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Policy on Migration and Diasporas in Georgia

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Abstract

Even though, due to Georgia's geopolitical location and its demographic and economic development, the migration process management is one of the priorities in the country, no migration policy and legislation for the regulation of this field have yet been formed at the state level in Georgia. Local politicians are well aware of the major importance of the labour migration from Georgia for the overcoming of socio-economic crisis in our country. The regulation and management of migration has become a significant part of the international obligations undertaken by Georgia. One of the considerable achievements of the current authorities of Georgia is liberalization of the movement to EU countries and the support to the circular migration. However, unfortunately, bilateral interstate agreements with the main countries of immigration for the legalization of labour migration have not been completed so far. It is still not distinct yet when the work on signing an agreement¹ on the residence of qualified professionals from Georgia and the circular migration with France having ongoing for the last few years, will be finalized. The proper assessment of the migration processes is not available because of the lack of the updated statistical database. Nevertheless, the state is taking major steps for regulating the registration of migration flows through the institutions and mechanisms established to serve this purpose. The gradual adoption of modern infrastructure provides for the efficient border monitoring, along with the already introduced secure identity and travel documents (the latest version of a biometric passport and a secure electronic identity card).

Currently, the state is pursuing liberal visa policy for the achievement of sustainable economic development, the improvement of an infrastructure for tourism and the attraction of additional investments. Although, the potential challenges accompanying the growth of the number of migrants, should also be taken into account. This process shall be taken special care of, so as to transform it into an incentive factor for the social and economic development, and to avoid the negative consequences of uncontrolled migration, at the same time.

¹ The main component of the agreement will be related to the creation of legal employment opportunities for Georgian citizens in compliance with the jobs (professions) demanded on the labour market in France, and the annual quotas, also the exchange of young professionals and qualification upgrade.

Policy On Migration And Diasporas In Georgia

Due to Georgia's geopolitical location and its demographic and economic development, the migration process management is one of the priorities in the country. However, no distinct migration policy² has yet been formed in Georgia despite that local politicians are well aware of the potential economic and demographic consequences resulting from large-scale labor migration. At the same time, they are aware of the benefits that could be derived from the remittances sent by the migrants to their country of origin, and the Georgian diaspora's contribution to this process.

In terms of the development of migration processes, Georgia is a country of both origin and destination and transit. Prior to the Rose Revolution, the need for migration regulation was not present in the political priorities of the ruling party. Several laws regulating the migration sphere at the time have been declared ineffective today³ or amended⁴ legislatively substantially. Since 2004, fundamental institutional reforms have been carried out and strategic goals for Georgia's foreign policy have been defined. In order to promote regional stability, the strategic document of Georgia's foreign policy for 2006-2009 sought to fight illegal migration and establish a respective legislative base⁵ for legal employment of Georgian citizens abroad.

The regulation and management of migration has become a significant part of the international obligations undertaken by Georgia. Migration regulation is one of the priorities in terms of cooperation between Georgia and the European Union⁶. The first step in this respect was the "Partnership and Cooperation Agreement"⁷ which came into force on 1 July 1999. A significant ground for cooperation has been established within the "European Neighbourhood Policy" and "EU-Georgia Action Plan"⁸ worked out by EU, which came into force on 14 November 2006. Migration is considered as an important sphere in the "Joint Declaration of Prague Eastern Partnership Summit"⁹ signed on 7 May 2009, as well as in the Joint Declaration on "Mobility Partnership"¹⁰ signed by the representatives of 16 EU member states and the European Commission and Georgia on the 30 November 2009".

² Migration Management Review in Georgia. IOM. Evaluation Mission Report. 2008. p.4

³ Law of Georgia on Immigration- 1993 (ineffective since June 1 2006); Law of Georgia on Emigration- 1993 (ineffective since February 1 2009); Law of Georgia of Temporary Entrance, Stay and Departure of Aliens in Georgia- 1993 (ineffective since June 1 2006); Law of Georgia on Migrants Inspection- 1998 (ineffective since July 1 2006); Law of Georgia on Migrants' Inspection Fees- 1998 (ineffective since July 1 2006).

⁴ Law of Georgia on the Regulations for Departure From and Entrance of Georgian Citizens to Georgia, #354, 7.12.1993.; Organic Law of Georgia on Georgian Citizenship, #193-I, 25.03.1993.; Law of Georgia on the Registration of and Issuance of an Identity Certificates and a Georgian Citizen Passport, #323-IIs, 27.06.1996.; Law of Georgia on Foreigners Legal Status, #2535, 27.12.2005.

⁵ Foreign Policy Strategy of Georgia for 2006-2009. http://www.mfa.gov.ge/index.php?lang_id=GEO&sec_id=35

⁶ Migration and Development in Georgia, in the framework of ILO - EU Funded project "Increasing the Protection of Migrant Workers in the Russian Federation and Enhancing the Development Impact of Migration in Armenia, Azerbaijan and Georgia", 2010. p.9.

⁷ European Commission, *Partnership and Cooperation Agreement (PCA)*.
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:205:0003:0038:EN:PDF>

⁸ *Georgia towards EU, Europe's Neighboring Policy: EU-Georgia's Action Plan*.
<http://eu-integration.gov.ge/uploads/ENPAP.pdf>

⁹ European Commission, *Joint Declaration of the Prague Eastern Partnership Summit*,
http://ec.europa.eu/external_relations/eastern/docs/prague_declaration_070509_geo.pdf

¹⁰ Swedish Presidency of the European Union, *Joint Declaration on a Mobility Partnership between Georgia and the European Union*, http://www.se2009.eu/polopoly_fs/1.25814!menu/standard/file/111580.pdf

From the viewpoint of migration, each step of cooperation between Georgia and the European Union is different in terms of its priorities, with migration becoming gradually more important. The cooperation comprises the issues such as: prohibition of illegal migration, modernization of border system, sharing information, fighting against transnational crime, identification of citizens and provision on their repatriation, development of academic programs for Georgian citizens, obtaining work permit and simplifying the visa regime.

“EU-Georgia Action Plan” aims to help spread gradually the “Four Freedoms” within Georgia, implying free movement¹¹ of goods, capital, services and persons. Unlike the first stage of the cooperation, the Action Plan represents a multifaceted document not only providing, in terms of migration, for overall safety but also mapping out specific activities facilitating migration management, the establishment of data base for monitoring migration flow, border management and the movement of physical persons.

The Joint Declaration of the Prague Eastern Partnership Summit aims at getting Georgia closer to EU. It intends to increase the mobility of citizens of partner countries by means of agreements on facilitation of visa application procedures and readmission. It also considers liberalization of the visa regime in every single country as a long-term objective of EU provided partner countries fully meet their obligations on security issues.

In November 2009, an agreement on cooperation within the framework of the “Partnership for Mobility” was signed between Georgia and EU. The “Partnership for Mobility” establishes a new form of temporary migration aimed at facilitating migrants’ integration in their host countries and reintegration in their own country. Apart from that, it takes into consideration legal employment of the citizens of Georgia in EU countries with the help of so-called “Circular Migration” which gives an opportunity to the citizens of Georgia to work temporarily in EU countries, obtain education and then return to their country of origin¹².

The outcomes of the successful cooperation within the “Partnership for Mobility” and the “Eastern Partnership” initiatives are the “Agreement between the European Union and Georgia on the readmission of persons residing without authorisation” and the “Visa facilitation agreement between EU and Georgia” which came into force on March 1, 2011.

The state regulation for migration management in Georgia comprises the following state agencies: the Ministry of Justice; the Ministry of Refugees and Accommodation; the Ministry of Internal Affairs; the Ministry of Foreign Affairs; the State Fund for Protecting and Supporting the Human Trafficking Victims; the interagency Coordination Council for the Activities for Struggling Against Human Trafficking; the interagency Government Commission for Migration Issues; the Ministry of Labor, Health and Social Protection; the Office of the State Minister for Diaspora Issues; the Office of the State Minister for Integration into EU and Euro-Atlantic structures; the National Statistics Office. The level and extent of the engagement of the above entities in the regulation and management of migration processes in Georgia are varied, depending on specific functions and competencies of any individual ministry (institution). Unfortunately, there is no single state agency responsible for the coordination of migration management nowadays. In addition, no rational system for collecting and analyzing the migration-related data and information has been established, with the data exchange mechanisms among the entities working on migration issues, not elaborated properly.

At the same time, the institutional reform undertaken by the Ministry of Internal Affairs of Georgia can be regarded as a successful initiative at the initial stage. In compliance with Georgian legislation, frontier migration management and state border protection fall within the competencies of the Patrol Police Department and Marine Police under the Ministry of Internal Affairs.

¹¹ EUROPA, *The EU at a glance*, http://europa.eu/abc/eurojargon/index_en.htm

¹² EU Integration, official opening of cooperation between EU-Georgia under EU initiative “Partnership for Mobility”

In order to draft overall policy line of Georgia's government for internal and external migration and improve the state system for migration process management in Georgia, a Government Commission for Migration Issues was established in fall 2010¹³. It comprises the following entities: the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Refugees and Accommodation, the Ministry of Foreign Affairs, the Ministry of Economy and Sustainable Development, the Ministry of Labor, Health and Social Protection, the Ministry of Finance, the Office of the State Minister for Diaspora Issues and the National Statistics Office (legal entity under public law).

The Government of Georgia aims to fulfill the international obligations undertaken by state and deal with all the migration-related processes by taking into account the best interests of Georgian citizens and the international community. Respectively, a work on drafting a strategy document for migration, expected to be approved by the government by fall 2012, is already underway. It will be followed by finalizing an action plan for migration management for 2012-2014 in late 2012.

The draft Strategy Document for Migration includes the following directions:

- Supporting legal emigration (providing assistance to Georgian citizens for emigrating legally, getting temporary employment abroad, also supporting educational exchange programs and raising awareness of the public);
- Supporting legal immigration;
- Fighting and preventing illegal migration (enhancement of struggling against human trafficking and illegal transfer of migrants across borders and improvement of relevant mechanisms, general public awareness raising, identification of legal deficiencies and their follow-up elimination, institutional development, improvement of inter-agency and international cooperation, implementation of preventive activities, improvement of shelter (refuge) system and the process of refugees' integration);
- Developing a refuge system (formation of a legal and institutional framework within the refuge system sphere, the working out of an efficient system for obtaining information on the country of origin, further improvement of the integration mechanism for refugees and the persons under humanitarian status and provision for their employment, education and healthcare, creation of favorable conditions for the persons leaving a reception center);
- Supporting Georgian citizens' repatriation and reintegration with dignity (provision for the implementation of the international treaties and national legislation with regard to the return of Georgian citizens, reintegration of Georgian citizens, strengthening of the capacities of the institutions involved in reintegration process and development of a legal framework, the increase of awareness with respect to reintegration, acknowledgement of the skills and education gained abroad).

The goals set within the Strategy Document for Migration shall be accomplished based on active cooperation with partner countries and international donor organizations in order to obtain financial and technical assistance.

Having the above in mind, a project titled "Targeted Initiatives for Georgia"¹⁴ is being carried out in Georgia under the "Partnership for Mobility" program. The executive partner of the project in administrative issues is the office of the International Migration Organization in Georgia, while on Georgian side the partner is the Government Commission for Migration Issues. The project pursues the following objectives:

¹³ Government Resolution of Georgia #314, 13.10.2010 on the Establishment of Government Commission for Migration Issues and Adoption of Its Charter.

¹⁴ Chelidze N. Returned Migrants Skills and Possibilities for Validation of non-formal and Informal Learning in Georgia . ETF. Study Report. 2011.

1. Enhancing government authorities' capacities in migration area, improving the legislative base and elaborating appropriate policy;
2. Providing support to the migrants returned to Georgia, through a Mobility Centre established under the Ministry of Refugees and Accommodation of Georgia in the following directions:
 - Elaboration of individual plans for reintegration;
 - Search for temporary accommodation and the rendering of emergency medical aid;
 - Identification of appropriate courses for vocational education and funding of tuition fees for VET programs in some individual cases;
 - Elaboration of business plans and in individual cases, their funding;
 - Employment.
3. Informing Georgian citizens residing in Georgia and abroad about available legal migration possibilities and programs in reintegration field available in Georgia.

As we could see, migration policy in Georgia is oriented toward supporting legal emigration of Georgian citizens and reintegration of the returned migrants, while immigration policy continues to be extremely liberal¹⁵; a visa regime is very liberal both in terms of visa categories as well as in relation to visa issuance at the borders – available for practically every nationality. There is no specific work permit system for foreigners in place, meaning that there are no limits to the employment of aliens who obtain residence permits simply on presentation of employment contracts, neither are any particular obligations imposed on employers as regards the employment of foreigners. Except for entry and exit, there is no further tracking mechanism for foreigners in place inside the country to verify “the change in status”, and so on.

This situation has to be addressed adequately by choosing to pursue balanced migration policy facilitating the inflow of foreign investments, the reduction of the possibilities for illegal migration, the incoming of low qualification labour force and getting of benefits from well-regulated legal migration overall. At the same time, the changes to the ethno-demographic correlation in Georgia's neighbour countries should be taken into account as well. This will result into emerging disbalance of migration potentials that can substitute emigration processes for immigration. This, in turn, can increase demographic pressure upon Georgia¹⁶.

The trend of the return of emigrant compatriots has attracted a worldwide attention, gradually becoming more organized in its nature (this can be observed in Georgia as well), with the increased willingness of states to achieve tangible outcomes in terms of carrying our civilized repatriation¹⁷. Strengthening cooperation with Georgian diasporas abroad has already become one of the major goals reflected within the Foreign Policy Strategy¹⁸ of Georgia, strategy documents for migration and the “Partnership for Mobility”.

In 2008, the Office of the State Minister for Diaspora Issues¹⁹ has been established in Georgia. Since that time, the Parliamentary Committee for Diaspora and the Caucasus Region Issues has started working on the affairs related to Georgian compatriots residing abroad. The joint efforts undertaken by

¹⁵ Review of Migration Management in Georgia. IOM. Appraisal Mission Report. 2008. p.4

¹⁶ Tukhashvili M. Migration Concept Should Be Drafted. Social Economy Magazine, 2006, #3.

¹⁷ Labor Market and Returned Migrants Reintegration. Study Report drafted under the “Consolidation of Reintegration Activities in Georgia” project. DRC, Migration Research Center of Tbilisi State University, 2011

¹⁸ Foreign Policy Strategy of Georgia for 2009-2012. http://www.mfa.gov.ge/index.php?lang_id=GEO&sec_id=562

¹⁹ As informed by the Office of State Minister for Diaspora Issues of Georgia, according to non-official data, the number of Georgians residing abroad is 1.600.000 (including Georgian citizens- 1.120.000, foreign citizens- 480.000), number of officially registered persons- 1.008.204. 142 diasporas organizations are represented in 15 countries.

these two agencies resulted in adopting a “Law of Georgia on Compatriots and Diaspora Organizations Residing Abroad” in 2011 (#5301-IIS, 24.11.2011.), a major step taken forward in this direction.

The Law, defining a legal status for the compatriots living in foreign countries, will come into force on March 1, 2012. The Civil Registry Agency of Georgia will issue respective status certificates. The status considers providing a few advantages: the certificate holders may enter the territory of Georgia without a visa; they can get state-funded general and higher education, while being able to participate in various targeted programs designated for diasporas and financed by state. Similar law has been functioning with success in India, which has the second largest diasporas worldwide. The introduction of a compatriot status in India encouraged to increase remittances, the frequency of visiting the country of origin and the investments made by diasporas. In compliance with the action plan for 2011 worked out by the Office of the State Minister for Diaspora Issues, some of the priorities of the Office, *inter alia*, included economy, education and culture²⁰. In terms of economy, the Office is planning to attract diasporas investments, arrange business forums and promote the attraction of labour migrants’ savings and investments into Georgian economy; propose and popularize specific projects based on active cooperation with respective state agencies. The Office of the State Minister has created a social network on internet (www.iamgeorgian.com), through which representatives of Georgian diasporas are enabled to establish appropriate social or business relationships.

To sum up, migration policy is developing gradually and enhanced institutionally in Georgia. This will help to promote the reduction of irrational, intensive emigration scale, legalization of migration, the rise of migration efficiency, return of migrants and their socio-economic reintegration in their country of origin, as well as the harmonization of migration policy in Georgia with the activities implemented by immigration countries in this field and the normalization of immigration processes.

²⁰ http://www.diaspora.gov.ge/files/154_2582_133997_prezentaciabolo%28PDF%29.pdf

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