

Challenges for Georgia's Visa Liberalization: Political Context and Statistics

Mariam Grigalashvili
Mikheil Sarjveladze



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Executive Summary

One year after the EU's visa-free travel for Georgia went into force, visa liberalisation remains a hot topic in the country and abroad. The main challenge related to visa-free travel is the threat that the EU could suspend this regime, a possibility that has already been raised by several EU member states. The possibility of revising the visa liberalization for Georgia was proposed by some EU member states due to the increased number of asylum seekers, increased crime rates and Georgian citizens' involvement in criminal activities.

The aim of this research paper is to analyze the threat Georgia's visa-free regime is facing and determine if the statistical data, which has been used as an argument by political groups from different EU member states to justify triggering of the suspension mechanism, is based on a fair assessment. Additionally, the paper presents recommendations for the Georgian government. Specifically, it suggests a list of effective steps to be taken in order to reduce the threat that the suspension mechanism will be triggered.

About the authors

Mariam Grigalashvili is a policy analyst at the Georgian Institute of Politics. She is a PhD Student of International Relations at Tbilisi State University. Mariam holds a Master's in Political Science and Eastern European and Russian Studies from Vilnius University. Her main research interests include the Eastern Partnership, EU-Russia relations, and Georgia's foreign policy and party politics.

Mikheil Sarjveladze is an affiliated analyst at the Georgian Institute of Politics. He is a PhD candidate at the Faculty of Philosophy of the University of Cologne. As a Konrad-Adenauer-scholarship holder he works on the thesis „The German Foreign Policy towards the States of the South Caucasus“. At different times Mikheil graduated from the Faculty of German Language and Literature of the Tbilisi State University, Georgia, and the Faculty of Social Sciences of the University of Giessen, Germany.

Introduction

On March 2017, after long consultations and the fulfillment of certain requirements and procedures (related to border management, compatibility with European standards for travel documents, etc.), Georgian citizens were granted the right to travel visa-free to the EU countries/Schengen area¹. EU member states reacted to Georgia's visa-free travel status differently, including some that issued warnings of massive migration—a serious concern for sceptic EU member states in the context of the ongoing migration crisis. Today, a year after Georgian citizens started benefiting from the EU's political trust, society and the government are facing new challenges: specifically, the risk that the visa-free travel could be revised and the so-called suspension mechanism could be triggered.

This threat became the subject of active discussion in large part due to a statement by German Interior Minister Thomas de Maizière at the 2018 Munich Security Conference, when he said “if the number of visa violators increases, we will launch suspension mechanism ...”.²

Understandably, speaking about even a possible suspension of the visa-free regime, not to mention its actual abolishment, will negatively affect Georgia's image and will damage its interests. In particular, canceling Georgia's visa waiver might have negative consequences in terms of:

- Losing the right of visa-free travel to the EU for citizens of Georgia;
- Demaging Georgia's Status Internationally
- Increasing the number of Eurosceptics in the country;

In order to prevent these consequences, it is necessary for Georgia to strengthen cooperation with its European partners and develop some additional mechanisms. These steps will reduce the number of Georgian citizens seeking employment abroad and will also assure the country's European partners that the government of Georgia is interested in the quick and effective resolution of the issue.

The aim of this paper is to assess the threat posing to Georgia's visa free travel. to analyze its possible consequences; and to present specific recommendations for the Georgian government in order to avoid the threat.

¹ Civil Georgia, (March, 2017). Georgia Celebrates Visa Free Travel to EU, available at: <http://civil.ge/eng/article.php?id=29969>

² Netgazeti, (February, 2018). ჩხიკვაძე: გერმანიის მინისტრის განცხადება არ ნიშნავს, რომ უვიზო რეჟიმი უახლოეს დროში გაუქმდება (Chkhikvadze: Statement of German Minister does not mean that visa-free travel regime will be suspended in the nearest future), available at: <http://netgazeti.ge/news/253675/>

Situation prior to the introduction of visa-free travel regime for Georgia

In 2016, granting the visa waiver to Georgia was delayed due to the prolonged process of reaching an agreement on certain details, as well as the criticism voiced by the representatives of Christian Democratic (CDU) and Christian Social Unions (CSU) (parties)³. The fear of German politicians, namely that Georgian criminals would later abuse the visa-waiver, was partly realized.⁴

Main arguments accompanying the process were linked to Georgian citizens' involvement in organized crime in Germany (frequently as part of the so-called Russian-Eurasian mafia)⁵. A member of CSU, Bavarian Minister of the Interior Joachim Herrmann, was especially active in this area. Herrmann was supported by some members of CDU (those with critical attitudes toward the Chancellor)⁶, but not party leader and German Chancellor Angela Merkel.

In Germany, the difficulty reaching an agreement on a visa-free status for Georgia was reportedly due to three main factors: **(1) Uncontrolled flow of a large number of migrants to Germany; (2) Domestic political fighting; (3) Growing number of asylum applicants and crime rates.**

Uncontrolled flow of a large number of migrants to Germany	Domestic Political Fighting
Migration flows to Germany resulted in German government parties (Christian Democratic party, Social Democratic party, Christian Social Union) losing popular support. Against the background of the migration crisis, those particularly	Some political groups used harsh rhetoric vis-à-vis the visa-free travel regime in order to distance themselves from the EU's open door policy. In other words, the issue of granting a visa waiver to Georgia (in parallel with the issue – triggering the visa-

³ Uhl, Hans-Peter, (June, 2016). Sorge vor Kriminalität, Unionspolitiker warnen vor Visabefreiung für Georgier, available at: <http://www.spiegel.de/politik/ausland/georgien-politiker-von-cdu-und-csu-warnen-vor-visabefreiung-a-1096000.html>

⁴ Focus Online (2018): Asylantrag als Deckmantel: So dreist schleusen sich Diebesbanden ins Land, Available at: https://www.focus.de/politik/deutschland/medienbericht-asylantrag-als-deckmantel-so-dreist-schleusen-sich-diebesbanden-ins-land_id_8688081/ Stoldt, Till-Reimer (2018): Georgische Banden nutzen Visafreiheit aus, available at: <https://www.welt.de/regionales/nrw/article173662858/Georgische-Banden-nutzen-Visafreiheit-aus.html>

⁵ Stöber, Silvia: Georgien ist kein Mafia-Land, available at: <https://www.tagesschau.de/ausland/georgien-109.html>

⁶ Vgl. Vesper, Reinhard/Wehner, Markus/Wyssuwa, Matthias, Widerstand in der Union gegen die Visumfreiheit für Georgien, available at: <http://www.faz.net/aktuell/politik/inland/f-a-z-exklusiv-widerstand-in-der-union-gegen-visumfreiheit-fuer-georgien-14296012.html>

conservative parties started to experience something akin to an ideological crisis. During the so-called migration crisis, voters have expected a principled foreign policy actions from these parties. However, from an electorate point of view, these parties have lost their traditional conservative profiles. While these parties were losing supporters, far-right populist groups were gaining popularity. Consequently, representatives of right-wing parties, later followed by some members of the CDU, tried to preserve voters' support by supporting harsh rhetoric.

free travel for Turkey, Kosovo and Ukraine) has become part of an domestic political fighting.

Growing number of asylum seekers and crime rates

The number of asylum seekers: since 2011 the number of Georgians seeking asylum in Germany has dramatically increased (see Table 1) and naturally, German political parties have reacted to this situation.

As for the **number of suspects**, in 2015 Georgian house burglary suspects accounted for 6.4% of all foreign suspects in Germany. In figures, that means out of the 911,864 foreign criminal suspects (in all types of crime) reported in 2015, Georgians accounted for only 0.9%.⁷ Based on this data, Georgia was ranked 24th in the list of origin states of foreign suspects; the 23 nations ahead of Georgia included five EU member states: Romania, Poland, Italy, Bulgaria and Greece (see Table 2). However, it should be noted that according to the Germany's Federal Criminal Police Office, the house burglaries carried out by Georgian criminals in 2015 resulted in damages worth 500 million euros. During the internal German debates this dynamic, i.e. the comparatively low number of Georgian citizens committing a relatively large number of crimes, was presented as the main argument.⁸

⁷ Bundesministerium des Inneren (გერმანიის შინაგან საქმეთა სამინისტრო), Polizeiliche Kriminalstatistik 2015 (2016), available at: https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/2016/pks-2015.pdf?__blob=publicationFile

⁸ No information is available on the damage caused by the crimes committed by other nationals. Analyst are working on accessing the data from the Germany's Federal Criminal Police Office about the crime committed by other foreign suspects in the same period of time.

Table 1. Applications of asylum seekers from Georgia in Germany between 2008 and 2017⁹

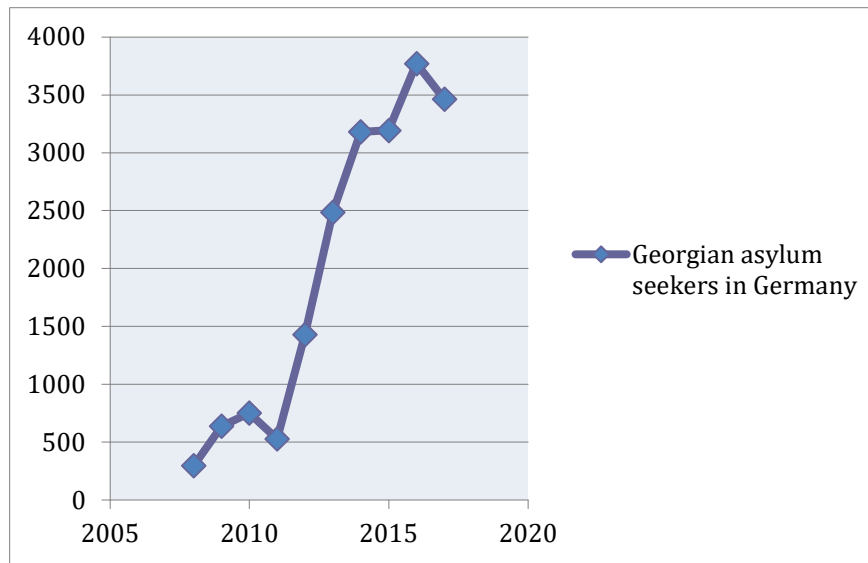


Table 2. Non-German criminal suspects by nationality, data from 2015¹⁰

Nationality	Total number of Non-German criminal suspects in 2015	
	Number	Percentage
	911,864	100 %
Syria	134,177	14.7 %
Turkey	78,014	8.6 %
Afghanistan	61,097	6.7 %
Romania	52,531	5.8 %
Poland	44,659	4.9 %
Iraq	38,304	4.2 %
Serbia	33,561	3.7 %
Kosovo	33,512	3.7 %
Albania	28,845	3.2 %
Erithrea	24,525	2.7 %
Italy	24,230	2.7 %
Bulgaria	18,355	2.0 %
Pakistan	15,363	1.7 %
Morocco	14,439	1.6 %
Algeria	13,685	1.5 %
Russia	13,235	1.5 %

⁹ Pro-Asyl, Antrags-, Entscheidungs- und Bestandsstatistik, available at: <https://www.proasyl.de/thema/fakten-zahlen-argumente/statistiken/>

¹⁰ Bundesministerium des Inneren (German Federal Ministry of the Interior): Polizeiliche Kriminalstatistik 2015, in: https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/2016/pks-2015.pdf?__blob=publicationFile

Iran	12,014	1.3 %
Bosnia and Herzegovina	11,454	1.3 %
Macedonia	11,230	1.2 %
Greece	10,057	1.1 %
Nigeria	9,962	1.1 %
Somalia	9,914	1.1 %
Ukraine	8,235	0.9 %
Georgia	8,085	0.9 %
Croatia	7,733	0.8 %
Other	194,648	21.3 %

Statistical data shows that in 2015 the number of Georgian suspects fell significantly compared to the number of foreign nationals from other countries, a reflection of the fact that some political rhetoric vis-à-vis Georgia is based on the incorrect or exaggerated interpretation of numbers. For instance, prominent German news magazine Spiegel Online published an article regarding the statistical data on Georgian criminals who rob houses in Germany stating that most criminal activities have been committed by Georgian nationals. Later, the word “most” was changed to “many” in the article (the article was published on June 6 and correction was made on June 9).¹¹ However, attempting to explain the problem through exaggerations in media reports is ineffective; the Georgian government also has to take some responsibility. The government of Georgia should have conducted an inclusive analysis of the pre-visa liberalization situation and timely take effective measures, in order to avoid the instrumentalization of the issue of Georgian asylum seekers by certain political groups. In addition, in the spirit of providing a comprehensive and completed picture of the process, it is necessary to take into consideration the Kremlin’s geopolitical interests in delaying the EU's visa waiver for Georgia.

¹¹ Uhl, Hans-Peter (2016): Unionspolitiker warnen vor Visabefreiung für Georgier, available at: <http://www.spiegel.de/politik/ausland/georgien-politiker-von-cdu-und-csu-warnen-vor-visabefreiung-a-1096000.html>

Russia's possible influence on the European political agenda

The process of postponing the granting of visa-free travel to Georgia was supported by France, Italy and Belgium as well as Germany.¹² Even though, at first glance, the process seemed to be developing against the background of intra-EU decision-making and lobbying, Russia's role in this discourse should be also considered.

The Kremlin has strong connections with far-right populist forces in Germany (Alternative for Germany (AfD)), in France (National Front), in Italy (Northern League/The League)¹³ as well as in other EU member states. By supporting these groups, Russia tries to increase pressure on mainstream parties, which are pushed to echo the harsh rhetoric of far-right parties in order to maintain voters' support. These political parties pay particular attention to such sensitive topics as visa-free travel or non-EU member states' perspectives for European integration. Frequently, the parties with close ties to Russia are the main initiators of debates and proposals against the EU's open-door policy. This casts some legitimate doubts on Russia's political role in this process.

It should be supposed that Russia can only indirectly influence the processes of visa-free travel. However, the fact should be noted that both parties in Germany, the Christian Social Union (CSU) and Free Democratic Party (FDP)¹⁴, which have initiated the suspension of the visa waiver for Georgia, have also long supported ending sanctions against Russia (after Skripal case in the Great Britain, FDP leader Christian Linder changed his position in favor of prolonging the sanctions). The FDP, which refused to join the government after the 2017 parliamentary elections, is particularly well-known for supporting improved German-Russian relations; Russia's return to the Group of Eight (G8); and a revision of Germany's policy of Crimea¹⁵.

Accusing Russia directly of postponing the finalisation of Georgia's visa liberalization process would be ignoring the Georgian government's responsibilities. Georgia is also responsible for some aspects of the current situation and mistakes made by the government often work in favor of Russian interests.

¹² Manuel Bewarder, Daniel Friedrich Sturm, (June, 2016). Regierung fürchtet georgische Diebesbanden, available at: <https://www.welt.de/politik/deutschland/article155960343/Regierung-fuerchtet-georgische-Diebesbanden.html>

¹³ Antonis Klapsis (2015), An Unholy Alliance. The European Far Right and Putin's Russia, Wilfried Martens Centre for European Studies, available at: <https://www.martenscentre.eu/sites/default/files/publication-files/far-right-political-parties-in-europe-and-putins-russia.pdf> / European Council for Foreign Relations (2016), Putin's friends in Europa, available at: http://www.ecfr.eu/article/commentary_putins_friends_in_europe7153

¹⁴ General-Anzeiger (2018), NRW drängt auf Ende der Visa-Freiheit für Georgier, available at: <http://www.general-anzeiger-bonn.de/news/politik/nrw/NRW-dr%2522ngt-auf-Ende-der-Visa-Freiheit-f%252BCr-Georgier-article3773778.html> / Hertel, Alexander (2016): Visafreiheit mit langem Vorlauf, available at: <https://www.mdr.de/heute-im-osten/georgien-visafreiheit-100.html>

¹⁵ Reuters, Germany's FDP urges new approach to Russia's annexation of Crimea, available at: <https://www.reuters.com/article/us-ukraine-crisis-germany-party/germanys-fdp-urges-new-approach-to-russias-annexation-of-crimea-idUSKBN1AL0IR>

Problems emerging in 2018

The FDP, which is the main supporter of revising Georgia's visa waiver, does not have direct levers at the federal level as it is in the opposition and therefore cannot influence the triggering of the mechanism of suspension. However, North Rhine-Westphalia Integration Minister Joachim Stamp's statement¹⁶ that the number of Georgian asylum applications has significantly increased and that organized criminal groups actively use visa-free movement for their criminal activities and purposes is based on fact. His statement was based on the situation in the small city of Oerlinghausen in North Rhine-Westphalia, which has become deeply problematic since a migration camp was opened there.¹⁷ But, it should also be noted that in North Rhine-Westphalia the number of asylum applications from Georgia in 2017 declined compared to the data from 2016, falling from 1192 to 933.¹⁸ Stamp's address to the Minister of Interior of Germany on the issue of demanding the suspension of visa waiver for Georgia was covered by prominent German publications (FOCUS, WELT, SPIEGEL, ZEIT). It is worth noting that the topic of Georgia's visa-free travel was particularly actively reported on by conservative newspapers/magazines. For instance, over the course of 10 days in February WELT published three different articles with the following titles: "German government is concerned over the number of asylum applications from Georgia"¹⁹, "Georgian criminal groups abuse the visa-free travel regime", "North Rhine-Westphalia demands abolition of visa-free regime for Georgian citizens"²⁰. In response to the information disseminated through the media, Interior Minister Thomas de Maizière stated²¹ that if the number of Georgian visa violators increases, the suspension mechanism will be activated.

As expected, this statement caused a commotion in Georgian society. According to the statement by the German ambassador to Georgia, Germany wants to further deepen its existing close bilateral cooperation with Georgia on readmission issues.²² Furthermore, within the existing legal framework Germany will restrict Georgians who have been denied

¹⁶ WDR (February, 2018), NRW will Visafreiheit für Georgier beenden, available at:

<https://www1.wdr.de/nachrichten/landespolitik/visafreiheit-georgien-100.html>

¹⁷ Vgl. Althoff, Christian (2018), Kommen die Einbrecher aus der Flüchtlingsunterkunft? Available at:

<http://www.westfalen-blatt.de/OWL/Kreis-Lippe/Oerlinghausen/3152842-Oerlinghausen-Viele-besorgte-Anwohner-aber-keine-Beweise-Kommen-die-Einbrecher-aus-der-Fluechtlingsunterkunft>

¹⁸ Kaufmann, Reiner (2018), Oerlinghausen und die georgische Visafreiheit, available at: <http://www.kaukasische-post.com/?p=2643>

¹⁹ WELT, Bundesregierung besorgt über hohe Asylzahlen aus Georgien, available at:

<https://www.welt.de/politik/deutschland/article173722178/Innere-Sicherheit-Bundesregierung-besorgt-ueber-hohe-Asylzahlen-aus-Georgien.html>

²⁰ Bewarder, Manuel/Flade, Florian (2018), Bundesregierung besorgt über hohe Asylzahlen aus Georgien, available at:

<https://www.welt.de/politik/deutschland/article173722178/Innere-Sicherheit-Bundesregierung-besorgt-ueber-hohe-Asylzahlen-aus-Georgien.html>

²¹ Netgazeti, (February 2018). თომას დე მეზიერის: თუ დამრღვევთა რიცხვი მოიმატებს, საქართველოსთვის შეჩერების მექანიზმი ამოქმედდება (Thomas de Maizière: If number of Georgian visa violators increases the suspension mechanism will be activated), available at: <http://netgazeti.ge/news/253549/>

²² Interpressnews, (March, 2018). გერმანიის საელჩო - მხოლოდ იანვარში გერმანიაში თავშესაფარი

საქართველოს 700-ზე მეტმა მოქალაქემ მოითხოვა და მათგან თითქმის 100%-მა უარი მიიღო (German embassy – In January alone, 700 Georgian citizens requested asylum in Germany, with almost 100% of requests refused), available at: <http://www.interpressnews.ge/ge/politika/481552-germaniis-saelcho-mkholod-ianvarshi-germaniashi-thavshesafari-saqarhvelos-700-ze-metma-moqalagem-moithkhova-da-mathgan-thithqmis-100-ma-uari-miigho.html?ar=A>

asylum from entering the entire Schengen territory for several years; 745 Georgians have applied for asylum in January and nearly 100% have been turned down.²³ According to the Ministry of Foreign Affairs of Georgia, this data confirms that “Georgia is de-facto considered as a safe country”.²⁴ By granting Georgia the status of a safe country of origin, it is expected that the number of Georgian asylum applicants and the risk of their involvement in criminal activities will decrease.²⁵ However, this measure should be just one ring in a chain of steps until the final resolution of the problem is achieved.

Statistics and political context: the case of Germany

Since the introduction of the visa-free travel (March, 2017) the number of asylum applicants from Georgia to EU countries has definitely increased, however not to Germany. In 2017 the number of Georgians seeking asylum in Germany decreased compared to 2016. In 2016 there were 3771 Georgian asylum seekers²⁶ in Germany, compared to 3462 in 2017. In 2017 a total of 222,683 persons applied for refugee status in Germany.²⁷ Georgia (which represented 1.5 percent of the total number) is not among the top ten countries of origin²⁸ for asylum seekers in Germany in 2017. Despite this, in the final months of 2017, the number of asylum applications from Georgia significantly increased compared to the data from the first half of the year (see Table 3) and this fact has been used as the main argument by politicians who do not support the visa-free travel regime.

However, it is worth noting that in North Rhine-Westphalia itself, the source of the first complaints vis-à-vis Georgia, in 2017 the number of Georgian criminal suspects decreased compared to 2016. For instance, in 2017, 1290 Georgian citizens were recorded as suspects in the theft of goods in North Rhine-Westphalia. This means the number of Georgian criminal suspects has dropped compared to the previous year (in 2016 there were 1610 Georgian suspects).²⁹ Statistically, Georgian suspects are in sixth place, following Romanian, Polish,

²³ Ibid,

²⁴Interpressnews, (March, 2018). ვახტანგ მახარობლიშვილი – გერმანული მხარის გადაწყვეტილებით თავმჯდომარის მადიებელთა საქმეების განხილვის პროცედურები საგრძნობლად შემცირდება (Vakhtang Makharoblishvili – By decision of German side the procedures for consideration of applications of asylum seekers will be significantly reduced), available at: <http://www.interpressnews.ge/ge/politika/481698-vakhtang-makharoblishvili-germanuli-mkharis-gadatsyvetilebith-thavshesafri-madziebeltha-saqmeebis-gankhilvis-procedurebi-sagrdznoblad-shemcirdeba.html?ar=A>

²⁵ Radio Freedom, რატომ სთხოვს საქართველო ევროკავშირს უსაფრთხო ქვეყნად აღიარებას (Why does Georgia request its recognition as a safe country), Available at: <https://www.radiotavisupleba.ge/a/ratom-stkhovs-sakartvelo-evrokavshirs-usaftrkho-qveynad-agiarebas/29043277.html>

²⁶ Bundesamt für Migration und Flüchtlinge (Federal Office for Migration and Refugees), Asylgeschäftsstatistik, available at: <http://www.bamf.de/DE/Infothek/Statistiken/Asylzahlen/Asylgesch%C3%A4ftsstatistik/asylgeschaeftsstatistik-node.html>

²⁷ Bundesamt für Migration und Flüchtlinge, Asylgeschäftsstatistik, available at: http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/hkl-antrags-entscheidungs-bestandsstatistik-kumuliert-2017.pdf;jsessionid=F364D124B153A311453426DD1D88323A.2_cid359?_blob=publicationFile

²⁸ Statista (February, 2018). Hauptherkunftsländer von Asylbewerbern* in Deutschland im Jahr 2018 (bis Februar), available at: <https://de.statista.com/statistik/daten/studie/154287/umfrage/hauptherkunftslaender-von-asylbewerbern/>

²⁹Polizei NRW, Polizeiliche Kriminalstatistik Nordrhein-Westfalen 2017, available at: https://polizei.nrw/sites/default/files/2018-03/PKS%20Jahrbuch%202017_Internet.pdf

Syrian, Moroccan and Serbian suspects.³⁰ In terms of house burglaries, in 2017 the number of Georgian suspects was half as much as the number recorded in 2016.

Table 3. Georgian asylum seekers and suspects in North Rhine-Westphalia

year	The number of Georgian asylum seekers	Number of Georgian suspects in North Rhine-Westphalia in terms of House Burglary	Number of Georgian suspects in North Rhine-Westphalia in terms of shoplifting
2016	1,192	88	1,610
2017	933	43	1,290

Table 4. Number of Georgian asylum seekers in Germany, in 2017 and January-February of 2018³¹

January 2017	204
February	204
March	218
April	269
May	243
June	169
July	224
August	250
September	238
October	355
November	444
December	522
January 2018	745
February	596
March	544

³⁰ Ibid.,

³¹ Bundesamt für Migration und Flüchtlinge, Asylgeschäftsstatistik, available at:

<http://www.bamf.de/DE/Infothek/Statistiken/Asylzahlen/Asylgesch%C3%A4ftsstatistik/asylgeschaeftsstatistik-node.html>

According to the statistical data from Germany's Federal Criminal Police Office, there was a total of 953,744 convicts in the country in 2016. Georgia was in the list of top 25 countries (data from 2016) of foreign suspects in Germany, ranked 23rd with 6541 (1.1% of total). It is true that the share of Georgian suspects increased slightly (by 0.2%) in comparison to the total number of foreign suspects that year, however, compared to 2015, the number of Georgian suspects in 2016 fell significantly (from 8085 to 6541).³² Nevertheless, the number of Georgian suspects is high compared to the total number of Georgian asylum seekers and, in general, to the number of Georgian citizens residing on the territory of Germany (in 2016 –24,055 persons).³³ Therefore, if the situation does not change in this regard and the number of Georgian asylum seekers does not decrease, Germany will definitely demand the launching of the suspension mechanism. The Georgian government should take into account the following context: five months after the 2017 Parliamentary elections an agreement was reached between the Union (CDU and CSU) and Social Democratic Party (SPD) and the German Government (so called Grand Coalition) was formed. Angela Merkel was elected to her fourth term as German Chancellor, while the post of the Minister of Internal Affairs, as expected, was taken on by the former head of CSU, Horst Seehofer. In 2016 the CSU was the party that did not support a visa-free travel regime for Georgia. Additionally, Seehofer has already announced zero tolerance to crime. When it comes to the asylum seekers, Seehofer's declared aim is to increase the effectiveness of the application review and deportation processes.³⁴ Minister Seehofer will try his best to follow principled politics to attract voters who were disappointed by last years' uncontrolled migration. According to the German tabloid Bild, the German Ministry of the Interior plans to grant Georgia the status of a safe country of origin in order to reduce the period for application reviews and limit the procedure for asylum appeals in cases when refugee status was denied.³⁵

A growth tendency in the overall number of asylum seekers in the EU at large is also noticeable. In 2017, the number of Georgians seeking asylum in the EU increased by 35% compared to 2016.³⁶ The same trend has been observed regarding the number of Georgians remaining on EU territory illegally, what is obviously alarming. "First Report under the Visa Suspension Mechanism"³⁷ published by the European Commission on December 30, 2017 gives us statistical information about the EU's associated countries (on the basis of comparison of the data from 2015-2016). According to the report, 5240 Georgian citizens

³² Bundeskriminalamt, Polizeiliche Kriminal-statistik 2016 (PKS 2016), (2017), available at: https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2016/pks2016_node.html

³³ Vgl. Statista (2018), Anzahl der Ausländer in Deutschland nach den Herkunftsländern, available at:

<https://de.statista.com/statistik/daten/studie/1221/umfrage/anzahl-der-auslaender-in-deutschland-nach-herkunftsland/>

³⁴ Süddeutsche Zeitung, Seehofer kündigt "null Toleranz" gegenüber Straftätern an, available at:

<http://www.sueddeutsche.de/politik/innenpolitik-seehofer-kuendigt-null-toleranz-gegenueber-straftaetern-an-1.3900772>

³⁵ Solms-Laubach, Franz (2018), Georgien soll sicheres Herkunftsland werden, available at:

<https://www.bild.de/politik/inland/georgien/georgien-soll-sicheres-herkunftsland-werden-55248876.bild.html 05.04.2018>

³⁶ Netgazeti, Qoqoshvili, D. (February, 2018). ევროპის რომელ ქვეყნებს მიმართავენ ყველაზე ხშირად თავშესაფრისთვის საქართველოდან – სტატისტიკა (To which EU member states do the asylum seekers from Georgia address most frequently – Statistical Data), available at: <http://netgazeti.ge/news/249760/>

³⁷ Report from the commission to the European Parliament and the Council, Brussels, (December 20, 2017) available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-is-new/news/20171220_first_report_under_suspension_mechanism_en.pdf

stayed illegally in the EU member states in 2016, compared to just over 33,000 from Albania, around 29,000 from Ukraine and 7,660 from Moldova (which has a similar population to Georgia) (see Table 5).

Table 5. Illegal Stays in EU, 2016

Country	Illegal stays in 2016 ³⁸
Montenegro	570
Bosnia and Herzegovina	3 645
Former Yugoslav Republic of Macedonia	4 595
Georgia	5 240
Moldova	7 660
Serbia	11 180
Ukraine	29 495
Albania	33 445

As this data shows, Georgia is not a critical case. However, according to the information of Georgian Ministry of Internal Affairs (MIA), between the months of March – December 2017, supposedly around 10, 330 Georgian citizens abused³⁹ the right of visa-free stay in the Schengen area (legal stay for up to 90 days), which is double the number recorded in the previous year. The number of Georgians violating the visa-free regime rules might be quite small compared to other nationals, but the rate of increase concerns political leaders from EU member states, creating an additional condition for the Georgian government to activate its work in order to maintain the visa waiver.

Data on Georgian asylum seekers and crimilans in EU member states

The largest numbers of Georgians are recorded entering Germany and France, i.e. the countries where certain political groups (including those in the government) tend to have skeptical attitudes toward the visa waiver. Also, due to the strengthening of far-right, populist, Eurosceptic groups in some countries, there is strong pressure on political parties, which further complicates the general environment for suspending Georgia’s visa waiver.

³⁸ Ibid,

³⁹ Imedinews, უვიზო მიმოსვლის ამოქმედების შემდეგ 90-დღიანი ვადა 10330-მა მოქალაქემ დაარღვია (Since visa-free regime has become effective 10330 citizens violated their 90-day visa-free travel rule), available at: <https://imedinews.ge/ge/saqartvelo/38070/uvizo-mimosvliis-amoqmedebis-shemdeg-90dgiani-vada-10330ma-moqalaqem-daargvia>

France	Italy
<p>In France the number of Georgian asylum seekers almost doubled in 2017 (April-October) compared to 2016.</p> <p>During the same time period, 680 Georgian citizens applied for asylum in France in 2016, while that number jumped to 1180 in 2017. However, Georgia is not on the list of top ten origin countries for the highest number of asylum applications in France.⁴⁰</p>	<p>In 2017 the number of asylum applications from Georgia considerably increased in countries like Italy and Belgium, which supported the German position on Georgia's visa waiver in the spring of 2016⁴¹. The success of Eurosceptic (Five Star Movement received 32.2% of votes) and nationalist groups (Northern League received 17.6%)⁴² in Italy's parliamentary elections on March 4 once again underscored that the European project is under a serious threat and this threat is largely coming from Eurosceptic political groups, which are unsatisfied with being stuck in the opposition.</p>
Sweden	
<p>An increased crime rate and asylum application from Georgian citizens was also noted with concern by the Swedish government.⁴³ However, in response to the Georgian Minister of Internal Affairs Giorgi Gakharia visit to Sweden and following the signing of the joint memorandum on Further Strengthening the Measures on Combating Organized Crime (in the nearest future an agreement on repatriating Georgian nationals who have been convicted of crimes in Sweden will be signed) Minister for Justice and Home Affairs of Sweden Morgan Johansson stated that Sweden does not question Georgia's visa free regime with EU.⁴⁴</p>	

⁴⁰ Asylum in Europe, (2017). Available at: <http://www.asylumineurope.org/reports/country/france/statistics>

⁴¹ Netgazeti, 2018, ევროპის რომელ ქვეყნებს მიმართავენ ყველაზე ხშირად თავშესაფრისთვის საქართველოდან – სტატისტიკა (Most frequently, which EU countries are addressed by asylum seekers from Georgia – statistical data), available at: <http://netgazeti.ge/news/249760/>

⁴² BBC, (March, 2018). Italy election: What does the result mean? Available at: <http://www.bbc.com/news/world-europe-43291390>

⁴³ Civil.ge, საქართველო და შვედეთი მსჯავრებულთა დაბრუნების შესახებ შეთანხმებას მოაწერენ ხელს (Georgia, Sweden to Sign Convict Repatriation Deal), available at: <http://www.civil.ge/geo/article.php?id=32079>

⁴⁴ Ministry of Internal Affairs of Georgia, შვედეთის შინაგან საქმეთა და იუსტიციის მინისტრი მორგან იოჰანსონი საქართველოს ვიზალიბერალიზაციას ეჭვქვეშ არ აყენებს (The Minister of Justice and Home Affairs of the Kingdom of Sweden Does Not Doubt Georgia's Visa -Free Regime with EU), available at: <http://police.ge/ge/shvedetis-shinagan-saqmeta-da-iustitsiis-ministri-morgan-iohansoni-saqartvelos-vizaliberalizatsias-echqvvesh-ar-akenebs/11503>

If the 2017 trend (particularly in the final months of the year) related to the increased number of Georgian asylum seekers to EU member states continues in 2018, the triggering of the suspension mechanism will be a quite realistic scenario, in particular if the internal political situation in certain EU member states is taken into consideration.

Against the background of strengthening of Eurosceptic forces in EU member states, Georgia should act even more carefully, since sceptic members are closely observing all the steps made by the country. Mistakes in Georgia might result in more significant opposition against the EU's open door policy or against the EU itself. If the trend of crimes committed by Georgian nationals, the growing number of asylum applications or the number of illegal stays continues, it is quite possible that political groups' opposition and rhetoric will be transformed into actions and they will unanimously put the suspension of Georgia's visa waiver on the political agenda.

Triggering of the suspension mechanism and its possible consequences for Georgia

Against this background, certain German political parties could increase their attempts of putting issues related to migration, including a necessity of reviewing the visa-free travel regime, on the political agenda in a bid to attract voters' support. Obviously, Georgia cannot influence the existing statistics. However, in 2018 changes need to be clear in the German Federal Criminal Statistics, meaning a reduced number of crimes committed by Georgian nationals and a decreased number of Georgians seeking asylum in EU member states. If that occurs, Georgia will have a strong argument for maintaining the visa waiver for Georgian citizens.

As for the triggering of the suspension mechanism, it requires almost nearly as many consultations and procedures as took place during the process of granting the visa waiver.⁴⁵ It should be noted that triggering the suspension mechanism requires some time, what gives the country the possibility to work actively on resolving the the problematic issues. It is quite possible that in the nearest future Georgia will not face a threat of the suspension mechanism being launched against the country, but the very fact that discussions are being held on this issue is a negative development. The threat of the cancellation of visa-free travel for Georgia might have consequences in several areas:

- **On international level** – “complaints” from a number of EU member states might damage the image of Georgia, which will negatively influence the deepening of relations between the EU and Georgia;

⁴⁵ However, the latest decisions and changes simplified the premises for triggering the suspension mechanism. Bundesrat, Drucksache 247/16, 04.05.2016

- **On domestic level:** The abolition of the visa free regime could reduce the number of supporters for Georgia's European future. Furthermore, such a decision can become an instrument at the disposal of those political groups who have pro-Russian foreign policy views for manipulating the public opinion.

Steps planned and taken by Georgian Government

The commotion created in Georgian society in relation to the threat of suspending the visa-free regime encouraged the Georgian government to intensify its work on preventive mechanisms. Based on the information received from the Ministry of Internal Affairs of Georgia (MIA), it is clear that, with a purpose of deepened cooperation with EU member states, Georgia plans to extend its network of police attaches working overseas. At this stage, Georgian police attaches cover eight EU member states, including Austria, France, Germany, Greece, Italy, Poland, Spain and Sweden.⁴⁶

The Georgian government also cooperates with EUROPOL. An agreement on Operational and Strategic Cooperation with European Police Service went into effect on July 31, 2017. On March 9, 2018 Minister of Internal Affairs of Georgia and the executive director of EUROPOL signed the Memorandum of Understanding on "Safe Communication Channel between Georgia and the European Union Law Enforcement Cooperation Agency" and on "Liaison between Georgia and European Union's law enforcement cooperation agency".⁴⁷ These agreements represent an opportunity for Georgia to closely cooperate with the EU's law enforcement center and, on the basis of bilateral cooperations and information exchanges, carry out the best practices in the country. In the nearest future Georgia plans to send a MIA liaison officer to the EUROPOL headquarters.

At the same time, MFA of Georgia is working on setting up the interdepartmental commission/working group that will be in charge of coordinating topical issues in the framework of Georgia's visa-free regime.

The work on several draft laws/ammendments bills in the Georgian parliament that were initiated by the Justice Ministry should be also noted. Ministry of Justice presented a legislative initiative in the Parliament related to tightening the procedures for changing the surnames. Committees are currently discussing the issue. After the bill passes, it is expected that Georgian offenders who change their last names will have a harder time returning to the Schengen zone.

⁴⁶ Based on the information requested and received from the Ministry of Internal Affairs of Georgia.

⁴⁷ Ministry of Internal Affairs of Georgia. March, 2018. Giorgi Gakharia Held Meeting with Executive Director of Europol in Hague, available at: <http://police.ge/en/giorgi-gakharia-turqetis-respublikis-shinagan-saqmeta-ministrs-shekhvda/11510>

The above mentioned measures and steps should be definitely commended, particularly when Georgia-EU cooperation formats will ensure the EU member states that Georgia is ready to use all its leverages in order to remove any questions about its reliability. Notwithstanding these steps already taken by the Georgian government, this policy paper suggests a list of additional recommendations for quickly and effectively solving the problem.

Conclusion

The current situation was anticipated in the decision to include a suspension mechanism in the visa liberalization agreement. In 2016 the number of migrants heading to Germany and to the EU in general, reached its peak. In addition, anti-EU, populist groups have gained strength on EU territory. As a result of these two parallel processes, a domestic political pressure on a pre-existing political landscape has dramatically increased in leading EU member states. This factor has encouraged political parties to review certain politics, and has resulted in conservative parties moving even more to the right. Against this background, two factors can be underlined when discussing the initiation process for the suspension of Georgia's visa waiver. The first factor is related to the increased number of Georgian asylum seekers and crime rates recorded in recent years; and second factor is the much higher significance given to topics like visa-free travel due to the fact that they took place during a time of confrontations inside the EU.

The research revealed that despite the increased number of Georgian asylum seekers on the general EU level in 2017, in the case of Germany, the number of Georgians applying for the asylum has decreased compared to 2016. This downward trend was maintained between January and February of 2018, indicating the effectiveness of the measures taken by Georgia and Germany. Nevertheless, it should be also mentioned that, in the case of Georgia, statistics and data are sometimes used as tools of manipulation. The data presented in this research paper showed that, for instance, in terms of the damage caused by the crimes committed by foreign nationals in Germany, Georgia is not in the top 25. However, this should not diminish the weight of the crimes committed by Georgian citizens. Considering the current situation, there is no threat that activating the suspension mechanism will be on the agenda. To prevent the risk of the issue being discussed in the future, it is necessary to elaborate an effective policy and conduct a risk assessment to resolve the current problems.

Recomendations for the government of Georgia

The problem Georgia faces today in its relations with the EU requires quick and immediate responses both from the Georgian government and the society. Identifying the factors causing the problem and finding ways to resolve it is particularly important. Despite the fact that the main source of the problem, i.e. the high number of Georgians seeking asylum abroad, more precisely in the EU, is a heavy socio-economic situation in the country, which requires a long-term solution for Georgia's economic development, this policy paper puts particular emphasis on the short-term and immediate measures that should be taken.

The Georgian government should:

- **Strengthen discussions with EU member states about recognizing Georgia as a safe country and organize information campaigns for Georgian public.** The status of "safe country of origin" would limit the possibility for Georgian citizens to receive asylum and would raise the effectiveness of their quick return to Georgia. Also, information campaigns would make it clear for the Georgian public that for citizens of the country with the status as a "safe country of origin," the probability of receiving asylum from EU member states is minimal. This will also help reduce the overall number of Georgian asylum seekers in the EU.
- **Implement international best practices on controlling the flow of Georgians possibly seeking asylum abroad.** According to the EU report, which includes a summary of the the first steps for triggering the visa suspension mechanism, the "exit interview" is an effective temporary instrument (with respect to travelers' fundamental rights). Consequently, by implementing this practice, the movement of possible asylum seekers will be directly controlled at the Georgian border.
- **Accept responsibility of providing financial assistance to repatriate violators.** It is praiseworthy that the Georgian government is working in the direction of searching for Georgian citizens who illegally remain on EU territory for over 90 days. Additionally, it is a positive tendency that Georgia has proposed to cover all the expenses related to finding Georgian citizens who violate the rules of the visa free-travel (afterwards, the violators themselves will have to pay for these expenses). With these measures, Georgia shows its international partners that it takes responsibility to ensure that its citizens respect the rules of visa waiver. This will have a positive influence on Georgia's country image.
- **Carry out information campaigns about the strict obligations against those who violate the rules of visa-free regime.** The aim of the information campaigns will be to educate society on the financial expenses they have to cover if they violate the rules. After these campaigns the number of people planning to illegally reside in EU member states will decrease.
- **Provide a complex analysis of the database of those individuals who are violating the rules of visa-free travel regime.** This kind of analysis will give the government

insight to determine a cluster of likely violators based on their social class, sex, age group. This will help the Georgian government identify its target group for strategic communication and messages.

- **Actively work on information campaigns directed to debunk the myths.** In cooperation with the civil sector, government should debunk myths related to the simplicity of finding jobs in the EU or to illusions about the conditions for asylum seekers. These campaigns should be organized in regions where there is a lack of information.
- **Closely cooperate with those countries that have initiated the issue of revisioning visa liberalization for Georgia.** The creation of a working group, which will cooperate with the parties or political groups that have initiated the revision of visa liberalization, is highly desirable. Existence of discussions and development of the strategy based on the already existing examples (visa-free travel with Moldova, and Balkan countries) is necessary. In Germany, due to its federal order, further deepening of cooperation with the different states of the country is of particular importance.
- **Activate the work of law-enforcing structures against those companies and criminal structures that support the outflow of Georgians who are potentially seeking asylum abroad.** Limiting the work of companies that “provide” asylum seekers with all the necessary procedures for entering the EU and promising them asylum status in exchange for a certain amount of money. This will reduce the number of people who illegally stay on the territory of the EU.⁴⁸
- **Pay particular attention to the possible falsification of facts.** The Georgian Ministry of Justice’s work on the legislative amendments that significantly complicate procedures for the changing surnames in Georgia should be commended. With these measures the possibility of Georgians who committed the crime in the Schengen area and try to return with a new surname will be practically eliminated.
- **Intensify its efforts regarding the opening of the job markets for Georgians.** Obviously, the issue of poverty will not be resolved solely by searching for legal ways for Georgian citizens to work in the EU. But the government together with its partner countries should find ways to create the conditions to open the legal job market with more countries, similar to the one Georgia has with Poland.
- **Propose that the EU shares the practice of Schengen Information System (SIS).** SIS’s experience cooperating with the police and the penitential organs (this cooperation ensures the creation of an “alarm” system for lost/disappeared citizens) is especially important. Sharing of this practice will help Georgia implement the EU’s border system experiences at home.

⁴⁸ According to the information received from the Ministry of Internal Affairs of Georgia, the first draft of the project on legislative amendments to the criminal code has already been drafted. This will enable the MIA to institute criminal proceedings against natural or legal persons, who assist Georgian citizens to illegally cross the border of Georgia and/or illegally stay on the territory of foreign country.

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Tel: +995 599 99 02 12

Email: info@gip.ge

www.gip.ge

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