

GEORGIA AND MIGRATION

OPPORTUNITIES FOR DEVELOPING CIRCULAR
MIGRATION SCHEMES BETWEEN GEORGIA AND THE EU

GYLA & CIPDD 2013



This project is funded by
the European Union

Opportunities for developing circular migration schemes between Georgia and the EU

Piotr Kaźmierkiewicz

Institute of Public Affairs, Warsaw

Georgian Young Lawyers' Association &
Caucasus Institute for Peace, Democracy and Development

June 2013

The report has been produced with the financial assistance of the European Union. The content of the report is the sole responsibility of the author and does not necessarily reflect the views of the European Union.

Contents

Executive Summary	1
1. Definition of circular migration: overview	2
2. Features of Georgian labour migration to the EU	4
3. Irregular migration	6
4. Aspects of migration that could be addressed by circular schemes	7
5. Benefits of circular migration programmes to migrants	8
6. Circular migration schemes between the EU and third countries	10
7. Progress made toward circular migration in Georgia	15
8. Recommendations for the Georgian government	17
Bibliography	19

© GYLA & CIPDD. The report was written by **Piotr Kaźmierkiewicz** (Institute of Public Affairs, Warsaw) in the framework of the GYLA and CIPDD joint project ***Promoting Well Managed Migration between EU and Georgia.***

Executive Summary

Circular migration, involving repeated legal migration between Georgia and EU Member States, offers several benefits to all the actors involved: country of origin, country of destination and the migrants themselves. For the Georgian government the elaboration of schemes with major countries of destination

When accompanied by agreements on the transfer of social rights, close cooperation between labour services in the two relevant countries on providing information to migrants and protecting workers' rights, circular migration schemes may help regularize the status of Georgian workers abroad.

would partially address the issue of unauthorized employment and lengthy irregular residence of its citizens within the EU. When accompanied by agreements on the transfer of social rights, close cooperation between labour services in the two relevant countries on providing information to migrants and protecting

workers' rights, circular migration schemes may help regularize the status of Georgian workers abroad. Finally, the allocation of responsibilities, matched by earmarked funds, among all relevant state institutions should improve the coordination of state activities targeting Georgian labour migrants.

This policy brief argues for a set of legislative, institutional and practical measures to be taken so as to realize the benefits that circular migration can have for some of the many Georgian migrants whose rights are insufficiently protected and whose status could be improved through regularization. Reference is made to the profile of Georgian labour migration, as well as to selected examples of circular migration schemes applied in the EU. The brief concludes with the overview of the measures taken so far by the Georgian government and of some recommendations addressing the areas of present need. This paper was written on the basis of available studies on circular migration between Georgia and other Eastern Partnership states and the EU.

1

Definition of circular migration: overview

Circular migration is closely related to temporary movement, and sometimes it is considered a form of temporary migration. The definitions adopted by the European Migra-

Managed circular migration can be characterized as “temporary, renewable, circulatory, legal, respectful of the migrant’s right, and managed in such a way as to optimize labour markets at both ends, in sending and receiving countries”.

tion Network of the two types of migration both stress the notion of return to the country of origin, but, unlike temporary movement, circularity implies “a repetition of legal migration **by the same person** between two or more countries”.¹ Another distinction that

may be drawn is the *duration* of stay and the *legal status* of a migrant. Circularity excludes short-term mobility (under three months, usually on the basis of a visa) as well as long-term migration (exceeding five years and associated with permanent residence). Researchers thus consider both seasonal migrations (between 3 and 9 or 12 months) and temporary movement (from 9 or 12 months to 5 years) as forms of circular migration.²

In general, we may state then that circularity is based on *repetition* and *return*. However, it is also necessary to distinguish between spontaneous or voluntary circular migration on the one hand and managed or facilitated circular movement on the other. The latter form is referred to in the communication of the Euro-

¹ *Temporary and Circular Migration: empirical evidence, current policy practice and future options*, European Migration Network 2010

² F. Pastore, *Circular migration: Background note for the Meeting of Experts on Legal Migration*, Rabat, 2008, cited in: P. Wickramasekara, *Circular Migration: A Triple Win or a Dead End*, ILO: Geneva 2011, p. 10.

pean Commission, issued on the subject in 2007³ where it is defined “as a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries”. This rather broad and vague definition⁴ is improved upon in the framework of the CARIM project, carried out by European University Institute in Florence,

which covers the EU’s eastern and southern neighbourhood. From this perspective, managed circular migration can be characterized as “temporary, renewable, circulatory, legal, respectful of the migrant’s right, and managed in such a way as to optimize labour markets at both ends, in sending and receiving countries”.⁵

³ Communication (2007) 248 *On circular migration and mobility partnerships between the European Union and third countries*, Brussels.

⁴ See criticism of P. Wickramasekara in: *Circular Migration: A Triple Win or a Dead End*, ILO: Geneva 2011, p. 13.

⁵ F. Fargues, *Circular migration: Is it relevant for the south and east of the Mediterranean?* CARIM analytic and synthetic notes 2008/40, EUI: Florence, 2008, abstract.

2

Features of Georgian labour migration to the EU

Estimates of the volume of Georgian labour emigration vary, but researchers agree that a relatively large share of the population resides abroad. According to World Bank data, the stock of emigrants from Georgia stood in 2010 at 1,057,000 persons, which means that every fourth national is staying abroad.⁶ It was estimated that the total inflow of remittances

Available surveys suggest continued interest in migrating abroad among Georgians.

reached 824 million USD, a figure slightly lower than the net ODA received in 2010. Meanwhile, an EU-commissioned report, published in 2012, concludes that in 2011 as many as 350,000-500,000 nationals of Georgia were employed abroad, which represented from 8 to 11 per cent of the total population.⁷ The

primary destination countries are in the CIS region: Russian Federation, Ukraine and Armenia (accounting for over three-quarters of Georgian emigrants) while among the EU Member States, the only major countries of residence of Georgians are Greece (62,000 persons), Germany (17,000) and Cyprus (10,000).⁸ Nonetheless, following the war of 2008 and subsequent restrictions on cross-border movement, some reorientation away from Russia and towards other destinations could be observed.

Moreover, available surveys suggest continued interest in migrating abroad among Georgians. It is noteworthy that although the Georgian diaspora is quite large, only a minority of respondents in the country would like to leave permanently. According to the 2012 Caucasus

⁶ *Migration and Remittances Factbook 2011*, World Bank 2012, p. 122.

⁷ L. Labadze, M. Tukhashvili, *Costs and Benefits of Labour Mobility between the EU and the Eastern Partnership Partner Countries. Country report: Georgia*, CASE/CEU/IZA/LSE Enterprise 2012, p. 25.

⁸ World Bank 2007 data.

Barometer survey, only 6 per cent of the respondents were considering permanent emigration. Nonetheless, a large group (as much as 42 per cent) expressed interest in leaving temporarily. It is of particular concern that the willingness to leave is strongest among the younger Georgians: while only 18 per cent of those above 55 years of age expressed interest in temporary emigration, two-thirds of those under 35 did so. Desire to emigrate is strongly

The majority of Georgians employed abroad do not enjoy adequate protection of their labour rights.

related to professional status and is particularly strong among those who are not currently employed but are interested in taking up a job: students (87 per cent) and those who are jobless but seeking employment (59 per cent).⁹

Georgian migrants stay abroad on average for three years, which is the longest average from among all the citizens of Eastern Partnership

states. Armenians migrate for an average of approximately two years and Ukrainians for seven months. The contrast is particularly striking with the citizens of Moldova: while the share of migrants returning after 12 months or less is 49 per cent for Moldovans, it is 32 per cent for Georgians. A significant share of Georgian citizens reside abroad for more than 3 years: 18 per cent up to 4 years and 22 per cent longer than that.¹⁰

The majority of Georgians employed abroad do not enjoy adequate protection of their labour rights. A survey of returned migrants revealed that only 36.6 per cent of the respondents had signed an official work contract. Two-thirds of them admitted to working more than eight hours a day and one-third to working in excess of ten hours.¹¹ Another concern is migrants' limited access to health care: only one-third of the respondents had received hospital treatment or ambulatory care while nearly 20 per cent revealed they could not afford any treatment while 42 per cent relied on self-treatment.¹²

⁹ 2012 Caucasus Barometer results, cited in: "Visa Liberalization Prospects in Georgia—the Way Open for Temporary Emigrants?" CRRC blog, 5 March 2013.

¹⁰ Table 2 "Characteristics of circular migrants from EaP" in: A. Di Bartolomeo et al. *Circular Migration in Eastern Partnership Countries: An Overview*, CARIM-East Research Report 2012/30, p. 6.

¹¹ *Labour Market and Returned Migrant Reintegration in Georgia*, Tbilisi 2012, pp. 95-96.

¹² *Labour Market and Returned Migrant Reintegration in Georgia*, Tbilisi 2012, pp. 96-97.

3

Irregular migration

The primary factor limiting migrants' ability to exercise their rights is their irregular legal status. Official statistical data (GeoStat) show that in 2008 as many as one-quarter of migrants returning from the EU lacked official status in the country of emigration while another 30 per cent resided on the basis of temporary permits (lacking formal authorization for employment). Only 28 per cent of the migrants said they possessed a work permit in the destination country.¹³

Assisted voluntary return has been made available for the Georgian migrants by the International Organization for Migration (IOM) since 2003. In 2011, as many as 595 Georgian nationals were returned under the programme (this figure second only to that of Ukraine

among the Eastern Partnership states).¹⁴ In addition, Georgia received a total of 112 of its nationals in 2011 under the terms of readmission from the EU countries, and the figure rose to 142 in the following year. Moreover, 768 Georgian citizens were deported from the EU in 2011.¹⁵

¹³ Cited in: L. Labadze, M. Tukhashvili, *Costs and Benefits of Labour Mobility between the EU and the Eastern Partnership Partner Countries. Country report: Georgia*, CASE/CEU/IZA/LSE Enterprise 2012, p. 36.

¹⁴ Fig. 2 "EaP countries' nationals returning home through AVRR in 2011" in: Z. Brunarska, S. Maanashvili, A. Weinar, *Return, readmission and reintegration in the Eastern Partnership countries: An overview*, EUI Florence 2013, p. 11.

¹⁵ Z. Brunarska, S. Maanashvili, A. Weinar, *Return, readmission and reintegration in the Eastern Partnership countries: An overview*, EUI Florence 2013, p. 6.

4

Aspects of migration that could be addressed by circular schemes

Limited regulation of labour relations. Georgian migrants tend to use unofficial channels to secure employment abroad. Since the public employment office was disbanded in 2006, private intermediaries and individuals have been the only agents matching job-seekers with work opportunities. The conclusions of the 2007 ILO study on job intermediaries, which revealed that there were no official employment agencies in Georgia, are still valid. In the current conditions, prospective migrants must rely on organizations or persons who are not registered, and pay substantial amounts (1,500 to 5,000 USD, depending on the destination country) for these arrangements.¹⁶

Difficult conditions of exit and entry. Another potential barrier to circular migration for

Georgian nationals is the current regime of national citizenship. Under the present citizenship law of 1993 (amended in 2012 and currently undergoing a fundamental revision and expected to be amended again), a Georgian national may lose his/her citizenship while residing permanently abroad if he/she has not registered at the consulate of Georgia within two years. In turn, the aliens legislation (a draft of which has been sent to the European Commission for consideration) envisages granting Georgian residence permits to former nationals. Although the Georgian constitution contains a ban on dual citizenship, it foresees a procedure by which the president awards nationality to foreigners who are considered to be of merit to the state.¹⁷

¹⁶ I. Badurashvili, *Circular migration in Georgia*, CARIM-East Explanatory Note 12/65, EUI Florence 2012, p. 3.

¹⁷ G. Gabrichidze, *The Legal Framework for Circular Migration in Georgia*, CARIM-East Explanatory Note 12/61, EUI Florence 2012, pp. 2-3.

5

Benefits of circular migration programmes to migrants

Circular migration schemes could help address several problems faced by Georgian migrants:

- a) **Legality of residence and employment.** Under circular migration schemes, migrants are granted entry visas and work permits,

Migrants may establish their reputation as trustworthy applicants for future re-entry into the EU while the partner country may benefit from a lower rate of its nationals returning after an illegal stay.

enabling them to acquire legal status in an EU country. This should help reduce the incidence of abuse of residence and work regulations (e.g. overstaying, taking up unauthorized employment). As a result, migrants may establish their reputation as trustworthy applicants for future re-entry into the EU while the partner country may

benefit from a lower rate of its nationals returning after an illegal stay.

- b) **Ability to rationalize work plans.** Circular migration allows foreign workers to stay for an extended period, stipulated in the work contract, and to return to the country of origin upon its completion. Some programmes envisage the possibility of repeating periods of employment, providing an even longer-term prospect.
- c) **Reducing the burden on families.** Irregular migrants cannot take advantage of family reunification schemes, and are forced to be separated from their relatives for several years. One poll found that 57 per cent of respondents were not able to spend time with their families even once during the entire period of emigration (four years on average).¹⁸

¹⁸ M. Tukhashvili, *The demographic and economic framework of circular migration in Georgia*, CARIM-East Explanatory Note 12/89, EUI Florence 2012, p. 2.

d) Meeting labour needs and providing security of workplace. This scheme matches a given worker with an employer for a designated post, which corresponds to the migrant's qualifications and skills. Unlike irregular employment, it is preceded by verification that the post could not be filled by EU nationals, thus ensuring that the foreign employment does not affect the local job market negatively. In turn, migrants are protected against fraudulent job offers as

Bilateral labour agreements between the country of origin and EU Member States are based on the principle of equality of rights with those enjoyed by EU nationals employed in such positions.

these offers are scrutinized by state bodies (e.g. employment offices) which register each request for non-EU labour.

e) Protection of workers' rights. Under such schemes, relations between the em-

ployer and migrant worker are regulated by national labour legislation. Bilateral labour agreements between the country of origin and EU Member States are based on the principle of equality of rights with those enjoyed by EU nationals employed in such positions. Employers are subject to checks carried out by national labour inspectorates, which pay attention to any health hazards, working hours and on-site conditions.

f) Guarantee of income, social security and pension. The principle of non-discrimination on the labour market extends to the terms of employment, guaranteeing equality of wages, social security and the pension contributions that are due to the migrant worker. This needs to be supplemented by bilateral agreements, regulating the transfer of social security and pension payments for the periods worked in the destination country to the home country.

6

Circular migration schemes between the EU and third countries

Italy. Recognizing the vital role that the Moldovans play filling the labour gap in certain sectors (particularly domestic care), Italy signed bilateral labour migration agreements (in 2003 and then in 2011) with that country. The decision to regulate the status of this migrant group was taken in acknowledgment of its fast growth and relatively low crime rate. The second agreement and implementing protocol was concluded on 5 July 2011 within the framework of the Mobility Partnership between Moldova and the EU. Its provisions stipulated an entry quota, circular migration schemes aiming at the return of Moldovan labour migrants, bilateral technical assistance projects, vocational trainings and Italian language courses offered in Moldova and measures to support the Moldovan diaspora in Italy.¹⁹

The agreement with Moldova regulates the circular movement of Moldovan workers. In line with Article 7 of the Protocol, Italy will facilitate the return of certain categories of workers, selected by both parties. The regulations allow them to engage in seasonal jobs for various employers for a maximum of nine months on the basis of a non-renewable permit. Priority in admission for labour immigration in a given year will be given to those who comply with the terms of their permit in the previous year or who have completed training programmes in the relevant field.²⁰ The Agreement accords the migrant workers equal labour, social security and protection rights to those enjoyed by Italian citizens.²¹

The results of the scheme remain to be seen, although some preliminary conclusions can be

¹⁹ E. Buracec, *Mobility Partnerships in a Third Country Perspective: The Case of EU-Moldova Migration Cooperation*, Fieri Working Papers, October 2012, p. 12.

²⁰ Articles 7-9 of the Implementing Protocol to the Agreement on Labour Migration between Italy and the Republic of Moldova of 5 July 2011.

²¹ Article 12 of the Agreement.

drawn. Over 70 employment offices were set up throughout Moldova and three others were opened abroad, two of them in Italy (Padua, Milan). By March 2012, 250 Moldovan workers had returned home while another 450 persons set up their own enterprises in Moldova.²²

Netherlands. A pilot programme, titled “Blue Birds”, was launched in December 2009, aiming to identify opportunities for temporary and circular labour migration. It

The scheme sought to achieve a “triple win”—filling the gaps in the Dutch labour market, providing the migrants with a new set of skills and ensuring their reintegration into the home economy.

targeted a total of 160 semi-skilled workers from South Africa and Indonesia, countries with which the Netherlands maintains longstanding intensive relations and whose migrants were expected to return home after completing the programme. The scheme sought to achieve a “triple win”—filling the gaps in the Dutch labour market, providing the migrants with a new set of skills and ensuring their reintegration into the home economy. Migrants’ return was encouraged through providing reintegration support such as job counselling, as well as training to establish businesses.²³

At the outset, a number of strict limitations were stipulated in the programme. No high-skilled or unskilled migrants could participate, and the health sector was excluded from the scheme. Moreover, the terms of residence and employment were set in a rigorous way: participants could not bring their families along and were required to conclude contracts for work of at least four days per week at market rates. The migrants could only fill those positions for which no eligible Dutch or other EU nationals could be found, and the duration of employment was limited to maximum two years. No temporary employment agencies could be involved.²⁴

The project was one of the few working-related initiatives to attract the interest of EU institutions. Nevertheless, it was terminated prematurely in June 2011 by the Ministry of Foreign Affairs, as extending opportunities for employers to rely on foreign skilled labour was no longer among the objectives of the government. At the same time, the experience gained during implementation of the scheme helped draw practical conclusions and recommendations for future circular migration schemes. A crucial factor in successful hiring was the interest of Dutch employers in seeking foreign labour. However, employers were contacted at the peak of economic crisis, when there were few labour shortages.

²² V. Mosneaga, *Circular Migration of the Population of the Republic of Moldova*, CARIM-East Explanatory Note 12/68, EUI Florence 2012, p. 6.

²³ S. McLoughlin, R. Munz et al. *Temporary and circular migration: opportunities and challenges*, Working Paper No. 35, March 2011, European Policy Centre: Brussels, pp. 26-27.

²⁴ *Pilot Circular Migration. Towards Sensible Labour Migration Policies: Lessons Learned & Recommendations*, Ministry of Foreign Affairs/HIT Foundation, Vught 2012, p. 12.

Another barrier was the low level of flexibility with regard to the duration of contract or the choice of a sector—this was noted by the intermediaries supplying Dutch companies with seasonal workers.²⁵

Germany. While not strictly a circular migration scheme, Germany's programme for seasonal employment admits repeated entry into the labour market if the employer makes a specific request for a given individual. The

Employers must provide foreign employees with conditions that are comparable to those offered to German seasonal workers.

The state employment agency is responsible for resolving disputes over the terms of the work contract and may introduce a temporary ban on participation in the scheme of those employers that are found to violate workers' rights.

country leads Europe in terms of the number of seasonal workers – in 2009 as many as 300,000 foreign employees were hired by 27,000 companies. Until 2011 the programme attracted primarily Poles, and since then it has expanded to include many Bulgarians and Romanians. The system was originally set up with the objective of addressing temporary workforce shortages in a limited range of sectors (agriculture, hospital and carnival industries).

This scheme also offers various advantages to the migrant workers. Under the terms of this arrangement, employers must provide foreign employees with conditions that are comparable to those offered to German seasonal workers. The state employment agency is responsible for resolving disputes over the terms of the work contract and may introduce a temporary ban on participation in the scheme of those employers that are found to violate workers' rights. At the same time, the scheme does not entitle the foreign workers to any welfare benefits and the period of seasonal employment is not counted towards gaining legal residence. Moreover, the period of employment is limited to six months in a given year although flexibility is offered with regard to the starting date. For instance, it is possible within this scheme to work continuously in the second half of one year and the first half of the following year.²⁶

Poland. Since 2006 nationals of Belarus, Russia and Ukraine (followed by citizens of Moldova and Georgia since 2009) may take up employment in Poland without applying for a work permit. The regulations, introduced by the Ministry of Labour, in recognition of shortages on the domestic labour market, gradually relaxed the conditions under which citizens of three neighbouring states and the two countries, covered by the Mobility Partnership initiative with the EU, may be employed in Poland. Although the system is not a full-fledged

²⁵ *Pilot Circular Migration. Towards Sensible Labour Migration Policies: Lessons Learned & Recommendations*, Ministry of Foreign Affairs/HIT Foundation, Vught 2012, pp. 15-17.

²⁶ S. McLoughlin, R. Munz et al. *Temporary and circular migration: opportunities and challenges*, Working Paper No. 35, March 2011, European Policy Centre: Brussels, pp. 35-37.

circular migration instrument, it facilitates circular movement by allowing migrants to re-enter the country and work for 6 months in a year on the same conditions as well as to change employers.²⁷

The simplified procedure is particularly suitable for seasonal employment, reducing the costs and time needed for hiring foreign workforce. A prospective employer registers a statement on intention to employ a foreigner with a district labour office, which is processed without delay and at no cost. The foreigner may then apply for a visa on the basis of the registered statement. Importantly, the procedure does not involve the month-long procedure of verification as to whether an EU national could not fill the requested position, and since 2011 foreigners may change employers during the period of employment.

Although the system is not a full-fledged circular migration instrument, it facilitates circular movement by allowing migrants to re-enter country and work for 6 months in a year on the same conditions as well as to change employers.

This facilitated system has proven very popular with the nationals of the targeted states. The number of employers' declarations rose

from 156,000 in 2008 to nearly 260,000 in 2011, stabilizing at almost 244,000 in 2012. While the scheme continues to attract mainly citizens of Ukraine, it has over time opened opportunities for nationals of Moldova and Georgia—in 2011, as many as 13,024 Moldovans and 1,774 Georgians were enrolled in the program, and in the following year the numbers stood at 9,421 and 1,384 persons, respectively. With regard to the Georgian workforce, in 2012 nearly 40 per cent of the persons taking advantage of this scheme worked in construction while another 10 per cent in agriculture.²⁸

Analyses of the functioning of the system conducted by the Ministry of Labour confirmed its utility as an instrument for filling the seasonal labour shortages primarily in the sector of agriculture and to a smaller extent also in construction, trade and industrial processing (where the limit of the employment period to six months proved to be too restrictive).²⁹ At the same time, some irregularities were noted—district labour offices lacked grounds for refusing the registration and had limited possibilities for verifying the authenticity of supplied data. Inspections of worksites uncovered cases of foreigners failing to take up employment after arrival in the country as well as of issuing fake statements, possibly for trade.³⁰ In response, a set of guidelines was elaborated

²⁷ This analysis draws on the description of the system, found in: *Temporary and circular migration in Poland: empirical evidence, current policy practices and future options. Reference Years: 2004-2009*, Polish National Contact Point of the EMN, Warsaw 2011, pp. 19-21.

²⁸ Statistics of the Ministry of Labour and Social Policy, available at: <http://www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/>

²⁹ Report of the Ministry of Labour and Social Policy on functioning of the simplified system and its evaluation on the basis of opinions from selected *poviat* labour offices, Warsaw 2009.

for the labour offices, providing, for instance, for the stricter application of the requirement from the prospective employer to document their identity and business. Failure to provide such documentation would not result in the denial of registration but would be considered by the consul reviewing the visa application. Introduction of these safety mechanisms helped reduce the incidence of grey employment and was the basis in 2010 for the indefinite extension of the programme.

The final stage of the tightening of the system was the entry into force of a comprehensive

act, regulating this procedure, which introduced several mechanisms protecting workers' rights.³¹ Thus, in its application the prospective employer must stipulate the amount of wages, indicate the type of contract as well as state the location and duration of employment. In turn, employment is conditional not only on securing the registered employer's statement but also on a written contract. While the procedure still waives the local labour needs test, it requires that the employer declare that he or she could not fill the post with local workforce and that he or she is aware of the regulations for employing foreigners.³²

³⁰ M. Bieniecki, M. Pawlak, *Strategie przetrwania. Adaptacja ukraińskich migrantów zarobkowych do polskiej rzeczywistości instytucjonalnej*, Institute of Public Affairs, Warsaw 2009.

³¹ Ordinance of the Minister of Labour and Social Protection of 20 July 2011 on authorizing employment of foreigners without applying for a work permit (Dz. U. No. 155, item 919).

³² Further discussion of the changes in the procedure can be found in: *Polityka migracyjna Polski w odniesieniu do obywateli Bia³orusi, Ukrainy i Federacji Rosyjskiej*, Ministry of Interior, Warsaw 2012, p. 19, available at: http://www.emn.gov.pl/download/74/14029/Analiza_blok_wschodni_wersja_ostateczna.pdf

7

Progress made toward circular migration in Georgia

The absence of a Georgian government body coordinating state activities in the field of migration has long been recognized as a barrier to the effective management of migratory flows. The government's decision to establish the interagency State Commission on Migration Issues (13 October 2010)³³ was crucial in this respect, as it brought together all the state entities responsible for various aspects of migration policy. The Chairmanship of the Commission is held by the Ministry of Justice, while the Ministry of Internal Affairs holds the position of a co-chair. Of particular importance for assisting the movement of Georgian workers is the involvement of the Ministry of Labour, Health and Social Protection, the Ministry of Foreign Affairs, the Ministry of Justice (Public Service Development Agency,

a former civil registry) and the Office of the State Minister for Diaspora Issues. The latter ministry plays an instrumental role in elaborating state policy on relations with Georgians residing abroad.³⁴ Under a law in force since March 2012, status certificates are to be issued to compatriots living in foreign countries, granting them the right to enter Georgia without a visa, receive state-funded education and participate in projects targeting the Georgian diaspora.³⁵

Three ministries (Justice, Interior and Diaspora Issues) elaborated a document outlining directions of state policy, covering all aspects of migratory movements into and out of the country. On 15 March 2013 the government adopted the Migration Strategy of Georgia, which meets

³³ Government Resolution No. 314 on the Establishment of Government Commission for Migration Issues and Adoption of Its Chapter.

³⁴ Law on Compatriots and Diaspora Organizations Residing Abroad of 24 November 2011.

³⁵ N. Chelidze, *Policy on Migration and Diasporas in Georgia*, CARIM-East Explanatory Note 12/33, EUI Florence 2012, p. 7.

“both European standards and the national interests”.³⁶ The Strategy states the government’s commitment to facilitating “mobility through circular migration”, which should provide an opportunity for “legal employment of Georgian citizens in the EU, countering “the drain of intellectual resources and their inefficient use in Georgia”.³⁷

The document assigns specific tasks to the relevant ministries. From the perspective of facilitating circular migration, several state

The Strategy states the government’s commitment to facilitating “mobility through circular migration”, which should provide an opportunity for “legal employment of Georgian citizens in the EU, countering “the drain of intellectual resources and their inefficient use in Georgia”.

institutions appear to be of key importance. The Strategy charges Georgian diplomatic representatives and consulates with maintaining the registry of Georgians residing abroad as well as informing these Georgians of voluntary return opportunities. The Public Service Development Agency shall maintain a uni-

fied citizenship database (providing access to other state institutions) and issue travel documents to citizens of Georgia. In turn, the Office of the State Minister for Diaspora Issues, along with the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees shall be responsible for creating “favourable conditions to ensure integration into society” of returning migrants. Finally, the Office of the State Minister for European and Euro-Atlantic Integration is responsible for coordination of all cooperation initiatives with EU Member States in the Framework of the Mobility Partnership.³⁸

Efforts were also made to introduce mechanisms for monitoring the situation on the domestic labour market. Since July 2012, the State Minister for Employment has been operating in Georgia with a modest staff, responsible *inter alia* for the registration of all job seekers and the establishment of a database of unemployed persons.³⁹ Following the integration of this body into the Ministry of Labour, Health and Social Affairs, these tasks have been transferred to the Ministry’s Labour and Employment Policy Department.⁴⁰

³⁶ “Migration strategy prepared with EU to be adopted in Georgia”, 12 March 2013, announcement available at: <http://soderkoping.org.ua/page42848.html>

³⁷ *Migration Strategy of Georgia*, unofficial translation, 15 March 2013.

³⁸ *Migration Strategy of Georgia*, unofficial translation, 15 March 2013.

³⁹ I. Badurashvili, *Circular migration in Georgia*, CARIM-East Explanatory Note 12/65, EUI Florence 2012, p. 3.

⁴⁰ The department’s tasks are listed at: http://www.moh.gov.ge/index.php?lang_id=ENG&sec_id=256

8

Recommendations for the Georgian government

Allocating responsibilities and resources to promote circular migration. To implement the national migration strategy so that it effectively facilitates circular migration, tasks need to be assigned among all the relevant state institutions. The Cabinet of Ministers is expected to adopt an action plan for the implementation of the Strategy soon and it is advised to consider the good practice of the Republic of Moldova. Its action plan, adopted in December 2011, enumerates activities to be carried out to meet this objective by specific state institutions over the next four years to execute the National Strategy on Migration and Asylum until 2015.

An essential element of the action plan is ensuring that all activities are accorded adequate funding, allocated to respective government bodies.

While preparing the Action Plan, it is worth considering three types of actions, included in the Moldovan document. Firstly, the government of that country prioritized exploring opportunities for initiating schemes for circular and seasonal migration with key destination countries of its migrants. As part of this task, the government would evaluate the existing options for the legal mobility of its citizens and assess the best international practices in facilitating circular migration, taking into consideration the profile of its emigrants. Secondly, projects would be launched in cooperation with international and non-governmental organizations enabling returning migrants to utilize their skills and knowledge in their home region. Finally, it was recognized that state agencies would need to build their capacity for designing and implementing circular migration and reintegration initiatives.⁴¹ An essential element of the action plan is ensuring that all activities are

⁴¹ T. Ciumas, *The Legal Framework for Circular Migration in Moldova*, CARIM-East Explanatory Note 12/65, EUI Florence 2012, p. 5.

Labour migrants may be encouraged to take advantage of circular migration schemes through guarantees of transferability of their social benefits for the period of employment.

accorded adequate funding, allocated to respective government bodies.

Concluding bilateral agreements on social rights with countries of destination. Labour migrants may be encouraged to take advantage of circular migration schemes through guarantees of transferability of their social benefits for the period of employment. Georgia still has not concluded agreements providing for social security and assistance with any EU Member States or with Russia, Azerbaijan or Belarus. In contrast, the two leading Eastern Partnership states, Ukraine and Moldova, have signed such agreements with seven and

The scale of legal employment of Georgian migrants in the EU remains small as the existing opportunities hardly ever match the specific features of this group (in terms of the level of their skills, professional experience or industry).

eight EU Member States, respectively, and Ukraine has additionally concluded agreements with all other Eastern Partnership countries. It is worth considering in this context the experience of Moldova, which has signed such agreements with the key destination countries

of its labour migrants.⁴² Under their terms, the contracting states will contribute to the worker's pension in proportion to the period of work in their territory. Moreover, the migrant workers will be able to receive the benefits from the country where they were employed in the state of their residence.⁴³

Considering the specific needs of the target group migrants when designing the scheme.

The current opportunities for legal labour migration into the EU that are available to Georgian migrants reflect primarily the economic needs of the destination countries (seasonal low-skilled migration into Germany or Poland). However, the scale of legal employment of Georgian migrants in the EU remains small, as the existing opportunities hardly ever match the specific features of this group (in terms of the level of their skills, professional experience or industry). Successful circular migration schemes build on existing patterns of employment, and are developed with the participation of the business community and on the basis of research on the characteristics of the migrant group. **Among preconditions for a working scheme are a clear demand for foreign labour voiced by local business and the match between the terms of the arrangement and the existing patterns of migration.** Thus, studies on local labour demand identifying the possible benefits of Georgian immigration for the regional markets should be elaborated as part of the process of planning and designing bilateral initiatives.

⁴² Agreements on social security were concluded with seven EU Member States (Austria, Bulgaria, the Czech Republic, Estonia, Luxembourg, Portugal and Romania) as well as with five CIS states (Azerbaijan, Belarus, Russia, Ukraine and Uzbekistan).

⁴³ T. Ciumas, *The Legal Framework for Circular Migration in Moldova*, CARIM-East Explanatory Note 12/65, EUI Florence 2012, p. 2.

Bibliography

Badurashvili, Irina, “Circular migration in Georgia”, CARIM-East Explanatory Note 12/65, September 2012

http://www.carim-east.eu/media/exno/Explanatory%20Notes_2012-65.pdf

Bartolomeo, Anna Di, Shushanik Makaryan, Sergo Mananashvili, Agnieszka Weinar, *Circular Migration in Eastern Partnership Countries An overview*, CARIM-East Research Report 2012/30

<http://www.carim-east.eu/media/CARIM-East-2012-RR-30.pdf>

Buracec, Ecaterina, *Mobility Partnerships in a Third Country Perspective: The Case of EU-Moldova Migration cooperation*, Fieri Working Papers, October 2012

http://www.labmig.gov.eu/wp-content/uploads/2012/05/paper_Ecaterina-Buracec.pdf

Brunarska, Zuzanna, Sergo Mananashvili, Agnieszka Weinar, *Return, readmission and reintegration in the Eastern Partnership countries: An overview*, CARIM-East Research Report 2013/17

<http://www.carim-east.eu/media/CARIM-East-RR-2013-17.pdf>

Cali, Massimiliano, Nicola Cantore, “The impact of circular migration on source countries: A simulation exercise”, Overseas Development Institute, November 2010.

http://www.svr-migration.de/content/wp-content/uploads/2011/09/110929_cali-cantore_final_nw.pdf

Chelidze, Natia, “Policy on Migration and Diasporas in Georgia”, CARIM-East Explanatory Note 12/33, September 2012

http://www.carim-east.eu/media/exno/Explanatory%20Notes_2012-33.pdf

“Chronology of the EU-Georgia Cooperation and the Main Documents: Mobility partnership”, European Initiative Liberal Academy Tbilisi, 7 February 2013
<http://www.ei-lat.ge/who-is-who/chronology-of-the-eu-georgia-cooperation-and-the-main-documents/469-mobility-partnership.html?lang=en-GB>

“Circular migration and mobility partnerships”, Soderkoping Process, 10 August 2007
<http://soderkoping.org.ua/page/29628.html>

“Commissioner Malmstroem presents Action Plan on Visa Liberalisation with Georgia”, European Commission press release, 25 February 2013
http://europa.eu/rapid/press-release_IP-13-156_en.htm

Eastern Partnership Visa Liberalisation Index Georgia, February 2013
<http://monitoring.visa-free-europe.eu/georgia>

Gabrichidze, Gaga, “The Legal Framework for Circular Migration in Georgia”, CARIM-East Explanatory Note 12/61, September 2012
http://www.carim-east.eu/media/exno/Explanatory%20Notes_2012-61.pdf

Hernandez i Sagrera, Raul, “Assessing the Mobility Partnerships between the EU and Moldova and Georgia”, EaP Community, 23 August 2011
<http://www.easternpartnership.org/publication/mobility-and-migration/2011-08-23/assessing-mobility-partnerships-between-eu-and-moldova>

HIT Foundation (2011b). *Towards Sensible Labour Migration Policies: Lessons Learned & Recommendations*, Ministry of Foreign Affairs, Government of the Netherlands, and the HIT foundation, The Hague, November 2011
http://hitfoundation.eu/docs/111110_Pilot%20Circular%20Migration_Lessons_and_recommendations.pdf

“Implementation of the European Neighbourhood Policy in Georgia. Progress in 2012 and recommendations for action”, European Commission, 20 March 2013
http://ec.europa.eu/world/enp/docs/2013_enp_pack/2013_progress_report_georgia_en.pdf

Kardava, Ekaterine, “Legal Aspects of Labour Migration Governance in Georgia. A Reply to Prof. G. Gabrichidze”, CARIM-East Analytic and Synthetic Notes 2012/10
<http://www.carim-east.eu/media/CARIM-East-AS2012-10.pdf>

Labadze, Lasha, Mirian Tukhashvili, *Costs and Benefits of Labour Mobility between the EU and the Eastern Partnership Partner Countries Country report: Georgia*, CASE/CEU/IZA/LSE Enterprise 2012
http://www.iset-pi.ge/files/georgia_final.pdf

Lundborg, Per, *Immigration Policy for Circular Migration*, Swedish Institute for European Policy Studies, Report No. 4, Stockholm 2010

<http://www.sieps.se/sites/default/files/>

[Immigration%20Policy%20for%20Circular%20Migration%20\(2010_4\).pdf](http://www.sieps.se/sites/default/files/Immigration%20Policy%20for%20Circular%20Migration%20(2010_4).pdf)

Maroukis, Thanos, Anna Triandafyllidou, *Mobility Partnerships: A Convincing Tool for the EU's Global Approach to Migration?*, Policy Paper No. 76, Notre Europe, Brussels, 26 February 2013

<http://www.notre-europe.eu/media/mobilitypartnerships-maroukistriandafyllidou-ne-jdi-feb13.pdf>

McLoughlin, Sheena, Rainer Munz, *Temporary and circular migration: opportunities and challenges*, European Policy Centre Working Paper No. 35, March 2011

http://www.epc.eu/documents/uploads/pub_1237_temporary_and_circular_migration_wp35.pdf

Migration and Remittances Factbook 2011, World Bank: Washington, DC 2011

<http://siteresources.worldbank.org/INTLAC/Resources/Factbook2011-Ebook.pdf>

“Migration strategy prepared with EU to be adopted in Georgia”, Country News 2013, Soderkoping Process, 12 March 2013

<http://soderkoping.org.ua/page42848.html>

Mosneaga, Valeriu, *Circular Migration of the Population of the Republic of Moldova*, CARIM-East Explanatory Note 12/68

http://www.carim-east.eu/media/exno/Explanatory%20Notes_2012-68.pdf

Reslow, Natasja, “Policy brief: The Mobility Partnership”, *Migration policy brief: No. 1*, Maastricht Graduate School of Governance, 2010

<http://i.unu.edu/media/unu.edu/publication/000/028/794/PB1.pdf>

Reslow, Natasja, “European policy debate: the Mobility Partnerships”, *Migration policy brief: No. 9*, Maastricht Graduate School of Governance, 2012

<http://mgsog.merit.unu.edu/ISademie/docs/PB9.pdf>

Temporary and Circular Migration: empirical evidence, current policy practice and future options, European Migration Network 2010

<http://emn.intrasoft-intl.com/Downloads/>

[download.do?jsessionid=9241D8BE508CD4382BAC9DDC08E076E9?fileID=2482](http://emn.intrasoft-intl.com/Downloads/download.do?jsessionid=9241D8BE508CD4382BAC9DDC08E076E9?fileID=2482)

Tukhashvili, Mirian, “The demographic and economic framework of circular migration in Georgia”, CARIM-East Explanatory Note 12/89, September 2012

http://www.carim-east.eu/media/exno/Explanatory%20Notes_2012-89.pdf

“Visa Liberalization Prospects in Georgia—the Way Open for Temporary Emigrants?”,
Caucasus Research Resource Centres, 5 March 2013
<http://crcc-caucasus.blogspot.com/2013/03/visa-liberalization-prospects-in.html>

Weinar, Agnieszka, “Mobility Partnerships—what impact do they have on legal migration and mobility?”, Migration Policy Centre at the European University Institute
<http://www.migrationpolicycentre.eu/mobility-partnerships-what-impact-do-they-have-on-legal-migration-and-mobility/>

Wickramasekara, Piyasiri, *Circular Migration: A Triple Win or a Dead End*, Global Union Research Network Discussion Paper No. 15, Geneva 2011
<http://www.gurn.info/en/discussion-papers/no15-mar11-circular-migration-a-triple-win-or-a-dead-end>

Wiesbrock, Anja, Hildegard Schneider, *Circular Migration and Mobility Partnerships: Briefing Paper*, European Parliament 2009
<http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=28798>



Georgian Young Lawyers' Association/GYLA
Address: J. Kakhidze str. 15, Tbilisi; www.gyla.ge

Caucasus Institute for Peace, Democracy and Development/CIPDD
Address: Tsereteli Ave. 72, Tbilisi; www.cipdd.org