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Immigrant Integration Policy and Practice in Georgia

Achievements, Challenges and the Way Forward

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Acronyms

CiDA - Civil Development Agency

IOM – International Organization for Migration

GDI - Georgian Democracy Initiative

KIU – Kutaisi International University

MIPEX - Migration Integration Policy Index

MoLHSA -Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia

MRA - Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees

NDI -National Democratic Institute

PHDS - People's Harmonious Development Society

SCMI – State Commission on Migration Issues

TDI - Tolerance and Diversity Institute

TI - **Transparency** International Georgia

The growing number of residence permits (in the period between 2014– 2020 (August), in total 127,000 residence permits) issued to aliens in recent years by the Public Service Development Agency at the Ministry of Justice of Georgia clearly shows that **Georgia, which** traditionally has been a country of emigration, is gradually becoming a country of immigration.

Identifying the achievements and challenges that Georgia faces in the process of the integration of foreign immigrants residing in Georgia was the key objective of this study, which was conducted under the framework of the following IOM implemented projects: “Facilitating an Integrated Operational Framework for Migrant Reintegration, Integration and Labour Migration”, funded by IOM Development Fund (IDF) and “Enhancing Migrants’ Rights and Good Governance in Armenia and Georgia (EMERGE)”, funded by the Ministry of Foreign Affairs of Norway.

Immigrants to Georgia largely come from neighboring countries, as well as from countries in North Africa and Southeast Asia. Most of the immigrants in Georgia have labour (more than 44,000) and study (more than 27,000) permits. The remaining share of permits are held by individuals who come for purposes of family reunification, permanent, investment, special and short-term resident permits. The holders of short-term residence permits are mainly from the neighboring countries of Russia, Turkey, Azerbaijan, Ukraine, Iran and own real estate (residential houses/flats or non-agricultural lands) in Georgia. A large group of foreign migrants have study permits and reside in Georgia for this purpose; individuals from this category are mostly from India, Iraq and Nigeria.

The increased influx of immigrants, the political and legal obligations undertaken (under Visa Liberalization Action Plans) before the European Union and the United Nations (e.g. Universal Period Review and Sustainable Development Goals (SDGs)) are key factors which contribute to and often result in developing immigrant integration state policies. For example, Georgia adopted the law on eliminating all forms of discrimination back in May 2014 required by the Visa Liberalization Action Plan as a prerequisite to scrap short term visas to travel to the EU and Schengen zone countries.

There have been actions taken by the State to implement objectives and targets, defined by *State Migration Strategies (for 2013 – 2015 and for 2016 -2020) and its Annual Action Plans*, in the field of immigrants’ integration. In particular, the Working Group on Aliens’ Integration was created and is operating under the State Commission on Migration Issues (SCMI); the portal for Georgian as a Foreign Language has been further developed (www.geofl.ge) which envisages the adoption of a modern standards manual as well. Some public services are available for immigrants residing in Georgia (see below for details). Furthermore, the Georgian legislation¹ has been improved in regard to collecting and processing information about alien migrant workers by obliging local employers to inform the MoLHSA on labor organization and use of labor of a foreign migrant within 30 calendar days from the effective date of a labor contract entering into force. However, it should be noted that enforcing this provision is challenging and its requirements are often ignored by employers².

¹ #147 Resolution of the Government of Georgia, see at <https://bit.ly/3rATAJI>

² *Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia (the interview was conducted on 20.11.2020) on 20.11.2020)*

Despite the reforms implemented, *immigrant integration in Georgia still remains one of the most difficult challenges*. Semi-structured interviews conducted with immigrants revealed that they have a short-term approach to moving to Georgia and are not keen on learning the state language and integrating in the community. As an example, the majority of students residing in Georgia plan to leave the country after completing their studies³. Besides, the COVID-19 pandemic negatively impacted Georgia's economy, which particularly affected the sectors (transport, trade, tourism) where almost half (45%) of immigrants worked. On the other hand, the government focuses more on the integration of persons under international protection, which may be justified by the limited financial and human resources, that the country has at this stage of development, as well as by the specific needs of this group.

Insufficient knowledge of the state language is a major barrier to immigrant integration, which prevents them from obtaining comprehensive information about public services available in the country. A large proportion of migrants gave positive feedback about information provided by the government about the COVID-19 pandemic, but they underlined that for the website dedicated to this topic, www.stopcov.ge, could have been more effective had it also been available in Russian, Chinese, Hindi and Farsi⁴.

The Government of Georgia should place greater emphasis not only on further improving the legislative framework but also on the effective implementation of normative acts. Coordination among state agencies involved in the work of the SCMI needs to be improved. Besides, it is important to implement several pilot projects at least for immigrants who hold education and work permits which will aim at the sustainable integration of a wider group of immigrants (in addition to persons with international protection). As for donors, it is important that they support the implementation of such projects and increase the capacities of state institutions. It is also important that the authorities introduce a multi-stakeholder approach which would entail a number of services necessary for alien migrants being outsourced to non-governmental organizations and international organizations, especially in cases when it is difficult for the government to deliver on them and/or when it goes beyond their capacity and regulatory framework.

In order to identify the achievements and challenges in the field of migrants' integration, the Georgian authorities could use a methodology applied by the Migration Integration Policy Index (MIPEX), covering areas such as labour market mobility, family reunification, education, political participation, permanent residence, access to nationality, protection from discrimination and health. Another alternative could be to engage with MIPEX partners to cover Georgia in its future studies.⁵

³ BRIEF MIGRATION PROFILE FOREIGN STUDENTS IN Georgia, 2017, p.11., is available at <https://bit.ly/3nEROPI>

⁴ At this stage, this site is available in five languages in addition to Georgian (Abkhazian, Ossetian, Armenian, Azeri and English).

⁵ Currently, MIPEX measures policies to integrate migrants in 52 countries. See. <https://www.mipex.eu/>

Introduction

The increasing number of immigrants in the country has prompted the Government of Georgia to allocate more resources to manage immigration and place special emphasis on the integration of foreigners who reside in the country on a regular basis. Significant reforms and structural changes occurred within MOLHSA, including the gaining of new responsibilities for migrant integration after the abolishment of the MRA ⁶. This impacts the institutional and operational framework of migration management in the country.

The **goal of this study** is to identify the challenges to immigrant integration based on a contextual analysis of Georgia's legislation on immigrant integration. Based on the needs and priorities identified, recommendations will be made within the scope of the study; key findings will be available to assist the Government of Georgia to plan stronger state policy on immigrant integration, bolster the efficacy of state programmes and improve the existing legislation governing this field.

The **objectives of the study** include the following: to assess and analyze causes for immigration to Georgia; explore the integration needs of different categories of immigrants; collect and analyze the statistical data on residence permits issued to foreign students and immigrants of other categories; analyze the legislation governing immigrants' entry into and residence in Georgia, and; evaluate state programmes and services designed for immigrant integration.

The information was obtained in two main stages using the following methodology:

- At the initial stage, a **desk study** was carried out, which included obtaining official statistics available online in public government resources and obtaining supplemental information requested from public agencies. Recent studies conducted on immigration to Georgia were processed, and legislation governing the immigrant integration and relevant state programmes and services was also analyzed.
- At the second stage of the study, by using a questionnaire developed together with the International Organization for Migration, semi-structured **interviews were conducted with: public servants who work on immigrant integration issues; immigrants residing in Georgia; representatives of those accredited higher educational institutions where foreign students are enrolled, and; with representatives of civil society organizations which work on the integration needs of immigrants.**

The main target group of the study were regular foreign migrants in Georgia. However, the study does not include a research on the legal status, rights/guarantees and integration of asylum seekers, refugees, humanitarian status holders under temporary protection, as this category of immigrants is a target category for the UNHCR and their integration, implemented by the relevant structures, is carried out in cooperation with this agency.

In addition, the study included an analysis of the statistical data on *work permits, study permits, permits for the purpose of family reunification, permanent residence permits, investment permits, short-term and special permits* issued to immigrants during the period from 2014 to 2020 (including August 1, 2020), although in a number of cases, due to the COVID-19 pandemic, the statistical data for 2020 was addressed

⁶The MoLHSA has acquired new responsibilities in the migration related field. Particularly, the IDPs and Ecomigrants Policy Division became responsible for migrant integration and reintegration policy and programme elaboration; operationalization of the state integration (and reintegration) programme was attributed to the Integration and Reintegration Service, under the IDPs, Ecomigrants and Livelihoods Provision Agency under the MoLHSA.

separately. The selection of the given period is due to the substantial changes introduced in the immigration legislation of Georgia in 2014 as related to the residence permit system. In particular, while before 2014 the legislation recognized 2 types of residence permits (temporary and permanent), the law adopted on March 5, 2014 on the legal status of aliens and stateless persons and further amendments to the law increased the types of residence permits and currently there are 11 types of residence permits. Consequently, the statistical accounting indexes were changed and the existing statistics before 2014 cannot be compared with the new figures.

Based on the questionnaires which were designed preliminarily as part of this study, semi-structured interviews (over the phone) were conducted with 13 immigrants in Georgia. Certainly, this number of respondents does not suffice to conduct a sampling study of alien migrants residing in Georgia but given the pandemic it turned out extremely difficult to locate potential respondents and to get their consent in a number of cases. Though this survey is not representative, the interview results are still informative as the countries of origin of immigrants, demographic information, the status of residence permits and the time of their residing in Georgia were taken into consideration during the selection of interlocutors. In addition, utilizing an additional questionnaire, semi-structured interviews were conducted with public servants working on immigration issues, representatives of academic groups and the CSOs (see Annex 1 and Annex 2 for the questionnaires) between November 2020 to January 2021. Overall 28 interviews were carried out (13 - with immigrants and 15 - with civil servants).

1. Situation Analysis

1.1. Immigration Trends in Georgia

Between 2012 and 2019, the number of aliens residing in Georgia significantly increased. According to the definition provided by the National Statistics Office of Georgia, an **immigrant** is any person, independent of citizenship, who meets the following two conditions: firstly, he/she crossed the border and stayed on the territory of Georgia for at least 183 days (cumulatively) over the preceding 12 months, and secondly, Georgia was not his/her permanent residence country, or the person has stayed abroad for at least 183 days during the prior 12 months⁷.

From 2012 up to 2019, the number of immigrants in Georgia fluctuated. During this period, a total of 694,722 migrants entered the country however, more than half of them, 373,672 persons, were citizens of Georgia and thus, they should be excluded from the count for the purposes of this study. **Considering this factor, a total of 321,024 immigrants, who were not citizens of Georgia, entered the country in 2012-2019.** During this period, the number of immigrants grew steadily with the exception of 2014 and 2017, with the largest growth taking place in 2014-2015.

Table # 1: The Number of Immigrants in 2012-2019

| Citizenship | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | Total |
|-------------|--------|--------|-------|--------|--------|-------|--------|--------|--------|
| Russia | 7,475 | 10,427 | 9,692 | 10,552 | 11,185 | 9,723 | 10,323 | 11,515 | 62,990 |
| Turkey | 6,959 | 10,007 | 4,672 | 5,810 | 6,294 | 4,365 | 3,934 | 3,419 | 28,494 |
| Armenia | 10,724 | 7,043 | 3,856 | 4,143 | 6,241 | 2,042 | 2,174 | 2,274 | 20,730 |
| Azerbaijan | 1,883 | 3,211 | 2,163 | 2,839 | 3,420 | 3,501 | 3,761 | 3,669 | 19,353 |
| Ukraine | 1,853 | 1,610 | 1,552 | 2,886 | 2,922 | 2,275 | 2,175 | 2,303 | 14,113 |
| Iran | 675 | 1,080 | 825 | 1,766 | 418 | 1,335 | 3,798 | 5,664 | 13,806 |
| India | 1,215 | 1,212 | 679 | 800 | 1,435 | 2,686 | 3,015 | 2,846 | 11,461 |
| USA | 1,102 | 1,536 | 883 | 1,081 | 1,101 | 1,075 | 1,159 | 1,349 | 6,648 |
| China | 626 | 1,143 | 584 | 1,267 | 873 | 904 | 974 | 944 | 5,546 |
| Greece | 582 | 996 | 997 | 974 | 627 | 569 | 644 | 543 | 4,354 |

⁷ Source: National Statistics Office of Georgia.

| | | | | | | | | | |
|-------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| Others | 6,521 | 7,946 | 6,437 | 9,370 | 8,409 | 6,340 | 8,217 | 7,791 | 46,564 |
| Stateless Persons | 250 | 168 | 115 | 145 | 217 | 81 | 94 | 69 | 721 |
| Total | 39,865 | 46,379 | 32,455 | 41,633 | 43,142 | 34,896 | 40,268 | 42,386 | 321,024 |

Source: National Statistics Office of Georgia <https://bit.ly/39uLDyw>

The above statistics show that the total number of immigrants has increased over the past six years, though this period can be broken up into two segments. During the first period from 2012 through 2016, the number of immigrants who entered Georgia increased (except from Iran and China), which is linked to some degree to increased foreign direct investments from the above countries in Georgia and the related influx of workforce (reflected in the number of the work permits issued), the purchase of real estate (residential houses/flats, land plots) by citizens of these countries (especially, those of Iran, Russia and Ukraine) and the number of the companies they registered in Georgia (see below for details). In the case of Ukraine, much may be explained by hostilities in East Ukraine which forced some citizens to leave for Georgia. The immigration of citizens from India is mainly related to the increased number of foreign students in Georgia.

In the second period from 2018 through 2019, a significant increase of immigrants from Russia and Iran was observed, which is related to the increased cases of purchases of real estate and registered business operators by the citizens of these countries. With regard to the other categories, the number of immigrants decreased (e.g. Turkey). *The largest number of immigrants are Russian citizens and they make up 25% of the total number of migrants. On the other hand, the increase in the number of immigrants from Iran is notable as their number increased almost 9 times from 2012 (675 immigrants) up until 2020.*

To date, the total number of immigrants in Georgia makes for 6% of the population. A large part of immigrants arrive for studies or to work in Georgia. A significant number of work permits are issued to citizens of Turkey, India, China and Iran. They are mostly employed in transportation, construction and retail or wholesale sectors in Tbilisi and Batumi. Immigrants from India and Azerbaijan mainly arrive for their studies at higher educational medical institutions in Georgia.⁸

1.2. The Legislation Governing Immigration in Georgia

The Law of Georgia of 2005 *On the Legal Status of Aliens and Stateless Persons*, which was replaced by 2014 Law of Georgia *On the Legal Status of Aliens and Stateless Persons*⁹ envisaged an extremely liberal visa regime.

⁸ Source: National Statistics Office of Georgia.

⁹ Adopted on December 27, 2005, became ineffective as of September 1, 2014. Legislative Herald of Georgia, 3, 16/01/2006.

Ordinary visas were issued for 360-day validity with the right of multiple entries into Georgia, or up to 90-day validity with the right of singly entry or with the right of multiple entries. Visas were not required for citizens of more than 80 countries to stay up to 360 days in Georgia. Further, permanent residents of those countries to which the unilateral visa-free regime applied were also excluded from the visa requirement. As a result, the number of persons to whom the provision on visa-free entry applied in reality exceeded the number of the citizens in the countries listed.

By adopting the new Law of Georgia *On the Legal Status of Aliens and Stateless Persons* in 2014, the process of tightening the visa policy began. First of all, this was a result of the further development of legal relations with the European Union. Namely, the Agreement between the European Union and Georgia on the readmission of persons residing without authorization was signed in November 22, 2010. The agreement came into force on March 1, 2011. The Agreement on Readmission envisages readmission of not only citizens of Georgia who reside in the EU illegally, but also readmission of citizens of third countries and stateless persons who at the time of submitting the readmission application hold a valid visa or a residence permit issued by Georgia, or illegally and directly entered the territory of a Member State of the EU after having stayed in, or transited through, the territory of Georgia (Article 3 of the Agreement on the Readmission). The Association Agreement between Georgia and the European Union, which was concluded on June 27, 2014 and came into effect July 1, 2016 also includes a commitment to cooperate in order to tackle illegal migration and efficient implementation of the Agreement on Readmission (Preamble to the Association Agreement) and envisages the full implementation of the Agreement on Readmission¹⁰ (Article 16, Association Agreement).

The approximation of the visa and residence permits system to European standards was primarily reflected in introducing the visa categories of A, B, C and D. Further, the entire period for aliens to enter and stay in Georgia, based on multiple short-term visas, was set at a maximum of 90 calendar days within a 180-day period, while the possibility of obtaining a certain visa category was limited to the official purpose reflected in the relevant visa application when entering Georgia. Thus, it was prohibited to change the status (type of visa) upon entering the country.

Article 10 of *the Law of Georgia on the Legal Status of Aliens and Stateless Persons* sets out the guidelines which exempt individuals from Georgian visa obligations. According to Paragraph 2 of this Article, “an alien who does not need a short-term visa for entry into Georgia shall enter and stay in Georgia for a maximum 90 calendar days in any 180-day period starting from the date of his/her initial entry into Georgia.”

In addition to this general provision about the duration of stay without a visa in Georgia, this Law allows the Government to produce a list of those countries the citizens of which may enter without a visa and stay in Georgia for a full one year. This authority is realized by #255 Ordinance of the Government of Georgia *on Approval of the List of the Countries Whose Citizens May Enter Georgia Without a Visa*.¹¹ The

¹⁰ From a legal point of view, it is already provided for in the Agreement on Readmission and thus it is a duplication of commitments taken outside the Association Agreement.

¹¹ Adopted on June 5, 2015 (the last change made on November 28, 2019), Legislative Herald of Georgia, 08/06/2015.

number of eligible countries and territories¹² is 95. Besides, this Ordinance also allows citizens of Member States of the European Union and citizens of Swiss Confederation to enter Georgia with a travel document as well as with an identity card issued by a Member State of the European Union.¹³

Georgia has signed bilateral international agreements with 22 countries for ordinary passport holders to travel without a visa. Out of these 22 countries, 15 countries are included in the list approved by #255 Ordinance of the Government of Georgia. As for citizens of the remaining 7 countries they will enjoy the right to enter Georgia without a visa in line with the commitment undertaken by the international agreement. Considering that out of the above 7 international agreements, 3 came into effect, in total *citizens of 98 countries enjoy the right to enter Georgia without visas*.¹⁴ It should be noted that the duration of stay in Georgia, as envisaged by international agreements, varies and can be much less than the duration defined in #255 Ordinance of the Government of Georgia. For instance, the agreement concluded with Iran envisages 45 days, the agreement with Uruguay envisages 90 days from entering the country, and the agreement with Chile provides for 90 days within a 180-day period.

#256 Ordinance of the Government of Georgia on Approval of the List of Countries, Whose Visa and/or Residence Permit Holders May Enter Georgia without a Visa for a Relevant Period and under Relevant Conditions¹⁵. The list currently includes 50 countries, among which 27 are EU member states, the United Kingdom and the United States. Aliens who have a visa and/or residence permit issued by any of these countries can enter and stay in Georgia without a visa 90 calendar days in any 180-day period.

According to Article 5 of the *Law of Georgia on the Legal Status of Aliens and Stateless Persons* the following are the grounds for entering and staying in Georgia:

- a) Georgian visa,
- b) Georgian residence permit,
- c) temporary residence card of a person with international protection,
- d) temporary identification card,
- e) other cases as provided by the legislation of Georgia.

In view of the objectives of the study it is relevant to discuss the legal framework for issuing visas and residence permits.

¹² The list, approved by #255 Ordinance of the Government of Georgia, in addition to the countries, includes territories without the status of a state, such as Faroe Islands and the Greenland (Kingdom of Denmark) or Islands of Bermuda and Gibraltar (the Great Britain).

¹³ It is to be noted that during the period from September 1, 2014 to June 8, 2015 the predecessor of #255 Ordinance, that is #522 Ordinance was in effect, and included the list of countries the citizens of which could enter Georgia without a visa (It was adopted on September 1, 2014 and became ineffective as of June 8, 2015. Legislative Herald of Georgia 01/09/2014) and defined 90 calendar days for them to enter and stay in Georgia without a visa in any 180-day period.

¹⁴ See the [Ordinance](#) of the Government of Georgia, N 255

¹⁵ Adopted on June 5, 2015, Legislative Herald of Georgia, 08/06/2015 <https://matsne.gov.ge/en/document/download/2867377/0/en/pdf>

Article 7 of *the Law of Georgia on the Legal Status of Aliens and Stateless Persons* provides for the following categories of Georgian visas:

- a) Diplomatic (Category A)
- b) Special (Category B)
- c) Ordinary (Category C)
- d) Immigration (Category D)
- e) Transit (Category T).

Whereas, in terms of integration, the ordinary (consisting of 4 sub-categories) and immigration (consisting of 5 sub-categories) visas are especially relevant.

According to Article 6 of the *Law of Georgia on the Legal Status of Aliens and Stateless Persons*, ***a single-entry visa or multiple entry visa may be issued to an alien.***

A short-term visa may be both a single-entry which may be issued according to the number of days indicated by an alien in the visa application but no more than 30 days, and a multiple entry, which may be issued for no more than 5 years. Moreover, ***in case of a multiple entry visa, the overall duration of an alien's entry and stay in Georgia shall not exceed 90 calendar days in any 180-day period.*** A multiple-entry short-term visa is issued to an alien who visited Georgia at least once during the previous year in accordance with the rules determined by the legislation of Georgia and there are grounds for him/her to seek a multiple entry short-term visa.

As for ***a long-term visa, it is always issued*** with the right of multiple entry and with a validity of 90 calendar days or with 1-year validity to stay in Georgia. ***A long-term visa with 1-year validity is issued only in case of D5 Category immigration visa.***

Considering that a multiple short-term visa may be issued for up to 5 years, while a long-term visa is only multiple entry and can be issued for 90 calendar days or with 1-year validity to stay in Georgia, such classification of visas is confusing. ***In fact, we have the circumstance that a "short-term" visa may be issued for a longer period than a "long-term" visa.*** This circumstance is clarified based on the provision in Paragraph 8 of Article 6 of *the Law of Georgia On the Legal Status of Aliens and Stateless Persons*. According to this provision, a long-term visa, if it is not determined by an Ordinance of the Government of Georgia, is a precondition to obtain diplomatic accreditation or receive a residence permit in Georgia. Thus, a short-term visa granted to an alien in Georgia cannot not be a ground, unlike a long-term visa, for issuing a residence permit to the alien.¹⁶ A long-term visa was defined as one of the prerequisites to be granted a residence permit in the initial edition of #520 Ordinance of September 1, 2014 issued by the Government of Georgia, *on Approval of the Procedures for Reviewing and Deciding the Issue of Granting Residence Permits* in Georgia. Though, the change of November 11, 2015 modified this requirement and ***a document***

¹⁶ Adopted on September 1, 2014 (the last change was made on August 6, 2020), Legislative Herald of Georgia, 01/09/2014.

proving an alien's legal presence in Georgia was considered to be sufficient to grant a residence permit. As a result, an alien with a short-term visa in Georgia may seek a residence permit. In this regard, the only actual limitation is Paragraph 4 of Article 3 of this Ordinance, according to which an alien is obliged to apply to a relevant agency for a residence permit 40 calendar days before his/her lawful stay in the territory of Georgia expires. Therefore, on the one hand, a short-term visa issued for relatively short period will not be suitable for receiving a residence permit. On the other hand, the same Article reduces the scope of this procedural norm and states that this requirement does not apply to ***residence permit for indefinite stay***, investment, special, temporary and short-term residence permits.

As it was mentioned above, the Law of Georgia *On the Legal Status of Aliens and Stateless Persons* and #520 Ordinance of September 1, 2014 issued by the Government of Georgia, *On the Approval of Procedures for Reviewing and Deciding the Issue of Granting Residence Permits* in Georgia regulate the issues related to issuing residence permits to aliens in Georgia.

According to Article 15 of the Law of Georgia *On the Legal Status of Aliens and Stateless Persons* the following residence permits are issued in Georgia:

- ***A work residence permit*** is issued to an alien who carries out entrepreneurial or labour activity in Georgia. An alien who seeks such a permit shall provide the *Public Service Development Agency* with a document proving that he/she carries out either entrepreneurial or labour activity in Georgia as well as a certificate that shows that the monthly income/remuneration of the person is not less than the five-fold amount of the average subsistence minimum level as defined for consumers in Georgia and the annual turnover of the enterprise that employs the alien or an enterprise the alien established (except for educational or medical institutions) is no less than 50,000 GEL per alien who is applying for a work residence permit. If the employer of an alien or the enterprise the alien has established is an educational or a medical organization, their annual turnover shall be no less than 35,000 GEL per alien applying for a work residence permit;
- ***A study residence permit*** is issued for the purpose of study at an authorized educational institution in Georgia;
- ***A residence permit for the purpose of family reunification*** is issued to family members of an alien who is a residence permit holder;
- ***A residence permit of a former citizen of Georgia*** is issued to an alien whose citizenship of Georgia has been terminated;
- ***A residence permit of a stateless person*** is issued to an individual whose status as a stateless person has been determined in Georgia;
- ***A special residence permit*** is issued to an alien who is reasonably assumed to be a victim of or affected by the crime of trading in persons (human trafficking) as provided for by the Law of Georgia *On Combating Trading in Persons (Human Trafficking)*. This type of permit is also issued to an alien on behalf of whom a member of the Government of Georgia submits a written initiative requesting the issuance of a temporary Georgian residence permit to the alien, and to an alien who is subject to removal after 5 years from having been granted the right of temporary stay in Georgia, and to a foreign citizen who has the status of compatriot and resides abroad;

- *A permanent residence permit* is issued to a spouse, parent, and child of a citizen of Georgia. A permanent residence permit is also issued to an alien who has lived in Georgia for the last 6 years on the basis of a temporary residence permit. This time does not include the period of residence in Georgia for one's studies or medical treatment, and the period of work at diplomatic missions and equivalent missions;
- *An investment residence permit* is issued to an alien and his/her family members who has made an investment in Georgia in the amount of at least USD 300,000 equivalent in GEL in accordance with the Law of Georgia *On Investment Activity Promotion and Guarantees*, or who has on the territory of Georgia under the procedure established by the legislation of Georgia the right of real estate ownership (except for agricultural land) the market value of which exceeds USD 300,000 equivalent in GEL. For the purposes of this provision, family members of an alien are his/her spouse, a minor child, and a fully dependent beneficiary or a person with disabilities, and a fully dependent person recognized as legally incapable under the rules established by the legislation of a relevant country;
- *A temporary residence permit* shall be issued to an alien who has been assigned the status of a victim under the Law of Georgia on *Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Domestic Violence*.
- *A short-term residence permit* is issued to an alien who, under the rules established by the legislation of Georgia, owns real estate property within the territory of Georgia (except for agricultural land) with its market value exceeding USD 100,000 equivalent in GEL, and their family members.
- *A residence permit for indefinite stay* is issued to an alien and his/her family members, to whom an investment residence permit has been issued on the basis of an investment made in the amount of USD 300,000 equivalent in GEL, and who has proof of annual turnover of at least USD 50,000 equivalent in GEL during the first year of the entrepreneurial activities he/she has carried out in Georgia, and annual turnover of at least USD 100,000 equivalent in GEL during the second year, and a turnover of at least USD 120,000 equivalent in GEL during the third, fourth and fifth years; or it is issued to an alien and his/her family members who are holders of investment residence permits issued on the basis of the ownership of real estate worth more than USD 300,000 equivalent in GEL, and who has the right of ownership of this real estate property for 5 years after receiving the investment residence permit. For the purposes of this provision, family members of an alien shall be: his/her spouse, a minor child, and a fully dependent beneficiary or a person with disabilities, and a fully dependent person recognized as legally incapable under the rules established by the legislation of a relevant country.

The norm that regulates the option for an alien who is in Georgia to choose between different types of residence permit has been significantly modified. According to the original provision in Paragraph 2 of Article 14 of the Law of Georgia *On the Legal Status of Aliens and Stateless Persons*, an alien may apply to receive a Georgian residence permit for the same purpose for which the person has obtained a permit to enter Georgia. Consequently, a person who entered Georgia on the basis of a D1 visa to carry out labour activity in Georgia was entitled to receive only a work permit and if, for instance, the person decided to stay in Georgia for his/her studies after the labour relations ended, this person would not be issued a study residence permit. The change dated May 8, 2015 made to this provision in the Law removed such a limitation and an alien who is legally in Georgia may apply for a type of residence permit without being limited to the original purpose for which the person obtained a permit to stay in Georgia. Moreover, an alien who

is a holder of any type of residence permit may apply for another type of residence permit provided that the alien satisfied the requirements to receive such a residence permit.

Article 16 of the Law of Georgia *On the Legal Status of Aliens and Stateless Persons* regulates time limits of residence permits. The issues related to time limits and to issuance of permits are further clarified in the Ordinance of the Government of Georgia *On the Approval of the Procedures for Reviewing and Deciding the Issue of Granting Residence Permits* in Georgia, specifically in Articles 14 and 15. Based on these normative documents the following time limits for residence permits are determined:

➤ ***The following temporary residence permits may be issued to aliens for no more than 6 years:***

- A work residence permit;
- A study residence permit;
- A residence permit for the purpose of family reunification;
- A residence permit of a former citizen of Georgia;
- A residence permit of a stateless person;
- A special residence permit.

A ***work residence permit, a study residence permit, a residence permit for the purpose of family reunification, a residence permit of a stateless person, a residence permit of a former citizen of Georgia, and a special residence permit*** are issued to an alien for the period of an alien's anticipated stay in Georgia but for not more than 6 years. Further, at first, a ***temporary residence permit for the first time is issued for no less than 6 months and more than 1 year*** (the ordinance notes that Georgia may issue a temporary residence permit for 5 years in special cases¹⁷). It may be extended up to 5 years, provided that it does not exceed 6 years in total. After the expiration date, if the alien wants to stay in Georgia, he/she should apply for a temporary residence permit or a permanent residence permit.

A residence permit of a former citizen of Georgia is issued for 6 years initially.

- ***An investment residence permit may be issued to an alien for 5 years. A short-term residence permit may be issued for 1 year.*** It will expire upon termination of the right to own real estate property.
- ***A permanent residence permit and residence permit for indefinite stay is issued with the right to permanent residence.*** A residence permit with the right of permanent residence is issued to a stateless person whose Georgian citizenship has been terminated by renunciation of Georgian citizenship, or who permanently resided in Georgia before 31 March 1993, and was not considered a Georgian citizen and has not been removed from permanent registration in Georgia since 31 March 1993.
- ***A residence permit is issued to a person who has been granted the status of a stateless person in Georgia for 3 years,*** which may be extended for the same period and under the same conditions.

¹⁷ Paragraph 5 of Article 14 of the Ordinance *on Approval of the Procedures for Reviewing and Deciding the Issue of Granting Residence Permits* in Georgia.

As for extending or terminating permits, ***a residence permit is automatically terminated in Georgia upon its expiration date. The Public Service Development Agency may terminate an alien's residence permit if it becomes aware of the legal grounds for terminating his/her stay in Georgia.*** Information on the termination of the alien's residence permit is provided to relevant public agencies electronically or in writing.

#520 Ordinance of the Government of Georgia obliges both the state as well as legal and physical persons to notify the *Public Service Development Agency* about the grounds to terminate an alien's stay in Georgia.

As for conditions to extend permits, ***temporary as well as short-term residence permits are extended based on the same conditions under which they are issued.*** If an alien retains ownership over real estate based on which the alien was issued a short-term residence permit, the alien is exempt from submitting re-evaluation of the market value of the property he/she owns.

The Public Service Development Agency issues a ***residence card*** to an alien who was granted a residence permit in Georgia. The alien is obliged to apply for the residence card within 1 month from the date of receiving the residence permit.

The Georgian legislation does not provide for legalization of the status of the aliens who are illegally on the territory of Georgia. Such persons are subject to removal from the country according to (Paragraph 1 of Article 51 of) the Law of Georgia *On the Legal Status of Aliens and Stateless Persons*. Though an alien who cannot be removed from the country will be given the right of temporary stay in Georgia (Article 60). Namely, an alien is granted the right of temporary stay in Georgia if there are one of the following circumstances that impede his/her removal:¹⁸ when it is not possible to remove the alien from the country for certain humanitarian reasons, or when removal of an alien was delayed due to some objective grounds for 30 days¹⁹ but these grounds have not been eliminated yet after this term expired; as well as in the case when an alien cannot be identified or when no country agrees to accept an alien subject to removal. In this case the alien will be granted a document verifying his/her right to stay in the country temporarily, which is a temporary identification card. Within 5 days from receiving the temporary identification card the alien is obliged to apply for a special residence permit.

Factually, the visa and permit regime determined by the legislation of Georgia is of a liberal nature. First of all, this is proved by the following important circumstances:

- ✓ Citizens of up to 100 countries enjoy the right to enter and stay in Georgia without a visa.

¹⁸ According to Paragraph 2 of Article 59 of the Law on the Legal Status of Aliens and Stateless Persons, aliens shall not be removed to a country: a) where he/she is persecuted for political opinions or for activities not regarded as a crime under the legislation of Georgia; b) where he/she is persecuted for protecting peace and human rights, for engaging in progressive social, political, scientific, and creative activities; c) where his/her life or health is threatened.

¹⁹ According to Paragraph 1 of Article 55 of the Law on the Legal Status of Aliens and Stateless Persons, an alien's removal from Georgia may be deferred for up to a 30 days: a) in case of *force-majeure*; b) if his/her physical and mental health has deteriorated; c) if he/she is a disabled person and is left without supervision; d) if an alien is pregnant, if under a doctor's opinion, further travel would endanger the person's health; e) if the recipient country delays the provision of documents required for the removal of an alien; f) if there is a danger that a minor may be left without supervision and/or his/her education may be interrupted.

- ✓ Citizens of 95 countries/territories may enter without a visa and stay in Georgia for 1 year.
- ✓ An alien with a visa or/and residence permit from 50 countries may enter Georgia without a visa and stay for 90 days in a 180-day period
- ✓ Change of status while in Georgia is allowed: an alien who is legally in Georgia may seek another type of residence permit different from the initial ground for entering Georgia. Besides, one type of permit may be changed with another one provided that there is relevant grounds for doing so.
- ✓ If an alien with a residence permit leaves Georgia for a long time²⁰, this does not constitute grounds to terminate his/her residence permit.
- ✓ Further, though the legislation does not envisage an opportunity for an alien who completed his/her studies to stay and seek employment in Georgia, the status change allowed in Georgia minimizes the relevance of this circumstance.
- ✓ The opportunity for citizens of 95 countries to enter Georgia without a visa and stay for 1 year creates an opportunity for them to live in the country for an unlimited period. Namely, leaving Georgia once a year even for one day and re-entering Georgia the next day allows the period of stay in Georgia without a visa to restart. It certainly contradicts the essence of temporary stay. Besides, *considering that the Georgian legislation does not envisage work permits, an alien residing in Georgia without a visa may have worked for years without a need to deal with the system of residence permits.* Usually, the likelihood of such a practice is diminished by the limited period of stay in the country without a visa for 90 days in the 180-day period, as it was defined in the initial edition of #522 Ordinance (see above) and which was replaced by #255 Ordinance of the Government of Georgia.
- ✓ The permitted status change in Georgia and the possibility to restart the period to stay in the country without a visa by being outside of Georgia even for one day complicates the possibility to obtain complete information and analyze the reasons why different categories of aliens enter Georgia and calculate the duration of their stay in the country.

Changing the visa and permit policies impacts the immigration trends and the statistics of the residence permits. To demonstrate the effects of regulations, the change in the statistical data of D Category Visas and Residence Permits in the aftermath of the modification of the legislation may serve as an example. For instance, entry of the new *Law of Georgia On the Legal Status of Aliens and Stateless Persons* into force as of September 1, 2014, which envisaged radically reducing the visa validity period and the period of stay in Georgia without a visa, led to increased demand on residence permits. While in 2014 only 10,125 residence permits were issued, this number tripled in 2015 and amounted to 29,360 permits. After changes were made to the *Law of Georgia On the Legal Status of Aliens and Stateless Persons* in June of 2015 and #255 Ordinance of the Government of Georgia granted the right to citizens of 95 countries to stay in Georgia without a visa, the number of the residence permits issued significantly decreased, namely, the number of residence permits issued amounted to 17,283 permits and in the following years this number fluctuates around 20-22,000. As for the effect of the regulations on the statistics of the D Category Visas issued, it was impacted, on the one hand, by the above changes made to the legislation in June of 2015 and on the other hand, by the change of November 11, 2015, made to the #520 Ordinance of the Government of Georgia *On*

²⁰ Council Directive 2003/109/EC concerning the *Status of third-country nationals who are long-term residents, defines* absence of such persons from the territory of the Community for a period of 12 consecutive months as one of the reasons to lose the status of long-term resident.

Approval of the Procedures for Reviewing and Deciding the Issue of Granting Residence Permits in Georgia, which does not require a relevant type of immigration visa in order to be granted a residence permit. Consequently, if 7,253 D Category Visas were issued in 2015, their number was reduced by more than 4 times and amounted to 1741, and in the following years they fluctuated between 2000 to 2500 (for details see below).²¹

1.3. Analysis of the Residence Permits Issued to Aliens in Georgia

LEPL *Public Service Development Agency* at the Ministry of Justice issues permits to aliens in Georgia. The Ministry of Justice is responsible for keeping statistics on the permits issued. Official statistics show there is a noticeable downward trend related to residence permit issuance starting 2015 through August 2020. While in 2015, a total of 29,360 residence permits were issued, the number of residence permits issued in 2019 amounted to 20,735. In total 127,489 residence permits were issued from 2014 until August 2020.

Work Residence Permits

Between 2014 to August 1, 2020 there were 44,269 work residence permits issued, which account for 28% of the total permits issued. Most work residence permits (9,598) were issued to citizens of Turkey. In terms of the work residence permits received, citizens of China rank second with 8,179 work residence permits. They are followed by citizens of Iran with 7,463 work residence permits; citizens of India rank fourth with 5,805 work permits and citizens of Ukraine rank fifth with 5,805 work residence permits. Citizens of Russia rank sixth with 1,503 work residence permits. Citizens of Azerbaijan rank seventh with 1,358 work permits. 82% of the total work permits are issued by Georgia to the citizens of these seven countries.

Table #2: Breakdown of the Work Residence Permits Issued to Aliens by Years and by Citizenship Between 2014-2020

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020, 01-08 | Total |
|-------------|------|-------|-------|-------|-------|-------|-------------|--------------|
| Turkey | 846 | 2,911 | 1,945 | 1,752 | 1,194 | 611 | 330 | 9,589 |
| China | 321 | 1,447 | 1,553 | 1,593 | 1,302 | 1,328 | 635 | 8,179 |
| Iran | 81 | 524 | 1,028 | 2,718 | 2,446 | 519 | 147 | 7,463 |
| India | 141 | 600 | 2,673 | 1,611 | 396 | 262 | 122 | 5,805 |

²¹ Source: The State of Migration in Georgia: A Country Profile of 2019, prepared by SCMI. This document is available at http://migration.commission.ge/files/mp19_web3.pdf.

| | | | | | | | | |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Ukraine | 145 | 1,100 | 485 | 277 | 231 | 182 | 99 | 2,519 |
| Russia | 83 | 332 | 228 | 219 | 295 | 241 | 105 | 1,503 |
| Azerbaijan | 167 | 463 | 225 | 185 | 160 | 103 | 55 | 1,358 |
| Other | 564 | 2,063 | 1,548 | 1,407 | 1,154 | 799 | 318 | 7,853 |
| Total | 2,348 | 9,440 | 9,685 | 9,762 | 7,178 | 4,045 | 1,811 | 44,269 |

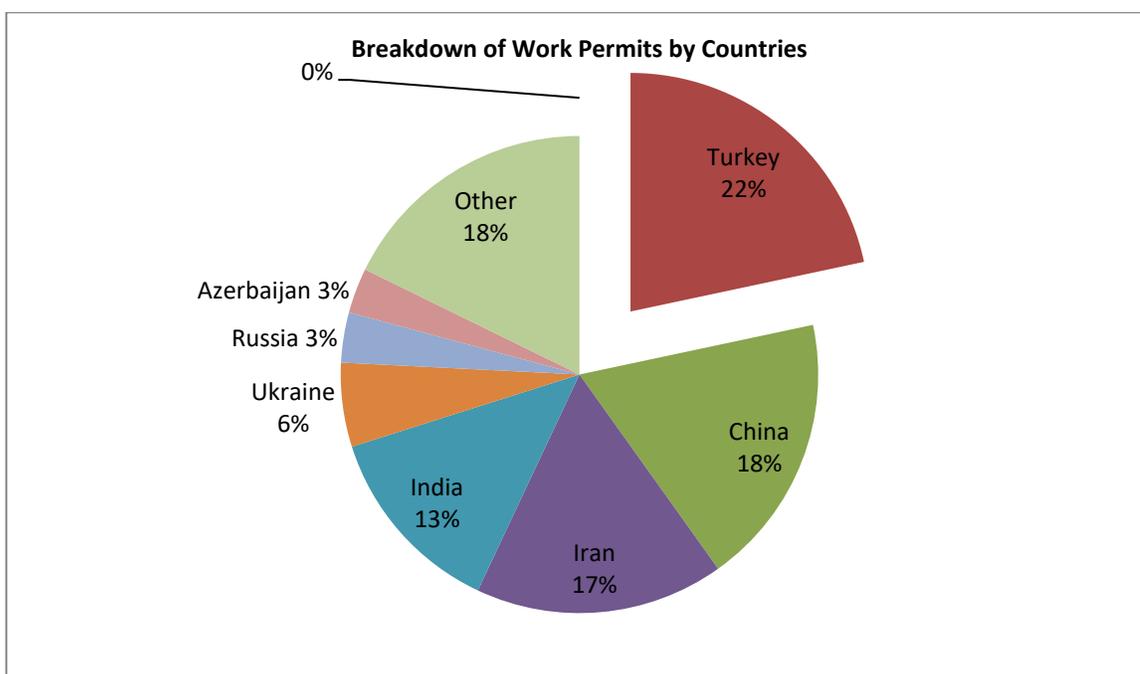
Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

As the above table shows, there was a downward trend in the number of work residence permits issued to citizens of almost all these countries during 2018-2019. Along with other issues this may be correlated to reduced Foreign Direct Investments in Georgia, which, similar to the number of work residence permits issued, has started to decrease significantly since 2018²². In regard to the number of work permits issued to citizens of Turkey, there is a downward trend. Specifically, the number of work permits decreased by 88% from 2015 (2,911 permits) to August 1, 2020 (330 permits). A significant decrease started from 2018. The number of work permits applied for by citizens of China has also decreased. From 1447 permits issued in 2015, the number of permits decreased by 57% and amounted to 635 permits. There is also a downward trend in case of the work permits sought by citizens of China starting 2018.

On the other hand, the number of work permits issued to citizens of Iran significantly increased from 2015 to 2018. Specifically, 524 work permits were issued to nationals of Iran and this number almost increased five times in 2018 and amounted to 2446 permits. This is partly related to the increased rate of registration of enterprises (manly limited liability companies) by citizens of Iran in Georgia (see below). It is to be noted that in 2014-2020 citizens of Iran registered the largest number of limited liability companies in Georgia. The number of work residence permits issued to citizens of India is also on the decrease. This number drastically decreased starting 2016. While there were 2673 work residence permits issued in 2016, it was reduced to 122 permits by 2020. The same trend applies to work permits issued to citizens of Ukraine. This indicator for Ukraine reduced by 91% in 2015 – 2020 and dropped from 1100 work residence permits issued to 99 work residence permits.

Diagram #1

²² The data on Foreign Direct Investment (FDI), prepared by the National Statistics Office: 1.9 bln. in 2017, 1.3 bln. in 2018, 1.3 bln. in 2019, and 719 mln. In 2020.



Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

It is interesting that notwithstanding the reduced number of work permits issued, remittances to these countries from Georgia ²³ are either increasing (e.g. Turkey) or remain stable.

Table # 3:

Remittances Made by Immigrants Residing in Georgia to their Countries of Origin and their Ratio to the Work Residence Permits Issued, 2014-2019

| Citizens | Residence Permits | Remittances Mln. \$ |
|----------|-------------------|---------------------|-------------------|---------------------|-------------------|---------------------|-------------------|---------------------|-------------------|---------------------|-------------------|---------------------|
| | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | | | | | | |
| Turkey | 846 | 5,3 | 2,911 | 6,4 | 1,945 | 9,9 | 1,752 | 18 | 1,194 | 24 | 330 | 34 |
| China | 321 | 1,2 | 1,447 | 0,9 | 1,553 | 1 | 1,593 | 1,4 | 1,302 | 1,3 | 1328 | 1,4 |
| Iran | 81 | 0 | 524 | 0 | 1,028 | 0 | 2,718 | 0 | 2,446 | 0 | 519 | 0 |

²³ Under Article 18 (12) of the Law of Georgia on Payment System and Payment Services, in Georgia, money remittance services shall be provided only to natural persons. A legal person registered in Georgia shall be prohibited from receiving and/or sending money remittances as a user. See: <https://bit.ly/2LojGiR> (Seen on 23.06.2021). It should be noted that the data on remittances by the National Bank of Georgia reflects the remittances made by electronic transfer systems from Georgia and to Georgia (Western Union, MoneyGram, Anelik, Unistream, etc.) and does not include informal remittances, employee salaries, or transfers to Georgian bank accounts.

| | | | | | | | | | | | | |
|--------|-----|-----|-------|-----|-------|-----|-------|-----|-----|------|-----|------|
| India | 141 | 0,2 | 600 | 0,4 | 2,673 | 0,8 | 1,611 | 0,8 | 396 | 0,7 | 262 | 0,6 |
| Ukr. | 145 | 19 | 1,100 | 19 | 485 | 21 | 277 | 22 | 231 | 25 | 182 | 26 |
| Russ. | 83 | 72 | 332 | 77 | 228 | 87 | 219 | 89 | 295 | 90 | 241 | 78 |
| Azerb. | 167 | 7,5 | 463 | 7,3 | 225 | 8,8 | 185 | 9,8 | 160 | 12,2 | 103 | 14,4 |

Source : National Bank of Georgia

To summarize, the analysis of the 2019 statistics and the current trends show that the number of work residence permits issued to citizens of these top seven countries (except China) is on the decrease. Given the COVID-19 pandemic and reduced Foreign Direct Investments, it is expected that a significant portion of labour migrants will leave the country.

Study Residence Permits

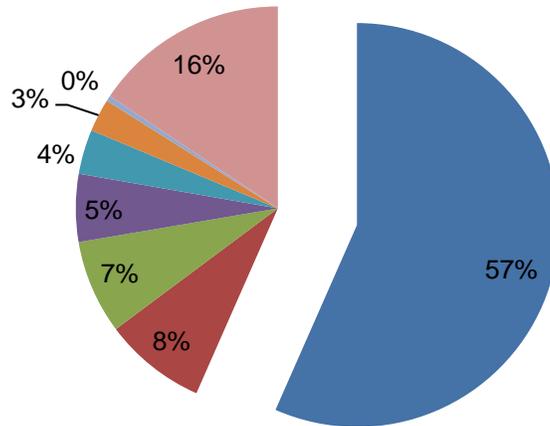
A total of 27,080 study residence permits have been issued from 2014 through August 1,2020. More than half of them (15,328) were issued to students from India who arrived in Georgia for study purposes. Citizens of Iraq rank second with 2,220 permits, and citizens of Nigeria are in third place with 2,038 permits, followed by citizens of Iran with 1,468 study residence permits, and citizens of Turkey ranking fifth with 965 permits. Sri Lanka and Egypt take sixth and seventh places with 714 and 119 permits respectively. It is necessary to point out that foreign students play a significant role in the economic development of Georgia as one foreign student spends 6,000 USD on average for his/her education and during his/her stay in Georgia²⁴.

Diagram # 2

²⁴ Study in Georgia: Prospects of Internationalization of Higher Education; Tbilisi 2016; Author Anna Zhvania; Policy Management Consulting Group (PMCG), available in English <https://bit.ly/2LtxV5Z>

Study Residence Permits, 2014-2020

■ India ■ Iraq ■ Nigeria ■ ირანი ■ Turkey ■ Sri Lanka ■ Egypt ■ Others



Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

Medical higher education is the most popular programme among students who come to Georgia for studies. Foreign students are mainly enrolled in Bachelor programmes in Dentistry, Pharmacy and Healthcare. Business, Economics and Law are relatively less popular.

Table #4. The Number of Study Residence Permits Issued Between 2014-2020 to Citizens of the Top Seven In-bound Countries

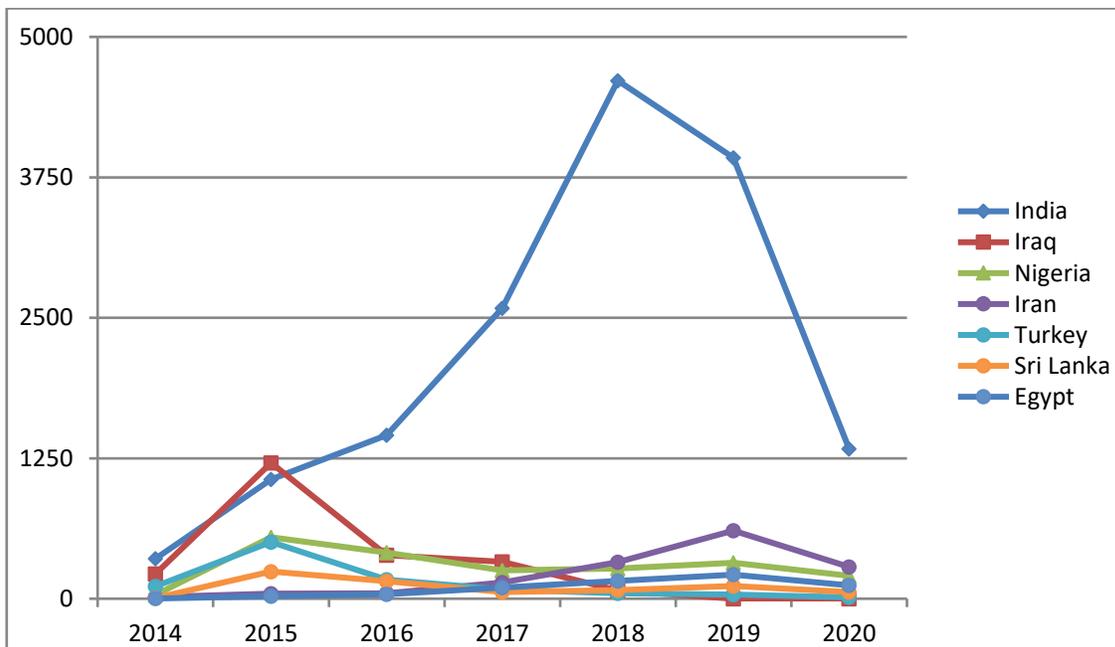
| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020, 01-08 | Total |
|-------------|------|-------|-------|-------|-------|-------|-------------|---------------|
| India | 356 | 1,062 | 1,455 | 2,585 | 4,611 | 3,926 | 1,333 | 15,328 |
| Iraq | 220 | 1209 | 388 | 328 | 74 | 0 | 1 | 2,220 |
| Nigeria | 35 | 547 | 410 | 253 | 268 | 320 | 205 | 2,038 |
| Iran | 15 | 46 | 48 | 145 | 325 | 606 | 283 | 1,468 |
| Turkey | 111 | 505 | 169 | 81 | 49 | 37 | 13 | 965 |
| Shri-Lank | 6 | 242 | 156 | 60 | 77 | 113 | 60 | 714 |

| | | | | | | | | |
|--------------|-----|------|------|------|------|------|------|---------------|
| Egypt | 2 | 23 | 39 | 99 | 158 | 214 | 119 | 654 |
| Other | 125 | 1029 | 246 | 616 | 616 | 668 | 393 | 3,693 |
| Total | 745 | 3634 | 2665 | 3551 | 5562 | 5216 | 2014 | 27,080 |

Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

The number of study residence permits issued in Georgia fluctuates. Specifically, after 2015 the total number of study residence permits had dramatically dropped by 2016, but the following two years were characterized by increases. There was a decrease in the number of study work permits issued in 2019. A drastic decrease in the number of study residence permits issued to citizens of Iraq is noteworthy. Namely, it decreased from 1209 in 2015 to zero by 2019. Similarly, there is a decreasing trend of study residence permits issued to students from India and Turkey, while these have increased in case of citizens of Iran who come to Georgia to study.

Diagram #3



Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

Some representatives of educational institutions surveyed during the study stated that weak coordination among the relevant state bodies has an impact on the reduced number of study residence permits issued. Specifically, despite the declared willingness to internationalize education and Ministry of Education efforts to attract foreign students in coordination with the educational institutions to Georgia, the Ministry of Internal Affairs (MOIA) and the State Security Service often hinder the process by turning students back at the border to their countries of origin and by rejecting applications of those aliens who have been in the

country for years²⁵. Unfortunately, the MOIA does not keep separate statistics of entry of D3 Category visa holders in Georgia and the rejected applications²⁶, though the number of aliens denied entry at the state border of Georgia is increasing.

Table # 5: The Total Number of Study Permits Issued by Year

| 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 01-08 |
|------|------|------|------|------|------|---------------|
| 870 | 4663 | 2911 | 4167 | 6178 | 5884 | 2407 |

Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

Residence Permits for the Purpose of Family Reunification

In 2014-2020 the LEPL *Public Service Development Agency* at the Ministry of Justice issued 11,397 permits. The statistics of residence permits issued for the purpose of family reunification are the following by years: 415 permits in 2014, 2,636 permits in 2015, 1,696 permits in 2016, and 2,196 permits in 2017, 1,869 permits in 2018, 1,744 permits in 2019, and 841 permits as of August 1 2020.²⁷ In the period between 2014-2019, the number of residence permits for the purpose of family reunification issued to citizens of Iran increased markedly which is reflected in the increased number of students, citizens of Iran, registered at public schools (see below). The number of residence permits for the purpose of family reunification issued to citizens of Georgia has been consistently decreasing starting in 2015. Besides, the number of residence permits for the purpose of family reunification sought by citizens of Turkey, Azerbaijan, India and Ukraine have been mainly declining in recent years.

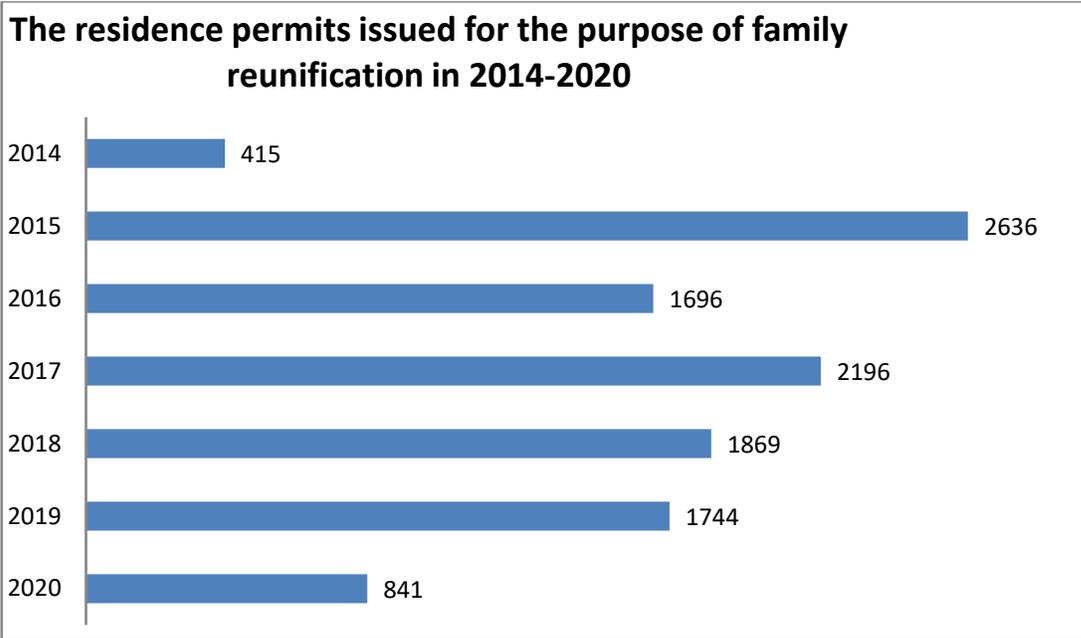
Diagram # 4

²⁵ The interviews were conducted with representatives of three higher educational institutions.

²⁶ Legal Status of Foreign Students in Georgia, a study by Georgian Democracy Initiative, June 2019, available at: <https://bit.ly/2Lwb0H7>

* The statistics only for the first three quarters are provided. As of 2019 the Ministry of Internal Affairs of Georgia removed the data for 2014-2016, and the data for 2019 and 2020 are not broken down by citizenship; n/a – data could not be gathered.

²⁷ *LEPL Public Service Development Agency at the Ministry of Justice of Georgia*



Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

In total 29% (3,339 permits) of the residence permits issued include citizens of Iran. Citizens of Turkey make for 15% (1735 permits), citizens of Russia rank third with 1,091 (9% in total), and citizens of India rank fourth with 7% (872 permits), citizens of Azerbaijan take fifth place with 7% (813 permits) and citizens of Ukraine and Chile rank fifth and sixth places (771 and 302 permits, respectively).

Table # 6: Statistics of Permits Issued for the Purpose of Family Reunification

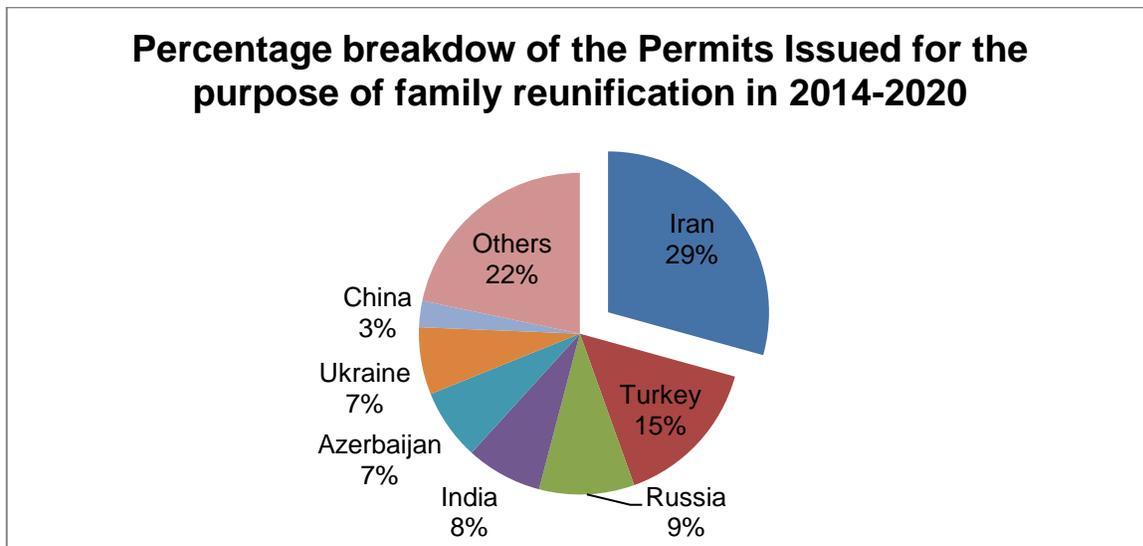
| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Total |
|-------------|------|------|------|------|------|------|------|--------------|
| Iran | 18 | 208 | 322 | 766 | 903 | 858 | 264 | 3,339 |
| Turkey | 90 | 482 | 279 | 434 | 218 | 149 | 83 | 1,735 |
| Russia | 63 | 312 | 150 | 131 | 137 | 170 | 128 | 1,091 |
| India | 16 | 77 | 210 | 247 | 126 | 124 | 72 | 872 |
| Azerbaijan | 48 | 370 | 105 | 94 | 85 | 79 | 32 | 813 |
| Ukraine | 31 | 305 | 134 | 80 | 68 | 80 | 73 | 771 |

| | | | | | | | | |
|--------------|------------|--------------|-------------|-------------|-------------|--------------|------------|---------------|
| China | 23 | 65 | 60 | 55 | 41 | 35 | 23 | 302 |
| Other | 126 | 817 | 436 | 389 | 291 | 249 | 166 | 2,474 |
| Total | 289 | 1,819 | 1260 | 1807 | 1578 | 1,495 | 675 | 11,397 |

Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

The trend of the increased flow of Iranian citizens deserves special attention, as the number of permits issued to them for the purpose of family reunification increased from 2014 up to 2018. While the number of permits issued to Turkish, Indian, Azerbaijani and Chinese citizens issued for the purpose of family reunification was on the decrease in 2017-2019.

Diagram # 5



Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

Permanent Residence Permits

A total of 14,772 permanent residence permits were issued in 2014-2020. Most of them were issued to citizens of the Russian Federation, (3,903), followed by citizens of Azerbaijan (3,258), citizens of Armenia (2,058), and citizens of Ukraine and Turkey (with 1,560 and 901 residence permits, respectively).

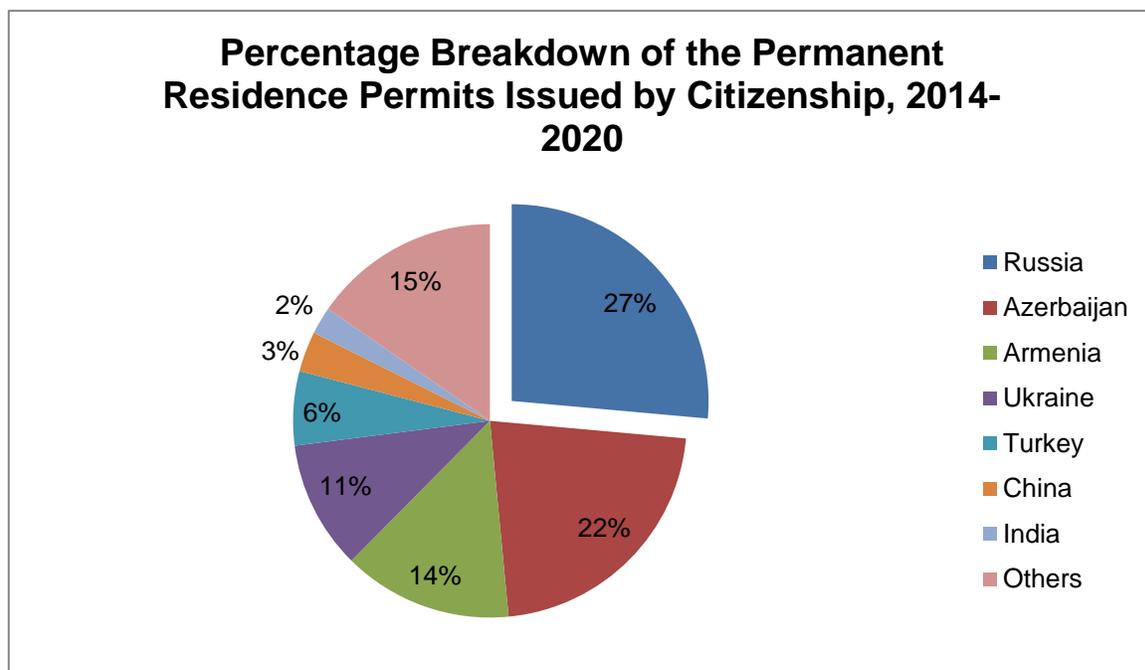
2015 was a peak year of issuing permanent residence permits with almost 50 percent of the permits issued in the reporting period. As concerns Russian citizens, 1628 permanent residence permits were issued in 2015, after which this number substantially declined in the following years but remains stable at around 500 citizens. A similar trend is observed with Azerbaijan, Turkey, Armenia and Ukraine. In case of Azerbaijan, the number of permanent residence permits dropped from 2277 permits issued in 2015 to 200 permits issued annually, on average.

Table #7: The Number of Permanent Residence Permits Issued during 2014-2020 to Citizens of Top Seven In-bound Countries

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Total |
|--------------|------------|--------------|--------------|--------------|--------------|--------------|------------|---------------|
| Russia | 129 | 1,628 | 405 | 405 | 432 | 552 | 352 | 3,903 |
| Azerbaijan | 174 | 2,277 | 152 | 143 | 218 | 207 | 87 | 3,258 |
| Armenia | 133 | 1,498 | 107 | 79 | 73 | 87 | 81 | 2,058 |
| Ukraine | 71 | 559 | 236 | 217 | 175 | 187 | 115 | 1,560 |
| Turkey | 39 | 255 | 160 | 142 | 117 | 107 | 81 | 901 |
| China | 14 | 108 | 114 | 102 | 79 | 55 | 18 | 490 |
| India | 13 | 43 | 74 | 113 | 38 | 38 | 14 | 333 |
| Other | 97 | 706 | 369 | 337 | 305 | 277 | 178 | 2,269 |
| Total | 670 | 7,074 | 1,617 | 1,538 | 1,437 | 1,510 | 926 | 14,772 |

Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

Diagram # 6



Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

In regard to the issuance of permanent residence and family reunification permits, certain trends are reflected in the statistics on high school students and their mobility. The number of school students who are citizens of Iran and Ukraine is particularly growing (see Table # 7). Most of the children of foreign citizens are enrolled in high schools located in Tbilisi. It is worth mentioning that in Batumi there is a significant and growing number of students who are citizens of Ukraine and Russia. The number of high school students, whose parents are citizens of Ukraine and who are enrolled in Batumi has tripled in the past seven years, while the number of students who are citizens of Russia has nearly quadrupled. This is likely related to the growing trend of citizens of this country buying real estate in Batumi and moving there. It is to be noted that the number of high school students who are citizens of Turkey has significantly decreased in Batumi according to the statistics for the recent years.

Table # 8: The number of foreign students by citizenship of their parents in high schools (Tbilisi, Kutaisi, Batumi)

| Citizenship | 2014-2015 Academic Year | 2015-2016 Academic Year | 2016-2017 Academic Year | 2017-2018 Academic Year | 2018-2019 Academic Year | 2019-2020 Academic Year | 2020-2021 Academic Year |
|--------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Russia | 712 | 770 | 831 | 938 | 1147 | 1305 | 1314 |
| Iran | 33 | 40 | 101 | 216 | 575 | 519 | 479 |
| Ukraine | 211 | 264 | 308 | 352 | 439 | 501 | 521 |
| Turkey | 265 | 245 | 281 | 191 | 248 | 268 | 268 |
| Azerbaijan | 158 | 173 | 200 | 215 | 254 | 296 | 308 |
| Armenia | 70 | 92 | 93 | 111 | 136 | 157 | 156 |
| USA | 160 | 148 | 169 | 163 | 186 | 209 | 240 |
| Germany | 83 | 74 | 92 | 91 | 110 | 117 | 123 |
| Kazakhstan | 46 | 52 | 70 | 79 | 89 | 130 | 135 |
| Other | 376 | 382 | 509 | 823 | 832 | 1,101 | 1,145 |
| Total | 2114 | 2,240 | 2654 | 2,964 | 4,016 | 4,603 | 4,689 |

Source: Ministry of Education and Science

As for pre-school education, according to the *Law of Georgia on Early and Pre-School Education*, it is free and accessible for citizens of foreign countries.

It is worth noting that according to the data provided by the Kindergarten Management Agency “no students of foreign citizenship were enrolled in kindergartens established by the Agency in 2014-2020”.²⁸ In view of the growing number of immigrants it is less likely that no aliens were enrolled in the kindergartens in the capital of the country for seven years and can be presumed that the main management agency of Tbilisi kindergartens does not maintain statistics on students enrolled in the institutions by their citizenship and by categories of residence permits, or there were no such cases in reality since the municipal kindergartens do not offer care in a foreign language for foreign children and due to the language barrier it is difficult for them to communicate with the administration of kindergartens and teachers.

Investment Residence Permits

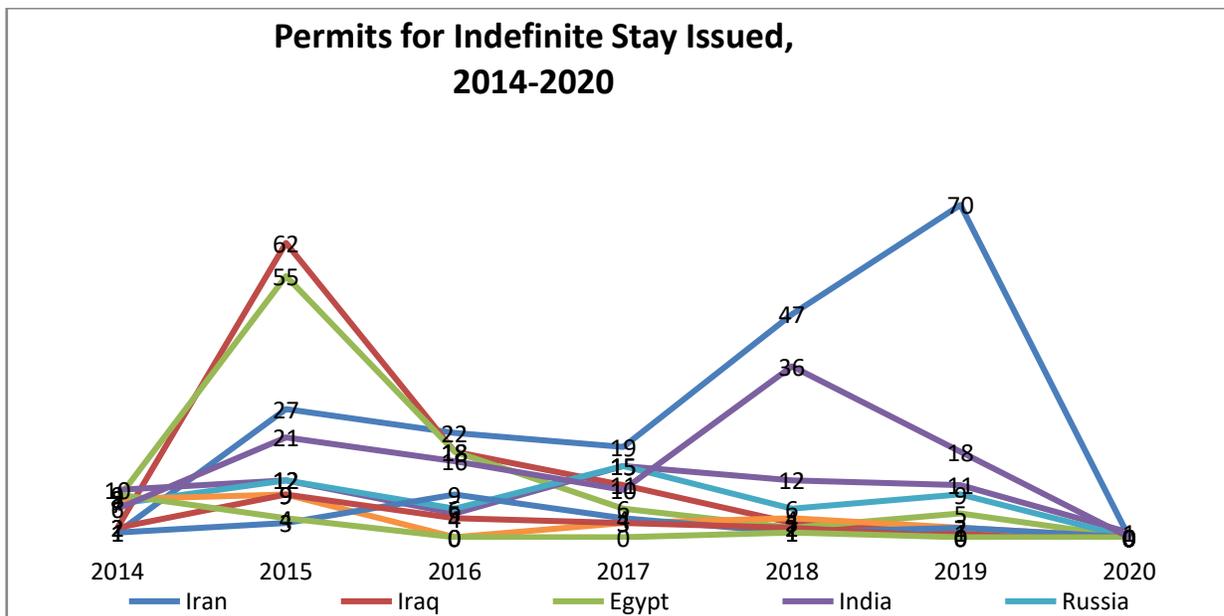
In the period of 2014-2020 Legal Entity of Public Law *Public Service Development Agency* at the Ministry of Justice of Georgia issued a total of 76 permits. It should be pointed out that no investment residence permits were issued until 2019. 49 investment permits were issued in 2019 and as of 1 August 2020, the number of investment residence permits issued was 27. More than 50% of the investment residence permits issued include citizens of Iran (a total of 39 investment residence permits granted in 2019-2020). Citizens of Russia, with 10 investment residence permits, rank second.

Residence permit for indefinite stay

The analysis of *residence permits for indefinite stay* issued show that there is an increasing number of investment permits granted to citizens of Iran. From 27 permits issued in 2015 they increased to 70 permits issued in 2019. Investment permits issued to citizens of Iraq are decreasing, with 62 investment permits issued in 2015 and only one in 2019. The number of investment permits issued to citizens of Egypt also dwindled (55 permits were issued in 2015, and 5 permits in 2019).

²⁸ Reply to the letter dated November 13, 2020, # N19/01203181548-01

Diagram #7



Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

This is in the context of Georgia ranking seventh among 190 countries in the World Bank’s *Ease of Doing Business* index. It should be emphasized that Georgia has been improving this result every year starting 2015.²⁹ It should be also noted that Georgia ranks 2nd in the world in regards to the ease of starting a business and ranks 5th in simplicity of real estate registration and it ranks 7th for protecting investments made by foreign investors. This attracts the interest of citizens of foreign countries to invest in Georgia and we should consider investment residence permits in this context as well. It is noteworthy that such permits are mainly issued to representatives of such countries which authoritative American NGO *Freedom House* rates as Not Free countries (Russia, Syria, Turkey and Iran)³⁰, where there are frequent violations of human rights, and there are issues in the areas of justice and rule of law and armed conflicts take place (Iraq, Egypt, Ukraine and Syria). These countries are geographically close to Georgia, and it is relatively easy for immigrants to travel to the country.

In regard to **residence permits for stay** it is important to analyze data which reflects the number of businesses (only limited liabilities companies) registered by citizens of foreign countries in Georgia. The information provided by the National Agency of Public Registry at the Ministry of Justice of Georgia³¹ shows that the number of businesses registered by aliens in Georgia plunged dramatically over the last two years. Meanwhile, the number of de-registrations of businesses increased. This can be explained by the moratorium declared on the purchase of agricultural lands and by the travel restrictions due to the COVID-19 pandemic, and some bureaucratic obstacles in the area of issuing construction permits.

²⁹ The World Bank Ease of Doing Business rankings: <https://www.doingbusiness.org/en/rankings>

³⁰ Freedom in the World Report 2020; Freedom House; the report is available at: <https://freedomhouse.org/report/freedom-world>

³¹ # 530692 # 530692 Letter dated December 31, 2020, of the LEPL National Agency of Public Registry at Ministry of Justice of Georgia.

Table #9: **Statistic of the Businesses (only LLC) Registered by Aliens and the Cancellations**

| | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Total |
|--------------------------------------|-------|-------|-------|-------|--------|-------|------|--------|
| Registered | 3,814 | 4,289 | 6,670 | 9,881 | 11,902 | 7,024 | 2491 | 46,071 |
| Closed/Registration cancellations | 34 | 53 | 53 | 159 | 88 | 110 | 75 | 572 |

Source: *National Agency of Public Registry at the Ministry of Justice of Georgia*

According to this report most of the businesses (LLC) were registered by citizens of Iran in Georgia, followed by citizens of Turkey and Russia raking second and third respectively.

Table # 10:

The Statistics of Businesses (LLC) Registered and their Closing/ Registration of Cancellations by Citizenship in 2014-2020

| Citizenship | Registration | Cancellation |
|-------------|--------------|--------------|
| Iran | 11,688 | 38 |
| Turkey | 6868 | 41 |
| Russia | 3852 | 64 |
| Ukraine | 2567 | 25 |
| Azerbaijan | 2260 | 23 |
| Egypt | 1208 | 7 |
| USA | 822 | 109 |
| China | 820 | 5 |
| Germany | 708 | 21 |

Source: *National Agency of Public Registry at the Ministry of Justice of Georgia*

Short-term Residence Permits

In total 14,784 short-term residence permits were issued from 2014 to August 1, 2020. It should be noted that overall, the issuance of these permits is characterized with increasing trend in 2019. Most of the short-term residence permits, 6,599, were issued in 2019.

Table # 11: **Total of Short-Term Residence Permits** issued in 2014-2020

| 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020, 01-08 |
|------|------|------|------|------|-------|-------------|
| 0 | 35 | 306 | 973 | 5346 | 6,599 | 1,525 |

Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

81.2% of short-term residence permits (12,008 permits) have been issued to citizens of Iran in Georgia and this indicator has been increasing dramatically since 2018. While the number of short-term residence permits issued to citizens of Iran only amounted to 595 in 2017, this number increased and reached 4643 permits in 2018. Citizens of Russia rank second by the number of short-term residence permits issued. During the reporting period, 877 short-term residence permits were issued to citizens of Russia. Similar to citizens of Iran, we witnessed an increase in the number of permits issued to citizens of Russia over the course of 2014-2019 but not to the same extent as in the case of Iranian nationals. Ukrainian citizens rank third by the same indicator, and received 274 short-term residence permits in 2014-2020, with India and Egypt taking fourth and fifth places with 200 and 155 permits respectively. It is worth mentioning that a drastic annual increase in the number of short-term residence cards is observed in the case of four countries – Ukraine, India, Egypt and China – while in case of two countries, Turkey and Iraq, there is a downward trend in short-term residence permits issued.

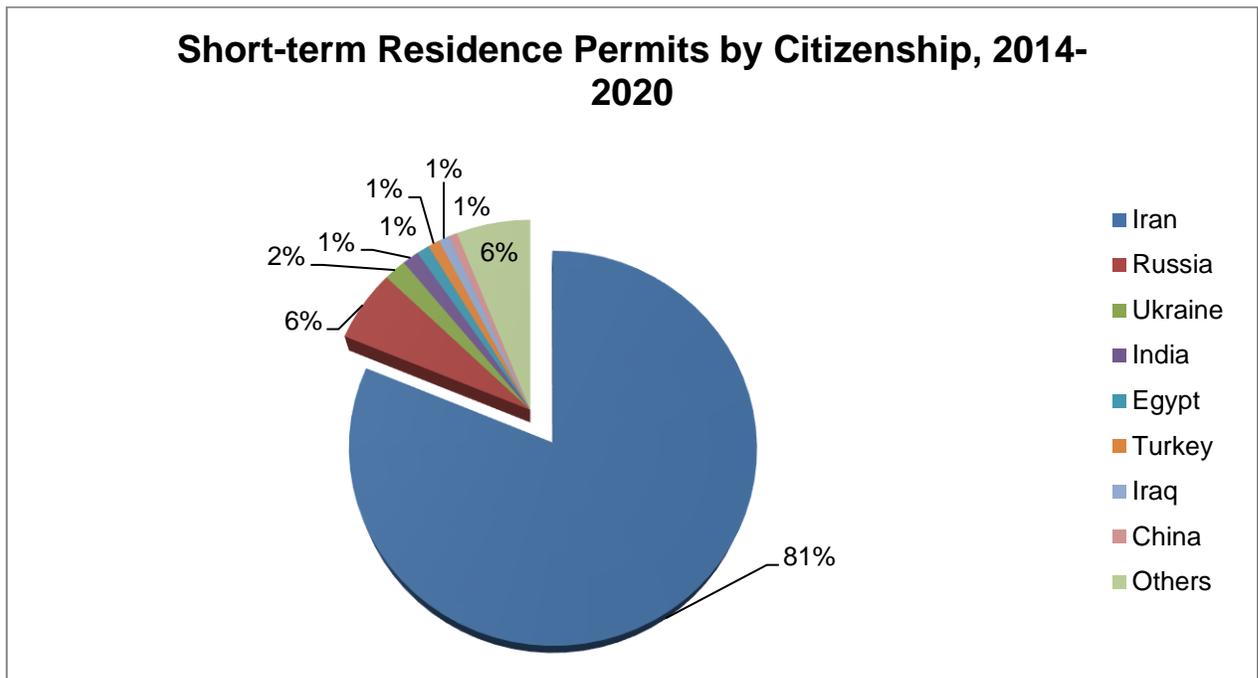
Table # 12: **The Short-Term Residence Permits Issued by Citizenship and by Years of Issuance**

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020, 01-08 | Total |
|-------------|------|------|------|------|-------|-------|-------------|---------------|
| Iran | 0 | 10 | 91 | 595 | 4,643 | 5,652 | 1,017 | 12,008 |
| Russia | 0 | 7 | 35 | 85 | 229 | 337 | 184 | 877 |
| Ukraine | 0 | 1 | 28 | 44 | 73 | 79 | 49 | 274 |
| India | 0 | 1 | 8 | 24 | 50 | 68 | 49 | 200 |
| Egypt | 0 | 4 | 8 | 25 | 33 | 64 | 21 | 155 |

| | | | | | | | | |
|--------------|----------|-----------|------------|------------|--------------|--------------|--------------|---------------|
| Turkey | 0 | 0 | 6 | 30 | 41 | 40 | 26 | 143 |
| Iraq | 0 | 6 | 83 | 33 | 6 | 0 | 0 | 128 |
| China | 0 | 0 | 0 | 2 | 38 | 45 | 19 | 104 |
| Others | 0 | 6 | 47 | 135 | 233 | 314 | 160 | 895 |
| Total | 0 | 35 | 306 | 973 | 5,346 | 6,599 | 1,525 | 14,784 |

Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

Diagram # 8



Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

Short-term residence permits issued are mostly in correlation with the upward trend of purchasing property (residential spaces and non-agricultural land plots) by citizens of respective countries. There is also an increasing trend of Israeli citizens in terms of their ownership of residential space.

Table #13:

Registration of Residential Spaces in Georgia by Years and Citizenship

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020. 01-08 | Total |
|--------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------------|---------------|
| Russia | 875 | 629 | 694 | 857 | 1,199 | 1,476 | 528 | 6,258 |
| Iran | 37 | 35 | 83 | 418 | 2,754 | 756 | 158 | 4,241 |
| Ukraine | 104 | 132 | 203 | 265 | 371 | 522 | 189 | 1,786 |
| Israel | 80 | 65 | 105 | 193 | 282 | 463 | 262 | 1,450 |
| Turkey | 51 | 43 | 89 | 195 | 246 | 200 | 85 | 909 |
| Iraq | 31 | 36 | 49 | 27 | 43 | 25 | 5 | 216 |
| Egypt | 9 | 6 | 15 | 32 | 46 | 59 | 19 | 186 |
| India | 4 | 5 | 7 | 19 | 40 | 55 | 12 | 142 |
| China | 1 | 2 | 6 | 9 | 39 | 62 | 8 | 127 |
| Others | 500 | 445 | 551 | 866 | 1,248 | 1,670 | 675 | 5,955 |
| Total | 1,692 | 1,398 | 1,802 | 2,881 | 6,268 | 5,288 | 1,941 | 21,270 |

Source: LEPL National Agency of Public Registry at the Ministry of Justice of Georgia

Table #14: *Registration of Non-Agricultural Lands in Georgia by Years and Citizenship*

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020, 01-08 | Total |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------------|--------------|
| Russia | 209 | 174 | 166 | 180 | 182 | 197 | 92 | 1,200 |
| Iran | 10 | 20 | 21 | 34 | 188 | 102 | 22 | 397 |
| Ukraine | 25 | 28 | 15 | 17 | 33 | 33 | 19 | 170 |

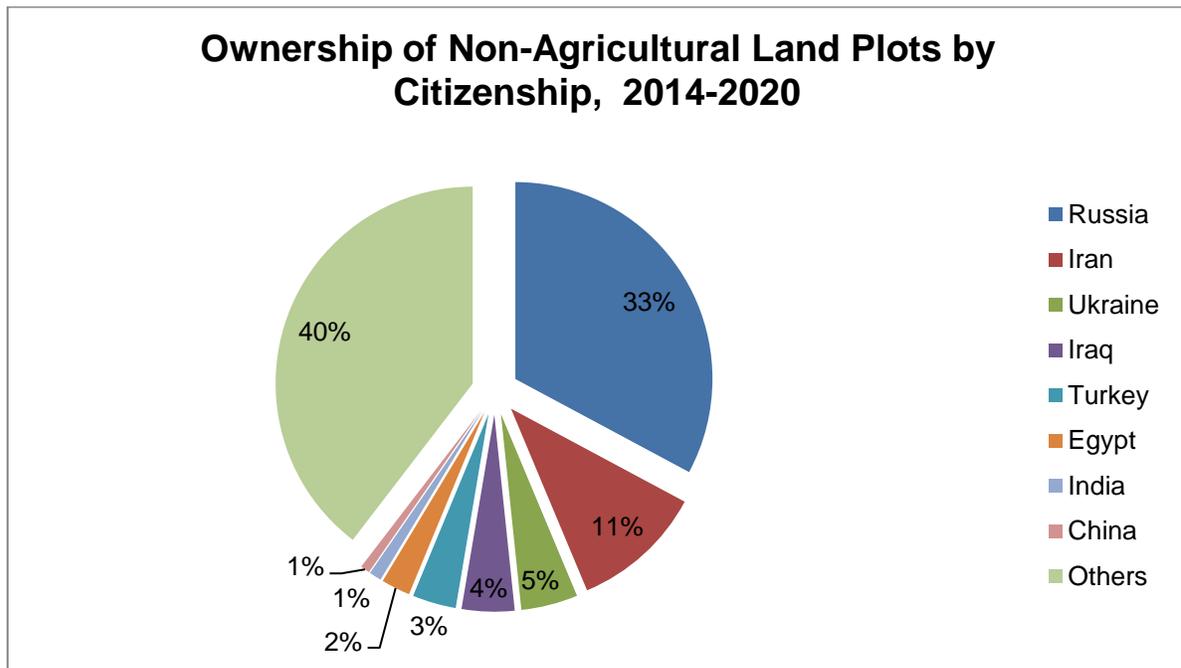
| | | | | | | | | |
|--------------|------------|------------|------------|------------|------------|------------|------------|--------------|
| Iraq | 68 | 26 | 25 | 15 | 11 | 10 | 3 | 158 |
| Turkey | 13 | 19 | 20 | 27 | 16 | 26 | 10 | 131 |
| Egypt | 8 | 14 | 12 | 11 | 15 | 18 | 9 | 87 |
| India | 1 | 1 | 5 | 7 | 12 | 8 | 3 | 37 |
| China | 0 | 6 | 1 | 4 | 3 | 7 | 7 | 28 |
| Others | 180 | 150 | 218 | 168 | 251 | 311 | 169 | 1,447 |
| Total | 514 | 438 | 483 | 463 | 711 | 712 | 334 | 3655 |

Source: LEPL National Agency of Public Registry at the Ministry of Justice of Georgia

In regard to non-agricultural land ownership, an increasing dynamic was observed from 2018 which is associated with several legislative changes, which clarified the rules governing ownership and disposing of non-agricultural land plots by foreign citizens in Georgia.

33% of non-agricultural land ownership includes citizens of Russia. The ownership of non-agricultural land plots by citizens of Russia was characterized by an increasing dynamic until 2019.

Diagram # 9



Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

Special Residence Permits

3484 special residence permits were issued in the reporting period. It can be said that the issuance of special residence permits is characterized by a downward trend and is predominantly on the decrease. Nearly a third of them, 1044 special residence permits, were issued in 2015 alone and their number decreased in the following years, namely, until 2019. Compared with the previous years, some increase was observed in 2019.

Table # 15. Special Residence Permits Issued by Citizenship and Years of Issuance

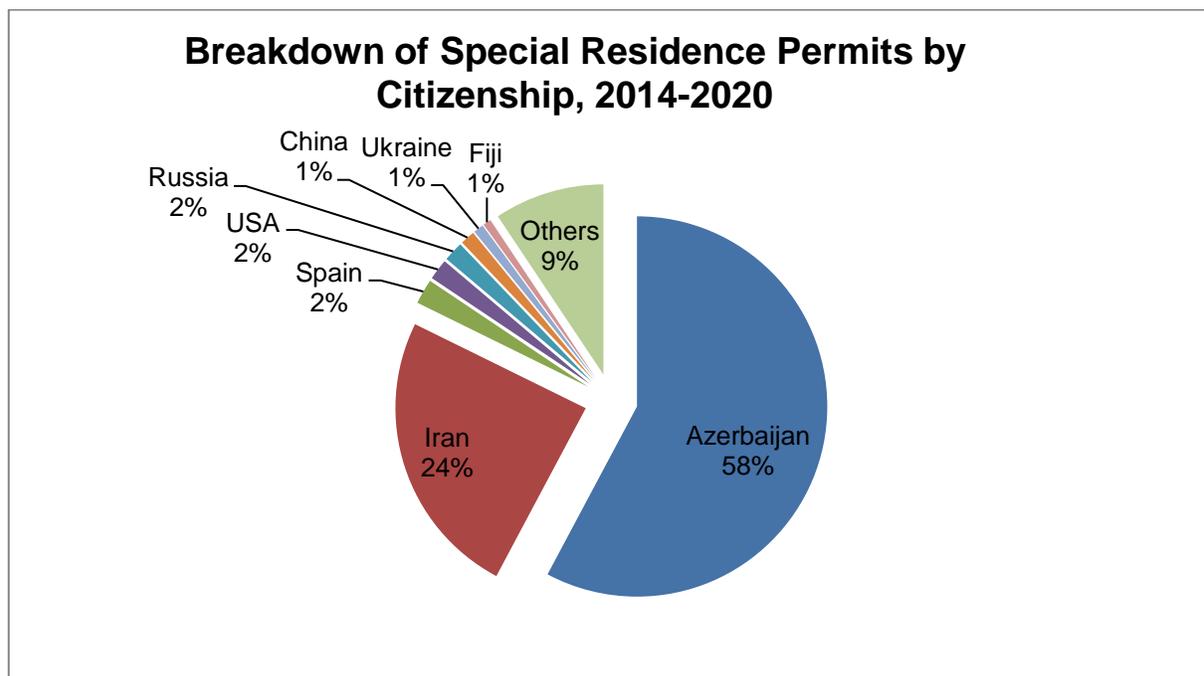
| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020, 01-08 | Total |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------------|--------------|
| Azerbaijan | 98 | 808 | 423 | 230 | 205 | 176 | 79 | 2019 |
| Iran | 12 | 37 | 62 | 93 | 207 | 346 | 99 | 856 |
| Spain | 21 | 1 | 25 | 22 | 5 | 0 | 0 | 74 |
| USA | 10 | 22 | 5 | 6 | 4 | 14 | 1 | 62 |
| Russia | 3 | 25 | 17 | 5 | 2 | 5 | 2 | 59 |
| China | 0 | 9 | 6 | 1 | 0 | 17 | 10 | 43 |
| Ukraine | 5 | 6 | 10 | 5 | 4 | 0 | 0 | 30 |
| Fiji | 0 | 6 | 6 | 3 | 6 | 3 | 0 | 24 |
| Others | 32 | 130 | 33 | 50 | 24 | 46 | 12 | 327 |
| Total | 181 | 1044 | 587 | 415 | 457 | 607 | 203 | 3,494 |

Source: LEPL Public Service Development Agency at the Ministry of Justice of Georgia

57% of the special residence permits issued included citizens of Azerbaijan. Citizens of Iran rank second with 24% of this indicator. The number of special residence permits issued to citizens of Azerbaijan is characterized by a decrease, namely from 808 permits issued to the citizens of Azerbaijan in 2015 to 176 in 2019. The number of permits issued to citizens of Iran increased by 28 times from 2014 to 2019. Citizens of Spain rank third by the number of special residence permits granted to them, followed by citizens of USA and Russia, ranking fourth and fifth places, respectively. It should be reiterated that this type of residence permit is issued to a foreign citizen who is reasonably assumed to be a victim of or affected by the crime of trading in persons (human trafficking), as well as to a foreign citizen in respect of whom a

member of the Government of Georgia submits a written initiative on the issuance of a temporary Georgian residence permit.

Diagram # 10



2. State Policy for the Integration of Aliens in Georgia

2.1. The Integration Policy

Considering that Georgia has long been considered a country of emigration, the issue of the integration of immigrants has not been considered urgent for a long time. The very first document concerning the country's migration policy was a policy concept of the Government of Georgia which was approved by Presidential Decree N673³² in 1997, which mostly contained declarative clauses without details.

State Commission on Migration Issues (SCMI) was established by an Ordinance³³ of the Government of Georgia on October 13, 2010. The SCMI prepared the Migration Strategy for 2013-2015, which was approved by Ordinance N59³⁴ of the Government of Georgia in March 2013. The document mostly touched on the issue of illegal immigration. The Migration Strategy of Georgia for 2016-2020³⁵ explicitly stated

³² Published on November 17, 1997. Binding Copy of President's Ordinances and Decrees 22, 28/11/1997. It was invalidated on July 2, 2013.

³³ Government of Georgia Ordinance N314 on Establishment of State Commission of Migration Issues and Approval Its Statute (the last amendment was made on August 8, 2018). Legislative Herald of Georgia of Georgia, 134, 19/10/2010.

³⁴ Government of Georgia Ordinance N59 on Approval of Migration Strategy of Georgia (last amendment was made on September 5, 2014). Legislative Herald of Georgia of Georgia, 21/03/2013.

³⁵ Approved by Government of Georgia Ordinance N622 dated December 14, 2015 on Approval of Migration Strategy of Georgia 2016-2020 (the last amendment was made on August 6, 2018). Legislative Herald of Georgia of Georgia, 18/12/2015.

support for engagement of immigrants in the social and economic development of the country, and immigrants residing in Georgia are considered to be among the target groups of the Strategy.

*In the Migration Strategy of Georgia for 2021-2030*³⁶ it is emphasized that on one hand legal immigration represents a possibility for the economic development of the country, and on the other hand, integration is a prerequisite for the correct use of immigration potential. Hence, it is important to introduce a unified approach at the state policy level in order to integrate aliens residing in Georgia. The Strategy also states that it is both necessary to develop integration state programmes, as well as strengthen the capabilities and institutional development of the state agencies, which implement integration programmes. The Strategy mentions that the targeted integration programme related to persons with international protection has been operating since 2017. Also, there is the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking operating in Georgia. The Strategy underscores that knowledge of Georgian language is an important factor for the integration process to be successful. It is noted that while asylum seekers and persons under international protection have easy access to resources to learn Georgian, all other categories of aliens do not have such opportunities. It is also noted that there is only one free of charge official online resource for learning Georgian, which is the web portal *Georgian as a Foreign Language*, although this resource is adapted only for English speaking persons. Respectively, those immigrants residing in Georgia who do not speak English are deprived of the opportunity to learn Georgian using this online resource.

Considering the above, the Strategy sets an objective to come up with approaches towards the integration of aliens residing in Georgia and develop integration programmes which will support the utilization of their potential for the development of the country. The following objectives are defined in the Strategy:

- Development of integration state programmes for persons with international protection and asylum seekers;
- Support to reintegration of human trafficking victims into the community;
- Establishment of unified approaches towards integration of immigrants;
- Enhancement of public awareness regarding potential of immigrants;
- Creation of ample possibilities for immigrants to learn the official state language.

The goals and objectives set by the Strategy are achieved through action plans, which are approved by the SCMI and are available on the SCMI s website.

An analysis of the action plans for 2014- 2020 revealed that the emphasis is made mostly on improvement of the integration policy and institutionalization. In addition, *an emphasis is made on the integration of asylum seekers, persons with refugee and humanitarian status and stateless persons*, which is mainly caused by the circumstance that immigrants without international protection status (studying, working or real estate ownership cases) quite often lack motivation to stay in Georgia in the long run (as was revealed during interviews with the migrants and civil servants carried out in the framework of this project). Respectively, the state considers offering them a wide range of state services unappealing and mainly commits

³⁶ Approved by Government of Georgia Ordinance N810 dated December 30, 2020 on Approval of Migration Strategy of Georgia 2021-2030. Legislative Herald of Georgia of Georgia, 31/12/2020.

to obligations which the country has undertaken per its international commitments³⁷. Also, *more research is needed for identifying the needs of aliens residing in Georgia which may be used as a basis for the preparation and implementation of the state policy.*

The first strategic documents in which the state emphasized support to integrating aliens was the Migration Strategy of Georgia for 2016-2020, adopted in 2015, and its annual action plans. This document set out specific objectives for civic engagement of immigrants, accessibility of all stages of education for them, cultural changes, creation of integration opportunities and further improving these opportunities. It also identified the state agency which should be responsible for developing integration policies. However, these activities have been carried out only with regard to persons under international protection. It is noteworthy that the significant progress in this regard is observed in the Migration Strategy for 2021-2030.

Despite the fact that the state identified the agencies responsible for developing and implementing the integration policy, the *lack of human and financial resources is an issue*. There is a lack of effective communication with target groups (aliens with residency status) for integration and their involvement in developing the policy. A migration policy and a relevant integration policy for aliens with residency permits are developed at the Central Government level and representatives of local governments are minimally or almost not involved in the process. This is mainly due to the fact that the legislation is not tailored for self-governments to work in this direction and *there are no state projects for implementing the integration at the self-government level*.

At present the structured communication mechanism used by the state agencies to communicate with aliens is either limited or non-existent; meanwhile, communication through NGOs is fragmented due to the limited timeline of funded projects.

2.2. The state institutes and programmes for supporting integration of aliens residing in Georgia

The SCMI defines the Government's unified policy and manages migration processes. The key function of the SCMI is to prepare proposals and recommendations to define the Government's policy and improvement of the state system for migration management with regard to internal and external migration. Representatives of nine state agencies are members of the Commission³⁸. The Minister of Justice is the Chair of the Commission and the Minister of Internal Affairs is Co-Chair. The following five working groups are created under the Commission:

1. Migration laboratory
2. Working group for stateless person issues
3. Working group for unified analytical system of migration data

³⁷ Author's interview with representative of the MoLHSA (Date of the interview: 18.11.2020)

³⁸ Ministry of Justice; Ministry of Internal Affairs; Ministry of Foreign Affairs; Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs; State Security Service; Ministry of Education and Science; National Statistics Office; Ministry of Economy and Sustainable Development and Ministry of Finance.

4. Migration risk analysis working group
5. Integration issues working group

The emphasis here is made on the Integration Working Group because of the study's objectives. The working group was established in 2017 by merging Aliens Integration Working Group, which was established in 2016, and Reintegration Issues Consolidation Working Group, which was established in 2011. The *main tasks of the Integration Working Group are the following*: develop an integration policy for aliens and make a needs assessment in the country in this direction in order to work out relevant recommendations and legislative proposals. The MoLHSA leads this working group. When evaluating the work and achievements of the working group, we should mention the preparation of amendments related to vocational training and re-training of job seekers with a permanent residence permit and accessibility of qualification improvement state programmes, expanding the opportunities for aliens to learn the Georgian language and improving the policy for recognition of the education received by immigrants abroad.

Within the framework of the study two main challenges were identified based on interviews with aliens. These challenges are **employment** - the most important problem even in the case of Georgian citizens (the issue of employment is the most important problem for 46% of Georgia's population and 24% consider themselves as unemployed according to the survey conducted by National Democratic Institute [NDI] in 2020³⁹) and **inadequate knowledge of the official language**, which to a certain degree represents one of the reasons for the employment issue. The Ministries of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, Internal Affairs, Justice, Education and Science and the programmes implemented by these agencies play an important role in solving this issue.

MoLHSA

Implementation of the state policy and the development of respective state programmes in the fields of integration of immigrants, employment facilitation and social assistance is in the domain of **MoLHSA**. LEPLs *State Employment Support Agency* and the Social Service Agency are responsible for the practical implementation of the programmes.

LEPL *Agency of IDPs, Eco-Migrants and Livelihood* was established on December 1, 2019, which operates under the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs. This Agency is a successor to the Livelihood Agency and Social Service Agency with regard to IDPs and eco-migrants' issues. This Agency includes the Integration-Reintegration Office, which includes under its organizational structure Administration Division for Integration-Reintegration Programmes. The main function of this Office is to support the integration of persons who are legally residing in Georgia. According to the statutes of the Agency, one of its objectives is to support the local integration of aliens and stateless persons with respective status⁴⁰. It is necessary to note that when the Decree discusses

³⁹ "Public Attitudes in Georgia result of December, 2020 telephone survey"; available at: <https://bit.ly/3rkBWJ9>

⁴⁰ Decree # 01-109/6 of Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs issued on October 31, 2019 <https://bit.ly/3cC5GNG>

implementing integration programmes by the Agency, awarding grants and operating the Integration Center, it refers to only persons with international protection in Georgia, asylum seeker aliens and stateless persons with respective status as potential beneficiaries. Thus, other immigrants residing to Georgia receive less attention.

The impact of COVID-19 on the country’s economy, which has very negatively affected sectors such as tourism and hospitality, presents a serious challenge for stateless persons with residence permits from the employment point of view. In response to this challenge, the Government of Georgia on May 4, 2020 approved the targeted state programme for alleviating the adverse impact of the novel Corona Virus (SARS-COV-2) (which was later amended and a new package for supporting citizens and the private sector was defined)⁴¹, which applies also to aliens with permanent residence in Georgia. The programme envisages granting compensations during the pandemic to persons / households who were impacted; providing one-time social benefit for children under 18-years old (in the amount of GEL 200) and providing social assistance for higher education students who are economically disadvantaged to cover their tuition fees.

The Ministry of Education and Science

Since 2013 the Ministry of Education and Science of Georgia has been implementing the *Georgian as a Foreign Language Programme*, which is accessible at the website www.geofl.ge. The Programme consists of six stages and includes elementary, independent and proficient levels of knowledge of the Georgian language. With regard to teaching the official language, LEPL Zurab Zhvania School of Public Administration, which exists under the Ministry of Education and Science, should also be highlighted. It had been implementing the official language teaching programme since its launch. The programme is accessible for any interested individual. The Programme is administered in three regions of Georgia: Kvemo Kartli, Samtskhe-Javakheti and Kakheti. The teaching process takes place at ten Regional Learning Centers at schools (Akhalkalaki, Akhmeta, Bolnisi, Gardabani, Dmanisi, Lagodekhi, Lambalo, Marneuli, Ninotsminda and Tsalka) and in mobile groups in villages. Although the emphasis is made on Georgia’s regions with ethnic minority groups, *the language course is accessible for immigrants living in Georgia and aliens with residence permits*. The Programme consists of A and B levels. level A is the introductory course and differentiation by fields is carried out at Level B (for example: law, infrastructure, management, civic education, etc.). The duration of each level of the course is 120 academic hours and the hours are distributed according to the student’s desire. According to the statistics provided by Zurab Zhvania School of Public Administration, this course attracted a lesser number of foreigners during 2017-2020. The reason is that immigrants are probably less informed about this opportunity and/or they are not going to stay and in Georgia in the long run or do not have willingness to integrate. The percentage of graduates is on the decrease as well.

Table # 16: Statistical data on the foreign students enrolled in the Georgian language learning and integration programme during 2017-2020:

| Citizenship | 2017 | 2018 | 2019 | 2020 | Total |
|-------------|------|------|------|------|-------|
|-------------|------|------|------|------|-------|

⁴¹ Ordinance # 286 of the Government of Georgia dated May 4, 2020 <https://bit.ly/2KuVF8M> and the 4th stage of the government’s ant crisis plan – new package for supporting citizens and private sector <https://bit.ly/3oQSeYG>

| | | | | | |
|------------------------|-----|----|----|-------------------------|-----|
| Egypt | 3 | 11 | 21 | 6 | 41 |
| Iraq | 77 | 52 | 10 | 2 | 141 |
| Iran | 0 | 10 | 3 | 3 | 16 |
| Jordan | 0 | 0 | 0 | 1 | 1 |
| Yemen | 2 | 1 | 1 | 2 | 6 |
| Lebanon | 2 | 0 | 0 | 0 | 2 |
| Pakistan | 1 | 0 | 0 | 0 | 1 |
| Saudi Arabia | 0 | 0 | 1 | 2 | 3 |
| Syria | 5 | 3 | 1 | 1 | 10 |
| Somali | 0 | 1 | 1 | 0 | 2 |
| Tajikistan | 2 | 0 | 0 | 0 | 2 |
| Ukraine | 8 | 2 | 0 | 0 | 10 |
| Total | 100 | 80 | 38 | 17 | 235 |
| Successfully graduated | 44 | 23 | 8 | Stopped due to COVID-19 | 75 |

Source: Zurab Zhvania School of Public Administration

It must be noted that Zurab Zhvania School of Public Administration's *language learning programme's beneficiaries in 2017-2019 were only aliens with international protection status. Aliens with residence permits were given this opportunity only starting 2020, however, the course stopped due to the COVID-19 pandemic*⁴². Financial resources used by the school is interesting when observed in relation to the school's activity and increasing the number of students in the future.

⁴² Author's interview with representative of Zurab Zhvania School of Public Administration, date of the interview: 19.11.2020

Table #17: **Funding of the State Language Teaching Programme at Zurab Zhvania School of Public Administration by Years**

| Year | Amount (GEL) |
|------|--------------|
| 2014 | 481,000 |
| 2015 | 926,000 |
| 2016 | 1,445,000 |
| 2017 | 1,963,000 |
| 2018 | 2,075,000 |
| 2019 | 1,949,000 |

Source: Zurab Zhvania School of Public Administration

The services and programmes offered by the Ministry of Education and Science to aliens in Georgia must be pointed out as well. These are: **funding for aliens who were enrolled in accredited Bachelor programmes at accredited higher education institutions; in *integrated Bachelor/Master degree programmes for teachers; in integrated Master’s programmes in Veterinary, Medical Doctor/Dentists accredited educational programmes with tuition grants; and recognition of full general education received abroad, or general education received during one’s studies; vocational education; academic qualification or education received while studying in an educational programme at a high educational institution (conducted by the National Center for Educational Quality Enhancement)***. It must also be noted that the State Programme allows aliens and stateless persons who received general education or its equivalent abroad to continue their studies at higher educational institutions in Georgia without passing the Unified National Exams or general master’s examinations.

With regard to preschool education, the Kindergarten Management Agency/the Union, which operates at the municipality level, ensures regular access to early education services for aliens residing in Georgia in accordance with Law of Georgia on Early and Pre-school Education.

The Ministry of Justice of Georgia

The Ministry of Justice of Georgia plays an important role in the migration policy of Georgia. LEPL *Public Service Development Agency* is within the system of the MOJ and issues residence permits to aliens residing in Georgia as well as to persons with refugee and humanitarian status. This document represents one

of the bases for aliens to enter Georgia and legally stay in the country (see the statistics above – tables 2;3;4;5;6;7;8).

Another LEPL under the MOJ, the *National Agency of Public Registry*, offers immigrants services related to registration of private property and enterprises (see statistical data above).

Table #18: Statistics on services provided to aliens with residence permits and to stateless persons, by LEPL Legal Aid Agency in 2014-2020

| 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|------|------|------|------|-------|-------|------|
| 734 | 713 | 796 | 839 | 1,144 | 1,368 | 786 |

Source: LEPL Legal Aid Agency, Ministry of Justice

LEPL Legal Aid Service

LEPL *Legal Aid Service* under the MOJ has been operating since 2007 and its goal is to provide free of charge legal aid throughout Georgia in cases envisaged by the Law of Georgia on Legal Aid. This Agency provides services to aliens as well⁴³. The services they offer also include translator’s service at the expense of the state in criminal cases, if immigrants do not know the official language.

2.3. Non-Government Programmes and Organizations Supporting Aliens Residing in Georgia

There are several civil society organizations that work on migration issues in Georgia. The majority of these organizations provide free of charge legal assistance to aliens residing in Georgia, study migration processes that take place in Georgia and contribute to increase public awareness about migration matters. Some of the organizations are involved in the work of SCMI as consultants. These civil society organizations include: the Young Lawyers Association of Georgia; Migration Centre, and; Innovations and Reforms Association and Civil Development Agency (CiDA). The Tolerance and Diversity Institute (TDI), the Georgian Democracy Initiative (GDI), Transparency International Georgia (TI) and People's Harmonious Development Society (PHDS), Rights Georgia, Intellect Batumi, AIC-Kutaisi, Tanadgoma and Green Caucasus also work on migration issues and legal rights of immigrants. With regard to civic society initiatives, one could say that opportunities for obtaining financial resources from foreign donors for projects intended to overcome migration related challenges in Georgia are minimal and quite restricted. This issue is less of a priority for a majority of donors and respectively, the needs and issues of aliens are not studied in depth, hence, analytical material is not prepared and analyzed, and no work has been done to tackle the needs identified. Quite often the implementation of migration-related projects is donor driven and fragmented to some extent. Activities of the Migration Centre should be underscored, which is related to awareness-

⁴³ Order # 204 of the Minister of Justice of Georgia dated July 13, 2007; available at: <https://bit.ly/3jgM5nk>

raising of immigrants about their rights and obligations; the Center also holds regular meetings of immigrants with self-government authorities on integration issues and strives to enhance the capabilities of mass media representatives in order to ensure coverage of immigrants' issues and problems by the mass media.

Studies conducted by these organizations are mainly focused on discrimination issues and immigrants' rights. Special emphasis is made on studies of hate crimes, different types of discrimination and students' residence rights (TDI's and GDI's studies). On the other hand, we can say that the visa liberalization process (the period from 2012 – commencement of dialogue regarding visa issues between EU and Georgia until 2017, when the EU made the decision to abolish short-term visas for citizens of Georgia) increased the interest of civil society organizations towards migration issues, however, this was mostly related to visa free travel and activities under the visa liberalization Action Plan⁴⁴. In addition, civil society organizations are interested in research into labor migration issues, and the analytical documents which were produced in regard of the EU Partnership for Mobility initiative, and which examine the circular migration potential and schemes, could be cited⁴⁵.

2.4. Employment and Business Activities

The Labour Code of Georgia⁴⁶ and the Law on Entrepreneurs⁴⁷ do not set out restrictions in regard to the employment of aliens or registration of subjects of entrepreneurial activity by them. The Law on Labour Migration defines the term 'labour immigrant' and obliges the Government of Georgia to adopt a relevant subordinate legal act based on labour market research in order to assess the feasibility of the implementation of labour immigration policies; #417 Ordinance of the Government of Georgia on Approving the Rules on Employment by a Local Employer of a Labour Immigrant (alien not holding a Georgian permanent residence permit) and Performance of Paid Labour Activities by Such an Immigrant.⁴⁸

One of the key requirements defined in the Rules is that local employers shall provide information on employing aliens to the *LEPL State Employment Support Agency* at the MoLHSA of Georgia.⁴⁹ This requirement does not apply to those persons who have:

⁴⁴ Analysis of visa migration process in Georgia: Moldova experience and recommendations; Georgian Institute of Strategic Studies, 2014. Available at: <https://bit.ly/3azMU6P>

⁴⁵ Evaluation of activities of the Georgian government, implemented in the framework of "Mobility Partnership" initiative, through 2009-2017; Civil Development Agency, 2018. Available at <https://bit.ly/3rtwrrT> Opportunities for Developing Circular Migration Schemes between Georgia and the EU, Georgian Young Lawyers Association and Caucasus Institute for Peace, Democracy and Development; 2013. Available at: <https://bit.ly/3oR4p7G>

⁴⁶ Adopted on December 17, 2010 (the last change made on September 29, 2020), Legislative Herald of Georgia, 27/12/2010.

⁴⁷ Adopted on October 28, 1994 (the last change made on September 29, 2020), Legislative Herald of Georgia, 27/12/2010.

⁴⁸ Adopted on August 7, 2015 (the last change made on July 30, 2019), Legislative Herald of Georgia, 14/08/2015.

⁴⁹ 417 Ordinance of the Government of Georgia mentions Social Service Agency instead of the *State Employment Support Agency (SESA)*, which due to the fact that after the *SESA* was created and overtook the functions and authorities related to labor and employment support from the Social Service Agency, a relevant change has not been made yet to this Ordinance.

- Permanent residence permits⁵⁰,
- Investment residence permits, and
- Residence permit for indefinite stay

As regards enforcement of this norm, it is necessary to note that it encounters serious challenges as most employers completely ignore it⁵¹. There is no concept of labour permits in Georgian law, and thus aliens who enter Georgia to work and carry out labour activities are not required to apply for special labour permits. Labour relations are not regulated by special provisions and they are subject to the general legal framework which applies to citizens of Georgia. Namely, according to Article 2 of the Labour Code of Georgia: “Labour relations shall originate from agreements reached as a result of free expression of will based on equality of participants”. The Law of Georgia on Entrepreneurs does not differentiate between citizens of Georgia and aliens in terms of their legal status. Besides, the laws do not provide for any sanctions for employers who fail to inform the *State Agency for Employment Promotion*, which is a legal gap.

According to a study conducted by the Ministry of Economics and Sustainable Development in 2020, 8% of enterprises (3989 enterprises) operating in Georgia employ aliens. The total number of aliens employed is 41,359, which is 5% of the total work force in Georgia. It is noteworthy that the number of aliens employed in 2019 is 12% less compared to 2018. Most aliens are employed in Tbilisi and the Adjara Region, respectively 19% and 76%. Citizens of foreign countries are employed in large (38% of aliens employed) or small (58% of the aliens employed) enterprises⁵². Employment of aliens, in 63% of the cases, is associated with the fact that the enterprise has a foreign founder/management; in 21% of the cases the enterprise is a branch or a representative office of a foreign enterprise in Georgia; and in 7% of cases the reason for employing aliens is that there is no cadre with relevant qualifications and skills on the local labour market. This proves that often there is a direct correlation of businesses registered by aliens in Georgia and the number of work residence permits issued (e.g. the number of work residence permits issued to citizens of Iran and the number of enterprises registered in Georgia). It is to be noted that as of 2020, 38% of aliens employed work in large enterprises, 4% work in medium size enterprises, and the remaining 58% are employed in small size enterprises.

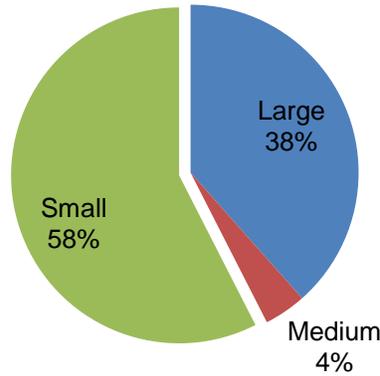
Diagram # 11

⁵⁰ Actually, it is based on the concept of "labor immigrant" provided in the Law on Labor Migration and the pool of subjects regulated by the Ordinance of the Government.

⁵¹ Interview of the author with representatives of the LEPL *State Employment Support Agency* at the MoLHSA on November 20, 2020.

⁵² *Enterprise Skills Survey of 2020 by the Ministry of Economics and Sustainable Development* <https://bit.ly/36x1E5o>

Breakdown of Aliens Employed in Georgia by Size of Enterprises, 2020

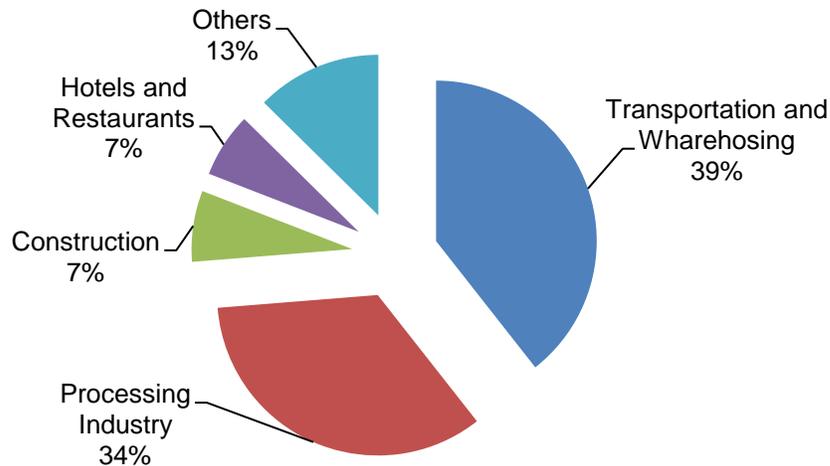


Source: Enterprise Skills Survey of 2020 by the Ministry of Economics and Sustainable Development of Georgia

According to this survey, most aliens are employed in the following four sectors of the economy: 1. Transportation, Storage and Logistics 2. Processing Industry 3. Construction 4. Hotels and Restaurants. Given the economic losses in the aftermath of the COVID-19 pandemic, which particularly affected tourist and construction businesses, labour immigrants employed in Georgia, more than 5000 aliens in total, which account for 14% of all the aliens employed - were also impacted.

Diagram # 12

Breakdown of Aliens Employed in Georgia by Economic Activities, 2020



Source: Enterprise Skills Survey of 2020 by the Ministry of Economics and Sustainable Development of Georgia

In regard to employment of aliens in Georgia, the data which shows registrations of subjects of entrepreneurial activity, by the nationals of the above- mentioned countries, is interesting. It is to be underlined that in 2019, compared with the previous year, registrations of subjects of entrepreneurial activity (only limited liability companies) by citizens of China, Iran, India, Ukraine, Russia and Azerbaijan was characterized by a downward trend. Particularly significant was the decline in the number of subjects of entrepreneurial activity registered by citizens of Iran in Georgia, which declined from 4886 subjects of entrepreneurial activity registered in 2018 to 905 subjects of entrepreneurial activity in 2019. Thus, Georgia to some extent, used to be an attractive destination for foreigners, especially from the neighboring countries for its legislation and minimal barriers to start the business. This is demonstrated in the graphics below.

Table # 19. The number of limited liability companies registered by citizens of foreign countries in Georgia by years and citizenship, 2014-2020

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Total |
|-------------|--------------|--------------|--------------|--------------|---------------|--------------|--------------|---------------|
| Iran | 485 | 407 | 1352 | 3305 | 4986 | 905 | 247 | 11687 |
| Turkey | 743 | 886 | 1126 | 1347 | 1222 | 1108 | 436 | 6868 |
| Russia | 344 | 360 | 431 | 589 | 1049 | 791 | 288 | 3852 |
| Ukraine | 299 | 380 | 364 | 348 | 532 | 492 | 152 | 2567 |
| India | 89 | 286 | 692 | 670 | 414 | 321 | 89 | 2561 |
| Azerbaijan | 203 | 277 | 340 | 436 | 481 | 389 | 134 | 2260 |
| China | 85 | 100 | 100 | 144 | 154 | 194 | 43 | 820 |
| Others | 1,566 | 1,593 | 2,265 | 3,042 | 3,064 | 2,824 | 1,102 | 15,456 |
| Total | 3,814 | 4,289 | 6,670 | 9,881 | 11,902 | 7,024 | 2,491 | 46,071 |

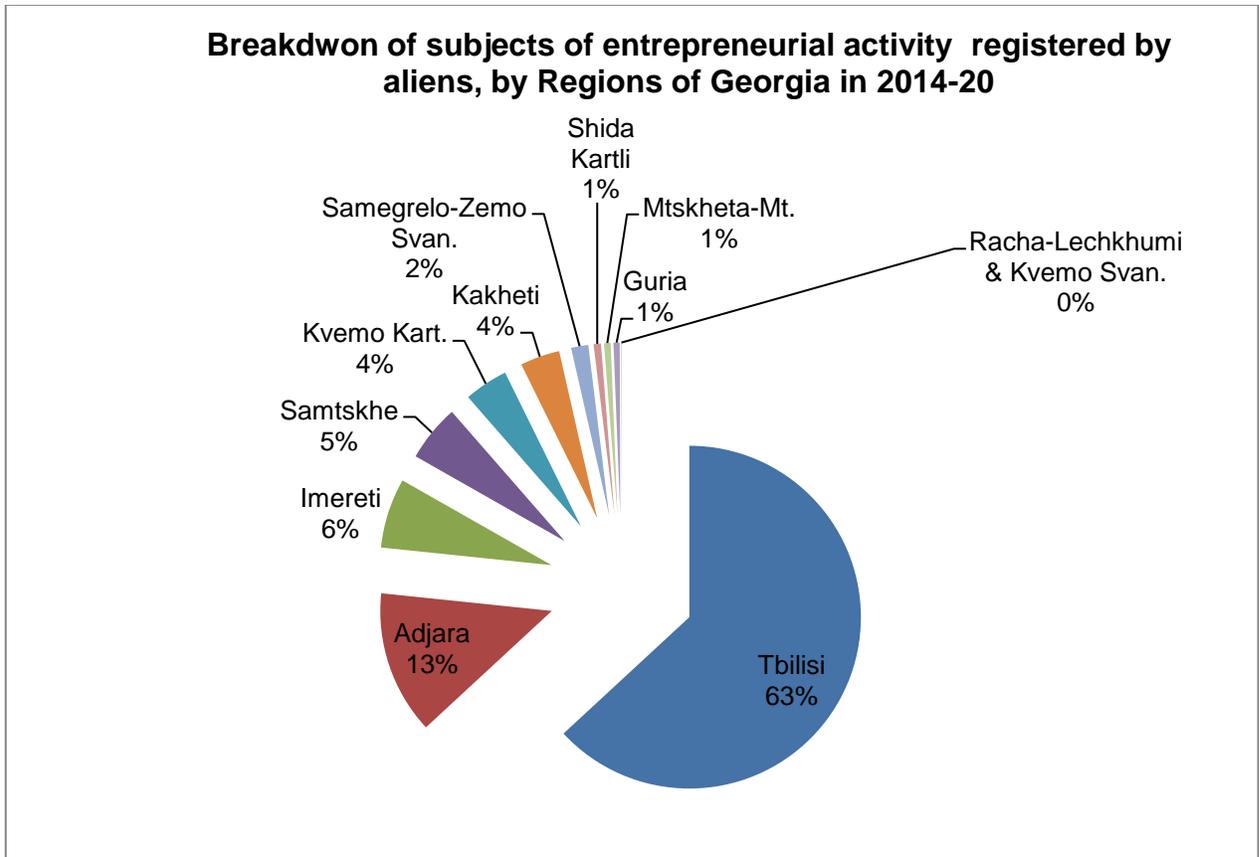
Source: LEPL National Agency of Public Registry at the Ministry of Justice of Georgia

Most of the limited liability companies were registered by citizens of Iran in Georgia in 2014-2020⁵³, Citizens of Turkey and Russia rank second and third by this indicator. It is to be noted that 83% of the subjects of entrepreneurial activity registered by aliens were done so in Tbilisi, Adjara and Imereti. The least number of them were registered in Guria and Racha. A high number of enterprises in Imereti, along with

⁵³ Present data includes only LLCs that are established by the citizens of a particular country, not those with a mixed composition, e.g. Citizen and foreign citizen.

Adjara and Tbilisi, is a result of free industrial zones introduced in Kutaisi, which increases the attractiveness of investor towards the region.

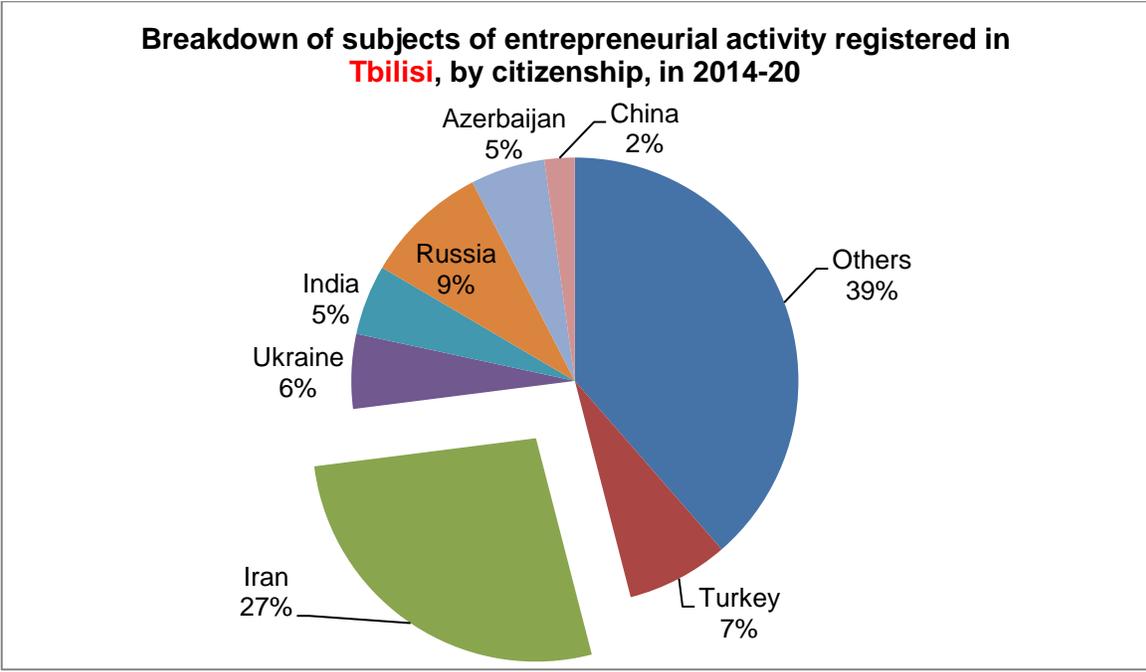
Diagram # 13



Source: LEPL National Agency of Public Registry at the Ministry of Justice of Georgia

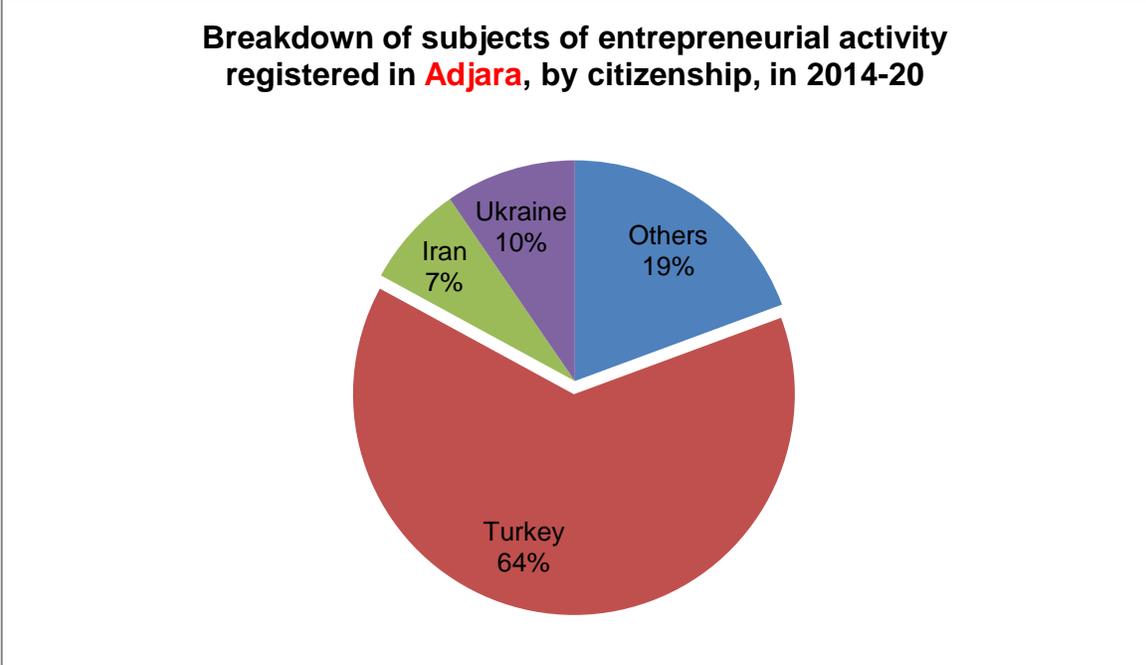
It is important to note that the record number of entrepreneurial activities, 25% of them, come from citizens of Iran, followed by Russia. More than 50% of the entrepreneurial activities registered in Adjara are registered by citizens of Turkey, followed by citizens of Russia, as in Tbilisi. As for the Imereti region, most of the subjects of entrepreneurial activity are registered by citizens of Iran, followed by citizens of India by this indicator.

Diagram #14



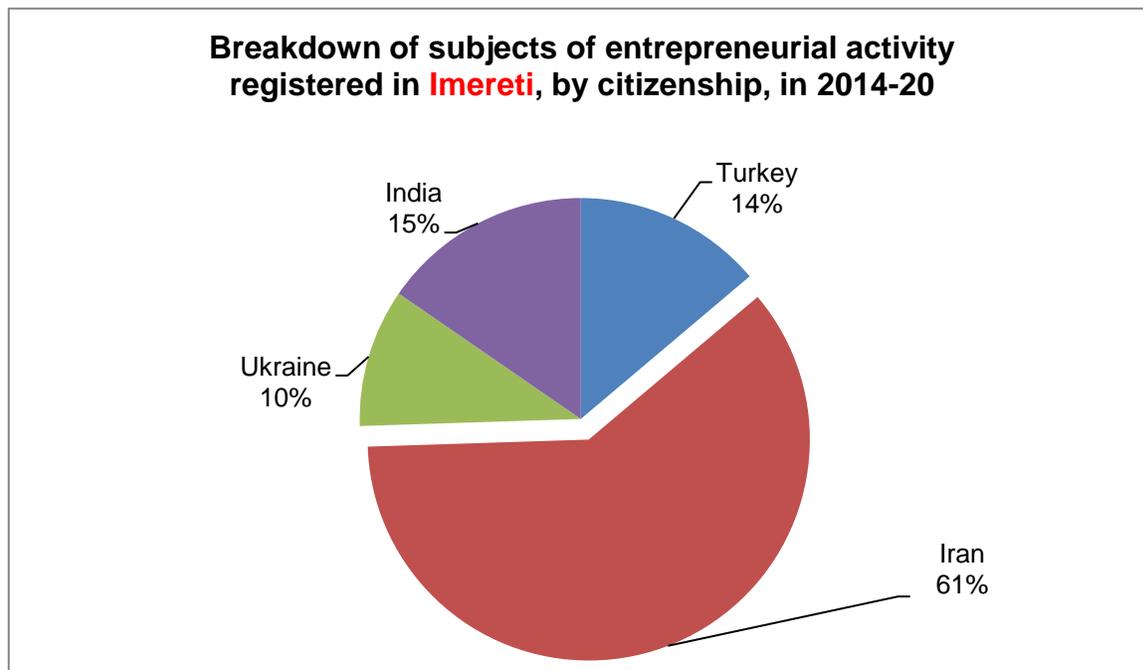
Source: LEPL National Agency of Public Registry at the Ministry of Justice of Georgia

Diagram #15



Source: LEPL National Agency of Public Registry at the Ministry of Justice of Georgia

Diagram #16



Source: LEPL National Agency of Public Registry at the Ministry of Justice of Georgia

With respect to *providing active assistance with job search as well as with vocational training and retraining, the situation is not uniform.*

Target groups for the State Programme for Professional Development, Vocational Training and Qualifications Improvement for Job Seekers⁵⁴ are legally capable to work from the age of 16 (except those enrolled in secondary schools according to the laws of Georgia), stateless persons in Georgia who have a status, or persons with the status of a refugee or humanitarian status who are registered as job seekers on the labour market management information system at www.worknet.gov.ge and agree to take vocational training, retraining or/and internships. Thus, *aliens are not entitled to participate in this State Programme.*

The State Employment Support Agency was established by 01-110/n Order⁵⁵ of the Ministry of *MoLHSA of Georgia* and from January 1, 2020 started to implement the functions and authorities of the Social Service

⁵⁴ Approved by N449 dated July 20, 2020, Ordinance of Government of Georgia, on Approval of Job Seekers' Vocational Training, Vocational Re-training and Qualification Enhancement State Program (amendment was made on September 24, 2020), Legislative Herald of Georgia of Georgia, 21/07/2020).

⁵⁵ №01-110/N Order, dated October 31, 2019, of the *Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia* on Approval of the Charter of LEPL State Employment Support Agency (the change made on November 19, 2019), Legislative Herald of Georgia, 31/10/2019.

Agency in regard to labour and supporting employment and continues to implement and provide the existing employment facilitation programmes and services. The Law on Facilitation of Employment⁵⁶ has become a new basis for the State Employment Support Agency⁵⁷. Under the Law of Georgia on *Facilitation of Employment*, a person may not be registered as a job seeker and thus, will not benefit from employment support measures if the person is not a citizen of Georgia (Paragraph 3, Subparagraph E of Article 19).

It is worth noting that in order to develop the professional skills of adults, the *Ministry of Education and Science implements long-term and short-term vocational training programmes⁵⁸, the terms and conditions of which do not make any reference to citizenship or any status limitations for aliens who are in Georgia.*

Starting in 2014, with #365 Ordinance of the Government of Georgia, the state programme **Enterprise Georgia** was implemented⁵⁹. The purpose of the programme is to develop entrepreneurship in Georgia, to support entrepreneurs, and facilitate the launch of new enterprises and increase competitiveness of the private sector and boosting export potential through access to finances, real estate and technical assistance. **Enterprises which are registered by aliens in Georgia have access to the programme** but the program does not analyze its beneficiaries by their citizenship.

2.5. Education

Georgia's education system consists of the following stages:

- Early and pre-school education;
- General education (includes primary, basic and secondary stages);
- Vocational education
- Higher education (includes bachelor's studies, master's studies and doctorate).

The law on Early and Pre-school Education⁶⁰ regulates the services provided to a child from birth to 2-years of age (early education) and his/her parent / legal representative and legal framework for upbringing and education provided to a child for his/her all-around development from the age of two until enrollment in first grade. In this law the term "child", for the purpose of the Law, is defined as a citizen of Georgia, or a citizen of a foreign country, a person having the status of a stateless person in Georgia, from the moment

⁵⁶ Adopted on July 14, 2020, Legislative Herald of Georgia, 21/07/2020.

⁵⁷ Article 57 of the Law of Georgia on Facilitation of Employment, the Agency provided for by this Law was designated as the legal successor of the Agency with the same name provided for by Order No 01-110/N of 31 October 2019 of the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia on the Approval of the Statute of the Legal Entity under Public Law called the State Employment Support Agency.

⁵⁸ Approved by N71/b Order, dated April 10, 2019, of the Minister of Education and Science of Georgia (the Legislative Herald of Georgia, on 11/04/2019).

⁵⁹ #365 Ordinance of the Government of Georgia, dated May 30, 2014. See <https://bit.ly/36BFA9L>

⁶⁰ Adopted on June 8, 2016 (the last amendment was made on May 21, 2020), Legislative Herald of Georgia of Georgia, 24/06/2020.

of birth until starting the first grade of the primary level of general education as provided for by the Law of Georgia on General Education. Hence, ***the Law is applied to persons regardless of their citizenship.*** Providers of the above-mentioned service may be founded in the organizational and legal form of an entrepreneurial (commercial) or non-entrepreneurial (non-commercial) legal entity under private law. Moreover, the legal form of preschool education public (state) institutions shall be only non-entrepreneurial (non-commercial) legal entities (Article 13). Children at public preschool educational institutions of Georgia are provided with free education and catering services (first Paragraph of Article 4).

In general, according to Article 33 of the Law on the Legal Status of Aliens and Stateless Persons, ***aliens residing in Georgia are entitled to education under the legislation of Georgia.***

The State funds general education in full according to the Article 27 of the Constitution of Georgia. Also, according to Paragraph 7, Article 22 of the Law on General Education⁶¹, ***the funding determined by this article shall apply to citizens of Georgia, aliens (including the citizens of foreign countries with the status of compatriot living abroad⁶²) and stateless persons.***

Until 2014 the Constitution of Georgia allowed the financing of general education of citizens of foreign countries and stateless persons only in case their right to general education was granted by international treaties of Georgia or based on the “reciprocity” principle.

This provision was changed by the decision of the Constitutional Court of Georgia, according to which it contradicted the right to education provided by Article 35 of the Constitution of Georgia and it was ruled unconstitutional as it disproportionately restricted the right to general education of citizens of foreign countries residing in Georgia.⁶³

Amendments to Paragraph 7, Article 22 of the Law on General Education made on February 19, 2015 reflect the position of the Constitutional Court of Georgia and ***expands the obligation of the State to fund general education for citizens of foreign countries as well.*** It is noteworthy that the Constitution of Georgian does not define what residing in Georgian means in the context of “a citizen of a foreign country residing in Georgia” adjudicated by the Constitutional Court. Does it refer to persons with permanent resident permits, any type of residence permits or any person who is in Georgia? The relevance of this issue is also determined by the fact that according to the laws of Georgia, citizens of 95 countries may enter Georgia without a visa and stay in Georgia for a full year.⁶⁴ Respectively, there is a legal possibility that

⁶¹ Adopted on April 8, 2005 (the last amendment was made on July 15, 2020), Legislative Herald of Georgia of Georgia, 04/05/2005.

⁶² According to the law on Compatriots Residing Abroad and Diaspora Organizations - compatriot residing abroad is a citizen of Georgia who has been living in another state for a long time or a citizen of another state who is of Georgian origin and/or whose native language belongs to the group of the Georgian-Caucasian languages. In this context Georgian origin is considered the attribution of a person or his/her ancestor to any ethnic group residing in the territory of Georgia and the recognition of Georgia by such person as the country of his/her origin. This law was adopted on November 24, 2011 (the last amendment was made on June 27, 2018), Legislative Herald of Georgia of Georgia, 08/12/2011.

⁶³ Decision №2/3/540 of the Constitutional Court of Georgia, dated September 12, 2014 regarding the case “Russia’s citizens – Oganés Darbinian, Rudolph Darbinian, Susana Jhamkotsian and Armenia’s citizens – Milena Barsegian and Lena Barsegian against Parliament of Georgia ”.

⁶⁴ For details see below under the part regarding review of grounds for staying in Georgia.

citizens of foreign countries may stay in Georgia for years without the necessity to obtain a residence permit using this path. Extension of stay in Georgia is possible through leaving the territory of the country once a year. On one hand, including all aliens in the group of beneficiaries of the State funded general education under to Paragraph 7, Article 22 of the Law on General Education, removes the necessity to define who is a citizen of a foreign country residing in Georgia, and on the other hand does not encourage aliens who stay in Georgia for long periods of time in Georgia to obtain residence permits.

As for higher education, it is partially financed by the State through the system of state education grants. According to Articles 80 and 80¹ of the Law on Higher Education⁶⁵, a citizen of Georgia who is enrolled in an accredited education programme at a higher education institution shall be eligible for a state education grant. As for aliens, under a state programme defined by the Ministry of Education and Science of Georgia, 2% of annual funding allocated for state education grants may be awarded to aliens.

For example, according to the State Programme for issuing state education grants to citizens of foreign countries during the 2020-2021 academic year, approved by the Order #99/N of the Minister of Education and Science of Georgia⁶⁶, the amount of funding under the State education grants is GEL 240,000 for citizens of foreign countries enrolled in accredited education programmes at higher educational institutions of Georgia.

It is worth noting that in order to support university applicants and mobility of students, *it is possible for those citizens of foreign countries and stateless persons* who received a complete general education or its equivalent in a foreign country and also for those citizens of foreign countries (except students participating in joint higher education programmes and students participating in exchange educational programmes), who studied or are studying in a foreign country and have received credits or a qualification from a higher education institution recognized by the legislation of this country (third paragraph of Article 52, Law on General Education) *to study at a higher education institution without taking the Unified National Exams*.

Recognition of education received abroad certainly represents a significant factor for supporting the integration of migrants. LEPL National Center for Educational Quality Enhancement is in charge of the recognition of education in accordance with the *Rules for Verification Authenticity of Educational Documents Issued in Georgia and Recognition of Education Received Abroad*.⁶⁷ The recognition process includes the recognition of complete general education, vocational education, academic qualifications received abroad or education received when studying at a higher educational programme.

The language of instruction at early education institutions or preschool education service providers, is Georgian.⁶⁸ However, an educational institution is authorized to offer children from language minorities,

⁶⁵ Adopted on December 21, 2004 (last amendment was made on July 15, 2020), Legislative Herald of Georgia of Georgia, 2, 10/01/2005.

⁶⁶ #99/N Order, dated September 11, 2020, of the Minister of Education and Science of Georgia on Approval of the State Program for issuing state education grants to citizens of foreign countries during 2020-2021 Academic Year.

⁶⁷ Approved by Ordere #98/N of the Minister of Education and Science on Rules and Fee for Verification Authenticity of Educational Documents Issued in Georgia and Recognition of Education Received Abroad. Legislative Herald of Georgia of Georgia, 126, 01/10/2010.

⁶⁸ In Abkhazia Autonomous Republic – also Abkhazian.

programmes and resources up to the state educational standards in the official state language as well as in their own native languages, depending on the language needs of such children. It is also authorized to provide children with educational services in their native and/or non-official language and use programmes and resources which comply with the standards of national education as defined by this Law (Article 5, Law on Early and Preschool Education).

According to Article 4 of the Law on General Education, the language of instruction in general educational institutions is Georgian.⁶⁹ Also, citizens of Georgia for whom Georgian is not a native language are entitled to receive complete general education in their native language. ***In cases determined by international agreements and treaties signed by Georgia, a foreign language may be the language of instruction in general educational institutions or in the cases, when implementing general educational programme recognized abroad, for the recognition of which the National Center for Educational Quality Enhancement has concluded an agreement with an authorized institution of a foreign country.*** Moreover, it is mandatory to teach the official language at such general educational institutions as well.

As for higher education, according to Article 4 of the law on Higher Education, the language of instruction in higher educational institutions is Georgian.⁷⁰ However, ***a foreign language may be the language of instruction in cases determined by international agreements and treaties of Georgia or if it the issue is agreed upon with the Ministry of Education and Science of Georgia.***

According to a survey conducted in 2017, the interest of foreign students to receive a higher education in Georgia is provided by high safety standards in the country, accessible tuition cost, qualified academic personnel and accessibility of English language curricula⁷¹. Attracting foreign students in the country is a state policy and the website www.studyinGeorgia.ge was created under the aegis of the Ministry of Education, Science, Sports and Culture of Georgia for that reason. This website is for citizens of foreign countries interested in studying in Georgia and it offers information to interested persons about foreign language educational programmes available in the country, as well as living in the country, funding studies and about accredited higher educational institutions in the country.

As was mentioned Georgia, attracts a large number of foreign students to pursue post graduate studies in the country. In the last couple of years there are rising number of programmes at the universities. At present there are 70 English language Bachelor level programmes, 43 English language Masters programmes, 29 English language medical doctor programmes, 1 English language teachers' training programme, and 11 English language Doctorate programmes. In total there are 153 English language programmes administered at Georgia's higher education institutions.⁷² It shall be noted that English language programmes at the Doctorate and Masters levels are accessible only at higher educational institutions located in Tbilisi (the only exception is Akaki Tsereteli State University in Kutaisi, which offers English language Leadership and Management programmes to foreign students). As for Bachelor level English language programmes, most of them are also accessible at Tbilisi higher education institutions. Only Gori State Teaching University has one English language Bachelor programme, Kutaisi International University has

⁶⁹ In Abkhazia Autonomous Republic – Georgian or Abkhazian.

⁷⁰ In Abkhazia Autonomous Republic – also Abkhazian.

⁷¹ Summary of migration profile “Foreign Students in Georgia” is accessible at <https://bit.ly/34hEq1S>

⁷² https://emis.ge/Saganmanatleblo_dacesebulebebi_da_programebi/ucxoenovani_programebi/

three programmes, Batumi Teaching University and Batumi State Marine Academy also have one programme each. As for Medical Doctor programmes, most of them are accessible at higher educational institutions located in Tbilisi as well. The exceptions are Batumi and Kutaisi, where there are three and two English language medical programmes, respectively. Thus, the analysis below includes only the data about foreign students enrolled in Tbilisi, Kutaisi and Batumi.

Table # 20: *The Number of English Language Educational Programmes at Accredited Higher Educational Institutions of Georgia (by location of the institutions), 2020*

| City | Doctorate | Master's | Bachelor's | Medical Doctor | Teachers' Training |
|---------|-----------|----------|------------|----------------|--------------------|
| Tbilisi | 11 | 42 | 64 | 24 | 1 |
| Batumi | 0 | 0 | 2 | 3 | 0 |
| Kutaisi | 0 | 1 | 3 | 2 | 0 |
| Gori | 0 | 0 | 1 | 0 | 0 |
| Total | 11 | 43 | 70 | 29 | 0 |

Source: LEPL – Education Management Information System of the Ministry of Education and Science of Georgia

It must be noted that foreign students are mainly interested in social sciences, business and law as well as medical bachelor's and master's programmes. Educational programmes in Agriculture and Education are less popular. It is noteworthy that, on one hand, the number of students enrolled in Bachelor's and Vocational programmes has been decreasing over the years, and on the other hand, the number of students enrolled in Master's programmes has been increasing.

Table #21: **The Number of Foreign Students at Higher educational institutions by Degree Levels of Education**

| Academic year | Bachelor | Master | Vocational | Total |
|---------------|----------|--------|------------|---------------|
| 2015-16 | 3,822 | 2,805 | 16 | 6,643 |
| 2016-17 | 3,611 | 4,401 | 0 | 8,012 |
| 2017-18 | 3,115 | 6,946 | 13 | 10,074 |
| 2018-19 | 2,681 | 9,550 | 3 | 12,234 |
| 2019-2020 | 2,943 | 10,382 | 2 | 13,327 |

| | | | | |
|-------|--------|--------|----|--------|
| Total | 16,172 | 34,084 | 34 | 50,290 |
|-------|--------|--------|----|--------|

Source: National Statistics Office of Georgia <https://bit.ly/3oE9tfS>

During interviews conducted in the framework of this study when discussing the studies of foreign students and the environment in Georgia, representatives of accredited higher educational institutions emphasized two main issues: first, denials of entries at the border and return of students to their countries of origin and second, frequent denial to issue D3 Category visas (which are issued to persons coming to study at authorized educational institutions in Georgia or to conduct research) to persons coming to Georgia to study, which is confirmed by respective statistical data⁷³. Two most widespread reasons why visas were denied, were the following: 1. Submission of incomplete or falsified data, and 2. State security protection. The latter is especially challenging to analyze; however, it must be noted that in some cases migrants, with support of NGOs (e.g. Rights Georgia), managed to argue against the decision in court and win their cases.

Apart from the two issues it should also be noted recruiting agencies operating in countries of origin, which work to attract most of the foreign students to Georgia’s higher education institutions, have increased their commission fees over the recent years and frequently the fee they charge amounts to USD 1,000⁷⁴.

Unfortunately, the Ministry of Internal Affairs of Georgia does not process statistical data on entries of aliens holding D3 Category visa or denied entries separately⁷⁵, although the statistical data on refusals to enter the country at the state border is available. According to this data, citizens who are denied entry to Georgia, often come from those same countries⁷⁶ from where students are coming to Georgia for their studies.

Table #22: Number of Aliens Denied Entry at the Georgian Border, by Citizenship⁷⁷

| Citizenship | 2014 | 2015 | 2016 | 2017 (3Q) | 2018 | 2019 | 2020 |
|-------------|------|------|------|-----------|-------|------|------|
| India | 153 | 306 | 1109 | 914 | 2,254 | 4936 | 395 |
| Iraq | 1569 | 304 | 109 | 99 | 237 | 255 | 23 |

⁷³ Author’s interviews with representatives of Georgia’s educational institutions and foreign students. The interviews were conducted in November-December 2020.

⁷⁴ Summary of migration profile “Foreign Students in Georgia”, 2016, accessible at <https://bit.ly/34hEq1S>

⁷⁵ Study of Georgian Democracy Initiative, June 2019, Legal Status of Foreign Students in Georgia, available at <https://bit.ly/2Lwb0H7>

* Statistical data of the first three quarters is provided. Beginning 2019 Ministry of Internal Affairs of Georgia does not have uploaded 2014-2016 data and 2019 and 2020 data are not broken down by citizenship; n/a – the data could not be collected.

⁷⁶ „Citizens of Iran are facing unexpected requirements at the border” - Ambassador Extraordinary and Plenipotentiary of the Islamic Republic of Iran, 17.12.2018 available at <https://netgazeti.ge/news/329517/>

⁷⁷ Compilation of the data of Ministry of Internal Affairs (available at <https://info.police.ge/page?id=94>) and Institute for Development of Freedom of Information (IDFI) and the “Official Statistics on Refusals to Entry for Foreign Citizens at the Georgian Border” (available at <https://bit.ly/3igijaj2>)

| | | | | | | | |
|--------------|--------------|--------------|--------------|--------------|---------------|---------------|--------------|
| Nigeria | n/a | 243 | n/a | n/a | 140 | 105 | 31 |
| Iran | 1886 | 509 | 162 | 108 | 3,224 | 10,233 | 975 |
| Turkey | 664 | 2764 | 564 | 573 | 744 | 1,455 | 1,018 |
| Sri Lanka | n/a | n/a | n/a | n/a | 47 | 129 | 9 |
| Egypt | n/a | n/a | n/a | n/a | 577 | 374 | 72 |
| Other | n/a | n/a | n/a | n/a | 8,803 | 8,062 | 1,774 |
| Total | 8,819 | 8,188 | 5,711 | 4,465 | 16,026 | 25,549 | 7,419 |

Source: Ministry of Internal Affairs of Georgia and Institute for Development of Freedom of Information

The majority of students coming to Georgia study in its capital and at higher educational institutions located in Tbilisi. However, there is a small number of students who are enrolled at educational institutions in Batumi and Kutaisi. Between 2014-2020, 24,771 students were enrolled at higher educational institutions in Tbilisi, 1004 in Batumi and 452 in Kutaisi ⁷⁸.

Table #23: Number of Alien Students Enrolled at Higher Educational Institutions in Tbilisi, Batumi and Kutaisi by Years and Countries

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Total |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| India | 271 | 582 | 1,347 | 2,669 | 2,206 | 1,553 | 515 | 9,143 |
| Azerbaijan | 885 | 1,297 | 804 | 848 | 940 | 294 | 171 | 5,239 |
| Nigeria | 242 | 281 | 123 | 173 | 224 | 281 | 264 | 1,588 |
| Iran | 27 | 12 | 44 | 199 | 455 | 253 | 135 | 1,125 |
| Iraq | 603 | 153 | 94 | 97 | 69 | 30 | 23 | 1069 |

⁷⁸ *Source: Information provided by LEPL – Education Management Information System of the Ministry of Education and Science of Georgia.*

| | | | | | | | | |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Egypt | 11 | 15 | 39 | 154 | 159 | 231 | 282 | 891 |
| Turkey | 253 | 103 | 87 | 114 | 67 | 62 | 34 | 720 |
| Russia | 100 | 72 | 104 | 95 | 133 | 131 | 80 | 715 |
| Other | 249 | 261 | 459 | 1093 | 1090 | 1455 | 1130 | 5737 |
| Total | 2,641 | 2,776 | 3,101 | 5,442 | 5,343 | 4,290 | 2,634 | 26,227 |

Source: LEPL Education Management Information System of the Ministry of Education and Science of Georgia

94% of students enrolled at higher educational institutions accredited in the mentioned three cities study in **Tbilisi**. 25% of alien students enrolled in Tbilisi are citizens of India; citizens of Azerbaijan and Nigeria rank second and third, respectively. When discussing the enrollment trends, it should be noted that the number of students from Egypt is on the increase and there is a declining trend for the number students from Iraq, Turkey and Azerbaijan. The number of students from Russia enrolled remain stable.

Table #24: Number of Alien Students Enrolled at Higher Educational Institutions Accredited in **Tbilisi by Years and Citizenship**

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Total |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| India | 271 | 546 | 1174 | 2,283 | 2,020 | 1,458 | 515 | 8,267 |
| Azerbaijan | 882 | 1,288 | 793 | 828 | 913 | 290 | 148 | 5142 |
| Nigeria | 242 | 269 | 120 | 172 | 219 | 279 | 263 | 1,564 |
| Iran | 27 | 12 | 43 | 198 | 454 | 251 | 133 | 1,118 |
| Iraq | 563 | 138 | 90 | 95 | 66 | 30 | 23 | 1,005 |
| Egypt | 11 | 15 | 39 | 149 | 148 | 226 | 275 | 863 |
| Russia | 97 | 68 | 97 | 87 | 129 | 130 | 74 | 682 |
| Turkey | 219 | 80 | 72 | 102 | 59 | 55 | 27 | 614 |

| | | | | | | | | |
|--------------|--------------|--------------|--------------|-------------|--------------|--------------|--------------|---------------|
| China | 5 | 5 | 5 | 9 | 6 | 4 | 5 | 39 |
| Other | 180 | 234 | 432 | 1,034 | 1,065 | 1,422 | 1,110 | 5,477 |
| Total | 2,497 | 2,655 | 2,865 | 4957 | 5,079 | 4,145 | 2,573 | 24,771 |

Source: LEPL Education Management Information System of the Ministry of Education and Science of Georgia

Batumi ranks second after Tbilisi with the number of foreign students enrolled at higher educational institutions accredited in Batumi, although it should be noted that over the recent years the number of students enrolled at the educational institutions in Batumi has been decreasing. The year of 2017 can be considered as a peak year when in total 369 students were enrolled in Batumi higher education institutions. However, the decline amounted to more than 80 percent in the following years. Similar to Tbilisi, most of the alien students enrolled in Batumi are citizens of India and Azerbaijan. Turkish students take third place, which may be due to the geographical proximity of Batumi to Turkey. It must be noted that in 2019 the number of students from India drastically declined to just 5 students compared to the 2017 peak indicator (283 students).

Table # 25: The number of foreign students enrolled it higher educational institutions accredited in Batumi by Years and Citizenship

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Total |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| India | 0 | 36 | 156 | 283 | 147 | 5 | 0 | 627 |
| Azerbaijan | 3 | 8 | 11 | 20 | 26 | 4 | 23 | 95 |
| Turkey | 21 | 20 | 8 | 11 | 7 | 7 | 7 | 81 |
| Egypt | 0 | 0 | 0 | 5 | 11 | 5 | 6 | 27 |
| Russia | 2 | 1 | 6 | 7 | 4 | 1 | 5 | 26 |
| Iran | 0 | 0 | 1 | 1 | 1 | 2 | 2 | 7 |
| Iraq | 0 | 1 | 0 | 2 | 3 | 0 | | 6 |
| Nigeria | 0 | 1 | 0 | 0 | 0 | 2 | 1 | 4 |
| China | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | |
|--------------|-----------|-----------|------------|------------|------------|-----------|-----------|--------------|
| Other | 2 | 18 | 17 | 50 | 15 | 24 | 15 | 131 |
| Total | 28 | 85 | 199 | 369 | 214 | 50 | 59 | 1,004 |

Source: LEPL Education Management Information System of the Ministry of Education and Science of Georgia

The number of students enrolled at higher educational institutions accredited in Kutaisi has been increasing over the recent years, which is mainly a result of an increase in the number of Indian citizens up to 2019. In general, most of the foreign students in Kutaisi are from India. There is a downward trend in the number of students from Iraq. Starting 2014, their number at Kutaisi higher educational institutions began drastically decreasing and no student from Iraq has been enrolled in the last four years. The number of students from Turkey was on the decrease during 2017-2020 as well. Considering that on October 21, 2020 Kutaisi International University (KIU) was opened, which already started enrollment of students for 2021-2022 Academic Year, we can expect that the number of foreign students will increase in the coming years.

Table #26: Number of Foreign Students Enrolled at Higher Educational Institutions Accredited in Kutaisi by Years and Citizenship

| Citizenship | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Total |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| India | 0 | 0 | 17 | 103 | 39 | 90 | 0 | 249 |
| Iraq | 40 | 14 | 4 | 0 | 0 | 0 | 0 | 58 |
| Turkey | 13 | 3 | 7 | 1 | 1 | 0 | 0 | 25 |
| Nigeria | 0 | 11 | 3 | 1 | 5 | 0 | 0 | 20 |
| Russia | 1 | 3 | 1 | 1 | 0 | 0 | 1 | 7 |
| China | 0 | 2 | 3 | 0 | 0 | 0 | 0 | 5 |
| Azerbaijan | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 2 |
| Egypt | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Iran | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 62 | 2 | 2 | 10 | 4 | 5 | 0 | 85 |
| Total | 116 | 36 | 37 | 116 | 50 | 95 | 2 | 452 |

Source: LEPL Education Management Information System of the Ministry of Education and Science of Georgia

As was mentioned above, in total 26,227 foreign students were enrolled in Tbilisi, Batumi and Kutaisi. The number of students who graduated in those three cities is also interesting. We can consider year 2019 as a peak year, since during this period 1630 foreign students graduated from higher educational institutions located in Tbilisi, Batumi and Kutaisi.

Table #27: Number of Foreign Students Enrolled in and Graduated from Higher Educational Institutions Accredited in Georgia, 2014 - 2020

| Year | Number of the students enrolled | Number of the graduates |
|--------------|--|--------------------------------|
| 2014 | 2641 | 230 |
| 2015 | 2776 | 423 |
| 2016 | 3101 | 701 |
| 2017 | 5447 | 835 |
| 2018 | 5343 | 1092 |
| 2019 | 4290 | 1630 |
| 2020 | 2634 | 1004 |
| Total | 26,232 | 5915 |

Source: LEPL Education Management Information System of the Ministry of Education and Science of Georgia

In summary, we can infer that Georgia is an attractive country for foreign students, which is demonstrated by the increasing number of foreign students studying in Georgia. Georgia’s priority is to internationalize its education and is taking certain steps in this direction. However, the high percentage of refusals to grant visas to them and denied entries in the country at the border crossing present significant challenges for foreign students. Also, gathering/processing the relevant statistical data is an issue, namely, the Ministry of Internal Affairs of Georgia does not process detailed statistical data about individuals who enter Georgia with D3 Visas and their denied entries. According to interviews, the students have the right to work in Georgia in parallel with their studies but none of the interviewees mentioned that they are using this right. The integration service the foreign students can apply to is largely provided by the universities which

mainly help them to find accommodation and in case of emergency, support them (e.g. provide assistance in case of hospital treatment).

Accessibility to preschool and the general education system for foreign citizens to learn Georgian language is an important factor in their integration. As for higher education, enrollment of foreign citizens is not restricted officially, but a small amount of total education grants is issued to them (2% of the state education grant funding) due to the limited financial capabilities of the country.

Similarly to state funding for general education made available to foreign citizens residing in Georgia, it would be advisable for higher education state grants to be applied to citizens of foreign countries who have permanent residence permits in Georgia

2.6. Health and Social Protection

According to Article 30 of the Law on the Legal Status of Aliens and Stateless Persons, *aliens in Georgia shall be entitled to healthcare under the legislation of Georgia.*

In spite of the fact that Article 5 of the Law on Healthcare explicitly states that only Citizens of Georgia and stateless persons with the corresponding status in Georgia shall have the right to receive medical care provided by state health care programmes, the general pool of these beneficiaries is expanded in the case of certain state programmes. Also, the above-mentioned programmes⁷⁹ differ from each other from the beneficiary definition viewpoint.

For instance, the beneficiaries of *universal healthcare state programme* are citizens of Georgia, stateless persons with the corresponding status, persons with refugee or humanitarian status and persons seeking asylum.

Apart from citizens of Georgia and stateless persons with the corresponding status, beneficiaries of *the state healthcare programme for patients with rare diseases and subject to permanent replacement treatment* could be aliens permanently residing in Georgia.

The pool of beneficiaries of in-patient service who need involuntary service under *mental disorder state healthcare programme* is wider. In addition to citizens of Georgia and stateless persons with the corresponding status, it covers citizens of foreign countries staying in Georgia as well.

Regarding the right to social security, Article 31 of the Law on the Legal Status of Aliens and Stateless Persons distinguishes between aliens permanently residing in Georgia and foreign nationals temporarily staying in Georgia. Specifically, *aliens permanently residing in Georgia shall enjoy the same rights to assistance, pensions, and other forms of social security as do citizens of Georgia* while social security benefits of foreign nationals temporarily staying in Georgia shall be determined under the legislation of Georgia and international agreements.

⁷⁹ Approved by the resolution N674 of the government of Georgia on December 31, 2019. Legislative Herald of Georgia of Georgia, 31/12/2019.

The above regulation is inconsistently reflected in relevant legislative acts.

Namely, there is no reference to citizenship in *the Law on Social Assistance*⁸⁰, which defines types of assistances and principles for granting assistance. Specifically, it applies to persons who need special care and are lawful residents of Georgia, and to deprived families and homeless persons (Article 2). Thus, this regulation follows Article 31 of the Law on the Legal Status of Aliens and Stateless Persons.

As for the *Law on State Pensions*⁸¹, which regulates the grounds for the origination of entitlement to pensions, in addition to Georgia's citizens and stateless persons with legal status in Georgia, it applies also to *aliens who have legally resided in the territory of Georgia for the last 10 years at the moment of applying for a pension* (Paragraph 2 of Article 1). Here we have the clarification of the equalized rights of Georgia's citizens and aliens permanently residing in Georgia envisaged by the Law on the Legal Status of Aliens and Stateless Persons, which differ from the qualification set as a prerequisite for receiving a permanent residence permit, which is residing for 6 years (Paragraph G of Article 16, Law on the Legal Status of Aliens and Stateless Persons). As the Georgian legislation does not define the term "alien permanently residing in Georgia", the approach provided in the Law on State Pension specifies aliens of this category.

Within the mechanisms for supervision of elimination of all forms of discrimination and ensuring equality defined by the law on the Elimination of All Forms of Discrimination, the Public Defender of Georgia has an active practice of studying the economic and healthcare state programmes and accessibility of social assistance from the point of discrimination based on citizenship, and of issuing recommendations.

For example, the Public Defender of Georgia issued recommendations to the MoLHSA several times regarding detection of direct discrimination based on citizenship⁸² and called on the Ministry to make existing social, economic or healthcare state programmes accessible to persons who are residence permit holders in Georgia, as they are accessible to Georgian citizens, and in the future, to guide its work when designing and preparing state programmes in line with the principle of equality. The Public Defender of Georgia noted in the recommendation that Georgian citizens and persons with permanent residence permits are basically in the same situation since the residence permit holders pay the same taxes set by the legislation as the citizens of Georgia do, and contribute to the welfare of the community, hence, the state shall not treat them like temporary visitors.

It should be noted that the LEPL National Healthcare Agency at the MoLHSA implements various healthcare programmes, which mainly cover persons who are under international protection in Georgia. As for aliens permanently residing in Georgia, from the point of accessibility, the only exceptions for them are: a) *state healthcare programme for patients with rare diseases and subject to permanent replacement treatment*, b) *programmes for provision of specific medicine*, c) *programmes for mother and childcare, etc.* (see Table #28 for more details).

⁸⁰ Adopted on December 29, 2006 (the last amendment was made on July 15, 2020), Legislative Herald of Georgia of Georgia, 51, 31/12/2006.

⁸¹ Adopted on December 23, 2005 (the last amendment was made on July 2, 2020), Legislative Herald of Georgia of Georgia, 56, 28/12/2006.

⁸² Recommendation of the Public Defender of Georgia dated October 5, 2017; recommendation of the Public Defender of Georgia dated April 13, 2018.

It must be pointed out that citizens of all countries residing in Georgia have full access to all services offered by the healthcare sector if they can cover the costs. However, under the COVID-19 conditions this issue was aggravated and became acute, which is related to limited access to healthcare services for low-income immigrants. It is noteworthy that despite Article 9 of the Law of Georgia on Patient Rights, according to which foreign citizens and stateless persons who are staying in Georgia shall have the guaranteed right to receive medical care, *immigrants have limited access to state-financed healthcare services* excluding basic healthcare services, which include the state immunization programme, the epidemiological surveillance programme, the safe blood state programme, provision of medicine to treat chronic diseases, the diabetes mellitus management programme (provision of specific medicine to population with diabetes mellitus and diabetes insipidus diseases, according to Paragraph C, Article 3 of the programme). According to №674 Ordinance, dated December 31, 2019 by the Government of Georgia on Approval of 2020 Healthcare State Programmes, beneficiaries of the state programme are citizens of Georgia, persons with neutral IDs and neutral travel documents, stateless persons staying in Georgia, persons seeking asylum in Georgia, persons with refugee or humanitarian status. It is interesting that from 2015 to 2019, 29 stateless persons residing in Georgia benefited from universal healthcare services. The amount of funding they received amounted to GEL 203,719 ⁸³.

Table #28: Healthcare State Programmes and their Accessibility to Immigrants Residing in Georgia

| # | Name of the Healthcare Programme | Accessibility for immigrants with residence permits: (+) accessible; (-) not accessible; (+&-) partially accessible) |
|----|---|---|
| 1. | Universal healthcare programme | (-) |
| 2. | Emergency medical care and medical transportation state programme (112) | (-) |
| 3. | Immunization state programme | (+) |
| 4. | Epidemiological surveillance programme | (+) |
| 5. | Safe blood state programme | (+) |
| 6. | TB management state programme | |
| 7. | HIV / AIDS state programme | |

⁸³ Information provided by MoLHSA. Data regarding persons residing in Georgia and stateless persons are not processed statistically separately processed in Georgia.

- | | | |
|-----|---|-------|
| 8. | Provision of medicine to treat chronic diseases | (+) |
| 9. | Mother and child healthcare state programme | (+) |
| 10. | Dialysis and renal transplantation state programme | |
| 11. | Mental health state program (the exception is beneficiaries, who need involuntary in-patient service) | (+&-) |
| 12. | Diabetes mellitus management programme (provision of specific medicine to population with diabetes mellitus and diabetes insipidus diseases, according to Paragraph C, Article 3 of the programme) | (+&-) |
| 13. | Children's oncology and hematology service | (-) |
| 14. | Social rehabilitation and childcare state programme (only the following sub-programmes are accessible: 1. Foster Care, 2. Provision of services at small family type homes, and 3. Provision of shelter for homeless children. | (+&-) |

Source: MoLHSA

The issue of access to healthcare and social security system for foreigners residing in Georgia is not uniformly regulated by Georgian legislation and certain acts differ from each other in order to define the pool of beneficiaries, who have access to the corresponding rights.

The position expressed in the recommendations of the Public Defender of Georgia needs to be taken into consideration. According to the recommendations, citizens of Georgia and permanent residence permit holders are basically in the same situation, and it is desirable for the state to make social and healthcare state programmes equally accessible to them.

It should also be noted that considering that there is no definition of aliens permanently residing in Georgia, having a permanent residence permit by an alien can be considered as the only logical starting point for the definition. Therefore, it would be right to make use of a homogenous approach in the Laws of Georgia with this regard as well, and for example, the Law on State Pensions should determine 6 years, instead of 10 years, as a basis for origination of entitlement to pension.

2.7. Political Rights

According to Article 33 of the Constitution of Georgia, The State is authorized to impose restrictions on the political activities of citizens of other states and stateless persons. This provision represents a primary basis for the restrictions that are defined in the Georgian legislation.

Specifically, while setting electoral rights in *national and local elections and referendums*, Article 24 of the Constitution of Georgia explicitly refers to citizens of Georgia only. Based on this very provision, the Election Code of Georgia⁸⁴ states that citizens of Georgia have active and passive suffrage rights (Article 3)⁸⁵. Besides, the Election Code introduces restrictions related to pre-election campaigns (canvassing) and states that aliens and foreign organizations do not have the right to participate (Paragraph F, Sub-paragraph 4, Article 45) in them.

Logically, Article 23 of the Constitution of Georgia, Paragraph 2 of Article 35 of the Law on the Legal Status of Aliens and Stateless Persons and Article 8 of the Organic Law on Political Associations of Citizens⁸⁶ envisages the right to establish a political party and participate in its activities only for citizens of Georgia.

Further, according to Paragraph 1, Article 26 of the Organic Law on Political Associations of Citizens political parties are prohibited to receive donations from foreign physical and legal entities.

Unlike participation in political life, *the legislation does not envisage restrictions regarding establishing non-governmental organizations and participating in their activities*. According to Paragraph 2, Article 35 of the Law on the Legal Status of Aliens and Stateless Persons, aliens in Georgia have the same right to establish public associations, and to become members of trade unions, scientific, cultural, sports associations, and other public organizations as the citizens of Georgia, unless this contradicts the bylaws of such organizations and the legislation of Georgia. In general, legal relations related to registration and establishment of non-entrepreneurial (non-commercial) legal entities is regulated by the Civil Code of Georgia⁸⁷, which does not provide for any restrictions based on citizenship.

The *European Convention on the Participation of Foreigners in Public Life at the Local Level*⁸⁸ prepared under the Council of Europe in 1992 is the only European legal standard concerning the participation of aliens in political life. According to the Convention, for example, an alien shall be entitled to the passive

⁸⁴ Adopted on December 27, 2011 (the last amendment was made on September 25, 2020), Legislative Herald of Georgia of Georgia, 10/01/2012.

⁸⁵ The restrictions regarding citizenship is repeated in relevant Articles of Election Code (Article 96 (President of Georgia), Article 111 (Member of Parliament), Article 134 (a member of a local representative body and Article 167 (Mayor).

⁸⁶ Adopted on October 1, 1997 (the last amendment was made on July 15, 2020), პარლამენტის უწყებანი, 21/11/1997.

⁸⁷ Adopted on June 26, 1997 (the last amendment was made on July 15, 2020), პარლამენტის უწყებანი, 31, 24/07/1997.

⁸⁸ European Convention on the Participation of Foreigners in Public Life at Local Level. The convention text is available at: <https://rm.coe.int/168007bd26>.

right to participate in local elections only if he/she resides in the country for at least 5 years. Georgia is not a party to this Convention.

Summary

The existing state of Georgian legislation excludes the participation of aliens in its political life. This includes having no right to participate in elections as well as their exclusion to participate in activities of political associations.

On the other hand, from the point of integration, entitling foreigners to establish NGOs and participate in their activities plays a positive role.

It is advisable to establish an integration forum, where associations of migrants will participate. Moreover, it is possible to create a platform for consultations with associations such as SCMI, which would also serve as a mechanism to provide information and support.

3. Integration of Aliens Residing in Georgia – Conclusions and Recommendations

The following conclusions can be drawn based on the analysis carried out:

Immigration Policy:

- ✓ Georgia as a destination country is attractive for citizens Turkey, Iran, Russia, Ukraine, Azerbaijan.
- ✓ Foreign country citizens visit Georgia mostly for economic activities (mainly Turkey and Iran) and for receiving education at higher educational institutions (mainly citizens of India).
- ✓ The acquisition of real estate by aliens, mainly in Tbilisi and Batumi, is on the increase.
- ✓ The Government of Georgia has made significant steps over the recent years towards the integration of immigrants, although emphasis is mainly made on immigrants under international protection and integration of other aliens with residence rights is rather neglected.
- ✓ Migration issues are centralized and representatives of local governments, even in areas where the numbers of immigrants are high, e.g. Adjara and Imereti, are minimally involved or are not involved at all in the process. However, the Migration Strategy for 2021-2030 envisages intensification of work in the self-governments.
- ✓ State bodies are less active in identifying the needs of immigrants. Frequent conduct of social surveys would be important in this regard (could be outsourced).
- ✓ It would be important for the government to consider participation in MIPEX especially when two countries which are participants in the EU Eastern Partnership – Ukraine and Moldova – are already involved.

The following measures are important in addressing the above-mentioned challenges:

- Establishment of a unified system for identification and registration of aliens
- Consistent communication with community organizations of aliens and their involvement in consultation forums, including in the process of preparation of activities related to the immigrant integration under the Annual Migration Strategy Action Plans
- It is advisable to establish an integration forum, in which associations of migrants will participate. Also, it is possible to establish a consultation platform with SCMI for such associations, which would also serve as an instrument to provide information and support.
- Enhance the quality of inter-agency coordination and information exchange
- Commence active communication with immigrants, and the population of Georgia regarding the positive effects of immigration
- Involvement of local self-governments in managing immigration issues
- Work with donor organizations in order to support involvement of the civil society in the integration process

Assessment of the situation of aliens according to the specific fields is as follows:

Employment and Business Activities

- ✓ Foreign nationals who come to Georgia for employment purposes for economic activities do not need special work permits. Their labour relations are not regulated in any special way and are subject to the general legal framework which applies to Georgian nationals. According to a survey conducted by the Ministry of Economy and Sustainable Development of Georgia in 2020, 8% of active enterprises in Georgia employ foreign nationals.
- ✓ Current legislation obliges local employers to provide information on the employment of legal migrants residing in Georgia to the LEPL State Employment Support Agency active under the MoLHSA. However, if such information is not provided to the Agency, the law does not impose any sanctions, which is a gap from the legal perspective.
- ✓ The employment of aliens in Georgia is often in direct connection with the business activities registered by aliens in Georgia: according to the survey conducted by the Ministry of Economy and Sustainable Development of Georgia in 2020, 63% of employment of aliens is determined by the fact that the enterprise is managed/established by a foreign national; in 21% of cases, the enterprise is a branch or representation of a foreign enterprise and only in 7% of cases are aliens employed because there are no other cadres with relevant qualifications and skills in the labour market.
- ✓ According to the same survey, the majority of employed aliens are engaged in the following four economic sectors: 1. transportation and warehousing 2. manufacturing 3. construction 4. hotels and restaurants. The COVID-19 pandemic caused much economic loss, especially affecting hotel and construction fields; thus, labour migrants constituting no more than 5000 persons or 14% of employed immigrants, were also affected.

- ✓ The Law of Georgia on Entrepreneurs does not differentiate between Georgian nationals and aliens in terms of legal rights, which, to a certain extent, facilitates start-up/development of enterprises by foreigners: between 2014 – 2020 more than 46,000 enterprises were registered in Georgia by foreign nationals. Among the majority was registered by nationals of Iran, Turkey and Russia. 83% percent of enterprises registered by foreign nationals are located in the Tbilisi, Adjara and Imereti regions.
- ✓ It must be noted that enterprises registered by aliens in Georgia also have access to state programmes available in Georgia, which are aimed at supporting the development of enterprises in Georgia, supporting entrepreneurs, supporting the establishment of new enterprises and enhancing the compatibility of private sector and expert potential, improving access to finances, real estate and technical support.
- ✓ Long and short-term vocational education programmes, which are being implemented in support of employment in Georgia, also do not show any limitations based on citizenship or status of stay in Georgia, which means that from the legal perspective, all individuals residing legally in Georgia have access to these programmes. However, lack of knowledge of Georgian language by aliens is a serious challenge in this regard because studies are in Georgian.
- ✓ As the state shows a (positive) attitude towards permanent residence (including employment) when issuing residence permits to a person, **it is only logical for alien job seekers in possession of permanent residences to also have access to vocational education and qualification improvement, as well as state employment support programmes.**
- ✓ The changes taking place in regard to agricultural land ownership regulation, which included legislative moratoriums and judgments of the Constitutional Court of Georgia, ended with integrating agricultural land ownership limitations into the Constitution of Georgia. Specifically, according to the Article 19, Paragraph 4 of the Constitution of Georgia, “As a resource of special importance, agricultural land may be owned only by the State, a self-governing unit, a citizen of Georgia or an association of citizens of Georgia. Exceptional cases may be determined by the organic law, which shall be adopted by a majority of at least two thirds of the total number of the Members of Parliament. Agricultural land can only come into the ownership of a foreigner if it is inherited. Including some categories of aliens among subjects who may own land according to the Organic Law on Agricultural Land Ownership would be a positive step forward to support the integration of aliens. On the one hand, this would be important regarding integration, as aliens who are willing to purchase agricultural land would participate in the economic development of the country through cultivating the land and making investments. On the other hand, by introducing additional requirements, such as, for instance, the qualification to reside in the country (it may be linked to the permanent residence permit), and the maximum space that an alien may own, would facilitate protection of the public interest and prevent negative impact on the economic stability of the state.

Education

- ✓ According to the current legislation of Georgia, aliens residing in Georgia have a right to education.

- ✓ According to the Law on Early and Pre-school Education, all people residing in Georgia are eligible for early and pre-school education, regardless of their citizenship. The language of instruction in these institutions providing early and/or pre-school services and/or education is Georgian. However, educational institutions are authorized to offer children who represent language minorities programmes and resources in line with state educational standards in their own native languages, depending on the language needs of such children.
- ✓ According to the Law on General Education, full state funding is eligible for both Georgian and non-Georgian citizens (including citizens of another country with the status of a compatriot living abroad) and those without citizenship. Education in a general education institution may be conducted in a foreign language in cases provided for by international agreements of Georgia or within the framework of recognized general education programmes abroad for the recognition of which the National Center for Quality Development in Education has a treaty with an authorized foreign institution. In addition to this, teaching the state language is mandatory in this general education institution as well.
- ✓ According to the Law on High Education, a citizen of Georgia enrolled in an accredited educational programme of a higher education institution has the right to receive a state education grant while for non-Georgian citizens, including citizens of another country with the status of a compatriot living abroad, a state education grant can be issued within the limits of not more than 2% of the annual volume of state education grant funding defined by the Ministry of Education and Science of Georgia. In the 2020-2021 academic year, the annual volume of funding for foreign citizens enrolled in educational programmes accredited in higher education institutions of Georgia was 240,000 GEL.
- ✓ It is worth noting that in order to support university applicants and the mobility of students, it is possible for citizens of foreign countries and stateless persons who received full general education or its equivalent in a foreign country and also for citizens of foreign countries (except students participating in joint higher education programmes and students participating in exchange educational programmes), who studied / are studying in a foreign country and have received credits / qualification from a higher education institution recognized by the legislation of this country (third paragraph of Article 52, Law on General Education), to study in higher education institutions without taking the Unified National Exams.
- ✓ The language of instruction in higher educational institutions is Georgian. However, a foreign language may be the language of instruction in cases determined by the international agreements and treaties of Georgia or if it is agreed with the Ministry of Education and Science of Georgia. In total, there are 153 English language programmes administered in Georgia's accredited higher education institutions: 70 English language Bachelor level programmes, 43 English language Masters programmes, 29 English language medical doctor programmes, 1 English language teachers' training programme, and 11 English language Doctorate programmes. Ninety three percent of on English language programmes are implemented in Tbilisi, 5 programmes are available in Batumi and 5 in Kutaisi and 1 is available in Gori.

- ✓ Recognition of education received abroad certainly represents a significant factor in support of the integration of migrants. The recognition process includes the recognition of complete general education, vocational education, academic qualifications received abroad, or education received through involvement in a higher educational programme.
- ✓ During interviews conducted in November – December 2020 with representatives of Georgian education institutions and foreign students, a focus was made on two main challenges regarding education and attracting foreign students to Georgia: first, denials of entries at the border and return of students to their countries of origin and second, frequent denial to issue D3 category visas (which are issued to persons coming to study at authorized educational institutions in Georgia or to conduct research) to persons coming to Georgia to study, which is confirmed by respective statistical data. According to a survey by the Georgian Democratic Institute, in 2018, 40% of foreigners were denied granting of D3 visa. The reason for the refusal is mainly due to two factors: 1. Submission of incomplete or false data and 2. State security.
- ✓ It is noteworthy that recruitment agencies in Georgia and other countries, which draw the majority of foreign students to Georgian universities, have increased the service fee in recent years, and in many cases, this can even amount to \$1,000 per student.
- ✓ Although foreign nationals are not formally admitted to higher education, the use of the state grant system for them is limited by a low percentage, given the state's limited financial resources. It is advisable to extend the state higher education grant system to foreign citizens who have a permanent residence permit in Georgia.

Healthcare and Social Protection

- ✓ The issue of access to healthcare and the social security system for aliens residing in Georgia is not uniformly regulated by the Georgian legislation and certain acts differ from each other from the point of view of defining the pool of beneficiaries.
- ✓ According to Article 30 of the Law on the Legal Status of Aliens and Stateless Persons, aliens in Georgia shall be entitled to healthcare under the legislation of Georgia.
- ✓ The Law on Healthcare explicitly states that only Citizens of Georgia and stateless persons with the corresponding status in Georgia shall have the right to receive medical care provided by state health care programmes, the general pool of these beneficiaries is expanded in case of certain state programmes. Also, the above-mentioned programmes differ from each other from the beneficiary definition viewpoint. For instance, the beneficiaries of the universal healthcare state programme are citizens of Georgia, stateless persons with the corresponding status, persons with refugee or humanitarian status and persons seeking asylum. Apart from citizens of Georgia and stateless persons with the corresponding status, beneficiaries of the state healthcare programme for patients with rare diseases and subject to permanent replacement treatment could be aliens permanently residing in Georgia. The pool of beneficiaries of in-patient service who need involuntary service under the mental disorder state healthcare programme is wider. In addition to citizens of Georgia

and stateless persons with the corresponding status, it covers citizens of foreign countries staying in Georgia as well.

- ✓ Aliens permanently residing in Georgia enjoy the same rights to assistance, pensions, and other forms of social security as the citizens of Georgia; social security benefits of foreign nationals temporarily staying in Georgia shall be determined under the legislation of Georgia and international agreements.
- ✓ The above regulation is inconsistently reflected in relevant special legislative acts. Namely, the Law on Social Assistance, which defines types of assistances and principles for granting assistance, does not make any reference to citizenship. Specifically, it applies to persons residing legally and permanently in Georgia, persons who need special care, families living below the poverty line and homeless individuals. Further, the Law on State Pensions, which regulates the grounds for the origination of entitlement to pensions, in addition to citizens of Georgia and stateless persons with legal status in Georgia, applies to aliens who have legally resided on the territory of Georgia for the last 10 years.
- ✓ State healthcare programmes are mainly also accessible to persons under international protection. Other foreign nationals residing permanently in Georgia are also eligible for a) state immunization programme b) the epidemiological surveillance programme c) the safe blood state programme d) state healthcare programme for patients with rare diseases and subject to permanent replacement treatment e) programme for provision of specific medication for treatment of chronic diseases f) programme for mother and childcare, etc.
- ✓ It must be pointed out that citizens of all countries residing in Georgia have full access to all services offered by the healthcare sector if they can cover the costs. However, under the conditions of COVID-19 this issue was aggravated and became acute, which is related to limited access to healthcare services for low-income immigrants.
- ✓ The position expressed in the recommendations of the Public Defender of Georgia needs to be taken into consideration. According to these recommendations, citizens of Georgia and aliens with permanent residence permits are basically in the same situation and it is desirable for the state to make social and healthcare state programmes equally accessible to these aliens.
- ✓ It should also be noted that considering that there is no definition of aliens permanently residing in Georgia, having permanent residence permits by an alien can be considered as the only logical starting point for the definition. Therefore, it would be right to use a homogenous approach in the Laws of Georgia with this regard as well, and, for example, the Law on State Pensions could determine 6 years instead of 10 years as the basis for origination of entitlement to pensions.

Political Rights

- ✓ The existing state of Georgian legislation excludes aliens from participation in the political life of the country. This includes having no right to participate in elections as well as a prohibition to participate in activities of political associations.
- ✓ From the integration perspective, the fact that aliens are however allowed to establish NGOs and participate in their activities plays a positive role.

Informing Aliens Regarding Their Rights and Existing Services

- ✓ The interviews conducted with immigrants who are residence permit holders revealed gaps in their knowledge about the available state services and programmes. A majority of the respondents interviewed did not have complete information about state programmes and services which are accessible to them.
- ✓ ***Insufficient knowledge of Georgian language is a major barrier to migrant integration.*** It prevents them from obtaining comprehensive information about public services available in the country. A large proportion of migrants gave positive feedback about the information continuously provided by the government about the COVID-19 pandemic (At this stage the above-mentioned website is available in five languages [Abkhaz, Ossetian, Armenian, Azerbaijani and English] in addition to Georgian language) but they underlined that for the website www.stopcov.ge dedicated to this topic to be more effective, it should also be available in Russian, Chinese, Hindi and Farsi.
- ✓ Considering that the most important factor for the immigrant integration is a lack of knowledge of the Georgian language or inadequate knowledge of the language, it is important to improve and promote the portal of “Georgian as a Second Language” www.geofl.ge by gradually adding other foreign languages spoken by immigrants in Georgia, in addition to English; namely Russian, Chinese, Hindi and Farsi. Also, awareness of immigrants regarding the online platform www.work-net.gov.ge should be increased and it should operate in other languages in addition to Georgian. Interviews revealed that there is limited knowledge about this and other services that the state provides to migrants residing in Georgia.
- ✓ Moreover, it is necessary to provide immigrants with more detailed and substantiated explanations for the rejection of applications for visas.
- ✓ Interviews showed that a majority of migrants do not plan to stay in Georgia for a long period of time and they are considering returning to their home countries or leaving for EU member states. The main reason for leaving Georgia is scanty employment opportunities and difficulty in learning Georgian.
- ✓ It must be noted that immigrants practically do not participate in the process of developing state policy for immigrants, which diminishes the efficacy of planning and implementation of the state policy.

Raising Awareness of the Local Population about Integration Issues

- ✓ Considering that violence, aggression and xenophobia have been on the rise in recent years, as evidenced by reports from civil society organizations in Georgia⁸⁹ and the results of sociological studies that have been conducted in Georgia over the recent years⁹⁰, it is of utmost importance to raise awareness of Georgian citizens about immigration in general and the economic, social and cultural benefits related to immigrants.
- ✓ Even though the number of immigrants has been increasing for years, no wide scale state campaign has been conducted to increase the awareness level of the local population regarding immigration. Considering the above, it is important for the SCMI to ensure the inclusion of an information campaign in the Migration Strategy for 2022 and identify responsible state agencies.
- ✓ It is important from the point of view of a comprehensive evaluation of the immigration process and improvement of state policy planning to use international evaluation systems, for example, MIPEx.

⁸⁹ Racist Intolerance and Xenophobia – Rights of Foreigners in Georgia, Tolerance and Diversity Institute; 2019. Available at: <https://bit.ly/3cJXviy>

⁹⁰ Hate crime, hate language and discrimination in Georgia: Public Opinion and Awareness; EU 2018. Available at: <https://bit.ly/3cJUGho>

Annexes

Annex #1

Questionnaire for in-depth interviews to be conducted with foreign migrants under the study.

Hello, I am Vano Chkhikvadze, researcher of International Organization for Migration (IOM). Together with IOM we are carrying out a survey to better understand the existing framework for the integration of foreign migrants in Georgia and assess opportunities and challenges that regular foreign migrants are facing during their stay in Georgia. As a consequence, a research paper would be written that would help the Georgian state authorities better understand the integration needs of regular migrants, shape state policy and develop/improve relevant programs and services. With your permission I would like to ask you a couple of questions. The interview will last up to half an hour. The provided information will be used without direct quoting (without putting name/family name of the interviewee) in the report. Do you agree to be part of this survey?

Information about the interviewee (please tick the box or add the relevant information)

| Male | Female | Age group 18- 24 | Age group 25-35 | Age group 36-50 | Age group 51-65 | Age group over 65 | Citizenship | Location in Georgia | What is your status in Georgia (regular migrant; irregular migrant) | What type of resident permit do you hold? |
|------|--------|---------------------|--------------------|--------------------|--------------------|----------------------|-------------|------------------------|--|--|
| | | | | | | | | | | |

What is your highest level of education?

| No formal education | Secondary Education | Bachelor's degree | MA degree | PhD | Other (please specify) |
|---------------------|---------------------|-------------------|-----------|-----|------------------------|
| | | | | | |

Questions:

1. For how long you have been living in Georgia?

| Up to 1 year | Up to 2 years | Up to 3 years | Up to 4 years | Up to 5 years | More than five years |
|--------------|---------------|---------------|---------------|---------------|----------------------|
| | | | | | |

2. How good is your Georgian?

| Excellent | Very good | Good | Fair | Poor | Do not know the language |
|-----------|-----------|------|------|------|--------------------------|
| | | | | | |

3. Do you rent/own a house in Georgia?

| Yes | No |
|-----|----|
| | |

4. Do you live here alone or with your family?

| Alone | With family | Sharing accomodation |
|-------|-------------|----------------------|
| | | |

5. How strongly are you attached to Georgia?

6. Do you have contact with the local population?

| No | Yes, I have some Georgian friends | Yes, I have Georgian colleagues at my work | Yes, I have Georgian family members | No. I avoid contact with locals (please specify the reason) |
|----|-----------------------------------|--|-------------------------------------|---|
| | | | | |

7. What was your main reason to come to Georgia?

| Being employed | Starting a business | Personal relationship | Medical treatment | Studying | Other (please specify) |
|----------------|---------------------|-----------------------|-------------------|----------|------------------------|
| | | | | | |

8. Would you say that your friends in Georgia are:

| | |
|--|--|
| Mostly your compatriots | |
| Mostly Georgians with whom you study | |
| Mostly Georgians with whom you work | |
| Representatives of other nationalities (please specify) | |
| Have no friends here | |

9. What do you do in Georgia?

| Own a business | Study at a university (please specify the field) | Work in construction | Work in tourism | Teacher/ professor | Unemployed | Other (please specify) |
|----------------|--|----------------------|-----------------|--------------------|------------|------------------------|
| | | | | | | |

10. Is your employer a Georgian citizen or a foreign national?

| Georgian national | Foreign national (please specify the nationality) |
|-------------------|---|
| | |

11. Do you plan to stay in Georgia in the future?

| Planning to stay. Please specify for how long | Thinking but not decided yet | Want to stay but there are some obstacles. Please specify | Do not know yet | Not planning to stay | Planning to leave soon | Do not want to answer | Other (please specify) |
|---|------------------------------|---|-----------------|----------------------|------------------------|-----------------------|------------------------|
| | | | | | | | |

12. Why do you plan to stay in Georgia (if the answer to Q #11 is positive)? Because...

| It is a safe place | Easy to do business | Locals are friendly and hospitable | Easy to travel to EU countries | Cheap place to live | Quality of education is good | I earn well | My family likes to live here | Other (please specify) |
|--------------------|---------------------|------------------------------------|--------------------------------|---------------------|------------------------------|-------------|------------------------------|------------------------|
| | | | | | | | | |

13. Why do you plan to leave the country (if the answer to Q. #11 is negative)? Because ...

| I am a victim of regular discrimination | I face hatred and hostility by locals | Georgia is not a safe place to live | I lost a job due to the COVID-19 pandemic | I got a job abroad | I miss my home country and family | Other (please specify) |
|---|---------------------------------------|-------------------------------------|---|--------------------|-----------------------------------|------------------------|
| | | | | | | |

14. Have you ever sent money back to your friends and/or family members to your home country?

| I send it systematically | I send it periodically | I send it rarely | I have sent it only once | I have never sent it | Do not want to answer |
|--------------------------|------------------------|------------------|--------------------------|----------------------|-----------------------|
| | | | | | |

15. If you send money systematically or periodically, what is the frequency?

| Every week | Every month | Every quarter | Every six months | Once a year |
|------------|-------------|---------------|------------------|-------------|
| | | | | |

16. How much money in total have you sent back to your friends and relatives in last year

| Less than 200 \$ | Between 201 and 500 \$ | Between 501-1000 \$ | Between 1000-2000 \$ | Between 2001-3000 \$ | More than 3000 \$ |
|------------------|------------------------|---------------------|----------------------|----------------------|-------------------|
| | | | | | |

17. Has your family member(s)/friend(s) sent back money to you?

| Yes | No |
|-----|----|
| | |

18. What was the reason that your family members sent money to you – please specify?

19. How much money in total have your family members sent to you in Georgia in 2019 and 2020?

| Less than 200 \$ | Between 201 and 500 \$ | Between 501-1000 \$ | Between 1000-2000 \$ | Between 2001-3000 \$ | More than 3000 \$ |
|------------------|------------------------|---------------------|----------------------|----------------------|-------------------|
| | | | | | |

20. How often do they send money (if the answer to Q #17 is positive)?

| Every week | Every month | In every quarters | Every six months | Once a year |
|------------|-------------|-------------------|------------------|-------------|
| | | | | |

21. How often do you communicate back to your family members and friends who live in your home country?

| | | | | | | | | |
|---------------------|----------------------|-----------------------|--------------------|------------------|----------------------|-------------|---------------|-------------------------|
| Several times a day | Several times a week | Several times a month | Every three months | Every six months | Several times a year | Once a year | I do not know | I do not want to answer |
| | | | | | | | | |

22. Could you please list the public services that you applied during your entire stay in Georgia?

23. How often do you use the following public services?

| List of Public service | Every time I need it | I need it but not always able to receive it | I need it but was never able to receive it | There was no need of it | I do not want to answer | Once a year | Never |
|---|----------------------|---|--|-------------------------|-------------------------|-------------|-------|
| Medical treatment at the hospital | | | | | | | |
| Purchasing medical insurance | | | | | | | |
| Family doctor at the ambulatory | | | | | | | |
| Dentist | | | | | | | |
| Banking | | | | | | | |
| Registration of company | | | | | | | |
| Purchasing real estate | | | | | | | |
| Enrolling/bringing child to a public kindergarten | | | | | | | |
| Enrolling/bringing child to a public school | | | | | | | |

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| Applying to the high education institution/vocation education school | | | | | | | |
| Obtaining residence permit | | | | | | | |
| Obtaining driving license | | | | | | | |
| Calling police | | | | | | | |
| Applying to free legal aid provided by the state authorities? | | | | | | | |

24. What is the reason you have never used the following services

| | Medical treatment at the hospital | Purchasing medical insurance | Family doctor at ambulatory | Dentist | Opening bank account | Company registration | Purchase real estate | Bringing child to a public kindergarten | Bringing child to a public school | Applying to the high education institution/ vocation education school | Obtaining residence permit | Obtaining driving license | Calling Police | Applying to free legal aid provided by the state authorities |
|--------------------------------|-----------------------------------|------------------------------|-----------------------------|---------|----------------------|----------------------|----------------------|---|-----------------------------------|---|----------------------------|---------------------------|----------------|--|
| Cannot afford it | | | | | | | | | | | | | | |
| Lack the knowledge of Georgian | | | | | | | | | | | | | | |
| Not aware of such service | | | | | | | | | | | | | | |
| No need of it | | | | | | | | | | | | | | |
| Have no right to use it | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Was told you that service is of poor quality | | | | | | | | | | | | | | |
| Have no trust to the service provider | | | | | | | | | | | | | | |
| Do not know where to go | | | | | | | | | | | | | | |

25. Do you have a bank account in any of the Georgian banks?

| Yes | No |
|-----|----|
| | |

26. What type of activity do you do at least once a month?

| | |
|----------------------------------|--|
| Eat out | |
| Go to the gym and/or play sports | |
| Attend religious service | |
| Go for sightseeing | |
| Visit a Georgian friend's family | |
| Visit your countryman's family | |
| Attend cultural/musical event | |

27. Have you been subject of insults, discrimination and/or harassment because of being foreigner in Georgia?

| Yes | No |
|-----|----|
| | |

28. Could you please describe the circumstances when you were subject of insult, discrimination and/or harassment?

29. Do you know/have you ever applied to any state-run migrants integration programs in Georgia? If yes please specify when, to which agency you applied and what the reason was:

30. How satisfied you are with the migration integration programs^[2] (if the answer to Q. # 30 is positive)?

| | | | |
|---------------------------|-------------|----------------------|---------------------------|
| Fully met my expectations | It was fine | I was expecting more | It was not helpful at all |
| | | | |

31. What is the main source of information for you?

| | | | | |
|--|---------------|--------------------|----------------|---------------------|
| Social networks (please specify which once) | Own Community | Georgian community | Georgian media | International media |
| | | | | |

32. Could you please name the biggest challenge that you faced/have been facing to get integrated in Georgia?

| | | | | | |
|--------------------------------|----------------------------|--|-------------------|-----------------------------|------------------------|
| Lack of employment opportunity | Impact of COVID19 pandemic | Lack of knowledge of Georgian language | Hostile community | Lack of free state programs | Other (please specify) |
| | | | | | |

33. What would you recommend to Georgian authorities to make sure that migrants are better integrated in Georgia?

^[1] This question applies to regular migrants only

^[2] This question applies to regular migrants only

Annex #2

Questionnaire for in-depth interviews to be conducted with public officers, civil organizations and academic institutions under the study

I am Vano Chkhikvadze, a researcher of the International Organization for Migration Mission to Georgia. IOM commissioned this study assessing challenges and opportunities of integration of foreign migrants legally/regularly residing in Georgia. During the research face to face interviews will be organized with the group of migrants, as well as with the civil servants working on development of migrants' integration policy and programs. Would you accept taking part in the survey and provide answers to the questions below. The provided information will be processed and used without any direct quoting (meaning interviewee's name, family name and position). Please give us your consent to take part in the survey.

Name:

Family Name:

Position:

Contact details:

- 1. How well does your agency identify the needs of migrants legally/regularly residing in Georgia? How do you assess those needs? What would be your recommendations to improve the process?**
- 2. Please list the integration programs (and the year of its commencement) your agency offers to migrants.**
- 3. How would you assess the efficacy of the listed programs? How effective are they and what needs to be improved? What additional tools are needed to fully address migrants' needs?**
- 4. How many beneficiaries/migrants have the programmes had since 2017? Please break down the data by year and citizenship and regions of Georgia.**
- 5. What are the communication tools and channels that your agency applies in order to disseminate information and reach out to the migrants informing them about the restrictions introduced by the government in response to the COVID-19 pandemic?**
- 6. The COVID-19 pandemic negatively influenced Georgia's economy and consequently it had a negative impact on the employment of migrants in the country. What are the steps that the authorities have taken to minimize the damage and negative results?**

7. What kind of policy have the Georgian authorities implemented to support migrants residing in Georgia during the COVID-19 pandemic? How would you assess the policy impact?
8. (This question is addressed to LEPL Zurab Zhvania Public Administration School) – according to the migration strategy of Georgia 2016-2020 one of the objectives is to offer Georgian language and cultural programme(s) to adult migrants and their children – how would you assess the efficacy of this programme? What were the achievements of the programme and what needs to be improved?
9. (This question is addressed to LEPL Zurab Zhvania Public Administration School) - How would you assess the efficacy of the platform Georgia as a foreign language? What needs to be improved to enhance the efficacy of the platform?
10. (This question is addressed to the Ministry of Education, Science and Sports, National Center for Education Quality Development (EQE), Division on Recognition of Education Acquired Abroad - How do the Georgian state authorities recognize the informal education of foreign migrants? Please provide statistics of 2017-2020 broken down by nationalities and professions.
11. (This question is addressed to the Ministry of Education, Science and Sports, National Center for Education Quality Development (EQE), Vocational Education Policy Division) – How accessible is state vocation education programmes to migrants residing in Georgia? How many of them have applied to such programmes? What are the professions they applied for, and could you please provide the broken down statistics by citizenship, profession and graduates in 2017-2020?
12. (This question is addressed to the Ministry of Education, Science and Sports, National Center for Education Quality Development (EQE), Vocational Education Policy Division) – One of the objectives of the state migration strategy of Georgia for 2016-2020 was to ensure migrants' involvement in vocational education programmes. What are the measures that the state applied to reach the set objective? Has the number of migrants applying for vocational education programmes increased/decrease year by year since 2017 until now?
13. (This question is addressed to the Ministry of Education, Science and Sports, Pre-school and general education development department, Pre-school Education Development Division) – In the process of providing methodological support of municipalities in quality pre-school education enhancement, do you define the migrants' needs and if yes, how do you do so?
14. (This question is addressed to the Ministry of Economy and Sustainable Development LEPL Enterprise Georgia) – Are the programmes and support provided by LEPL Enterprise Georgia accessible to migrants and if

so could you please provide the statistics by citizenship how many migrants applied with project proposals and how many of them were funded?

15. (This question is addressed to MOLHSA LEPL State Employment Support Agency) – Can migrants have access to professional counseling and career planning services at the municipal level and if yes how many migrants benefited from them in 2020?

16. (This question is addressed to MOLHSA Policy Department) – Are state programmes in healthcare, public healthcare, medications and pharmacy (financing and co-funding) accessible to migrants? What are the procedures for migrants to receive said benefits? Could you please provide statistics for 2017-2020 broken down by citizenship and the regions of Georgia?

17. Would you like to provide any further information?

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