

**Секція 14.**  
**ЕКОНОМІКА ПРАЦІ ТА**  
**УПРАВЛІННЯ ПЕРСОНАЛОМ**

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**LEGAL REGULATION OF LABOR MIGRATION  
PROCESSES**

In the process of building an independent sovereign state in Ukraine has already laid the foundations of immigration law. However, many of the provisions of the current legislation and require clarifications and additions. Because of the incomplete formation of immigration laws and immigration law in general existing package of regulations concerning the migration is inadequate. For example, unsettled in law are issues related to Ukrainian labor migration abroad. The main problem is to bring the internal regulations acts on migration to that of the neighboring countries, including EU Member States. Today agreement on employment of citizens of Ukraine abroad with Azerbaijan, Belarus, Armenia, Vietnam, Latvia, Libya, Lithuania, Moldova, Poland, Portugal, Russia, Slovakia and the Czech Republics th. In the area of social protection – from Bulgaria, Spain, Kazakhstan, Latvia, Lithuania, Moldova, Russia, Slovakia and succession – with Mongolia, Romania and Hungary. In addition, Ukraine is a party to 11 international multilateral agreements (within the CIS) in the area of employment and social protection and the European Convention on the legal status of workers – migrants from 1977 (Parties which are Spain, Italy, Moldova, Netherlands, Norway, Portugal, Turkey, France, Sweden).

The main problem that hinders the efficient use of the mechanism of bilateral agreements to address employment of Ukrainian citizens abroad is that their effect applies only to those citizens who entered the country of employment on Based on a work visa, with a work permit and residence. As legally

employed abroad only a few percent of the total number of migrant workers, many of these agreements, including agreements with Poland and Slovakia, de facto no effect [1].

Further development of migration law in Ukraine requires not only accelerated work towards completion and adoption of necessary legislation. The main measures on legal regulation of labor migration processes are:

1) Development and approval of legal documents on management and regulation of international labor migration, the priority of which is the strategy of migration policy, the Law of Ukraine "On the status of migrant workers," bilateral agreements in the field of regulation of job placement, social security, pension, taxation, mutual recognition of diplomas and control flow transfers to international labor migrants, which would provide some economic stimulus in the event of re-emigration and investing migrant workers in priority sectors, therefore – participation of migrants in investment activity and performance of socio-economic system of Ukraine.

2) To refine the draft "State Program of cooperation with foreign Ukrainian to 2015 g.", namely to include items on the financial, economic, trade, scientific innovation and investment cooperation and approve the State program of cooperation with foreign Ukrainian.

Analyzing existing project "State Programme of Cooperation with foreign Ukrainian to pe riod 2015 g. "Should be, first, the wording fuzzy goal of this program, particularly in the area of potential Ukrainian diaspora, namely: "... the use of intellectual, financial and spiritual potential of Ukrainian foreign establishment for positive international image of Ukraine. "In our opinion, the outlined goal should be noted not only the "positive image", but also "innovative and socio-economic development of Ukraine."Furthermore, among the "pleasure scientific, educational and linguistic needs of Ukrainian foreign" that the Program, occupy the bulk of the measures in the Ukrainian language and Ukrainian. Instead, scientific-practical conferences involving diaspora from other scientific areas limited to two congresses of the World Federation of Ukrainian medical societies. Although the draft program provides for increased financing (tentative budget of almost 2 billion. USD.), it provided no action in the field of economic (especially innovative investment), trade, scientific and technical cooperation, while the previous program of cooperation with foreign Ukrainian to 2010 g., with a total budget of \$76.9 million. UAH., provided at least four types of measures in the field of trade and economic, scientific and technical activities. However, funding of these measures on other charges provided for in the Programme, the amkah were minor [2].

3) To sign bilateral agreements with the host countries of migrant workers (of which there are none, including Italy, Hungary, the UK, Germany, France) in order to legalize their stay, settlement of labor relations and pension and avoiding double taxation of income of migrant workers.

4) Ensure the mechanism of legalization of wages of workers abroad and introduce methods of indirect taxation (as an example, a flat tax), which aims to streamline the pension protection. If a person works in the territory of which it is not, the agreement must be clearly defined country under whose legislation the defined retirement age, retirement conditions, the size of benefits, seniority and authority responsible for these payments. If a person is working in the country of which he is not, and has experience in the country participating in the agreement, the agreement must be provided mechanisms terms of length of service performed abroad, and pension benefits for the period. The agreement should be spelled out mechanisms of pension charges and refunds of pension funds.

Under bilateral agreements must provide so-called territorial principle pension migrants and their families, implemented and funded under the laws of the country in which they now live. In establishing the right to a pension, including concessional and seniority is taken into account seniority acquired in the territory of a State Party Agreement. Pensions are calculated on the earnings (income) for periods of work are counted in employment. This experience is widely used by migrants from CEE countries.

#### Literature

1. Report of the Deputy Director of the Department for Cultural and Humanitarian Cooperation, Ministry of Foreign Affairs of Ukraine Mr. Shkurov at the roundtable "Models of interethnic relations in Ukraine and Europe: legal and ethnopolitical experience." – Kyiv. – November 5, 2008

2. Adjust trudemihratsiynih processes in the cross-border region: monograph / Pod Society. Ed. Economics, Professor. Pityulycha MI [M. And Pityulych, VV Hobblyk, TD Scherban etc.] – Mukachevo: Ed. Moscow State University, 2015–150 p.