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Regulation of International Intellectual Migration

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Abstract: This study explores the regulation of international intellectual migration, focusing on administrative and economic methods used by donor and recipient countries to manage the movement of highly skilled workers. It highlights global initiatives such as Canada's Federal Skilled Worker Program, the EU Blue Card in Germany, and the H-1B visa in the United States, alongside Russia's 2019–2025 policy on educational and scientific exchanges. Despite growing policies in this area, limited research examines the balance between labor market demand and supply, intellectual property protection, and migrant integration. The study aims to address this gap by analyzing legal frameworks, economic incentives, and immigration policies through a comparative approach. Results indicate the need for ethical and transparent migration practices that promote social integration and long-term national development. Findings emphasize cooperative policy-making to enhance mutual benefits between countries while fostering global knowledge exchange.

Keywords: Regulation of skilled migration, High skilled migration, Professionals, Demand based regulation, Supply based regulation, EU Blue card, Green card, H-1B visa, Global talent visa.

1. Introduction

The market of highly skilled workers is one of the most competitive segments of the world labor market, and it imposes on the countries with a high level of development the task of developing policies that are attractive and optimal for national development. Countries widely use administrative and economic methods to regulate the migration of highly qualified workers. In this regard, a generalized description of these measures can be seen in the researches of M.A. Bondar[1].

In particular, the administrative methods of regulating the migration of highly qualified workers for donor countries include imposing strict legal requirements on intermediary companies, limiting the issuance of passports for going abroad, prohibiting certain categories of people from going abroad, setting deadlines for those who have received education at the expense of the state to stay and work in the country, emigration quotas and including mandatory registration. In turn, implement policies to encourage the inflow of foreign currency transfers, give incentives to returning migrants' foreign currency deposits and duty payments, implement job creation programs for them, sell non-taxable securities to migrants, allow remigrants to buy housing, build it or start their own business.

Providing loans for startups, using scientists who have left the country as mediators in international technology exchange processes, removing restrictions on foreign direct investment in science, establishing regional alliances and "hotel" laboratories, and

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expanding international cooperation in the field of science -includes economic methods of regulating the migration of highly qualified workers by donor countries.

In turn, the recipient countries, as administrative methods, select highly qualified workers based on a point system, set immigration quotas, set students according to age, profession and qualification characteristics, limit the entry of foreign labor migrants to positions where there are enough workers in the domestic labor market, assign them to trade union membership, measures such as language proficiency and experience in a specific field are taken. In the regulation of the migration of highly qualified workers in these countries based on economic methods, financial incentives for the repatriation of migrants belonging to a certain category, financial support for leaving the recipient country, vocational training for the migrant in the receiving country for the donor country, promotion of the economic development of the exporting countries, work in national research institutes measures such as allocation of grants, allocation of subsidies to highly qualified workers, assistance in adaptation of remigrants in their homeland are widely used.

LITERATURE REVIEW

In the researches of M.A. Bondar, it is possible to see that countries widely use administrative and economic methods in regulating the migration of highly qualified workers and a generalized description of these measures[1]. American researcher G. Borjas analyzed the economic consequences of intellectual migration processes[2]. In his approach, G. Peri researched the possibility of estimating the impact of immigrants on local wages[3]. Dj . According to the calculations of John Bound, Gaurav Khanna, and Nicolas Morales, the immigration of highly qualified people leads to an increase in the income of the population in the United States[4].

Researchers Nir Jaimovich, Henry Siu put forward the idea that the migration of highly qualified people serves to reduce inequality in society[5]. Scientists J. Hunt and M. Gauthier-Loiselle analyzed the impact of highly qualified personnel on innovation and entrepreneurship[6]. Scientist. Wadhwa studied the impact of highly qualified migrants on the expansion of the recipient country's economy[7]. Researcher J. Hunt states in his studies that educated immigrants have a much higher success rate[8]. In this place, Sari Kerr, W.Kerr studied that entrepreneurial immigrants stimulate innovation processes and competitiveness in the country[9].

2. Materials and Methods

In the article were used theoretical and from empirical methods of research. In the articles were shown the analysis of research publications and the results were compared with data. The author used systematic approach , observation , comparison , abstraction , idealization and grouping methods of the research methodology.

3. Results and Discussion

Currently, the countries of the world rely on different principles for regulating international intellectual migration. For example, the Federal Skilled Worker Program and Express Entry in Canada for highly skilled professionals, Skilled Independent Visa and Employer Nomination Scheme in Australia, Blue Card EU in Germany, H-1B visa for temporary work in the USA and EB-2 or EB-3 visas for permanent residence immigration programs apply. Based on these programs, immigrants' education, experience, age, language skills, and their compatibility with the requirements of the local labor market are evaluated. The social integration of migrants is supported on the basis of language training and cultural adaptation in the country.

In the 1980s and 1990s, the migration policy in most European countries was restrictive, but by the 2000s, the demographic conditions and the increase in the demand

for highly qualified workers forced the governments to adapt their migration policies to the needs of the times. For example, in the 2000s, German citizenship and immigration laws were amended to facilitate the influx of highly skilled workers from non-EU countries, and since 2013, their employment. Since 2007, a "blue card" was introduced for highly qualified workers visiting from a third country, and their salary was set 1.5 times higher than the average national salary[10].

In the international market of intellectual migration, special emphasis is placed on the attraction of intellectual migrants within the framework of the government of the Russian Federation, which appears both as a donor and as a recipient country. In this regard, the migration policy of Russia for 2019-2025 defines the following measures to ensure the free movement of [10]students, pedagogues and representatives of the scientific field :

1. Expanding opportunities for foreigners to use educational services, in particular, improving procedures for foreigners visiting Russian educational institutions to enter the country;
2. To ensure the openness of the Russian Federation to students, scientific and pedagogical staff, to create favorable conditions for them to enter the country, stay there, receive education and carry out their professional activities;
3. Expand opportunities to invite pedagogues from foreign educational institutions to teach Russian citizens;
4. Improvement of the mechanisms of selection of talented foreign youth who are selected for admission to Russian educational institutions within the allocated quotas.

In the recipient countries, which are of decisive importance in the regulation of international migration of professionals with its attractive opportunities, this policy is being regulated based on the approach that takes into account the two main aspects, i.e. demand and supply[11]. In the demand-based approach, the needs of employers are taken into account, and they determine the category of highly qualified workers. In this approach, the main burden in selecting highly qualified workers falls on the labor market and employers. Not always highly qualified professionals who have acquired the right to work will be able to bring a net profit. Therefore, in this approach, preference is given to the migrant who will benefit the economy as soon as possible.

The category of migrants who can potentially come to the country to work is determined based on potential employers and the current situation in the labor market. This category includes participants in the temporary work permit program who must submit a formal offer to highly qualified professionals to work until they enter the recipient country. Such programs are common in Great Britain, Ireland and Germany. In particular, professionals who have at least a bachelor's degree and who have an annual income of at least 48,000 euros in their field can get a "blue card", which gives them the right to live and work in Germany. Those who do not have an employment contract can come to Germany for a period of 6 months to look for a job, and after finding a job and having an employment contract, apply for a "blue card".

In the US, in order to regulate the migration of highly qualified professionals based on demand, three years in the country for these professionals by employers who want to hire people who have "unique" abilities or "unique achievements" in the fields of science, education, art, business, sports, film and television industry documents are submitted to obtain O-1 and O-2 visas, which give the right to work during the period. At the same time, the family members of the holders of this visa, especially their children under 21 years of age who have the right to study in the USA, are also provided with an O-3 visa [12].

In the type of demand based regulation of highly qualified workers, employers in the labor market must provide the reasons proving that they could not find such professionals instead of vacant jobs. For example, in Ireland, a document stating that the public employment service has announced a vacancy, but a candidate who meets the

requirements has not been found. In Spain, highly qualified workers have more opportunities to obtain a work permit if the vacancy is included in the list of "scarce occupations" or in cases where a candidate from Spain or other EU countries is not found when it is advertised.

Also, in the migration policy regulated on the basis of demand, the issue of wages of highly qualified workers and trade unions is important. In almost all European countries, employers are required to pay workers a minimum wage. Employers must comply with employment conditions and wage requirements stipulated in collective wage agreements. In Norway, Sweden, and the United Kingdom, unions have veto power, while in Canada, unions are responsible for reviewing work permit documents.

The example can be UK's visas for highly skilled migrants. In particular, a 5-year "Global Talent" visa is issued for leaders or potential leaders in academia or research, arts and culture, and the digital economy. The "Skilled Worker" visa of this country is for manufacturing, construction, mining, insurance, finance, marketing and advertising, human resource management, information technology, healthcare, agriculture, hotel, restaurant business, science and education, creative is awarded under the patronage of the employer to industrial and artistic leaders, senior officials and managers with a salary of not less than £38,700 per year [13].

For qualified doctors and healthcare workers, a Health and Care visa is available under the sponsorship of a British employer for work with an annual income of at least £23,500 [14]. Currently, the top 50 universities in the world, who have obtained an academic or scientific degree within the last 5 years, are attracting graduates as highly qualified professionals for the implementation of infrastructure projects in the fields of railway, road transport, wind and nuclear energy, telecommunications and digital technology by the British government. The "Growth visa" being introduced to do this is an example of a demand-based form of regulating intellectual migration[15].

The supply-based approach, on the other hand, shows a country's priorities based on a score. In this approach, preference is given to candidates whose characteristics such as age, education level, experience, language level and field are acceptable for the labor market and society, rather than depending on the current demand in the labor market. Such an approach serves to satisfy the long-term needs of the economy and the tasks of human capital and integration into society, rather than the short-term demand in the labor market. Such a migration policy provides relative freedom for highly skilled professionals to enter the country and then look for work and find a job more suited to their skills. For example, Austria's points-based "red-white-red card" program allows non-EU highly qualified professionals and their family members to immigrate. Skilled professionals in the country include highly skilled professionals in "scarce occupations" such as engineering and healthcare. While such workers who know English and German are given an additional opportunity, they are not required to know German until they enter the country.

Another example of an supply-based migration policy is the granting of residence permits to holders of a recognized or equivalent German diploma in Germany. Highly qualified workers who have such a diploma, but are not from the countries of the European Union, are allowed to stay temporarily in the country for 18 months for the purpose of job search. Such graduates can apply for the "blue card" program as soon as they find a job and obtain an employment contract. Non-EU citizens can also apply for a one-year temporary residence permit program for professional training and employment. Citizens of countries such as the EU, Liechtenstein, Iceland, Norway and Switzerland do not require a permit to live or work in these countries. The German government does not require a visa to enter the country from citizens of Canada, the USA, Australia, Japan, the Republic of Korea, New Zealand and Israel.

An example of this is the immigration program of Great Britain, which consists of a point system called "Freshtalents", in which a specialist is based on his education, experience, annual income, achievements in the field, ability to pay to support himself and

his family members, and acceptance of Great Britain as his homeland. is evaluated based on criteria such as willingness to do.

Another clear example of the regulation of the migration of highly qualified workers on the basis of an offer is the "green card" of the USA. As a highly skilled migrant, the following workers are given the opportunity to have this type of card:

1. Those who have "unique" ability in science, education, art, business or sports [17];
2. "Leading" professors or researchers with at least ten years of general work experience or three years of teaching or research experience in the academic field[18];
3. Managers or directors of international companies operating in two or more countries, one of which is in the United States;
4. Those who have at least a master's academic degree or at least 5 years of work experience at the bachelor's level, academic workers;
5. Workers who are ready to serve the national interests of the country;
6. Professionals with at least a bachelor's degree ;
7. Qualified professionals with at least 2 years of work experience.

The both types of regulation of highly skilled migration have their positive and negative consequences, but the approach based on the needs of employers is more effective in the policy on the labor market, because in this regard, the skilled migrant is more connected to the enterprise that sponsors him [18].

But at the same time, there are many cases of applying hybrid migration policy to attract highly qualified workers. For example, Denmark's "green card" and the UK's "Tier 1 card" programs, which are examples of demand-driven migration policies, allow highly qualified professionals to enter the country without a formal invitation to work, that is, highly qualified migrants with sufficient points are allowed to look for work in the country. temporary residence permit. After working for a few years, such migrants can apply for a permanent residence permit. Only if their request is rejected, they are forced to leave the country [19].

Also, the "Graduate" visa for science, engineering and medical research graduates from the leading universities of the world and Britain, such as Harvard, MIT, Karolinska and Kyoto, can be an example of a hybrid arrangement. The reason for this can be explained by the fact that strict quotas are not set for this visa, and that there are no requirements for their qualifications [20].

France, which is regulated in a hybrid form, also has a "talent-passport" program that allows highly qualified professionals to obtain multi-year visas, and if their requests are rejected, they have the right to work in the French labor market with a temporary residence permit. Refusal to obtain the above visa or temporary residence permit for highly qualified workers indicates that the qualification of the said specialist is not at the required level [21].

In the Russian Federation, according to Federal Law No. 86-F3 of 19.05.2010, the procedures for the entry of highly qualified workers to Russia, their stay there, and the implementation of labor activities have been eased. For them, the visit to the employment authorities to obtain quotas and work permits was canceled, the term of the permit was extended from 1 year to 3 years, and it was decided to extend this permit several times during the period of the employment contract [22].

4. Conclusion

In conclusion, the effective regulation of the international migration of highly qualified workers is essential for fostering economic growth, advancing science and education, and safeguarding the rights and interests of migrants. This study underscores the importance of protecting intellectual property rights, ensuring transparent and efficient immigration processes, promoting cooperation and knowledge exchange, guaranteeing equal opportunities, facilitating social integration, balancing labor market

supply and demand, and adhering to ethical and legal principles. These measures collectively contribute to a sustainable and mutually beneficial intellectual migration framework. However, challenges persist, including the potential for brain drain in donor countries and the ethical implications of unequal opportunities in recipient nations. Policymakers must address these complexities through comprehensive strategies that prioritize human rights and global equity. Future research should explore innovative models of intellectual migration management, focusing on the long-term socio-economic impacts for both donor and recipient countries, and evaluating the role of technology in enhancing migration processes.

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