



COUNTRY REPORT

Migration Management Issues and Georgian Prospects for Visa liberalization with the EU

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Introduction

The Country report describes issues of migration situation and management in Georgia. It reviews efforts made by Georgian government during 2012-2014 and analysis a state of play in the area of migration, the level of state control over migration processes. In recent years visa liberalization process has become one of the most efficient tools of the EU policy in promoting fundamental reforms in Georgia in areas such as migration, human rights, freedom, security and justice. In December 2015 the European Commission has to make a political decision on the possibilities of establishment of visa-free regime between Georgia and the EU/ Schengen member states. This could only happen if Georgian authorities would manage and complete successfully implementation of the VLAP and receive positive evaluation from the European Commission by late 2015. Introduction of an efficient migration management system could contribute to success of the process. At the same time Georgian authorities and the public, representatives of non-governmental organizations, well understand that currently the EU member states face severe migration challenges stemming from crisis in the Middle East. This also increases the burden on the government to follow the EU requirements and create conditions when the refugee related problems in the EU could not affect Georgia's visa liberalization prospects with the EU.

Demography and statistics

Twenty five years have passed since the independence of Georgia and the country's demographic profile has been significantly changed since then. Before the collapse of the Soviet Union, according to 1989 census data, 5,400,800 people lived in Georgia. Hence, population has decreased significantly since then. Population decline continues after 2000. According to the preliminary data of the census from 5 November 2014, currently, 3,729,635 persons live in Georgia which compared to the previous 2002 census results (4 371 535 people) shows decline by 14.7 percent (by 641,900 people).

However, the figures generated from different periods by the National Statistics office of Georgia (GEOSTAT) could not fully explain observed tendencies and dynamics. For example, the data of GEOSTAT on emigration and immigration balance cannot explain the reduction in the number of 641 900 people since 2002 and cannot identify when exactly population number decreased the most. Since 2012 the Office has been changing the methodology to estimate number of emigrants/immigrants from/to Georgia. However, some discrepancies still have been remained with internationally accepted and proven methodology and further efforts should be undertaken to meet those standards. Currently, while calculating the immigrants' flows different methodological approaches are applied by GEOSTAT in Georgia and the EU relevant structures. In particular, EU regulation on Community statistics on migration and international protection defines immigration as an action by which a person establishes his/her usual residence in the territory of a Member State for a period that is at least twelve months¹. Though, Georgian Statistics office calculates immigration/emigration statistics through collecting information about Georgian citizens who go abroad for at least 6 months and 1 day or calculating number of foreign citizens, who stay in Georgia for 6 months and 1 day at least.

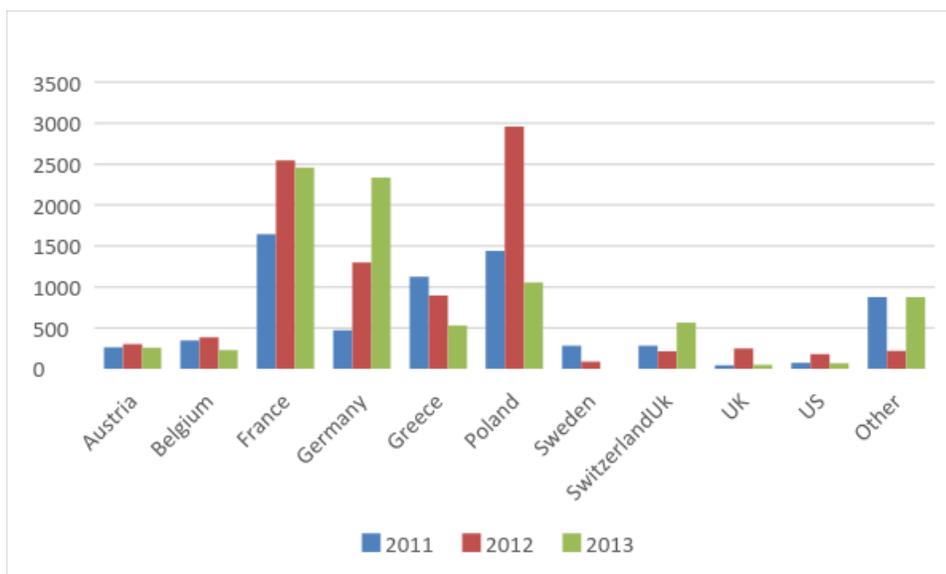
Accordingly, it is essential that GOSTAT continuous ongoing reforms that has been launched in the framework of the EU Neighbourhood Policy Action Plan 2009, follows the UN Fundamental Principles of Official Statistics, the EU acquis in statistics, including the European Statistics Code of Practice, in order to align the national statistical system with the European norms and standards. The obligations to reform the Office are also undertaken by Georgian government in the framework of Association Agreement (Economic Cooperation, Chapter 4) in 2014, which requires from Georgia to reform the GEOSTAT in a way to provide timely, internationally comparable and reliable statistical data on information relevant for citizens.

Emigration from Georgia

The challenges of geopolitical environment, territorial integrity and risks to political instabilities, limited economic capacity to create jobs, made Georgia an origin country of emigration flows since 90s. Usually, those who make decision to leave the country on the basis of their socio-economic conditions are ready to use all kind of legal and illegal means to achieve their goals. The current trends are well observed and documented in the UNHCR Asylum Trends 2009- 2014, which describes the number of individual asylum claims from Georgia submitted to Europe and selected non-European countries. According to the given reports, number of Georgian nationals who lodged asylum application in industrialized countries as well as in European member states, reached maximum level in 2012 and this number slightly decreased in 2013-2014. It is also important to note that the rate of recognition of asylum seekers from Georgia is quite low and stood at 5%². The year 2009 was outstanding in this regard: the highest number of positive decisions were made in the European member states, and the most of asylum seekers received subsidiary protection status (1,936), or much fewer – the refugee status (316). This could be the reason of increase in the number of asylum seekers for the following years. Many analysts also refer to the consequences of the 2008 Russian-Georgian war while trying to explain the emigration dynamics in Georgia. Among the most popular EU member states where Georgian asylum seekers submit applications are France, Germany, Greece and Poland, according to the UNHCR Asylum Trends 2011,2012, 2013 (Graph 1).

¹ Council regulation 862/2007/EC on Community statistics on migration and international protection, 2007, W.J. L 199/23).

² Annual report – Situation of Asylum in the European Union 2013; European Asylum Support Office; Available at <http://easo.europa.eu/wp-content/uploads/EASO-AR-final1.pdf>



Graph1: 2011-2013 Applications submitted by Georgian nationals to some countries of asylum
Source: UNHCR Asylum Trends 2011, 2012, 2013

Cooperation with FRONTEX (joint agreement signed in 2008) helps Georgia to work closely with the EU border security structures in the area of irregular migration, counter cross border crime. The third report on the EU commission on implementation of VLAP states that readmission procedures and the readmission case management electronic system are in place and function well. However FRONTEX Annual Risk Analysis 2015³ reports that Georgian illegal migrants mostly coming to the EU from Ukraine and Belarus, take so called Eastern Border Route to Poland. In 2014 among 1,275 nationals detected at Eastern border check points number of Georgian nationals were 171 (third place after Vietnamese - 257 and Afghans- 209), which represents 13 % share in the whole number of detected illegal migrants. The highest number of immigrants from Georgia were detected in 2012, when in total 328 Georgian nationals out of 1,597 illegal migrants were detected at the Eastern borders. Since then the number has been decreasing slightly and in 2013-2014 the rate of the annual rate decrease came to -27%.

The same source also specifies figures for Georgian nationals who were refused to enter the EU in recent years. In 2014, among 114,000 refusals of entry issued at the external borders of the EU, among those almost 5,100 were Georgian nationals. This is equal to 4.4% of total refusals issued at the border check points and also indicates 37% decrease from 2013 data, when 8,100 Georgian citizens were reported to receive refusal of entry from the EU. Among the main reasons for refusals of entry the EU official sources point out the lack of valid visa/resident permits, and the lack of appropriate documentation justifying the purpose and conditions of stay.

The above mentioned three factors have direct influence over the decisions made by the EU member states consulate offices while issuing visas for Georgian nationals. Despite the fact that the Agreement on Visa facilitation between Georgia and the European Union has been enforced since 1 March 2011, which simplified multiple entry visa application procedure for the average Georgian citizen, still, many

³ FRONTEX Annual Risk Analysis 2015;
http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf

Georgians complain that visa refusal rate for Georgian nationals is too high compared to other neighbour Eastern Partner countries, (17% in 2009, 14.8% in 2011, 13,3% in 2012 and 12.0% in 2013).

In general, most of emigrants from Georgia are unable to obtain official work permits in foreign countries. They mainly work in the “black” labor market because the country does not have a legislative framework that would facilitate legal labor migration, there are no bilateral agreements with those countries where most Georgian migrants live and work⁴. At the same time Georgian labor migrants’ rights are less protected and they are often unable to get back to Georgia to visit their families for years because of their illegal status and fear of deportation⁵. Consequently, there is no system in place to monitor legal labor migration flow from the country. However, it is evident that remittance contributes to income for many Georgian families and it is increasing annually⁶.

Georgia is not among the top remittances recipients in the world⁷. Total amount of remittances for the past years comes around 1.5 bn USD according to the data of the Georgian National Bank which accounts for 9.7% of country’s GDP in 2014⁸. This figure does not particularly stand out in comparison with the other top recipient countries; however, its share in the country’s GDP is significant⁹ (In 2013 the share in GDP was 10%, in 2012 - 9%,).

One of the viable measures to regulate the issues related to legal migrants is to sign a bilateral agreement between the states. There is no such agreement signed with Greece, Austria, Italy, Germany, France and those other countries which represent the major destination for Georgian migrants. (In 2013, Georgia and France signed an agreement on the stay of qualified specialists and circular migration. The document has not been yet ratified from the French side). The EU-Georgia cooperation in the framework of the *Mobility Partnership*, (launched on 16 February 2010), might become a good tool to increase Georgia’s capacity to manage labour migration.

Currently, in order to create an effective means of regulating labor migration, the parliament adopted a law on labor migration, on May 1, 2015 and is to come into force on 1 November 2015. The law could contribute to the development of legal labor migration and to reduce illegal labor migration and trafficking.¹⁰

Issues of Migration Management

The establishment of a migration management system represents one of the most urgent task for visa liberalisation prospects and Georgia-EU cooperation agenda. In 2010 the State Commission on Migration Issues (SCMI) and the Secretariat of the commission was established with the EU support, both hosted by the Public Service Development Agency (PSDA) under the Ministry Justice of Georgia. Currently the **SCMI** is a main body in the government dealing with the migration management issues based on

⁴ Labour Migration from Georgia and Biletaral Migration Agreements: Needs and Prospects, Policy Review, CIPDD, 2009. www.cipdd.org

⁵ Labour Migration from Georgia and Biletaral Migration Agreements: Needs and Prospects, Policy Review, CIPDD, 2009.

⁶ Website of the National Bank of Georgia retrieved on 1 October 2015 <https://www.nbg.gov.ge/index.php?m=304>

⁷ Dilip Ratha, Outlook for migration and Remittances 2012-2014 , World Bank, February 2012.

<http://www.un.org/esa/population/meetings/tenthcoord2012/V.%20Dilip%20Ratha%20-%20Remittances%20and%20their%20costs.pdf>

⁸ Website of the National Statistics ffice of Georgia, http://geostat.ge/?action=page&p_id=118&lang=geo retrieved on 1 October 2015

⁹ Website of the National Bank of Georgia <https://www.nbg.gov.ge/index.php?m=304> retrieved on 1 October 2015

¹⁰ The government of Georgiak, http://gov.ge/files/424_51385_272933_mtavrobisangariSiSept2015.pdf

interagency cooperation. The Commission consists of 12 state agencies. Several international organizations and local non-governmental organizations were granted a consultative status within the Commission and were invited to take part in the work of the Commission.

The SCMI has developed the Migration Strategy of Georgia for 2013-2015, supported by its Action Plan. Currently, the Commission works on the development of the Migration Strategy 2016-2020 and subsequent Action Plan, with the main aim to create a unified migration management system, analyze and distribute reliable information about all kind of migration trends in Georgia, in particular to respond to the challenges of illegal migration, visa and asylum policy etc.

For this purpose, legislative framework has been developed further which promotes better information flow between agencies about current tendencies and directions on migration issues. An integrated information database has been introduced under the direct supervision of a department on migration under the Ministry of Interior, established in 2014. The migration department at the MIA was assigned a responsibility to manage unified software system, which makes it able to collect aliens' and foreign visitors' related information from different agencies, such as: the Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Justice and the ministry of IDPs from the Occupied Territories, accommodation and Refugees of Georgia. At the time, the SCMI remains a responsible agency to analyse MIA collected data and launch Unified Migration Analytical System database in 2016.

One of the agencies, highly responsible for contributing to migration database development is a Public Service Development Agency (**PSDA**), under the Ministry of Justice. PSDA runs and develops civil registry of Georgia and maintains a general register of population. Though the system still provides limited possibility to check exactly how many foreigners hold permanent or temporary residence permits today.

For example, number of foreign nationals who received all types of residence permits grew from 2009 (3,493 persons) to 12,988 persons 2012 and later slightly decreased to 12,504.¹¹ Data received by another non-governmental organization from the PSDA interprets above mentioned dynamics in other way by saying that in 2005-2013 PSDA issued residence permits to 40,100 foreign citizens, among them 8,791 were permanent residence permits, and 31,309 just temporary residence permits. The highest number of the permanent residence permits was issued in 2010 (2,502 permits), and temporary permits issued in 2012 reached the high end in 2012, for 6,426 persons. It is also well known that among those who hold permanent resident permits, nationals of Russian Federation, Armenia and Ukraine hold slightly more than 80% share. Recently Indian, Chinese nationals have become attracted by farm lands in Georgia and an increase of number of foreign students coming to Georgia between 2004-2014 can also be observed.

The Ministry of Foreign affairs is the only agency responsible to issue visa for foreigners travelling to Georgia and collects data on the information of visa categories issued in Georgia (A,B, C, D, similar to the Schengen visa code). In response to the critical comments expressed by experts and foreign nationals due to limitations for visa-free stay in Georgia for foreign nationals the government ordinances, issued in June 2015, simplified regulations for the visa issuance practice in Georgia. In particular, the regulations increase visa-free stay for citizens of some countries from 90 to 360 days for nationals from 94 countries. Besides the documents offered to grant foreign national a residence permit or a one year visa if he/she already owns or buys real estate, except agricultural land, worth at least 35,000 USD.

Besides, registration and monitoring of foreign nationals seeking for refugee or humanitarian status, also maintenance of the respective database remain as a function of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (**MRA**). MRA also is

¹¹ The State of Migration in Georgia. Report developed in the framework of the EU-funded Enhancing Georgia's Migration Management (ENIGMMA) project. International Centre for Migration Policy Development Vienna, June 2015. P. 23

to, provides concerned groups with social aid, accommodation and protects their rights in accordance with 1951 Convention on Refugees and 1967 Protocol on the Legal Status of Refugees. (The first temporary refugee center for 60 persons was opened in June 2010 in the village of Martkopi, close to the capital¹²). According to the recent statistics, published by the MRA, by February 2014, the number of refugees and humanitarian status holders reached 357 (among them 191 men and 166 women)¹³ thus creating a more need for such centers. Rate of their acceptance is low (, 7% and 4% respectively in 2012-2013). Refusals to accept is generally not backed with a proper explanations. However, it is expected that the future developments could bring more certainty in the policies and processes that are taking place today in Georgia.

In addition, MRA supports dignified return and reintegration of Internally Displaced Persons (IDPs) following violent conflicts in Abkhazia and South Ossetia in the 90s and brief Russian-Georgian war in August 2008. According to MRA estimates today the total number of IDPs in Georgia is 259,000 as of September 2014. Among those are 45,000 persons who returned to their places of origin, in Abkhazia. The latest version of the strategy on IDPs and consequent Action Plan (2012-2014) addresses the improvement of the housing conditions, and integration of vulnerable IPD (those with disabilities) into state social programs.

International donors and partners continue supporting Georgia to address IDPs' humanitarian needs and to ensure their voluntary return in safety and dignity¹⁴. With the recommendation of international partners and in line with the international norms (Guiding Principles of Internal Displacement) in 2014 Georgia revised the law on IDPs and introduced a new norm, according of which any person displaced by armed conflict could be qualified as IDP. On the basis of above mentioned changes around 300 IDPs displaced in 2008 from Georgian-controlled territory near South Ossetia became eligible for registration as a result¹⁵.

Recommendations on Improvement of Migration Management in Georgia

The migration related issues discussed above indicate that intensive policy and institutional reforms conducted by the government in Georgia significantly advanced its migration management system during 2010-2014. Yet, number of issues are to be addressed further in order to achieve migration management and asylum benchmarks, introduce compliance mechanisms for successful implementation of the Visa Liberalization Action Plan. Different reports prepared by Georgia's international and local experts and civil society stakeholders, recommends the following main actions:

- Introduce new methodologies at GEOSTAT to provide timely, internationally comparable and reliable statistical data on information relevant for migration management;
- Ensure efficient functioning of analytical reporting system at SCMI for estimating the overall number of Georgian and foreign nationals emigrating or returning to Georgia, (voluntarily, due to deportation or through readmission), as well as asylum seekers and IDPs;

¹² Official web-site of the MRA <http://mra.gov.ge/main/GEO#section/93> retrieved on 1 October 2015

¹³ Official website of MRA <http://www.mra.gov.ge/geo/static/713> (retrieved on 1 October 2015)

¹⁴ <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/georgia/summary>

¹⁵ Ibid.

- Based on analyzed data regularly review and timely address all relevant issues of migration policy, including asylum policy, legal migration policy, and integration and reintegration issues in the State Migration Strategy. Following main aspects are to be considered in this regard¹⁶:
- Provide specific measures for promoting legal employment of Georgian citizens abroad; For this purpose circular migration agreements are to be negotiated with the EU member states and relevant resources are to be allocated;
- Develop a transparent system of decision-making on asylum applications, as well as issuance of resident permits. Ensure existence of affordable and accessible complaint mechanism (including through court system);
- Ensure Personal data protection within the migration data system in line with CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, General Administrative Code and Law of Georgia on Personal Data Protection.

¹⁶ Opportunities for developing circular migration schemes between Georgia and the EU, 2013-2015. Georgian Young Lawyers Association in cooperation with the Caucasus Institute for Peace, democracy and Development, project funded by the EU.
http://migration.commission.ge/files/cipdd-gyla-circular_migration-en.pdf