

REGULATION OF LEGAL MIGRATION FROM GEORGIA TO EU COUNTRIES AND INTEGRATION INTO THE LABOR MARKET

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ABSTRACT

Migration processes have become not only an important factor in modern international relations, but also have a serious impact on the state's domestic policy. In addition to combating illegal migration, protecting borders and providing asylum, an integral part of migration policy is also regulation of legal migration channels, including labor migration. Effective management of legal migration is in the common interest of EU member states and the EU as a Union. The paper presents a comprehensive analysis of the stages and principles of the formation of the supranational component of the regulation of legal migration in the European Union. The author pays special attention to the political and legal component, methods and tools of migration regulation in the European Union. The assessment of the current situation of the common migration policy of the European Union is of interest for the integration processes and the future development of the European Union.

Key words: labor market, European Union, integration in the European Union, labor market regulation.

1. Introduction

One of the manifestations of the modern aspects of globalization, together with the active international movement of capital, goods, services, has become the mass migration of the population. In the middle of the 20th century, not only the number of migrant-sending countries increased, but also the scale and direction of migration flows changed. Migration processes, to one degree or another, affected all continents, including Europe. According to the 2021 UN International Migration Report, 3.6% of the world's population (281 million people) is involved in migration processes, and the number of international migrants compared to 1990 has increased by 128 million people. Of these, almost 82 million international migrants live temporarily or

permanently in Europe. There are three EU countries in the top ten countries receiving the most migrants each year: Germany, France and Spain.¹

At the modern stage, a significant increase in migration to the EU countries was caused by the huge flow of refugees that arose as a result of the Russia-Ukraine war. As a result of regional integration and globalization, the intensification of migration processes in Europe represents an important challenge, both for the member states and for the European Union as a whole. The effective management of migration flows is in the common interest of all participants, as well as the EU, as a union that strives to become one of the most competitive economies in the world. Regulation of migration and labor market has become one of the most dynamically developing and at the same time contradictory directions in the field of internal affairs and justice of the European Union. The European Union pays great attention to the harmonization of border control and the fight against illegal migration.

The government attaches great importance to the integration of Georgia into the European Union, it is the main priority of both foreign and domestic policies, it expresses the aspiration of the Georgian people to become a full-fledged member of the European family, and it is confirmed by the country's constitution.

Despite the fact that the government does not spare efforts for the success of the country's integration into the European Union and has carried out important works, there is still a lot to be done in this regard, all of this also applies to the legal employment of Georgian citizens in the European Union countries. There are still many obstacles and untapped opportunities in this area.

2. The essence and meaning of labor migration

A migrant (the closest meaning to the French migrant, which indicates the incompleteness of the process) will be understood as any person who leaves the country of origin/citizenship while crossing international borders for the purpose of resettlement/employment in another state. Thus, the term "migrant" will be used as a general definition describing a person's participation in international migration processes, regardless of destination, country of origin or host country.²

Activation of migration processes in Europe as a result of regional integration and globalization is a challenge for both member states and the European Union as a whole. The effective management of migration flows is in the common interest of all participants, as well as of the EU

¹World Migration Report 2021. UN, IOM: Geneva, 2022.file:///C:/Users/tsamchkuashvili/Downloads/WMR-2022_0.pdf

²International Organization for Migration. Glossary on Migration. IML Series№34. UN, IOM: Geneva, 2019. P. 103.https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

as a union striving to become one of the most competitive economies in the world. Regulation of migration has become one of the most dynamically developing and at the same time controversial areas in the field of internal affairs and justice of the European Union. The European Union has paid great attention to the harmonization of border control and the fight against illegal migration. Before the entry into force of the Treaty of Lisbon, unanimous decisions were made in the Council of the European Union on such an important and sensitive area of migration policy as legal migration, which prevented the development of supranational legislation.

The progressive development of the EU's migration policy was interrupted in the spring of 2015 due to the crisis related to the uncontrolled flow of asylum seekers in Europe. On April 23, 2015, at the specially convened EU summit, it was decided to mobilize EU forces to overcome the acute phase of the crisis in the Mediterranean Sea, while the medium and long-term goals in the field of migration policy development were put on the back burner.

The migration crisis coincided with the preparation of the Commission Communication "European Agenda on Migration", which could not but influence the content of the strategic document, which defined, in the near term, the main directions for the development of the common migration policy of the European Union, these directions are:³

1. protection of external borders;
2. Prevention of illegal migration;
3. Strengthening the general asylum policy;
4. Refinement of legal migration management policy.

A detailed study of the European agenda and the Commission's 2016 report on reforming the Common European Asylum System and ways to expand legal pathways to Europe gives grounds for asserting that their provisions actually repeat the measures established by the Commission, which were formed in the process of migration policy development, even before the crisis period. . The European Union still faces the problems of increasing competitiveness, economic growth, as well as the aging of the population, the solution of which can be partly solved at the level of migration policy. In addition, the issues of obtaining the maximum economic benefits from migration, protecting the rights of legal migrants, their socio-economic integration, as well as

³Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A European agenda on migration, COM(2015)240 final, 13.05.2015. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0240>

improving the existing mechanisms and tools of the common migration policy of the European Union are on the agenda.⁴

At the modern stage, labor migration from Georgia is largely undocumented or illegal migration, although some of the migrants manage to legalize their status after some time. It is true that the possibility of legalization depends on the legislation of the receiving country, which in certain cases is an important hindering factor. Thus, it becomes clear that increasing the share of legal migration in the total volume of migrants is an important issue in the migration policy of the Georgian state. One of the important tools for solving this problem is circular migration.⁵

EU documents mention the link between development and circular migration. They argue that the temporary or at least virtual return of migrants, along with other forms of brain/intelligence circulation, can play an important role in facilitating the transfer of skills to developing countries.⁶ Thus, it is clear that bringing labor migration into a fully legal framework is one of the leading tasks for the further development of the Georgian state.

3. Modern situation of labor migration in Georgia

According to general estimates, Georgia is a country of emigration, which is mainly due to the high rate of unemployment and poorly organized labor market. According to the data of the National Statistics Agency of Georgia, the total number of emigrants who left Georgia in 2020 amounted to 74,264 people, and the total number of emigrants equaled 861,077 people. Despite the fact that the mentioned data is quite low compared to the similar data of the previous year, which was due to the regulations caused by the Covid pandemic in the world, emigration to the country has a wave character. A clear example of this is the year 2021, where the level of migration has increased significantly and the balance has surpassed the figure of 2012 (see diagram 1).⁷

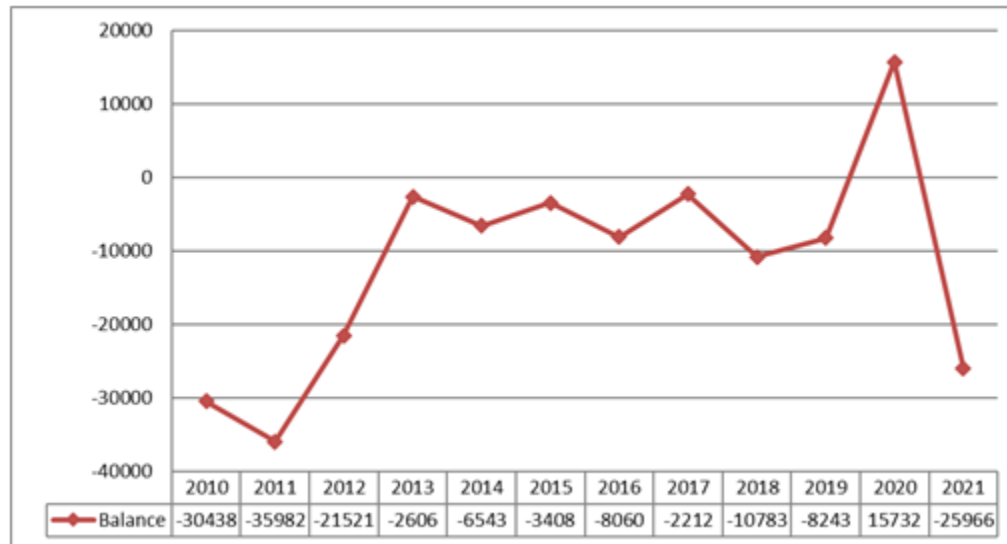
⁴Communication from the Commission to the European Parliament and the Council, Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe, COM(2016)197 final, 06.04.2016. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0197&from=LV>

⁵End State Commission on Migration Issues. Migration Strategy of Georgia 2021-2030. Pp. 19-26. https://migration.commission.ge/files/ms_2021-2030_eng_08.02.21.pdf.

⁶Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Migration and Development: Some Concrete Orientations. 2005. <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52005DC0390>

⁷National Statistical Service of Georgia. migration. 2022. <https://www.geostat.ge/ka/modules/categories/322/migratsia>

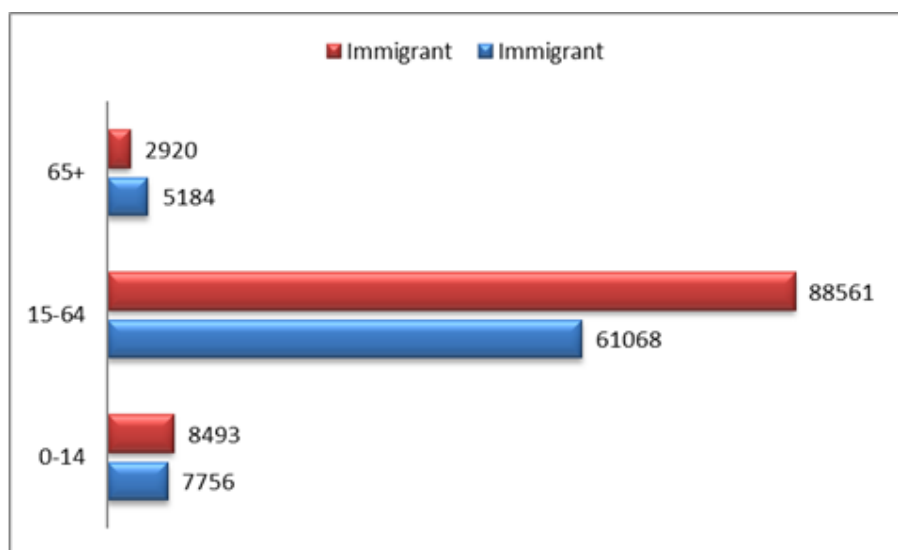
Diagram 1. Balance of migration in Georgia



Source: Chart based on Saxstat data

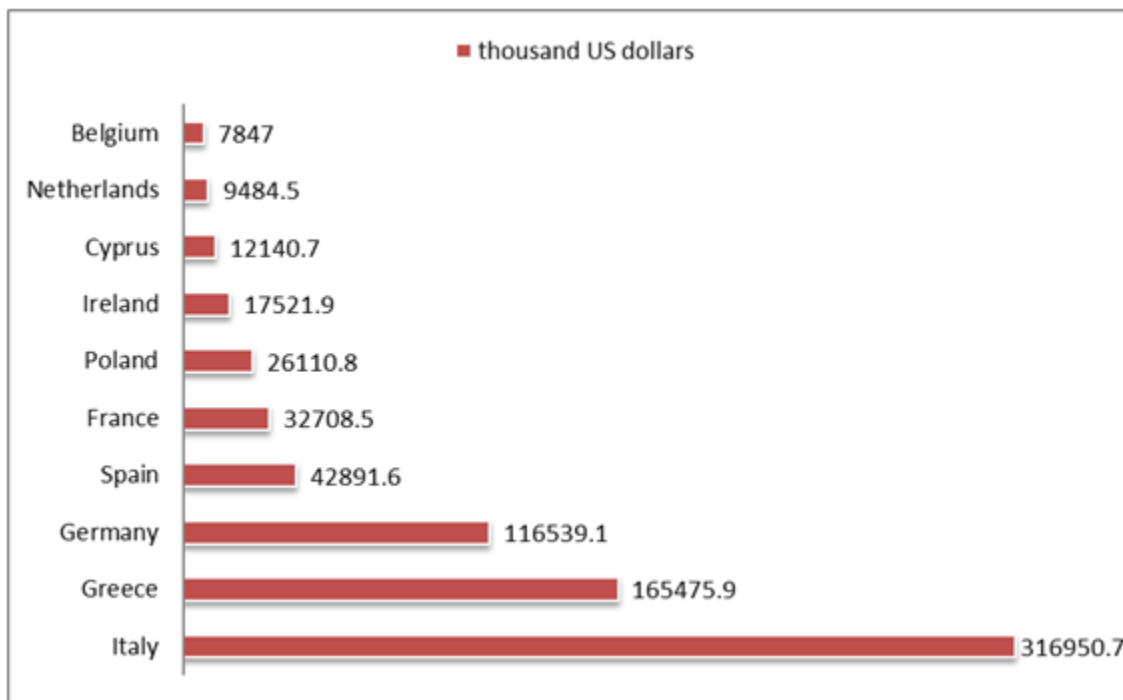
The analysis of the data of the National Statistics Service shows that the largest part of the population leaving Georgia is the population of working age, which is confirmed by the data of 2021 (see diagram 2).

Figure 2. Distribution of immigrants and emigrants by age groups



A significant part of the population of Georgia is labor immigrants, in 2020 21.4% (852,816) of the country's population are immigrants. and among them 168,323 people live in the European Union, i.e. 19.7% of immigrants,⁸ most of them are illegal. In 2021, remittances amounted to 2,349. 563.7 thousand US dollars, which is 10.9% of the gross domestic product. And during the 9 months of 2022, remittances transferred from abroad amounted to 2,813,994.5 US dollars, which is 1,107,946.7 thousand dollars more than the indicator of the same period of the previous year, i.e. by 39.37%. Here it is important to note that the largest part of remittances to Georgia from abroad, 94.5%, comes from 20 partner countries, nine of which are EU countries. from which the volume of remittances exceeds 1 billion US dollars. The diagram shows the top 10 countries in the European Union from which the most remittances were made during the 9 months of 2022 (see diagram 3).⁹

Chart 3. Top 10 countries of incoming remittances from EU member states, 9 months of 2022



Source: The chart was compiled based on the data of the National Bank of Georgia

⁸Gorgoshidze K. 2020 “Diaspora Engagement Mapping Georgia”. ICIMPD.

⁹National Bank of Georgia. Remittances by country.

https://analytics.nbg.gov.ge/views/Money_Transfers_GE/sheet0?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no

An important fact should be noted that the largest part of labor migrants from Georgia, 87%, have higher or secondary professional education, despite this, according to the work they perform, most of them belong to the category of unqualified labor force.¹⁰ As for the share of permits issued for the purpose of employment in EU countries, it is 18%.

The number of asylum seekers from Georgia in EU countries is increasing every year. The EU Asylum Agency has published a report on Georgia, which states that in the first 4 months of 2022, EU countries received 8,075 applications from asylum seekers from Georgia, which is 183% more than the same figure in 2021. At that time, 2855 citizens of Georgia filled out the application. It is significant that 9 out of 10 filled the application for the first time.¹¹

The report emphasizes that 390 Georgian citizens from the submitted applications have been granted temporary protection status in the EU countries, which is a special status and "available only to persons who emigrated as a result of the Russian invasion of Ukraine." As in previous years, Georgian citizens applied for asylum mainly to France, Germany and Italy, 4 out of 5 applications came to these countries. For this period, Ireland is in fourth place with 420 applications, which is a significant increase compared to 2021 (25 applications in 2021). According to the document, migration from Georgia varies by region. For example, citizens from Adjara and Guria mostly go to Turkey for work. And the motivation of applicants from Tbilisi, Rustavi and Kutaisi is more diverse and they are mainly focused on EU member states. For the purpose of employment, education and asylum.¹² It is also important to note that the majority of labor migrants from Georgia are illegal, in 2019, as a result of research, it was determined that the number of immigrants who left Georgia illegally is significantly higher than the corresponding figure of 2018. This indicates that after Georgia signed the Association Agreement with the European Union, the need to regulate labor migration has significantly increased.

4. Integration of Georgian citizens into the EU labor market and regulation of legal migration

Labor migration refers to those migrants who are attracted or independently enter the host country for employment and subsequently work in its territory.¹³ Thus, it is obvious that they can

¹⁰European Training Foundation. Migration and Skills in Georgia. 2013. https://www.etf.europa.eu/sites/default/files/m/226927FBAE4DA4E2C1257B4D0043A93E_Migration%26skills_Georgia.pdf

¹¹EU's Agency for Asylum on Georgia. 21/08/2022. <https://civil.ge/archives/505324>

¹²EU's Agency for Asylum on Georgia. 21/08/2022. <https://civil.ge/archives/505324>

¹³Glossary on Migration, 2d edition. Perruchoud R. and Redpath-Cross J. eds. IOM: Geneva, 2019. P. 32. https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

make a positive contribution to the host country's economy. The entry and employment of different categories of labor migrants in the EU is regulated by relevant legal acts, which contain more precise and specific definitions (seasonal workers, highly qualified specialists, etc.). However, the expanded wording of the 2001 proposal of the European Commission on the Directive on third-country nationals coming to the EU for "employment" or "self-employment" is worth noting. The basis of the definition of employment is any paid economic activity, and self-employment in this case differs only in the presence or absence of subordinate relations. EU migration law also uses the term "third country worker" to refer to third country nationals who have been accepted by an EU member state and are legally resident there, as well as having a work permit (remunerated employment) in accordance with the national legislation of the host country.¹⁴

At the modern stage, the development of the relationship between Georgia and the European Union is characterized by significant dynamism and peculiarities. This is primarily due to the Association Agreement, on the basis of which the visa-free regime was established, the country joined various European Unions, and many others. All this testifies to Georgia's aspiration for full integration into the European Union, despite the fact that there is still a lot to be done in this regard.

In the Association Agreement with the European Union, attention is focused on the need to develop circular migration. But the mentioned issue is a matter of negotiations and cooperation with specific member states of the European Union. Georgian diaspora organizations abroad believe that the Association Agreement laid the foundation for creating favorable conditions for Georgian citizens who work in EU countries and who intend to travel for work.

In Georgia, issues related to migration are regulated by the Government Commission on Migration Issues, headed by the Minister of Justice. And at the level of legislation, the Law of Georgia "On Labor Migration".¹⁵ Constitution of Georgia, international agreements, other legislative and by-laws.

The scope of regulation of the labor migration law is to determine the rights and duties of the state governing bodies working on labor migration issues, as well as to determine the principles and regulation mechanisms in this regard. It regulates issues that belong to the field of labor migration. According to the law, the mentioned issues include: existing relations in the field of labor migration, which are related to the labor arrangement of a Georgian citizen abroad and the activities carried out by him.

¹⁴Article 2(b), COM 2011/98/EU

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0098&from=EN>

¹⁵Law of Georgia on labor migration. Tb. 2015. <https://matsne.gov.ge/ka/document/view/2806732?publication=3>

The law on labor migration has significant shortcomings in the sense that it cannot fully regulate the processes in this field. For example, despite the fact that companies employing Georgian citizens abroad must be registered in the register, most of them do not do so, and there is no effective mechanism to force them to do so. That is why it is not possible to find complete information on labor migrants, which makes it difficult for the state to regulate the field of labor migration.

It is necessary to note the fact that the requirements of the labor market of the European Union are increasing every year and it is necessary for labor migrants to have appropriate qualifications and skills, in which the state has a special place, by developing a unified policy in this regard. Therefore, in order to promote legal migration and meet the requirements of the EU labor market, it is necessary to develop the vocational education system in the country and to bring it up to EU standards. In this regard, the document confirming professional education and its annex form was developed in accordance with "EUROPASS", making this document compatible with the standards of the EU countries. The Ministry of Education makes every effort to bring the country's professional education level closer to the EU standards and to increase the competitiveness of Georgian labor resources in the EU market.

5. conclusion

Thus, labor migration remains one of the most important challenges for both the Georgian authorities and the population. During the 32 years of independent Georgia, its scale changed continuously, but its causes remained unchanged. which is due to the high level of unemployment and low income. Remittances sent by migrant workers are the only source of livelihood for their families and relatives in most cases. In the absence of these messages, the level of poverty in Georgia would be much higher. As already mentioned, according to official data, in just 9 months of 2022, remittances amounted to more than 2.8 billion US dollars, of which more than 1 billion US dollars came from EU countries. But the exact number of shipments carried by labor migrants is not known, since a certain part of large shipments are brought personally by people arriving from abroad.

Unfortunately, labor migration in Georgia is mostly illegal, which is associated with great dangers and risks, both due to the protection of their rights abroad and the danger of deportation. Because in order to travel abroad, they borrow money, by pledging an apartment or other real estate, or simply sell this property, and in case of failure or deportation, the situation of them and their families becomes worse and they may even become homeless.

That is why it is important for the state to develop the right policy in this regard to promote legal labor migration and for those who want to work abroad to do it legally, be insured against risks and get more benefits.

In the process of our research, many problems were identified in this regard, such as: the availability of information about foreign labor markets and the impossibility of verifying their reliability, the lack of proper knowledge of the language and the ability to present oneself by the job seeker, the impossibility of monitoring labor conditions in the country of employment, the weak work of state bodies in this regard.

In our opinion, the following effective steps should be taken by the state:

1. Based on the creation of working groups, the experience of successful countries in this regard, the international labor market, including the EU market, will be studied, and the state policy in the field of legal labor migration will be improved based on the information obtained from the conducted research.
2. It is important to strengthen work with different countries on labor migration issues, including the EU member states, to sign bilateral agreements, based on the study of the existing experience of the world's leading countries, and in this regard, the awareness of the population should be increased.
3. It is necessary to improve the normative base regarding labor migration, so that companies that carry out recruitment abroad, register in the register and provide relevant services with complete information about labor migration, which will significantly increase the degree of reliability of such companies.
4. To improve the legal framework of labor migration, where the functions and obligations of all state bodies in this regard will be precisely spelled out.
5. The professional education system should be taken to a new level of development so that it can train specialists in accordance with international standards. Adjustment of retraining systems to the needs of those seeking employment abroad should also be carried out.

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