

Peer review on reinforcing exit checks and preventing the misuse of the visa-free regime

(JHA IND/EXP 69044)

Peer Review report

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Introduction:

This report is the result of a peer review mission conducted in Georgia (Tbilisi) from 1 July to 5 July 2019.

The overall objectives (as described in the terms of references in the official Agenda) of the peer review mission were to get acquainted with regulations and practices in place in the field of border control and assess in what way Georgian legal framework may (if so should) be amended to create a legal basis for border checks on exit to prevent the misuse of the visa-free regime by Georgian nationals. Indeed several destinations countries have been/are confronted to an increase of (unfounded) international protection claims lodged by Georgian nationals and/or have been facing 'public order' issues (crimes, thefts, etc.) allegedly committed by Georgian nationals.

The Experts, Peter SKERBIS (border management expert) and Cédric DARTOIS (asylum expert), were designated by the European Commission to conduct the assessment and draft recommendations.

The following institutions have been covered during the mission: the Ministry of Internal Affairs (incl. the police structures), the Georgian Parliament (Legal Issues Committee and European Integration Committee), the Ministry of Foreign Affairs, the Ministry of Justice, the Public Defenders Office and the State Commission on Migration Issues.

The authors would like to express their gratitude towards the State authorities for the preparation of the meetings and their availability during the entire mission.

The report (besides the Introduction) is divided in five parts: 1) General overview, 2) Legislative amendments, 3) Operational recommendations, 4) Possible EU support to Georgia.

Although outside the scope of this mission, the report also contains a point 5) Preventing secondary departures (including further misuse) .

The terms 'abuse' and 'misuse' are used interchangeably in the report.

Disclaimer: The views expressed in this report are those of the authors and may not be regarded as stating an official position of the European Commission.

1. General overview:

As of 28 March 2017 Georgian nationals holders of biometric passport can travel visa-free to the Schengen Area. The Second Visa Suspension Mechanism report recommendations (COM (2018)856 final) refer to the need for immediate actions to address the challenges of irregular migration, including increasing numbers of unfounded asylum applications and crime-related challenges linked to the travel of Georgian nationals in the EU and Schengen area (for asylum data : 'Asylum quarterly reports' on EUROSTAT website and/or 'European Commission : Second Report under the Visa Suspension Mechanism', Brussels, 19.12.2018).

According to the Constitution of Georgia (article 14), everyone lawfully staying in Georgia shall have the right to move freely within the territory of the country, to choose a place of residence freely and to leave Georgia freely. These rights may only be restricted in accordance with law, for ensuring national security or public safety, protecting health or administering justice, insofar as is necessary in a democratic society.

According to article 10 of the "Law on the rules and procedures for Georgian citizens exiting and entering Georgia" (19.12.2008 -N 804) Georgian citizen's right on exit can be restricted only when a person is wanted by law enforcement bodies and/or presents falsified or invalid documents.

EU-Georgia Readmission Agreement has been in force since 1 March 2011. Bilateral agreements have been concluded also with Ukraine, Switzerland, Norway, Denmark, Moldova, Belarus, and Iceland (not in force). Under negotiations are agreements with Bosnia and Herzegovina, Azerbaijan, Serbia, Montenegro and Pakistan. Georgia has also concluded implementing protocols with some EU Member States (Bulgaria, Estonia, Hungary, Austria, Lithuania, Germany, Benelux, Slovakia and most recently with Romania). Georgia has also a special integration programme for Georgian nationals who are returning to the country. Finally, Georgia takes also part in Joint Return Operations (JRO) conducted by the European Border and Coast Guard Agency/FRONTEX.

Border Control in Georgia is divided between two services of the Ministry of Internal Affairs. Border Police perform border surveillance of the green and blue border; whereas the Patrol Police Service conducts border checks at the crossing points. There are in total 21 border crossing points (BCP) for international traffic opened in Georgia. Three border crossing points (Airports Tbilisi, Kutaisi and Batumi) have direct connections to the EU/SAC (Schengen Associated countries). All travellers are systematically checked against BMARS (Border Migration and Registration System) that is integrated with National Databases including the data of Ministry of Justice and Interpol Database. Patrol Police who is responsible for border checks informs and recommends passengers in line with the Decree of the Minister of Internal Affairs of Georgia on checking additional documents for those who travel to the EU/SAC area. However, the Patrol Police has formally no power to refuse the exit of the passenger in case of not fulfilling conditions to enter the EU/SAC. Georgia also takes part in the FRONTEX Joint Operation Coordination Points - Air 2019 with deployments of officers to the EU/SAC Member States and hosting of officers in Tbilisi and Kutaisi Airports.

Some EU Member States (FR, AT, DE, ES...) deployed police liaison officers – document advisors to the airports (Kutaisi and Tbilisi). Their role is generally limited to the verification of the authenticity of

the travel documents and checks in EU/National databases. France deployed a Police Liaison officer at Kutaisi airport who is implementing already existing procedures established between Georgia, FRONTEX and the airline company 'Wizz air' (verifying also supporting documents and the EU/SAC entry conditions). At the Kutaisi airport, the airlines do not deploy their own document advisors, however leaving the decisions to deboard in the hand of airlines (private companies) could create a problem in terms of appeal processes (see below).

2. Legislative amendments:

As a preliminary remark, the Experts would like to remind that the Schengen Borders Code that contains conditions to enter the EU/SAC has **not** been elaborated / designed for the reversed (mirror) situation -meaning to be used as an 'exit' criteria of third country nationals entering the EU/SAC.

The Experts were indeed informed during the mission that the Georgian authorities are prepared to revise national legislation in order to maintain the visa-free regime and, at the same time, prevent misuse, by Georgian nationals, of this regime.

Such legislative amendment(s) would indeed give a clear legal base to the State authorities to ensure the necessary checks while, at the same time, avoid a possible 'grey legal area' situation given that it is the airline companies – thus private entities that are checking whether passengers hold the required travel documents to enter the EU/Schengen area – under the EU carriers' liability regime. Such checks by the airlines are based on economic criteria – to avoid the economic costs linked to returning passengers who do not hold the required travel documents.

The option considered by the Georgian authorities is to revise the "Law on the rules and procedures for Georgian citizens exiting and entering Georgia" by amending article 10 with a new paragraph 2 that would allow the Georgian police to conduct departure checks as so to verify if the Schengen criteria are fulfilled by Georgian nationals **upon** departure (exit of the country). The paragraph that would be added clearly lists the required document/elements as listed in the Schengen Borders Code. The amendment, suggested by the Georgians, would be as following:

"If it is established at the border check-point of Georgia that the citizen of Georgia is travelling to the Member State of the European Union/Schengen area, with which Georgia has a visa-free regime, he/she can also be denied to cross the border of Georgia, if he/she does not possess:

- a) a biometric passport, which is issued during the last 10 years and the term of validity of which is not less than three (3) months for the date of return to Georgia;*
- b) return travel ticket or booking of the ticket;*
- c) valid booking of hotel/residence or other verification document and address or the address of the host, legally residing on the territory of the member state of the European Union/Schengen area;*
- d) travel insurance*
- e) financial means for travel"*

(Text and translation kindly provided by the Georgian authorities).

In addition to above, it is also recommended to add the following paragraph:

“A citizen of Georgia may also be denied to cross the border of Georgia, if an interview at the exit check reveals that there is a possibility that the visa-free regime could be abused.”

However, it is also important that the authorities are able to verify the validity (‘content’) of the presented documents listed above: b), c) and e) for instance. Indeed, it has been reported several cases of fake/cancelled hotel reservations, fake/cancelled return tickets, etc. For instance a hotel room can be booked on-line, the (free) reservation is confirmed by e-mail and can be printed to be shown at the exit check. However, the hotel room can have been easily cancelled any time before leaving to the EU/SAC –the cancellation e-mail of the hotel room being not shown upon exit checks.

It is recommended that the competent Georgian authorities assess if the above-mentioned proposed amendment drafted by Georgia and submitted to the Experts during the mission by the Georgian side (amending article 10 by adding a paragraph 2) is in line with Georgian internal legislation.¹

Another possible legal option concerns article 15 of the “Law on the rules and procedures for Georgian citizens exiting and entering Georgia”. Indeed article 15 refers to ‘mandatory documents that are required for crossing the Georgian border on exit’. Interestingly, paragraph 3 refers to the possibility to leave Georgia ‘without a visa’ and on basis of an international agreement (*‘it is possible to exit Georgia on a temporary basis without a visa on basis of Georgia’s international agreement’*). Paragraph 1 refers to the needed documents (‘only’ a travel document/passport) to exit Georgia. It is to be determined by the Georgian authorities if the meaning of the wording ‘international agreement’ can be/is to be understood *‘sensu lato’* – thus including, for instance, the visa-free regime.

If so article 15, paragraph 3 and possibly 1, could be amended by specifying/adding the following: *‘and on basis of the conditions set by the international agreement’*. Such conditions set by the international agreement (thus the ‘visa-free regime’) could be further described in secondary legislation, listing, for instance, the required ‘Schengen’ border conditions related to the ‘visa-free regime’. In that case it may then not be necessary to amend article 10 (the first option envisaged by the Georgian authorities – as described above).

Indeed, and as a reminder, international Human Rights Law foresees in various instruments the ‘right to leave his/her own country’ - as specified in the Georgian Constitution (article 14). However, there is **a disjuncture** with the respect to the right to leave in the fact that there is **no** corresponding general right to enter another State. Indeed, the fundamental freedom to leave his/her country does not trigger, automatically and with no conditions, the right to directly enter into another country, as States are still entitled to control and regulate the borders (by determining, *inter alia*, who is allowed to enter the territory based, for instance, on the Schengen Borders Code, Migration laws,

¹The Experts would like to add that, should Georgia require assistance to verify the constitutionality of any changes, the EU can mobilise the ‘Venice Commission’ through the programme called “Partnership for Good Governance”. The Quick Response Mechanism (QRM) is a Partnership for Good Governance tool, to obtain ad-hoc legal advice. The QRM can be used by several countries of the region including Georgia.

etc.). International law has left a 'void' by not completing the 'right to leave a country' with an automatic and unconditional 'right to enter another country'. And an individual may be able to demonstrate that their right to leave has been violated in international law, but this will not guarantee their right to enter another State. However, concluding *inter alia* 'international agreements' with other States/entities can ensure **the effectiveness** (*'effet utile'*) of the Georgian constitutional right to leave his/her country (article 14).

If above-listed proposals are deemed to be constitutional by the Georgian authorities (including the requirements of 'proportionality'), it is proposed to prepare, in parallel, a ministerial Order/Decree that will define more concretely how Patrol Police Service should perform exit checks for passengers intending to travel to the EU/SAC. It is also recommended that such ministerial Order/Decree would define also operational implementation of exit checks taking into consideration entry conditions as defined in Schengen Borders Code. In that case it is **strongly** recommended to ensure an effective State remedy ('appeal') against any decision taken by the Georgian authorities to prevent a Georgian national to leave his/her country (article 14 of the Georgian Constitution). Indeed, a citizen should be able to challenge such denial (to leave the country) to an administrative ('appeal') body that offers all the guarantees of accessibility, fairness, independence and transparency (online forms, publication of annual reports, clear instructions on how to lodge a free of charge appeal, etc.) according to article 18.1 of the Constitution. The appeal body would also need to examine that the denial of an exit (in an individual case) is in line with article 11.1 (Right to equality) of the Georgian Constitution.

The issuance of a passport to facilitate the crossing of international borders **cannot** be further restricted for other reasons than as currently prescribed by the Georgian legislation as so to maintain the possibility to leave Georgia - the passport is indeed the first 'basic' requirement to legally leave a country.²

The Experts would like to draw the attention that the above-listed operational and practical recommendations in this report would need to be implemented by Georgia as so ensure the efficiency (on the ground) of the exit checks while, **at the same time**, preserving the fundamental rights of the Georgian nationals including the right to travel. It is therefore of an uttermost importance that the operational recommendations (below) are implemented **concomitant** to the adoption of the legislative amendment(s) as so to avoid breaching fundamental rights and/or create any distortions as the right to travel remains the essence of the visa-free regime.

²In case a person would need to apply for international protection abroad he/she has two options to leave his/her country of origin: use all the possible legal channels to leave his/her country or use irregular ways to leave his/her country. The ending of the visa-free regime would, for sure, close (or, at the least, severely impede) one of the safest and 'easiest' travel options to the EU/SAC for such persons.

3. Operational recommendations:

- EU MS and FRONTEX officers should continue to advise Georgian Patrol Police Service on entry conditions as defined in the Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code codification). However, the Georgian Police should also be legally empowered to refuse passenger's exit in case of not fulfilling entry conditions defined in above Regulation. Such support of the FRONTEX and the EU could be in place until the enforcement of the legislative changes empowering Georgian Police to refuse passengers at exit;
- Targeted Member States (MS) deploy document advisors to the border crossing points in Georgia that represent the highest risk for travelling passengers that would misuse visa-free regime.³
- Georgia could appoint one of the already existing contact points (preferably within the Patrol Police Service) to communicate with targeted Member States, exchange information on the misuse of the visa-free regime, exchange information on *modus operandi* and to exchange statistical data. A regular data exchange, at least on a weekly basis, is recommended. Patrol Police should include information obtained from MS in the weekly '*working plans*' of the border crossing points as so to continuously adapt itself to the latest trends.
- Georgia should increase deployments of their experts/observers to the MS air border crossing points within the framework of the FRONTEX operational activities. In this respect, Georgian experts would achieve a certain level of knowledge regarding the Schengen Borders Code entry conditions. Such acquired knowledge experience can, upon return, be further shared at the border crossing points in Georgia.
- On 17 April 2019, the Georgian Parliament adopted amendments to the Criminal Code of Georgia (by adding an article 344 to the Criminal Code). The amendments impose criminal responsibility for creating/organizing conditions for illegal stay of Georgia's citizens in the foreign country, for financial gain or other material benefits, and/or facilitating/organizing the provision of false information on the alleged violation of the rights and freedoms of the Georgian citizen for requesting international protection ('asylum') in a foreign country for the purpose of financial and other material benefits. In this regard, we recommend expertise/training in detecting, investigating and prosecuting such criminal offences including investigating social media. Finally, the outcomes of any opened cases in the future will have to be followed carefully as these will be instructive.
- The Law on Civil Acts which restricts the terms and conditions for changing the last name had been adopted in April 2018. However it has been reported several cases of Georgian nationals who have changed their surname after their return to Georgia and then travel back to the EU/SAC with a different identity or in possession of two valid passports at the same time. This should be examined by State authorities as so avoid such situations/abuse.
- Criminal Police Service is regularly conducting interviews with the returnees (Georgian nationals returning to Georgia). Currently there are no written procedures in place (SOP) regarding the

³ The "IATA Code of Conduct for Immigration Liaison Officers" can be useful for officers who would face requests for asylum. As the Code of Conduct specifies: "If they receive request for asylum, applicants should be directed to the office of the United Nations High Commissioner for Refugees (...), to an appropriate local Non Governmental Organisation (NGO)) –point 2.3. Ed: 'IATA /Control Authorities Working Group (IATA/CAWG), October 2002'.

conducted interviews with such persons returning to Georgia. A SOP should be put in place to determine/standardise the questions/issues that are to be raised during such interviews.

- In relation to the proposed (see part 2) amendment of Article 10 of the “Law on the rules and procedures for Georgian citizens exiting and entering Georgia” a SOP should be put in place to define the questions to be asked during a (possible) short interview upon departure of the Georgian citizens in order to prevent misuse/abuse of the visa-free regime.
- Based on the findings during the (above-mentioned) interviews a report should be drafted and inserted into Police databases. Currently, no border checks officers have access to such reports (including the relevant findings). The feasibility to give access to such reports to the border checks officers/ border crossing points should be further explored.

4. Possible EU support to Georgia:

- Upon the enforcement of the above-mentioned legislative amendments (part 2) empowering Georgian Police to refuse passenger's exit, the deployment of Georgian experts/observers to the MS air border crossing points in framework of the FRONTEX operational activities should also be increased. In this respect, Georgian experts would achieve a certain level of knowledge regarding the entry conditions as defined in the Schengen Borders Code. Such acquired knowledge and experience can be, upon return, further shared at the border crossing point in Georgia.
- The EU could assist Georgia to establish a national contact point (preferably within the Patrol Police Service) to communicate with targeted MS, exchange information on abuse of the visa-free regime within the framework of EU data protection rules, on *modus operandi* and statistical data. It is recommended to exchange data on a weekly basis. Assistance could also include support in developing/enhancing weekly '*working plans*' with concrete actions based on the received and analysed information –including the latest trends.
- To provide training for Patrol Police Service on performing exit checks, in particular on:
 - Verification of supporting documents to verify the fulfilment of EU/SAC entry conditions. Taking into account the current *modus operandi* of the abuse of visa-free regime it is recommended to focus trainings on the verification of all supporting documents for journeys undertaken for the purposes of tourism/private reasons. In this respect, the Patrol Police Service should be adequately trained on such verification of the supporting documents, more specifically in regard to : 1) the accommodation (invitations from the host if staying with one, documents from the 'hotel'/facility providing accommodation or any other appropriate document in relation to such accommodation/booking); 2) the itinerary (confirmations of the bookings of an organised trip or any other appropriate document indicating the envisaged travel plans, etc.); and 3) the effective return to Georgia (mainly : a return ticket or a round-trip ticket).
 - Establishing the purpose and conditions of the intended stay; and sufficiency of the means of subsistence, both for the duration of the intended stay and for the return.
- To assist Georgian Police to define procedures for refusing exit at the border such as:
 - To prepare a standard written form for refusing an exit with the 'reasons' for refusing,
 - The person refused on exit shall (be invited to) sign the form and shall be, on the spot, provided a copy of the signed form;
 - To record every refusal of exit in the Police database stating, *inter alia*, the identity of the refused person, the references of the documents and the reason for refusal of exit, the date of the refusal of exit. Also, the right to access such 'data' should be clearly defined (access rights should enable every border police officer to check previous exit refusals in the database and such compiled data can also be useful for statistical purposes);
 - To define an appeal procedure for such persons refused at the exit. Appeals shall be conducted in accordance with national law (see part 4). However, lodging such an appeal shall have no suspensive effect on the decision taken.

It is strongly recommended that the above-mentioned procedures are elaborated/drafted before the legislative changes empowering Georgian Police to refuse passengers at exit are enforced. Legislative changes shall enable border police officers to refuse exit by a substantiated decision stating the precise reasons for the refusal. The decision shall be taken by an authority empowered by national law and it shall take effect immediately.

- To provide further support to the Georgian Patrol Police Service in the field of the risk profiling related to the abuse of visa-free regime. The EU could support Georgian Patrol Police Service with the necessary expertise by *inter alia* drafting an ‘unlimited’ list of indicators that, most likely, reflect a possible misuse of the visa-free regime, such as:
 - Hotel and other accommodation reservations should be checked to establish whether these reservations are still valid and/or if were cancelled before-hand. Not having a valid accommodation reservation might indicate that the passenger will not comply with the EU/SAC or destination MS legislation;
 - Not having sufficient financial means might indicate that the passenger will not comply with the EU/SAC or destination MS legislation;
 - If the passengers already stayed in the EU/SAC for a longer period (near to the 90 days in any 180-day period) it is then rather unusual to stay only for a few additional days for tourism (for instance).

Border guards at the border crossing points that are frequently used for preventing the misuse of the visa-free regime (such as in Kutaisi) should be aware of/trained on the risk indicators. Risk indicators should be continuously updated taking into consideration new *modus operandi*, new phenomena of abuse, etc. At the national level of Patrol Police Service, a contact person should be appointed to facilitate daily use and the continuous update of risk indicators. However, the absence of legal instruments/powers (see part 2) to refuse exit in case of obvious non-compliance with EU/SAC entry conditions will render all the listed efforts ineffective.

- To assist Georgia to define topics in the field of border checks (such as second line interview, profiling, detecting document abuse, entry conditions according to the Schengen Borders Code, etc.), where it would be necessary to establish a system/national pool of multipliers (= trainers) and define their tasks. Individual Georgian police officers already attended trainings provided by international organisations or EU agencies (e.g. FRONTEX, IOM...). It is recommended to train these officers as trainers. At the national and regional levels a person/persons (instructors) should be designated in order to implement the training programmes and coordinate the work with trainers and, if required, to enforce the pool with additional trainers.
- To encourage Georgian Police to increase participation of Georgian experts to the profile trainings conducted by FRONTEX (based on the current Working Arrangement between FRONTEX and Georgia).
- Georgian Police should identify the topics for multipliers’ training programmes (basic training for multipliers and regular annual training for multipliers) and, once identified, prepare these. It is also recommended that these training programmes take into account the FRONTEX Common Core Curriculum for Border Guards basic training in the EU (CCC) and handbooks/ manuals issued by FRONTEX. Each programme must, at least, include goals, objectives, expected knowledge and skills on completion of the training, methods and means (tools) for implementation, possible examinations (tests) and a list of additional literature.
- To assist Police Academy to prepare a joint training catalogue. Such catalogue should include all the relevant trainings and be published/made available. An annual training plan for Border and Patrol Police should then be prepared for each calendar year. In this respect, Border and Patrol Police, at the regional and local levels, should draft their own annual training plan, that is then to

be transmitted to the Police Academy and to the (national) Border and Patrol Police. Such regional/local 'training plans' need to take into account the national annual training plan.

- EU support could also be provided in regard to the various recommendations on 'preventing further abuse' (as described in point 5 below), by developing and drafting specific brochures, leaflets related to the needs and profiles of the Georgian citizens upon return to Georgia - such information campaigns should clearly have a 'human rights' and 'holistic' dimension as developed under point 5 of the report. The same applies to developing information campaigns and specific leaflets and information material targeting more specific/vulnerable categories of the population as so ensure that proper State support can be found, and made accessible, in Georgia.

The Experts are available to further assist and support Georgia and the EU in this matter.

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5. Preventing secondary departures (including further misuse):

Although out of the scope of the mission (and the Terms of references) the Experts have identified a series of points that could be worked on by Georgia taking a more 'holistic' approach and preventing new departures (incl. 'secondary' departure of returnees) to the EU/SAC that could lead to (further) misuse of the visa-free regime.

Recommendations are the following:

-Strengthen return and reintegration measures: Return and reintegration of Georgian nationals from the EU/SAC can prove to be challenging and difficult (with the risk of triggering new departures to the EU/SAC) when the returnees do not have specific employment offers upon return or proper access to the labour market (incl. specific social allowances). Close cooperation between State bodies in these two important sectors (employment and social sectors) remains fundamental. This implies also cooperation with the private sector in developing 'job matches' in regard to the specific profiles of the returnees, recognition and harmonization of qualifications acquired abroad, further developing vocational training, etc.

-The Readmission Case Management Electronic System (a system designed to process readmission applications) launched in 2013 is deemed by the EU/SAC and by the Georgian authorities as a successful tool in the management of readmission process and contribution to an evenly and continuously raising return rate (65.7% in 2018, up from 62.7% in 2017 – based on latest calculations as of 18/11/2019). It is recommended to continue using this system and, from the Georgian side, highlight to the EU Member States/SAC any points of improvement that could facilitate –from the Georgian side– swift return and integration of Georgian nationals, including 'Boxes D and F' (in the system) that relate to vulnerability issues (medical points of attention) of the returnees. An early identification of 'special needs' (incl. medical aspects) of Georgian nationals could further facilitate their integration (success) in Georgia upon return and prevent new departures.

-Create a specific internet website (jointly managed by the Ministry of Interior, Ministry of Foreign affairs and the State Commission on Migration Issues) with an easy to remember internet address. Such website should be focused **only/specifically** on the visa-free regime. Currently, the websites of different Georgian State bodies refer, at some point, to the visa-free regime, but the existing information should be consolidated in one website. The website should clearly inform on the rights and obligations under the visa-free regime towards the Georgian nationals including legal aspects, conditions of entry and stay, consequences of abuse, as well as web links to all relevant State institutions, including those involved in the process of reintegration of denied asylum-applicants/returnees. The website should also have a comprehensive but user-friendly page with *inter alia*:

-a list of FAQ that can refer the persons to the right (migration) channels or, in case of assistance, to the relevant Georgian State bodies,

-downloadable official documents to be filled in,

-short video clips (such as 'stories' of returnees, diaspora testimonies, etc.) highlighting practical issues faced by Georgian nationals abroad and raising awareness of the consequence of visa abuse / engaging in immigration malpractice, including the negative impact of visa suspension on *bona fide* travelers,

-relevant and factual information/data that can counter-balance 'fake news' (false hopes, rumours, etc).

The website should be interactive with a very regular input from the above-listed Ministries on 'practical' questions/issues raised by Georgian nationals directly on the website (and that can feed in the FAQ page).

There is also a need to step up involvement of the Georgian diaspora in the EU/SAC countries and to make the diaspora aware of its role to play particularly in regard to the visa-free regime – responsibilities also in regard to the information shared with the Georgian nationals.⁴ This is especially needed as the Georgian diaspora can, sometimes, become a 'parallel information source' with sometimes misleading or incomplete information and trigger 'false hopes'. According to several studies consulted, the representatives of diaspora organizations have consultative functions providing advice and support to Georgian migrants on the inquiries regarding local legislation, residency and employment issues. In this sense, it is of utmost importance that the diaspora organizations provide as, 'information agents', accurate information on such issues –including on the obligations related to the visa-free regime and the risks and systemic consequences related to any suspension of the visa-free regime. Therefore, active members of such organizations could also be trained by State officials on topics related to the visa-free regime. The (Georgian) Migration Profile of Georgia (pages 31 and 32 -2017 Ed.) represents a valuable input to further develop such links with the Georgian diaspora.

-It is of utmost importance to inform the potential unfounded asylum applicants on all the relevant administrative procedures aimed at improving concrete and personal situation in Georgia. Georgia should continue to carry out information campaigns (leaflets and posters – placed for instance at airports – as well as electronic information campaigns) to inform its citizens of their rights and obligations under the visa-free-regime with an emphasis on local media outlets.

-It is strongly recommended to include the human rights dimension into the information campaigns, especially those rights that are the most often cited as a reason to apply for international protection in the EU/SAC (sexual orientation, gender violence and medical issues). It also recommended to target more specifically the different above-listed social groups during these information campaigns by referring to contact points in Georgia in case of specific needs (either social/health rights and/or protection by the police, etc.). The same would apply in case a person faces discrimination for ethnic or gender reasons. Such persons/groups should have a

⁴The term 'diaspora' being understood as defined by the Law of Georgia on Compatriots Residing Abroad and Diaspora Organisations –article 3 (i) : the members of all Georgian migrant communities residing abroad. Article 13.8c) specifies: "An honorary representative of Georgia for diaspora issues shall: (...) –promote the involvement of diaspora in the ongoing processes in Georgia." Also the Georgian Constitution (article 5.8) stresses the importance to 'strengthen links with Georgians abroad' as so to engage the diaspora in the social development of Georgia.

concrete possibility to address human rights violations in the country of origin as a first step – seeking asylum abroad being the last resort for persons who cannot find State protection in the country of origin.

-It is highly recommended to gather more concrete data on the health issues that have been put forward by the Georgian nationals in the EU/SAC during the asylum procedures. From such data, targeted information campaigns can be drafted by the Ministry of Health (treatment/medications available in the country) and /or identify the building of further medical capacity needs in the country as to prevent further departures. The feed-back of the returnees in terms of access to public service and assistance provided by competent State bodies (including health bodies) could also be collected in order to assess the quality of the 'public service' that is given, its 'performance' and improve –when needed- assistance to the returnees and build further trust in public authorities. The 2017 Migration Profile of Georgia (pages 54 and 55 -2017 Ed.) contains interesting data that could be further used and elaborated when it comes to this specific topic.

-From the above collected data it is strongly recommended to set up a dedicated webpage targeted at Georgian public, detailing the availability of treatments and medication in Georgia. Such webpage should be user-friendly with practical information (including FAQ, downloadable documents, forms, etc.).

-Assess to what extent in the rural areas of the country the communication campaigns (informing the Georgian nationals of the rights and obligations of the visa-free regime) need to be further adapted taking into consideration the specificities of these areas (more involvement of informal village leaders and wise men, communication strategies that take into consideration the social dynamics in remote rural areas, etc.).

-The above-mentioned recommendation regarding the communication campaigns should also (differently) address urban regions, including middle class individuals and families.

State action should finally keep in mind that short term measures (although necessary) cannot replace medium and long term actions that will lead **to structural changes -including in the field of 'Rule of Law'**- that can/will influence migration patterns and trends. As long as the various 'push factors' (including the less visible ones related to 'Rule of Law') have not been addressed adequately the flux of asylum applicants may be repeated in the future (if the internal push factors remain unchanged).⁵

⁵The Dutch report on the profiles and motives of Georgian asylum applicants in the Netherlands (and useful for most of the EU countries /SAC) can be helpful to the Georgian authorities 'Research into motives of asylum seekers from safe countries' (the full report being in Dutch language: '*Op zoek naar veilige(r) landen*', 02/2018 available at <https://acvz.org/pubs/2018/page/2/> -for instance : Chapter 3 and Case Study 3).