

Action Plan to decrease the irregular migration and security challenges linked to the travel of Georgian citizens to the EU

State of play

The purpose of this action plan is to identify in close cooperation with concerned EU Member States (EUMS notably DE, FR, SE, EL) immediate actions to be taken by Georgian authorities and EU MS, with the support of the EU Commission and its Agencies (in particular EBCGA, Europol) to mitigate current and worrying migration and security-related trends. Since the entry into force of the visa free regime with Georgia in March 2017, EUMS have experienced a sharp increase of unfounded asylum applications from Georgian nationals, as well a sustained activity on their territories of Georgian organised crime groups (with reported links between unfounded asylum applications and increase in security threats). Georgian nationals have been registered as one of the largest nationalities applying for asylum in 2018 in some of the concerned EUMS. Health care reasons have been prominently reported for asylum requests.

The Commission called on Georgia to step up efforts to reverse the irregular migratory trends in its reports under the Visa suspension mechanism reports (adopted December 2017 and 2018), as well as in technical and high-level meetings. In view of the concerns raised by the Commission and EU Member States, Georgia has been actively taken mitigating measures at domestic level since 2018. Georgia launched three waves of countrywide information campaigns on the rights and obligations of the citizens under the visa-free regime, a free mobile application calculating the number of days spent in the Schengen area, and important legislative amendments to strengthen the rules for changing last name and reinforced the bi-lateral cooperation with EUMS.

EUMS¹ have also taken measures such as accelerating their asylum procedures for Georgian nationals and recognised Georgia as a safe country of origin. In addition, some Member States and Georgia have engaged in enhanced bilateral cooperation on migration and security. Several agreements for deploying Member States liaison officers to Georgia and hosting Georgian liaison officers have been signed. At EU level, Georgia and the EU have further strengthened their cooperation in the area of migration management and security. Georgia has signed working arrangements with CEPOL, an operational cooperation agreement with Europol, working arrangements with EBCGA, EASO, and most recently with Eurojust. However, in view of the rapid deterioration of the situation, and the need to enhance the effectiveness of the measures taken by the Georgian authorities, the Commission has set up a working group at expert level, bringing EUMS and Georgia together to find concrete mitigating solutions.

At the technical level, meetings which took place on 22 February (with the Commission and Member States only) and on 26 March (with Georgia, Member States and the Commission), it was agreed to work together on an operational set of measures. The table below summarises the measures proposed in the framework of these meetings to address these issues in a comprehensive and timely manner. The table below summarises the measures proposed in the framework of these meeting to address these issues in a comprehensive and timely manner. These measures are to be taken to address and find practical and operational solutions to current migratory and security pressure.

Objectives	Operational actions	Operational tools	Stakeholders	Suggested timelines
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¹ Belgium, Bulgaria, Czech Republic, Estonia, Ireland, France, Luxemburg, Netherlands, Austria and Finland.

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Enhanced monitoring of migratory trends to EU	<p>1) Monitoring of asylum trends of Georgian nationals in the EUMS and information sharing with EUMS</p> <p>Regular exchanges with concerned MS, COM/EUMS regular exchanges with GEO authorities to inform them about latest asylum statistics</p>	<ol style="list-style-type: none"> 1. Mailing list with concerned EUMS designated contact points 2. Ad-hoc meetings between concerned EUMS, COM and GEO authorities to exchange on the state of play, including ad-hoc video-conference meetings with concerned EU Agencies (EBCGA, Europol) 3. Regular meetings between concerned EUMS and EU DEL in Tblisi 	<p>DG HOME, EUMS, EBCGA, Europol, EU DEL</p>	<p>Two meetings held 22/02 and 26/03 COM+DE+FR+SE Next meeting foreseen in early May *** ongoing</p>
Reinforce border controls	<p>2) Georgia to adopt the amendment to the law on entry-exit control</p> <p>State play: Georgian border guards can refuse exit only when a Georgian national is using falsified or invalid travel documents or is on the list of wanted persons. The idea is now to adopt a provision enabling the Georgian border guard to prevent exit towards the EU of a person who has already, been subject to a return decision or an entry ban in an EU MS.</p> <p>There have been several attempts by GEO Government to propose draft laws to expand the list of grounds of rejections, which however with no success because of fundamental rights concerns. GEO has asked the EU for partial access to SIS, to justify the decisions to refuse the exit. The access to SIS for third countries under EU legislation is however not possible.</p>	<p>Support to drafting relevant legal provisions in line with international practices could be potentially provided under the ongoing EU funded project implemented by the IOM. If requested, EU legal expertise through TAIEX could be mobilised.</p>	<p>EU (DG HOME, DG NEAR), Georgia</p>	<p>Summer 2019</p>
	<p>3) Explore possibilities to share with Georgia in a timely manner informations on return decisions and entry bans that have been issued by MS</p> <p>State of play: Georgia cannot have access to SIS, and has no overview of the persons for whom the entry ban is issued to make informed decisions to refuse exit from the country</p>	<p>COM to explore legal possibilities, taking into account EU rules, on what type of information regarding recent return decisions and exit bans can be shared.</p>	<p>EUMS, GEO</p>	

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	<p>4) Engage in dialogue with the airlines operating from the airports in Tbilisi and Kutaisi (WIZZ Air, Georgian Airlines etc.)</p> <p>From an operational perspective, EU experts can support the Georgian authorities (upon request of the Georgian authorities), travel checks before boarding the airplane to ensure that travellers meet the travel requirements (i.e. return ticket, health insurance, hotel reservation, etc). On a limited scale, the local Border Guard in cooperation with the deployed EBCGA EU expert and air carrier WIZZ Air are carrying out some checks at Kutaisi airport (Georgia), to mitigate the flow of Georgian nationals, who do not comply with the Schengen entry conditions. EBCGA will be in contact with the Georgian authorities to explore the possibilities of direct cooperation between the latter and the air carriers, with a view to the Georgian law/regulations on exit control, in order to expand the activity and to be able to cover as many flights as possible towards the EU.</p>	<ol style="list-style-type: none"> 1. Closely work with EUMS towards a coherent approach on cooperation with air carriers who have direct flights to the EU from Georgia. 2. Contacts with specific airlines 3. Authorisation of EUMS liaison officers deployed in GEO to act as airline Liaison Officers's vis-à-vis the airlines operating direct flights from GEO to the EUMS 4. Support by EBCGA (on 16 April 2019 Georgian Authorities had a meeting with air carrier WIZZ air with the presence of EBCGA). [EUDEL: Ongoing EU financed IOM project could potentially support Georgian authorities to facilitate the discussions with the airlines, if requested.] 	EU (DG HOME), EUMS, GEO, EBCGA	Spring 2019
	<p>5) Bi-lateral agreements for the deployment of EUMS liaison officers in Georgia</p>	<ol style="list-style-type: none"> 1. EUMS to consider adjustments of current deployment having larger responsibilities in both the migration and security fields. Current state of play: AT, FR, DE, EL have deployed liaison officers in Georgia and 5 MS (BE, IT, NL, ES, UK) have liaison officers that follow Georgia from another third country. 2. Deployment of additional liaison officers by other MS 3. Conclusion of arrangements between MS already present in GEO and other MS to ensure the interest of other MS is taken into account [EBCGA proposal] 	EUMS	Ongoing

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	<p>6) Bi-lateral agreements for deployment of Georgian liaison officers in EUMS</p>	<ol style="list-style-type: none"> 1. Georgia to consider adjusting the mandate of currently deployed police attachés, so that they also cover issues related to migration, notably by providing information linked to different reasons for asylum requests. [Georgian police attachés are deployed in 11 EUMS] 2. Reinforce the presence of Georgian liaison officers in the most concerned MS (FR has proposed to host 3 additional Georgian migration/police officers) 3. If requested, under the ongoing EU funded project implemented by the IOM some special training of the police attaches could potentially be provided 	Georgia	Ongoing
	<p>7) Enhanced engagement of European Border and Coast Guard Agency (EBCGA) and deployment of EU experts at the airports of Kutaisi and Tbilisi to advise Georgian authorities on exit control activities</p> <p>State of play:The tasks and competences for exit control, should be clearly agreed with the Georgian Authorities. GEO is keen on signing an EBCGA status agreement. If a Status Agreement with Georgia were to be concluded, EBCGA EU Experts would be able to perform their tasks with full executive powers, however the ban on exchange of information from SIS would still be valid. There would, however, be a possibility to collect personal data for more than administrative purposes - not only to produce statistics, but also risk analysis on the profiles of the migrants.</p>	<ol style="list-style-type: none"> 1. 3 EBCGA EU experts (without executive powers) are posted since January 2019 in Georgia, in an advisory role (2 in Tbilisi Airport, 1 in Kutaisi airport). 2. Possibility to send more EBCGA EU experts (without executive powers) (up to 10 persons). In this regard the EBCGA plans to propose to EU MS and Georgia a Joint Action to mitigate the flow of Georgian nationals toward EU airports. The Joint Action will consist of deployments of Georgian Third Country observers (at least 4) at the most affected EU airports (to support the local authorities in cases involving irregular GEO citizens and gathering information) and of a team of EU Experts at Kutaisi/Tbilisi airports to support the local authorities. EU experts will provide more support to the Georgian colleagues when informing potentially irregular passengers of 	GEO, EU, EUMS EBCGA	Ongoing EBCGA will continue with deployments of EU Experts at Tbilisi and Kutaisi airports in the course of 2019

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		<p>the risk of being refused at EU airports without impeding their departure, gather intelligence and advise the local border guards regarding partnership with air carriers (WIZZ Air). Based on Article 12n of the General Conditions of carriage of passengers and baggage of WIZZ Air, the airline reserves the right to refuse the carriage if “You do not meet or We reasonably believe that You do not meet the entry requirements of the country of the Agreed Stopping Place or the Place of Destination”- Application of this article must be discussed by Georgia with WIZZ Air.</p> <p>3. Start negotiations of the Status Agreement with EBCGA. This is a possibility to be considered under the EBCGA 2.0</p> <p>4. Production of leaflets to distribute to check-in desks and embarkation gates at departure airport(s) most affected by the phenomenon in order to inform the passengers of the risk of flying to EU when one does not comply with the rules set in Art. 6 of SBC - Reg. (EU) 2016/399. This could also potentially be produced by the ICMPD (or other ongoing project).</p> <p>The deployment of these liaison officers would provide for reinforced control and support . However, it is not solving the issue of GEO border guards needing to refuse exit.</p>		
	8) Explore the interest to deploy an European migration liaison officer (EMLO) in GEO	<p>The assignment of an EMLO with a regional mandate covering Caucasus region could be explored. If a capacity gap is identified within the EU DEL, an EMLO could allow for better</p>	<p>EU (DG HOME), GEO, EUMS</p>	

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		<p>information sharing on migration between local actors, EU MS and COM to analyse the root causes and dynamism of migration in this region. It would support EU DEL on migration related coordination with all relevant stakeholders.</p> <p>To note that EMLOs are seconded national experts paid for by Member States and as such the creation of the post should be conditional on an agreement that a MS would agree to send someone.</p>		
Readmission cooperation	9) Further improve the cooperation on Readmission between EU MS and Georgia	<p>Increase the number of MS using the electronic readmission platform</p> <p>Increase the effective return rate</p>	EU MS, Georgia	Ongoing
Training	10) Increased capacity of border guards through specific training	<p>Training of border guards on pre-boarding screening [feasibility to could be assessed by EBCGA Training Unit]</p> <p>Training could potentially be provided in the framework of the ongoing project implemented by the IOM and/or in cooperation with EBCGA</p>	DG NEAR, EBCGA	
Fighting organised crime groups	11) Enhanced cooperation through EU Policy Cycle for serious international and organised crime/EMPACT	<ol style="list-style-type: none"> 1. Fully use the possibilities available in the framework of the current operational cooperation agreement with Europol 2. Invite Georgia to engage in relevant crime priorities under the EU Policy Cycle (continue with enhanced participation in the facilitated illegal immigration, cybercrime and organised property crime priorities and engage, if relevant, in excise fraud and document fraud). These actions may be potentially covered by the SAFE programme, funded under Annual Action Programme 2018 and starting from mid/end 2019. 	DG HOME, Europol, EU MS	

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		3. Europol to facilitate contacts with relevant priority drivers from EU MS		
Preventing, dissuading and sanctioning illegal migration and organised crime from GEO nationals	12) Amendments to the Penal Code, including provisions criminalising the assistance to illegal migration (for persons encouraging or helping Georgians to travel to EU with explicit purpose of overstaying), even if based on mutual agreement with the traveller; for instance provision of financial means to cover travel expenses.	The amendment of the law has passed the second reading in the Parliament on 04/04/2019, therefore, it could be expected to be approved soon. Should any further amendments be needed, the IOM implemented project could potentially mobilise resources or, if requested by Georgia, TAIEX experts could potentially be mobilised.	GEO (Ministry of Interior)	Summer 2019
	13) To adopt legislative amendments to impose travel bans for offenders on probation	Should this be agreed with the Georgian side, the IOM implemented project or other ongoing EU funded project could potentially mobilise resources to facilitate these legal changes.	GEO (Ministry of Interior, Ministry of Justice)	
	14) Continue to reinforce cooperation in law enforcement between EU MS and Georgia and provide additional support for capacity building in order to fight Georgian organised crime groups	Currently there is an ongoing EU-funded project Support to the fight against organised crime (July 2018 – January 2021) and a technical assistance project in this field is planned, which could potentially support implementation of this action. As well as Regional Programme Fighting organised crime in the EaP region (MIP 2017-2020). Under SAFE programme, Support to fighting and preventing serious crime in Georgia – a project addressing organised crime will be launched in second half of 2020 [DG NEAR/EU DEL]	DG NEAR, GEO, EU Agencies	

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	<p>15) Continue with country- wide information campaigns on legal consequences of making an asylum application that is unfounded, putting emphasis on grounds of rejection</p> <p>Involve the interested EU MS in the information campaigns.</p>	<ol style="list-style-type: none"> 1. Involve in the preparation the information campaign's EU DEL and MS representation in Georgia 2. Evaluate the current information campaigns (with EU financial support) 3. Set up a far-reaching targeted campaign by involving EU and international experts <p>The information campaigns supported by the EU are implemented by the ICMPD and by the State Commission on Migration Issues as well as Public Service Development Agency and its Community Centers locally.</p> <p>The process is ongoing, and further support can be provided after the end of these projects, provided the evaluation carried out by the EU Delegation is positive.</p> <p>Additionally, under the 2018 Programme Support to Association Agreement, there is sufficient budget to support 3 government led pilot campaigns. This could include VLAP/migration info campaigns.</p>	EU (EUDEL, DG NEAR), GEO	
Providing safe alternatives to illegal migration and swift asylum procedures	16) Use the existing Mobility Partnership framework to test pilot initiatives in the area of law enforcement. Reflect on the possibility to extend the scope of the “legal migration projects with third countries to EaP including under the Mobility Partnership Facility	To organise a consultation process among national stakeholders to better address the national needs in the EU programs to boost the actions under the Mobility Partnership	EU (DG HOME), EUMS and GEO	Summer 2019
	17) To encourage MS which have designated GEO as a safe country of origin to apply the accelerated procedures To encourage MS to prioritise the processing of applications for international protection from Georgian citizens.	DE and FR have taken necessary measures to prioritise / accelerate the asylum procedures for GEO nationals	EUMS	

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