

Europeanization of Migration Policy in Georgia and Poland

Sesan Adeolu Odunuga

Abstract

Georgia is in the process of European Integration while Poland is already a member of the EU. Countries under 2004 enlargement were favored on many grounds with regards to migration management and border control prior to accession into the European Union. Georgia, a country under the Eastern Partnership programme, is subjected to different conditionality on migration management. It is against this backdrop that this article critiques europeanization of migration policies in both countries during European integration process. In order to critically analyze individual democratization of migration policy in both countries, functionalist theoretical framework was adopted to reveal the symmetries and differences between the two countries during europeanization in relation to migratory policy. The analysis reveals huge difference in migratory policy reforms in both countries during Europeanization integration process.

Keywords: migration policy, europenization, visa liberalization, visa facilitation and readmission

Introduction

Migration is as old as mankind. It started soon after the creation of the universe by the Elysian creator when the first set of mankind was sent on a compulsory migration out of the biblical “Garden of Eden” according to scriptural teaching. Migration is rooted in economic motivation or economic expedition. Between XV and XIX centuries, the form of compulsory and economic migration witnessed was slave trade engineered in North America, Europe, South America and the Caribbean for the purpose of filling the gaps existing in the labor force. The effects of WW1 and WW2 caused the Europeans to migrate to North America, the pacific region, S/America and Israel. The post-World War II effect alone accounted for

emigration of not less than 4 million people from Europe. European and internal migration started with the return of refugees or captives from some parts of Europe to another parts.

After the collapse of the mighty Soviet Union in 1991, nothing could be more desirous for the already created union of European states than the absorption of ready and willing post-Soviet countries into the community or union. This was necessary to disallow creation of conflicting borders within Europe and to as well prevent the new but fragile independent states from Russia's sphere of influence; hence the europeanization of some consequential post-Soviet countries by the EU.

This article focuses on europeanization of migratory policies in Georgia, on the one hand, and in Poland, on the other hand, in the process of European integration. Institutionalization of migratory policies of the two countries was critiqued based on functionalist theoretical perspective. The EU offered dissimilar conditionality for the countries that joined the union in 2004 and the EaP countries currently undergoing EU integration process. Why the change in conditionality as regard EU integration involving Poland prior 2004 EU membership and Georgia's EU integration priority? What has europeanization or democratization done to Georgian migration policy? These questions are treated in subsequent paragraphs of the article. It is imperative to compare the migration policy of both countries prior to accession in order to justify the changes in migration policy area of the EU in relation to European integration. By doing so, it is important, as well, to make a clear comparison between a country that became a member of the EU with less conditionality in the area of migration policy and a country in the process of integration into the EU who is subjected to different technicalities. The first part of the article talks about europeanization of Georgia and Poland by highlighting levels of cooperation between the EU and Georgia, on the one hand, and the EU and Poland, on the other hand. The next part, which is the second part of the paper, discusses EU migration policy towards Georgia in the

on-going process of EU integration and, in addition, the migration policy in place at the time of accession of Poland into European Union, thereby revealing the abyssal disparate in the EU migration policy towards Poland (including other countries who joined during the 2004 EU single enlargement) prior EU membership in 2004 and what was offered to Georgia so far as the country strive to become a member of the European Union. In the last part of the article, I try to bring the discourse into conclusion by summing up migratory policy of the EU towards post-Soviet states who joined the union in 2004 and the difference in the conditionality offered to the Eastern Partnership countries. A final note is given in the conclusion, using Georgia as a mirror, which offers a recommendation to other EaP states lagging behind in the process of reforming their Migration policies

Europeanization of Georgia

In 1996, Georgia and the EU signed the Partnership and Cooperation Agreement (PCA) establishing political dialogue between the two parties through institutionalization of appropriate structure conducive for political development of Georgia. The agreement does not envisage or allude to membership right of Georgia. Apart from the political framework of the PCA which seeks to create a stability polity in Georgia, it emphasizes on the economic development and integration of Georgia extensively. The 2004 enlargement of the EU begot the European Neighborhood policy (ENP) which was created to avoid the creation of dividing borders likely to emanate from further enlargement of the union which resulted into 10 new states becoming members of the union. These new members are mostly, not all, former post-soviet countries, whose shackles were broken from Soviet imperialist ideology, and maintained borders with majority of the former communist countries who at the time were not oriented towards the EU, more or less. It is therefore imperative and exigent to

maintain border security within and without in order to promote stability, especially in the newly created frontiers as a result of the enlargement. Georgia was captured in the ENP in July 2004. However, the Eastern Partnership (EaP) was launched in 2009 for six Eastern European countries namely: Georgia, Moldova, Belarus, Ukraine, Armenia and Azerbaijan. The bilateral capacity under the initiative focuses on narrow political and legal cooperation and development between the EU and individual country while the multilateral framework of the program covers wide spectrum of policy areas designated to different ministries, departments and agencies of government of the Eastern partner countries. Practically, the process of europeanization of Georgia is still on-going as many hurdles have to be scaled in the ever-closer relationship with the EU.

Europeanization of Poland

Poland was given associate membership in the EU in 1993 shortly after the collapse of the Soviet system. In 1994, Poland formally applied for full membership of the union, notwithstanding that Poland migration policy was unsophisticated at the time. The Copenhagen meeting, however, resulted in a resolution proposing three conditions for EU accession:

- (1) A functioning market economy with the capacity to cope with competitive pressures and market forces within the EU.
- (2) Stable Political institutions guaranteeing democracy, the rule of law, and respect for human rights and minority rights;
- (3) The ability to take on the obligations of EU membership, including the *acquis communautaire*, the EU's legislative Corpus.

The accession condition up to 2014 enlargement was based, majorly, on domestic political instability, economic development and harmonization of EU jurisprudence. It is on record that as at 1998, Poland was lagging behind on harmonization process of national laws with the EU acquis, especially on corruption and migration control. Accession of post-soviet countries was highly favored by western political elites who advocated for a fast-track admission of countries from former Soviet Union due to reasons leaning on political and economy security of Europe. Poland, a country in Central Europe, had the largest population among the new member states at the time of accession and the Accession Treaty between the EU and Poland was signed in Athens on 16 April 2003 (Treaty of Accession) and after the ratification of the Treaty, Poland and other 9 states officially became members of the European Union in May 2004 with little conditionality being fulfilled.

Georgia-EU Migration Policy amid European Integration

Visa Facilitation and Readmission

For Georgia and other countries captured in the Eastern Partnership Action Plan (EaP AP), certain conditions have to be fulfilled in the long journey of European integration unlike in the case of countries in the 2004 enlargement with special reference to Poland. Visa facilitation and readmission agreements are two different agreements aimed at managing migration, visa policy, asylum, border control, reintegration of returnees, etc. within the framework of the “Global Approach to Migration and Mobility (GAMM)”. The agreements are offered on the aegis of the EU Justice and Home Affairs Council. The idea is to facilitate people-to-people contact between EU citizens and third countries’ nationals. The visa facilitation and readmission are both premise on justice, freedom and security policy areas of the European Union. The visa facilitation gives opportunity to

Georgian citizens to pay reduced visa fee of EUR 35, free issuance of certain types of visas for Georgians, exemption of holders of diplomatic passports from visa requirements, timely processing of visa (usually 10 days), joint discussion on unjustifiable visa denials, and many more. The agreements, however, do not apply to few EU member states as they maintain the status quo ante existing before the signing of the visa facilitation agreement. The Georgian side is under obligation to, after coming into force of the above agreements; ensure admittance and readmission of Georgian nationals illegally residing on territories of EU. It also includes third-country nationals staying illegally or those who entered the EU illegally and directly from Georgia holding valid visas or residence permits issued by Georgian authority. While the visa facilitation aims at simplifying and advancing travel to EU member states, the readmission agreement creates opportunity and responsibility on both parties in fighting illegal or unlawful migration arising from crossing of Georgian borders into EU territory.

Mobility Partnership

This is another mile-stone in EU-Georgian cooperation which offers to Georgians, the opportunity to legally work for a specified period of time in the EU. It offers opportunities to qualified Georgian scientists, students and other professionals to acquire training in special and specific fields in the EU and return to Georgia with such skills and expertise to impact positively on socio-economic and socio-political activities in the country. The policy, by extension, envisages circular or pendulum migration translating to a lawful and direct employment of Georgians in EU member states who believe in the Georgian labor market as a way of shoring up their home labor force. Under the Circular migration scheme conceived by the French authority, close to 500 Georgians are expected

to benefit from legal and direct employment in France. The circular migration proposal of the French government to Georgia suffers delayed in terms of ratification by the French parliament. This delay has further created uncertainties in the political environment in Georgia and thus, heightens skepticism as regard the sincerity of the mobility partnership initiative. The official joint declaration of mobility partnership program between Georgia and the sixteen participating Members of the European Union, namely the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the French Republic, the Italian Republic, the Republic of Lithuania, the Republic of Latvia, the kingdom of the Netherlands, the Republic of Poland, Romania, the Kingdom of Sweden, and the United Kingdom was signed on November 30, 2009 but was officially launched in 2010.

The MP between Belarus and the EU involves only seven participating EU Member States; the joint MP declaration between the Republic of Azerbaijan and the EU involves only eight participating EU Member States; ten participating EU Member States signed the joint MP declaration with the Republic of Armenia; while Moldova has the second highest number of participating EU Member States after Georgia with fifteen European Union Member States participating in the mobility partnership agreement between the EU and the Republic of Moldova. The reason for variance in numbers of participating EU Member States may be chalked up to willingness and readiness to implement required reforms at policy level and of course, cooperative attitude of individual EaP country towards EU integration.

Referring to mobility partnership between Georgia, the EU, and the EU participating Member States, the monitoring scoreboard (which was designed to monitor the implementation process and progress of EaP countries captured under the mobility

partnership agreement) comprises information completed activities, ongoing or work-in-progress implementation and future plans envisaged under the mobility partnership agreement. So far, according to the official statement of Office of the State Minister of Georgia on European and Euro-Atlantic Integration, the current scoreboard of Georgia shows 26 completed 17 ongoing and 9 future programs under the framework of mobility partnership with the EU. However, much is needed to be done by participating EU Member States in order for the purpose and benefit of the mobility partnership initiative to be realized.

Visa Liberalization

The Visa Liberalization Action Plan was handed to Georgia in 2013 but it was launched on 4 June 2012 which covers important reforms popularly dubbed as the “four blocks” (document security; illegal migration; public order and security, foreign affairs and human rights). The VLAP is a two faceted scheme involving: legislative and implementation phase. The legislative aspect of the plan is about development of important legal acts upon which the conditions attached to the VLAP will function while the implementation phase is the execution of the conditions and procedures enshrined in the VLAP. After the rigorous legislative exercise and successful implementation of the VLAP, Georgia nationals holding biometric passports now enjoy visa-free travel to the EU member states which includes Switzerland, Norway, Iceland and Liechtenstein but with the exception of the UK and Ireland. The visa-free regime, however, was activated at the same period as the suspension mechanism according to Council Regulation 539/2001.

Novelty in Migration Policy of Georgia

Prior to the reforms in migration policy in September 2014, foreign visitors subjected to visa requirement may enter Georgia by presenting a permission letter processed and issued by the Patrol Police Department of the Ministry of Internal Affairs of Georgia at the border for entry permission. The permission letter represents a visa and by presenting it at the immigration desk of Georgian airports, a visa would be issued by the border police at the visa and passport control section. A visitor would be issued with a-10 day visa for participation in a conference or short training course while any foreigners-from countries with visa requirement-arriving for study purpose at accredited universities or colleges or tourism or private visit may receive a visa sticker valid for 30 days or 90 days depending on some factors. The visa class issued at the border was a single and ordinary entry visa with the right of extension on the territory of Georgia without having to exit the country. What has changed? Since 1 September 2014, all visas to Georgia are issued at the Consulates of Georgia abroad and not in Georgia by the responsible agency under the Ministry of Justice of Georgia. Visa issuance at the state border is only possible in special cases as may be allowed under the extant law. In the past, citizens of more than 100 countries may enter Georgia without visas and stay for a period of 1 year. That has changed. Only Citizens of 94 countries may enter, reside, work and study in Georgia without the need to possess Georgian visas. Different classes of visas and residency permits are now being issued under the reformed migration policy of Georgia. The new visa categories are: Diplomatic visa (A), Special visa (B), Ordinary visa (C), Immigration visa (D) and; Transit visa (T). While a short-term visa could be issued for multiple entries it cannot be used to apply for a residence permit. Only the long-term visa is a prerequisite for residency permit. Apart from the new classes of visas, authority also launched a web oriented visa called "E-Visa". The application for E-visa is done on the designated portal

of the MFA of Georgia. It takes five working days to process submitted online visa application. E-visa for successful applicant is issued and forwarded to applicant electronically via the e-mail address used in during online visa application submission by the Consular department of Ministry of Foreign Affairs of Georgia.

In addition to the above, asylum issues are now handled in a more robust way unlike in the past. Accommodation is provided for asylum seekers in Georgia under the joint support of the EU, USAID, UNHCR and Georgian government. One of the reforms towards migration control in Georgia is the continuous process, though started in late 2014, of issuing a temporary asylum seekers ID to those seeking asylum in Georgia. This way, asylum seekers are well documented but not fantastically integrated. Integration of asylum seekers in Georgia is below the average level expected by EU standard. The Government should improve on integration of asylum seekers and refugees in Georgia. A new migration department was created in 2014. The new building of the Migration department built in 2014 serves as centre for illegal migrants control in Georgia. Those who overstayed their lawful authorization of stay and are now illegal (out of status) are invited by the migration department for questioning, advices on regularization of stay in Georgia and/or return option. After series of open consultation and recommendation, failure to satisfy the requirement or the conditions proposed by the migration office, could result into unlawful migrants being detained for deportation purpose.

Migration Policy in Poland anterior to EU membership

Although, there was visa requirement in place for Poland nationals before 2011 when traveling to the EU, the conditionality resulting into a waiver of visa requirement, however, did not drag too long as seen in the case of Georgia. In 1998, nevertheless, after

the official opening of accession negotiation between the EU and Poland, the EU placed restriction on rights of Poles to work in EU member states. Polish nationals, withal, were given certain privileges on permission to access the European Union labor-force over many other third-country nationals, perhaps those not eyeing membership of the EU. It will be recalled that before and after the demise of Soviet Union, many migrants in search of better economic condition entered into Poland from neighboring countries and moved into EU via Poland. Visa policy in Poland was liberal towards nationals from post-soviet empire and this attracted many migrants into Poland who were then being exported into other parts of Europe, especially to western European countries. In 2011, before the accession, visa lifting was already in place for Poland and other 9 aspiring countries. It was a different case when compare to EU offer to Georgia and other Eastern Partnership countries apropos visa-free travel in the process of European integration. So, Poland did not go through stages of technicalities or conditions in the process of visa abolition. The package offered to Georgia under the VLAP covers only free-travel to EU member states based on short travel of 90 days in any 180-day period. Journey for purpose other than short visit is still subjected to visa (national visa) acquisition from respective EU member states.

Largely, most of the migration reforms that took place in Poland happened after accession of Poland into the European Union. Just 4 years after the official launching of accession negotiations with Poland, at the 2002 EU summit in Copenhagen, the atmosphere had already heralded the already suspected 2004 accession. EU authority had concluded on the need to sprawl the political and economic wings on the union across Eastern borders. The EU was not left with the consequences of the absorption of the post-Communist countries whose economies were dastardly backward at the time of enlargement if sampled randomly. The regional inequality gap of regions in the EU

became wider in 2004 as many poor regions of poor countries were joined to the already existing cracks in socio-economic statuses of regions in the EU. In 2008, nationals of Poland and other 11 EU countries were not accommodated under the US visa-waiver program hinge on political and economic security. The Canadian authority removed Poland and Lithuania from category of countries whose citizens require visas to travel to Canada. Despite being member state of the EU, Poland was still subjected to visa requirement and fulfillment by Canadian authority. Polish authority started issuing e-passports to its citizens on August 28, 2006 more than two years after becoming a member of the European Union. In Georgia's case, e-passports issuance started in 2010 before the launch of VLAP. Perhaps it was done by Georgian authority in anticipation of the Visa Liberalization Action Plan and the Association Agreement!

Conclusively, Georgia has been transformed hugely into a modern society. A great feat has been achieved by Georgia in the process of management of migration. However, Europeanization of migratory policy of Georgia is still on-going and much is expected in terms of labor migration control, improvement on asylum seekers application process, integration of asylum seekers and refugees in Georgia. Leonard, M. and Grant, C. (2005) says that Georgian government should emulate the Central Eastern authorities who worked assiduously towards the single enlargement in 2014. The government has the obligation to refrain from the use of force as solutions in the process of conflict resolution between Georgia and Russia over the two breakaway regions of Georgia.

Poland, together with other 9 Central and Eastern European countries, enjoyed favorable conditions during the Europeanization process unlike the current conditionality attached to every integration package offered by the EU to the Eastern Partnership countries in the European integration process. The EU apparently applied different strokes for different flocks as evident in the Europeanization process that led to Poland membership of the EU

in the 2004 enlargement. Armenia, Belarus and Azerbaijan need to increase their pace on migration policy reforms if, indeed, European integration is what propels foreign policy of the countries.

The Mobility Partnership and VLAP are beneficiary instruments with direct benefits to citizens of the EaP countries. Therefore, authorities of the EaP countries lagging behind in europeanization gesture of migratory policy should strive to legislate and implement the required reforms in the migration department and in the migration policy of the countries so as to offer citizens of their countries the opportunities abound in the EU mobility partnership initiative.

However, it might be of great importance and advantage to the EU, the EaP countries, and the EU participating Member States if the promises made in the MP agreement are actualized by accelerating the implementation of the MP agreement with the EaP countries from the side of EU, and the participating Member States of the European Union, on the one hand, and readiness of EaP countries to carry out stringent reforms in migration policy areas regarding issuance of biometric passports to their nationals, efficient documentation of lawful and unlawful foreigners living on their territories, standardization of visa and residency permission, efficient management of asylum and refugee issues, recognition of the status of stateless persons, and protection of rights of minority groups within the society. policy.

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