



S.K. Yessetova<sup>1\*</sup> , Y.Sh. Zhalilkhanova<sup>2</sup> 

<sup>1</sup>Q University, Almaty, Kazakhstan;

<sup>2</sup>Ministry of Digital Development and Artificial Intelligence, Astana, Kazakhstan

(E-mail: [saltanat.yessetova@gmail.com](mailto:saltanat.yessetova@gmail.com), [Y.Zhalilkhanova@gmail.com](mailto:Y.Zhalilkhanova@gmail.com))

<sup>1</sup>ORCID ID: <https://orcid.org/0000-0003-2858-3546>

<sup>2</sup>ORCID ID: <https://orcid.org/0009-0009-3188-8579>

## Digital identity as an element of the constitutional legal status of migrants

This article examines digital identity as a constitutional component of migrants' legal status in the context of the digitalization of migration governance and public administration. The aim of the study is to determine the constitutional and legal nature of migrants' digital identity and to assess its impact on the content, implementation, and protection of fundamental rights and freedoms. The research is based on formal-legal, doctrinal constitutional, systemic-structural, and comparative legal methods. These approaches made it possible to analyze digital identification mechanisms in relation to constitutional principles of equality, proportionality, legal certainty, and privacy protection, as well as to identify risks arising from automated decision-making and digital control. The results demonstrate that digital identity is evolving from a purely technical tool into an autonomous legal construct that directly influences migrants' constitutional status. The study reveals that digital identification facilitates administrative integration while simultaneously increasing risks of excessive surveillance, formalization of legal status, and reduced transparency in rights-protection mechanisms. The conclusions emphasize the need for a constitutionally oriented regulatory framework for migrants' digital identity. Such a framework should strengthen human rights guarantees, ensure judicial and parliamentary oversight, and align national regulation with international human rights standards. The findings contribute to the development of constitutional and migration law doctrine under conditions of digital transformation.

*Keywords:* digital identity, migrants, constitutional legal status, digital governance, migration law, constitutional law, personal data, biometric data, algorithmic decision-making, digital public administration, human rights protection, equality and non-discrimination.

### Introduction

The contemporary stage of global societal development is characterized by profound digital transformation of socio-economic processes, exerting a systemic impact on legal institutions and public governance. Digitalization affects not only forms of economic activity and communication, but also fundamental legal constructions related to personal identification, the exercise of rights, and mechanisms of state control. Under these conditions, migration—traditionally understood as the spatial movement of populations involving a change of country or place of residence—acquires new characteristics that are not fully captured by classical legal categories.

The expansion of remote employment, the platform economy, and cross-border telework has led to the emergence of hybrid mobility regimes that combine elements of temporary stay, circular migration, and virtual economic presence [1; 336, 2; 118]. As a result, not only the socio-economic nature of migration is transformed, but also the legal logic governing the determination of migrants' legal status, which increasingly depends less exclusively on the physical crossing of state borders.

Scholarly literature emphasizes that digitalization does not eliminate migration as a socio-legal phenomenon but rather transforms its content and modes of legal regulation. The phenomenon of “digital nomads” illustrates a shift in emphasis from territorial movement to digital participation in the economic and social processes of the host state [1, 338]. This circumstance fundamentally alters approaches to the legal status of migrants, as legally relevant factors increasingly include not only the regime of stay, but also the existence of a stable digital identity that enables access to public services, labor-market infrastructures, and systems of public administration.

In this context, the category of digital identity acquires particular significance. Digital identity is understood as a set of personal, biometric, and behavioral data recorded and processed within public and private information systems. Electronic identifiers (e-ID), digital profiles, migration registration data, and platform-based digital traces are increasingly used as grounds for recognizing individuals as participants in legal rela-

\* Corresponding author. E-mail: [saltanat.yessetova@gmail.com](mailto:saltanat.yessetova@gmail.com)

tions and for adopting legally significant decisions. As contemporary studies indicate, digital identity has become a key “node” of interaction between migration policy, economic activity, and mechanisms of public regulation [2; 120].

The progressive expansion of digital technologies in migration governance objectively increases risks to constitutional rights and freedoms. The automation of identification procedures, interagency data exchange, the deployment of biometric systems, and algorithmic decision-making tools affect such fundamental constitutional rights as the right to privacy, personal data protection, equality before the law, and the right to effective judicial protection. For migrants, these risks are exacerbated by their specific legal status, dependence on administrative procedures, and limited capacity to influence the formation and use of their own digital identity.

The relevance of this issue is particularly pronounced in the Republic of Kazakhstan, where migration processes traditionally play a significant role in socio-economic development and public policy. The Constitution of the Republic of Kazakhstan enshrines the principle of equality of human rights and freedoms regardless of citizenship, while allowing their restriction for foreign nationals and stateless persons exclusively based on law and for the purposes of protecting the constitutional order, public order, and national security [3]. It is precisely constitutional and legal norms that define the permissible scope of state interference in the sphere of personal identification, including its digital forms.

At the same time, analysis of the current legislation of the Republic of Kazakhstan demonstrates that the digitalization of migration governance is developing in a fragmented manner and predominantly within a regulatory-technical dimension. On the one hand, the Law of the Republic of Kazakhstan “On Population Migration” establishes the electronic nature of visa and registration records, effectively transforming the migrant’s legal status into a set of digital entries within the information systems of authorized state bodies [4]. On the other hand, the Digital Code of the Republic of Kazakhstan confers legal significance upon digital authentication and digital verification, including their use in accessing public services and performing legally relevant actions [5].

Simultaneously, the Law of the Republic of Kazakhstan “On Personal Data and Their Protection” classifies biometric data as a category of highly sensitive personal data and establishes special conditions for their processing and protection, including consent requirements and restrictions on cross-border data transfer [6]. Taken together, these normative acts form the legal basis for digital identification; however, they do not ensure its systematic alignment with the constitutional and legal status of migrants as holders of fundamental rights and freedoms.

The insufficient development of constitutional-legal aspects of migrants’ digital identity is also evident in legal doctrine. Despite the active growth of research on digital mobility, platform employment, and the digital economy, questions concerning the constitutional limits of digital control, the permissibility of biometric identification, and the proportionality of interference with individual rights remain fragmented and are often examined outside the framework of constitutional analysis [1; 341, 2; 121]. This results in a disconnect between the normative practice of digitizing migration governance and the doctrinal understanding of its legal consequences.

Under these conditions, addressing digital identity as an element of the constitutional and legal status of migrants appears both theoretically and practically justified. A constitutional-legal analysis makes it possible not only to identify the legal nature of digital identification, but also to determine the permissible limits of state interference in the digital sphere of migration, thereby ensuring a balance between public interests and the protection of fundamental human rights and freedoms.

The aim of this study is to provide a constitutional-legal justification of digital identity as an independent element of the legal status of migrants under conditions of digital transformation of public governance.

To achieve this aim, the following research objectives were formulated:

- to analyze the transformation of migration as a legal phenomenon under digitalization;
- to reveal the legal nature of digital identity in contemporary law;
- to determine the place of digital identity within the system of migrants’ constitutional rights and freedoms;
- to identify constitutional risks arising from the digitalization of migration governance;
- to substantiate directions for constitutionally oriented regulation of migrants’ digital identity.

Classical theories of migration were developed within the framework of industrial and post-industrial societies and conceptualized migration primarily as the spatial movement of populations driven by economic, political, and demographic factors. In the foundational works of S. Castles, H. de Haas, and M. Miller,

migration is analyzed as a structural element of global socio-economic transformations, closely linked to labor markets, state sovereignty, and institutions of citizenship [7; 208]. Within this paradigm, the legal status of migrants is directly derived from territorial presence and the formal legal distinction between citizens and non-citizens.

Developing this approach, R. Skeldon emphasizes the multi-level nature of migration mobility and its connection to globalization and uneven territorial development [8; 117]. Even within these early studies, an increasing complexity of mobility forms is identified—forms that extend beyond classical long-term migration and challenge traditional models of legal regulation based on stable territorial attachment of the subject.

The digitalization of the economy, the expansion of remote employment, and the emergence of cross-border platform-based forms of activity have significantly intensified these trends. As a result, academic literature increasingly refers to the “hybridization” of migration, in which physical movement is combined with virtual economic presence and digital forms of inclusion in host societies. These processes necessitate a re-conceptualization of the migrant’s legal status—not only as a territorially localized subject, but also as a participant in digital public and private legal relations.

A central focus of contemporary research is the analysis of the phenomenon of digital nomads. O. Hannonen was among the first to propose a conceptual definition of digital nomads, emphasizing the absence of stable migration status and their positioning between tourist, labor, and migration regimes [1; 350]. This allows digital nomads to be viewed as an empirical manifestation of the erosion of classical legal categories of migration.

I. Hermann and S. Paris, examining digital nomadism as an intersection of remote work and tourist mobility, argue that existing legal regimes are not designed for individuals who are economically integrated without formal employment or migration status [9; 329]. In this context, legal status is increasingly determined not by the fact of entry or residence, but by forms of digital participation in the economy and public systems.

In the works of S.V. Ryazantsev and N.S. Ryazantsev, digital mobility is emphasized as a non-marginal phenomenon that is becoming a stable component of global migration processes. The authors note that states are compelled to adapt legal regulation—including mechanisms of identification, registration, and control—to new forms of mobility [2; 124]. These conclusions are of fundamental importance for constitutional-legal analysis, as they indicate a transformation in the foundations of migrants’ legal subjectivity.

Alongside studies of digital mobility, a distinct strand of scholarship has emerged focusing on digital identity. Within research on digital governance and e-government, digital identity is defined as a set of personal, biometric, and behavioral data used for individual identification and for granting access to rights and public services.

In the migration context, digital identity acquires particular significance, as it becomes the primary mechanism through which migrants are incorporated into systems of state registration and public administration. As noted by S.V. Ryazantsev, migrants’ digital profiles are gradually replacing traditional documentary forms of status confirmation, thereby strengthening the role of information systems in legally significant decision-making [2; 125].

At the same time, most existing studies concentrate on the technological and administrative aspects of digital identification. Issues concerning its relationship with constitutional rights and freedoms, the limits of permissible digital control, and the legal consequences of identification errors remain insufficiently developed, resulting in a significant doctrinal gap.

A substantial body of literature is devoted to the protection of human rights under conditions of digitalization of public governance. International reports and analytical reviews emphasize that the expansion of digital technologies in the migration sphere is accompanied by increased risks to the right to privacy, personal data protection, and the principle of non-discrimination [8; 210].

Scholars point out that migrants often find themselves in conditions of “information asymmetry”, lacking real control over data collection and processing practices. These risks are further exacerbated by inter-agency and cross-border data exchange, which is characteristic of contemporary migration regimes. In this regard, it is emphasized that constitutional-legal analysis makes it possible to conceptualize digital identity not merely as a technical instrument, but as an element of an individual’s legal status that directly affects the scope and content of their rights.

In Kazakhstani legal scholarship, migration issues have traditionally been analyzed within the framework of public law, particularly constitutional law. Researchers emphasize that the legal status of migrants is

formed as a complex of rights and freedoms enshrined in the Constitution of the Republic of Kazakhstan, sectoral legislation, and international treaties [10; 76, 11; 20].

From a theoretical-legal perspective, S.K. Yessetova substantiates the transformation of classical notions of legal subjectivity under conditions of digitalization, emphasizing that modern law increasingly operates with a legally constructed personal profile [12; 8]. This approach is of fundamental importance for the constitutional understanding of migrants' digital identity.

A.S. Ibraeva, analyzing legal culture in the context of digitalization, notes that the formal introduction of digital institutions without corresponding adaptation of legal consciousness leads to a decline in trust in the state and to the formalization of rights [10; 78]. In the migration context, this reinforces the perception of digital identification as an instrument of control rather than a guarantee of rights.

Thus, an analysis of scholarly literature allows the conclusion that, despite the active development of studies on digital mobility and migration, digital identity as an element of the constitutional-legal status of migrants remains insufficiently theorized. There is a lack of systematic constitutional-legal analysis of its impact on the balance between migrants' rights and the public interests of the state.

The identified doctrinal gap between the practice of digitalizing migration governance and the level of its constitutional-legal conceptualization determines the scientific relevance and originality of the present study.

#### *Methods and materials*

The methodological framework of the study is based on the understanding of digital identity as a legally significant constitutional-legal construct through which, in the digital environment, individual rights, freedoms, and obligations are mediated, and legal facts relevant to the realization of a migrant's legal status are recorded. This approach makes it possible to link technically driven identification mechanisms—digital records, authentication, and data processing—with constitutional principles and the limits of permissible state interference in the sphere of human rights.

The general methodological foundation of the study relies on the paradigm of constitutionalism and legal policy, within which constitutional norms and principles function as criteria for assessing the legitimacy of digital governance practices. Constitutionalism in this context is understood as an instrument for evaluating the proportionality of digital identification regimes, while legal policy serves as a mechanism for reconciling the public interests of the state with the necessity of protecting fundamental rights and freedoms of the individual [12; 10].

The logic of the research proceeds from an interdisciplinary understanding of migration and mobility to the legal qualification of digital identity, and further to the assessment of its place within the system of the constitutional-legal status of migrants [13; 5, 14; 18]. This interdisciplinarity is driven by contemporary migration research methodology, according to which migration is conceptualized as a dynamic, multi-phase process, and legal analysis requires consideration of the broader socio-economic and institutional context [15; 310].

The study employs a normative-doctrinal research design, supplemented by elements of comparative legal and risk-oriented analysis. The source base consists of two interrelated bodies of materials.

First, normative legal acts of the Republic of Kazakhstan are analyzed. These include the Constitution of the Republic of Kazakhstan as the primary source defining the legal status of migrants; the Digital Code of the Republic of Kazakhstan, which establishes the legal significance of digital identification and authentication; and the Law of the Republic of Kazakhstan "On Personal Data and Their Protection", which sets constitutionally relevant limits on the processing of personal and biometric data. In addition, legal provisions governing the status of foreign nationals and stateless people are considered [16], as they form a special regime for the exercise of migrants' constitutional rights.

Second, scholarly publications on the methodology of migration studies and the digital transformation of public administration are used to substantiate the appropriate application of interdisciplinary approaches within constitutional-legal analysis. These sources provide the analytical framework for comparing normative legal constructions with actual changes in the legal status of migrants under conditions of digitalization [16; 311].

The core research method is the formal-legal method, applied to identify normative definitions and legal regimes related to digital identity. Within this method, the following are analyzed:

- a) legal definitions of personal and biometric data;
- b) the legal construction of digital authentication as a form of valid expression of will;

c) the status of digital records and electronic identifiers as legally significant facts.

The transition from formal-legal analysis to the assessment of migrants' legal status is carried out through the systemic-structural method. Its application allows digital identity to be examined as the result of interaction among several normative regimes—identification, data processing, and the exercise of constitutional rights. This approach demonstrates that migrants' digital identity is formed not as an isolated technical element, but as a set of legal relationships and procedures that affect the scope and content of their legal subjectivity.

A key role in the study is played by the constitutional-dogmatic method, which is used to interpret constitutional principles in relation to digital identification practices. This method makes it possible to analyze the limits of permissible digital control, the requirements of proportionality and legal certainty, as well as procedural guarantees for the protection of migrants' rights under conditions of digitalization [5; 20].

To test the robustness of the findings, a comparative-legal method in its functional dimension is applied. This involves comparing the logic of digital governance with the logic of constitutional protection of human rights, thereby identifying potential tensions between the goals of enhancing the efficiency of public administration and the requirements of safeguarding individual rights and freedoms.

To connect doctrinal analysis with practical implementation, methods of legal monitoring and documentary analysis are employed, focusing on the functioning of legal norms within the chain “identification—decision-making—legal consequences”. Monitoring is treated as an instrument of legal policy and regulatory quality assessment [15; 310].

In addition, a risk-oriented approach is applied to identify constitutionally significant vulnerabilities associated with migrants' digital identity, including risks of formalization of legal status, procedural opacity, and disproportionate interference with the sphere of private life. These risks are analyzed exclusively in terms of their impact on the realization and protection of constitutional rights and freedoms, which corresponds to the subject matter of the present study.

In addition, a risk-oriented approach is applied to identify constitutionally significant vulnerabilities associated with migrants' digital identity, including risks of formalization of legal status, procedural opacity, and disproportionate interference with the sphere of private life. These risks are analyzed exclusively in terms of their impact on the realization and protection of constitutional rights and freedoms, which corresponds to the subject matter of the present study.

### *Results*

The development of digital technologies and the introduction of electronic forms of public governance have led to the emergence of a new legal phenomenon—digital identity—which is gradually becoming a key element in the legal mediation of an individual's status within the state. Unlike classical forms of identification based on paper documents and territorial attachment, digital identity is formed and operates within an informational environment, relying on data aggregates, processing algorithms, and inter-agency digital infrastructures.

From a theoretical and legal perspective, digital identity may be defined as a legally significant set of personal, biometric, and behavioral data used to establish, confirm, and reproduce an individual's legal status in the digital environment. This definition makes it possible to conceptualize digital identity not as a technical attribute, but as a legal construct through which legal relations arise, change, and terminate, and through which constitutional rights and freedoms are exercised.

In Kazakhstani law, elements of digital identity are enshrined fragmentarily yet systematically. Thus, the Law of the Republic of Kazakhstan “On Personal Data and Their Protection” defines personal data as information relating to an identified or identifiable subject of personal data, including biometric data that make it possible to establish a person's identity [6]. The Digital Code of the Republic of Kazakhstan confers legal significance upon electronic identification and digital authentication in the provision of public services and the performance of legally significant actions [5].

Accordingly, digital identity in the legal sense represents a normatively constructed “personal profile” that is used by the state as a primary instrument of interaction with the subject of law. Under conditions of digitalization, this profile becomes the principal “entry point” into the system of rights and obligations, which is of particular importance for migrants, whose physical presence in the state is not always accompanied by a stable legal status.

For theoretical analysis, it is essential to distinguish between digital identity, civil-law identification, and administrative identification, as conflation of these categories leads to methodological errors and an oversimplified understanding of an individual's legal status.

Civil-law identification is traditionally associated with establishing the subject of civil rights and obligations and is based on documents certifying identity, citizenship, or legal capacity. Administrative identification, in turn, serves the purposes of public administration and control, including registration, record-keeping, supervision, and the application of administrative enforcement measures [13; 4].

Digital identity differs from these forms along several key dimensions. First, it is not limited to formal proof of identity but includes a dynamic body of data updated in real time. Second, digital identity is not tied exclusively to a single legal status (citizen, foreign national, temporary resident), but functions as a universal mechanism of inclusion in digital legal relations. Third, it is mediated by algorithmic decision-making, which implies the possibility of automated effects on an individual's legal status without their direct participation.

From the standpoint of legal theory, this signifies a transition from the classical model of "subject—document—legal relationship" to a model of "subject—digital profile—administrative decision". As emphasized by S.K. Yessetova, under conditions of digitalization of public authority, law increasingly operates not with an abstract bearer of rights, but with a legally constructed image of the person formed through procedures of identification and administration [12; 14].

The substantive core of digital identity consists of personal data, including biometric characteristics and digital traces. In legal terms, it is precisely these elements that confer legal significance upon digital identity and transform it into an instrument of regulation.

In the digital environment, personal data acquires a qualitatively different significance compared to traditional forms of record-keeping. They are used not only for identification, but also for behavior prediction, risk assessment, and automated decision-making. Biometric data (facial images, fingerprints, voice parameters) enhance the accuracy of identification, while simultaneously increasing risks of intrusion into private life and the irreversibility of errors [6].

The digital profile formed based on aggregated data becomes a functional equivalent of legal status. In the migration sphere, this is particularly evident: the presence or absence of a correct digital profile effectively determines a migrant's access to registration, employment, social services, and legal protection. In this sense, digital identity ceases to be a neutral tool and becomes a factor of legal inclusion or exclusion.

A theoretical and legal analysis of digital identity is impossible without reference to the evolution of migrants' legal status. Classical migration-law doctrine traditionally viewed migrants primarily as objects of regulation, whose legal position was determined by the fact of border crossing, possession of authorization documents, and the administrative regime of stay [10; 76].

Under conditions of digitalization, this model loses much of its explanatory power. Contemporary forms of mobility, including digital nomads, remote workers, and circular migrants—demonstrate that participation in the economic and social processes of a host state is possible without stable territorial presence. As noted by S.V. Ryazantsev and N.S. Ryazantsev, digital migration blurs the boundaries between residence, employment, and civil-law affiliation [2; 124].

As a result, migrants' legal status is increasingly formed not through classical migration procedures, but through digital mechanisms of identification and registration. Digital identity becomes the key link between the migrant and the state, determining the scope of rights and obligations.

Despite the potential advantages of digitalization (simplification of procedures, reduction of transaction costs), for migrants' digital identity often becomes a source of additional risks and vulnerabilities. This is due to several factors.

First, migrants often have limited access to digital infrastructures and a low level of digital legal literacy, which reduces their ability to control the use of their personal data [10; 79]. Second, information asymmetry between migrants and the state is intensified by the opacity of algorithmic decision-making. Third, errors in digital identification may have cascading consequences, simultaneously affecting multiple dimensions of legal status.

Criminological research indicates that the absence or defects of identification increase the latency of offenses and heighten migrants' vulnerability to arbitrary application of control measures [20]. Digitalization does not automatically eliminate these risks and, in certain cases, amplifies them through the automation of repressive practices.

One of the key theoretical and legal problems of migrants' digital identity lies in the divergence between *de jure* identity, as fixed in normative acts and registries, and *de facto* identity, reflecting migrants' actual participation in socio-economic relations.

*De jure* identity is formed through formal registration and record-keeping procedures and reflects an "official" legal status. *De facto* identity emerges from everyday practices, digital traces, and economic activity that may not coincide with the formally recognized status. Under conditions of a digital economy, it is increasingly *de facto* identity that is used for administrative decision-making, calling into question traditional guarantees of legal certainty.

As emphasized by Khamzina and Buribayev, in the labor sphere digital platforms effectively create alternative regimes of identification and access to the labor market, bypassing classical labor-law guarantees [11; 22]. Similar processes can be observed in migration governance, where a digital profile may substitute for a formal permit of stay or employment.

From a constitutional-law perspective, this necessitates a rethinking of the criteria of legal subjectivity and the development of mechanisms for protecting individuals from arbitrary "digital exclusion". A theoretical and legal analysis of migrants' digital identity makes it possible to identify the limits of permissible use of digital data and to substantiate the need for procedural safeguards ensuring that digital practices comply with the fundamental principles of the rule of law.

The constitutional and legal status of migrants in the Republic of Kazakhstan is formed based on universal principles enshrined in the Constitution of the Republic of Kazakhstan, first and foremost the principle of equality before the law and the courts. According to Article 14 of the Constitution, no one may be subjected to discrimination on any grounds, including origin, social status, nationality, language, place of residence, or other circumstances [3]. This provision is of a universal nature and applies to all people under the jurisdiction of the state, including foreign nationals and stateless people.

Kazakhstani legal doctrine emphasizes that the principle of equality is not identical to the principle of uniformity of legal status. It allows for differentiation of rights and obligations based on citizenship, while excluding arbitrary or disproportionate restrictions on the rights of migrants [10; 78]. Consequently, migrants are recognized as full holders of basic constitutional rights and freedoms, and any limitations must have a clear legislative basis and correspond to constitutionally legitimate aims.

Under conditions of digitalization, the principle of equality acquires an additional dimension. A migrant's digital identity, formed through state information systems, may both facilitate equal access to rights and services and generate new forms of latent discrimination—algorithmic, procedural, or infrastructural in nature. This necessitates an expansive interpretation of the principle of equality that considers digital practices of public administration.

The Constitution of the Republic of Kazakhstan establishes citizenship as a special legal status reflecting a stable political and legal bond between the individual and the state. The Law of the Republic of Kazakhstan "On Citizenship" defines citizenship as a permanent legal connection expressed in a set of mutual rights, duties, and responsibilities of the individual and the state [16, 17].

Citizenship serves as the basis for the exercise of the full range of political rights, as well as several social and public-service rights. Foreign nationals and stateless people, in turn, are excluded from political participation, which corresponds to international practice and the principle of state sovereignty. However, as emphasized in legal doctrine, citizenship does not function as a universal "filter" of legal subjectivity: most personal, socio-economic, and procedural rights extend to non-citizens [17].

In the context of digitalization, the significance of citizenship as a formal legal status is partially transformed. In the digital environment, access to services, procedures, and legal protection is increasingly determined by the presence of a digital identity rather than citizenship alone. This leads to a functional convergence of the status of citizens and migrants in digital legal relations, while simultaneously increasing the risks of exclusion for individuals whose digital identity is incomplete or defective [12; 14].

A special place within the constitutional and legal status of migrants is occupied by the right to freedom of movement, enshrined in Article 21 of the Constitution of the Republic of Kazakhstan. The Constitution guarantees everyone lawfully present on the territory of the Republic of Kazakhstan the right to move freely and to choose their place of stay and residence, as well as the right to freely leave the Republic of Kazakhstan [3].

This right is of key importance for migrants, as it forms the constitutional basis of their internal mobility within the state. At the same time, the Constitution allows restrictions on freedom of movement by law

and solely for the purposes of national security, protection of public order, public health, or the rights and freedoms of others.

The Law of the Republic of Kazakhstan “On the Legal Status of Foreign Nationals” specifies these provisions by establishing regimes of entry, stay, movement, and exit for foreign nationals and stateless persons [16]. The freedom of movement of migrants is thus exercised within the framework of administrative and legal procedures of registration, notification, and control.

The digitalization of these procedures has a significant impact on the realization of freedom of movement. Registration at the place of stay, migration records, notification of the host party, and monitoring of the duration of stay are increasingly carried out in electronic form, transforming freedom of movement into a “digitized right” whose realization depends on the accuracy of digital data and the proper functioning of information systems.

The Constitution of the Republic of Kazakhstan permits restrictions on rights and freedoms, including freedom of movement and the right to privacy, exclusively by law and for strictly defined purposes. In the migration sphere, such restrictions are traditionally justified by the need to protect national security and public order [18].

Under conditions of digitalization, these restrictions take on new forms. Digital monitoring of movements, automated analysis of data on stay, and inter-agency information exchange expand the state’s capacity to control migration processes [19; 93]. However, criminological research demonstrates that the strengthening of digital control is not always accompanied by adequate procedural safeguards and may lead to a de facto narrowing of the scope of migrants’ constitutional rights [20; 330].

This increases the significance of the principle of proportionality and necessitates constitutional and legal assessment not only of normative grounds, but also of digital practices through which restrictions are implemented.

The right to privacy is enshrined in Article 18 of the Constitution of the Republic of Kazakhstan and applies to all persons, including migrants. It encompasses the protection of personal and family privacy, secrecy of correspondence, telephone communications, and other forms of communication [3].

In the digital era, the content of this right expands significantly. Private life is increasingly captured in digital traces, geolocation data, biometric parameters, and electronic profiles. For migrants, this means that the realization of their constitutional status is inevitably associated with intensive data processing that forms their digital identity.

The Law of the Republic of Kazakhstan “On Personal Data and Their Protection” establishes legal guarantees for the processing of personal data, including data relating to foreign nationals and stateless persons [6]. The law enshrined the principles of legality, data minimization, purpose limitation, and liability for violations of data protection regimes.

For migrants, these guarantees are of particular importance, as their digital identity is formed predominantly in the context of migration control, law enforcement activities, and inter-agency information exchange. Studies indicate that a low level of digital legal culture and limited access to data protection mechanisms increase migrants’ vulnerability [11; 14].

The constitutional limits of digital control derive from the aggregate principles of the rule of law, including proportionality, legal certainty, and judicial protection. The use of migrants’ digital identity for control purposes is permissible only where there is a clear legislative basis, transparent procedures, and effective mechanisms for appeal.

Kazakhstani criminal and administrative legislation establishes liability for unlawful interference with private life and the improper use of information [18]. However, as noted in legal doctrine, the current regulation of digital control does not yet ensure a sufficient balance between public interests and the protection of individual rights [13; 2].

Thus, migrants’ digital identity functions not only as an instrument of migration policy implementation, but also as an object of constitutional protection.

### *Discussion*

The analysis of the theoretical, constitutional-law, administrative-law, and criminal-law aspects of migrants’ digital identity makes it possible to conclude that there is a need to develop a coherent, constitutionally oriented digital migration policy in the Republic of Kazakhstan. Under conditions of digitalization of migration processes, traditional approaches based primarily on administrative control and authorization regimes

prove insufficient to ensure a balance between the public interests of the state and the protection of individual rights.

The Constitution of the Republic of Kazakhstan establishes the fundamental guiding principles of legal regulation, including equality, legal certainty, proportionality, and judicial protection. However, the current migration and digital legislation demonstrates a fragmented approach to regulating digital identity, resulting in a gap between constitutional guarantees and the practices of digital administration.

A digital migration policy grounded in constitutional values should proceed from the recognition of migrants' digital identity not merely as an instrument of governance, but also as an object of legal protection. This implies a shift in emphasis from the predominance of the control function toward a model of legal accompaniment of migration, within which digital technologies are used to simplify procedures, enhance legal certainty, and expand migrants' access to rights and services.

Legal doctrine emphasizes that the absence of a constitutional "filter" in the implementation of digital governance solutions leads to the institutionalization of risks—algorithmic discrimination, automation of repressive practices, and erosion of the presumption of innocence [21; 56, 13; 5]. Consequently, digital migration policy should be developed as part of a broader policy of constitutionalizing public authority.

One of the key directions for improving legal regulation is the strengthening of guarantees for the protection of migrants' digital identity. Despite the existence of the Law of the Republic of Kazakhstan "On Personal Data and Their Protection", current norms do not fully consider the vulnerable position of migrants and the expanded use of their data in migration and law enforcement governance.

First, there is a need for normative consolidation of the principle of functional data minimization, which presupposes the collection and processing only of those data that are objectively necessary to achieve legitimate migration governance objectives. The expanded accumulation of data, including biometric information and digital traces, must be justified considering the constitutional principle of proportionality.

Second, it is necessary to develop migrants' procedural rights in the sphere of digital identification. Such rights should include the right to obtain information about the composition and sources of the digital profile, the right to correct errors, the right to temporary suspension of adverse consequences while data are being challenged, and the right to review automated decisions with the participation of an authorized official.

Third, the findings of criminal-law analysis regarding the inadmissibility of using digital identity as an independent basis for inferring unlawful behavior should be considered. Strengthening guarantees for the protection of digital identity should include explicit prohibitions against transforming digital profiles into instruments of a presumption of guilt.

Accordingly, the protection of migrants' digital identity should be regarded as an integral component of the protection of their constitutional-legal status, rather than as a secondary element of digital policy.

The effectiveness of a constitutionally oriented digital migration policy is impossible without the development of mechanisms of judicial and parliamentary oversight over the use of digital identification tools and migration registration systems. Judicial protection is a key guarantee of individual rights and is directly enshrined in the Constitution of the Republic of Kazakhstan.

In the context of digitalization, the importance of judicial review of algorithmic decisions adopted in migration governance and law enforcement increases. Courts should be empowered to assess not only the formal legality of decisions, but also their digital "logic", including data sources, algorithmic correctness, the presence of discriminatory effects, and compliance with the principle of proportionality.

Parliamentary oversight, in turn, should be aimed at a systemic assessment of digital reforms in the migration sphere. Legislative bodies may initiate analyses of law enforcement practice, hear reports from authorized agencies, and adjust the regulatory framework considering identified risks. Kazakhstani legal doctrine emphasizes that parliamentary oversight is an essential element of the democratic balance of public authority, particularly under conditions of technological transformation of governance.

The development of these mechanisms will help prevent the institutionalization of legal gaps and ensure the dynamic conformity of digital practices with constitutional standards.

The integration of international standards in the fields of migration, human rights, and digital governance is of substantial importance for improving national regulation. International organizations, the United Nations, the International Organization for Migration, and the Organization for Economic Co-operation and Development—have developed a set of recommendations aimed at protecting migrants' rights under conditions of digitalization.

UN documents emphasize the need to observe the principles of non-discrimination, protection of privacy, and procedural safeguards when using digital technologies in migration governance. The IOM highlights

the risks of migrants' "digital exclusion" and recommends the development of legal mechanisms to ensure transparency and accountability of digital systems.

OECD recommendations focus on the development of human-centered digital governance, which prioritizes individual rights in the design and implementation of digital solutions. The integration of these standards into Kazakhstani legislation would enhance the quality of legal regulation and ensure its compliance with the international obligations of the Republic of Kazakhstan.

### Conclusions

The conducted research allows the conclusion that, under conditions of digitalization of public administration, migrants' digital identity acquires the significance of a key element of their constitutional and legal status. It ceases to function merely as a technical instrument of identification and is transformed into a legally significant construction through which the exercise, restriction, and protection of fundamental rights and freedoms are mediated.

The analysis of the constitutional and legal foundations of digital identification regulation in the Republic of Kazakhstan demonstrates that the development of digital mechanisms of migration governance is carried out in a fragmented manner and predominantly within normative-technical logic. At the same time, there is a lack of a comprehensive constitutional understanding of digital identity as a factor influencing the content of migrants' legal status. This situation generates risks of violations of the principles of equality before the law, legal certainty, and protection of private life, particularly in the context of the expanding use of automated and algorithmic procedures.

The theoretical contribution of the study lies in substantiating migrants' digital identity as an independent element of their constitutional and legal status. The study shows that, under conditions of digital transformation, the traditional territorial—status—based model of migration regulation is complemented by a functional-digital dimension, in which digital inclusion of the individual in the legal space of the state becomes a key prerequisite for the exercise of rights. This approach makes it possible to reinterpret the relationship between public interests and human rights in the field of migration.

The practical significance of the research lies in the possibility of applying the formulated conclusions to the further development of constitutionally oriented regulation of migrants' digital identity. The results obtained may be considered in improving the legislation of the Republic of Kazakhstan in the fields of digitalization and personal data protection, as well as in the development of legal policy aimed at strengthening constitutional guarantees and enhancing trust in the digital institutions of public authority.

### Acknowledgements

*This research is funded by the Science Committee of the Ministry of Science and Higher Education of the Republic of Kazakhstan (Grant No. AP26103687, "Digital Migration: New Horizons of Socio-Economic Development and Legal Integration").*

### References

- 1 Hannonen O. In search of a digital nomad: defining the phenomenon / O. Hannonen // Information Technology & Tourism. — 2020. — Vol. 22. — P. 335–353. DOI: <https://doi.org/10.1007/s40558-020-00177-z>
- 2 Ryazantsev S. Migration of "Digital Nomads": Global Trends and States' Approach / S. Ryazantsev, N. Ryazantsev // World Economy and International Relations. — 2024. — Vol. 68, No. 2. — P. 116–126. DOI: <https://doi.org/10.20542/0131-2227-2024-68-2-116-126>
- 3 Конституция Республики Казахстан: принята на республиканском референдуме 30 августа 1995 г. (с изм. и доп.). [Электронный ресурс]. — Режим доступа: <https://adilet.zan.kz/rus/docs/K950001000>
- 4 О миграции населения: Закон Республики Казахстан от 22 июля 2011 г. № 477-IV (с изм. и доп.). — [Электронный ресурс]. — Режим доступа: <https://adilet.zan.kz/rus/docs/Z1100000477>
- 5 Цифровой кодекс Республики Казахстан: Кодекс Республики Казахстан от 9 января 2026 г. № 255-VIII ЗРК. — [Электронный ресурс]. — Режим доступа: <https://adilet.zan.kz/rus/docs/K2600000255>
- 6 О персональных данных и их защите: Закон Республики Казахстан от 21 мая 2013 г. № 94-V (с изм. и доп.). — [Электронный ресурс]. — Режим доступа: <https://adilet.zan.kz/rus/docs/Z1300000094/z13094.htm>
- 7 Castles S. The age of migration: International population movements in the modern world / S. Castles, H. de Haas, M.J. Miller. — 5th ed. — New York: The Guilford Press, 2014. — 401 p.

- 8 Skeldon R. Migration and development: a global perspective / R. Skeldon. — London: Routledge, 2014. — 264 p.
- 9 Hermann I. Digital nomadism: the nexus of remote working and travel mobility / I. Hermann, C.M. Paris // Information Technology & Tourism. — 2020. — Vol. 22. — P. 329–334. DOI: <https://doi.org/10.1007/s40558-020-00188-w>
- 10 Ibraeva A.S. The legal culture of judges in the Republic of Kazakhstan [Electronic resource] / A.S. Ibraeva, M. Alimbekova // Austrian Journal of Humanities and Social Sciences. — 2015. — No. 3-4. — Access mode: <https://cyberleninka.ru/article/n/the-legal-culture-of-judges-in-the-republic-of-kazakhstan>
- 11 Khamzin A.Sh. Perspectives on labor migration: insights from Kazakhstan / A.Sh. Khamzin, Zh.A. Khamzina, S.Sh. Daubassov, B.Zh. Kuandykov, Ye.A. Buribayev // Migration Letters. — 2023. — Vol. 20, No. 5. — P. 12–22. DOI: <https://doi.org/10.59670/ml.v20i5.2891>
- 12 Джунусов А.М. Қазіргі заманғы көші-қон теориясы: тұжырымдамалық тәсілдемелер / А.М. Джунусов, С.К. Есетова, Б.Т. Бегасилов // Central Asian Economic Review. — 2019. — № 5. — Б. 8–15.
- 13 Божжараулы А. Миграционная политика государств-участников ЕврАзЭС [Электронный ресурс] / А. Божжараулы // Актуальные проблемы гуманитарных и естественных наук. — 2010. — № 11. — Режим доступа: <https://cyberleninka.ru/article/n/migratsionnaya-politika-gosudarstv-uchastnikov-evrazes>
- 14 International Organization for Migration // International migration law: glossary on migration. — Geneva: IOM, 2019. — 210 p.
- 15 Зайончковская Ж.А. Методология и методы изучения миграционных процессов / Ж.А. Зайончковская, И.Н. Молодикова, В.И. Мукомель. — М.: Институт социологии РАН, 2007. — 370 с.
- 16 О правовом положении иностранцев: Закон Республики Казахстан от 19 июня 1995 г. № 2337 (с изм. и доп.). — [Электронный ресурс]. — Режим доступа: <https://adilet.zan.kz/rus/docs/U950002337>
- 17 О гражданстве Республики Казахстан: Закон Республики Казахстан от 20 декабря 1991 г. № 1017-ХІІ (с изм. и доп.). — [Электронный ресурс]. — Режим доступа: <https://adilet.zan.kz/rus/docs/Z910004800>
- 18 Уголовный кодекс Республики Казахстан: Кодекс Республики Казахстан от 3 июля 2014 г. № 226-V (с изм. и доп.). — [Электронный ресурс]. — Режим доступа: <https://adilet.zan.kz/rus/docs/K1400000226>
- 19 Бабич А.А. Современные тенденции миграционных процессов и их значение [Электронный ресурс] / А.А. Бабич // Вестник Московского университета МВД России. — 2021. — № 4. — Режим доступа: <https://cyberleninka.ru/article/n/sovremennye-tendentsii-migratsionnyh-protsessov-i-ih-znachenie>
- 20 Тесленко А.Н. Мигранты в большом городе: криминологический аспект [Электронный ресурс] / А.Н. Тесленко // Российский девиантологический журнал. — 2021. — № 2. — Режим доступа: <https://cyberleninka.ru/article/n/migranty-v-bolshom-gorode-kriminologicheskiiy-aspekt> (дата обращения: 20.01.2026).
- 21 Khamzin A.Sh. International labor migration: features of the Eurasian model / A.Sh. Khamzin, A.O. Shakenov, A.V. Boretskiy // Bulletin of the Karaganda University. Law Series. — 2021. — No. 3(103). — P. 56–64. DOI: <https://doi.org/10.31489/202113/56-64>

С.К. Есетова, Ү.Ш. Жәлілханова

## Цифрлық идентификация мигранттың конституциялық-құқықтық мәртебесінің элементі ретінде

Мақала көші-қонды басқару мен мемлекеттік басқаруды цифрландыру жағдайында мигранттардың құқықтық мәртебесінің конституциялық элементі ретінде цифрлық сәйкестілікті зерттеуге арналған. Зерттеудің мақсаты — мигранттардың цифрлық сәйкестілігінің конституциялық-құқықтық табиғатын айқындау және оның негізгі құқықтар мен бостандығының мазмұнына, іске асырылуына және қорғалуына ықпалын бағалау. Зерттеу формальды-заңдық, конституциялық-догматикалық, жүйелік-құрылымдық және салыстырмалы-құқықтық әдістерге негізделген. Бұл тәсілдер цифрлық сәйкестендіру тетіктерін теңдік, пропорционалдылық, құқықтық айқындық және жеке өмірді қорғау сияқты конституциялық қағидаттармен өзара байланыста талдауға, сондай-ақ автоматтандырылған шешім қабылдау мен цифрлық бақылаудан туындайтын тәуекелдерді анықтауға мүмкіндік берді. Зерттеу нәтижелері цифрлық сәйкестіліктің тек техникалық құралдан дербес құқықтық құрылымға айналып, мигранттардың конституциялық мәртебесіне тікелей әсер ететінін көрсетеді. Цифрлық сәйкестендіру әкімшілік интеграцияны жеңілдеткенімен, шамадан тыс бақылау, құқықтық мәртебенің формализациялануы және құқықтарды қорғау тетіктерінің ашықтығының төмендеуі сияқты тәуекелдерді қатар арттырады. Тұжырымдар мигранттардың цифрлық сәйкестілігін реттеудің конституциялық бағдарланған құқықтық негізін қалыптастыру қажеттігін айқындайды. Мұндай модель адам құқықтарының кепілдіктерін күшейтуге, соттық және парламенттік бақылауды қамтамасыз етуге және ұлттық реттеуді халықаралық адам құқықтары стандарттарымен үйлестіруге бағытталуы тиіс. Зерттеу нәтижелері цифрлық трансформация жағдайында конституциялық және көші-қон құқығы доктринасының дамуына үлес қосады.

*Кілт сөздер:* цифрлық идентификация, мигранттар, конституциялық-құқықтық мәртебе, цифрлық басқару, көші-қон құқығы, конституциялық құқық, дербес деректер, биометриялық деректер,

алгоритмдік шешім қабылдау, цифрлық жариялы басқару, адам құқықтарын қорғау, теңдік және кемсітпеу.

С.К. Есетова, Ы.Ш. Жалилханова

## Цифровая идентичность как элемент конституционно-правового статуса мигранта

В данной статье рассматривается цифровая идентичность как конституционный элемент правового статуса мигрантов в контексте цифровизации управления миграцией и государственного управления. Цель исследования — определить конституционно-правовую природу цифровой идентичности мигрантов и оценить ее влияние на содержание, реализацию и защиту основных прав и свобод. Исследование основано на формально-правовых, конституционно-догматических, системно-структурных и сравнительно-правовых методах. Эти подходы позволили проанализировать механизмы цифровой идентификации в связи с конституционными принципами равенства, соразмерности, правовой определенности и защиты частной жизни, а также выявить риски, возникающие в результате автоматизированного принятия решений и цифрового контроля. Результаты показывают, что цифровая идентичность эволюционирует из чисто технического инструмента в автономную правовую конструкцию, непосредственно влияющую на конституционный статус мигрантов. Исследование выявляет, что цифровая идентификация способствует административной интеграции, одновременно увеличивая риски чрезмерного наблюдения, формализации правового статуса и снижения прозрачности в механизмах защиты прав. Выводы подчеркивают необходимость конституционно-ориентированной нормативно-правовой базы для цифровой идентичности мигрантов. Подобная концептуальная основа должна укреплять гарантии прав человека, обеспечивать судебный и парламентский надзор и приводить национальное законодательство в соответствие с международными стандартами в области прав человека. Полученные результаты способствуют развитию доктрины конституционного права и миграционного права в условиях цифровой трансформации.

*Ключевые слова:* цифровая идентичность, мигранты, конституционно-правовой статус, цифровое управление, миграционное право, конституционное право, персональные данные, биометрические данные, алгоритмическое принятие решений, цифровое публичное управление, защита прав человека, равенство и недискриминация.

### References

- Hannonen, O. (2020). In search of a digital nomad: defining the phenomenon. *Information Technology & Tourism*, 22, 335–353. <https://doi.org/10.1007/s40558-020-00177-z>.
- Ryazantsev, S., & Ryazantsev, N. (2024). Migration of “Digital Nomads”: Global trends and states’ approach. *World Economy and International Relations*, 68(2), 116–126. <https://doi.org/10.20542/0131-2227-2024-68-2-116-126>
- Konstitutsiia Respubliki Kazakhstan: priniata na respublikanskom referendume 30 avgusta 1995 goda (s izmeneniiami i dopolneniiami) [Constitution of the Republic of Kazakhstan: adopted at the republican referendum on August 30, 1995]. *adilet.zan.kz*. Retrieved from <https://adilet.zan.kz/rus/docs/K950001000> [in Russian].
- O migratsii naseleniia: Zakon Respubliki Kazakhstan ot 22 iuliia 2011 goda № 477-IV (s izmeneniiami i dopolneniiami) [On population migration: Law of the Republic of Kazakhstan dated July 22, 2011, No. 477-IV]. *adilet.zan.kz*. Retrieved from <https://adilet.zan.kz/rus/docs/Z1100000477> [in Russian].
- Tsifrovoi kodeks Respubliki Kazakhstan: Kodeks Respubliki Kazakhstan ot 9 yanvaria 2026 goda № 255-VIII ZRK [Digital Code of the Republic of Kazakhstan: Code of the Republic of Kazakhstan dated January 9, 2026, No. 255-VIII ZRK]. *adilet.zan.kz*. Retrieved from <https://adilet.zan.kz/rus/docs/K2600000255> [in Russian].
- O personalnykh dannykh i ikh zashchite: Zakon Respubliki Kazakhstan ot 21 maia 2013 g. № 94-V (s izmeneniiami i dopolneniiami) [On personal data and their protection: Law of the Republic of Kazakhstan dated May 21, 2013 No. 94-V (as amended and supplemented)]. *adilet.zan.kz*. Retrieved from <https://adilet.zan.kz/rus/docs/Z1300000094/z13094.htm> [in Russian].
- Castles, S., de Haas, H., & Miller, M.J. (2014). *The age of migration: International population movements in the modern world* (5th ed.). New York: The Guilford Press.
- Skeldon, R. (2014). *Migration and development: A global perspective*. London: Routledge.
- Hermann, I., & Paris, C.M. (2020). Digital nomadism: the nexus of remote working and travel mobility. *Information Technology & Tourism*, 22, 329–334. <https://doi.org/10.1007/s40558-020-00188-w>
- Ibraeva, A.S., & Alimbekova, M. (2015). The legal culture of judges in the Republic of Kazakhstan. *Austrian Journal of Humanities and Social Sciences*, (3-4). Retrieved from <https://cyberleninka.ru/article/n/the-legal-culture-of-judges-in-the-republic-of-kazakhstan>
- Khamzin, A.Sh., Khamzina, Zh.A., Daubassov, S.Sh., Kuandykov, B.Zh., & Buribayev, Ye.A. (2023). Perspectives on labor migration: Insights from Kazakhstan. *Migration Letters*, 20(5), 12–22. <https://doi.org/10.59670/ml.v20i5.2891>

- 12 Dzhunusov, A.M., Yessetova, S.K., & Begasilov, B.T. (2019). Qazirgi zamangy koshi-qon teoriiasy: tuzhyrymdamalyq tasildemeler [Modern migration theory: Conceptual approaches]. *Central Asian Economic Review*, (5), 8–15 [in Kazakh].
- 13 Bozhkarauly, A. (2010). Migratsionnaia politika gosudarstv-uchastnikov EvrAzES [Migration policy of EurAsEC member states]. *Aktualnye problemy gumanitarnykh i estestvennykh nauk — Current issues of the humanities and natural sciences*, (11). Retrieved from <https://cyberleninka.ru/article/n/migratsionnaya-politika-gosudarstv-uchastnikov-evrazes> [in Russian].
- 14 International Organization for Migration. (2019). *International migration law: Glossary on migration*. Geneva: IOM.
- 15 Zaionchkovskaya, Zh.A., Molodikova, I.N., & Mukomel, V.I. (2007). *Metodologiya i metody izuchenii migratsionnykh protsessov* [Methodology and methods for studying migration processes]. Moscow: Institut Sotsiologii Rossiiskoi Akademii Nauk [in Russian].
- 16 O pravovom polozhenii inostrantsev: Zakon Respubliki Kazakhstan ot 19 iyunia 1995 goda № 2337 (s izmeneniiami i dopolneniiami) [On the legal status of foreigners: Law of the Republic of Kazakhstan dated June 19, 1995, No. 2337]. *adilet.zan.kz*. Retrieved from <https://adilet.zan.kz/rus/docs/U950002337> [in Russian].
- 17 O grazhdanstve Respubliki Kazakhstan: Zakon Respubliki Kazakhstan ot 20 dekabria 1991 g. № 1017-XII (s izmeneniiami i dopolneniiami) [On the citizenship of the Republic of Kazakhstan: Law of the Republic of Kazakhstan dated December 20, 1991, No. 1017-XII]. *adilet.zan.kz*. Retrieved from <https://adilet.zan.kz/rus/docs/Z910004800> [in Russian].
- 18 Ugolovnyi kodeks Respubliki Kazakhstan: Kodeks Respubliki Kazakhstan ot 3 iulia 2014 goda № 226-V (s izmeneniiami i dopolneniiami) [Criminal Code of the Republic of Kazakhstan: Code of the Republic of Kazakhstan dated July 3, 2014, No. 226-V]. *adilet.zan.kz*. Retrieved from <https://adilet.zan.kz/rus/docs/K1400000226> [in Russian].
- 19 Babich, A.A. (2021). Sovremennye tendentsii migratsionnykh protsessov i ikh znachenie [Contemporary trends in migration processes and their significance]. *Vestnik Moskovskogo universiteta Ministerstva Vnutrennikh Del Rossii — Bulletin of the Moscow University of the Ministry of Internal Affairs of Russia*, 4. Retrieved from <https://cyberleninka.ru/article/n/sovremennye-tendentsii-migratsionnyh-protsessov-i-ih-znachenie> [in Russian].
- 20 Teslenko, A.N. (2021). Migranty v bolshom gorode: kriminologicheskii aspekt [Migrants in a big city: a criminological aspect]. *Rossiiskii deviantologicheskii zhurnal — Russian Journal of Deviant Behavior*, 2. Retrieved from <https://cyberleninka.ru/article/n/migranty-v-bolshom-gorode-kriminologicheskii-aspekt> [in Russian].
- 21 Khamzin, A.Sh., Shakenov, A.O., & Boretskiy, A.V. (2021). International labor migration: Features of the Eurasian model. *Vestnik Karagandinskogo universiteta. Seriya "Pravo" — Bulletin of Karaganda University. Law Series*, 3(103), 56–64. <https://doi.org/10.31489/202113/56-64>

#### Information about the authors

**Yessetova Saltanat Konusbayevna** — Candidate of Law, Assistant Professor, Q University, Almaty, Kazakhstan; e-mail: [saltanat.yessetova@gmail.com](mailto:saltanat.yessetova@gmail.com)

**Zhalilkhanova Yrysty Shokankyzy** — Master of Law, Head of Department, Ministry of Digital Development and Artificial Intelligence, Astana, Kazakhstan; e-mail: [Y.Zhalilkhanova@gmail.com](mailto:Y.Zhalilkhanova@gmail.com)