



**COUNCIL OF
THE EUROPEAN UNION**

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ADDENDUM TO "I/A" ITEM NOTE

from:	General Secretariat of the Council
to:	Permanent Representatives Committee / Council
Subject:	Joint Declaration on a Mobility Partnership between the European Union and Georgia

Georgia, the European Community, and the participating Member States 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, the United Kingdom (hereinafter referred to as "the Signatories");

ACTING within the existing framework for their cooperation, in particular the Partnership and Cooperation Agreement operating as from 1 July 1999, as well as the EU- Georgia European Neighbourhood Policy Action Plan endorsed on 14 November 2006; and taking account of the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009;

NOTING the benefits and opportunities that a well managed migration can bring to migrants and to the Signatories alike and recalling the Joint Declaration approved at the Prague Ministerial Conference of April 2009 on *Building Migration Partnerships*;

REMINDING that the Extraordinary European Council in its conclusions of 1 September 2008 underlined the need to "step up relations with Georgia, including visa facilitation measures";

CONFIRMING their commitment to improving facilitation of movement of persons between Georgia and the European Union, whilst working to ensure better management of migration flows, including preventing and reducing illegal migration flows;

RECALLING the Global Approach to Migration adopted by the Council of the European Union, the European Commission Communication on circular migration and mobility partnerships between the European Union and third countries, presented on 16 May 2007, the Council conclusions of 18 June 2007 on extending and enhancing the Global Approach to Migration and the Council conclusions on mobility partnerships and circular migration in the framework of the Global Approach to Migration adopted on 10 December 2007;

RECOGNISING the existing migration-related bilateral agreements as well as cooperation agreements between Georgia and some of the Member States;

REAFFIRMING the strong commitment of the Signatories to conclude the agreements concerning the facilitation of the issuance of visas and the readmission of persons residing without authorisation, of which the negotiating directives were adopted by the Council on 28 November 2008;

HAVE DECIDED on a Mobility Partnership based on reciprocity. The Mobility Partnership will have the purpose of better managing legal migration including circular and temporary migration, in particular for development purposes, within the limits of the respective competences of the Signatories and taking into account their labour market and socio-economic situation, establishing cooperation on migration and development, and preventing and combating illegal immigration and trafficking in and smuggling of human beings, as well as promoting an effective readmission and return policy, while respecting human rights and the relevant international instruments for the protection of refugees and taking into account the situation of individual migrants and the socio-economic development of the Signatories.

To this end, they will ENDEAVOUR to develop further their dialogue and cooperation on migration issues, and in particular along the following lines:

Mobility, legal migration, integration and asylum

1. To promote a better framework for legal mobility, included through circular and temporary labour migration schemes, supported by more information and concrete and effective initiatives as well as protection of migrants, to reduce the risks of illegal migration and the danger of trafficking in human beings.
2. To strengthen the Georgian institutional capacity to manage migration, in particular through deepening interagency cooperation and coordination for effective exchanging information, as well as in the field of improving the legal framework and monitoring its implementation, especially through qualified human resources' development; to develop the legal and technical framework on migration related data collection and management, including cooperation with national institutions and European agencies like the European Training Foundation (hereafter referred to as ETF).
3. To inform potential migrants on ways of legal migration to the European Union and on requirements for legal staying, possibilities for studying in the Member States, and where appropriate to elaborate a legal framework relating to employment conditions for migrants, while matching labour market opportunities, fully respecting Signatories' competences in this field and taking into account the different labour market situations and needs in Georgia and the Member States', as well as to provide information on job opportunities, the labour market situation and migration policies in Georgia and in the European Union;
4. To implement pre-departure training, especially in the area of vocational training and language training; to promote or establish exchange programmes and joint programmes in the area of higher education, including academic and professional mobility schemes in accordance with the Bologna Process Ministerial Communiqués; to establish schemes for recognition of academic and professional qualifications;

5. To deepen the dialogue on visa issues and to improve the consular capacities through stepping up cooperation between Member States' diplomatic missions in Georgia or ensuring their representation by other already present Member States' consular posts;
6. To facilitate the reception and adaptation of asylum seekers through the development of specific simplified procedures, in particular for those with special needs . To build capacity of Georgian government to implement asylum policy.

Migration and development

7. To support the capacity to monitor migration through improvement of data collection and analysis systems and cooperation with the countries of destination;
8. To prevent, reduce and counteract the negative effects of the brain drain and brain waste, including through return policies targeting specific categories of Georgian migrants; to facilitate the recognition of skills and qualifications, to develop labour-matching tools, to enhance exchange of students, researchers and specialists, training and temporary exchange and work programmes, including with the assistance of ETF;
9. To promote and support voluntary return and sustainable reintegration of returning migrants through implementation of specific joint programmes offering training, possibilities to improve migrants' employment qualifications and assistance in finding jobs; to provide joint specific programmes devoted to protection of and assistance for vulnerable categories of returning migrants;
10. To enhance cooperation with Georgian communities abroad, strengthening the links with the diasporas; to support programmes creating the conditions for boosting the diaspora's investment, including remittance schemes; to cooperate further in the field of double taxation and portability of rights; to involve diaspora in sustainable return or circular migration activities.

Border management, identity and travel documents, fight against illegal migration and trafficking in human beings

11. To enhance Signatories' efforts to fight further illegal migration and trafficking in human beings, to strengthen the implementation of the integrated border management, including through further improvement of border management capacities and cross-border cooperation; to strengthen the security of travel documents, identity documents and residence permits, and to fully cooperate on return and readmission;
12. Taking into account the European Pact on Immigration and Asylum, only case-by-case regularisation under national law can be used.
13. To broaden further the application of readmission procedures through concluding and implementing the Readmission Agreement with the EC, to intensify the cooperation with the EU Member States through concluding agreements on border cooperation, and implementing joint specific programmes on these issues;
14. To develop effective mechanisms and concrete initiatives for preventing and combating illegal migration, including by public awareness raising;
15. To enhance the security of identity documents as well as to facilitate the authentication of citizens through introduction of the fingerprints searching systems as well as of the multifunctional electronic identification cards.
16. To improve the joint fight against illegal/irregular migration and related cross border crime through joint operational measures including the exchange of information, best practices and risk analysis as well as improving the operational interoperability between the relevant border guard organisations of the EU Member States and Georgia in cooperation with the European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union (hereafter referred to as FRONTEX).

Implementation

17. The Mobility Partnership is conceived as a long term framework based on political dialogue and cooperation, which will be developed on the basis of the existing relationship between Georgia and the European Community and its Member States in the framework of their Partnership and Cooperation Agreement and the European Neighbourhood Policy, and will evolve over time.
18. The EU intends to contribute to implementing the partnership through Community and Member States' initiatives, within the limits of their respective competences, in conformity with the applicable procedures and with due regard for the principle of Community preference. The Community agencies, in particular Frontex and the ETF, will be involved, as appropriate, in the implementation of the partnership. The partnership remains open to any other Member State wishing to participate.
19. In order to determine the issues of common interest and needs linked to migration, the Signatories intend to further develop their dialogue and consultation, in a spirit of partnership. To support their informed dialogue they will develop the migration profile of Georgia.
20. They intend to meet at least twice a year at the appropriate level, in the framework of the existing structure for dialogue and cooperation, in order to reconsider the priorities and further develop the partnership if need be. The Signatories intend to cooperate, at an operational level in the field, to further improve coordination between them for the implementation of this partnership, including by incorporating relevant partners and actors present in Georgia through a cooperation platform as appropriate.
21. With a view to implementing the Mobility Partnership, the Signatories confirm their intentions with regard to the initiatives set out in the Annex, subject to their available financial means and – on the EU side – respecting the division of competences between the Community and the Member States and in conformity with the applicable procedures. They intend to ensure good coordination of their respective efforts. They intend to update the Annex with proposed activities on a regular basis.
22. Whenever appropriate, the Signatories will conduct an evaluation of the current partnership.

23. The provisions of this joint declaration are not designed to create legal rights or obligations under international law.

Done in... on ...

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Annex to the Joint Declaration of the Mobility Partnership with Georgia

1) Mobility, legal migration, integration and migration and development

Objective: Strengthening Georgia's migration management capacities

Objective: Informing potential migrants about ways of legal migration to the European Union and legal employment in the Member States, as well as about the risks of illegal migration, and assistance for returning migrants.

Objective: Optimizing the labour market of Georgia promoting student and professional exchanges and improving the economic conditions for returning migrants

Objective: Facilitating links between migration and development

The initiatives proposed hereafter will be considered for implementation on a mutually agreed basis and taking duly into account the socio-economic situation of the participating States.

a) Strengthening Georgia's capacity to manage labour and return migration

Proposal by **Bulgaria, the Czech Republic, Denmark, Germany, Greece, France, Italy, Lithuania, Poland and Sweden** with the support of **ETF**, to cooperate in providing information on routes for legal migration to the EU, legal employment in the EU Member States, dangers and negative effects of illegal migration as well as return to and reintegration in Georgia. It would in particular address the following:

- § strengthening Georgia's migration management capacities through exchange of experience and support for capacity building, especially as regard information gathering and analysis (e.g. support for a unified database on migration and its components);
- § to promote migration through legal channels, by providing relevant information on migration channels, sharing experiences on legal labour migration, including circular migration.
- § facilitating recognition of qualifications and matching between skills and available jobs/vacancies;

- § to facilitate the smooth reintegration into Georgia's labour market of Georgians voluntarily or forcibly returning home from EU Member States, and support these in making the best possible use of the skills and resources acquired through the migration experience for their own benefit and the development of Georgia, particularly by promoting immigrant entrepreneurship;
- § to fight root causes of migration by sharing experiences and exchange good practices in the field of employment, through establishment of the Joint Working Party on Employment;
- § to support Georgian migrants and "diaspora" organisations investment in their country of origin, as well as circular migration between Georgia and EU Member States;
- § facilitating remittances

The initiative would be anchored within the national administration of Georgia, which would ensure its sustainability. Georgia would hold the ownership of the initiative, and Member States involved in individual activities would provide support.

b) Facilitation of labour migration

Objective: Offering better access to Member States labour markets

- facilitate an access to the national labour markets, under certain conditions (FR, PL);
- enhanced circular mobility of students for professional development and of young professionals for exchange programs (FR)

c) Support for returnees

Objective: Promoting the voluntary return of migrants, notably highly-skilled migrants, in order to counteract the brain drain

Objective: Providing support for reintegration of voluntary and forced returnees

- providing information on a possibility of voluntary return to Georgia (PL), support for assisted voluntary return (BE, CZ), free legal advice and psycho-social support (NL)
- providing information and financial support as well as job finding support to highly skilled migrants willing to return to Georgia. Providing support to the State Minister's Office for Diaspora Issues in Georgia (DE)

- further support and enlargement of the advisory-intervention centre in Tbilisi, which was founded to offer professional services in the scope of labour-law counselling for Georgian voluntary returnees and further develop and implement effective job mediation for potential migrants and in general for unemployed Georgian inhabitants (CZ)
- supporting the Georgian authorities in the design and implementation of a national sustainable return and reintegration programme (NL)
- supporting reintegration of certain vulnerable groups of migrants, e.g. drug addicts (BE)

d) Support for circular migration

- allowing for extended absences without loss of rights of residence (DE)
- Support for the temporary return of qualified nationals in the private sector (NL)

e) Social security

Objective: Ensuring social rights on a mutual basis

- Bilateral agreement on social security (BG)

f) Strengthening Georgia's capacity to monitor migration flows

§ Support to the Georgian Civil Registry Agency (BE, NL, SE)

2) Asylum policy and protection of refugees

Objective: Further strengthening the capacities in the field of asylum policy by:

- sharing knowledge and best practices on addressing the needs of foreigners applying for international protection, also as regards the organisation structure of reception centres (DE, PL)

3) **Border management, identity and travel documents, fight against illegal migration and trafficking in human beings**

Objective: Fighting irregular migration and trafficking in human beings

a) Proposal from **FRONTEX, supported by Bulgaria, the Czech Republic, Germany, Estonia, Latvia, Lithuania, Poland and UK** to create a **Joint Steering Committee**. It will be composed from the experts of FRONTEX and EU Member States, as well as experts from the competent Georgian institutions. The role of the Committee will be coordination and programming of the activities in the field related to border management to create tailored activities in this area.

The work will focus on the following areas:

- Development of activities in the field of information exchange and risk analyses aiming at improving the efficiency of border control.
- Development of activities in the field of training related to border management.
- Development of activities in the field of research and development related to border management.
- Coordination of certain joint operational measures and pilot projects for maintaining and improving border control between EU Member States and Georgia.
- Active discussion on development at technical level of border procedures, including matters aiming at more efficient border control, best practices, improvement of technical equipment and technological upgrading at the borders.
- Improvement of the operational interoperability between Border Guard organisations of the EU Member States and Georgia.
- Capacity building in the field of document security including in terms of provision of specific equipment.

4) Readmission policy

Objective: To support Georgia in its effort to implement readmission agreement with the EU.

Actions in this section are subject to successful conclusion of the readmission agreement and will consist in:

- a) Study visits in the field of readmission and return policy, in order to prepare Georgian authorities for a smooth implementation of forthcoming readmission agreement with EU (BE, EE, NL, PL).
