



საერთაშორისო გამჭვირვალობა-საქართველო  
TRANSPARENCY INTERNATIONAL GEORGIA

# EU-GEORGIA ACTION PLAN ON VISA LIBERALISATION MONITORING OF IMPLEMENTATION

Interim Report  
October 2013



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# EU-Georgia Action Plan on Visa Liberalisation

## Monitoring of Implementation

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(Interim Report)

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## Introduction

A dialogue on visa liberalisation between Georgia and the EU was launched in June 2012. The Action Plan on Visa Liberalisation was handed over to the Government of Georgia on 25 February 2013.

The Action Plan contains the requirements that have to be achieved by the Georgian side for establishing a visa-free travel regime between Georgia and the EU.

The Action Plan consists of four blocks:

1. Document security, including biometrics;
2. Integrated border management, migration management, asylum;
3. Public order and security;
4. External relations and fundamental rights.

Each block consists of two phases. The first phase encompasses legislative and policy framework reforms, and the second phase – benchmarks for the implementation of said reforms.

The interim report presents the monitoring results of implementation of the first two blocks by the Georgian side as of August 2013. We will present an evaluation of the implementation of the remaining two blocks in the final report in November. The following research only pertains to the first phase i.e. the legislative reform, as Georgia has not yet embarked upon the active implementation phase. The report presents the EU requirements contained in the Action Plan, the analysis of the implementation of these requirements by the Government of Georgia and the recommendations of "Transparency International – Georgia".

## Key Findings and Recommendations

The monitoring of the implementation of the EU-Georgia Action Plan on Visa Liberalisation revealed that Georgia has implemented a large portion of the EU requirements. However, many issues remain that require reforms.

The table presents the requirements contained in the Action Plan and our evaluation of their implementation. Currently, out of 11 EU requirements, Georgia implemented four of them fully, one – mostly, five – half, and one – not.

Action Plan Requirement	Implementation of Requirement	Comment
<b>Block 1. Document security, including biometrics</b>		
Consolidation of the legal and institutional framework ensuring the integrity and security of the civil status and civil registration process, including the registration of all Georgian citizens in a unified and secure electronic population registry, with adequate safeguards as far as highest data protection standards are concerned.	Mostly implemented	It has not yet been created, but according to the information provided by the Agency, one of the first priorities is to study the process of issuing biometric passports of Georgian citizens and create a plan how to treat identified risks.
Consolidation of the legal and institutional framework for the issuing of machine readable biometric passports in full compliance with highest ICAO standards and recommended practices on the basis of secure identity management (civil registry and breeder documents), according to the one person one document principle, including as regards diplomatic and service passports.	Implemented	
Adoption of a clear timeframe for the complete roll-out of biometric passports, including at Georgia's consulates abroad, and for the complete phasing out of old non-ICAO compliant passports.	Half Implemented	Currently, there is no clear timeframe for the complete roll-out of biometric passports. However, non-ICAO compliant passports are phased out.
Adoption of an ethical code and training programmes on anti-corruption, secure management of	Not Implemented	A document regulating the intra-agency organizational activities – internal charter of the Agency – has been created, which

personal documents and data protection for officials of public authorities that deal with passports, identity cards and other breeder documents.		encompasses the rules of conduct for the Agency's staff. However it has not come into force yet and it does not concern public servants who deal with passports, identity cards and other breeder documents. Thus, ethical code and training programs still have to be adopted.
<b>Block 2. Integrated border management, migration management, asylum</b>		
<b>2.1. Integrated border management</b>		
Consolidation of the legal and institutional framework for border management, according to EU and international standards, guaranteeing also an efficient inter-agency cooperation between all the agencies involved in border management, in particular the Patrol Police Department, the Border Police and the Border Police Coast Guard.	Implemented	
Adoption of the national Integrated Border Management (IBM) Strategy and Action Plan, containing a timeframe and specific objectives for the further development of legislation, organisation, infrastructure, equipment, sufficient human and financial resources in the area of border management, as well as international cooperation.	Half Implemented	National Integrated Border Management Strategy is adopted by decree # 59 of the president in 2008 and is updated in April 2 2012 by the decree # 266. The Action plan was adopted in December 25, 2009 by the order #954 but it is not updated yet. However the competent authorities envisage adoption of the new strategy and the Action plan containing a timeframe and specific objectives for the further development of legislation, organisation, infrastructure, equipment, sufficient human and financial resources in the area of border management, as well as international cooperation for 2014-2018.
Adoption of an ethical code and training programmes, including on anti-corruption and the fight against organised crime, respect for human rights, asylum procedures and anti-trafficking measures specifically targeting border guards, customs and any other officials involved in border management and/or surveillance.	Implemented	
<b><u>2.2. Migration Management</u></b>		

<p>Consolidation of the legal and institutional framework for migration policy, in line with EU and international standards, including in the field of legal/labour migration, measures supporting the integration of foreigners and the reintegration of Georgian citizens (returning voluntarily or not) and the fight against irregular migration (including continued efforts to conclude readmission agreements with main countries of origin and/or transit and inland detection of irregular migrants).</p>	<p>Half Implemented</p>	<p>The Migration Strategy of Georgia provides for development of the legal framework to ensure the positive effect from legal, temporary labour migration and the joint draft law has been created which is to be adopted and presented before the Government of Georgia in the end of November.</p> <p>So far, there is no legal act which would lay down detailed rules for issues related to re-integration of individuals who have returned to Georgia.</p> <p>In addition, despite the measures undertaken for development of institutional framework, so far, no position or agency has been designated (in some countries, there is a position of labour attaché) with responsibility to collect information on labour markets of potential partner countries abroad in order to facilitate the circular migration. However the office of the State Ministry for Euro-Atlantic Integration and the Ministry of Foreign Affairs of Georgia, together with the Ministry of Justice -Public Service Development Agency (PSDA) cooperates with the German Society for International Cooperation (GIZ) in order to test the scheme of circular migration. On the example of testing the new form of circular migration fitting Georgia is created between Georgia and the EU States.</p> <p>So far, there is no body responsible for professional training. Although the Migration Strategy of Georgia provides for recognition of professional skills and education obtained abroad (for this the Ministry of Education and Science of Georgia created the rules related to recognition of education), no details are provided where and how the recognition of education can be conducted. The European Training Foundation developed recommendations to address the said issues, however resolving these issues only remains as a project;</p> <p>As with the establishment of a responsible body for effective collection and analysis of the data related to migration as well as asylum seekers/refugees, the concept [note] pertaining to establishment of the migration</p>
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		service has been developed in the Ministry of Internal Affairs, which will be responsible for management and analysis of the information related to migrants, identifying irregular migrants, their detention and accommodation in relevant facilities. However, the service has not yet been established.
Adoption of a national Migration Strategy for effective implementation of the legal framework for migration policy and of a corresponding Action Plan, containing a timeframe, specific objectives, activities, results, performance indicators and provisions for sufficient human and financial resources.	Implemented	
Establishment of a mechanism for the monitoring of migration stocks and flows enabling the regular updating of Georgia's Migration Profile, with a unified electronic database containing data on both irregular and legal migration, as well as on asylum seekers/refugees, and establishment of bodies responsible for the effective collection and analysis of that data.	Half Implemented	<p>According to the information provided by the Ministry of Internal Affairs, a unified electronic database has been launched at the Ministry, which is now being tested.</p> <p>The Public Service Development Agency developed a concept for unified analytical system which comprises the components of immigration and emigration and envisages combining the electronic databases of other agencies. Currently consultations are conducted with several European States for the perfection of the system.</p>
<b>2.3. Asylum Policy</b>		
Consolidation, according to EU and international standards, of the legal and institutional framework for asylum policy, in full compliance with the principle of non-refoulement and comprising subsidiary protection, through adoption of legislation ensuring effective access to fair procedures for status determination, rights protection (freedom of movement, healthcare, education, other labour and social rights), durable solutions, including the integration of refugees or beneficiaries of other forms of international protection, as well as special attention to vulnerable groups.	Half Implemented	<p>In order to develop the institutional framework for asylum policy, the Migration Strategy of Georgia requires ensuring inter-agency coordination and developing an effective system to collect information on countries of origin. This requires development of a structural unit in a competent body charged with adequate decision-making authority in relation to asylum seekers and analysis of countries of origin. However, such structural unit has not yet been established.</p> <p>So far, there has not been adopted the joint legal act of the Ministry of Internal Affairs and the Ministry of Internally Displaced Persons from the Occupied Territories,</p>

		Accommodation and Refugees of Georgia which defines the special border procedures for the asylum seekers and the rules for the exchange of information between these agencies. However the Ministry of Internal Affairs and the Ministry of Internally Displaced Persons from the Occupied Territories developed the draft of the joint decree which regulates above mentioned issues.
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For the Government to fully achieve the requirements of the Action Plan, we believe that it should take a set of recommendations into account. Namely, it is necessary that:

1. The timeframe for the complete roll-out of biometric passports is clearly established;
2. The ethical code and training programmes for anti-corruption, secure management of personal documents and protection of personal data for relevant civil servants are timely created;
3. The establishment of the migration service is expedited, which will be responsible for collection and analysis of the data related to migrants, identifying irregular migrants, their detention and accommodation in relevant facilities.
4. The Joint Decree of the Ministry of Internal Affairs and the Ministry of Internally Displaced Persons from the Occupied Territories is adopted in a timely fashion;
5. Instructions and internal directives are created by relevant agencies and officials, which will encompass the issues related to emergency [urgent] assistance to returning individuals;
6. A position or agency is established which will be responsible for collecting information on labour markets of potential partner countries and for this reason the new form of circular migration fitting Georgia is created between Georgia and the EU States;
7. The establishment of the authority responsible for professional training and recognition of professional skills;
8. Putting in action of the unified electronic system of immigration is expedited;
9. The establishment of unified analytical system is expedited, which comprises components of immigration and emigration and envisages combining the electronic databases of other agencies;
10. The development of a structural unit in a competent body charged with adequate decision-making authority in relation to asylum seekers and analysis of countries of origin.

## **Block 1. Document security, including biometrics**

In this regard, the EU has proposed several requirements in the Action Plan on Visa Liberalisation. This part of the research presents every requirement in the first Block and the analysis of their implementation by Georgia.

### **Action Plan Requirement #1**

Consolidation of the legal and institutional framework ensuring the integrity and security of the civil status and civil registration process, including the registration of all Georgian citizens in a unified and secure electronic population registry, with adequate safeguards as far as highest data protection standards are concerned.

#### **Implementation of the Requirement**

Accessing the electronic database where civil registration data is stored, which enables other agencies to obtain the personal data of individuals, is regulated by the Joint Order #40–#61–#222 of the Minister of Justice, the Minister of Foreign Affairs and the Minister of Internal Affairs, issued on 26 February, 2010, on “Rules for Administrative Bodies with regard to the Use of the Data of the Civil Registry Agency and the Consular Department of the Ministry of Foreign Affairs of Georgia, also to Production and Exchange of the Said Data for Conducting Criminal Investigation and Operative/Search Activities”.

Moreover, the Law of Georgia on “Data Security” entered into force in July 2012. The Law provides for binding mechanisms to ensure access to data and data systems, integrity, authentication, confidentiality and continuous functioning, which is necessary to achieve the high standard of effectiveness and security of data management.

Pursuant to Article 4(2) of the Law, the data security policy must comply with minimum requirements of information security, which are determined by the Data Exchange Agency, a Legal Entity under Public Law (hereafter LEPL) within the system of the Ministry of Justice of Georgia, according to the standards and requirements set by the International Organisation for Standardisation (ISO) and the Information Systems Audit and Control Association (ISACA).

According to the information provided by the LEPL Public Service Development Agency, one of the priorities is to study the process of issuing biometric passports to Georgian citizens and also to create a plan how to treat them and react on identified risks.

As with the protection of personal data, Georgia is a state party to the “Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data” since 2006 and the Law of Georgia on “Protection of Personal Data” has been adopted in December 2011.

### **Action Plan Requirement #2**

Consolidation of the legal and institutional framework for the issuing of machine readable biometric passports in full compliance with highest ICAO standards and recommended practices on the basis of secure identity management (*civil registry and breeder documents*), according to the one person one document principle, including as regards diplomatic and service passports.

#### **Implementation of the Requirement**

The legal and institutional framework with regard to machine-readable biometric passports is in full compliance with ICAO standards. The rules for issuing passports are provided by the Law of Georgia “on the Rules of Registration, Issuing Identity (Residence) Cards and Passports for Georgian Citizens and Foreigners Residing in Georgia” and the Order #98 of the Minister of Justice of Georgia “on the Rules of

Registration and Deregistration, Issuing Identity (Residence) Cards, Passports, Travel Passports and Travel Documents for Georgian Citizens and Foreigners Residing in Georgia”.

As with the one person one document principle, according to the legislation, a passport is an identity document of only one person and it is forbidden to include the data of a minor in the passport of a parent or a third person. Also, according to Article 39(6) of the Order mentioned above, as a rule, an individual is authorised to hold only one valid passport. However, two or more passports can be issued for one person on the basis of a corresponding petition.

Despite the fact that issuance of two or more passport per one person does not contradict the ICAO regulations, according to the information provided by the LEPL Public Service Development Agency, the Agency, in cooperation with the Ministry of Foreign Affairs, is planning to make the rules related to issuing a second passport for one person more stringent. Also, discussions are underway related to issuing second passports for a limited time period (no more than 1 year).

### **Action Plan Requirement #3**

Adoption of a clear timeframe for the complete rollout of biometric passports, including at Georgia’s consulates abroad, and for the complete phasing out of old non-ICAO compliant passports.

#### **Implementation of the Requirement**

According to the information provided by the LEPL Public Service Development Agency, since the 1990s three types of passports have been issued in Georgia: 1. With Borjgali – photo attached; 2. Non-biometric with the Coat of Arms of Georgia on the cover – with photo printed according to ICAO standards; and 3. Second generation biometric passports.

Since 2011, the passports with Borjgali have been declared invalid. They remain valid only for those individuals who have left Georgia with these passports and reside abroad. In case these individuals cross the Georgian border with these passports, they will not be able to leave the country with the same passports.

The Public Service Development Agency currently issues both biometric and non-biometric passports. According to Article 20<sup>3</sup>(6) of the Law of Georgia “on the Rules of Registration, Issuing Identity (Residence) Cards and Passports for Georgian Citizens and Foreigners Residing in Georgia”, non-biometric passports can be issued to individuals when, due to health, physical conditions or other reasons, obtaining his/her biometric data is not possible.

According to the information provided by the Agency, as one of the ways to address this problem, it is discussed to shorten the validity period of non-biometric passports. However, there is no clear timeframe for the complete rollout of biometric passports.

### **Action Plan Requirement #4**

Adoption of an ethical code and training programs on anti-corruption, secure management of personal documents and data protection for officials of public authorities that deal with passports, identity cards and other breeder documents.

#### **Implementation of the Requirement**

According to the information provided by the Public Service Development Agency, a document regulating the intra-agency organizational activities – internal charter of the Agency – has been created, which encompasses the rules of conduct for the Agency’s staff. However it has not come into force yet

and it does not concern public servants who deal with passports, identity cards and other breeder documents. Thus, ethical code and training programs still have to be adopted **Recommendations:**

Subsequently, we evaluate the implementation of the requirements included in the first phase of the first Block of the Action Plan by relevant agencies mostly positively. However, we think certain issues still require reforms. Namely, it is necessary that:

- The timeframe for the complete rollout of biometric passports is clearly established;
- The ethical code and training programmes for anti-corruption, the secure management of personal documents and the protection of personal data for relevant civil servants are created in a timely fashion.

## **Block 2. Integrated border management, migration management, asylum**

In this regard the visa-liberalization requirements are divided into three sub-blocks:

1. Integrated Border Management
2. Migration Management
3. Asylum

This part of the research provides the analysis of the implementation of each requirement from the Georgian side.

### **2.1. Integrated Border Management**

#### **Action Plan Requirement #1**

Consolidation of the legal and institutional framework for border management, according to EU and international standards. Also guaranteeing efficient inter-agency cooperation between all the agencies involved in border management, in particular the Patrol Police Department, the Border Police and the Border Police Coast Guard.

#### **Implementation of the Requirement**

Amendments were adopted to certain legal acts in order to consolidate the legal and institutional framework for border management. Specifically, the Decree #266 of the President of Georgia, issued on 2 April 2012, amended Decree #59, issued on 4 February 2008, on "Border Management Strategy of Georgia" determining the list of activities for integrated border management during 2008-2013 as well as specific objectives. On 17 April 2012, Order #265 of the Minister of Internal Affairs on "the Statute for Border Representative-Border Commissioner" was adopted. According to the Order, a border commissioner is responsible for the implementation of Georgia's state border policy, addressing the issues related to protecting the border regime and resolving border incidents. On 30 July 2013, the Decree #607 of the President of Georgia on "Establishment of the Joint Centre of Maritime Operations among State Border Protection Subjects and the Bodies in the Executive Branch of the Government of Georgia charged with Protection of the State Maritime Regime". According to the Decree, the Joint Centre of Maritime Operations is a consultative and coordinating organ for joint maritime operations in Georgia's maritime space.

As with the consolidation of the institutional framework, responsibilities for integrated border management are shared by the Departments of the Border Police and the Patrol Police of the Ministry of Internal Affairs of Georgia, together with the Revenue Service of the Ministry of Finance of Georgia. This is provided by the memorandum of cooperation on "General Rules of Cooperation between the Patrol Police and Border Police Departments and the Revenue Service" adopted by the Ministry of Internal Affairs and Ministry of Finance of Georgia. In addition, for improving activities and cooperation between the Patrol Police and the Customs Service, the Joint Order #985-1187, issued on 31 December 2010, on "Rules of Making Relevant Markings in Travel Documents while Crossing the State Border of Georgia and Registration of the Data in the Automated Database of the Ministry of Internal Affairs" was amended by the Order #326-#612, issued on 8 August 2012, which specified the duties and rules of service of the staff of the Ministry of Internal Affairs and the Customs checkpoints to avoid the overlap of the functions.

#### **Action Plan Requirement #2**

Adoption of the national Integrated Border Management (IBM) Strategy and Action Plan, containing a timeframe and specific objectives for the further development of legislation, organisation, infrastructure,

equipment, sufficient human and financial resources in the area of border management, as well as international cooperation.

### **Implementation of the Requirement**

On 2 April 2012, the Decree #266 of the President of Georgia on the "Border Management Strategy of Georgia" was adopted, amending the Decree #59 of the President of Georgia, issued in 2008. The Action plan was adopted in December 25, 2009 by the order #954 but it is not updated yet. However the competent authorities envisage adoption of the new strategy and the Action plan containing a timeframe and specific objectives for the further development of legislation, organisation, infrastructure, equipment, sufficient human and financial resources in the area of border management, as well as international cooperation for 2014-2018.

### **Action Plan Requirement #3**

Adoption of an ethical code and training programmes, including on anti-corruption and the fight against organised crime, respect for human rights, asylum procedures and anti-trafficking measures specifically targeting border guards, customs and any other officials involved in border management and/or surveillance.

### **Implementation of the Requirement**

According to the information provided by the Ministry of Internal Affairs, officers of the Border and Patrol Police are trained on issues related to the border control at the Faculty of Patrol and Border Police, the Police Academy. Also, customs officers charged with the inspection of travel documents are trained at the Academy's Faculty of Customs Affairs.

In 2013, the Academy made changes in the curriculum of the training courses, increasing the hours of courses for the Patrol and Border Police staff. The new courses pertain to issues of improvement of public service, cybercrime, malfeasance, abuse of official authority, relations with the media, and fight against trafficking, including drug-trafficking. Among the programmes offered by the Police Academy, the courses on the ethical code of the Police and the Public Police (which involves training related to improving relations with national, racial and religious minorities) need to be specifically noticed.

The Ministry of Internal Affairs adopted instructions for the Border and Patrol Police and for those officials who work at border checkpoints. The instructions lay down the rules of conduct in regards to the fight against bribery and organised crime for the staff of the Border and Patrol Police. Furthermore, by the decree # 14823 of the Head of the Revenue Service issued on 11 April 2013, the Ethical code for the employees of Customs department of the Revenue Service was adopted.

Also, by the Order #377 of the Minister of Internal Affairs, issued on 17 May 2013, the Ethical Code of the Police was adopted, which pertains to the service by the staff of both Patrol and Border Police. The Code provides for the principles of the service of the Police that has to be based on lawfulness, humanity, good faith, protection of fundamental human rights and freedoms, fairness and impartiality. The policemen are obliged to protect fundamental human rights and freedoms, such as:

- Respect for dignity;
- Right to life;
- Right of freedom and safety;
- Right to privacy;
- Right to property;

- Freedom of thought, conscience and religion;
- Freedom of expression;
- Freedom of movement;
- Other rights as provided by the Constitution of Georgia and international obligations.

The Police's Ethical Code lays down the rules for the policemen in regard to relations with the public and colleagues and specificities about the use of force and firearms. According to these rules, the policemen in their official capacity must attempt to use non-violent methods to the extent possible and, in thwarting a crime, must not use more than necessary force or/and a firearm. The Police Ethical Code provides rules for the investigations undertaken by the policemen, which require special treatment towards minors, women, minorities and vulnerable individuals as well as observance of the presumption of innocence by the police.

Overall, the measures undertaken for integrated border management should be evaluated positively.

## **2.2. Migration Management**

### **Action Plan Requirement #1**

Consolidation of the legal and institutional framework for migration policy, in line with EU and international standards, including in the field of legal/labour migration, measures supporting the integration of foreigners and the reintegration of Georgian citizens (returning voluntarily or not) and the fight against irregular migration (including continued efforts to conclude readmission agreements with main countries of origin and/or transit and inland detection of irregular migrants).

### **Implementation of the Requirement**

For consolidation of the legal and institutional framework for migration policy, the Ministry of Justice, the Ministry of Internal Affairs and the Office of the State Minister for Diaspora Issues have developed the bill amending the Law of Georgia on "Legal Status of Foreigners" which is to be presented for parliamentary hearings. The amendments to the bill include:

- Categorisation of visas and procedures of their issuing, renewal and termination;
- Categorisation of residence permits and rules of their issuance;
- Declaration of the rights and obligations of foreigners;
- Principles and procedures of deporting foreigners from Georgia;
- Special appeals procedures against decisions on deportation;
- Legal grounds for the detention of foreigners;
- Alternative measures to detention;
- Terms and procedures of detention for later deportation of foreigners;
- Terms of voluntary return;
- Required procedures and timeframe for decision-making on deportation;
- Legal grounds for the use of the personal data of foreigners.

The Ministry of Labour, Health and Social Affairs of Georgia developed the "Strategy on Regulating Labour Market", which provides for proactive actions in regards to labour migration.

In addition, for the consolidation of the institutional framework of the migration policy, the Migration Strategy determined the agencies that are involved in implementing the migration policy. The President of Georgia, who makes decisions on granting asylum and issues related to the residence of foreigners; the Public Service Development Agency, which is responsible for issuing visas and residence permits to

immigrants within Georgia, as well as for providing individuals without citizenship and refugees travel documents; the Patrol Police Department of the Ministry of Internal Affairs of Georgia, which is responsible for procedural and organisational issues related to the implementation of the Readmission Agreement (responsible for law enforcement activities with regard to migration on both land and coastal borders); the Office of the State Minister for Diaspora Issues, which ensures maintaining the link between the compatriots residing abroad and their homeland as well as strengthening the link by means of the Certificate of the Compatriot Residing Abroad, which was introduced by the Law on “Compatriots Residing Abroad and Diaspora Organisations” on 24 November 2011. Additionally, the Labour Migration Regulatory Division was created at the Department of Labour and Employment Policy, the Ministry of Labour, Health and Social Affairs. Its duties include developing organisational and informational systems for importing the labour force, introducing the permit system for labour immigration, and running a private registry of employment to prevent irregular migration.

Since 2011, under the project “Targeted Initiative for Georgia”, “the Mobile Centre” has been functioning within the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, whose objectives are:

- To offer and finance training courses for enhancing qualification;
- To assist in finding a job by centre of “Employment and Consultation”;
- To provide emergency medical assistance;
- To provide temporary accommodation, if necessary;
- To offer special training to develop a business plan;
- To make grants for small business projects.

In order to regulate the establishment of accommodation centre for irregular migrants the Ministry of Internal Affairs elaborated draft statute of the accommodation centre, which regulates structure of the centre, its goals and activities; accommodated person’s detention conditions and rules; accommodated person’s Rights and obligations; imposed prohibitions/restrictions for accommodated persons; medical check/service of accommodated persons. MIA is actively seeking assistance from international partners and donors in order to ensure that accommodation centre facilities will be built / equipped in compliance with international standards.

In addition, despite the measures undertaken for development of institutional framework, so far, no position or agency has been designated (in some countries, there is a position of labour attaché) with responsibility to collect information on labour markets of potential partner countries abroad in order to facilitate the circular migration. However the office of the State Ministry for Euro-Atlantic Integration and the Ministry of Foreign Affairs of Georgia, together with the Ministry of Justice -Public Service Development Agency (PSDA) cooperates with the German Society for International Cooperation (GIZ) in order to test the scheme of circular migration. On the example of testing the new form of circular migration fitting Georgia is created between Georgia and the EU States.

So far, there is no body responsible for professional training. Although the Migration Strategy of Georgia provides for recognition of professional skills and education obtained abroad (for this the Ministry of Education and Science of Georgia created the rules related to recognition of education), no details are provided on where and how the recognition of education can be conducted. The European Training Foundation developed recommendations to address these issues, however resolving these issues only remains as a project;

As with the establishment of a responsible body for effective collection and analysis of the data related to migration as well as asylum seekers/refugees, the concept [note] pertaining to establishment of the migration service has been developed in the Ministry of Internal Affairs, which will be responsible for

management and analysis of the information related to migrants, identifying irregular migrants, their detention and accommodation in relevant facilities. However, the service has not yet been established.

### **Action Plan Requirement #2**

Adoption of a national Migration Strategy for effective implementation of the legal framework for migration policy and of a corresponding Action Plan, containing a timeframe, specific objectives, activities, results, performance indicators and provisions for sufficient human and financial resources.

### **Implementation of the Requirement**

The Migration Strategy of Georgia 2013-2015 was adopted on 15 March 2013 by the Resolution #59 of the Government of Georgia. The Migration Strategy pertains to legal and institutional reforms and the implementation of the legal framework of the migration policy. In June the Migration action plan was adopted which contains financial indicators and provisions for the human resources.

### **Action Plan Requirement #3**

Establishment of a mechanism for the monitoring of migration stocks and flows enabling the regular updating of Georgia's Migration Profile, with a unified electronic database containing data on both irregular and legal migration, as well as on asylum seekers/refugees, and the establishment of bodies responsible for the effective collection and analysis of that data.

### **Implementation of the Requirement**

According to the information provided by the Ministry of Internal Affairs of Georgia, a unified electronic system on immigration has been launched within the Ministry, which will collect information on foreigners by means of different agencies, process it and reveal the individuals who do not have a Georgian residence permit. The electronic system is now being tested.

The Public Service Development Agency developed a concept for unified analytical system which comprises the components of immigration and emigration and envisages combining the electronic databases of other agencies. Currently consultations are conducted with several European States for the perfection of the system.

### **Recommendations:**

Overall, the measures undertaken with regard to migration management should also be evaluated positively. However, certain issues still need to be addressed. Namely, it is necessary that:

- A position or agency is established which will be responsible for collecting information on the labour markets of potential partner countries and for this reason the new form of circular migration fitting Georgia is created between Georgia and the EU States;
- Instructions and internal directives are created by relevant agencies and officials, which will encompass the issues related to emergency [urgent] assistance to returning individuals;
- The establishment of the migration service is expedited, which will be responsible for the collection and analysis of the data related to migrants, identifying irregular migrants, their detention and accommodation in relevant facilities.
- The establishment of the authority responsible for professional training and recognition of professional skills;
- Putting in action of the unified electronic system of immigration is expedited;

- The establishment of unified analytical system is expedited, which comprises components of immigration and emigration and envisages combining the electronic databases of other agencies;

### 2.3. Asylum

#### **Action Plan Requirement #1**

Consolidation, according to EU and international standards, of the legal and institutional framework for asylum policy, in full compliance with the principle of non-refoulement and comprising subsidiary protection, through adoption of legislation ensuring effective access to fair procedures for status determination, rights protection (freedom of movement, healthcare, education, other labour and social rights), durable solutions, including the integration of refugees or beneficiaries of other forms of international protection, as well as special attention to vulnerable groups.

#### **Implementation of the Requirement**

For the consolidation of the legal and institutional framework for asylum policy, the Law of Georgia on “Refugees’ and Humanitarian Statuses” has been adopted on 6 December 2011, which lays down rules of granting a refugee’s and humanitarian status as well as determines the competent body charged with issues of refugees’ and humanitarian statuses.

On 19 June 2012, an amendment was made to the Law specifying the rules of termination of a residence card and document of an individual previously granted with a refugee’s or humanitarian status and later deprived or terminated such status.

With regard to the consolidation of the institutional framework of the asylum policy, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia was designated as the responsible agency for asylum policy, which:

- Considers petitions for asylum;
- Registers asylum seekers;
- Grants refugees’ and humanitarian statuses;
- Provides asylum seekers with temporary accommodation;
- Assists the integration process of individuals with refugees’ or humanitarian statuses;
- Coordinates the integration process of refugees and Georgian citizens returning from migration into society.

In regards to access to fair procedures for status determination, according to the information provided by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, asylum seekers receive information on norms and procedures for granting asylum during both application and interviewing step. The decision made by the Ministry is communicated to an asylum seeker in the language understandable for him/her. Informational brochures prepared by UNHCR/UNAG are also accessible for asylum seekers.

The Law of Georgia on “Refugees’ and Humanitarian Statuses” lays down rules related to issues of the principle of non-refoulement, as well as the freedom of movement, issuance of residence permit, healthcare, education and labour rights.

In order to develop the institutional framework for asylum policy, the Migration Strategy of Georgia requires ensuring inter-agency coordination and developing an effective system to collect information on countries of origin. This requires development of a structural unit in a competent body charged with

adequate decision-making authority in relation to asylum seekers and analysis of countries of origin. However, such a structural unit has not yet been established.

So far, there has not been adopted the joint legal act of the Ministry of Internal Affairs and the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia which defines the special border procedures for the asylum seekers and the rules for the exchange of information between these agencies. However the Ministry of Internal Affairs and the Ministry of Internally Displaced Persons from the Occupied Territories developed the draft of the joint decree which regulates above mentioned issues.

### **Recommendations:**

The majority of requirements under this sub-Block have been implemented. However, it is still necessary that:

- A relevant structural unit is created which will be responsible for collecting information on countries of origin, its analysis and updating;
- Relevant instructions and internal directories are created which will regulate, in detail, the issues of protecting the freedom of movement, healthcare, education, and other labour and social rights;
- The development of a structural unit in a competent body charged with adequate decision-making authority in relation to asylum seekers and analysis of countries of origin.