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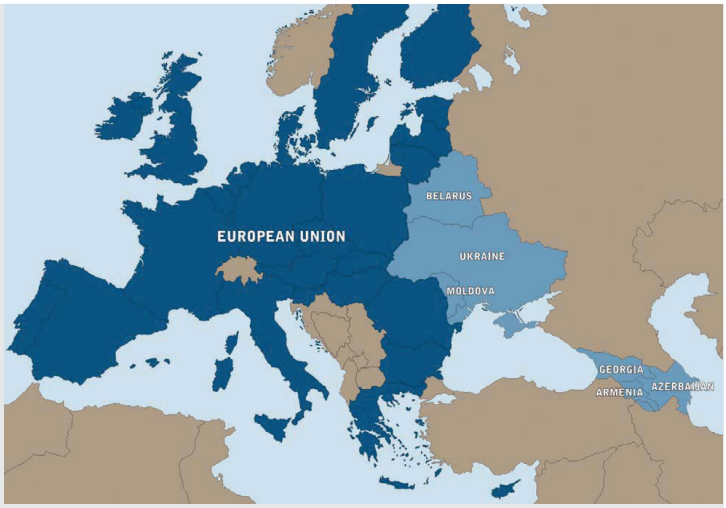
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# Prospects for Visa Liberalization between the EU and Georgia: An Assessment of Georgia's Readiness

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**The bilateral cooperation framework between the EU and Eastern Partnership countries, initiated in 2009, offers Georgian citizens the possibility to travel freely to most EU countries in the future. In 2010 Georgian officials and civil society widely discussed the EU-Georgia visa liberalization prospects and possible outcomes of intensified cooperation with the EU, in particular, implementation of provisions of the agreements signed by the European Union and Georgia on Visa Facilitation and the Readmission in 2010. It is not clear, however, when exactly the EU will be ready to take further step and open up the new visa liberalization dialogue with Georgia as a pre-condition for visa free travel between Georgia and the EU.**




**This policy brief provides an overview of recent reforms undertaken in Georgia in the frameworks of European Neighbourhood Policy and Eastern Partnership Initiative, in the areas of justice, freedom and security. It evaluates the conditions under which Georgia would become able to satisfy the EU criteria required for eventual visa liberalization. The brief also shows that during the last few years Georgia made good efforts to increase control over migration processes into and out of the country through promoting different policy initiatives that improved institutional efficiencies of the governmental agencies, reformed border management system, increased the level of document security, and the overall environment for fighting against corruption, organized crime and human trafficking.**

**The policy brief argues that despite Georgia's recent successes certain problem areas still remain. The EU expect Georgia to address these problems and promote democracy, judicial independence and the rule of law in the country, establish new migration services and prepare acceptable conditions for readmission of irregular migrants. In addition, to become a reliable partner for the EU the Georgian government has to ensure strict border control and protect rights of internally displaced persons, refugees, stateless persons. These people belongs to the vulnerable groups residing in Georgia that could also influence dynamics of migration flows across Georgia's international borders if their rights are not protected accordingly.**

**The policy brief recommends that a new set of policy actions will be required to properly address the challenges that could hamper visa liberalization process. Georgia has to intensify institutional reforms which could balance its weaknesses and improve country's image as a democratic and efficiently functioning state.**

NO VISA

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Further publications from the project are available for download at **www.novisa.eu**

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## Positive trends in visa liberalization process in Georgia

Eastern Partnership initiative along with other important issues, offers Georgia the opportunity to continue reforms and meet the EU requirements in the area of justice, freedom and security. One of the main outcome of successful bilateral cooperation between the EU and Georgia might become the establishment of visa free movement between the EU and Georgia in the near future.

During the last few years, the Georgian government repeatedly acknowledged it's political will to put the issue of visa liberalization with the EU on the top of the political agenda. Consensus exists among most political actors that visa liberalization should be one of Georgia's national priorities. The new visa initiative could deepen EU-Georgia relations in political, economic, scientific, education and cultural affairs, improve conditions for private business development as well as promote the political stability and economic sustainability of the state. However, the EU remains reluctant to speed up visa liberalization process. According to the EU officials Georgia sill lacks the assurance that it can establish strict controls over migration flow in and outside Georgia. Accordingly, in 2011, the EU only partially met Georgian desire for an intensification of EU-Georgia dialogue in the area of visa facilitation.

On June 17th, 2010, an Agreement on Visa Facilitation between the European Union and Georgia was signed. The agreement was preceded by a decision of the Georgian government on the issuance of biometric passports (April 14, 2010). The Visa Facilitation agreement reduced the burden of the visa process for Georgian citizens in a number of ways. First, the visa application fee was reduced to 35 Euros from 60 Euros. The agreement also offered total exemption from the visa fee for 12 categories of applicants. Georgian diplomats were exempted from visa requirements for short stays. Secondly, to avoid Georgians from waiting weeks of uncertainty about their visa application status Georgians will now receive a decision on their visa application mostly within 10 workings days. Furthermore, member states' consular services could issue multiple entry visas (that will be valid for 5 years). In sum, there has been tangible progress between Georgia and European Union regarding the easing of the visa application process for the average Georgian citizen.

Resolution of issues concerning the readmission of illegal immigrants will become another prerequisite to any formalized visa-liberalization process in the future. On November 22, 2010, the EU-Georgia readmission treaty was signed in Brussels. Under the agreement, Georgia agreed to house illegal third party nationals with proper detention facilities and shelter in order to protect the Schengen area against illegal migration and organized crime.

It should be noted that Georgia accumulated experience in dealing with illegal migration, fighting crime, corruption and human trafficking prior to signing the agreements. Georgia signed with the FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders coordinating cooperation between EU member states on issues of border security) an Cooperation Agreement in 2008 and the two year Cooperation Action Plan in October 2010.

The Agreement and the Action Plans established the framework for FRONTEX to work closely with the Georgian border services, specifically in the areas of forgery detection and countering irregular migration, strengthening working relations with EU member states. In 2009-2010 Georgia and FRONTEX cooperation ended up in the deportation of illegal immigrants from various EU member states back to Georgia.

Georgia's reformed Border Police Department contributed significantly to the successful accomplishment of this task. The Office of the European Union Special Representative (EUSR) for the South Caucasus was also involved in supporting reforms of the Georgian border service from 2005 to 2011, which appeared to have laid the foundation for further reforms. The EUSR Border Support Team was also responsible for assisting the development and implementation of the Integrated Border Management Strategy of Georgia.

Georgia's success in dealing with organized crime and human trafficking has added support for an EU-Georgian agreement favoring visa-free travel. Since 2006 (when Georgian law on human trafficking was adopted), the Georgian government has made serious efforts to tackle the challenge of human trafficking in Georgia. The government's has enacted new legislation and reformed it administrative framework, which created new mechanisms for victims' protection and assistance and improved Georgia's preventive approaches. According to US State Department 10th Annual Report on Trafficking in Persons, Georgia has been maintaining its position among the first tier countries which means that the government fully complies with the minimum standards for the elimination of trafficking.

Georgia has also shown progress in combating organized crime. Since 2005 Georgian government has succeeded in both developing appropriate legislation and taking adequate measures against criminals. Additionally the reformed police and judiciary have become more cooperative with their European counterparts, leading to successful investigations of large organized crime groups in Spain and Belgium. As the results of the 2010 Georgian crime survey carried out by the Ministry of Justice indicate, since 2005, public safety in the country has improved and trust towards the police forces has substantially increased.

## Georgia's weaknesses in meeting the EU requirements for achieving visa liberalization

Despite the wide-scale reforms undertaken, Georgia still faces challenges in areas relevant to the achievement of criteria for visa-free movement. In particular, Georgia must strengthen efforts in fighting corruption, take efficient measures in order to establish the rule of law, the ensure judicial independence, interagency cooperation in tackling irregular migration and border security, and to develop a functional personal data management system.

Foreign analysts and Georgian civil society representatives have identified some challenges in anti-crime and anti-corruption measures implemented throughout 2006-2010. For example, although the Georgian crime survey indicated that public trust towards enforcement agencies is high, many victims refrained from reporting their victimizations to the police. The results raised questions about dissatisfaction for the victims with the treatment they receive and the efficiency of the long-term effects of the legal norms enforced. Additionally, the anti-corruption steps taken were sometimes quasi-legal, demonstrated disrespect for the rule of law, and were not subject to the supervision by public or non-governmental bodies. The GRECO and Transparency International reports from 2009-2010 confirmed these findings.

All studies confirmed that corruption has been widely eradicated from the daily life of most citizens. Georgia ranks 64th out of 183 countries in Transparency International's Corruption Perceptions Index (CPI) 2011, that measures the perceived level of public sector corruption in 183 countries and territories around the world . However, many representatives from civil society and international organizations (EU among them) believe that Georgia has failed to combat sufficiently its high level of corruption. According to the statements made by the EU officials, Georgia must address institutional corruption if it wants to move closer to the EU.

The EU considers Georgia's ability to reform its judicial system as highly important. Anti-corruption and anti-crime measures could be addressed by improving and increasing judicial independence and impartiality. Current surveys indicated that the rate of acquittals in criminal cases is less than 1% in Georgian courts. Consequently, the U.S. State Department Human Rights Report has identified Georgia's judicial system as one of the country's greatest weaknesses, which in turn hampers the state's democratic transition in a whole.

A final complication has been the demarcation and delimitation of Georgian borders with its neighbors Armenia, Azerbaijan and Russia, an issue that has yet to be adequately resolved. During 2009-2010, Georgia continued to negotiate with Azerbaijan and Armenia for a definite border agreement despite continued disagreements over several parts of the border. The absence of a clear demarcation of the Russian-Georgian border poses a serious challenge for the Georgian government because Georgia and Russia do not have official diplomatic relations and, therefore, no negotiations on establishing the official borderline is likely to occur in the near future. Unfortunately, the existence of Russian occupied territories within Georgia continues to leave the Russian-Georgian border volatile and prone to future complications.

Once reforms are begun, both civil society and the media must be allowed to monitor the process and thereby contribute to the building of trust among the citizens that visa-free travel is possible. As many analysts argue, such public openness is still missing in Georgia. Poor public awareness coexists with a wide debate in the media on the EU visa regime. However, there remains little informed debate and analysis on the current state of affairs on visa liberalization, public understanding is limited about progress made by Georgia to date as well as its future challenges.

## Conclusions: Prospects for Visa Action Plan

Georgia must make great strides in judicial reform, crime prevention, anti-corruption reform at the institutional level before its citizens are allowed to enjoy visa free travel to the EU member states. The Georgian government has made substantial improvements in the areas of border management, by easing the burden of the visa process for the average Georgian citizen, by

addressing human trafficking and through the issuance of biometric passports. As a result, Georgia has placed itself in a favorable position to be offered an Action Plan for visa liberalization by the European Union in the near future, hopefully in conjunction with Action Plans for Moldova and the Ukraine.

However, there is no guarantee of Georgia receiving an Action Plan for several reasons. First, the EU intends to explore how efficiently the visa facilitation and readmission agreements are implemented in Georgia before setting out a plan for visa free travel. If assured that Georgia is able to improve and control migration flow in and outside Georgia, the EU would be able to take additional steps and give a green light to opening the visa liberalization dialogue with Georgia.

Secondly, the EU may be more politically motivated to work with Ukraine and Moldova, since they have already offered Action Plans by the EU, they also share a joint land border with EU member states and have made progress meeting preliminary goals laid out by the EU.

Thirdly, the EU may be reluctant to offer Georgia an Action plan for visa liberalization due to its internal economic or political problems This type of problems might appear during the debates among EU ministers like it happened in May 2011. As of now, Georgia may have to wait longer for an Action Plan. However, once an Action Plan is initiated, it paves the way for Georgian citizens to travel visa free to most EU member states.