of highly qualified immigrants in New Zealand encouraged the Australian and Canadian governments to take a similar approach. In light of this, it is important to “bring the states back” (Shachar and Hirschl 2013, 102) into the analysis of high-skilled migration to understand the substantial transformations of migration laws and policies and what impact these have on actual inflows of foreign workers.

One potential bias in this direction can be that very few studies address non-Western states as increasingly popular destinations (Hugo 2014, Harvey and Groutsis 2012, Lan 2011, Artuç et al. 2012). A narrow research focus on advanced democracies of the West does not provide a complete picture of high-skilled migration. Driven by the economic growth rationale, non-democracies become more active in attracting foreign skilled labor (Hercog 2008, 19). It is not surprising that recent developments in this field have led to a renewed interest in what role a non-democratic state plays in the movement of professionals. This is where the study of Kazakhstan can make an empirical contribution to the existing literature.

There are numerous factors apart from the economic need that cause high-skilled immigrant-friendly policies: population ageing, globalization, distortions in education of the local population (Hercog 2008, Chaloff and Lemaitre 2009). Shachar and Hirschl's study adds to the list the race for "prestige" (2013). According to the authors' argument, today the desire to entice the brightest reflects not so much an economic necessity of filling labor market shortages as a search for superiority. Failing to observe really active migration policies among the OECD-states, Chaloff and Lemaitre (2009) also question the dominance of an economic determinant argument. Importantly, the consensus view in research is that democratic states utilize citizenship, a nation-state's most valuable asset, as a tool for attraction of highly skilled foreigners. Much less is known, nonetheless, what tools non-democracies use to attract and retain foreign professionals.

There are some other interesting and relevant problems to be addressed. Usually, the states apply restrictive policies to unwanted low-skilled foreign workers and liberal ones to welcomed talents. Skrentny's study (2013) pointing at this conflicting nature of immigration policies argues that they are influenced by three interdependent factors: economic growth, rights liberalism, and traditional communities. Interaction among these factors accounts for existing controversies in policies. The study of Kazakhstan contributes to this body of

research by also focusing on conflicting labor migration agenda set by the state. However, what makes the research on Kazakhstan interesting is that the conflict is not between low- and high-skilled immigration but within the group of skilled foreign labor.

Not less important, as the literature shows, is the context in which governments take their decisions on migration policies. The relationship between societal groups' standing on attraction of immigrants and the states' policy outputs are highly interdependent (Facchini and Mayda 2000, Cerna 2014, Carvalho 2012). The domestic politics argument (Cerna 2014) shows that there is a positive correlation between public opinion and governments' decisions on immigration policies. However, the impact of interest groups makes official policies more open than desired by population. A key problem with the domestic politics argument is that it is applied to the democratic context where public opinion matters a lot. Wright (2014) argues that the control dilemma – public versus economic constraints – is a phenomenon inherent in democratic states' structure. However, the Kazakhstani case shows that even in a non-democratic state societal groups affect migration policy-making.

While to attract skilled foreigners is one issue, another one is to ensure policy effectiveness. The literature shows that the states apply different practices to make their policies effective. Canada, for instance, uses “actively managed national immigration” approach (Kirkegaard 2007, 29) where the state is a primary actor managing migration (Gera and Songsakul 2007). Nonetheless, Koslowski (2014) argues that the American decentralized approach to labor migration management is more effective since it responds directly to employers' needs. But on Wright's opinion (2014), when the state shifts its responsibility to other actors (whether governmental or not) it wants to decrease the political costs of taking wrong decisions. One method used by governments is to transfer migration management to bureaucratic institutions.

A review of the relevant literature shows that migration selection and control processes have been scarcely investigated both empirically and theoretically from the perspective of bureaucratic actors. However, bureaucratic institutions can influence significantly both policy outputs and outcomes (Codo 2008, Boucher 2013). For example, a focus on bureaucratic institutions can explain what makes the policy ineffective when the state needs more foreign specialists and creates policy conditions for that. Oishi examines the issue on the example of Japanese migration policy. However, the author analyzes the problem from the point of view of immigrants and companies' corporate managers. No attention is paid to the political side of the issue and the practices of bureaucratic institutions. This thesis will attempt to address both empirical and theoretical aspects of the issue by applying the institutional approach to studying Kazakhstani labor migration policy as managed by bureaucrats.

Conclusion. Despite the fact that migrants have agency, it is the state and its policy that determines actual outcomes of migration. However, researchers often assume that policies regulating immigration of *high-skilled* workers are open by definition whereas low-skilled migration policies are restrictive. Moreover, the very phenomenon of the race for the brightest suggests that governments will make their migration policies more flexible and responsive to the needs of the domestic labor market in skilled foreign workers. Even in advanced democracies where policy-makers have to take into account certain preferences of different interest groups and be sensitive to public opinion in general, governments find loopholes to escape the measures restricting the entrance for foreign professionals.

Kazakhstan is an interesting case for investigation because, first, it demonstrates the divergence within the one category of foreign workers – the skilled ones. The government applies both restrictive and liberal measures when selecting and controlling migration of foreign professionals. Second, the Kazakhstani case addresses the democratic bias in the

literature that primarily examines migration policies of advanced democracies such as Japan, Canada, the US, or the European countries while omitting from the analysis the growing popularity of developing and/or non-democratic countries. This thesis surprisingly finds that public opinion matters a lot even for authoritarian regimes.

Officially declaring the need for highly qualified foreign workers and its participation in the battle for talents, Kazakhstan still fails to attract as many foreign professionals as its developing economy needs. The above-mentioned studies do not give adequate explanations to the observed phenomenon. This thesis will show that the bureaucratic control is one of the factors that makes the policy ineffective. Thus, it will contribute empirically to the scarce literature on the bureaucratic control and theoretically to the institutional approach emphasizing the importance of bureaucratic institutions.

Chapter 2 Institutional Setting of Labor Migration Management

The purpose of this chapter is to show that the state and its bureaucratic institutions are not coherent and united in their perspectives of the national interest. When implementing the policy, bureaucrats are guided by various organizational and personal preferences that can differ from how the top-level authorities define the national interest. I conclude that the institutional theory must take seriously the bureaucratic model of decision-making and analyze not only organizational, or professional, but also personal preferences of bureaucrats.

The chapter begins with introducing Kazakhstan and the brief history of its migration management institutions' development. I find that post-USSR emigration is the primary reason of the lack of skilled specialists in the country. This need, nevertheless, while acknowledged by the state, is not recognized by all the bureaucratic institutions ubiquitously. Decentralization of decision-making has given bureaucrats power and autonomy to follow their organizational and even personal interests when implementing the labor migration policy.

Determinants of Kazakhstani labor migration policy

Kazakhstan is a state in Central Asia occupying the ninth largest territory in the world yet with a population of only 17 million. It is a presidential republic with an oil-based economy. Strong dependence on oil makes the state extremely susceptible to oil price fluctuations. For that reason, president Nazarbayev has set a task of diversifying the country's mono-economy. However, the primary challenge on the way to achieving this goal is the shortage of skilled workers. The lack of human capital has made migration policy is a key political area of the Republic of Kazakhstan.

President Nazarbayev in his address "Strategy "Kazakhstan-2050": New political course of the established state" (2012) identified ten basic global challenges of the XXI

century threatening the country. One of those challenges is a global demographic imbalance. Many countries suffer from low fertility rates and aging that provoke the lack of manpower in the labor market. To tackle the problem, the government in Kazakhstan worked out a Comprehensive Plan for the years 2014-2016. The document shows that according to the UN rate Kazakhstan has approached the verge of the population aging. Moreover, the plan says that by 2030 the threat of labor shortage in the majority of economic sectors is going to become a reality. By the projection of experts from the Institute of economic research the demand for labor will grow by 16 percent by 2020 (RK Government 2013). Thus, it is seen that the demographic problem will inevitably affect the economic development of the state.

The situation is made worse by the fact that intensive emigration led to a severe loss of human capital. With the USSR collapse ethnocratic regimes privileging the interests of a certain ethnic group (Kazakhs in Kazakhstan) came to power throughout the post-Soviet space. They caused emigration of hundreds of thousands of Russians, Germans and other Slavic populations from Kazakhstan. A policy of preventing non-Kazakhs from taking good jobs and key posts and linguistic nationalism forced non-Kazakh people to search for better a place to apply their knowledge. Economic crisis facilitated emigration of Kazakh population as well. The statistics shows that for the period of 1992-2011 about two million people left the country permanently (RK Government 2013). Moreover, Table 2 below indicates by what percentage the number of emigrants with higher and post-secondary education exceeded the number of immigrants of that kind. Further, Table 3 illustrates divergence between the number of emigrants and immigrants with higher education. The negative balance of migration for recent five years indicates that there are more highly educated people leaving Kazakhstan than coming to the country. It is seen that brain drain and the need to attract foreign skilled workers have become grave problems for the growing Kazakhstani economy.

Table 2. Percentage by Which the Number of Emigrants with Higher and Post-Secondary Education Exceeded the Number of Immigrants of That Kind in Kazakhstan, 2009-2011

Year	2009	2010	2011
Percentage	58	20	68

Source: RK Government. 2013. A comprehensive plan to address the problems of migration, strengthening control of migratory flows from neighboring countries, creating favorable conditions for domestic skilled labor in order to prevent their excessive outflow to overseas labor markets for 2014-2016.

Table 3. Balance of Migration of People with Higher Education in Kazakhstan, 2010-2014

Year	2010	2011	2012	2013	2014
Balance of migration	-2,287	-4,590	-4,445	-2,733	-4,761

Source: MNE Statistics Committee. The results of the migration of the population of the Republic of Kazakhstan for 2010-2014.

Another reason for the lack of professional staff is the quality of Kazakhstani higher education when the education system does not keep pace with the growing needs of the local labor market and business. Economic sectors such as light and heavy industry, agriculture, medicine, and construction suffer severely from the shortage of workers (Nuraikhan 2015). As one high-skilled foreign worker said, in Kazakhstan there is “real personnel famine and a great shortage of specialists in all fields” (Vorona 2015).

Learning from the European experience, the political authorities decided to tackle both the demographic issue and the lack of professionals by promoting skilled labor immigration. In particular, the government had high hopes for the EEU between Belarus, Kazakhstan, and Russia within which migrants do not need to obtain a work permit – one of the mechanisms protecting the domestic labor markets of the states. Nonetheless, it has turned out that there are more workers who leave Kazakhstan for Belarus and Russia than those who come from the EEU countries attracted by Kazakhstani employers.

In addition, despite the integration process deepening, in Kazakhstan there are now more foreign workers from China, Turkey, the Great Britain, and India than from the EEU

member-states. To account for this surprising fact it is important to understand that the demand for specialists comes mainly from foreign businessmen attracted to invest capital into diversification of the national economy. For instance, Turkish business is one of the first-comers to Kazakhstan starting to invest in the construction sector. As a result, in Astana Turkish migrants managed over fifty major large-scale projects for the ten-year period (Klemenkova 2015).

So, the facts above show that Kazakhstan needs foreign workers. Nonetheless, as the analysis below demonstrates, the state's position on foreign skilled workers is not monolithic. Different bureaucratic institutions have their own perspectives and interests which they are able to follow through the specific institutional setting of labor migration management in Kazakhstan.

Historical development of institutional administration

The institutional establishment started to take its shape in 1992 when the Migration Department was created under the Ministry of Labor and Social Protection (MLSP). That was the main body managing migration. After some institutional transformations, the Agency on Migration and Demography was established in 1997. Since 2004 then-created Migration Committee under the MLSP had been the central agency executing migration management. Another ministerial unit, the Employment Department under the MLSP consisted of the monitoring office and the Office of International Cooperation where the monitoring office was responsible for issuing work permits and controlling legislation implementation.

In 2010, the management system of migration was transformed considerably so that the main functions were transferred to the Ministry of Internal Affairs (MIA). This was done in the framework of the measures taken to improve the effectiveness of law enforcement in general and migration control in particular. That decision was criticized by the experts pointing at the corruptness of the body and high rates of personnel turnover. Then, in 2013

the function of migration policy-making was given to the Ministry of National Economy (MNE) whereas responsibility for implementation and control was delegated to the Ministry of Health and Social Development (MHSD), the MIA, the Frontier Service of the National Security Committee (NSC), and the departments of employment and social programs. Furthermore, according to the presidential decree introducing improvements to the public administration system of Kazakhstan (2013), the MHSD was authorized to implement the state migration policy, coordinate its implementation between different bodies, and develop measures in the sphere of migration processes regulation and monitoring. Meanwhile, the MIA was empowered to counter irregular migration, register foreigners, and document temporary and permanent residence.

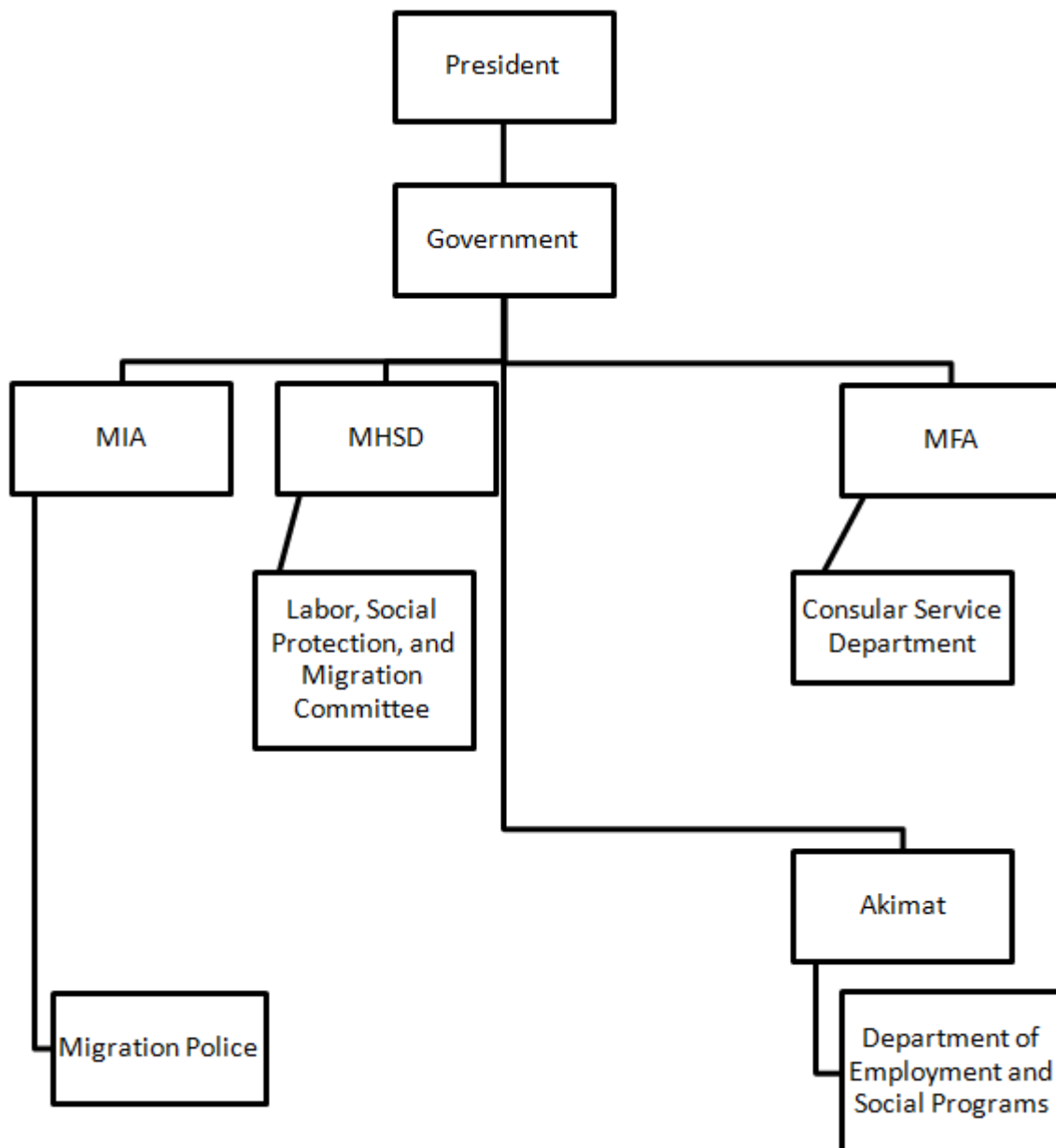
It is seen then that the way to the eventual establishment of labor migration management system in Kazakhstan was thorny and depended on the general political situation within the country. Moreover, the state re-delegated responsibilities on migration management back and forth depending on its policy goals and bureaucratic institutions' expertise. The next section describes what institutional structure of labor migration management Kazakhstan has today.

Institutional structure

The key bodies participating in labor migration management are the Labor, Social Protection, and Migration Committee (the Committee) under the MHSD, local Committees of Migration Police under the MIA (migration police), and the Departments of Employment and Social Programs (the DESPs) which are also local institutions. The structure of migration policy actors is demonstrated in Figure 4. It allows to see that bureaucratic institutions responsible for labor migration policy formulation and implementation are parts of and subject to different bodies and levels of government. For instance, the ministries are governmental organizations accountable to the Prime Minister. However, as experts from the

Economic Research Institute acknowledge, there is little coordination between the ministries when dealing with migration. Meanwhile, the local-level DESPs are answerable to oblast akimats, or local governing bodies (the equivalent of a mayor) that constitute the part of the government.

Figure 1. Institutional Structure of Labor Migration Management in Kazakhstan



I find that this hierarchy gives each of the bureaucratic institution managing labor migration a kind of discretion when fulfilling their responsibilities. I argue in addition, that

this reflects the significance given to labor migration in the state agenda. Decentralizing the decision-making process and transferring the authority for policy implementation from the central to local level, the state shifts its responsibility for migrants' selection and control to regional authorities. So, I conclude that when dealing with labor migration, the state separates itself from other bureaucratic institutions and as a result has no a single interest. Furthermore, bureaucratic institutions participating in labor migration management differ not only in functions they perform and the amount of power possessed but in their interests as well. This model of decision-making is what the literature calls a bureaucratic model (Allison 1969, Chen 2012, Gleeson 2014). The bureaucratic model is not something separate from (but rather included in) the institutional theory (Meyers 2000). Bureaucrats, according to the model, will follow the strategies and policy objectives depending on which results of policy implementation will meet better their professional and personal preferences (Allison 1969, Allina-Pisano 2004, Chen 2012).

The functions of the key bureaucratic institutions are specified in each body's institutional mandate. According to the official mandate of the Committee, this body's functions include formulating the migration policy and exercising control over compliance with the labor migration legislation. The Committee also makes amendments to the migration legislation and coordinates labor migration policy implementation. Meanwhile, the DESPs' main function is to implement rather than formulate the policy. These institutions work at the local level (with each region having its own DESP) and decide on work permits issuance, which has been the main channel for employers to recruit foreigners since 2001. In addition, the DESPs collect employers' applications for recruitment of foreign workers thus participating in the quota formation process.

The quota formation process itself is a function of many actors: employers, the DESPs, the Committee, and the government. First, to obtain a work permit employers first

apply to the DESP for being included in the quota for the forthcoming year (a procedure is not required if an employer applies for a work permit for the first time). The DESPs define the need for foreign workers in each oblast and send the figures to the Committee. Then, the Committee drafts a resolution on the general countrywide quota and suggests it to the government. The government either approves a draft resolution or makes its own corrections adjusting the quota size to a certain percentage of economically active population of Kazakhstan. The government also decides on how to distribute the quota between oblasts and various categories of workers by skill levels: chief executive officers and their deputies (category 1), heads of structural divisions (category 2), specialists (category 3), and qualified workers (category 4).

An employer whose application is included in the annual quota has to follow other requirements: doing a labor market test, complying with a certain ratio of domestic to foreign workers, and follow requirements for upgrading Kazakhstani specialists or creating workplaces for the country nationals. These are the procedures that the local DESPs undertake and control. Employers satisfying all the requirements get a work permit from the DESP and make a request to the Consular Service Department (the CSD) under the MFA for obtaining a visa support. A foreign worker having arrived in Kazakhstan must register in the local office of the migration police within five working days after arrival.

It is seen that the state relies on the expertise of specialized bureaucratic institutions to perform the functions of labor migration selection and control. However, the functions of institutions can differ from their organizational interests. To define the organizational interests of the Committee, migration police, and the DESPs, I again turned my attention to these bodies' institutional mandates. What I find from the analysis of mandates is that organizational interests are formulated in the language of protectionism. Being directly responsible for economic and physical protection of the Kazakhstani nationals, local

bureaucratic institutions place the current security of the nationals higher than some other long-term goals pursued by high-ranking officials. This causes bureaucrats to solve first and foremost the current issues of unemployment and social welfare. Guided with “where you stand depends on where you sit” thinking (Chen 2012), bureaucrats follow the policies that are beneficial for their institutions rather than the national interest promoted by top-level authorities. After all, bureaucrats have to first of all perform their professional duties bearing accountability for providing employment to local citizens and increasing levels of their social welfare (Allina-Pisano 2004). Meanwhile, the state is guided by the far-reaching agenda of a rapid economic growth that requires being liberal, or open, to labor migration rather than restrict it.

Bureaucrats’ interests: professional and organizational

The Labor, Social Protection, and Migration Committee. The analysis shows that in case of the Committee’s mandate approved by the government the organizational interests, which is defined as a mission of the institution, is quite neutral and not putting an emphasis on either attraction of foreign workers or protection of the national labor market. However, the institution’s title (Labor, Social Protection, and Migration Committee) speaks for itself prioritizing the goal of the domestic labor market protection as a part of its social protection agenda.

Since the Committee is the primary institution formulating the policy, the way the policy is articulated on paper can illuminate the Committee’s view on skilled labor migration. Indicative here is that despite the fact that Kazakhstani economy needs knowledge and experience of foreign professionals, barriers in the way of attracting human capital exist in the labor migration policy itself. Labor migration policy is formulated as a set of conditions employers must meet in order to hire a foreign specialist. Furthermore, policy procedures and

mechanisms envisaged by the Committee create bureaucratic hurdles for employers complicating the recruitment process generally in four ways.

First, the annual quota sets limits on the numbers of foreign workers employers can attract. Second, labor market test confirms that no adequately skilled worker can be found in the internal labor market. Third, specific conditions require employers to create new jobs for Kazakhstani citizens, or conduct Kazakhstani staff training or re-training, or upgrade qualifications of local specialists. Forth, the ratio of foreign to domestic workers establishes the percentage of foreign specialists in the total number of workers in the company.

In addition, the law makes a provision that before getting a work permit it is necessary for a foreign worker to have a bank account with a sum of money enough for him or her to leave the country when a work permit's validity finishes. This provision also demonstrates the protective character of labor migration policy. By requiring proof of solvency, the state indicates that labor immigrants – whether high- or low-skilled – are temporary guests only (even if welcomed ones) with appropriately curtailed rights. Though there has been a suggestion from the Ministry for Investments and Development for providing an opportunity to high-skilled foreign workers to get a permanent residence, an interview with the main expert from the Committee showed that this idea finds no support among the policy-makers.³

The Departments on Employment and Social Programs. Controlling the implementation of the above rules and conditions are locally operating DESPs. The DESPs' mandates differ marginally from region to region. However, while the contents are different the core of the mandates does not change. The primary function of these organizations

³ Interview with the Labor, Social Protection, and Migration Committee expert, Astana, January 2016

regarding migration is to “protect the domestic labor market by regulating the use of foreign labor” (Astana Akimat 2015).

An interview with one of the DESP representatives in Astana shows, nonetheless, an ambivalence of this institution’s position regarding labor migration. At the beginning of the conversation he cited the president’s idea about foreign workers being a necessary condition for enhancing economic prosperity of the nation. To demonstrate the commitment to this, he emphasized that the Commission was going to hold its sittings twice a month to accommodate the needs of the employers. But later he admitted that the DESP was planning to submit some suggestions to the Labor, Social Protection, and Migration Committee to tighten hiring procedures for employers.⁴ However, if the Commission mostly declines applications, then twice a month sittings would not improve the situation for employers. Their applications would still be rejected but probably twice as often. So, this seemingly liberal suggestion would not have a positive effect on employers. Meanwhile, tightening hiring procedures would complicate the recruitment process significantly. This shows that bureaucrats while officially supporting the policy directions from above in fact try to resist them locally guided by their protective professional considerations. And this has important consequences for employers.

To get a work permit, an employer starts with submitting an application and supporting documents to the local the DESP indicating that he or she needs a specialist from abroad. In the course of three weeks the DESP looks for an appropriate worker in the local labor market. Doing labor market test by bureaucrats rather than employers themselves (as in some EU countries or the US) provides the DESP bureaucrats with discretion to assess

⁴ Interview with the DESP employee, Astana, December 2015.

subjectively suitability of local candidates to a vacant workplace. If the DESP officials find local specialists but employers decline them as not qualified enough bureaucrats can accuse employers of intentional selecting out the candidates suggested by the DESP. Even if an appropriate candidate is not found this does not guarantee that an employer's request will be met.

However, after the labor market test is passed and an application and documents are accepted for consideration, there is step two. This is a sitting of a special commission advising the DESP on a work permit issuance. A difficulty for an employer on this stage is that the Commission gathers once a month. So, an employer must submit an application and documents in advance if he or she wants his or her applications to be considered by the Commission the current month. This is because it takes another three weeks for the DESP to put the Commission members together. These bureaucratic details increase the length of the recruitment process which turns costly for an employer in terms of both time and money. If an employer does not apply in advance he or she will have to wait for the next month which also delays a hiring procedure.

The Commission itself consists of the representatives of the internal affairs bodies, those from the sphere of education, as well as the members of the local body on labor inspection. Employers may also have their representative attend the Commission's session. But still, they can do little to influence the process of the Commission's decision-making. What employers find positive about the Commission is that its composition does not change. This allows employers to establish connections with the Commission members, which they use to circumvent bureaucratic obstacles.

To get a work permit employers also must satisfy specific conditions. There are four of them. First, a company must create new workplaces for Kazakhstani citizens. Second, it must conduct Kazakhstani staff training or re-training (third), or qualification upgrading

(fourth) for a specialist working on the position similar to the one occupied by a foreign skilled worker (alternatively, the position most demanded at the regional labor market). An employer can choose to meet any of the above conditions, which they demonstrate in a special form as part of the application process. In practice, the number of foreign workers attracted must correspond with the number of the Kazakhstanis trained/re-trained or the number of workplaces created. Thus, if a school has attracted two teachers, it must upgrade the qualifications of two Kazakhstani teachers from its staff. The concept of specific conditions, as employers and hiring managers reflect in the interviews, is useful since it creates opportunities for Kazakhstani citizens. Nevertheless, they also admit that companies often violate these requirements. However, “if the DESPs bureaucrats reveal a violation they become really harsh. But they are also very corrupted.”⁵

According to interviewees, money, some favors, or connections, can help significantly to simplify the recruitment process. Here we see the clash of interests. Corruptive behavior reflects bureaucrats’ personal preferences to benefit. But since it facilitates labor migration it opposes organizational interests of the DESPs. This also means that bureaucrats can decline employers’ applications not so much to protect local citizens’ economic standing but to gain personally. However, interviews further demonstrate that the bureaucrats’ attitudes towards employers are not very friendly.

As the hiring manager from an exploratory company said in her interview, when bureaucrats found a violation of requirements on the part of the company attracting a foreign skilled worker, they “turned nasty blaming employers and requiring to stop hiring foreigners when there are enough local specialists.”⁶ It is seen then that the very idea of attracting

⁵ Interview the hiring manager, a construction company, Astana, January 2016.

⁶ Interview with the hiring manager, an exploratory company, Astana, December 2015.

foreigners for employment is not embraced by the DESP bureaucrats. Nonetheless, it also implies that their decisions are influenced by two considerations simultaneously: professional and personal.

There is another mechanism limiting the size of foreign workforce which is the requirement of certain ratios of foreign to domestic workers in the hiring company staff. It is required by the rules that foreign workers of the category 1 and/or 2 must constitute no more than 30 percent of the number of all employees working in the company. For the category 3 and/or 4 workers the ratio must be 10 percent foreign to 90 percent local workers. For example, if a company hires teachers from abroad, then these teachers must constitute only ten percent of the company's staff whereas 90 percent of the remained workers must be citizens of Kazakhstan. This, as many interviewed employers and hiring managers complain, is a requirement that is mostly difficult to comply with. As one of the managers working in an international school shares, she has to "hire every dog that runs by." In other words, she has to include as a staff member every person that one way or another works for the company: even "the yard-keeper who works three hours per day."⁷ This shows that the system overloaded with protective mechanisms does not take into consideration the practical features of compliance with the requirements.

An entrepreneur who came from abroad and has been living for 11 years in Kazakhstan admits that the requirement of having 70 percent of Kazakhstani staff is "justified but strange."⁸ On the one hand, the rule is supposed to help Kazakhstani citizens to get an employment. On the other hand, his business does not need so many Kazakhstani workers. Being the owner of a flourishing restaurant, he needs more foreign cooks since Kazakhstanis

⁷ Interview with the hiring manager, an international school, Astana, December 2015.

⁸ Interview with the business-immigrant, Astana, December 2015.

are not able to cook ethnic cuisines. Yet, for every foreign worker his company is required to hire three locals. The calculation is simple: if he wants to recruit four foreigners he has to also hire twelve local people which is “too much”. His solution was to hire all the twelve to get work permits and to dismiss those who were not needed.

These two cases demonstrate that the hiring procedures envisioned in the policy are cumbersome and unwieldy. Furthermore, bureaucratic features of local DESPs’ operation make it more difficult for employers to get a work permit which pushes employers do whatever they think of to circumvent the requirements. Moreover, since bureaucrats have a certain authority when taking decisions they use their powers to advance professional or personal interest rather than the national interest in attracting more foreign specialists.

In general, the restrictions on recruitment of foreigners are clear: the Labor, Social Protection, and Migration Committee and the DESPs want to protect the status-quo in social and economic standing of the Kazakhstani nationals and not to cause popular discontent with their work. However, when not responding to the actual economic needs of the state, the policy turns from a protector against potential threats of immigration to a barrier that employers try to overcome. The migration policy hinders not only employers but the national interest in a rapid economic development as well: restricting foreign workers inflows it also restricts investments, technologies, and knowledge.

Migration police. Migration police while not hindering the hiring process, can complicate migrants’ stay in the country. Registering foreign passports, migration police ensures that migrants’ stay is justified and matches the permitted period. While there is no specific reference on the migration police mission in its institutional mandate its general task is to organize migration control and counter illegal migration. So, I conclude that the organizational interest of migration police is also protection and prioritization of local citizens’ stability and security over the state interest in promoting economic development.

As in the case with DESPs, besides their professional interests migration police bureaucrats also have personal ones. However, for them corruptive activities are much more difficult to conduct. An observation in the migration police office in Astana has showed that cameras are everywhere. However, the corruptive behavior is observed when migration police bureaucrats reveal a passport registration violation. Sending violators to the court officers offer them to hire *their* lawyer who, according to their words, take less money for the services than others and will help to avoid deportation. Two interviewees having passed the experience suggest that there is a special agreement between migration police officers and lawyers: officers find clients and the money the lawyer gets for his or her services is shared between the two negotiated parties. It does not seem possible to check this information. However, it shows that personal interests of bureaucrats are no less important than organizational ones even if the two conflict each other.

Further observations in the migration police office have demonstrated that the environment there is not far from the one described by employers. There are lots of people, no free seats, no toilets, and no water. The lack of personnel leads to an inadequate performance of the officers' duty of registering passports of foreigners coming from the countries outside the Commonwealth of Independent States (CIS). Officers often have to work with the huge numbers of people and passports. Every third client waiting in the queue has his or her documents declined most often because of incorrect completion. In addition, most of the time officials' are rude and unwelcoming. It was interesting to notice that the result of the employer's success on registration of a foreigner depended to a great extent on the officers' mood.

As one of the managers told, once she decided to do an experiment. After just another decline of her documents she came back the next day with the *same* documents correcting *nothing*. That time her documents were accepted with the words: "Why could not you bring

correct documents yesterday?”⁹ That situation showed to her that migration police officers are not objective when fulfilling their duties. They can decline a full package of correctly completed documents and accept the wrong ones.

One of the innovations in the migration police was that the officers began to require the documents to be filled not manually but on the computer. That was presented as a simplification procedure introduced for the employers’ advantage. However, that novelty led less to progress and more to “an additional reason for finding a fault in the documents.”¹⁰ One of the oil companies’ manager says that “even the table columns in the documents must be only of such size as it is showed in their example. This requirement made change the font size to the minimal one.”¹¹

Though the majority of the interviews have been conducted in Astana some of the interviewees had the experience of contacting bureaucrats in other regions of the country. Also, telephone interviews with hiring managers in Uralsk and Atyrau helped to shed light on the situation. Though these respondents assess local police officers’ work in Astana as the harshest the evidence illustrate that in other cities the state of affairs is similar. The respondents describe the behavior of officers (and officials in DESPs) as hostile but a little bit more flexible than that of Astana officials.¹² It is seen then that bureaucrats’ restrictiveness is not just a manifestation of their bad mood but a systematic behavior that reveals itself throughout the regions and implementing institutions.

What is more, most of interviewees complain that the list of documents needed for registration of passports is constantly changing: “I know that if I have not been there for two

⁹ Interview with the hiring manager, an international school, Astana, January 2016.

¹⁰ Telephone conversation with the hiring manager, a manufacturing company, Atyrau, January 2016.

¹¹ Interview with the hiring manager, a distributor company, Astana, January 2016.

¹² Telephone conversation with the hiring managers in Uralsk and Atyrau, December 2015 and January 2016.

weeks everything has changed.”¹³ The officials themselves account for this fact by saying that the system is always improving that is why the changes are introduced. True, some managers say that one of the improvements is that medical examination was cancelled for those foreigners whose passports are registered for more than six months. Nevertheless, others say that there is a new requirement of doing individual identification number for each foreign worker which is “an additional time-consuming bureaucratic hurdle.”¹⁴ Moreover, all the respondents assert that migration police never warns employers in advance about the upcoming changes. This willful behavior inevitably creates difficulties for employers having brought in workers from abroad. It also affects negatively migrants’ perception of Kazakhstan and the general policy effectiveness.

However, as interviewees admit, there are improvements in the migration policy. As the expert from the National Chamber of Entrepreneurs tells, there are instances when the rules changed positively in response to their organization’s suggestions. Nevertheless, there are two sides of the same coin. Because the legislation changes ad hoc and frequently, this creates certain inconveniences, especially for foreigners. As a restaurant owner from abroad underlines, “immigration system should be stable. Stability is what is important for investors. At least, state agencies should notify foreign businessmen about the amendments. We do not read local newspapers and do not watch local TV.”¹⁵

An interesting explanation of bureaucrats’ behavior was made by one of the hiring managers:

“Everything is in the hands of executive officers. May be there is some liberalization from above but it does not get through locally. These officials are a law unto themselves. For

¹³ Interview with the employer, a secondary school, Astana, January 2016.

¹⁴ Telephone conversation with the hiring manager, a construction company, Uralsk, December 2015.

¹⁵ Interview with the business-immigrant, Astana, December 2015.

example, at the migration police they themselves decide when the consultations [regarding the rules of foreign passports' registration] will be held. This is written nowhere. Besides, the changes in days and time of consultations are unpredictable.”¹⁶

I did another interesting observation in the migration police. Two men were talking to each other about the migration system of Kazakhstan. One of the men noted a remarkable feature of the existing system: “It seems that Kazakhstani migration policy is very complicated. In fact, it is a way for passage for everyone. If you have connections to certain people the doors are open to you.”¹⁷

These two extracts show that decentralized decision-making provides local bureaucrats with significant discretion. But this is used by bureaucrats for meeting their protective organizational interests or for a personal benefit.

The Consular Service Department. There is less negative feedback on another institution that employers deal with during the recruitment process – the Consular Service Department (CSD) of the Ministry of Foreign Affairs. The CSD function is to arrange visa support and issue visa and to extend it for foreigners already working in Kazakhstan. Visa support is issued on the basis of work permits or written requests of employers if permits are not required for recruitment of foreign workers. The most often complaints mentioned by the respondents are those that the CSD officers do not know the notions of work discipline and ethics of a civil servant. One of the employers describes the situation saying:

“Though people working there are very young, they behave as ‘big daddies’. They can demonstrate caddish behavior and even blatantly start speaking Kazakh independent of whether you speak it or not.”¹⁸

¹⁶ Interview with the employer, a manufacturing company, Astana, January 2016.

¹⁷ Observation in the Office of the Migration Police, Astana, January 2016.

¹⁸ Interview with the hiring manager, an energy company, Astana, December 2015.

“In the vernacular, this place is called a horse barn because there is a small hole in the window and you have to jib as a horse in front of this window trying to hear and understand what people behind the glass are saying to you.”¹⁹

Furthermore, I find that there are differences in the application of rules and requirements to the documents between local migration police offices and the CSDs in Almaty and Astana. For example, managers in Almaty say that the CSD requires submitting documents in Kazakh language only whereas in Astana documents are accepted both in Kazakh and Russian. Additionally, variations can be also observed with regard to the deadlines for submitting documents. For example, the rules of visa issuance say that to arrange a visa support, an employer must submit the necessary documents to the CSD not later than two weeks before the expected date of a foreigner’s entry to Kazakhstan. Nonetheless, as employers tell, the documents are accepted in two weeks flat – neither earlier nor later. This, of course, often causes miscounts on the part of employers and refusals to accept the documents on the part of the officers.

Also, as respondents admit there is no use in complaints.

“One day there were journalists in the CSD. Presumably, someone tired of the disarray invited them. It was the day of bliss. The civil servants were so welcoming. They opened the toilets, the queuing system started to work, they arranged a water dispenser so that everything was nice and no reasons for complaints. However, in several days everything was as before.”²⁰

¹⁹ Interview with the hiring manager, an international school, Astana, January 2016.

²⁰ Interview with the hiring manager, a construction company, Astana, December 2015.

“I know that if I start protesting or proving correctness of my documents I will achieve nothing. Officers [in the Migration Police] will become harsher and I will not be able to register any passport at all.”²¹

In addition, the extracts from interviews with different employers and managers demonstrate that a negative attitude of the bureaucrats to employers hiring foreigners is not a simple display of a bad mood but rather a pattern observed throughout the regions and bureaucratic institutions.

“Nobody welcomes warmly. It seems that the officers are guided with the opinion that employers hiring foreign professionals take jobs from the local people.”²²

“Police officers are hostile to employers’ representatives registering foreigners’ documents. But when foreigners themselves come police officers change their behavior completely.”²³

These extracts show that bureaucrats’ seditious acts are intentional. It is a strategy they have been able to adopt due to their power preponderance.

Conclusion

This chapter has showed that when it comes to the national interest the state is not a united entity. Rather, it consists of various bureaucratic institutions that possessing a certain portion of decision-making power use it to satisfy their organizational preferences. Furthermore, bureaucrats in these institutions are interested in meeting their personal needs. I find that though the official mandates of bureaucratic institutions defining their functions, tasks, and missions are different, they all are concerned with the idea of protecting the state nationals from potential negative consequences of migration. Being driven by their direct

²¹ Interview with the hiring manager, an energy company, Astana, December 2015.

²² Interview with the employer, an energy company, Astana, February 2016.

²³ Interview with the hiring manager, a construction company, Astana, December 2015.

responsibilities, key migration management institutions first of all attempt to achieve the short-term goals of providing local citizens with employment and social security. Operating locally, they are less troubled with the state's long-term thinking of the national economic development. However, bureaucrats seek to benefit individually from policy implementation and thus are susceptible to corruption. This though indirectly facilitates the state interest in more foreign skilled workers, undermines bureaucrats' professional duty of protecting the domestic labor market. Thus, divergence of interests and decentralization of decision-making leads to the twin dynamics of the policy implementation process. This, as a result, decreases significantly effectiveness of labor migration policy.

Chapter 3 The State Interest and Politics to Satisfy Its Interest

What is the state interest in labor migration policy and how it ensures its satisfaction?

The previous chapter has showed that bureaucrats following their professional and personal interests make the labor migration policy implementation ineffective. But this undermines the state's goal of rapid economic development. This chapter demonstrates that each of the protective measures set in the migration law and rules has a number of exemptions. It means that the state introduces alternative mechanisms to be able to attract more foreign specialist. Furthermore, the character of these exemptions indicates that the state is selective not so much about the kinds of labor immigrants it allows to enter the country but about employers who are allowed to bring foreign workers in.

In light of this, I argue that the state intentionally molds labor migration policy ambiguously to create an impression of a protected domestic labor market whereas in fact there are enough back doors for employers to sidestep the protections. An emphasis on the protective character of the policy and urgently required character of policy liberalization tells about an inability of the state to avoid a political versus economic interest control dilemma. To solve the dilemma and reconcile political pressure for restrictive policy and an economic pressure for open borders the state uses strategic ambiguity.

Back doors in labor migration policy

The analysis of the official labor migration policy shows how the state provides satisfaction of its interest. The previous chapter has showed that there are a number of measures envisaged in the labor migration policy to protect the internal labor market and prevent the national workers' economic discrimination: quota, labor market test, specific conditions, and the ratio of foreign to domestic workers. At the same time, every measure has

a reservation for different categories of highly qualified labor immigrants and employers hiring them.

The first mechanism reducing the entry for skilled foreigners, the annual quota, is not a single entity. There is a general quota and the quota for the projects the development of which has an economic priority for the state. Usually these are the projects covered by the program of industrial-innovative development of Kazakhstan and the investment projects with the size of investments no less than four billion tenge (or about twelve million dollars). The quota size is set individually for each project and defines the maximum number of foreign workers needed to complete the project and put it into operation. For example, in 2014 the quota for the construction of the Bozshakol mining and processing plant was 1920 workers (zonakz.net 2014). And the list of the industrial projects for 2010-2020 contains 140 of them (Kazakhstani mining portal 2015). In addition, according to the rules, employers can apply to the government for increasing the number of foreign skilled workers for their companies if they can justify the need.

It is seen then that the state is flexible with regard to the rules and can prioritize the goal of attracting skilled foreigners over the internal market protection. It is clear then that the Kazakhstani labor market is not secured by the quota as reliably as policy makers themselves claim. The statistical data shows that the size of the quota set at 0.7 percent of economically active population has remained stable for the last four years of 2013-2016. It means that the quota size is big enough to cover both the employers' need for already working foreign professionals and their growing demands.

At the same time, officials claim that “establishing a quota is one of the most effective mechanisms to protect the domestic labor market and limit migration flows. It allows the government to both limit and distribute foreign labor so that to meet the demand of the labor market for skilled manpower” (Abdykalikova 2012). However, since an annual quota size is

published in the media the government is interested in this official number to be low. Then it can demonstrate to the public its adherence to the goal of protecting the domestic labor and its genuine concern with public opinion on the issue. The latter was clearly seen in 2014 when the media overwhelmingly pointed to the drop in the quota size from 1.2 percent in 2013 to 0.7 percent in 2014 as a proof of a protective character of the quota. However, the decrease could simply reflect a reduction in labor market demands due to the economic crisis rather than labor protectionism. Flexibility of the quota mechanism shows then that the government's discourse notwithstanding the quota does not really restrict employers hiring capacity.

Another measure to secure workplaces for the Kazakhstanis, the labor market test, has its own exemptions. As the rules establish, doing the labor market test is not required for employers hiring ethnic Kazakhs from abroad or former citizens of Kazakhstan. In addition, the test is not applicable to employers attracting foreigners to work in the territory of a special economic zone (SEZ). For example, in the territory of the SEZ called "A new city of Astana" all construction companies are exempted from the labor market test requirement. In general, there are ten SEZs in Kazakhstan which cover numerous economic spheres such as light, chemical, oil, aircraft, metal industry, textiles, tourism, automobiles construction, and instrument engineering (Urmanov 2014). However, I find that SEZs (as the national market in general) are not developed to such a degree that makes them attractive for these employers.

The presidential decree "On special economic zones" was issued as early as in 1996. However, today, twenty years later, out of 499 participants in all ten SEZ there are only 85 companies, or 17 percent, operating actually. As a result, the capital invested has not been regained yet. That is, efficiency of these zones is minimal in fact. They exist but their potential stands idle. The same applies to the labor migration policy in general. If SEZs themselves do not work properly there are few employers who really use the reservations

about SEZ in the rules of attraction of foreign labor. In case the capacity of these zones was used in full, there would be no guarantee of the ability of domestic highly educated workers to compete for jobs with their colleagues from abroad.

There are also exemptions with regard to the four specific conditions. First, these conditions are not applicable to the employers hiring foreign workers of category 1 (chief executives and their deputies). Second, employers implementing priority projects and operating in SEZs as well as, third, foreign companies are free from the specific conditions requirement. Furthermore, for these employers, the state partially reimburses the costs of attracting highly qualified foreign workers. Importantly, the three actors listed above are exempted not only from special conditions but also from the requirement on the ratio of foreign to domestic specialists.

Additionally, there are instances when issuance of work permits is not required at all. According to the rules, nationals of the EEU, chief executives, crew members, artists, aerospace operations specialist, specialists coming to work for the National Medical Holding, the Nazarbayev Fund, the Park of Innovative Technologies, investment projects deemed by the state as a priority and other categories (listed in item 5 of the rules) do not need work permits.

An interview with the HR-managers of the “Arabtec” construction company illustrates how the policy exemptions work in practice.²⁴ “Arabtec” is one of the subcontracting organizations attracted for the construction of the Abu-Dhabi Plaza skyscraper, which promises to be the tallest building in the entire Central Asia. The businessmen from the UAE awarded a contract with the government for the implementation

²⁴ Interview with the hiring managers, “Arabtec” construction company, Astana, December 2015.

of this investment project that has got a priority status. This is one of the exemptions when the rules for issuing work permits do not apply. That said, the numbers of foreign specialists working for such projects are defined individually for each investment contract. As a result, 50 percent of workers in the “Arabtec” company are foreigners. In addition, the company hiring managers emphasize that they do not face any difficulties whatsoever when going through the visa receiving process or doing foreign passports registration. This case shows that when it comes to its preferences the state is able to set the priority for them circumventing existing protections.

All these exceptions demonstrate that the state is selective not so much about the kinds of labor immigrants as about the employers hiring foreign workers. The findings show that trying to find its way of dealing with international labor migration Kazakhstan has chosen a model of employer-driven migration (Chaloff and Lemaitre 2009). Thus, for a foreign specialist to start working in Kazakhstan, an employer must obtain a work permit before the foreigner crosses the border. The employer-driven model of migration suggests that employers (rather than the state itself) define the demand for foreign skilled workers. It means that the state has revealed its inability to measure properly labor market needs. Furthermore, by obliging employers to fulfill special conditions for hiring foreign professionals the state has shifted to them its responsibility for professional training of national workers and creating workplaces for them.

This delegation of powers on the part of the state can be explained by the principal-agent model of bureaucratic decision-making (McCubbins, Noll, and Weingast 1987). It shows that the state (the principal) chooses to delegate its authority over selection and control to other state actors (the agents) when agents can do something that the principal itself cannot. In case of Kazakhstan, it is seen, the state has dispersed labor migration selection and control demonstrating its inability or/and unwillingness to carry these functions out. Thus, in

case labor migration inflows get out of control the state can blame local-level implementing bureaucratic institutions for misconduct saving its own face.

One more loophole in the protection mechanism is envisaged in the Kazakhstani Constitution. According to it, international treaties ratified by the government have priority over the state laws (Article 5, 1995). For example, the Agreement on the Legal Status of Migrant Workers and Members of Their Families (2010) signed between the EEU countries defines the legal status of labor migrants and their family members and the procedures regulating to their work and social protection issues. Thus, employers of the three EEU countries can hire migrants without restrictions established for the protection of the national labor markets, and migrant workers are not required to obtain permits for employment.

It is clear then that this agreement has the potential to undermine the capacity of the Kazakhstani government to protect their citizens from competition for jobs with the member-states' nationals. Furthermore, both Belarusian and Russian specialists are considered to be quite competent and demanded in the Kazakhstani labor market. Nevertheless, what keeps the national laborers safe is neither the quota nor the labor market test, since they do not apply to this category of migrants, but unattractiveness of the Kazakhstani labor market. The data shows that in 2012 only 7,249 EEU citizens entered Kazakhstan with the purpose of employment whereas 52,438 Kazakhstanis left the country for the EEU labor markets (RK Government 2013). Thus, the agreement is more a hindrance than a help for Kazakhstan with regard to human capital since skilled Kazakhstanis often leave the country.

The dual nature of labor migration policy

There are two main factors impacting Kazakhstani labor migration policy regarding skilled foreign workers. First is the economic factor that underlies the government's decision to join the worldwide race for talents. Second is the political factor that pushes the state to emphasize its adherence to protectionism. Conflicting with each other these factors define the

ambiguous nature of the labor migration policy of Kazakhstan regarding skilled workers. However, the phenomenon of ambiguity in migration policy is not unique to Kazakhstan. Rather, it lies at the heart of the migration issue. There have always been debates regarding open versus closed borders (Zapata-Barrero 2013, Carens 1987), economic versus political consequences of migration (Orrenius, Pia, and Zavodny 2012, Freeman 1995, Schuck 2007), low- versus high-skilled immigrants (Helbling and Kriesi 2014, Ruhs 2011), etc. Similar concerns can be observed in the Kazakhstani labor migration policy.

Attempting to attract more foreign skilled workers the top political elites, as the empirical data show, find little support from either the institutions implementing the policy or the population in general. The state is constrained by these actors since they see labor immigrants largely as a strain to the national economy and the instance of unequal and unfair treatment by the state of its nationals. This is what Wright calls a “control dilemma” (2014) when the state finds a difficulty in accommodating a political pressure for restrictive immigration policy and an economic pressure for open borders. One of the ways out of this dilemma is for the state to use “distortion techniques”. The state turns restrictive and anti-immigrant attitudes of population to “unwanted” forms of low-skilled immigration. At the same time, it opens the entry channels for the desired skilled immigrants. However, Kazakhstan, as this thesis argues, pursues another way in its labor immigration policy management, namely the way of “strategic ambiguity” (Ó Beacháin and Kevlihan 2013).

What is interesting, the strategic ambiguity framework is not something confined to one particular realm of the domestic policy (which is migration in this case). A similar approach on the part of the state’s high-level authorities can be observed at the examples of the Kazakhstani language policy as well as the state-building efforts (Kesici 2011, Dave 2007, Ó Beacháin and Kevlihan 2013). This strategic ambiguity, it is argued, “has played an important role in political and social developments... [serving] the interests of [political]

stability” (Ó Beacháin and Kevlihan 2013, 351). It is one of the ways the state uses to maintain its legitimacy to manage migration (Boswell 2007). I conclude then that the phenomenon of the strategic ambiguity can be a framework used across different spheres when studying Kazakhstan.

Ambiguous discourse

The analysis demonstrates that ambiguity is reflected not only in the policy on paper but also in the official discourse of the state authorities. Pointing at the priority of the national over foreign skilled workers, high-level officials at the same time emphasize that foreign professionals are vitally important for the national economy development and integration into the global market. Using strategic ambiguity the state tailors its messages to specific audiences – business, labor, and various bureaucratic institutions – that may have divergent views on labor migration. Following the path of parallel policy directions prevents the state policy makers from allying with the interests of one particular side only.

An analysis of officials’ media interviews has demonstrated that when speaking to the general population they point at the numerous tools created for the Kazakhstani citizens’ economic security and the incremental numbers of foreign professionals working in the country. So, the chairman of the Migration Committee of the Ministry of Labor and Social Protection said (Interfax Kazakhstan 2013):

“In the developed countries of America and Western Europe, the proportion of foreign workers in the labor force constitutes 15 percent. Meanwhile, the share of foreign experts in Kazakhstan is 0.4 percent of the total number of employees.”

When dealing with business, however, these protective tools and numbers turn to a “problem” the government is actively working on since “the current procedure demonstrates a number of systemic weaknesses” (Tishkambayeva 2014). It is underlined that there are no tools to attract the best professionals to the country and form an open market of highly skilled

workers in Kazakhstan. Moreover, the officials claim that “today, there is no direct economic effect of issuing work permits.” And that “excessively bureaucratic system causes corruption” (Tishkambayeva 2014).

It is seen then that in Kazakhstan public opinion on labor migration is no less important than the interests of the business. However, as one of the experts said in her interview, what usually influenced the content of new labor migration rules and amendments to existing laws significantly was business lobbying of politicians. Being an expert in the sphere of migration, the interviewee has been a participant to many working groups, and every time, she underlined, the influence of international (and less of domestic) business was very strong.²⁵ It appears then that being driven first and foremost by the ideas of the economic breakthrough, drawing foreign capital, and quick results, the government attempts to make the rules fit the needs of foreign businessmen.

Nonetheless, whatever the official discourse, the facts demonstrate what is actually needed by the state. According to the data from the National Chamber of Entrepreneurs (NCE), in Kazakhstan 5,500 enterprises lack more than 67,700 thousand specialists. Figures from the MNE Statistics Agency illustrated that by January 1, 2015 there were 22,341 vacant workplaces. However, the data from the statistical agency embraces only big and mid-sized businesses carrying out all kinds of economic activities except for financial and insurance activities, public administration and defense, compulsory social security, provision of other services, as well as activities of extraterritorial organizations and bodies. The data discrepancy notwithstanding, it is seen that there is real shortage of skilled workers. Nowadays, every state program of economic development has a clause about the need of

²⁵ Interview with the migration expert, Astana, December 2015.

foreign high-skilled workers. Moreover, the state has already announced the reform it is going to implement beginning in 2017.

Labor migration policy liberalization

President Nazarbayev has ones emphasized that Kazakhstan needs to invite the best representatives of other countries to guide the Kazakh companies: “What can we do if nobody has taught us this? We should not be shy or afraid of these [migration] trends. We have no time to study. We need to move forward now” (zakon.kz 2012). The president’s appeal to the Government and entrepreneurs to attract the best minds from overseas to work in Kazakhstan is caused then by the long-term economic considerations.

To reach the goal of economic diversification and enter top thirty most competitive economies in the world Kazakhstan needs to attract foreign direct investments. However, to make foreign capital work, investors need not only money, infrastructure, and technologies but highly qualified people as well. Somebody having relevant knowledge and experience should manage the established businesses. It is necessary to be aware of how to work with the state-of-the-art equipment and introduce new methods of production. Accordingly, liberalization of the investment policy requires relaxing the labor migration policy as well.

However, the majority of the population does not seem to be supportive of the policy of attracting more foreign specialists especially during the economic crisis. The observation of comments given in response to the Internet news about the labor migration reform and the reactions of the interviewees has demonstrated that there are hot debates on this issue. For that reason, high officials, as it is seen from their statements, want to convince the citizens not to fall into xenophobia. They highlight that labor immigration is a preferable process which once was especially important for countries having made a significant economic shoot forward such as Singapore. By using this rhetoric, the state is trying to create a positive image

of immigration of foreign workers and justify its actions on further liberalization of the labor migration policy to reach its developmental goals.

One surprising fact about the liberalization reform is that the law making amendments and additions to some legislative acts on migration and employment was passed on November 24, 2015. Thus, the foundation of changes has been laid. But, the mechanism of the law implementation is still the issue to be formulated. As an interviewee from the NCE told, the working group to discuss the rules of the foreign workers' hiring procedure has not been gathered yet.²⁶ This situation indicates that by announcing liberalization of the migration legislation in advance the state has taken a pre-emptive measure against the domestic critics of reforms. By delineating the liberal contours of the new law, the government set the tone of the forthcoming changes. It thus will be difficult for other actors to make significant amendments to the already stated policy course.

A particular emphasis the government puts on two projects: EXPO-2017 and the international financial center "Astana". These projects are supposed to be a turning point for the economy of Kazakhstan in terms of inflows of the financial and human capital. For that reason, the rules concerning management of these two projects differ completely from the general ones. The financial center will have its own special legal regime distinct from the national legislation. This includes the creation of a special visa regime and separate rules and hiring procedures for foreigners working there. Foreigners working at the center and the members of their families will receive a visa valid up to five years. Some changes has already been introduced with regard to the second project. A new law "On amendments and additions to some legislative acts of Kazakhstan on Migration and Employment" (2015) has simplified

²⁶ Telephone conversation with the member of the National Chamber of Entrepreneurs, Astana, January 2016.

a number of the operating regulations creating favorable conditions for recruitment of foreign specialists (bnews.kz 2015). Being a part of labor migration liberalization course, these projects are one more example of the state politics in labor migration allowing high authorities to pursue the national interest.

The official purpose of the reform is regulating migration processes so that “to modernize the existing social and economic relations, foresee demographic transformations, and increase investment prospects of the country” (Millioner.kz. 2015). According to the vice-minister of Health and Social Development Nurymbetov, the reform has provisions for the creation of a free market of foreign professionals. Interpreting the Minister’s words, a free market suggests that Kazakhstan will make steps towards the liberalization of labor relations and adapt the hiring procedures to the international practices.

Nurymbetov has outlined what concrete changes will be made to the policy. First, the mechanism of the quota formation will be improved by making emphasis on the economic spheres lacking highly qualified workers. Indeed, the quota’s relation to economically active population is not reflective of the actual needs of the labor market. Economically active population consisting of both employed and unemployed but able and wishing to work does not show what occupations lack which professionals and in what numbers.

Second, as of 2017 employers will pay fees for getting work permits with proceeds going to local Akimat budgets. Fees will differ depending on the category of a foreign worker and the economic sphere he or she is attracted to. Thus, the lower the category the larger the fee, and the more demanded a foreign professional the lower the fee. However, as the NCE experts argue, local employers already suffer from numerous restrictions on recruitment of foreign labor. The fee system creates an additional barrier. The amount of fees, as experts say, will be much higher than the average monthly wage of a foreign specialist. This can seriously affect local employers’ ability or determination to hire foreign specialists.

Therefore, the introduced measure has been rendered impractical and causing entrepreneurs to “retreat into the shadows.”²⁷ Indeed, the fee rate demonstrates that, for example, the fee for the category 3 worker (specialist) will constitute about 2000 dollars which is a significant sum of money compared to the previous free-of-charge basis.

Another innovation introduced by the reform concerns the procedure of intra-corporate transition of workers. The migration law (2012) specifies this as “a temporary transition of a foreign worker from a foreign company/organization to its branch/representative office located in Kazakhstan.” Intra-corporate workers will be admitted to Kazakhstan out of the quota and without paying any fees. However, the authorities underline that the underlying cause of this transformation is not so much a willingness of the policy makers as the WTO membership. The WTO membership requires Kazakhstan to bring its legislation into line with the international norms. This justification seems doubtful in light of the above findings that the government has a direct interest in liberalization.

Furthermore, as a result of the reform, by 2020 foreign companies will be set free from the requirement of doing the labor market test when transferring workers within the company branches. These workers’ maximum period of stay will be extended for one additional year. In addition, foreign companies will be allowed to increase the share of foreigners in their staff to from 10 or 30 (depending on the worker’s category) to 50 percent. This requirement, nevertheless, does not apply to the position of a chief executive whom the company may hire in the needed numbers. One criticism to these changes comes from the NCE experts. They note that what is allowed to foreign companies does not apply to the local ones, which implies that foreign companies take precedence over the national ones. This

²⁷ Telephone conversation with the member of the National Chamber of Entrepreneurs, Astana, January 2016.

again shows that the state actions are motivated first of all by the goal of the economic development since foreign companies are the primary source of FDI.

Liberalization also concerns foreigners' ability to seek for employment independently. The government will create a list of occupations needed at the national labor market (the shortage list). It will also identify economic sectors lacking professionals. Then labor immigrants will have an opportunity to come to Kazakhstan and search for a job for three months. The only condition for a foreigner will be to have a certificate confirming compliance of his or her qualification with the shortage list. To obtain a certificate, a foreign specialist will have to pass through a point system with the emphasis put on a worker's qualification. However, it is not clear how eager high-skilled workers will be to come to Kazakhstan without having any guarantees that the employer-driven scheme of recruitment provides. Moreover, it may take long time before highly educated foreigners will start considering Kazakhstan as an attractive destination and before the point system will start to work as expected.

Nonetheless, the attempt by the government to gradually centralize migration management demonstrates that the state officials are aware of the problems that penetrate the process of policy implementation by bureaucrats. To minimize bureaucrats' corruptive practices, the new law says that starting with 2017 work permits will be issued in the Citizen Service Centers (CSC). The main goal of the CSCs is to minimize direct contacts between bureaucrats and citizens. The principle of operation is that the provision of services from application submission to issuing the results of a decision is concentrated in one place. This helps to avoid bureaucracy and remove or decrease administrative barriers to services. By doing this, as the officials claim, the procedure of getting a work permit will be reduced from today's 30-40 days to five days only (Millioner.kz 2015).

It is seen then that labor market liberalization initiated by the state is also ambiguous. On the one hand, there are significant simplifications such as the intra-corporate transfer of workers. On the other hand, local employers still face many protectionist barriers such as paying fees. In addition, while the reforms are presented as a forced measure with reference to the WTO membership there is little doubt that they are motivated by the state's own preference. Concerned with domestic public opinion the state just dresses up the forthcoming changes. As Nurymbetov underlines, preparation of *Kazakhstani* specialists is one of the main priorities of the social modernization initiated by the reforms. At the same time, he admits that to meet the needs of the economy under the condition of industrial-innovative development Kazakhstan will need highly qualified specialists in the very near future (Millioner.kz. 2015). It is clear that to prepare such specialists within a year or two is just impossible. So, liberalization is planned to allow attracting more foreign skilled workers and meet the state interest.

Conclusion

The findings demonstrate that when dealing with migration Kazakhstan cannot avoid the problem typical for democracies, namely how to reconcile the economic interest for a liberal policy and political demands for restrictions. To solve this dilemma, the state adopts strategic ambiguity which allows it to meet the interests of different groups: society, business, bureaucratic institutions and its own. The state, it is seen, uses ambiguity both in rhetoric and practice. Officially, it sets two goals of its labor migration policy: attraction of foreign specialists and protection of the domestic labor market. This duality in the goals is reflected in the policy on paper in the form of protection mechanisms and exemptions from them.

Interestingly, the way the policy is formulated and implemented makes employers rather than migrants themselves the objects of selection. The state defines what categories of employers are exempted from various policy requirements. Coupled with the demand-driven

model of migration this suggests that the state has shifted its duties for determining the labor market need to employers. It also means that the state waives a part of its responsibilities which makes it less accountable to its citizens.

Taking these measures the state indicates that it can shape the labor migration policy and discourse to such a direction and degree as it deems it necessary. It may establish restricting mechanisms to give the impression of protection of its nationals. At the same time, it can introduce liberalization reforms to be able to satisfy its interests. However, the resulting duality does not help much in ensuring labor migration policy effectiveness.

Chapter 4 What Makes the Policy Ineffective?

The findings from the previous chapters show that Kazakhstan has no a monolithic interest in labor migration policy. So, what makes the institutional approach relevant and significant for the Kazakhstani context is that it allows to methodologically disaggregate the state into different institutions to see how these institutions' mandates and preferences influence the policy formulation and implementation process. As Amenta and Ramsey (2010) emphasize, "institutionalists tend to avoid both individual-level explanations and explanations situated at the same level of analysis." This thesis' findings also confirm that the multi-level approach to studying labor migration policy of Kazakhstan is a better way to explain the controversial nature of the policy and the dubious outcomes of its implementation.

According to the institutional theory, "nation-level political institutions mediate the influence" of other factors that can possibly influence the state's course of actions. Indeed, as the Kazakhstani case has illustrated, apart from institutions, there are also international agreements that display outside influence on the labor migration management of the country (the WTO entry, bilateral agreements between Kazakhstan and other countries). There are non-state actors such as the NCE that lobby policy makers to reduce the existing administrative barriers in the hiring procedures. Bureaucratic "institutions... structure [the] action" (Amenta and Ramsey 2010) of these actors thus influencing the actual outcomes of labor migration policy implementation. However liberal the NCE's suggestions regarding immigration policy are, they all go through the MHSD, which, according to its organizational interests, prefers to hold these suggestions back.

Nevertheless, I find that the institutional approach alone is not enough for explaining the outcomes of labor migration policy implementation in Kazakhstan. The feature of

Kazakhstani labor migration management is its decentralized structure: the functions of migrants' selection and control are spread among various bureaucratic institutions. Due to this administrative decentralization of powers local-level bureaucrats have obtained a significant decision-making autonomy from central institutions and an important role in labor migration management. This makes it necessary to examine not only organizational interests of the implementing institutions but also bureaucrats' personal preferences for a particular policy outcome. Studying the bureaucratic mode of decentralized decision-making within the institutional theory gives a significant insight into how the policy is implemented and why it has a particular outcome.

On the one hand, the stance of various bureaucratic institutions regarding foreign professionals' inflows is not universally homogeneous and concordant. They have their own organizational predilections for certain policy directions that differ from what the state wants. The institutional mandates of the DESPs and migration police allow them to pursue protective policy courses since their professional interest is to prioritize well-being of local citizens. Meanwhile, the state is attempting to liberalize labor migration policy to attract more foreign skilled workers. Moreover, a divergence in the interests is observed between bureaucratic institutions themselves. For example, though the Ministry for Investments and Development is interested in providing skilled foreign workers with the permanent residence, the Labor, Social Protection, and Migration Committee under the MHSD prefers foreigners to stay a certain period of time determined by their labor contracts.

On the other hand, the analysis has revealed that the political institutions cannot be considered in separation from the individual-level considerations guiding the behavior of the state institutions' bureaucrats. Bureaucrats perceive skilled foreigners as the source of economic inequality and burden rather than an asset for the local economies. They see that many Kazakhstanis are unemployed, they know about the huge difference in wages between

local and foreign workers. Naturally, they think that among Kazakhstani citizens there are lots of professionals, and employers should rather hire them. Furthermore, the instances of unlawful conduct on the part of immigrants reinforce local officials' nationalistic and xenophobic views towards the practice of hiring foreign specialists. Nevertheless, I find that the chances for a personal gain decrease bureaucrats' restrictiveness. Bribes make bureaucrats more susceptible to employers' needs and eager to facilitate the hiring process. Though an illegal action, it benefits the national interest in rapid economic growth but conflicts with bureaucrats' organizational interests. So, an opportunity to benefitting either personally or as an institution affects significantly an outcome of policy implementation.

However, I find that decentralization alone is not enough for explaining the willful behavior of local bureaucrats. I argue that strategic ambiguity in high officials' discourse and its translation to the policy on paper allows bureaucrats to use their relative autonomy from the center to reach an outcome more appropriate to the given conditions. Strategic ambiguity helps the state to pursue simultaneously two competing goals: attraction of foreign skilled workers and protection of the national labor market. As the findings illustrate, despite an authoritarian character of the ruling regime public opinion plays an important role in the government's rhetoric and practices regarding labor migration. However, the aim of entering the top thirty economically competitive countries in the world pushes the state to look for the ways that allow it to circumvent the barrier of public opinion.

This strategic ambiguity starting at the top level is reinforced at local-level institutions and manipulated by bureaucrats when the policy is implemented. Ambiguity from above has given bureaucrats the opportunity to be selective at fulfilling the labor migration policy. However, local institutions' partial autonomy notwithstanding, bureaucrats cannot ignore the top political actors' directions. Officially accepting and following policy instructions from above bureaucrats adapt them to their own professional or personal preferences in policy

implementation. This tactic named by Allina-Pisano as a “sub rosa resistance” (2005) undermines the state efforts on making Kazakhstan a magnet for foreign professionals. So, producing formal rather than real transformations (Allina-Pisano 2005) bureaucrats interfere with the state’s achievement of the national interest in a rapid economic development. I conclude that decentralized decision-making realized in the context of strategic ambiguity affect (negatively) the actual policy outcomes: the state fails to both attract as many foreign specialists as the national economy needs and convince citizenry in reliability of protections envisaged in the policy.

Chapter 5 Application of the Findings

What makes the study of the Kazakhstani case significant is that the research findings from this case can be applied to the cases other than the one discussed in this work. Thus, the results of the research allow to make analytic generalizations “instead of pursuing the sample-to-population logic.” The reasoning underlying this kind of generalizations, as Yin explains, suggests drawing out a more general idea from [the] concrete findings so that to apply this idea to various cases: “not only to other “like” cases but also... to many different types of cases” (Bennet 2004, 50).

This thesis has argued that the analytic generalizations made on the basis of this study’s findings can be applied to other cases where the state’s behavior is not coherent since the state can be disaggregated into different institutions inconsistent in their actions and reasoning. As Meyers points out, “the pure institutionalist approach argues that political institutions can be autonomous: they can form public policy according to the interests of the state and remain unaffected by societal or interest group pressures” (Meyers 2000, 1261). Nonetheless, even if the state is not the only and sometimes not a decisive factor influencing the policy, this approach assumes that the state’s constituent parts act in its interests making the latter a consolidated apparatus. This perspective on the situation disregards nonconformity and clashes that occur between various state institutions as well as the state and its local executive agents (Allina-Pisano 2005). This study finds that the state and different state- and non-state actors are not coherent regarding the interest in labor migration. Various bureaucratic institutions have various organizational interests, and the bureaucrats themselves have their personal preferences on the issue.

One of the studies that demonstrates the applicability and pertinence of analytical generalizations is a research by Senem Aslan (2009) examining the issue of the Kurdish

naming in Turkey. The puzzle motivating the researcher comes from the fact that despite the state efforts to liberalize the policy on Kurdish cultural expression the issue of giving Kurdish children Kurdish names has turned to be more controversial since 1980s. The author's finding presents the Kurdish issue as highlighting how differently various state actors may shape and execute one particular policy. Aslan revealed that those were usually local officials who caused the intensification of the Kurdish naming problem. He noted that bureaucratic institutions demonstrated divergent behavior at different levels of governance. Furthermore, he indicated that local bureaucrats displaying discretion at places were driven by the motivation to maintain the state authority over the sensitive Kurdish issue which was perceived as threatening local bureaucrats' powers.

The same can be said about Kazakhstan and its labor immigration policy. As the analysis manifests, the stance of various bureaucratic institutions regarding foreign professionals' immigration is not universally homogeneous and concordant. While the central institutions accountable to the president and the prime-minister directly hold liberal views, the local ones having a kind of autonomy from the center and driven by their organizational interests are more protectionist. Moreover, the decision-making autonomy of local bureaucrats and ambiguity maintained by the state in its labor migration discourse and the policy on paper has encouraged local officials to pursue their own professional and personal rather than national collective interests. I also find that what has influenced bureaucrats' preferences is not only their institutional mandates but also an unfavorable economic situation in the context of which bureaucrats implement their preferred policies. These findings speak to Aslan's conclusion that "ideological or normative disagreements as well as different contexts in which state actors operated mattered in the different interpretation and implementation of laws and policies" (2009, 10).

In the Turkish case, Aslan does not study the reasons for the local bureaucrats' aversive behavior. But he assumed that the Turkish-Kurdish armed conflict had a negative impact on the perception by the Turkish officials of the Kurds' expression of their cultural particularism. Also, Aslan suggested that the autonomy of local authorities facilitated their willful performance in places. In addition, the author noted that unlike high-ranking state officials, the local bureaucrats were free from international pressures arguing for liberalizing the policy regarding the Kurds. These reasons can be projected to the Kazakhstani case as well: economic crisis, bureaucrats' official discretion and privileged treatment and standing of foreign specialists over local professionals, protective institutional mandates – all motivated bureaucrats' restrictive behavior.

First, what can alienate the local officers from the state's steps towards liberalization is a deteriorating economic situation within the country. Currency devaluation as well as decline in oil prices have dented the national economy and made citizens pull their belts in. Under these conditions many-fold larger wages of foreign specialists seem humiliating to the general public and the local executives. Second, as it has been demonstrated in the previous chapters, decentralization has given bureaucratic institutions the power to take decisions and influence policy outcomes. Furthermore, strategic ambiguity on the part of top authorities has provided bureaucrats with the discretion to decide what rules and laws to put emphasis on in places. Third, local bureaucratic institutions are more concerned with the immediate, short- and middle-term issues rather than long-term thinking. This causes them to solve first and foremost the current issues of unemployment and social welfare. Meanwhile, the central state institutions are guided by the far-reaching agenda of rapid economic growth that requires being liberal or open to labor migration rather than restricting it. In addition, the international liabilities such as the WTO and the EEU push the state higher-level authorities accept a liberal perspective and behavior with respect to the inflows of skilled foreign workers.

Thus, both Kazakhstani and Turkish cases show that the traditional methods of analyzing the state conduct through the state-centered and pure institutional approaches are not always enough. The state itself and its constituent parts can demonstrate divergent discourses and practices. However, in his study Aslan puts primary attention to the political environment being decisive in how bureaucratic institutions behave. He uses the state in the society approach to show how outside factors have influenced bureaucrats' position on the issue. Not rejecting the impact of the environment, I nevertheless, argue that the institutional approach emphasizing the bureaucratic model of decision-making is more appropriate and effective in studying the Kazakhstani labor migration policy. However, as in the case with the Kurdish naming issue, treating Kazakhstan as a monolithic state may result in the distorted analysis that omits significant factors causing labor migration policy ineffectiveness. So, disaggregation of the state into separate bureaucratic institutions gives a deeper and more detailed analysis of what controversies exist at different levels of migration governance. It also accounts for the reasons of different actors' divergent attitudes towards labor migration and the consequences of these actors' inconsistent practices on the actual policy outcomes.

The second case is less straightforward for the purpose of making analytic generalizations but it also confirms that the findings from the Kazakhstani case study can be applied to different issues and contexts. The study by King and Smith (2005) argues that the issue of race has been inadequately represented in the studies of the American politics. However, the numerous peculiarities of the American political order are inevitably connected to the racial controversies. King and Smith assert that when academics omit this connection or "analyze [it] without a suitable theoretical framework", they overlook the actions of actors reacting to these racial controversies (2005, 84) which can lead to the flawed research findings.

The researchers' contribution is that they introduce the notion of "racial institutional orders" in which "political actors have adopted... racial concepts, commitments, and aims in order to... structure governing institutions that express and serve the interests of their architects" (2005,75). This notion is combined with the approach of "multiple institutional orders" (Orren and Skowronek as cited in King and Smith 2005, 78) to show that racial orders are not free from inside contradictions and that these contradictions can be very influential in the contexts of various political spheres and detrimental if dismissed from the analysis.

This conclusion speaks to the findings from the Kazakhstani case. Indeed, the negative consequences of covert and overt disagreements regarding labor immigration in Kazakhstan between the state and bureaucratic institutions and between bureaucratic institutions themselves can remain misunderstood if analyzed within the framework other than institutionalism. Moreover, in conjunction with the concept of the strategic ambiguity, the institutional approach can be regarded as a "firm theoretical foundation on which to conduct the empirical research" of the Kazakhstani labor immigration policy (Dawson and Cohen as cited in King and Smith 2005, 78). As the race issue cuts across various fields in the US politics, so the phenomenon of the strategic ambiguity and the impact of bureaucratic institutions' dynamism penetrates different spheres of the Kazakhstani public politics.

The American and Turkish cases considered illustrate that the findings from the study of labor immigration policy in Kazakhstan are not bound to this case and the sphere of migration exclusively. Rather, this thesis has showed that it is not enough to bring the state back into the political analysis. It is necessary to disaggregate the state into institutions of different levels and to examine what the functional characteristics of those institutions are and how these institutions interact with each other and the broader society. This will help to understand the underlining motives of the state actors' behavior, their interests, and what

consequences the divergence in the interests and the resulting behavior have for the policy outcomes. Thus, I argue that where institutions are involved in the policy-making the institutional approach should include the bureaucratic politics model of decision-making. This emphasizes not only professional preferences of bureaucrats as defined by “where they sit” institutions’ official mandates (Chen 2012) but also personal interests that may or may not correspond with the national interest of the state. In addition, the above cases have showed that the environment in which the policy is implemented has a great impact on how it is implemented and with what results.

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