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Readmission, Return and Reintegration in Georgia

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Introduction

It is now two years since the enactment of the Agreement between the European Union and Georgia concerning the readmission of persons residing without authorization. In this context, it may be interesting to discover whether the expectations regarding the threat of mass deportation of irregular Georgian migrants which arose during the negotiation period have been justified. According to one segment of the society and political groups in Georgia¹, the en masse forcible return of migrants to a country with an estimated unemployment rate of 32%² (as assessed by experts) would generate economic challenges for these people and their families; moreover, it would also place a heavy burden on the country as a whole. Nor is the assumption, which holds that the EU-Georgia Agreement would serve to further impair the poor conditions in which irregular labor migrants residing in the EU countries live and work, groundless. This can be explained by the fact that the attitude of a foreign employer towards such persons might become stricter, and that he/she could be expected to increase pressure upon them³.

The other part of the aforementioned society and political groups is well aware that the coming into effect of the agreement concerning visa facilitation procedures between the European Union and Georgia was dependent upon the signing and introduction of the readmission agreement. Both treaties can be regarded as a transition step to a new phase of the relationship between Georgia and the EU.

The readmission agreement will have at least some effect upon the labor migration vector and forms of migration. It can make the illegal entry of labor migrants to EU territory more difficult. Nevertheless, large-scale readmission from the EU is unlikely to occur in the immediate future, since, regardless of whether Georgian nationals have entered a destination country without officially crossing state boundaries or have done so legally, by using a short-term visa, after the expiration of which they remained illegally on the territory of the EU, most of migrants tend to destroy their personal identification documents. Under these circumstances, it would be complicated to verify the identity of these irregular migrants and readmit them to Georgia unless modern identification indicators (biometric passports and fingerprints) are applied⁴. In addition, the destination countries are themselves interested in benefiting from cheap services, provided by irregular labor migrants. Therefore, it is unlikely that the employers will be willing to disclose their identities.

The agreements between the European Union and Georgia on the readmission of persons residing without authorization, and on the facilitation of visa issuance procedures, in force since March 1st, 2011, have resulted from the successful cooperation under the Mobility Partnership and Eastern Partnership initiatives.

¹“The Labourists against the Readmission Agreement”, 01.03.2011. Available

<http://www.novisa.ge/novisa/?m=201103&lang=ka>, March, 2012; “The number of the deported people from abroad will increase this year”, *Rezonansi newspaper*, 23.02.2011, N. 045 (6623); “Visa facilitation will complicate the life for most of Georgians”, *Rezonansi newspaper*, 01.03.2011, N.051 (6629).

² M. Tukashvili; M. Tsartsidze; T. Antadze; N. Latsabidze; M. Shelia; M. Toria. *Internally Displaced Persons in the Georgian Labour Market* (DRC, Tbilisi, 2012), 7.

³ *Visa Facilitation and Readmission: Visa Liberalization Prospect*. Final report (OSI, European Initiative-Liberal Academy Georgia, 2012), p.68.

⁴ *Visa Facilitation and Readmission: Visa Liberalization Prospect*, 2012, p.72.

The readmission agreement obliges both Georgia and the EU Member States to promote the effective implementation of readmission of their nationals as well as third-country nationals. Under Presidential Decree No. 225 “On the implementation of the agreements concluded by Georgia with regard to the readmission of persons residing without authorization” (26.04.2011), the Georgian Ministry of the Interior has been assigned to execute the organizational and procedural issues related to this agreement, and to coordinate the activities of other respective agencies, which, inter alia, include the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. The resolution of the Minister of Interior (02.05.2011, #367) has amended the internal regulations for the patrol police and established an international liaison department within the second department of the ministry dealing with readmission issues. Based upon the joint resolution of these four ministries "on approval of the regulations for the implementation of the readmission agreement" (12.03.2012. #185, 35, 63, 22), the functions of these ministries regarding the execution of their respective duties have been prescribed. The readmission agreement defines the readmission procedures, terms, forms of transfer and types of transportation rather concisely. It should be noted that the reimbursement of all transportation and transit expenses associated with such readmissions, have been assigned to the requesting state.

The agreement also considers drafting an implementing protocol on certain issues. The Georgian government shall draft the implementing protocol in cooperation with several EU countries under a bilateral regime. Currently, negotiations with Poland, Austria, Estonia, the Benelux countries, the Czech Republic and Slovakia are taking place, and similar agreements have already been signed with Hungary and Bulgaria⁵. Under the EU-Georgia readmission agreement, a joint readmission committee consisting of representatives of the European Union and Georgia has been established. Based upon a request of one of the parties to the agreement, the committee can meet once every six months, and its decisions are binding for all parties involved.

In order to promote the implementation of the agreement, several projects are being carried out with the participation of the EU:

The IOM project “Support to the Authorities of Georgia in the Implementation of the Readmission Agreement with the European Union” provides for the development of a computer program and related hardware, the preparation of civil acts, and the delivery of technical equipment for relevant agencies, as well as the training of personnel and the organization of coordination meetings;

Since May 2011, the International Center for Migration Policy Development⁶ has carried out a project aimed at supporting the relevant institutions operating in Moldova and Georgia in the process of effective implementation of the visa facilitation and readmission agreement. For the purpose of ensuring the compliance of their activity, including the issuance of documents and the performance of procedures, with international standards, the project offers trainings of personnel, employed at these institutions.

In addition, the cooperation of the Georgian side with FRONTEX (The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), ongoing within the framework of the readmission and mobility partnership programs, is worth mentioning. In April 2008, a draft agreement was signed, and in October 2008, a two-year action plan was elaborated. Both documents consider taking measures against illegal migration and illegal crossing of borders as well as improving cooperation with the relevant EU agencies.

⁵ Interview with Dali Bregvadze, head of the International Liaison Unit of the Second Department of the Ministry of Interior’s Patrol Police. The interview took place in the respondent’s office, in the building of the Ministry of Interior in January 2013.

⁶ Available <http://www.icmpd.org/>, January, 2013.

Another project, namely, 'Targeted Initiative Georgia', is being financed by the European Union within the Mobility Partnership program. It mainly aims at supporting the reintegration of the Georgian nationals returned from abroad, and to conduct an information campaign.

Under the readmission agreement, the signature parties assume the obligation to readmit their own, or third-country, nationals that are subject to the readmission conditions. Nevertheless, until today, **Georgia has not received a single request for readmission of third-country nationals**⁷. Irrespective of the fact that Georgia maintains a visa-free regime with many countries, the receipt of such requests is unlikely to occur, since Georgia does not share common land boundaries with the EU countries, while the probability of a direct illegal entry from Georgia to the territory of the EU Member States via air and sea transportation is minimal due to the relevant operative border control mechanisms.

Georgia has pursued a liberal visa policy since June 1, 2006, when the Law on the Legal Status of Foreigners was introduced. Under this law, visa restrictions have been removed for nationals of the EU member states and many other countries of the world. Such persons are also granted a right to enter and move freely across the territory of Georgia for a 90-day term. Later, this term was extended to 360 days. Currently, the citizens of over 80 countries may enter and stay in Georgia without a visa or any other additional documents for almost a year. Furthermore, the Georgian liberal labor legislation does not contain any restrictions or regulations regarding the employment of foreign nationals. As a result, it is difficult to identify those EU nationals, who reside in Georgia illegally⁸, and **no application for readmission had been submitted from Georgia to any EU country since the existence of the agreement**⁹. According to the data provided by the information-analytical department of the Ministry of Interior of Georgia, 675 citizens of various countries were denied access to Georgia in 2009, in 2010- 2041 citizens, in 2011- 1842 citizens and in 2012- 1021 citizens. Of them, mostly nationals of Russia, India, Nigeria and the Ukraine were denied access to enter the country during all these four periods. The primary reason for these rejections was the absence or the irregularity of documents.

Based on the data submitted by the international relations unit of the second department of the Ministry of Interior's patrol police of Georgia, within the readmission agreement between the EU and Georgia, 758 applications for readmission were submitted by March 1, 2012; 66 were rejected, and 53 out of 838 applications submitted from March 1, 2012 until the end of December 2012, were rejected. Most requests for the readmission of Georgian nationals were submitted by the following countries: Germany, Austria, Greece, the Netherlands and Belgium. In 2011, 112 persons were readmitted to Georgia (41 from Poland, 23 from Germany, 10 from Austria, 6 from Greece, etc.); in 2012 - 142 persons (30 from Greece, 25 from Poland, 23 from Germany, 17 from Austria, etc.). These data according to various countries differs slightly from the data on the readmitted persons available at the mobility center, which states that 232 persons have been readmitted during the past two years¹⁰.

Georgia signed readmission the readmission agreements with Germany (2008), Italy (signed in 1997; however, it did not come into effect), Latvia (2009), Bulgaria (2003), Switzerland (2005) and Norway¹¹ (November 2011). No recorded statistics regarding the number of Georgian nationals returned from these countries before 2011 are available. As for Ukraine, Norway and Switzerland, respectively, 3, 4 and 2 Georgian nationals have returned within the framework of the bilateral

⁷ Data as of January 2013 provided by the international liaison unit of the second department of the ministry of interior's patrol police.

⁸ *Visa Facilitation and Readmission: Visa Liberalization Prospect*, 2012, p.70.

⁹ Data as of January 2013 provided by the international liaison unit of the second department of the ministry of interior's patrol police.

¹⁰ Data provided by the mobility center established under the Targeted Initiative Georgia project. Available http://www.informedmigration.ge/en/index.php?about_TIG, January, 2013.

¹¹ Interview with Dali Bregvadze, head of the International Liaison Unit of the Second Department of the Ministry of Interior's Patrol Police.

readmission agreements¹². In comparison with these data, the indicators of deportation for the citizens of Georgia from various countries have been rather high during the last four years as well as during the period from 2003 to 2007. For instance, in 2006, 3,500 Georgian nationals¹³ were deported en masse from the Russian Federation).

Deportation of Georgian nationals according to various countries and years¹⁴

2009		2010		2011		2012	
Country	Number of deported people	Country	Number of deported people	Country	Number of deported people	Country	Number of deported people
Russia	324	Poland	321	Turkey	716	Turkey	3086
Ukraine	204	Greece	307	Russia	325	Russia	329
Poland	155	Russia	282	Poland	141	Greece	168
Germany	154	Germany	204	Greece	131	Poland	144
Greece	142	Ukraine	118	Germany	124	Germany	135
France	70	Israel	90	Israel	123	Israel	108
Czech Republic	69	Spain	88	Belorussia	110	Cyprus	106
Austria	69	Austria	74	Ukraine	60	Ukraine	81
Switzerland	69	Switzerland	70	US	31	US	27
Israel	53	Belorussia	68	Spain	55	France	73
Turkey	46	Italy	16	Switzerland	49	Spain	62
Azerbaijan	11	Azerbaijan	12	Austria	47	Austria	61
US	4	Turkey	8	Azerbaijan	4	Azerbaijan	5
Other countries	208	Other countries	351	Other countries	293	Other countries	466
Total	1578		2009		2209		4851

The elaboration of the national policy of migration remains a challenge. Because of the change of government in Georgia, the adoption of the strategy for migration was delayed for some time and ultimately, it was approved in March 2013. The action plan for the national strategy of migration (2013-2015) is still in the process of development¹⁵. It contains detailed specific activities for the legal provision of the performance of the obligations assumed under the readmission agreement, and for the decent reintegration of returnees. According to the action plan, the following agencies have been defined as the main administrative entities responsible for the implementation: the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees, the Civil Service Development Agency of the Ministry of Justice, the State Minister's office in Diaspora Issues, the Ministry of Culture, the Ministry of Education and Science, the National Center for Quality Education Development, and the Ministry of Finance. The state budget has been defined as the main source of funding the relevant activities in this direction.

¹² Data provided by the mobility center established under the Targeted Initiative Georgia project. Available http://www.informedmigration.ge/en/index.php?about_TIG, January, 2013. Data provided by the information-analytical department of the ministry of interior.

¹³ *Visa Facilitation and Readmission: Visa Liberalization Prospect*, 2012, p.75.

¹⁴ Data provided by the information-analytical department of the Ministry of the Interior.

¹⁵ An interview with Natalia Chubinidze, representative of the Governmental Commission of Migration. The interview took place in the respondent's office, in the building of the Ministry of Justice in January 2013.

Below are selected paragraphs from the draft version of the national strategy for migration:

4.4. Support for the decent return and reintegration of Georgian nationals

4.4.1 Ensure the implementation of provisions of the international agreements and readmission agreements, implementation of minutes and national legislation with regard to the return of Georgian nationals;

4.4.2 Reintegration of Georgian nationals:

4.4.2.2 Raising awareness regarding the possibilities of reintegration;

4.4.2.3 Acknowledgement of education and vocational skills, obtained abroad.

Full support to the returnees under the readmission agreement for their comprehensive integration within the society has also been reflected in the document “Basic Data and Directions of the Country for 2012-2015” approved by the government of Georgia.

Several targeted projects aiming at supporting the reintegration of returning migrants have been carried out in Georgia¹⁶. Amongst these projects, Targeted Initiative for Georgia, a project ongoing under the Mobility Partnership Agreement¹⁷ signed between Georgia and the European Union in November 2009, should be mentioned. Officially launched on December 16, 2010, it seeks to facilitate the implementation of the EU-Georgia readmission agreement and the reintegration of Georgian citizens, returned from foreign countries. Supported by the European Union and joined by 15 institutions from 9 EU countries (Belgium, Czech Republic, France, Germany, Italy, The Netherlands, Poland, Romania and Sweden) under the management of the Ministry of Internal Affairs of the Czech Republic, this Program also involves the Tbilisi Mission of IOM and several local authorities of Georgia. The total budget of the project is 3,020 million Euro. The European Union has allocated 3,000,000 Euro for the purposes of project, and the Italian Ministry of Labor, Health and Social Protection has allocated 20,000 Euro. The program is designed to operate for 3 years and has the following goals:

1. *To enhance the potential*: increase the capacities of local authorities in migration sphere, which, inter alia, includes the improvement of the legal basis and the elaboration of a relevant policy;
2. *To provide assistance to returning migrants in Georgia*:

In order to help the returning migrants with their reintegration under the project, a Tbilisi Mobility Center¹⁸ has been established at the Ministry for Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. The Center renders its services to the Georgian migrants, who are returning to Georgia (not only from the European Union countries) voluntarily, forcibly or via the readmission procedures, and provides them with the following support:

- Elaboration of an individual reintegration plan;
- Provision with temporary accommodation and emergency medical assistance;
- Designation of specialized training courses for vocational education and covering its costs in some cases;
- Development of business plans and allocation of funds for their implementation in some cases;
- Employment;

¹⁶ The Targeted Initiative Georgia project under the Mobility Partnership agreement signed between Georgia and EU in 2009; Program for the professional personnel returned to the homeland – International Center for Migration CIM/GIZ.; “Integration of Georgian Migrants into Labour Market” – a joint initiative for migration and development of the Euro Commission and UN, 2009-2011; voluntary return and reintegration projects by IOM Tbilisi Mission. Available www.iom.ge, Januari, 2013.; DRC Danish Refugee Council “Returning Migrants Reintegration in Georgia”, 2012.

¹⁷ Available http://www.informedmigration.ge/en/index.php?about_TIG, February, 2013.

¹⁸ Available <http://www.informedmigration.ge/en/index.php?centre>, February, 2013.

3. *Information campaign:*

The Mobility Center consultants focus upon the cooperation with the persons responsible for the implementation of the EU-Georgia readmission agreement, and provide migrants with information on the available reintegration opportunities prior to their return. After their readmission, the center cooperates with the local authorities and non-governmental organizations in order to provide information and offer support to the beneficiaries.

The information campaign aims at providing potential Georgian migrants with information on legal migration opportunities available throughout Europe. A special emphasis is put on specific initiatives for legal labor migration, such as circular labor migration schemes and awareness-raising with respect to the risks of illegal migration. The information campaign is carried out by engaging with other means of mass media, and by applying the web-portal www.informedmigration.ge, financed by the European Union and maintained with the support of IOM. The Mobility Center collaborates actively with migration, information and consultation centers of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees, operating in the following towns in the four regions in Georgia: Tbilisi, Gori, Kutaisi and Zugdidi. In case of necessity, as defined in the draft version (as of 14 December 2012, N.1) of the National Strategy Action Plan for Migration (2013-2015), the Mobility Centers can be merged with the regional centers. The Mobility Center also cooperates extensively with two centers operating under the IOM “Job counseling and placement project” in Tbilisi and Kutaisi, at which Mobility Center consultants have been employed.

Nowadays, the Mobility Center has registered 1,159 returnees, of which 232 have returned under the readmission agreement, 342 - forcibly, and 585 - voluntarily. This number includes 2 migrants from Switzerland and 4 - from Norway, returned under the bilateral readmission agreement operating beyond the Georgia-EU readmission agreement. Most migrants registered at the center who were returned forcibly, come from Poland, Greece and Austria, while those returned voluntarily come from Greece, Germany and the Ukraine; this could be ascribed to the availability of IOM’s voluntary return programs in Georgia.

The persons registered at the mobility centers are offered a variety of support: 764 returned migrants have been consulted, 344 persons went through vocational training, and 216 persons have been referred to employment units. 51 person received funds for financing business plans, 17 persons have been given medical aid, and 12 persons have been provided with temporary accommodation, etc.

Since 2003, IOM implements a Migrants Voluntary Return and Reintegration Project, which currently comprises 24 programs with participation of 19 EU member and candidate countries, as well as Switzerland, Norway, Ukraine, Belarus and Canada, participate. The beneficiaries of the project are:

- Persons whose applications for asylum were either rejected or withdrawn;
- Foreign migrants, who remain in the country of residence;
- Victims of trafficking, and
- Other vulnerable groups, including unaccompanied migrant children, or those with health-related needs.

The reintegration packages, which comprise free travel, vocational training, support in small business start-ups, and the provision of temporary accommodation and medical assistance, vary from country to country. Until today, over 1,600 persons have received reintegration assistance from the IOM office in Georgia. As a result, over 100 persons have found jobs, 580 persons have either started or expanded small businesses, 115 persons have received medical aid, 72 persons participated in vocational training courses and 66 families have been provided with temporary accommodation (from 6 to 12 months on average, in the form of rent or mortgage). The IOM offices operating in the countries of destination reimbursed travel costs for approximately 400 citizens and helped them put their travel documents in order. The reintegration assistance is mainly funded by the government of the country of destination. In most cases, the funds are allocated by the European Union. The return is

organized by an IOM office of the country of destination. It decides upon the program under which migrants can return to Georgia. After a migrant enters the IOM office in Georgia, individual reintegration business plans are drafted; each of these plans shall be assessed and approved by a donor. Only after going through this procedure, will the funds be allocated to the IOM office of Georgia, which, for its part, will assign them to beneficiaries based upon their approved business plans. Due to the nature of the project, it is impossible to identify the number of Georgian nationals returned under the readmission agreement within the available statistics on the beneficiaries of the IOM Voluntary Return Project.

**Statistics on Georgian Citizens Supported under the Voluntary Return Program
(for 2003-2013)¹⁹**

Place	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Poland	0	0	0	1	0	0	186	227	86	102	3	605
Switzerland	0	0	0	37	46	56	68	45	33	51	1	337
United Kingdom	3	8	24	41	31	23	26	25	13	10	0	204
Ireland	0	0	0	3	13	10	35	38	32	19	0	150
Belgium	0	0	0	0	4	4	19	30	24	44	1	126
Latvia	0	0	0	0	0	0	4	7	51	63	0	125
Netherlands	0	0	0	0	0	0	0	69	18	23	2	112
Czech Republic	8	13	56	18	4	2	1	0	0	0	0	102
Belarus	0	0	0	0	0	0	32	27	9	0	0	68
Austria	0	0	0	0	0	0	0	0	10	39	0	49
Slovakia	0	0	0	0	0	0	4	18	4	1	0	27
Norway	0	0	0	0	0	0	2	7	5	9	0	23
Lithuania	0	0	0	0	0	0	0	7	1	5	0	13
Other	0	0	0	0	1	3	2	14	27	47	0	94
Total	11	21	80	100	99	98	379	514	313	413	7	2035

Within a small-scale reintegration program ‘Returned Migrants Reintegration in Georgia’²⁰ implemented by the Danish Refugee Council, 54 returnees of the 248 applicants participating in a competition held in 4 regions of Georgia: Imereti, Racha-Lechkhumi, Guria and Samegrelo in 2012, were selected. They have been provided with individual consultations on improving their business management skills, and assigned grants for starting and operating small and medium enterprises. Consequently, they have obtained an opportunity to either set up new or to develop already existing businesses and thus, to facilitate the reintegration process in Georgia. This project was financed by the European Union, which allocated approximately 3,000 euro as an entrepreneurial grant for each participant.

¹⁹ Available <http://www.informedmigration.ge/en/index.php?reintegration>, February, 2013.

²⁰ Chelidze N. “Vocational Reintegration Problems of Returned Migrants in Georgia”. *Journal Migration* 5 (2011):124. TSU.

One of the criteria of an applicant's selection was the length of his/her stay as a migrant. According to the applicable requirements, this term should have been shorter than two years, and additionally, the migrant should have returned home in the last two years (in 2010-2012). As a result, it is impossible to differentiate the selected applicants according to the following criteria: whether a migrant's return was his/her personal choice or not, or whether he/she decided to return under the readmission agreement or by using any other route.

The project is proceeding successfully, since it was preceded by a strict and long selection process, which included: application assessments, field visits to the applicants, documents checkups, interviewing and training courses for the pre-selected applicants during the selection period. The last of these was intended to help them improve their business management skills and present clear realistic business plans. Participation in the project was associated with meeting a few conditions, inter alia, including co-financing, in particular, the allocation of 20% of total funds by the beneficiaries. The success of the project has further been confirmed by the outcomes of monitoring of the applicants' businesses on a regular basis.

From March 2013, the Danish Refugee Council plans to undertake a new, even smaller reintegration project by using the potential of the diaspora. Overall, 20 innovative business proposals will be selected and funded throughout Georgia.²¹

According to some studies²², the beneficiaries of the three projects stress the scarcity of the funds allocated. Also, notwithstanding the successful realization of the projects, the number of beneficiaries is small, and their reintegration is progressing slowly.

²¹ An interview with Varlam Chkuaseli, a coordinator for the Danish Refugee Council projects. February, 2013. The respondent was interviewed by phone.

²² *Socio-economic problems of return migration in Georgia*. Research report by the TSU Migration Research Center under the guidance by Tukhashvili M. (DRC, 2009). *Labour Market and Reintegration of Returned Migrants* (carried out by TSU Migration Research Center under the guidance of Tukhashvili M.) (DRC, 2012).

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