Operational actions to decrease the irregular migration and crime-related challenges linked to the travel of Georgian citizens to the EU in line with the Visa Suspension Mechanism report's recommendations<sup>1</sup>

## State of play

Following the recommendations of the visa suspension mechanism reports (adopted in December 2017 and December 2018), the European Commission has called on Georgia to step up its efforts to reverse irregular migratory trends. In view of these concerns, Georgia has been actively taking mitigating measures. In this vein, the following is a list of operational actions to be taken by the Georgian authorites, with the support of the European Commission and its agencies (in particular EBCGA, Europol) in close consultation with EU Member States. The Commission will keep all Member States informed via the Council Working Groups.

Objectives	Operational actions	EU legal framework / prior Council endorsement	Operational tools	Suggested timelines and state of play
Enhanced monitoring of migratory trends to the EU	1) Monitoring of asylum trends of Georgian nationals in the EU MS and information sharing with EU MS	Implement cooperation with Georgian authorities in the sense of Art 8(6) of the regulation of the visa suspension mechanism (2018/1806).  Specific recommendation of the Visa Suspension Mechanism report (COM (2018)856 final) refers to the need for immediate action to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and calls to strengthen the operational cooperation with concerned countries to achieve a swift decrease in the number of unfounded asylum applications by Georgian nationals in the Schengen+ area;  The 5 <sup>th</sup> EU-Georgia Association Committee – draft annotated agenda (WH 6765/19 rev 3), approved by Council Working Group COEST	1/Mailing list with EU MS concerned designated contact points.  2/Ad-hoc meetings between COM and GEO authorities to exchange on the state of play, including ad-hoc video-conference meetings with EU Agencies concerned (EBCGA, Europol). Member States will be kept informed and involved.  3/Regular meetings between EU MS concerned, EU DEL in Tblisi and GEO authorities in Tblisi.	Ongoing

<sup>&</sup>lt;sup>1</sup> COM(2018)856 final 19.12.2018

under silence procedure on 13 June 2019: -Highlight the need for the sustained fulfilment of the visa liberalisation benchmarks, in line with the revised suspension mechanism, and underline the importance of the jointly identified actions to decrease the irregular migration and security challenges linked to the travel of Georgian citizens to the EU. -Acknowledge Georgia's determination and commitment to prevent and address abuses and to continuously fulfil the benchmarks and hence safeguard the great achievement of visa liberalisation. Welcome the actions already taken. Note, however that more and immediate action is necessary including the jointly identified concrete measures to enhance and streamline cooperation and reinforced border controls. The EU stands ready to further assist with the implementation of these measures. Encourage Georgia to further strengthen the operational cooperation with EU Member States, to achieve a swift decrease in the number of unfounded asylum applications by Georgian citizens in line with the revised visa suspension mechanism.

Reinforce border controls	2) Georgia to amend the law on entry-exit control	Commitment by Georgia with EU expert support.	Support to drafting of relevant legal provisions in line with	
	Georgian Patrol Police can currently refuse exit only when a Georgian national is using falsified or invalid travel documents or is on the list of wanted persons. This action proposes to adopt a provision enabling the Georgian Patrol Police to prevent exit towards the EU of a person who does not fulfil Schengen entry conditions	Specific recommendation of the Visa Suspension Mechanism report (COM (2018)856 final) refers to the need for immediate action to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and calls to strengthen border controls, in full respect of fundamental rights.  The 5th EU-Georgia Association Agreement Subcommittee meeting on Justice, Freedom and Security – revised draft annotated agenda (WK 5387/2019 rev 2) approved by Council Working Group COEST under silence procedure on 10 May 2019:  Acknowledge Georgia's determination to prevent and address abuses, including the recent adoption of the amendment to the Criminal Code criminalising the assistance to illegal migration. Recall, however, that further immediate action is needed to address these challenges, and in this context enquire about the state of play of the draft law to introduce exit border controls.	international practices could be provided through TAIEX.  A two step approach is proposed:  - Taiex peer review mission to Georgia on reinforcing the exit border controls.  - Look into the possibility to organise a follow-up seminar based on the Taiex expert findings/proposals and to help Georgia draft implementing texts / guidelines to ensure balanced application of the new legal provisions (for instance risk assessments of passengers).	1-5 July 2019 Taiex peer review mission  September/October 2019 tbc
	3)Explore if there are any possibilities, under the existing legal framework, for exchanges between EU MS and Georgia of relevant information for transfering entry bans data	Implement cooperation with Georgian authorities in the sense of Art 8(6) of the regulation of the visa suspension mechanism (2018/1806).  Specific recommendation of the Visa Suspension Mechanism report (COM (2018)856 final) refers to the need of immediate action to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and calls to strengthen:	COM to explore if there are any possibilities, taking into account EU legal framework, for sharing information regarding recent return decisions and entry bans.	Ongoing

3 10 11

border	controls,	in	full	respect	of	fundamental
rights.						h concerned

- the operational cooperation with concerned countries to achieve a swift decrease in the number of unfounded asylum applications by Georgian nationals in the Schengen+ area;

The 5th EU-Georgia Association Committee draft annotated agenda (WH 6765/19 rev 3), approved by Council Working Group COEST under silence procedure on 13 June 2019;

and the 5th EU-Georgia Association Agreement Subcommittee meeting on Justice, Freedom and Security - revised draft annotated agenda (WK 5387/2019 rev 2) approved by Council Working Group COEST under silence procedure on 10 May 2019:

Encourage Georgia to further strengthen the operational cooperation with EU Member States, to achieve a swift decrease in the number of unfounded asylum applications by Georgian citizens in line with the revised visa suspension mechanism.

4) Georgia to engage in dialogue with the airlines operating from the airports in Tbilisi and Kutaisi (WIZZ Air, Georgian Airlines etc.)

From an operational perspective, EU experts can support the Georgian authorities (upon request), to carry out travel checks before boarding the airplane to ensure that travellers meet the travel requirements (i.e. return hotel insurance, health ticket.

Commitment by Georgia

The 5th EU-Georgia Association Committee draft annotated agenda (WH 6765/19 rev 3), approved by Council Working Group COEST under silence procedure on 13 June 2019;

and the 5th EU-Georgia Association Agreement Subcommittee meeting on Justice, Freedom and Security - revised draft annotated agenda (WK 5387/2019 rev 2) approved by Council Working Group COEST under silence procedure on 10

1/Georgia to closely work with EU MS towards a coherent approach on cooperation with air carriers who have direct flights to the EU from Georgia. 2/Georgia to take contacts with specific airlines.

3/Support by EBCGA.

4/If requested by Georgia, ongoing EU financed IOM project could potentially support Georgian authorities to facilitate

Ongoing

On 16 April, Georgian Authorities had a meeting with air carrier WIZZ air in the presence of EBCGA.

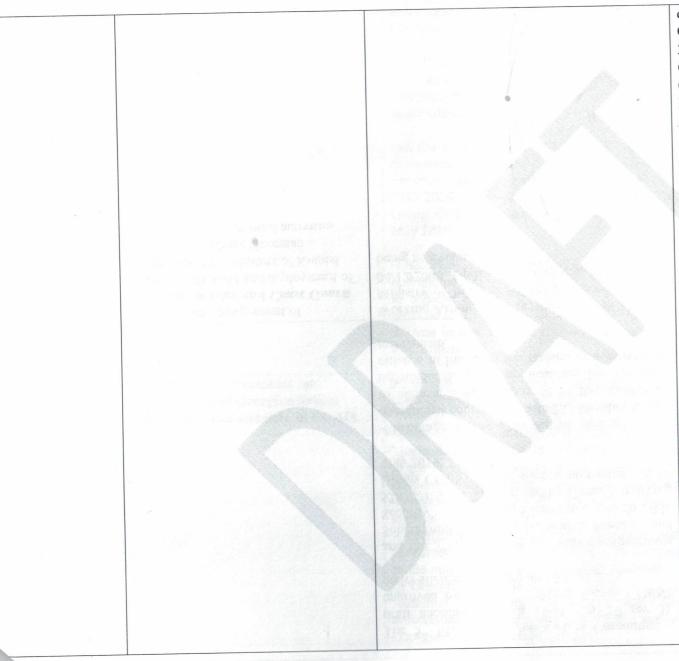
Since 22 May 2019, 5 EU experts are deployed at Kutaisi airport, until January

reservation, etc). On a limited scale, the Patrol Police officers in cooperation with the deployed EBCGA EU expert and air carrier WIZZ Air are carrying out pre-checks at Kutaisi airport, to mitigate the flow of Georgian nationals, who do not comply with the Schengen entry conditions.	May 2019:  -Encourage Georgia to further strengthen the operational cooperation with EU Member States, to achieve a swift decrease in the number of unfounded asylum applications by Georgian citizens in line with the revised visa suspension mechanism.	the discussions with the airlines.	4 Georgian Observers were deployed up to 2 July at Berlin (SXF), Dortmund (DTM), Paris Beauvais (BVA) and Vienna (VIE) airports. The second phase of the deployment of Georgian Officers will start on 2 July at Larnaca (LCA), Rome (FCO), Katowice (KTW) and Vienna (VIE) airports up to 2 August.
5) Bilateral agreements for the deployment of EU MS liaison officers/document advisors in Georgia	Existing bilateral agreements between Georgia and EU MS in the context of the Immigration Liaison Officers regulation <sup>2</sup> .  Specific recommendation of the Visa Suspension Mechanism report (COM (2018)856 final) refers to the need for immediate action to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and calls to:  - strengthen the operational cooperation with concerned countries to achieve a swift decrease in the number of unfounded asylum applications by Georgian nationals in the Schengen+ area;  -continue to strengthen cross-border law	1/EU MS to consider adjustments of current deployment having larger responsibilites in both migration and law-enforcement fields. AT, FR, DE, EL, ES have deployed liaison officers in Georgia and 4 EU MS (BE, IT, NL,UK) have liaison officers that follow Georgia from another third country.  2/Deployment of additional liaison officers /document advisors at airports by other EU MS.	Ongoing

<sup>&</sup>lt;sup>2</sup> Council Regulation (EC) 377/2004 as amended

	Georgian organised crime groups.  The 5 <sup>th</sup> EU-Georgia Association Committee — draft annotated agenda (WH 6765/19 rev 3), approved by Council Working Group COEST under silence procedure on 13 June 2019;  and the 5 <sup>th</sup> EU-Georgia Association Agreement Subcommittee meeting on Justice, Freedom and Security — revised draft annotated agenda (WK 5387/2019 rev 2) approved by Council Working Group COEST under silence procedure on 10 May 2019:	3/Conclusion of arrangements between EU MS already present in Georgia and other EU MS, to ensure that the interests of other EU MS are taken into account [EBCGA proposal].	
Participations for the parties of the parties of the Mashina	operational cooperation with EU Member States, to achieve a swift decrease in the number of unfounded asylum applications by Georgian citizens in line with the revised visa suspension mechanism.		Occion
6) Bi-lateral agreements for deployment of Georgian liaison officers/ police attachés in EU MS	Existing bi-lateral agreements between Georgia and EU MS.  Specific recommendation of the Visa Suspension Mechanism report (COM (2018)856 final) refers to the need for immediate action to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and calls to:  - strengthen the operational cooperation with concerned countries to achieve a swift decrease in the number of unfounded asylum applications by Georgian nationals in the Schengen+ area;  -continue to strengthen cross-border law enforcement cooperation to fight agains Georgian organised crime groups;	information on migration related issues [Georgian police attachés are deployed in 11 EU MS - AT, BE (Liaison Officer to NATO), CZ, FR, DE, EL, IT, NL (Liaison Officer to EUROPOL), ES, PL (covers EE, LV and LT), and SE (covers NO, DK	4 Georgian Observers were deployed up to 2 July at Berlin (SXF), Dortmund (DTM), Paris Beauvais (BVA)

	The 5 <sup>th</sup> EU-Georgia Association Committee — draft annotated agenda (WH 6765/19 rev 3), approved by Council Working Group COEST under silence procedure on 13 June 2019;  and the 5 <sup>th</sup> EU-Georgia Association Agreement Subcommittee meeting on Justice, Freedom and Security — revised draft annotated agenda (WK 5387/2019 rev 2) approved by Council Working Group COEST under silence procedure on 10 May 2019:  -Encourage Georgia to further strengthen the operational cooperation with EU Member States, to achieve a swift decrease in the number of unfounded asylum applications by Georgian citizens in line with the revised visa suspension mechanism.	3/If requested, under the ongoing EU funded project implemented by the IOM, some special training of the police attachés could potentially be provided.	airports. The second phase of the deployment of Georgian Officers will start on 2 July at Larnaca (LCA), Rome (FCO), Katowice
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		the deployment of a team	Ongoing  The European Border and Coast Guard Agency will continue and reinforce the deployment of EU Experts mainly at Kutaisi Airport with deployment of additional EU Experts. The Agency will maintain the number of deployments at Tbilisi Airport in the course of 2019.



within the Joint deployed, Operation "Coordination Points 2019 Air" and to host 4 Georgian officers (Third Country Observers) at relevant EU/SAC airports which will be identified based on risk analysis implemented in framework of the Joint Operation "Focal Points 2019 Air". The invitation package included a set of operational measures to be implemented by the Patrol Police Department of Georgia to curb the migration flow with the support of EU Experts.

The Patrol Police of Georgia may advise air carriers of this opinion and allow the air carriers to make the decision to carry passengers or not based on their commercial own considerations. The main air carrier in Kutaisi airport is Wizz Air which reserves the right to refuse the carriage of passenger(s) if they reasonably believe that they do not meet the entry requirements of the place of destination (Wizz Air General Ltd. Hungary carriage conditions of baggage; and passengers

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4 Georgian Observers were deployed up to 02 July at Berlin (SXF), Dortmund (DTM), Paris Beauvais (BVA) and Vienna (VIE) airports. The second the phase of deployment of Georgian Officers will start on 02 July at Larnaca (LCA), Rome Katowice (FCO), (KTW) and Vienna

effective as of 10 October 2018 (VIE) airports up to 2 art. 12 (n) - Refusal of August. carriage). The measure will aim: To reinforce the border control activities carried out by the Patrol Police of Georgia at Kutaisi airport, providing the physical presence of EU Experts in uniform at Kutaisi airport; To provide more credibility to the Georgian authorities when informing passengers, not fulfilling EU entry conditions, of the risk of being refused at EU/SAC airports without impeding their departure; • To support the Patrol Police of Georgia in communication with the EU/SAC authorities and with the air carrier Wizz Air; To provide support to the EU/SAC in managing cases irregular Georgian passengers by deploying Georgian Observers and Team Members to EU/SAC airports; To pay particular attention to monitoring the situation

		be used to avoid checks at Kutaisi Airport.  Production of leaflets to distribute at 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 the EU when one does not comply with the rules set in Art. 6 of SBC - Reg. (EU) 2016/399.  If requested by Georgia, this could also potentially be produced by the ICMPD (or other ongoing project).	In Public Service Halls and Community Centers in Georgia relevant leaflets are distributed together with passports. This practice proved to be effective in dealing with target groups and will be continued.
8) Explore the interest to deploy an European migration liaison officer (EMLO) in GEO	Council Conclusions (9 November 2015, 13870/15).  Concept paper on the deployment of European Migration Liaison Officers (4 November 2015, 13435/15).  Regulation on the creation of a European Network of Immigration Liaison Officers (recast) (24 May 2019, PE-CONS 50/19, expected to enter into force end August 2019).  The 5th EU-Georgia Association Committee – draft annotated agenda (WH 6765/19 rev 3),	with a possible regional mandate covering Caucasus region could be explored. An EMLO could allow for better information sharing on migration between local actors, EU MS and COM on migration in this region, ensuring	

		approved by Council Working Group COEST under silence procedure on 13 June 2019;  and the 5 <sup>th</sup> EU-Georgia Association Agreement Subcommittee meeting on Justice, Freedom and Security – revised draft annotated agenda (WK 5387/2019 rev 2) approved by Council Working Group COEST under silence procedure on 10 May 2019:  -Encourage Georgia to further strengthen the operational cooperation with EU Member States, to achieve a swift decrease in the number of unfounded asylum applications by Georgian citizens in line with the revised visa suspension mechanism.	relevant stakeholders. To note that EMLOs are cost free seconded national experts and as such EU MS would need to agree to put forward suitable applicants for the post, if opened.	
Readmission cooperation	9) Further improve the cooperation on Readmission between EU MS and Georgia	EU – Georgia Readmission Agreement concluded by the Council by means of Council Decision 2011/118/EU.	Explore the possibilities for increased number of EU MS using the electronic readmission platform.  Increase the effective return rate.	Ongoing
Training	10) Increased capacity of border guards through specific training	Working Arrangement between the EBCGA and Ministry of Internal Affairs of Georgia, signed 04/12/2008. Updated arrangements are currently being negotiated.  Specific recommendation of the Visa Suspension Mechanism report (COM (2018)856 final) refers to the need for immediate action to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and calls to strengthen border controls, in full respect of fundamental rights.	Training of border guards on pre-boarding screening [feasibity could be assessed by EBCGA Training Unit]. If requested by Georgia, the training could potentially be provided in the framework of the ongoing project implemented by the IOM and/or in cooperation with EBCGA.	Ongoing / In progress  – to be detailed following the amendments to the law on entry / exit controls.
Crans Sector		e Busi		11

ighting organised rime groups	11) Enhanced cooperation through EU Policy Cycle for serious international and organised crime/EMPACT	with Europol, signed on 04.04.17, entered into force on 27.07.17 and Georgian Liaison Officer is deployed at Europol HQ since September 2018.  Specific recommendation of the Visa Suspension Mechanism report (COM (2018)856 final) refers to the need for immediate action to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and calls to:  -continue to strengthen cross-border law enforcement cooperation to fight against Georgian organised crime groups;  - Finalise the reform on intelligence-led policing and the creation of a unified crime analysis system as a matter of priority;  The 5th EU-Georgia Association Committee draft annotated agenda (WH 6765/19 rev 3), approved by Council Working Group COEST under silence procedure on 13 June 2019:  -Welcome efforts for closer cooperation with Europol and with EU Member States and look forward to the entry into force of the agreement with Eurojust by October 2019.  The 5th EU-Georgia Association Agreement Subcommittee meeting on Justice, Freedom and Security are revised draft annotated agenda	team or Common Operational Partnership.	
		(WK 5387/2019 rev 2) approved by Council Working Group COEST under silence procedure on 10 May 2019:  -Underline the importance of Georgia's judicia	e	12

		cooperation in criminal matters in the framework of the follow-up to the Visa Liberalisation Action Plan and the agreement with Europol.  -Stress the importance of the Georgia-Europol Agreement on Operational and Strategic Cooperation in the fight against organised crime.  - Welcome efforts for closer cooperation with Europol and with EU Member States. Encourage Georgia to further enhance the operational cooperation with EU Member States and Europol by making full use of possibilities available under the agreement.		
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 the 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.	- Welcome efforts for closer cooperation with Europol and with EU Member States. Encourage Georgia to further enhance the operational cooperation with EU Member	On 17 April 2019, the Parliament adopted amendments to the Criminal Code of Georgia, which impose criminal responsibility for creating/organising conditions for illegal stay of Georgian citizens in the foreign country, for financial gain or other material benefits, and/or facilitating/organising the provision of false information on the alleged violation of the rights and freedoms of Georgian citizens for the purpose of requesting asylum in a foreign country. The amendments entered into force on 6 May 2019.  Should any further amendments be needed, the IOM-implemented project could	Completed

		potentially mobilise resources or, if requested by Georgia, TAIEX experts could potentially be mobilised.	
13) To adopt legislative amendments to impose travel bans for offenders on probation	Initiative proposed by Georgia	The Ministry of Justice is working on restricting travel for probationers into the Schengen Area and the relevant decree of the Minister of Justice will be issued in the coming weeks.	
The standard of the stand of the standard of t		If requested by Georgia, the IOM- implemented project or other ongoing EU funded project could potentially mobilise resources to facilitate these legal changes.	In progress
14) To adopt legislative amendments to further restrict the procedure for the name change	Initiative proposed by Georgia	The Ministry of Justice intends to further restrict the procedure for name changing (in addition to the legislative amendments adopted in April 2018). The relevant decree of the Ministry of Justice will be issued to this end.	Ongoing/ In progress

15) Continue to support Georgia in
reinforcing their law enforcement and
provide additional support for
capacity building in order to fight
Georgian organised crime groups

Existing EU financial framework: Regional Programme Fighting organised crime in the EaP region (MIP 2017-2020). Single Support Framework<sup>3</sup> for EU support to Georgia 2017-2020.

Specific recommendation of the Visa Suspension Mechanism report (COM (2018)856 final) refers to the need for immediate action to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and calls to:

- -continue to strengthen cross-border law enforcement cooperation to fight against Georgian organised crime groups;
- Finalise the reform on intelligence-led policing and the creation of a unified crime analysis system as a matter of priority;

The 5<sup>th</sup> EU-Georgia Association Agreement Subcommittee meeting on Justice, Freedom and Security – revised draft annotated agenda (WK 5387/2019 rev 2) approved by Council Working Group COEST under silence procedure on 10 May 2019:

-Encourage Georgia to continue cross-border law enforcement and police reform.

-Recall the EU's new overarching programme on security and rule of law (SAFE), which aims to support the fight against corruption, organised crime, money laundering and drugs, border and migration management and the 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 the Regional Programme Fighting organised crime in the EaP region (MIP 2017-2020).

Under the SAFE programme<sup>4</sup>, Support to fighting and preventing serious crime in Georgia – a project addressing organised crime is planned to be launched in second half of 2020.

Ongoing /In progress

<sup>3</sup> SSF C(2017)8160.

<sup>&</sup>lt;sup>4</sup> SAFE Preogramme C(2018)8064

	parliamentary oversight of the defence and security sector.		
16) Continue with country- wide information campaigns on legal consequences of making an asylum application that is unfounded, putting emphasis on grounds of rejection	Existing EU financial framework. Single Support Framework for EU support to Georgia 2017-2020.  Specific recommendation of the Visa Suspension Mechanism report (COM (2018)856 final) refers to the need for immediate action to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and calls to continue to organise information campaigns on the rights and obligations of visa-free travel.	EU financial support).  3/ Set up a far-reaching targeted campaign by involving EU and international experts.  The information campaigns co-	
a surgicial (hi til	TO THE ETT. OF THE PROPERTY CONTRACTOR CONTR	VLAP/migration information campaigns.	1

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Providing safe alternatives to illegal migration and swift asylum procedures	17) 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 pilot projects to EaP including under the Mobility Partnership Facility.	EU- Georgia Mobility Partnership, signed on 30.11.2009 [Joint Declaration on a mobility Partnership between the European Union and Georgia].  Financial support is provided through the Mobility Partnership Facility (Asylum, Migration and Integration Fund, Internal Security Fund (Annual Work Programme 2017/2018/2019).	process among national stakeholders to better address the national needs in the EU programs to boost the actions under the Mobility Partnership.	