

Legal Aspects of Ethnic Repatriation: Comparative and Juridical Analysis

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Abstract: The article gives comparative analysis of juridical regulation of repatriation in foreign countries, shows similarities and distinctions in this sphere, formulates main problems and recommendations for legislation improvement and helps to improve its practical application. Should be revised regulations such legal concepts as “oralman” and “foreign diaspora” to their name more consistent with its content and the actual situation, help to improve the integration of immigrants. There is also a need for the territorial expansion of the provision of adaptive services that they are not only in the regional centers, but also at the district level. In addition to legally define the concept of adaptation and integration services, to increase the diversity of their species. It is also necessary to create a legal and financial conditions for the greater involvement of non-governmental organizations in the process. Based on the analysis of international experience, including Germany, Israel, Poland, Hungary, concluded that repatriation should be seen not only as the return of the country, but it is necessary to include the process of adaptation and integration that immigrants could more fully participate in and contribute contribution to the development of society and the state. The competitiveness of a country depends not only on the quantity but also the quality of human capital.

Key words: Migration • Repatriation • “oralman” (repatriant) • Fellow citizen • Immigration • Juridical regulation • Integration

INTRODUCTION

The ethnic Kazakhs, scattered worldwide by the will of destiny, began to arrive on their historical Motherland after the declaration of Independence of the Republic of Kazakhstan by the invitation of the head of state, thereby providing an annual immigration stream to the country. Along with this, the emigration stream to the country also increased every year.

However Kazakhstan also endured huge departure of the population and here the year of 1994 became an emigration peak when half a million people left the country, thus 2/3 from them are people at active workable age. By estimates of International Organization for Migration (IOM), Kazakhstan is in the list of the world countries with the strongest migratory processes. In the nineties the share of our state by number of the international migrants made about 0,4 percent from their total number in the world. At the same time, population of Kazakhstan is made by about 0,003 percent of all world population, a difference in more than hundred times. As a result of migration, Kazakhstan lost a natural increase of

the population and suffered huge losses of a manpower. During these years population of the Republic reduced almost for 2 million people [1].

Population shift follows from the fundamental rights and freedoms of the person as the right to a freedom of movement and a residence choice; the increasing attention to human rights, conventions on human rights, need of political and legal regulation of a big immigration stream which has essential impact on a social and economic, cultural condition of the state, preservations and developments of national identity, including foreign compatriots.

Main Body: The term “repatriation” corresponds to the values being in the context of application of Law of armed conflicts (for example, repatriation, i.e. return of prisoners of war or the military operations interned after the termination) and the rights of refugees (return of refugees to places of the permanent residence).

Universal or regional and multilateral international legal norms on repatriation don't exist in aspect considered by us, which is connected with specifics of

repatriation of compatriots and presuming sovereign will of each state in questions of recognition and ensuring this process [2].

At the same time, there are norms in international law, which relate, though indirectly, to the rights of compatriots at repatriation:

- The universal declaration of human rights of 1948:

“Each person, wherever he was, has the right for recognition of his rights' subjectivity” (article 6);

“1. Each person has the right to move freely and choose a residence to himself within any state. 2. Each person has the right to leave any country, including his own one and to come back to his country” (Article 13);

“1. Each person has the right to citizenship. 2. Nobody can be randomly deprived of his citizenship or the right to change his citizenship” (Article 15) [3];

- The International Pact on Civil and Political rights of 1966:

“1. Everyone who lawfully stays in the territory of any state has the right, within this territory, to free movement and freedom of residence choice.

- Each person has the right to leave any country, including his own.
- The rights mentioned above can't be an object of any restriction, except those which are provided by the law or are necessary for protection of state security, or for protection of public order, health or moral of the population and also the rights and freedoms of other people, which should be compatible to other rights recognized in the present Pact.
- Nobody can be randomly deprived of the right to arrive in his own country” (Article 12) [4].
- The Convention on the Status of Refugees of 1950:

“Contracting states will facilitate assimilation and naturalization of refugees as far as possible. In particular, they will do everything to accelerate documentation provision on naturalization and possible reduction of the related fundraising and expenses” (Article 34) [5].

Kazakhstan has ratified the International Covenant on Civil and Political rights, joined the Convention on the status of refugees, that's why an embodiment of these norms in the national legislation and their realization in law-enforcement practice are especially important.

Countries which have a considerable number of foreign diasporas and seek to keep their national identity and wish their return to historical Motherland, designed the appropriate laws to support their repatriation.

Poland, in particular, maintains relations with their diasporas, which contain, by some estimates, up to 20 million people of the Polish origin [6]. Also, Poland has adopted the Law on repatriation.

Hungary, with the population of 10 million people living in the country, has about 5 million Hungarians who live beyond its limits [7]. Hungary has adopted the Law on the Hungarians living in the adjacent countries.

About 4,1 million ethnic Kazakhs live outside the Republic of Kazakhstan. Now the number of Kazakhs makes 8,13 million people in the territory of the Republic of Kazakhstan, whereas all number of Kazakhs in the world makes more than 12,2 million people. Thus, every third Kazakh lives abroad [8]. Kazakhstan has accepted the Concept of repatriation of ethnic Kazakhs onto the historical Motherland and the Law on migration of the population.

As a whole, the international practice on repatriation provides obtaining citizenship in a simplified way. Along with versatility of the problems arising at repatriation, many states fix providing adaptation and integration services in a legislative order.

At present, migratory processes of various character have become an everyday affair. Creation of conditions for adaptation and integration of migrants into a new community is among the most important parameters of their stable existence in the social and economic fields. If both parties are interested in integration, both of them receive social and economic benefits from this: the host country receives citizens steadily working and benefiting society, migrants receive attractive living conditions in the arrival country. If integration doesn't happen, there occurs a great probability of negative consequences both for a host country and for the migrants. Among such consequences there may be: the growth of unemployment, social tension, deterioration of a criminal situation and others [9].

According to classical sociology, integration is a degree in which the individual may gain a feeling of accessory to social group or to a team of people on the basis of shared norms, values, beliefs, etc. This is one of key ideas in Emil Durkheim's sociology and one of two main variables which he uses to explain suicide cases [10].

According to the representative of the theory of a rational choice H.Essera, a problem of search of exact definition of integration is connected with the condition

when position of migrants in accepting community can include all possible combinations of their relations with the social environment: conflicts, marginalization, segregation, adaptation of behavior and values, interaction, etc.

It isn't by chance that integration of migrants is connected with various concepts, sometimes similar and sometimes absolutely different in their meaning, such as: acculturation, assimilation, absorption, merge, adaptation, etc. And besides, the state policy can influence importance of these or those aspects of integration also [11].

The model of the founder of the Chicago school of empirical sociology Robert Park "The Melting boiler" (1950) equates the period of integration to the period of general adaptation of minority to the majority [12].

Often considered the integration of a successful and complete when workers can find housing and work [13, 4].

One of the leading experts on migration in Germany Barbara Dietz most important categories for social integration in the country calls:

- The ability to adapt and learn the official language and cultural characteristics of the country;
- Participation in the activities of various public institutions;
- A willingness to work and benefit the economy of the country [14].

According to paragraph 5 of paragraph 1 of Article 15 of the Law on migration, local executive bodies of oblasts, cities of republican status, capital oralmans create the conditions for the study of the Kazakh language and, at their request, the Russian language.

Besides, in the Concept of Repatriation of ethnic Kazakhs to their historical Motherland of 1998, it is shown that for faster integration of repatriates into the Kazakhstani society, there will be organized special courses of adaptation for the repatriates, Kazakh and Russian language learning courses and the course of studying the legislation of the Republic of Kazakhstan. Every year the Government approves the plan for repatriation activities. It must contain positions on countries, characteristics of repatriates' families, the scheme of repatriates' relocation in regions. Besides, the plan of measures for repatriates' adaptation is being formed [8].

This norm doesn't often find the reflection in regulations of local executive bodies that leads to

non-systematic work on organization of language courses for repatriates in regions and their long adaptation to Kazakhstani society.

Kazakh repatriates meet two main objective difficulties which are directly connected with language adaptation of Kazakh repatriates to the life in the Kazakhstani society: on the one hand, it is possession (not possession) of native Kazakh language, on the other hand, it is ignorance (incomplete knowledge) of Russian language by part of Kazakh repatriates. Besides, these two essential circumstances can be different depending on what country Kazakh repatriates arrive from and what language tradition and language experience they possess. These two circumstances should be seriously estimated because they may cause such situations when existing language distinctions become serious obstacles on the way to integration of repatriates into Kazakhstani society. There may occur a language barrier and cultural shock [15].

The language barrier is an obstacle for full communication because of ignorance or insufficient possession of languages by an individual; and this may become one of strongest obstacles on the way to globalization and internationalization. Cultural shock is acute psychological condition caused by acculturation as a result of adjusting to stereotypes of different language behavior, etc. [16].

Proceeding from this, it is necessary to pay serious attention to adaptation and integration of "oralmans" (repatriates) in order to provide public consent and political stability in the society.

The majority of "oralmans" are dissatisfied with the situation after moving to RK that makes their community attractive to various groups of political influence and also to groups of extremist orientation who are aimed at causing destabilization in Kazakhstan. It was clearly seen in the events in Shanyrak and Bakay in Almaty city and in Zhanaozen city of Mangistau oblast. According to mass media, among striking oil workers of Zhanaozen city 25% made "oralmans", i.e. every fourth among the striking workers was a repatriate. Also the discontent ripens among "oralmans", living in Kyzylagash settlement of Almaty oblast, i.e., according to them, among victims of floods there were lots of "oralmans" who had not been registered in Kyzylagash and therefore didn't enter into the list of dead victims. They are possibly registered among missing persons. All these protest moods of people who don't see solutions of their problems, have been accumulating and can lead to social explosion [17].

It is important to understand that the higher is the level of adaptation of such layer of migrants as repatriates to new living conditions, the higher is the economic and intellectual return of human resources for the development of hosting society [18].

Therefore, the huge role has been played by legal regulation of public relations in the sphere of repatriation, subsequent adaptation and integration of repatriates.

In the Republic of Kazakhstan, the Concept and doctrines are realized through strategic and programmed documents, strategic plans of government bodies and laws [19]. However, the analysis of laws, strategic and programmed documents of central and local executive bodies shows that many norms of the concept didn't find their reflection in them. In particular, the Government doesn't approve the plan on repatriation which must contain positions on the countries, characteristics of repatriates' families, the scheme of the relocation and resettlement of repatriates in regions. Besides, the plan of measures for adaptation of repatriates has not been formed yet.

For example, the Strategic plan of the Ministry of Education and Science of the Republic of Kazakhstan for 2011-2015 considers only the development of measures for stimulation of the youth inflow into science, including involvement of scientists-compatriots from abroad and implementation of the Kazakhstani scientific projects and programs, including with participation of representatives of the Kazakh diaspora abroad. It is also planned to publish, republish and transport textbooks and educational-methodical complexes for the Kazakh diaspora abroad [20].

In the Strategic plan of the Ministry of Culture and information of the Republic of Kazakhstan for 2011-2015, according to the budgetary programme "The Development of a State Language and Other Languages of Peoples of Kazakhstan", the creation of the state system on social and economic, legal protection and support of compatriots, living abroad, as a component of the united Kazakh nation, is done only in the form of development and release of literature of educational and scientific character, concerning the state language policy, for the Kazakh diaspora abroad among them and also to number of the analytical reports prepared on the basis of researches on problems of language policy, including the compatriots living abroad [21].

In the Strategic plan of the Ministry of Labour and Social Protection of the population of the Republic of Kazakhstan for 2011-2015, the norms on payment of

grants by the immigration quota for "oralmans" and other welfare payments, have been consolidated. In the Volume of the budgetary expenses, according to budgetary programme "Relocation to the Historical Motherland and Primary Adaptation of Oralman", only for 2009 and 2010 there had been planned 70 719 thousand tenge and 70 789 thousand tenge respectively. For the period from 2011 to 2015 budgetary payments have not been planned [22].

It appeared impossible to analyse strategic plans of the Ministry of Foreign Affairs and the Ministry of Internal Affairs of the Republic of Kazakhstan for 2011-2015 due to the lack of access to them as they were ranked as documents for office using with a signature stamp "DCU" (Documents of Confidential Use).

The analysis of the available Strategic plan of the Ministry of Foreign Affairs for 2009-2011 didn't detect any norms on the investigated subject.

In the Strategic plan of the Ministry of Foreign Affairs of the Republic of Kazakhstan for 2010-2014, in the budgetary program "Strengthening Relations with Countries of Historical Origin of the Ethnoses living in Kazakhstan and Propaganda of Ethnic Consent in the Republic of Kazakhstan abroad", there have been shown as indicators only diplomatic assistance in providing educational and methodical grants to representatives of Kazakh diasporas and an annual exchange of visits of representatives of "The Assembly of Kazakhstani Peoples" with foreign countries where the Kazakh diasporas live (according to the schedule of the international actions) [23].

Thus, in the above mentioned strategic plans there are no norms on assistance of repatriation, adaptation and integration of repatriates.

Though, in 2005 in the performance on the Third World Kurultai of Kazakhs, President of the Republic of Kazakhstan N.A.Nazarbayev noted that "As a whole the questions of foreign Kazakh and oralman should be constantly and actively solved by the Ministry of Foreign Affairs, the Ministry of Labour and Social Protection, the Ministry of Culture, information and sports, the Ministry of science and education and other departments which are obliged in due time and adequately solve the problems being in their competence" [24].

The analysis of programs for the development of territories and strategic plans of branch departments of the districts of East Kazakhstan oblast where the greatest number of oralman is concentrated, shows that there are no norms of assistance to repatriation, no norms of measures for adaptation and integration of oralman into

Kazakhstani society. Juridical norms only reflect details on their business and employment. But, as it was mentioned above, being employed and having housing don't mean full adaptation into the society. Moreover, the allocated funds on immigration quota for oralmans don't suffice on housing purchase. In rare cases only the language courses have been organized. Systematic measures of adaptation, as well as integration services are not provided in rural areas and city centers.

President of the Republic of Kazakhstan N.A.Nazarbayev in his speech on the Third World Kurultai of Kazakhs also noted "In general, one of the indicators of successful work of governors. Should be the population growth in the territories entrusted to them, including at the expense of oralmans inflow" [24]. Unfortunately, this idea didn't find the reflection in normative documents on the assessment of governmental structures' work.

Besides, the President of Kazakhstan N.A. Nazarbayev focused on the need of studying foreign experience: "It is necessary to study thoroughly the experience of such countries as Germany and Israel, which show to the whole world a worthy example of how to take care of foreign compatriots and how to design measures for their return to historical Motherland" [24].

The international experience demonstrates the importance of these kinds of questions.

For example, the experience of Germany shows that essential difficulties of immigrants take place in the following spheres of life of the German society and the state. Firstly, these are an economical and legal spheres. It is very difficult to immigrants from the countries of the former USSR to find work in Germany and reasons for this is an insufficient knowledge of German language and difficulty of recognition of their academic and professional qualification. As a result, 85% of immigrants from the countries of the former USSR live in Germany on social dotations and other subsidies [25]. Secondly, it is a cultural sphere. The Russian Germans do not "have primordial roots and can't be recognized by their compatriots". It seems most interesting that immigrants still are the group demanding strengthened measures for their integration. Researches show that a big problem of immigrants is insufficient knowledge of German [26]. According to research of 2005, about 51,9% of the ethnic Germans who have driven in the country as late immigrants, had no knowledge of German at the time of entrance [27].

Kazakhstani governmental program "Nurly Kosh" couldn't resolve the housing problem of repatriates

because of its unattractiveness due to low solvency of oralmans caused by unemployment and a low wage that disturbed registration and repayment of a mortgage loan.

For example, according to the pilot projects begun in 2010 in Aktyubinsk oblast, from the constructed 300 apartments there are 271 apartments (90%) uninhabited and in East Kazakhstan 170 houses from constructed 363 houses, or 47%, are still uninhabited too.

Problems remain also in pilot projects of 2009: in Akmolinskaya oblast from 276 houses only 257 houses are populated and in Kurchatov town of the East Kazakhstan oblast from planned 200 apartments about 100 apartments remain uninhabited [17].

The housing problem of repatriates is being partly resolved by the Employment Program-2020, approved by the Resolution of the government of the Republic of Kazakhstan from March 31, 2011 #316. According to this Program, newcoming immigrants from the number of ethnic Kazakhs, after inclusion in an immigration quota for oralmans and gaining citizenship of the Republic of Kazakhstan, have an opportunity to get their own dwelling. This formulation of the law gives opportunities to bigger number of repatriates, than in other directions of the specified Program. For example, the Employment Program-2020 specifies that oralmans can participate in its thematic directions on training and assistance in employment, assistance in business development, development of rural settlements [28].

According to the Law on Migration of population, oralman is defined as an ethnic Kazakh who was constantly living at the time of acquisition of the sovereignty by the Republic of Kazakhstan beyond its limits and his children of the Kazakh nationality who were born and constantly living after acquisition of the sovereignty by the Republic of Kazakhstan beyond its limits, arrived to Kazakhstan for continuous accommodation in their historical motherland and received the corresponding status in the order established by the present Law. According to article 25 of the present Law, the status of an oralman is deleted after receiving citizenship of the Republic of Kazakhstan. According to article 26 of the Law about migration of population, oralmans and members of their families have the right to obtain citizenship of the Republic of Kazakhstan in a simplified (registration) order [29].

According to article 16-1 of the Law about citizenship, period of time for considering materials for citizenship in a simplified (registration) order shouldn't exceed three months from the date of application [30].

Therefore there may raise questions of efficiency of juridical norms for attracting oralmans into the Employment Program- 2020, reflection of real public relations developed in this sphere, because after acquisition of citizenship of the Republic of Kazakhstan the repatriate loses the status of oralman and it is difficult to say that within the specified three months he is adapted and doesn't need governmental support. It turns out that because of the term "oralmans", the present Program significantly limits a circle of participants among repatriates, reducing possibilities for accelerated adaptation and integration.

In this regard, special interest may cause the article 15 of the old Law about migration of population where it was specified that the right to privileges, compensations, grants and other types of the addressed help, except for side benefits, compensations and the lump sums provided in article 29-4 of the present Law, remains for oralmans regardless of gaining citizenship of the Republic of Kazakhstan within three years from the date of oralman status assignment [31].

This juridical norm better reflected real conditions of the public relations and gave more opportunities to repatriates for their adaptation in comparison with the new law. This juridical norm better reflected real conditions of the public relations and gave more opportunities to repatriates for their adaptation in comparison with the new law.

Analysis of world experience also shows that getting citizenship of the country of arrival by repatriates at the moment of crossing the border, doesn't restrict receiving of state support and privileges.

So, according to article 4 of the Repatriation Law of the Republic of Poland, a person arriving to Poland on repatriate's visa, automatically obtains the Polish citizenship from the moment of crossing of border of the Republic of Poland. According to article 19 of the specified law, the help with payment of travel expenses, lifting and for current living expenses is carried out during 60 days and on the solution of a housing question - during 2 years [32].

It is also interesting to mention that the Decree of Presidium of the Supreme Council of the USSR of October 19, 1946, concerning the post-war repatriation of Armenians to the territory of Armenian Soviet Socialist Republic, contained the paragraph, according to which "the persons of the Armenian nationality who are coming back from abroad to the Motherland, to Soviet Armenia, should be recognized as citizens of the USSR from the moment of their arrival in the USSR" [2].

In Germany, citizenship is granted to immigrants directly after their arrival to the country.

The law on citizenship of Israel of 1952 provides automatic receiving the status of the citizen by each Jew who has arrived to the country on the basis of the Law on return.

CONCLUSIONS

Thus, summing up the results of research directed on search of ways of increasing the efficiency of legal regulation of questions of ethnic repatriation, with further adaptation and integration of repatriates, it is possible to draw the following conclusions and recommendations:

- Based on vast international experience and considering its positive and negative moments, aimed at legal regulation of repatriation, it is necessary to understand them not only as granting citizenship of arrival in a simplified way, but also as a further assistance in adaptation and integration of repatriates. Here, however, adaptation and integration can't be considered in the narrow plan as providing work and housing, it is necessary to pay attention to social, cultural, language, psychological and legal aspects.
- When fixing provisions of the concept of repatriation and the law on migration of population, repatriates could take fuller part in the work of institutes of civil society in regulations of local government bodies and benefit the national economy. To make the standards of the law on migration of population, it is necessary to establish guarantees of their realization, financial provision, responsibility of authorized governmental bodies.

According to Decree of the President of the Republic of Kazakhstan of June 18, 2009 #827 "About System of state planning in the Republic of Kazakhstan", concepts and doctrines are realized through strategic and program documents, strategic plans of governmental bodies and laws [19].

Many norms of the Concept of repatriation of ethnic Kazakhs to their historical Motherland haven't found further the full reflection in normative acts.

From 1996 to 2008 State programs for support to compatriots living abroad were accepted. Specified in the Plan of measures of 2008 for supporting compatriots living abroad, the State program for supporting compatriots who've been living abroad in 2009-2013 hadn't been accepted due to the reform in system of state planning.

Thus, to increase the effectiveness of legal regulation of repatriation, adaptation and integration of oralmen as an important and socially significant sphere in strategic plans of local executive bodies, it is necessary to include target indicators in this area.

- To make changes in the Law on migration of population, to expand the area of subjects for adaptation and integration services, so that oralmen could receive them not only in four state centers of adaptation and integration of oralmen which cover quite a small group of oralmen, but also in districts and towns where they actually live.
- Article 5 of the Law on the State Social Order should be expanded and to add the theme of repatriation, adaptation and integration of oralmen to the sphere of implementation of the state social order. It will allow the local executive bodies to form the lots and to non-governmental organizations to realize the social projects. Also, through the state order, mass media will be able to write systematically on this subject.

For example, in article 17 of the Law of the Hungarian Republic "About the Hungarians living in bordering countries" it is specified that "the public mass media of Hungary regularly provide collecting and translation of information on the Hungarians who live abroad and also an information transfer about Hungary and the Hungarian nation - to foreign compatriots aimed at: a) assistance to distribution of the Hungarian and universal spiritual and cultural values; b) formations of objective knowledge about Hungary and Hungarian nation; c) preservation of national identity, language and culture of the Hungarian national communities (in bordering countries). The Hungarian Republic provides the production and broadcasting of public TV programs to Hungarian communities who live abroad, by establishing and supporting activities of noncommercial funds created for these purposes. Financial resources necessary for this purpose are provided by the state budget" [33].

- Strategic Plan of Development of the Republic of Kazakhstan till 2020 puts the task to reach not less than 10% of population growth by 2020. Meanwhile, it is mentioned that special attention of the state will be paid to the rational management of migratory processes to raise the inflow of qualified experts to the country, including compatriots, who wish to return to their historical Motherland and to contribute to its economic development [34].

Achievement of this goal doesn't seem real without a complex and systemic approach to legal regulation of migration processes, including ethnic repatriation, adaptation and integration of repatriates.

- To increase the efficiency of legal regulation of public relations in the sphere of adaptation and integration of repatriates aimed at accelerated entrance into the new Kazakhstani society, a free use of rules and norms of the society, active participation in its life and a contribution to state development, it is necessary to bring notions of adaptation and integration of repatriates into the Law on migration of population. It is necessary to streamline the range of given services through listing them, expanding service area and choice opportunities for repatriates among service providers, expansion of subject area for services, particularly, by granting opportunity to local governmental bodies, public institutions and to non-governmental organizations to participate in rendering these services for repatriates.
- To consider the possibility of receiving adaptation and integration services after termination of oralman's status and acquiring citizenship of the Republic of Kazakhstan. The period between receiving the status of oralman and getting citizenship of Kazakhstan, makes about half a year practically. As the global experience shows, during such a short period the repatriates are not able to get integrated into a new society. There is also an opinion, expressed in scientific literature, that integration is hardly possible during one generation period [9; 48]. Proceeding from this, there is a need to determine the time period up to 3 years, to help repatriates get the specified services and other privileges.
- It is necessary to order a conceptual framework for unified application of the term concerning the ethnic Kazakhs living abroad and the ethnic Kazakhs who are coming back via repatriation process to their historical Motherland. It is necessary to order a conceptual framework for unified application of the term concerning the ethnic Kazakhs living abroad and the ethnic Kazakhs who are coming back via repatriation process to their historical Motherland. Thus, in norm acts and in scientific literature, there are such terms as "compatriot", "compatriot immigrant", "repatriate", "oralman", "ethnic Kazakh", "former compatriot", "diaspora", "irredenta".

Since 1996 for 2008, the State programs are accepted, aimed to support the compatriots who live abroad [35]. These documents use the terms “compatriots living abroad” and “representatives of the Kazakh diaspora” [36]. And no basic distinction is revealed between them.

If to leave the term “compatriots living abroad”, it is necessary to give a juridical definition to the term “a compatriot” and, in this regard, to reconsider the term “a former compatriot” which, according to the Law on migration of population, is understood as “a person who was born, or earlier had the citizenship of Kazakh Soviet Socialist Republic, or the Republic of Kazakhstan and has constantly been living abroad” [28].

If to keep the term “representatives of Kazakh diaspora”, it would be an incorrect definition, because, due to establishing state borders in pre-Soviet and Soviet period, Kazakh territories departed to other states together with the population, who primordially live there. Therefore, a term “irredenta” can be applied to them [37].

In general, juridical systems of foreign countries try to avoid the term “diaspora” because of frequent changes of territorial borders. As an example, let's have a look at the Law of the Republic of Poland “About repatriation” [32] and the Law of the Hungarian Republic “About Hungarians who live in bordering countries” [33] where such definition is not used.

Therefore it is possible to consider the possibility of using the term “Kazakhs” or “ethnic Kazakhs” to foreign representatives of this ethnos.

Now about the terms “repatriate” and “oralman”. These terms mean juridical status of people who have returned to their historical Motherland. Actually, there was no the term “Oralman” in Kazakh language, which appeared later in the legislation and has been formed of Kazakh word “oralu” (“to come back”). In our opinion, the use of this term doesn't help its accelerated integration into Kazakhstani society. Especially as its legislative positioning strengthens this situation. It is getting fixed in memory of the nation and in conversational speech also, which further leads to their departing from local population and may cause conflicts. Thus, victimization of repatriates may take place, some of them still call themselves “oralmans” in spite of the fact that it's been 20 years since they have returned home. As we see, the legislator, having introduced the term “oralman” with the meaning of a temporary status of people who have returned to their historical Motherland, didn't reach his goals for their accelerated integration. Research of reality shows that some part of repatriates, on the contrary, has

got victimized, alienated and isolated. Proceeding from this, it is necessary to consider the possibility of giving juridical status of “repatriate” or “compatriot”, which contribute to their joining together, eliminate the distance between local population and those who have returned to their Motherland and will contribute to their effective achievement of objectives in juridical regulation in this sphere.

Thus, to increase the efficiency of the mechanism of juridical regulation in the form of a ratio between the result of juridical regulation and the purpose facing it, it is necessary to conduct a parallel complex work on law-making improvement, human rights application improvement and to increase the level of juridical culture among the population.

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