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Migration Policy Development

Research Papers

Drafted within the Framework of the "Building Training and Analytical Capacities on Migration in Moldova and Georgia (GOVAC)" Project

Internship to ICMPD, September 2011

GOVAC Project Internship to ICMPD Research Papers

A collection of Research Papers drafted by the participants of the GOVAC project Internship to ICMPD, September 2011: **Ms. Natalia Chubinidze**, the representative of the International Relations and Project Management Division of the Civil Registry Agency, the Ministry of Justice of Georgia, **Ms. Mariam Kevlishvili**, Assistant Professor at the Tbilisi State University, **Mr. Veaceslav Cirlig**, Head of the Migration Policy Department of the Bureau for Migration and Asylum, Ministry of Internal Affairs, **Mr. Valeriu Mosneaga**, Head of the Political Science Department of the Faculty of International Relations, Political and Administrative Sciences, Moldova State University.

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Foreword

The research papers included in this publication were drafted during the internship to the International Centre for Migration Policy Development (ICMPD), as one of the activities within the project "Building Training and Analytical Capacities on Migration in Moldova and Georgia" (GOVAC).

GOVAC Internship team (ICMPD Vienna, September 2011), from left to right: Valeriu Mosneaga (Moldova), Xenia Pilipenko (ICMPD), Veaceslav Cirlig (Moldova), Natalia Chubinidze (Georgia), Martin Hofmann (ICMPD), Alenka Prvinsek (ICMPD), Violeta Wagner (ICMPD), Mariam Kevlishvili (Georgia), David Reichel (ICMPD)

The internship which was focused on applied migration research was implemented from August 29 to September 23, 2011. One representative from a governmental institution and one representative from an academic institution from both Georgia and Moldova were invited to take part in the internship. The participants, as well as a topic for migration research, were chosen by the Project Task Force (PTF) [1] in Georgia and Moldova in close cooperation with ICMPD.

Ms. Natalia Chubinidze, the representative of the International Relations and Project Management Division of the Civil Registry Agency, the Ministry of Justice of Georgia, and **Ms. Mariam Kevlishvili**,

[1] The Project Task Force (PTF) is part of the GOVAC project Management structure. PFT is established in both Georgia and Moldova and consists of representatives from different governmental institutions involved in the migration management and academic institutions. The PTF supports cooperation between government and academia in order to meet the analytical needs of authorities while implementing migration policies.

Assistant Professor at the Tbilisi State University, represented Georgia during the internship. Moldova was represented by **Mr. Veaceslav Cirlig**, Head of the Migration Policy Department of the Bureau for Migration and Asylum, Ministry of Internal Affairs, and **Mr. Valeriu Mosneaga**, Head of the Political Science Department of the Faculty of International Relations, Political and Administrative Sciences, Moldova State University.

After consultations with the ICMPD project and research team, the research area and topic were identified for both national teams. The issue of *legal integration of foreigners* is an important and interesting topic for Georgian governmental and academic institutions at the moment. Since the *acquisition of citizenship* in a country can be seen as the highest level of legal integration, this topic received most attention during the internship. Additionally, the opposite side of the citizenship – the issue *statelessness* – was also examined during the internship and included as a part of this research paper.

As for Moldovan national team, the issue of *migration movements between Moldova and the EU*, including both policies and numbers was of the highest priority. For the time being, Moldova remains the country of emigration, and one of the vector of this emigration is directed to the European Union Member States. The authors of the research paper analysed national migration legislation and institutional framework and compared different data on migration from Moldova to the EU countries, including both regular and irregular migration.

The authors of the paper were working independently on the chosen research topic under the supervision of the ICMPD research team and the GOVAC project team members. After the first draft research paper was finalised, the paper was reviewed by the GOVAC project team. The work was done during the internship to ICMPD, and later, when participants returned back to their countries.

The main focus during the internship was paid to the implementation of applied migration research and drafting of the research paper, however, interns also took part in every-day ICMPD activities such as internal trainings, working meetings and briefings, meetings with ICMPD field representatives, etc. In parallel, special meetings and trainings were organised for them in specific thematic areas (i.e. workshops on statistics and statelessness, a guided tour to the Austrian Ministry of Interior, etc.).

Violeta Wagner
GOVAC Project Manager, ICMPD

CITIZENSHIP POLICIES IN GEORGIA AND THE EUROPEAN UNION, Natalia Chubinidze and Mariam Kevlishvili

in cooperation with the GOVAC project team and ICMPD Research unit

I. Introduction and general overview of the research subject

In a globalised world, migration becomes increasingly important, especially when it directly affects common borders within the European Union (EU), visa facilitation or visa liberalisation regimes. As a response to current developments, states are developing policies dealing with the regulation of migration, often referred to as migration management.

The development of migration management has also become a priority for the government of Georgia. Moreover, the issue in Georgia is closely connected to EU and EU-Atlantic integration processes.

One important migration policy issue is the question how to deal with the consequences of migration: for example, the integration of immigrants. The legal integration of foreign citizens is clearly of major importance. The rights of immigrants are regulated by many different legal measures and the legal situation of non-citizens varies considerably across countries. Acquisition of national citizenship is an important step in the life of a migrant, since it is only national citizenship which provides full access to all the rights in a given country. Conversely, persons without any citizenship – stateless persons – present a special case and a considerable challenge for legal integration policies.

This research paper concentrates on these important issues in a broader sense, by looking at recent EU developments and policies concerning the issue of national citizenship. In this regard, each country adopts its own approach towards regulating access to citizenship, which is a matter of national law. Nevertheless, these policies are also focused on establishing links between immigration and development in order to increase the positive effects of migration and to decrease the negative consequences arising from lack of integration.

Further, this paper describes the current situation regarding the acquisition of citizenship as well as approaches towards statelessness in Georgia and the EU.

Section II of the paper describes general migration policies in Georgia with a special focus on the rights of foreigners living in Georgia and their access to Georgian citizenship. The section is supplemented by recent statistics on citizenship acquisitions in Georgia. This is followed by a special section on links between statelessness and migration, discussing specifically the situation in Georgia. The third section examines opportunities for the legal integration of third-country nationals in the EU and of access to citizenship as the final step in the legal integration process. This section begins with a rough overview on the EU's methods of approach towards the issue of integration of third-country nationals and towards EU citizenship. After sketching out broadly national citizenship policies in EU Member States, statistics on acquisitions of EU citizenship by Georgian nationals are presented and analysed. The final section concludes the paper.

The research was conducted and elaborated upon after consultations with relevant experts, a literature review and an analysis of statistics.

II. Current situation and developments in Georgia: migration policies and access to citizenship

II.1. Migration Management in Georgia

As with the majority of countries in the region, Georgia faced increased international migration shortly before and after collapse of the Soviet Union and proclamation of the independency of Georgia in 1991.

Georgia has adopted a legislative framework for managing migration. At the moment, the following legal acts mainly regulate the legal status of aliens and/or processes for granting or acquiring citizenship:

- Constitution of Georgia[2], adopted on August 24, 1995; last amended on September 24, 2009;
- Organic Law of Georgia on Citizenship, adopted on March 25, 1993; last amended on January 30, 2006;
- Law of Georgia on the Legal Status of Aliens, adopted on December 27, 2005;
- Law of Georgia on Departure from Georgia and Arrival to Georgia of Georgian citizens, adopted on December 7, 1993;
- Law of Georgia on rules governing registration of Georgian citizens and aliens residing in Georgia, issuing ID card (residence permit) and passport of Georgian citizen, adopted on June 27, 1996;
- Law of Georgia on Refugees, adopted on February 18, 1998; last amended on April 27, 2005;
- Law of Georgia on IDPs, adopted on June 28, 1996;
- Law of Georgia on Combating Trafficking in Persons, adopted on April 28, 2006; last amended on September 24, 2010;
- Law on Repatriation of Persons forcefully sent into exile from the Soviet Socialist Republic of Georgia by the former USSR in the 40's of the 20th Century; adopted on July 11, 2007.

In order to implement the above-mentioned laws the necessary by-laws were additionally adopted. According to the Georgian legal system, the laws mainly establish the general principles, rights and obligations of persons and institutions within the migration processes, and the by-laws deal with the procedures by which these principles, rights and obligations are to be implemented in Georgia. The following by-laws are the most important for gaining an overview of the legislative migration framework in Georgia:

- Presidential decree No. 399 from June 28, 2006 regarding the rules on visa issuance, extension and termination;
- Presidential decree No.400 from June 28, 2006, regarding the rules on considering and solving issues of granting residence permits in Georgia;
- Presidential decree No.401 from June 28, 2006 regarding the rules on expulsion of aliens from Georgia;
- Decree of the Georgian Government No. 314 from October 13, 2010, on the creation of the Governmental Commission on Migration issues and approval of the provision;
- Order of the Minister of Justice No. 98 from July 27, 2011 regarding approval of the rules on registering and deregistration of Georgian citizens and aliens residing in Georgia, issuing ID cards, residence permits, passports, travel passports and travel documents.
- Presidential decree No.34 from January 30, 2009, regarding the rules on "Application and the Submission for Consideration of the Citizenship of Georgia."

[2] http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf

In recent years the situation in Georgia in the field of migration management and migration policy development has changed considerably: a number of institutions have been established and are functioning in the field, and the legislative basis in general corresponds to the country's needs. Nevertheless some improvements to the migration management system are needed in order to stimulate more positive effects from the migration processes to the development of the country in general.

The Government of Georgia has already taken steps towards further improvement of migration management, especially in the areas of co-operation and co-ordination of migration policy in Georgia. Since 2010 all main aspects and questions concerning migration are discussed within the **State Migration Commission**[3]**,** which was established in October 2010 by the Government's Decree No 314 (hereinafter – the Commission). All responsible agencies involved in the migration management in Georgia are part of the Commission. Namely, the Commission is composed of representatives from the Ministry of Justice (chairing the Commission), Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees, Office of the State Minister on European and Euro-Atlantic Integration, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Economy and Sustainable Development, Ministry of Labor, Health and Social Affairs, Ministry of Education and Science, Ministry of Finance, Office of the State Minister for Diaspora Issues and National Statistics Service of Georgia. With the creation of this Commission, the government of Georgia underlined the importance of migration management for the needs of the country. The main aim of the Commission is to support coherent migration policy elaboration and effective management of migration processes in Georgia. The Commission works therefore on the implementation of Government policy in the internal and external migration fields, and prepares proposals and recommendations to the Government for improvement of the migration management system in Georgia.

In the recent years the situation in Georgia in the field of migration management and migration policy development has changed considerably. Nevertheless considerable improvements in this area are needed in order to stimulate positive impact of migration processes to the general development of the country.

The Commission is chaired by the Ministry of Justice. The technical-organizational support of its activities was assigned to the Ministry of Justice of Georgia, Civil Registry Agency (hereafter – CRA), although it is planned to establish a special secretariat which will support the Commission members in preparing information, documentations and other issues.

The Commission has currently established three working groups dealing with (1) reintegration activities of returned Georgians, (2) issues of statelessness in Georgia and (3) the elaboration of a state migration strategy. One additional important issue which is of interest of the Commission is the implementation of the EU-Georgia readmission agreement, which is currently operating smoothly. The Ministry of Internal Affairs was assigned as a competent authority for implementation of the readmission agreement in co-operation with the Civil Registry Agency, Ministry of Foreign Affairs (MFA) and the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (MRA).

The Commission also works as an inter-agency co-ordination body for general migration policy issues. For example, during the session on November 3, 2011, the Commission approved the Extended Migration Profile of Georgia, which had been prepared in the framework of the "Building Migration Partnerships" initiative funded by the European Union's Thematic Programme.

[3] Established by the Governmental Resolution No. 34, October 13, 2010

The Commission has already proved its significance and importance as an effective instrument of improvement of migration management, but still needs additional human resources and capacity development.

II.2. Legal Residence of aliens in Georgia

The residence of foreigners in Georgia is regulated by the Law on the Legal Status of Aliens and its implementing by-laws.

According to the Law on the Legal Status of Aliens, the basis for legalised residence in Georgia comprises visa, residence permit or refugee certificate[4] (for persons who were granted refugee status according to the procedure established by Law).

A **visa** to enter and remain in Georgia can be issued for a period of up to 360 days with a right to multiple or simple entry for different types of visas. The following visa types are issued in Georgia:

- *Diplomatic visa* – for members of diplomatic representations, heads of states, etc.;
- *Service visa* - issued only to the holders of service passports travelling to Georgia on an official visit;
- *Ordinary visa* - can be issued to persons travelling to Georgia for the purpose of tourism, medical treatment, visiting relatives or other purposes;
- *Study visa* - issued to aliens coming to study in Georgia upon special invitation from an educational institution.

Moreover, the Law also specifies a list of the countries from which citizens are allowed to travel to Georgia and remain there for a period up to 90 days[5] without a visa.

Georgian visas can be issued at the diplomatic (consular) representations abroad, however, according to the Presidential decree[6] in exceptional cases; a three-month visa can also be issued at the border crossing point when entering Georgia. The decree does not specify in detail the conditions of such cases, but rather establishes that the issue of visas at the border shall comply with general visa requirements, and that any exceptional cases shall be agreed upon with the Ministry of Foreign Affairs.

In order to reside in Georgia for a period longer than one year, all aliens must receive a **residence –** temporary or permanent **– permit** which is issued by the Civil Registry Agency. The legal acts of Georgia establish conditions and a procedure for issuing this document.

A temporary residence permit is a document allowing an alien to reside in Georgia for a period of between one and six years. According to legislation, a temporary residence permit can be issued to a person who:

a) is engaged in labour activity in Georgia (including persons of free profession);
b) arrived in Georgia for study or medical treatment;

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[4] Article 16 of the Law on the Legal Status of Aliens

[5] Article 4 of the Law on the Legal Status of Aliens. However, a visa-free regime is also established by bilateral agreements with foreign countries; therefore, the law does not provide an exhaustive list. Moreover, foreigners permanently residing in the Republic of Lithuania, Swiss Confederation, Federative Republic of Germany, Republic of Korea, Czech Republic, Republic of Hungary, Republic of Poland, Republic of Slovenia, Kingdom of Denmark, Island, Kingdom of Norway, Kingdom of Sweden, Kingdom of Spain, Republic of Bulgaria, Slovak Republic, Republic of Romania, Republic of Estonia, and possessing a document certifying permanent residence in one of these countries, as well as foreigners possessing temporary a residence document and residing on the territory of the State of Qatar, Sultanate of Oman, Kingdom of Bahrain and State of Kuwait, do not need a visa to enter and remain on the territory of Georgia for up to a period of 360 days. For more information of Georgia visa regime, please refer to the Ministry of Foreign Affairs of Georgia, http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=96 (accessed on January 12, 2012).

[6] Presidential decree No. 399 from June 28, 2006 regarding the Rules on visa issuance, extension and termination

c) is invited by the respective governmental institution as a qualified expert or art worker whose invitation is of special interest of Georgia;
d) is a custodian or guardian of a citizen of Georgia;
e) is under custody or guardianship of a citizen of Georgia;
f) is a family member (spouse, parent, son, daughter, grandchild, adopter, adoptee, sister, brother, grandmother or grandfather) of a citizen of Georgia or foreigner who holds a residence permit.

A permanent residence permit in Georgia can be issued to:

a) a foreigner who has lived in Georgia for the last six years with a temporary residence permit. However, this term does not include any period of residence in Georgia for the purpose of study or medical treatment, or any period of work in either diplomatic or equivalent representative offices;
b) spouses, parents, children, grandchildren, adoptive fathers/mothers, adopted children, siblings, grandparents of a citizen of Georgia;
c) qualified expert engineers from a scientific field, sportsmen or women, and art workers, whose residence in Georgia is of some special interest;
d) persons who have lost their Georgian citizenship, but remain in the country for permanent residence.

Residence permits can be applied for directly at the CRA, and at consular services abroad. Online application is also possible at the CRA (http://passport.gov.ge/). In cases where an application for a residence permit is accepted, a permanent or temporary residence card is issued to foreigners within a month.

The Law also establishes grounds when the granting of a residence permit is *refused*. These grounds include threats to the public safety and state security, non-compliance with the conditions of residence in Georgia, convictions for crime or crimes against peace and humanity, committing a crime or being convicted for a severe criminal offense during the last five years prior to any submission of an application for a residence permit; or, by extension, in the case of a criminal charge is brought against an applicant, and up until the completion of any criminal proceedings[7].

II.3. Rights and Duties of Foreigners in Georgia

The rights and duties of foreigners in Georgia are established by the Constitution, the Law on the Legal Status of Aliens and other legal acts.

According to the Constitution of Georgia, “everyone legally within the territory of Georgia shall, within throughout the territory of the country, have the right to freedom of movement and freedom to choose his/her residence” and “shall be free to leave Georgia”. The Constitution also provides that the above-mentioned rights may be restricted “only in accordance with law, in the interests of national security or public safety, protection of health, prevention of crime or administration of justice that is necessary for maintaining a democratic society”[8].

Article 47 of the Constitution establishes the basis of the legal status of foreigners and stateless persons in Georgia. According to this Article, “foreign citizens and stateless persons residing in Georgia shall have the rights and obligations equal to the rights and obligations of citizens of Georgia with exceptions envisaged by the Constitution and law”. Further, paragraph 2 and 3 of article 47 introduce the right on asylum as well principle of *non-refoulement*.

[7] Article 23 of the Law on the Legal Status of Aliens
[8] Article 22 of the Constitution

Foreigners and stateless persons are fully entitled to the fundamental rights and freedoms; namely, as the Constitution stipulates, the right to life, personal privacy, freedom of conscience, the right of legal defence, and presumption of innocence.

Any restrictions of the rights of foreigners and stateless persons will mainly be concerned with political rights. Citizens of foreign countries and stateless persons residing in Georgia do not have the right to choose or to be chosen in representative agencies, participate in referendums, create a political union (party) or to take part in its activity[9].

Georgian legislation acknowledges the rights of property and inheritance. These rights, however, can be restricted in cases defined by the law for public purposes and according to the prescribed rule. The legislation restricts, for example, the right of a foreigner to own agricultural land and provides an obligation to alienate land plots owned by them in favour of a citizen of Georgia within 6 years following the origination of the property right. In cases of non-fulfilment of this obligation, the foreigner may be deprived of ownership of the plot of land in favour of the state, according to the rule prescribed by the law[10].

All persons, including foreigners and stateless persons, residing on the territory of Georgia, have a right to emergency medical aid. Moreover, stateless persons, like citizens of Georgia, are beneficiaries of various state medical programs, such as: medical aid during an epidemic, provision of the population with specific medicines etc. Apart from medical aid, foreigners legally residing in Georgia and stateless persons have a right to social assistance (livelihood and reintegration allowances, utility subsidy etc.). Stateless persons residing in Georgia and foreigners, who have been permanent residents in Georgia for a period of 10 years from the date of filing an application for a pension, are also entitled to social maintenance. A state pension is issued to these persons, as to citizens of Georgia, due to them having reached retirement age, qualifying for disability status, or because of the death of the person supporting the family[11].

Persons residing in Georgia are entitled to education and also to a choice of its form. Persons legally residing in Georgia enjoy full access to the labour market; only access to the civil service is restricted[12].

Along with acknowledging the rights of foreigners and stateless persons, Georgian legislation imposes also a number of obligations concerning them. In the first place, the obligation of each person residing in Georgia stipulated by the Constitution to fulfil the requirements of the Constitution of Georgia and legislation as well as the obligation not to violate rights and obligations of other persons while exercising their own rights and freedoms.

Aliens residing in Georgia are obliged to pay state dues and taxes in the same manner as Georgian citizens[13].

Stateless persons permanently residing in Georgia are considered to be liable for military service, and the forms of military services defined by the law apply to this person. Citizens of foreign countries may also be accepted for military service on an optional basis and upon the decision of the President of Georgia.

According to the Article 26 of the Law on the Legal Status of Aliens, foreigners and stateless persons residing in Georgia are obliged to register their place of residence within one month after entering the territory of Georgia through the Civil Registry Agency.

[9] Article 27 of the Constitution, Article 38 and Article 45 of the Law on the Legal Status of Aliens
[10] The Law of Agricultural Land Ownership, Article 4.
[11] The Law of Social Assistance; The Law on State Pension
[12] The Public Service Law, Article 15.
[13] Article 42 of the Law on the Legal Status of Aliens

II.4. Access to Georgian Citizenship

The issues related to access to Georgian citizenship are regulated in Georgia by the Organic Law on Citizenship, adopted on March 25, 1993; however, the main principles of citizenship are established by the Constitution of Georgia (Chapter II). Both of these acts prohibit dual citizenship, except for cases where citizenship was "granted by the President of Georgia to a citizen of foreign country, who has a special merit before Georgia or grant the citizenship of Georgia to him/her is due to State interests"[14].

Georgian legislation provides that *"each person (…) has a right to citizenship of Georgia. No one may be restricted in the right to change his/her citizenship, except the circumstances envisaged by the (Citizenship) law. No one may be deprived of the citizenship of Georgia*"[15].

Georgian citizenship may be acquired by birth or naturalization[16].

A child is a citizen of Georgia, if:

- Both his/her parents are citizens of Georgia at the moment of birth regardless of the place of birth;
- One parent is a citizen of Georgia and
  - the child was born on the territory of Georgia;
  - the child was born outside the borders of Georgia but either one of his or her parents has a permanent place of residence on the territory of Georgia;
  - either one of his or her parents is a citizen of Georgia at the moment of birth, regardless of the place of birth, and the other parent is a stateless person or is unknown.
- He/she is a child of stateless persons permanently residing on the territory, if he or she was born on the territory of Georgia;
- He/she was found on the territory of Georgia and both parents are unknown, until the contrary is proved[17].

According to the above-mentioned, the main principle regulating the Georgian citizenship is the so-called *jus sanguinis* principle; i.e. children of Georgian citizens are also automatically citizens of Georgia. However, as in many other countries, the territorial principle (*jus soli*) is applied only in cases where one of the parents is a Georgian citizen, or – in order to avoid statelessness – if a child was born in the territory of Georgia and both his/her parents are stateless.

Georgian legislation also includes specific provisions due to the dissolution of the USSR. These provisions introduce rules related to persons residing in the territory of Georgia and holding citizenship of a country no longer existing. Thus, some provisions of the Law have relevance to the situation before Georgia restored its independency in 1991[18]. Article 3 provides, as a rule, that all persons permanently residing in Georgia for at least 5 years from the date on which the Law on Citizenship (1993) came into force, are citizens of Georgia, so long as they have not refused citizenship of Georgia, in writing, within a period of six months.

The procedure of **naturalisation** is also regulated by the Law on Citizenship. According to the Law, Georgian citizenship can be **granted to a foreign citizen or a stateless person** under the conditions established by the Law. Article 26 of the Law on Citizenship establishes that Georgian citizenship may be acquired by a foreigner meeting the following requirements:

[14] Article 12 of the Constitution of Georgia
[15] Article 2 of the Law on Citizenship
[16] Ibid
[17] Articles 11 – 13 and 15 of the Law on Citizenship
[18] E.g. provision in the Article 3 of the Law on Citizenship establishing that "a person who was born in Georgia but had left the territory of Georgia after December 21, 1991, and thus not fulfilling the requirements" on permanent residence of at least five years, is a citizen of Georgia, "if such a person does not have other citizenship".

a) Permanent residence in Georgia for the past **5 years**[19];
b) The person speaks the **Georgian language** at a required level;
c) The persons **proves to have sufficient knowledge of the history** of Georgia and on its basic laws at a required level;
d) The person is **employed** in Georgia or **owns real estate**, or **implements entrepreneurial activity** on the territory of Georgia, and/or **holds stake or shares** in a Georgian enterprise.

Georgian citizenship can be also granted by the President of Georgia to a citizen of a foreign country who does not meet the above-mentioned criteria if that person has performed outstanding services for Georgia, or if the granting citizenship is in the interests of Georgia[20].

Any person wishing to acquire or to be granted citizenship of Georgia is required to submit an application at Legal Entity of Public Law – Civil Registry Agency (in Georgia) or Diplomatic Representative Office of Georgia or Consular Office of Georgia (abroad). The period for considering such applications, including decision-making, must not exceed 3 months[21].

Based upon the assessment of the level of knowledge of the national language, the history of Georgia and basics of law, in addition to the submitted documents, the Civil Registry Agency prepares a motivated opinion on the issue of granting citizenship of Georgia defined by the legislation, and sends this to the President of Georgia. Where an application is successful, the President will issue a decree granting citizenship of Georgia to the person[22]. Their knowledge of the Georgian language and of the country's history is evaluated during an official test within the Citizenship Commission under CRA. In the case of a refusal, the applicant has a right to appeal within one month from the announcement of the decision.

The Law on Citizenship also decides upon cases where citizenship is not to be granted to a person meeting naturalisation criteria. This includes cases when a person has committed a crime against peace and humanity or has taken a part in a crime against the Georgian state[23].

The Law on Citizenship also defines cases of the **termination** of citizenship; such cases result in withdrawal from and loss of citizenship[24].

Every person has a right to **withdraw** from citizenship. The procedure for withdrawal is similar to the naturalisation procedure. The Law determines also the reasons for when the right to withdraw could be restricted. These are related to the obligatory duties a person may have, such as military service, unsettled property obligations, or when criminal prosecution has been set in motion against a person, or a person has been charged in criminal proceedings[25]. Moreover, according to newly introduced provision to the Law on Citizenship, any citizen of Georgia who has submitted an application to withdraw their citizenship must also submit a guarantee to the effect that he/she will be accepted as a citizen of a foreign country. This provision was inserted in order to avoid persons becoming stateless[26].

According to Article 32 of the Law on Citizenship, a person will **lose their** citizenship of Georgia if he/she:

- enters into military service, the police service, bodies of justice, government or state power of a foreign state, without permission from competent bodies of the Republic of Georgia;

[19] This period is reduced to three years in case of marriage to a citizen of Georgia, Article 28 of the Law on Citizenship
[20] Article 27 of the Law on Citizenship
[21] Organic law of Georgia on Citizenship of Georgia, article 38
[22] Article 36 and 37 of the Law on Citizenship
[23] Article 26^1 of the Law on Citizenship
[24] Article 30 of the Law on Citizenship
[25] Article 31 of the on Citizenship
[26] Organic law of Georgia on Citizenship of Georgia, article 37

- permanently resides in the territory of another state without registering in the consulate for two years without due excuse;
- has acquired citizenship of Georgia by providing false documents;
- accepts citizenship of another state.

The materials on loss of citizenship of Georgia are submitted to the CRA by the court, prosecutor's office, the Ministry of Internal Affairs and the Ministry of Foreign Affairs (diplomatic (consular) representations abroad). The CRA submits preliminary conclusions with all supporting document to the Presidential administration for decision[27].

The Civil Registry Agency is responsible for data collection on citizenship in Georgia. According to this institution, **in 2010, more than 6,600 people were naturalised in Georgia**. The vast majority of these new Georgians were formerly Russian citizens, making up almost 90 percent of all acquisitions. Other countries of origin are of minor importance compared to Russia, such as Israel, in second place at 2.5 percent of all acquisitions, or the United States or Greece (see Table 1). Slightly more than **4,000 persons lost their Georgian citizenship in 2010**. Most losses reported are for Russian citizens, at almost 50 percent. Other countries of citizenship of formerly Georgian citizens include Armenia at 4.5 percent and Turkey at 3.5.

Consequently, almost all persons becoming Georgian citizens are from Russia. Most persons giving up Georgian citizenship have, likewise, become Russian citizens. Greater diversity is to be found in those countries of new citizenship than in the countries of origin of new Georgian citizens.

Table 1. **Statistics on acquisition and loss of Georgian Citizenship 2010**

Acquisitions			Losses		
Country	**Number**	**% of total**	**Country**	**Number**	**% of total**
Russia	5,805	87.6%	Russia	1,901	47.5%
Israel	164	2.5%	Armenia	181	4.5%
USA	118	1.8%	Turkey	140	3.5%
Greece	95	1.4%	Greece	75	1.9%
Iran	69	1.0%	Ukraine	59	1.5%
Armenia	66	1.0%	Azerbaijan	45	1.1%
Ukraine	58	0.9%	Israel	32	0.8%
Turkey	40	0.6%	Iran	22	0.6%
Kazakhstan	25	0.4%	USA	19	0.5%
France	18	0.3%	Germany	19	0.5%
Other	170	2.6%	Other	1,512	37.8%
Total	**6,628**	**100%**	**Total**	**4,005**	**100%**

Source: Civil Registry Agency, Ministry of Justice of Georgia

[27] Organic law of Georgia on Citizenship of Georgia, article 35

Special section: Links between migration and statelessness

New approaches to and challenges of statelessness

The phenomenon of statelessness can be connected to many factors: migration, including forced migration, state succession, discrimination in state policy against some groups within the population, improper legislation or legal practice that leaves some parts of the population outside the legal regulation related to citizenship, and, finally, personal motivation, or the behaviour of particular individuals. Although, in this section, the main focus is on the links between migration and statelessness, it is sometimes difficult, and even at times impossible, to make a clear distinction between the reasons for statelessness; close observation of these various factors is therefore essential. Nevertheless, there are some major factors, which could be a cause for statelessness in the 20th Century. For a long time statelessness had not been a priority issue, either for the states nor for international society. From the Second World War onwards, however, a great many activities and efforts have been made by United Nations (UN) agencies (UNHCR, UNICEF, High Commissioner for Human Rights, etc.) and European society (including the EU, the Council of Europe and OSCE) to reduce statelessness. "*No one should be stateless in today's Europe*"[28], stated the CoE High Commissioner for Human Rights, Thomas Hammarberg, in June 2008. This statement was a new impulse for conducting further activities directed at the reduction of statelessness, and further implementation of the fundamental right internationally proclaimed by the Article 15 of the 1948 Universal Declaration of Human Rights: "*Everyone has the right to a nationality*".

This special section is incorporated into the research study due to a specific link between statelessness on one side – as a specific situation of a foreigner who has limited opportunity to access his or her fundamental rights – and citizenship on the other side – as the final step in a foreigner's integration into the society of the country in which he or she resides

[28] Cited in Brad K. Blitz and Caroline Sawyer, Statelessness in the European Union, 2011, Cambridge University Press, http://www.coe.int/t/commissioner/Viewpoints/080609_en.asp, last visited 12.10.2001

In general, the definition of statelessness is provided by the **1954 Convention Relating to the Status of Stateless Persons**[29]**.** Article 1 of the Convention establishes that a stateless person is a person who is not considered as a national of any state under the operation of its law. According to this so called "inclusion clause" of the definition of statelessness, a stateless person *de jure* could be a person without nationality, being within the territory of the state of origin, but also outside of this state. However, recent global developments have called for the necessity to discuss the situation of persons who are living outside of the country of their origin but still possessing citizenship of the country (or they have, at least, a right to this citizenship), but yet still cannot avail themselves of the protection of their country: e.g. citizenship is not able to be fully established, or it is disputed, and similar situations. Such a category of persons is called "*de facto"* stateless persons according to customary international law[30].

An increase of stateless persons and, in general, an increase in the importance of the issue, has arisen for many reasons. The main ones are as follows:

- **Geo-political changes (the Second World War and break-up of the former Yugoslavia, Czechoslovakia, and former Soviet Union)[31]**

As a result of global geo-political changes in the 1990s, the number of stateless persons has increased. The economically and politically orientated state migration policy of the former Soviet Union, when people were forcibly removed from their places of residence, or when internal migration was supported by the state (the development of regions, "century construction" projects, etc.) and the subsequent break-up of this country, led to the situation in that the populations of the newly independent states could not identify themselves as being citizens of this country, neither could they fulfil the conditions for acquisition of citizenship (e.g. language knowledge), although they were permanently residing in these states. Many people still possessed citizenship of a country which had ceased to exist, and newly created states had created different legislation regarding citizenship. Similarly, in cases from former Yugoslavia and Czechoslovakia, the break-up of these states "caused enormous difficulties for persons who were regarded by the new successor states as belonging somewhere else - even if they had habitually resided for many years" [32]. This situation concerned mainly Roma people.

> *Thomas Hammarberg, Council of Europe High Commissioner for Human Rights: "**No one should be stateless in today's Europe**" (June, 2008)*

One more aspect of state succession is the repatriation of persons to their native land after the break-up of the former country, where their right to acquire citizenship could be limited because of gaps in the legislation, restrictive or discriminating policy.

- **Asylum seekers, who were refused asylum on a territory of their destination, but are unable or unwilling to return to their countries of origin, whether for fear of persecution or that the country of origin refuses to readmit them**

This is only one of the possible reasons for statelessness, which is also related to migration. Asylum seekers without any ID documents are often refused such documents by their country of origin (sometimes because they are unable to do so because of a civil war, or the

[29] http://treaties.un.org/doc/Treaties/1960/06/19600606%2001-49%20AM/Ch_V_3p.pdf
[30] UNHCR, The Concept of Stateless Persons under International Law, Summary Conclusions, http://www.unhcr.org/4cb2fe326.html
[31] 50th Anniversary of the United Nations 1961 Convention on the reduction of statelessness, Written Declaration No 502, http://assembly.coe.int/Documents/WorkingDocs/Doc11/EDOC12766.pdf
[32] Council of Europe: Commissioner for Human Rights, *Many Roma in Europe are stateless and live outside social protection*, 6 July 2009, available at: http://www.unhcr.org/refworld/docid/4a7023c72.html, accessed 12 October 2011

break-up of the state, or other reasons). These persons become *de facto* stateless, as well as stateless according to customary international law.

- **Laws regulating marriage , birth and death registration**

In some countries, regions, or among some groups within a population, birth, marriage and death (non-) registration also could be a reason for statelessness. For example, in some countries, praxis on birth and marriage registration is not well developed or is not practiced according to the procedure prescribed by law. Experts estimate that around the world some 50 million children go unregistered every year[33]. UNHCR and UNICEF recognize that proper legislative measures and a campaign for proper registration of the birth of children is the best way to prevent statelessness[34].

- **Migrants being unable to pass citizenship to their children**

In cases where the country of origin of migrants has only a few diplomatic (consular) representations around the world, migrants residing or working in these countries could face challenges in registration – and consequentially in acquiring citizenship – of children born abroad. This situation could be even more complicated if migrants reside or work abroad irregularly and cannot even travel to another state where they would have the possibility to apply to the diplomatic (consular) representation. These persons should be linked to the *de facto* statelessness situation, as *de jure* they have a right to citizenship.

All the afore-mentioned factors, in addition to other circumstances, have caused statelessness in over 12,000,000 persons around the world[35]. The Council of Europe estimates the number of stateless persons in Europe at 640,000[36]. In the European region, according to UNHCR 2010 data[37], the most obvious statelessness occurs in the countries of the Baltic Sea area; namely, in Estonia - 104,813, in Latvia 344,095 non-citizen[38], 168 stateless, in Lithuania – 3,902. Statelessness also is a problem for Western European countries such as Germany (8,226), and the Netherlands (5,034). A smaller number of stateless persons are registered, for example, in Spain - 28 and in Hungary- 49.

Having explained the situation regarding statelessness, it is important to briefly describe the efforts of the international community on the reduction of statelessness. In this regard the most important document is the **1961 Convention on the Reduction of Statelessness**[39] while the **1954 Convention Relating to the Status of Stateless Persons** provides the main definitions and legal framework on statelessness**,** as well as **Council of Europe Convention on the avoidance of statelessness in relation to State succession**[40]**.**

Reduction of statelessness is the objective of each country which is supported by the international organisations and international community. When states cannot fulfil their obligations and stateless people need protection, UNHCR has a mandate to assist these persons. In 1974, when the 1961 Convention on the Reduction of Statelessness came into force, UNHCR received its mandate to protect stateless persons and prevent statelessness.

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[33] "Nationality and the Child", Report prepared by Michael Miller, UNICEF, http://www.coe.int/t/dghl/standardsetting/nationality/3_WEB%20E%20Rep.%2012.pdf, accessed 12.10.2011

[34] UNHCR, Stateless Action – Prevention, http://www.unhcr.org/pages/49c3646c173.html

[35] http://www.unhcr.org/pages/49c3646c155.html - last visited 19.09.2011

[36] Cited in Brad K. Blitz and Caroline Sawyer, Statelessness in the European Union, 2011, Cambridge University Press, http://www.coe.int/t/commissioner/Viewpoints/080609_en.asp, last visited 12.10.2001

[37] http://www.unhcr.org/4e5228096.html - last visited 19.09.2011

[38] Persons who hold so-called "non-citizen" passport – part of Latvian population (mainly of Russian origin) which was not able to obtain Latvian citizenship after the collapse of the USSR mainly because of Latvian language knowledge requirement in the citizenship law.

[39] http://untreaty.un.org/ilc/texts/instruments/english/conventions/6_1_1961.pdf

[40] http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=200&CM=1&CL=ENG

UNHCR was asked also to promote the 1954 convention[41]. Therefore, stateless persons are under the mandate of UNHCR, though their status around the world is not adequate and depends on the level of participation and implementation of the 1961 Convention by the respective state. In other words, stateless persons, who can enjoy a status and possess travel documents in the country of their residence, could also possess certain rights: the right of residence, to work, social security, education, etc., although they are not state citizens. Stateless persons in other states (also, at present, those in Georgia) do not have such a status because of the lack of legislative measures; their situation is therefore the more vulnerable (see also the Section on *The situation of statelessness in Georgia* below).

Much effort has been made by the UN and the Council of Europe to help states dealing with the problem of statelessness. The Council of Europe and its Member States have developed a legislative framework on statelessness issues which include[42]:

- 1997 European Convention on Nationality;
- 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession;
- Committee of Ministers' Resolutions and Recommendations:
  - (70) 2 on acquisition by refugees of the nationality of their country of residence;
  - R (83) 1 on stateless nomads and nomads of indeterminate nationality;
  - R (84) 9 on second generation migrants;
  - R (99) 18 on the avoidance and the reduction of statelessness;
- Parliamentary Assembly recommendations:
  - 87 (1955) on statelessness;
  - 194 (1959) on the nationality of children of stateless persons and other documents.

Some states have made efforts to solve these problems. For example, in 2007, the U.S. State Department's Bureau of Democracy, Human Rights, and Labour included, for the first time, a section on statelessness for each country in its annual report on human rights practices worldwide[43].

One of the more successful examples of statelessness reduction and of providing stateless persons with their appropriate and respective national status can be observed in Estonia. At the time of the EU accession in 2004, 162,000 persons or about 12% of the population were stateless. Currently, the number of stateless persons has dropped to approximately 112,000. Being entitled to long-term residence enables stateless persons to vote in local but not in parliamentary elections. There are also citizenship and language courses available that simplify the process for persons with disabilities, enabling them to acquire citizenship should they wish to possess it. The procedures also are simplified in the case of children whose parents are permanent residents in the country. The naturalization process has been shortened[44].

The situation of statelessness in Georgia

Statelessness was a problem for Georgia for a long period due to many different factors: the breakup of the Soviet Union, the repatriation process of stateless Meskhetians, and some others.

[41] http://www.unhcr.org/4d651eeb6.html - last visited 19.09.2011
[42] Council of Europe, Nationality, http://www.coe.int/t/dghl/standardsetting/nationality/default_en.asp
[43] Refugees International, "Nationality Rights for all", A progress report and global survey on Statelessness, 2009, http://reliefweb.int/sites/reliefweb.int/files/resources/F107674FE2D58E294925757700057BA2-Full_Report.pdf, last visited 15.02.2012; US Department of State, 2010 Country Reports on Human Rights Practices, http://www.state.gov/j/drl/rls/hrrpt/2010/, last visited 15.02.2012
[44] The International Observatory on Statelessness, Estonia, http://www.nationalityforall.org/estonia, last visited 12.10.2011

In 1944, tens of thousands of the inhabitants of the *Meskhety* region in southwest Georgia were deported by the Soviet Government to Central Asia. This was claimed as justified for security reasons, as they were suspected of having Turkish ties. Many of them died on the way. For many of these deportees, an opportunity to return back to their native land became a reality only after the collapse of the Soviet Union (just as for the Crimean Tatars returning back to the Ukraine). However, many of Georgian Meskhetians also faced an outbreak of violence in the Ferghana Valley, Uzbekistan, in 1989. Those who fled from the region have since received refugee status and have migrated to the West, and those who remained in Central Asia suffered from discrimination. Georgia took responsibility for the Meskhetians' repatriation in 1999, when the state became a Member of the Council of Europe. In 2007, the "Law of Georgia on Repatriation for Persons Forcibly Displaced by the Former USSR from Georgian SSR in the 1940s of the 20th century" was adopted. The law regulates the issues concerning Muslim Meskhetians, their repatriation and citizenship issues[45]. Unfortunately, the situation has only partially changed, as the Law requires documents to be submitted that prove deportation to be a fact, as well as additional documents, all of which, of course, complicates implementation procedures. It is necessary to implement legislative changes in order to avoid *de facto* and *de jure* statelessness of those of early deportees and members of their families who decided to return to Georgia on their own without proper documentation.

As already mentioned, statelessness in Georgia is also one of the consequences of the break-up of the Soviet Union, as some inhabitants of Georgia – former citizens of USSR – did not apply for citizenship, or for various reasons were unable to submit applications. Officially, there are about **1,600 stateless persons residing in Georgia**. Nevertheless, this number could be even higher. Such a situation was made inevitable by the arrival of displaced persons (more than 2,500 IDPs were lacking identity documents in 2008 although the question of their citizenship formally could be solved), and also by non-registration of newborns among minorities in some regions of Georgia. Birth registration is a precondition for the documenting of children's citizenship; therefore the Migration Commission of Georgia is working on possible amendments of the Citizenship Law on closing the gaps in birth certification for minors deriving from the early years of Georgia's independence[46].

According to Georgian legislation, a **stateless person** is a person who does not meet the requirements specified by legislation for acquisition of the citizenship of Georgia, which was informed and formulated in line with the following criteria[47]*:*

- That the person has been permanently residing in Georgia at least for 5 years; however, the residence of the person could not be established by the date that the Organic Law on "Citizenship of Georgia" first came into force; that the person was born in Georgia and left the country after December 21, 1991, but did not acquire a citizenship of any other country;
- That the person abandoned citizenship of Georgia and has not acquired citizenship of any other country (since the amendments of 2010 a person cannot remain stateless for the above reason, since the document certifying acquirement of citizenship or that a person will acquire citizenship of another country after abandoning citizenship of Georgia must be submitted before the entry into force of any corresponding Order of the President).

[45] UNHCR, http://www.unhcr.org/refworld/topic,463af2212,488edfc72,46a4850a8,0,EURASIANET,,.html, The Economist, http://www.economist.com/blogs/easternapproaches/2011/02/georgian_refugees, Institute for War and Peace Reporting, http://iwpr.net/report-news/georgia-meskhetian-turks-closer-return, European Centre for Minority Issues, http://www.ecmicaucasus.org/upload/publications/Report_56.pdf; last visited January 26, 2012.

[46] UNHCR Georgia 2010 operations, http://www.unhcr.org/4b274bcf9.pdf; last visited January 26, 2012

[47] Organic law of Georgia on Citizenship of Georgia

In general, the following categories of stateless persons in Georgia could be identified:

1. *Persons* who *are considered to be stateless persons permanently residing in Georgia*. This category includes persons who are not citizens of any country and have a permanent residence card. There are two grounds for issuing permanent residence card to such persons:
   - A person had been permanently residing in Georgia by the date that the Organic Law "On Citizenship of Georgia" first came into force, and that citizenship of Georgia could not be established (if he/she was not stricken off the permanent registration in Georgia);
   - The person abandoned citizenship of Georgia and did not acquire citizenship of any foreign country (as we have mentioned above, after amendments of 2010 the person cannot remain stateless for this reason).
2. *Persons who are not citizens of any state, but do not have either the status of stateless persons nor a permanent residence permit*. With regard to this category of persons, statelessness *de jure* and *de facto* could have place. It is possible that specific persons may not be citizens of any state, nor have any clear right of claim for the citizenship of any state. At the moment, Georgian legislation does not provide any clear definitions and procedures for granting the status of stateless to the person whose nationality remains unknown. There are therefore no provisions on how the status of statelessness could be determined in future; e.g. if a person is not a citizen of any specific country. It is important to point out, however, that such legislation or rules should not place the burden of proof exclusively on the applicant, and the benefit of doubt should be applied in any procedures related to the status of statelessness.

Conversely, some of the above-mentioned persons (e.g. former USSR citizens and their children who did not resolve their citizenship issue according to legislation, the children of Georgian nationals whose birth was not registered, IDPs lacking personal documents, returned Meskhetians who did not solve citizenship issues, etc.) would no doubt have a right to Georgian or another state's citizenship, but are practically stateless. For these categories, legislative provisions should be drafted and implemented, in addition to other activities, such as information campaigns concerning the importance of birth registration, and the simplification of administrative procedures in specific cases, etc.

The link between migration and the reduction of statelessness should be also taken into account. For instance, a citizenship issue in need of resolution is that of children of Georgian citizens born abroad where there is no Georgian diplomatic (consular) representation in this country. Such a situation could prove even more complex should the parents remain in that country illegally, and if, for various reasons, they cannot legalise their stay. This could potentially contribute to the creation of *de facto* statelessness of persons having a right to Georgian citizenship, and it also could affect the social, cultural, and health situations of the children involved.

With the support of UNHCR and other international institutions, many positive steps were made by the Government of Georgia towards the reduction of statelessness:

- In 2010 the working group for the reduction of statelessness under SMC was created;
- Legislative changes were implemented for the prevention of statelessness. As a result of amendments made to the Organic Law "On citizenship of Georgia" in 2010, a person cannot abandon their Georgian citizenship and remain as a stateless person. Correspondingly, the citizens of Georgia cannot become stateless persons;
- Certain efforts were made for the establishment of citizenship status for IDPs, who lost their documents during the armed conflict;
- Significant changes were made for marriage and birth registration systems and data bases.

The work towards the completion of the harmonization of Georgian legislation with the Conventions of the United Nations of 1961 “On reduction of statelessness” and of 1954 “On status of stateless persons” is still ongoing. The whole issue falls under the responsibility of the working group, functioning under an umbrella organisation of the State Migration Commission. The adoption of the new draft Law “On citizenship of Georgia” is also planned, as well as the necessary amendments to be introduced to the Law of Georgia “On the Legal Status of Aliens”. Finally, in December 2011, Georgia became a part of the convention of 1954 on the status of stateless persons. This Convention came into force for Georgia on March 22, 2012. The status and rights of a stateless person, as well as a procedure for the granting of a status on a stateless person and obtaining personal documents will be specified in Georgian legislation.

III. Opportunities for legal integration for third country nationals in the European Union and citizenship policies as a last step in the legal integration process

III.1. Legal Integration Policies in EU

General EU migration policy is also directed to the improvement of the legal integration of foreigners into the societies of EU Member States. Migrants constitute today about four percent of the total EU population. Population changes as well as cultural diversity within the EU Member States necessitates relevant and appropriate action[48].

EU co-operation in the area of integration of third-country nationals has developed since the adoption of the Tampere Programme in 1999. One of the platforms for political debates on integration, and also for the development of co-operation in this area, has been the Ministerial Conferences on integration. They are held regularly: in 2004, Groningen (the Netherlands), in 2007, Potsdam (Germany), in 2008, Vichy (France), and in 2010, Zaragoza (Spain). Another important step towards the development of co-operation was the adoption of the policy documents for example, the Common Basic Principles for Immigrant Integration Policy in the European Union (CBP), based on the Hague Programme. This document was adopted by the Council in 2004, and it provided a framework for policy development in the area of integration[49].

Since December 2009, the Lisbon Treaty provides incentives and support to Member States' endeavours to promote the integration of third-country nationals residing legally in the Member States, based on a specific legal basis for each country. The EU policy context in this area has been additionally framed by the Stockholm Programme, which was adopted by the European Council in 2009[50]. The inter-government concept, stipulated in this document,

[48] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: European Agenda on the Integration of Third-country Nationals, SEC (2011) 957 final**,** http://ec.europa.eu/home-affairs/doc_centre/immigration/docs/agenda/1_EN_ACT_part1_v10.pdf

[49] Council of the European Union, press release, 2618th Council Meeting, Brussels, 19.11.2004, 14615/04 (Presse 321),

[50] Official Journal of the European Union, Volume 53, 4 May 2010, C115

seeks to shift Member States' policies towards coherent and balanced international approaches.

Following the Lisbon Treaty and the Stockholm Programme, the fourth European Ministerial conference took place in Zaragoza in April 2010. Prior to the conference, the Commission presented the report on 'The consolidation of the EU framework on integration', highlighting progress to date and steps to be taken in the context of the Stockholm Programme in order to promote and improve integration strategies. Council conclusions were adopted following the Ministerial conference on 'Integration as a Driver for Development and Social Cohesion' in June 2010[51].

The Stockholm Programme and council conclusions called on the Commission to develop a new European agenda on citizenship as a part of legal integration, to reinforce the tools for knowledge exchange and to facilitate the mainstreaming of integration priorities in all relevant policy areas.

Finally, in July 2011, the Commission proposed a **European agenda for the integration of non-EU migrants** – a document which focuses on the reinforcement of economic, social, cultural and political inclusion of migrants. The integration agenda also underlines the importance of local authorities in the integration activities. Moreover, the role of countries of origin in the integration process is also analysed in the document. The agenda proposes so-called "tool-box" – a flexible instrument which allows Member States to pick the measures for integration most likely to prove effective in their specific context, and also monitoring tools based on common indicators for the monitoring of integration policies and instruments[52].

The actions on the integration of foreigners proposed by the agenda include:

1. **Socio-economic contribution by migrants**. This area focuses on:
    - *acquiring language knowledge*, as one of most critical starting points for successful integration;
    - the ensuring of *fair participation of third country nationals in the labour market* at the same level as EU nationals;
    - *endeavours within the education system* directed, chiefly, at successful language acquisition, and also at specific training for teachers for managing cultural diversity;
    - ensuring *better living conditions for third country nationals*, aiming to remove potential barriers to social, economical and health services;
    - *better use of EU funds* which support third country nationals' integration instruments and measures.
2. **Achievement of equal treatment** with regard to rights and obligations, and a sense of belonging. This part of the agenda is directed towards efforts to fight against discrimination and to give migrants the means and the instruments with which to become acquainted with the fundamental values of the EU and its Member States[53].

The EU has the following instruments to support the integration of third country nationals into the societies of Member States:

[51] Secretary-General of the European Commission, Commission Staff Working Document, The consolidation of the EU framework on integration, Report to the 2010 Ministerial Conference on Integration Brussels, 9.3.2010, SEC(2010) 357

[52] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: European Agenda on the Integration of Third-country Nationals, SEC (2011) 957 final**,** http://ec.europa.eu/home-affairs/doc_centre/immigration/docs/agenda/1_EN_ACT_part1_v10.pdf

[53] Ibid

- A *network of national contact points on integration* which allows for information and experience exchange between EU States, with the purpose of finding successful solutions for integration and keeping national policy coherent with EU initiatives;
- The *European Integration Forum*[54] which serves as a platform for dialogue involving all stakeholders active in the field of integration;
- The *European Web Site on Integration*[55] – the main focal point for exchanges of information, documentation and on-line data collection. It also serves for community-building activities between the main stakeholders in integration in Europe;
- A *Handbook on Integration*[56] which has been prepared for policy-makers and practitioners and compiled with a view to structuring the information exchanges on which EU States can draw when developing policy measures for more successful integration;
- The *European Integration Fund* – a financial instrument supporting the efforts of EU States to enable non-EU nationals to integrate into European society[57].

The importance of acquisition of the EU Member State's citizenship as the highest level of integration process is obvious, although an applicant may or may not see naturalization as the ultimate integration aim. Nevertheless, it is in the interest of any host society to encourage immigrants permanently residing in their country, and seeing them their future as full citizens. The interests of EU citizens and long-term immigrants, or *citizens-to-be*, "repeatedly converge when it comes to the new generation. Immigrants' children and grandchildren, born and socialised in the country like the children of nationals, make up a substantial part of the population in many historical countries of immigration. The so-called second and third generations often see their country of birth as an important part of their identity and know no other country as their own"[58].

Since 1992, citizens of Member States of the European Union have also held "Union citizenship". Citizenship is traditionally understood as a status regulating the relationship between an individual and the state by defining the rights and duties of both the polity and the citizen. As it is established by the European Convention on nationality, "nationality means the legal bond between a person and a State and does not indicate the person's ethnic origin"[59].

The British Council and The Migration Policy Group[60] developed and currently lead the **Migration Integration Policy Index** (MIPEX) project which also unites 37 national-level organisations, including think-tanks, non-governmental organisations, foundations, universities, research institutes and equality bodies. The MIPEX provides a comprehensive tool which serves to assess, compare and improve integration policy in the participating countries[61].

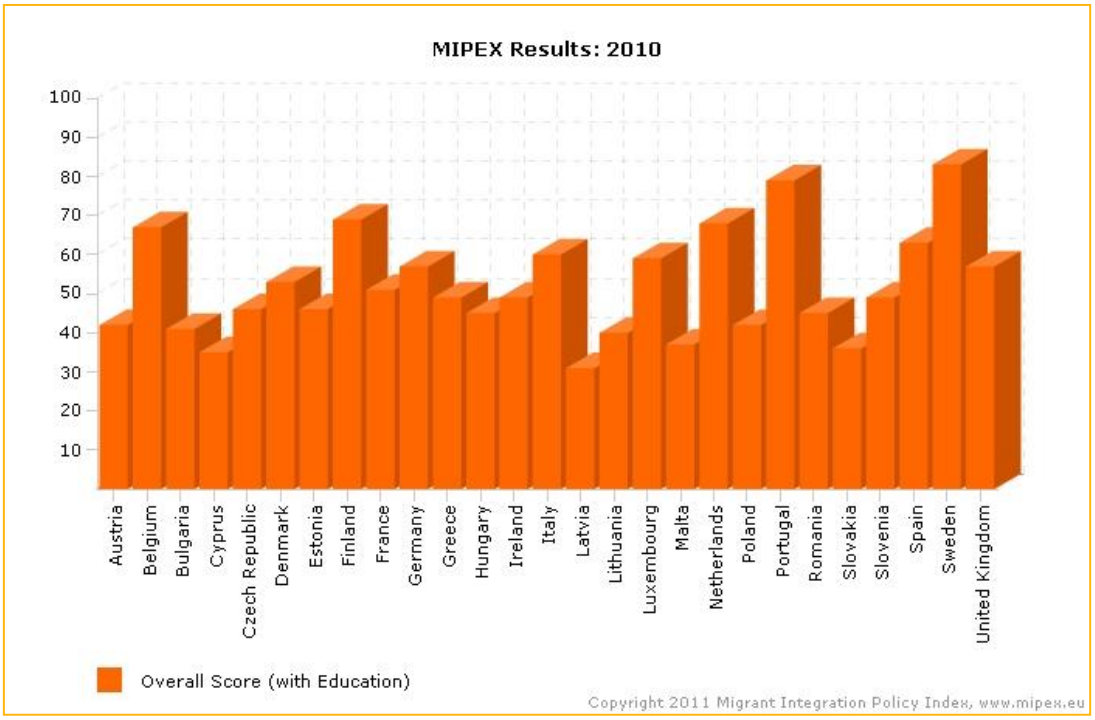
The data collected by the MIPEX allows comparison of the EU Member States' (and some other countries such as Norway, Switzerland, Canada, USA, and Japan) integration policies

[54] European Integration Forum, http://ec.europa.eu/ewsi/en/policy/legal.cfm
[55] European Web Site on Integration, http://ec.europa.eu/ewsi/en/index.cfm
[56] Handbook on Integration for policy-makers and practitioners, Third edition, http://ec.europa.eu/ewsi/UDRW/images/items/docl_12892_168517401.pdf
[57] European Commission, Home Affairs, Immigration Policy**,** http://ec.europa.eu/home-affairs/policies/immigration/immigration_integration_en.htm
[58] Handbook on Integration for policy-makers and practitioners, Third edition, p.105 - 106, http://ec.europa.eu/ewsi/UDRW/images/items/docl_12892_168517401.pdf
[59] European Convention on nationality, article 2, http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm
[60] Independent non-profit European organisation committed to contributing to lasting and positive change resulting in open and inclusive societies in which all members have equal rights, responsibilities and opportunities in developing the economic, social and civic life of Europe's diverse societies, http://www.migpolgroup.com/
[61] http://www.mipex.eu/about

in the following areas: access to the labour market, family reunification, access to education, political participation, long-term residence, access to nationality, and anti-discrimination measures.

Despite the integration policy consolidation measures undertaken at EU level it should be noted that the level of development for integration policies and related measures varies in different EU Member States, and data collected by the MIPEX proves this.

Figure 1. **Overall Score of the Migrant Integration Policy Index in the EU, 2010**[62]



According to the MIPEX methodology each of the integration indexes is developed after analyzing and comparing different indicators (as for instance for Labour mobility: immediate access to employment, access to private sector employment, self-employment, recognition of professional and academic qualifications, etc.). All the above-mentioned indexes and indicators are analysed in the overall score presented above.

The highest integration level among the EU Member States is registered in Sweden (83 out of 100), followed by Portugal (79), and Finland (69). The lowest level of integration score is noticed in Latvia (31), Cyprus (35) and Slovakia (36). In 2010, MIPEX ranked participating EU Member States in the following order:

- *Favourable integration policies* (ranking 80 – 100): Sweden;
- *Slightly favourable policies* (ranking 60 – 79): Portugal, Finland, the Netherlands, Belgium, Spain, Italy;
- *Halfway favourable policies* (ranking 41 -59): the majority of the EU Member States (15 Member States in total);
- *Slightly unfavourable policies* (ranking 21 – 40): Lithuania, Malta, Slovakia, Cyprus, Latvia[63].

[62] MIPEX Data analysis**,** http://www.mipex.eu/play/, last visited 30.01.2012
[63] MIPEX Data analysis**,** http://www.mipex.eu/key-findings, last visited 30.01.2012

III.2. Citizenship Policies in EU Member States

Citizenship can be considered as the end result of the legal integration process for a person, because only national citizenship, in principle, provides full access to all the rights of citizens. EU citizenship involves a number of political, social and economical rights and obligations, which guarantee full integration of a person in the EU society. EU Member State citizens – each person – have a right to free movement within the EU territory, and the right to work and study in each Member State of the EU (although some limitations may be necessary due to specific state accession into the EU conditions - as for example a limitation of seven years on the right to work used by some EU Member States after accession of new EU Member States in 2004). In 2004, the European Parliament and the Council of the European Union adopted a Directive on the rights of citizens of the Union and their family members to move and reside freely within the Member States[64]. This directive provides important measures which are designed, *inter alia*, to encourage Union citizens and their family members to exercise the right to move and reside within Member States, and also "to cut back administrative formalities to the bare essentials, to provide a better definition of the status of family members, to limit the scope for refusing entry or terminating the right of residence and to introduce a new right of permanent residence".[65]

Any person who is a national of a Member State of the EU is a European citizen. EU citizenship thus complements the nationality of the Member State without replacing it. An integral part of the Treaty on the Functioning of the European Union, EU citizenship confers upon nationals of Member States a series of rights. These include the right to appeal to an Ombudsman, to initiate legislative proposals (citizens' initiative), and to vote and stand as a candidate in municipal and European elections. Citizens of the Union also enjoy freedom of movement and residence within the territory of the EU, as well as diplomatic and consular protection outside the Union from any Member State[66].

All Union citizens have the right to enter another Member State by virtue of having an identity card or valid passport. Under no circumstances can an entry or exit visa be required. Where the citizens concerned do not have travel documents, the host Member State must afford them every reasonable means in obtaining the requisite documents or having them sent.

There exists a status for third country nationals within the EU which, though it does not directly correspond to the status of citizens of the EU, is nevertheless close to it. This is the so-called Long-Term Resident status. Directive 2003/109/EC on the status of long-term resident third country nationals, implemented from 2006, defines the concept of common European citizenship. This status could be considered as a step towards full integration, as it confers free access to the labour market, equal rights to civil liberties and social welfare and, in some Member States, local voting rights as well. As in other aspects of citizenship, Member States have very strongly defined procedures, including those of language skills, and / or other requirements.

EU citizenship appears formally as such for the first time in EU legal documents in 1993 in a Maastricht treaty. The second important treaty was the Amsterdam Treaty.[67] In this document, the links between nationality and EU citizenship were defined for the first time. The third

[64] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF
[65] http://europa.eu/legislation_summaries/education_training_youth/lifelong_learning/l33152_en.htm - last visited 08.09.2011
[66] http://europa.eu/legislation_summaries/justice_freedom_security/citizenship_of_the_union/index_en.htm - last visited 08.09.2011
[67] "Treaty of Amsterdam amending the Treaty of the European Union, the Treaties establishing the European Communities and certain related acts" - was signed on 2 October 1997, and entered into force on 1 May 1999

document that should be mentioned is the Lisbon Treaty[68]. It says that the "union should observe an equal treatment its citizens". The treaty also declares that each citizen of Member States has the right of free movement within the territory of the EU.

In 2010, the EU citizenship report was prepared by the Commission[69], which describes the existing situation in the EU regarding the respect to rights associated with EU citizenship on the whole territory of the EU (regardless the Member State nationality) by providing registered cases of violations of EU citizens' rights. The report groups the rights of the citizens in the following way:

- Rights of citizens as private individuals: (property rights, recognition of civil registry documents, rights during criminal proceedings and protection of victims of crime, taxation, healthcare, and consular protection in third countries);
- Rights of citizens as consumers (in purchasing holiday packages or as tourists, single consumer protection mechanisms);
- Rights of citizens as residents, students and professionals (free movement, recognition of professional and academic qualifications, harmonization of social security systems);
- Rights of citizens as political actors[70].

By 2013, the Commission will issue a report on the application of the EU rules on free movement, drawing an overall assessment of their impact and indicating areas for improvement.

Beside the EU acquis and policy documents, there are also several international instruments of universal and regional character, which are directly connected to the issues of citizenship: the 1997 European Convention on Nationality, the UN Universal Declaration on Human Rights, the UN Convention on the Rights of the Child, the UN Convention on Elimination of All Forms of Racial Discrimination, and the UN Covenant on Political and Civil Rights and other.

Instruments of international public law already mentioned establish general principles on citizenship, such as: "**Everyone has the right to a nationality**" and "**No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality"**[71]**.** Conversely, some international conventions also provide minimum requirements regarding the acquisition of citizenship. For instance, Article 6 of the 1997 European Convention on Nationality establishes that no more than 10 years of residence should be required for an application of naturalization. Articles 14 of the Convention states that participating states should allow children dual citizenship at birth and also allow dual citizenship to married women if the citizenship is acquired by marriage with *ex lege* effect, etc. But in general, citizenship is an issue which is regulated by internal legislation of the EU Member States on a basis of the rule of law. The general principle applicable in this field is the principle of competence of the State: "Each State shall determine under its own law who are its nationals – this law shall be accepted by other States in so far as it is consistent with international conventions, customary international law, and the principles of law generally recognised with regard to nationality"[72].

[68] "Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community" – was signed on 13 December 2007, and entered into force on 1 December 2009

[69] EU Citizenship report 2010: Dismantling the obstacles to EU citizens' rights, http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf, last visited 31.01.2012

[70] Ibid

[71] The Universal Declaration of Human Rights, 1948, article 15, http://www.un.org/en/documents/udhr/index.shtml, last visited 19.09.2011

[72] Art.3, European Convention on Nationality, CoE

Member States are free to determine, under their own national laws, citizenship criteria, and therefore also that of the Union[73]. Moreover, beside the requirements at the EU level, Member States are bound by a need to regulate external migration (this was relevant especially in the 1990s, as a result of conflict in Balkans, the collapse of Soviet Union, etc.). There are two main issues which should be taken into consideration: on the one hand ensuring free movement for all persons and following the principles of the 1951 convention Relating the Status of Refugees, and on the other hand to guarantee external border security. These circumstances have also been reflected in citizenship and integration policies in Member States.

The laws on the acquisition and loss of citizenship are normally laid down in specific citizenship or nationality laws, although relevant provisions may also be found in higher (e.g. the constitution) and lower laws (e.g. administrative decrees), as well as in international treaties. These nationally specific rules determine how and under which conditions citizenship status is determined, but also how it can be lost[74].

Residence based naturalization is one of the most important ways of acquiring citizenship in EU Member States. The main conditions by the Member States[75] for naturalization concern minimum age, residence status and duration of residence, renunciation of previous nationality, clean criminal record, 'good character', the financial situation of the applicant, language skills and societal knowledge, and proof of integration or assimilation.

Another opportunity for naturalisation is facilitated naturalisation with less stringent conditions for certain categories than for others: i.e. so called *family based,* providing special rules for the naturalisation of the spouses of nationals. Some countries provide specific provision for the naturalisation of refugees, and / or stateless persons[76]. Facilitated naturalisation for co-ethnics, co-lingual and Union citizens is another form which is appropriated and reflected in the legislative measures of certain countries; this mainly concerns the person who is repatriated, or has some historical connection to the country[77]. Special procedures are also defined for ethnic minorities and for the children of non EU citizens born on a territory of the EU. Each country has its own particular approach to this issue.

In general, Member States wield an autonomous power in determining the procedures for acquiring citizenship in their own territory. This in turn defines who will become EU citizens. Thus, different Member States have different requirements for acquiring of citizenship. In some countries it is "easier" to acquire citizenship, and in others the requirements are higher, and therefore the procedure more complicated. An analysis of some requirements for naturalisation in selected EU Member States (the main destination countries of Georgian nationals) is provided below.

- **Residence condition**

A person may be naturalised in Belgium after **three** years residence (in some specific cases even shorter, e.g. refugees)[78]; in Greece a person must be legally living in Greece with a long-term residence permit for **seven** consecutive years prior to the date of application[79].

[73] http://eudo-citizenship.eu/docs/brochure_June2.pdf - last visited 08.09.2011

[74] Maarten P. Vink and Gerard-René de Groot, Citizenship Attribution in Western Europe: International Framework and Domestic trends, Journal of Ethnic and Migration Studies, Volume 36, Number 5, May 2010

[75] It is a compilation of reasons; the conditions differ in different Member States

[76] Art.6 of the CoE European Convention on Nationality

[77] Institute for European Integration Research, Austrian Academy of Science, Vienna, 2006: Acquisition and Loss of Nationality, Policies and Trends in the European States

[78] http://diplomatie.belgium.be/en/services/services_abroad/nationality/voluntary_acquisition/application_for_naturalisation/ - last visited 14.09.2011

[79] http://livingingreece.gr/2007/03/16/greek-citizenship-citizen-through-naturalization-american-spouse-greece-marriage-work-residence-permit/ - last visited 14.09.2011

German laws stipulate that a person shall reside in a country for at least **eight** years before he or she may submit an application for naturalisation. Nevertheless, this term can be reduced to seven years in cases of successful integration, or in some cases even six years if the person, for example, speaks German particularly well.[80]. In Austria, the general residence requirement for naturalisation is **ten years**, of which at least five years with a permanent residence permit. In cases of naturalisation on the basis of marriage, a foreigner is required to reside in Austria for at least six consecutive years, and five of those years in marriage to an Austrian citizen[81]. The same condition is provided by Spanish legislation: naturalisation requires **ten** years of residence, which can be reduced in specific cases (Spanish origin, refugee status, marriage to a Spanish citizen)[82].

- **Application fees**

The application fee is also different in various EU Member States. For example in Greece, the naturalisation fee is 700 euro, which was lowered from 1,500 in 2010[83]; in Austria it is up to 1,000 euro, depending on the basis for naturalisation[84]; in Germany it is up to 255 euro[85]. Belgium, France and Spain do not impose any application fees for naturalisation[86].

- **Renunciation of previous citizenship requirement**

A personal decision to acquire citizenship of another country can be influenced if the renunciation of any previous citizenship is required. According to the data collected by the European Union Democracy Observatory, among the main destination countries for Georgian emigrants, Greece, Portugal, France, Belgium, and Italy do not require renunciation; Spain has such a requirement in their legislation, but is not enforced; Germany has a renunciation requirement with regard only to the naturalisation of non-EU nationals, and Austria has a general renunciation requirement[87].

Opportunities for acquiring citizenship do not depend merely on fulfilling the conditions as drafted in national laws, but also on country general policies on the admission of new citizens. Apart the different international conventions or treaties which directly or indirectly affect the issue of citizenship, Member States also fully apply rule-of-law principles to the acquisition and loss of nationality.

The division of functions between different authorities at local or regional level in the process of naturalisation depends upon a full Member State. In some countries, for example Austria, Germany and France, they have full authority to implement national law. But in other countries, such as Italy, Netherlands, the local authorities are responsible on a basis of on interviews, tests and the gathering of documents that are then passed on to the central state authorities.

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[80] http://www.bundesauslaenderbeauftragte.de/einbuergerung.html, last visited January 27, 2012

[81] https://www.help.gv.at/Portal.Node/hlpd/public/content/26/Seite.260421.html**,** last visited January 27, 2012

[82] European Union Democracy Observatory, EUDO, EUDO Citizenship, Policy Brief No.2, Naturalisation, http://eudo-citizenship.eu/docs/policy-brief-naturalisation_revised.pdf, last visited January 27, 2012

[83] http://livingingreece.gr/2007/03/16/greek-citizenship-citizen-through-naturalization-american-spouse-greece-marriage-work-residence-permit/ - last visited 14.09.2011

[84] https://www.help.gv.at/Portal.Node/hlpd/public/content/26/Seite.260421.html, last visited January 27, 2012. Additional fees have to be paid as well.

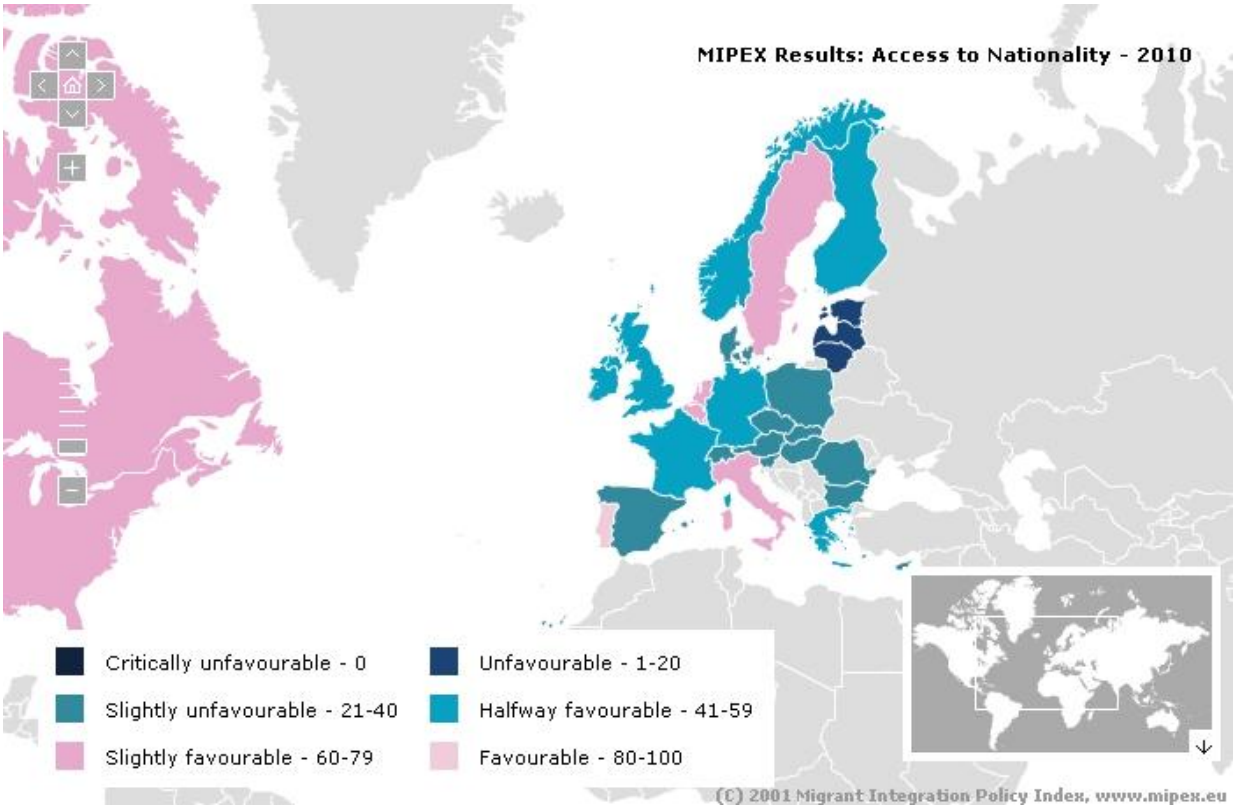
[85] http://www.bundesauslaenderbeauftragte.de/einbuergerung.html, last visited January 27, 2012

[86] European Union Democracy Observatory, EUDO, EUDO Citizenship, Policy Brief No.2, Naturalisation, http://eudo-citizenship.eu/docs/policy-brief-naturalisation_revised.pdf, last visited January 27, 2012

[87] European Union Democracy Observatory, EUDO, EUDO Citizenship, Policy Brief No.2, Naturalisation, http://eudo-citizenship.eu/docs/policy-brief-naturalisation_revised.pdf, last visited January 27, 2012

The MIPEX project, mentioned in the previous section, also allows comparison of EU Member States' policies on naturalisation and citizenship. According to the MIPEX methodology, the naturalisation index is created by comparing the following indicators: eligibility criteria (residence condition for the first generation, conditions for the spouses of nationals, eligibility for second and third generations) and conditions for acquisition (language requirements, and support for and costs of language courses, including any test, integration requirements, support for integration requirements, economic requirements, non-criminality requirement, dual nationality, etc.)[88].

Figure 2. **Access to Nationality in EU, 2010**[89]



The most favorable naturalisation policy was registered in 2010 in Portugal (MIPEX index 82 out of 100), followed by Sweden (79). The less favorable – in Baltic States (Latvia (15), Estonia (16), Lithuania (20)), Austria (22), and Bulgaria (24)[90].

III.3. Acquiring citizenship for Georgian nationals in EU

Overview on Georgian citizens in the EU

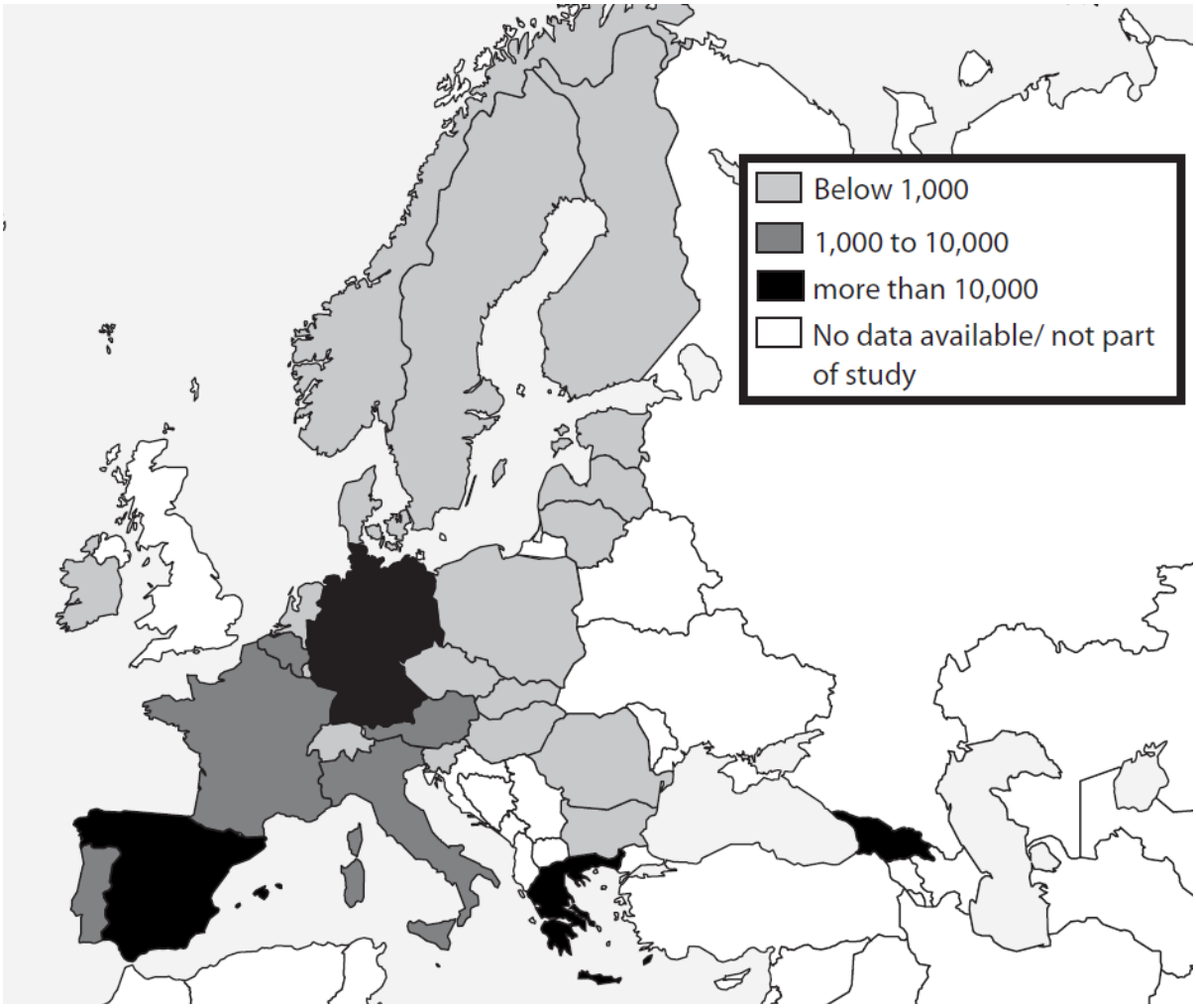
Emigration from Georgia has been caused by different political and economical conditions, especially in 1990s. Since then, Georgia has mainly been an emigration country, where the number of emigrants exceeded the number of immigrants in most years. This situation might have changed in more recent years. According to the National Statistic Office of Georgia the net migration was positive in 2004, 2005, and the most recent years of 2009 and 2010. In 2009 and 2010, net migration to Georgia amounted to 34,200 and 18,100 respectively.[91]

One of the emigration vectors from Georgia is directed to the European Union. Figure 3, below, gives an overview of Georgian nationals residing in the EU. Most Georgians can be

[88] MIPEX methodology, http://www.mipex.eu/methodology, last visited January 31, 2012
[89] MIPEX Data analysis, http://www.mipex.eu/play/, last visited 30.01.2012
[90] MIPEX Data analysis, http://www.mipex.eu/play/, last visited 30.01.2012
[91] http://geostat.ge/index.php?action=page&p_id=173&lang=eng last visited 19.09.2011

found in Greece, Germany and Spain. In each of these countries more than 10,000 Georgians were residing at the beginning of 2009, and in Greece the figure exceeded 20,000. Other countries with significant numbers of Georgians include Portugal, France, Belgium, Italy and Austria.

Figure 3. **Georgian Nationals in the EU in 2009**[92]



Citizenship acquisition

This section describes citizenship acquisition in the EU by Georgian nationals.

Table 2 shows the numbers of citizenship acquisitions in the EU, Norway and Switzerland in 2008 and 2009, as well as the naturalisation rate for 2009. Most Georgians who become new EU citizens do so in Greece, where 550 Georgians acquired Greek citizenship in 2009. In 2008 the number was much higher at 1,285. Higher numbers of citizenship acquisition are found in Germany and Belgium, ranging from 106 to 322 in 2009. Citizenship acquisitions in these three countries made up some 70 percent of all citizenship acquisitions in the EU, Norway and Switzerland in 2009.

The naturalisation rates indicate the general naturalisation practice of Georgians in a given country, since it relates the number of citizenship acquisitions to the total number of Georgians residing in a country. Countries with more than 20 citizenship acquisitions in 2009,

[92] Eurostat database. http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database last visited 19.09.2011, (data for 2009, except: Estonia 2000, Greece 2001, France 2005, Lithuania 2008, Luxembourg 2001, Malta 2008). Prepared by ICMPD.

or above average naturalisation rates, include Sweden, the Netherlands, Ireland, Belgium and Portugal. Altogether 1,369 (formerly) Georgians acquired EU citizenship in 2009, or four percent of all Georgians residing in the EU at the beginning of the year. The total number of Georgians who became EU citizens was significantly higher in 2008 at 2,094. The decrease in 2009 can be mainly explained by the decrease in the numbers in Greece.

Table 2. **Acquisition of Citizenship in the EU, Norway and Switzerland**[93]

Country	2008	2009	Naturalisation Rate Georgians[94], 2009
Greece	1,285	550	n.a.
Germany	205	322	2.3%
Belgium	131	106	7.5%
France	141	73	n.a.
Portugal	25	58	5.1%
Italy	51	53	3.6%
Sweden	23	39	10.1%
Netherlands	27	37	9.5%
Austria	17	33	1.2%
Cyprus	14	25	n.a.
Ireland	17	23	9.5%
Spain	19	21	0.2%
Poland	3	14	11.0%
Switzerland	8	11	3.1%
Norway	4	9	7.5%
Finland	3	4	6.8%
Czech Republic	7	4	0.7%
Denmark	1	3	2.1%
Slovenia	3	2	100.0%
Estonia	0	1	n.a.
Romania	n.a.	1	n.a.
Latvia	1	0	0.0%
Lithuania	1	0	n.a.
Luxembourg	2	0	n.a.
Hungary	1	0	0.0%
Malta	0	0	n.a.
Slovakia	0	0	0.0%
United Kingdom	110	n.a.	n.a.
Bulgaria	2	n.a.	n.a.
Total	**2,101**	**1,389**	**4.0%**

Having analysed data on Georgian nationals residing in the EU Member States and also the naturalisation rate of Georgians in these countries, the conclusions on the links between these two legal statuses and conditions on naturalisation (residence conditions) in selected countries could be set down. The table below presents data on Georgian nationals – legal residents in the selected EU Member States which are usual destination countries for Georgian emigrants, and includes the number of naturalised Georgians in 2009 as well as the naturalisation rate and term of residence required for naturalisation in these countries.

[93] Eurostat Database, own calculation. Data extracted on 06.09.11 http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database

[94] The naturalisation rate is calculated as the percentage of citizenship acquisitions by Georgians in a given year of the total number of Georgian nationals residing in the country at the beginning of the year.

Table 3. **Link between naturalisation practice and naturalisation requirements**

EU MS	Number of Georgian nationals residing in the country[95]	Number of naturalised Georgian nationals in 2009[96]	Naturalisation rate, Georgians, in 2009[97]	Residence condition for naturalisation established in the EU MS[98]
Greece	22,875	550	n.a. (2.4%)[99]	7 years
Germany	14,163	322	2.3%	8 years
Spain	11,149	21	0.2%	10 years
France	4,607	73	n.a. (1.6%)[100]	5 years
Austria	2,662	33	1.2%	10 years
Italy	1,482	53	3.6%	10 years
Belgium	1,417	106	7.5%	3 years
Portugal	1,131	58	5.1%	6 years

Although in the table below only one requirement for naturalisation was used, it shows that there is a clear link between naturalisation conditions, i.e. residence requirement, and the naturalisation rate in the country. The highest Georgian naturalisation rate could be observed in Belgium (7.5%), where the number of Georgian residents is relatively small. Additionally, Belgium does not impose any application fees for naturalisation and does not require the renouncement of previous citizenship, which could be an additional reason for the high naturalisation rate. A language test is also not required[101]. Portugal is the highest ranking in naturalisation policies, according to MIPEX – 82, *favourable naturalisation policy* in 2010. Immigrants are required to reside in Portugal for six years prior to any naturalisation application, and renunciation of previous citizenship is not required, the application fee is approximately 175 euro[102]. As the data on the naturalisation of Georgian citizens in this country again shows, a link between high numbers of naturalisation and simplified naturalisation procedures can be observed, as the naturalisation rate is relatively high (5.1%).

The lowest recognition rate of naturalisation of Georgian nationals in the main destination EU Member States is found in Spain, where the residence requirement is among the highest at 10 years. It should be also noted that Spain, in contrast to Germany and Greece, only recently became a county of destination for Georgian nationals. Up until 2002 the number of Georgians who were legally residing in Spain did not exceed 1,000. However, afterwards it

[95] Eurostat Database, own calculation. Data extracted on 26.01.2012, http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database
[96] Eurostat Database, own calculation. Data extracted on 06.09.11, http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database
[97] The naturalisation rate is calculated as the percentage of citizenship acquisitions by Georgians in a given year of the total number of Georgian nationals residing in the country at the beginning of the year
[98] Data as collected in section III.2 of this paper, or provided by European Union Democracy Observatory, EUDO, EUDO Citizenship, Policy Brief No.2, Naturalisation, http://eudo-citizenship.eu/docs/policy-brief-naturalisation_revised.pdf, last visited January 27, 2012
[99] As Eurostate database did not provide statistics on residents of Georgian nationality in 2009, the calculation of the naturalization rate is not possible. The naturalization rate presented in brackets corresponds to the last available Eurostat data
[100] See previous footnote
[101] European Union Democracy Observatory, EUDO, EUDO Citizenship, Policy Brief No.2, Naturalisation, http://eudo-citizenship.eu/docs/policy-brief-naturalisation_revised.pdf, last visited January 27, 2012
[102] European Union Democracy Observatory, EUDO, EUDO Citizenship, Policy Brief No.2, Naturalisation, http://eudo-citizenship.eu/docs/policy-brief-naturalisation_revised.pdf, last visited January 27, 2012

increased steadily, reaching 11,149 in 2009[103]. In other words, many Georgian immigrants did not reside for the required time in Spain in order to fulfil the residence condition for naturalisation.

The case of Greece is also important to analyse. Among the EU Member States, Greece is the top destination country for Georgian immigrants. There could be many reasons for this phenomenon, such as geographical position, historical, cultural and religious similarities, etc. Indeed, all of these factors could be contributing to the high naturalisation rate of Georgian immigrants in this country. Nevertheless it should be noted that Greece had one of the strictest naturalisation policies in Europe until 2010 (the residence requirement was lowered from 10 consecutive years within 12 years, and the application fee – from 1,500 euro to 700 euro). The application fee alone could be highly problematic for naturalisation in the case of a bigger family. Moreover, Greek laws require language and civic knowledge tests for all citizens-to-be. An MIPEX index to nationality access for Greece was 57 in 2010 (*halfway favorable*)[104]. All of these factors could be a basis for the relatively low naturalisation rate of Georgians in this country. Again, it would be useful to follow the naturalisation tendencies after 2011, when a simplified procedure was in place in order to form conclusions on the links between the number of naturalised persons and the level of requirements for naturalisation.

Another Member State with a strict naturalisation procedure is Austria, which is also among the countries of destination for Georgian immigrants. In this case, there is a clear link between the strict procedure (10 years of residence, and approximately 1,000 euro or more in application fees, for example, in some federal states of Austria), language and civic knowledge test, a renunciation requirement and a low naturalisation rate (1.2% in 2009). MIPEX ranked Austria with a naturalisation index of 22 – a slightly unfavourable naturalisation policy[105].

[103] Eurostat Database. Data extracted on 26.01.2012, http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database
[104] MIPEX Data analysis, http://www.mipex.eu/play/, last visited 30.01.2012
[105] Ibid

IV. Conclusions

1. Links between migration, statelessness and citizenship policies in Georgia

Immigration has become important in Georgia only in recent years, when Georgia has started to develop migration policies. The situation in the field of migration management and the development of migration policy has changed a great deal: a number of institutions have been established and are now functioning in the field, and the legislative basis generally corresponds to the needs of the country, etc. Still, some improvements to the migration management system are needed in order to stimulate a more positive impact of the migration processes to the development of the country in general.

In the case of Georgia, **statelessness** results from developments linked to the dissolution of the USSR, the transition period after independence, and certain aspects of Georgian legislation on citizenship. There is an ongoing work on amendments to the law on citizenship, which will regulate the issue of establishing status for stateless person. Nevertheless, certain gaps in personal documentation cannot be filled merely by the legal regulations. As for instance, inter-institutional co-operation and other measures need to be improved in order to ensure that all children in Georgia are registered at birth. The issue of consular protection of Georgian citizens abroad also needs to be strengthened, in particular in cases where Georgian citizens have irregular status abroad and their national passports are invalid, lost or destroyed; or in cases where Georgian citizens cannot register the birth of their children due to an absence of Georgian diplomatic or consular representation in the particular country. All these measures would help to avoid *de facto* statelessness of Georgian nationals.

1. Georgian immigrants in the EU Member States and their naturalisation in the EU

The main destination countries for Georgian migrants among the EU Member States are Southern countries (Greece, Spain, France, Italy, and Portugal) as well as some Central European countries (Germany, Austria, and Belgium). The highest naturalisation rate of Georgians in the already mentioned countries was registered in 2009 in Belgium (7.5%), Portugal (5.1%), and Italy (3.6%); the lowest – in Spain (0.2%), and Austria (1.2%). There are different reasons for the different naturalisation rates of Georgian nationals in these countries, but there is a clear link between the simplification of naturalisation procedures and the naturalisation rate. The most important indicators in this regard are such issues as residence condition, application fee, and the requirement for renunciation of previous citizenship. It is important to follow the tendency of naturalisation of Georgian citizens, as for instance in Spain, where there is a significant number of Georgian immigrants, many whom will be able to fulfil the residence requirements after 2012, as emigration from Georgia to this country started in 2002 and Spanish legislation allows the naturalisation application after 10 years of legal residence. In some other countries, as for example in Greece, which is the top destination country for Georgian migrants among the EU Member States, the citizenship legislation was changed in 2010 and more favourable naturalisation conditions were introduced. Naturalised Georgians in the EU Member States form a Georgian Diaspora and reliable and updated knowledge on Diaspora and measures on its mobilisation are important for the economic, social and cultural development of the country of origin, i.e. Georgia.

2. Integration policies in the European Union

General EU migration policy is also directed to the improvement of the legal integration of foreigners into the societies of EU Member States. The Importance of integration into society was mentioned in some very significant EU treaties and programmes. In 2011 the Commission proposed a European agenda for the integration of non-EU migrants, focusing on the enforcement of economic, social, cultural and political inclusion of migrants.

The EU has also developed specific instruments which are designed to assist Member States in the implementation of integration measures (Network of national contact points on integration, the European Integration Forum, the European Web Site on Integration, a Handbook on Integration, and the European Integration Fund).

Nevertheless, despite integration policy consolidation measures being undertaken at the EU level, the development of integration policies and related measures vary in different EU Member States. The data collected by the Migration Integration Policy Index project proves this. The highest integration level among the EU Member States is registered in Sweden, followed by Portugal, and Finland. The lowest level of integration programmes and measures development is noticed in Latvia, Cyprus and Slovakia.

The reasons for different immigration policies could be of wide-ranging, as, for instance, the economic conditions of the Member States needed to support migrants, the openness of the society that is to receive immigrants, and anti-discrimination measures provided by legislation and fully implemented, etc.

3. Naturalisation policies in the EU Member States

The importance of acquisition of the EU Member State's nationality as the highest level of the integration process is broadly recognised. Only national citizenship, in principle, provides full access to all the rights of citizens. It is in the interests of both would-be citizens and the receiving states to encourage immigrants to become nationals of the countries of their destination.

Since 1992, citizens of Member States of the European Union also hold "Union citizenship". EU citizenship complements national citizenship without replacing it. An integral part of the Treaty on the Functioning of the European Union, EU citizenship confers upon nationals of Member States a series of rights.

As a general rule, citizenship and naturalisation procedures are issues which are regulated by internal legislation of the EU Member States on a basis of the rule of law and with the due respect to the international legal acts. That means that Member States are free to determine, under their own national laws, criteria for citizenship, and consequently that of the Union.

Basically, naturalisation is determined upon as *residence based*, *family based* and also according to some specific grounds, such as *ethnicity*. The procedures for naturalisation vary greatly among the EU Member States, especially when Member States determine the residence condition, application fee, renunciation of previous citizenship, language and civic knowledge test requirements.

The MIPEX project, mentioned above, also allows for comparisons of EU Member States' policies on naturalisation and citizenship. The most favorable naturalisation policy was registered in 2010 in Portugal (MIPEX index 82 out of 100), followed by Sweden (79). The less favorable include the Baltic States (Latvia (15), Estonia (16), Lithuania (20)), Austria (22), and Bulgaria (24).

Opportunities for acquiring citizenship depend not only on fulfiling the conditions drafted in national laws, but also on a specific country's general policies on the admission of new citizens.

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MIGRATION MOVEMENTS BETWEEN MOLDOVA AND THE EU: POLICIES AND NUMBERS, Veaceslav Cirlig and Valeriu Mosneaga

in cooperation with the GOVAC project team and ICMPD Research Unit

I. Introduction and general overview of the research subject

This research study focuses on the analysis of migration movements between the Republic of Moldova and the European Union. The main objective is to undertake an in-depth analysis of migration movements to and from the Republic of Moldova using different data sources, as well as issues concerning migration policies.

Before the declaration of Independence of the Republic of Moldova on 27th of August 1991, migration issues were mainly dealt with by the Ministry of Internal Affairs and regulated by the Soviet Union legislative acts, which as in all Soviet republics were translated into national legislation. However, migration was not understood in the same way as now: these legal acts and regulations mainly related to visa issues, registration of foreigners arriving to Moldova and their residential place. In other words, there was no established migration policy at national level in Moldova, but instead a set of rules established by the Soviet government. Therefore, the declaration of Moldova's independence and its subsequent recognition by the international community required a completely new migration regulation system along with a need for political, economic and social reforms.

The first Law on Migration (1990) was adopted by the Soviet Socialistic Republic of Moldova, which declared its sovereignty on 23rd of June 1990. The Law defined the status of immigrants, grounds for immigration, migration procedures, including annual migration quota, issuance of work and residence permits, etc. The Law also established migrants' rights and responsibilities on the territory of Moldova.

Despite these positive changes, the state migration management system neither included a comprehensive analysis of the out- and in-migration nor an analysis of its reasons and

consequences. Only with the adoption of the second Law on Migration and a Migration Policy Concept of Moldova in 2002, were the first steps taken towards the creation of a state migration policy. These steps were also accompanied by administrative reforms and a number of by-laws to enable the creation of a comprehensive migration management framework.

Finally, in the last decade, the main laws regulating aliens' legal status in Moldova were replaced again with the Law on Asylum adopted in 2008 and the new Law on Foreigners' Regime in the Republic of Moldova in 2010. In 2011, the Moldovan Government approved its first National Strategy on Migration.

All above-mentioned instruments are discussed in Part II of this paper in order to give an overview of the development of migration legislation on migration flows from and to Moldova. As the migration of Moldovan nationals has affected the country in unprecedented ways over the last twenty years, the research paper will also analyse the social and economic impact of migration flows from Moldova. Emigration from Moldova occurs due to the lack of social protection, massive unemployment and limited small business opportunities. Finally, the paper will provide an overview of the international obligations of Moldova, which also influenced the development of policy and legislation.

Part III of this research paper will analyse the data sources available for comparison on migration flows from and to Moldova, including from national, EU and other international sources.

A statistical analysis, covering immigration and emigration, is presented in Part IV of this research paper. With the purpose of researching irregular migration, one of the most obvious phenomenon, the authors will examine a case study more closely by using and analysing statistical data.

Conclusions and recommendations are then presented in Part V.

II. National policies in migration and asylum in the Republic of Moldova

II. 1. General country background

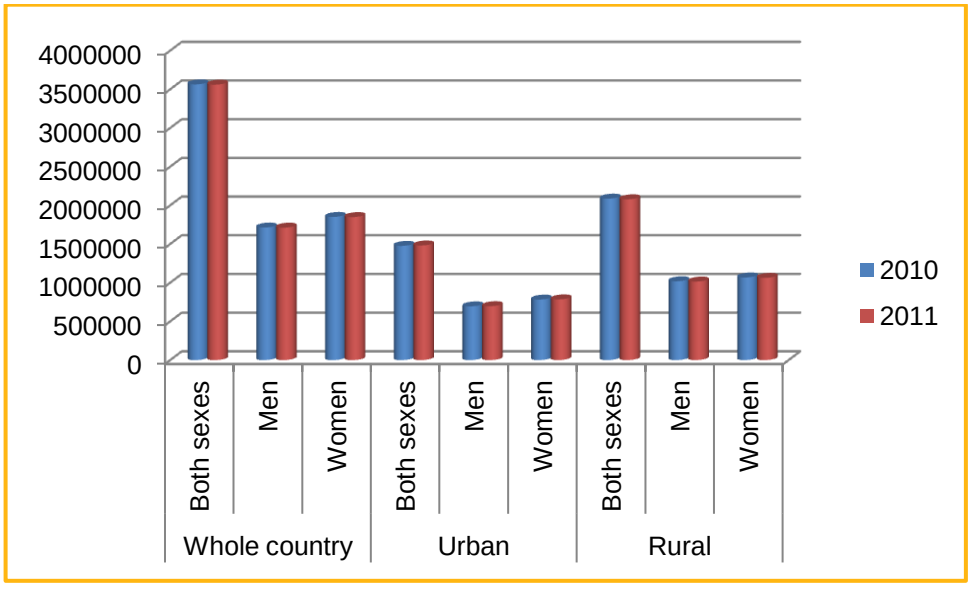
The Republic of Moldova is situated in South-Eastern Europe, between Romania and Ukraine. It has an area of 33,846 km^2.

The Republic of Moldova consists of 1,679 localities, 5 municipalities (Chisinau, Balti, Bender, Comrat and Tiraspol), 60 towns, 39 localities in the composition of towns (municipalities), 917 residential villages (where village or commune council is situated) and 658 localities composed as communes.

3,560,430 habitants were registered in the Republic of Moldova on January 1, 2011. Out of this number, the urban population consists of 1,481,696 persons (41.6%) and rural population – 2,078,734 (58.4%) (*Figure 4)*.

48.1% of the population (1,712,106 persons) are men, and 51.9% (1,848,324 persons) are women (*Figure 4)*.

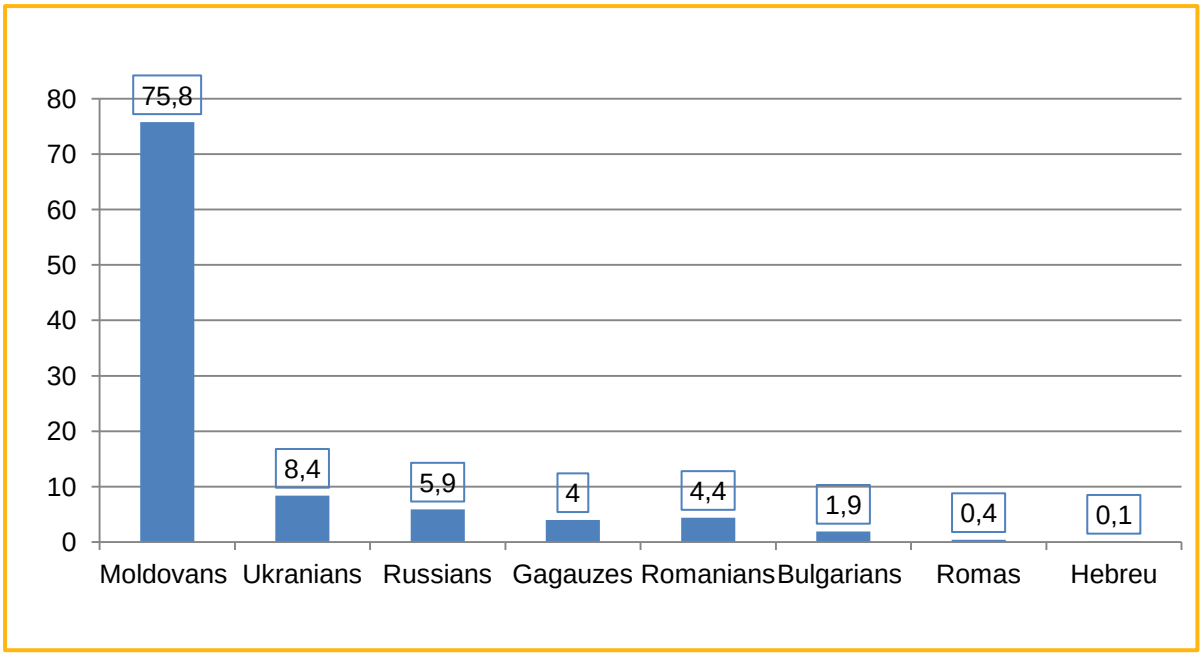
Figure 4. **Population of Moldova, 2010-2011**[106]



Almost 76% of the population of Moldova belong to Moldovan ethnic groups, followed by Ukrainians (8.4%), Russians (5.9%), Gagauzians (4.4%), Romanians (2.2%) and Bulgarians (1.9%). Some other minorities also form part of Moldova's population, such as Roma (0.4%) and Hebrew (0.1%) (*Figure 5*).

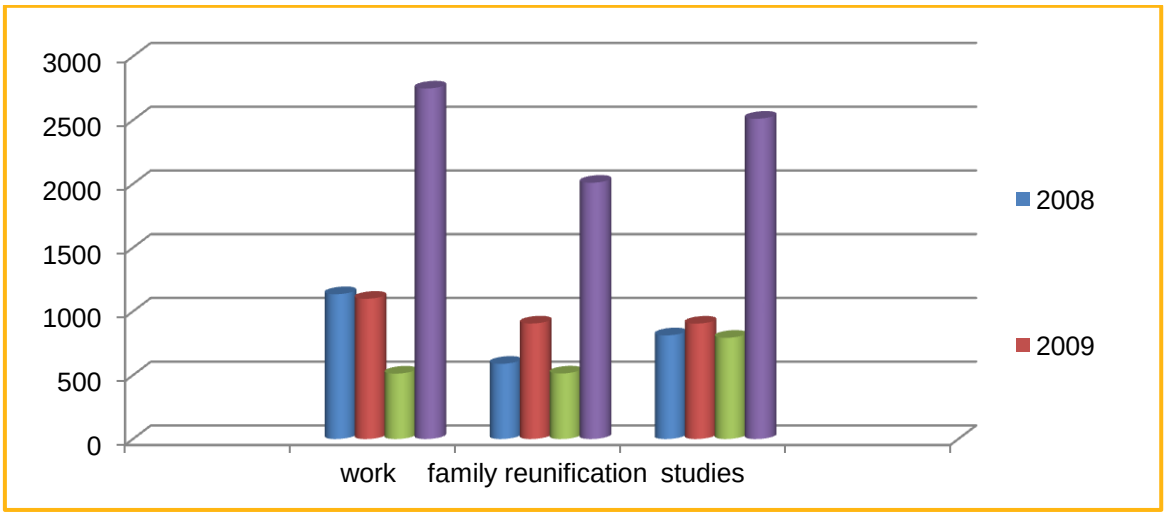
[106] National Bureau of Statistics of the Republic of Moldova, http://www.statistica.md/index.php?l=en

Figure 5. **Moldovan population by main ethnic groups (according to the population census),%** [107]



The number of immigrants is not very high in Moldova, although recently the country has become more popular for foreigners. The main reason for immigration to Moldova is work, followed by studies and family reunification. 16,880 foreigners were residing in Moldova on July 30, 2011, out of this number 12,617 were permanent residents, and 4,263 were temporary residents (family reunification – 1,675; labour migrants – 1,375; students – 1,088; migrants due to humanitarian and religious reasons – 117; other cases – 8 migrants) (*Figure 6*)

Figure 6. **Immigration to Moldova in 2008-2010 (persons)** [108]



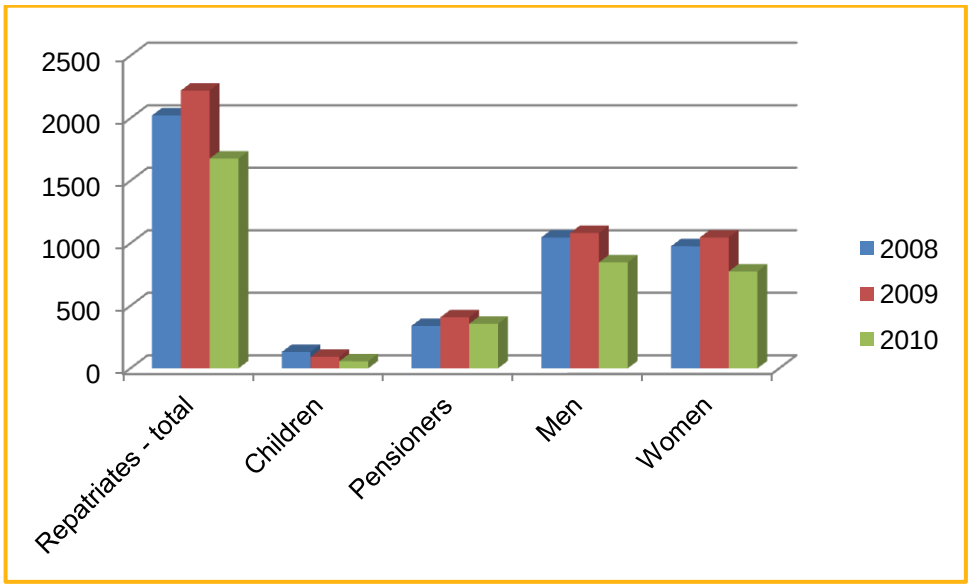
From the total number of immigrants, there are 1,481 stateless persons. In the Transnistrian region, 4,172 foreigners, including 1,085 stateless persons, are registered to be living there.

[107] National Bureau of Statistics of the Republic of Moldova (except the population of Transnistrian region), http://www.statistica.md/index.php?l=en.

[108] Statistics of National Register of Population (State Informational Resources Center "REGISTRU" of the Ministry of Informational Technologies and Communication) and the Bureau for Migration and Asylum Ministry of Interior yearly statistics.

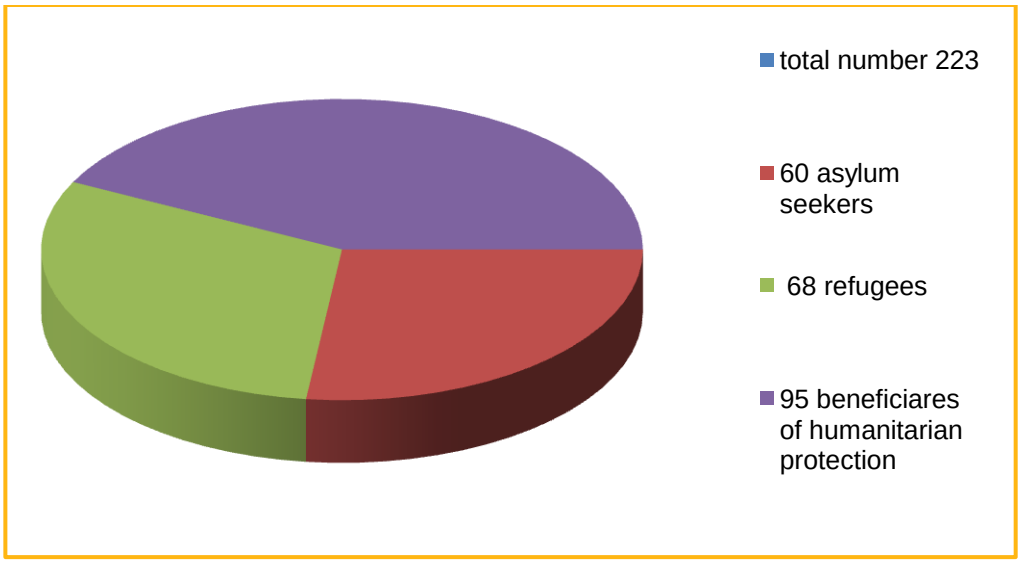
In 2008-2010 a high number of repatriates to Moldova, more than 2,000 persons per year, were naturalized and given the Moldovan citizenship (*Figure 7*).

Figure 7. **Repatriates to Moldova 2008-2010 (persons)** [109]



One more category of migrants in Moldova are persons registered in the Bureau for Migration and Asylum as asylum-seekers and foreigners granted protection. At the end of 2011, there were 223 persons who were granted international protection (refugee status and subsidiary protection). They come from CIS Member States, Asia, Middle East and Northern African countries (*Figure 8*)[110].

Figure 8. **Number of persons registered in the Moldovan asylum system, 2011**



II.2. Social & economic context of migration of Moldovan citizens

Many people started to emigrate from Moldova after its independence. There were many interrelated reasons for that: collapse of the collective Soviet economy, and as a result bankruptcy of many Moldovan enterprises after the loss of export markets, massive unemployment and low wages, lack of social protection and long-term social guarantees and perspectives, political instability, etc. Some nationals left the country only for a short time, others found better opportunities abroad and decided to stay there longer.

[109] National Bureau of Statistics of the Republic of Moldova, http://www.statistica.md/index.php?l=en.
[110] Yearly statistics from the Bureau for Migration and Asylum, Ministry of Interior.

Nevertheless, it would be wrong to look at emigration purely from an economic perspective. It was and is influenced by a number of other factors. Some of them are general and common to other emigration countries, and some are very specific to Moldova. For example, migration is always related to social and family aspects. If only one member of the family leaves the country in search of better financial opportunities, it is expected that this family member returns to his or her spouse and children. However, when the entire family leaves together, then they plan to settle abroad for a longer period of time or even permanently, unless the new life in the foreign country does not provide the expected well-being.

Moldova has the lowest degree of urbanisation in Europe. According to the Bureau for Statistics, 58.4% of the total population reside in rural areas. The highest concentration of urban population (roughly half of it) can be found in the capital Chisinau, representing 1/5 of the total population.[111] As the unemployment rate in rural areas is almost twice as high as in urban areas, it is exactly those people from rural areas who are more eager to emigrate.

Another important social aspect of migration in Moldova is that depopulation is quite significant. According to some estimates, the country's population will only be 2.9 million in 2050 (compared with almost 3.6 million in 2011). The high level of mortality in Moldova, particularly for the working-age population, is not compensated with a low birth rate.[112] In other words, there is some danger that Moldova slithers into a vicious circle, where the reduction in the number of working age population coupled with emigration and depopulation will increasingly affect the country's social and economic development (labour force market, investment, social protection and guarantees, shortcomings of human capital, etc.). And, in turn, this situation may lead, yet again, to new waves of emigration or the non-return of labour migrants or students.

Another economic and social aspect relates to the remittances from Moldovan migrants, which is in fact one of the most well studied issues in the field of migration in Moldova. But it was not until the recent changes in the state's migration policy that remittances began to be included in the country's development strategy. The Moldovan Government has initiated many assistance programs over the last three years focussing on the consolidation of small- and medium-sized businesses, as well as on the mobilisation of human and financial resources of Moldovan migrant workers for the country's sustainable economic development.[113]

According to the Moldovan National Bank, money transfers from abroad in the last ten years have been steady, reaching its peak in 2006 when it represented 38% of the GDP (see also Table 4).[114] Thus, the average amount of remittances from abroad has grown to an average of 1.296 million USD in 2006 to up to 1.848 million USD in 2008.[115] The reduction in the volume of remittances in 2008-2009 was mainly caused by the global financial recession and its impact on the international labour market. Nevertheless, the newest statistical data from the Moldovan National Bank shows that remittances increased again in 2010, and continued to grow in 2011. However, the volume of remittances remains impressively high, especially when compared to direct foreign investment in GDP for the same period of time.

[111] Statistics of National Bureau of Statistics
[112] Statistics of National Bureau of Statistics
[113] For example, Pilot Program on attraction of remittances in the economy "PARE 1 + 1" for 2010-2012, Governmental Decision 972/October 18, 2010, www.justice.md (available in Romanian and Russian languages)
[114] National Strategy on Migration and Asylum of the Republic of Moldova (2011-2020), Governmental Decision 655/September 8, 2011, www.justice.md (available in Romanian and Russian languages)
[115] European Training Foundation (ETF) (2009). Moldova Country Report. Black Sea Labor Market Reviews., p. 80

Table 4. **Remittances transferred from abroad by individuals through commercial banks in million USD compared to the GDP and FDI[116, 117]**

Years	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Remittances (USA dollars)	223.0	268.0	461.0	701.0	915.0	1,182.0	1,286.0	1,612.0	1,216.0	1,244.1	1,453.8
Remittances % of GDP	15,1	16,5	23,5	27,1	31,7	38,2	36,2	30,8	30,8	n/a	n/a
Foreign Direct Investment to GDP (USA dollars)	100,3	90,1	77,3	130,1	176,3	233,6	591,2	718,0	38,5	n/a	n/a

The intensity of labour migration and its impact on the Moldovan labour market, especially the reduction of human resources necessary for sustainable development, called for urgent legislative and institutional reforms. These adjustments were needed in order to ensure a comprehensive state migration policy that would reduce negative consequences of migration and build on its benefits. These included measures for the efficient use of remittances, the development of models for circular migration and social security insurance for migrant workers.

Realizing the importance of harnessing the nexus between migration and sustainable development for the country, the Moldovan Government adopted a number of national strategic plans in the field of migration and demographic security:

- National Development Strategy and all related Action Plans [118] approved by the Government, including the Action Plan "European Integration: Freedom, Democracy and Welfare 2011-2014".[119] In line with the Government's decision, all strategic priorities in the demographic field must fulfill the socio-economic policy objectives as drawn out in the document.
- In September 2011, the Government approved its first National Migration and Asylum Strategy for 2011-2020, a comprehensive document that aims to cover all aspects of migration in Moldova.[120] The document deals with remittances-based investments in the economic area as well as its potential to act as a multiplier, the balanced interests of migrants and communities for the development of the economy and also human resources, which is one of the sensitive issues for the Moldovan Government.

It is important to mention that Moldova is not only a country of emigration. Due to its geographical position, Moldova is also considered a **country of transit for irregular migrants** who are on their way to Western Europe. Irregular migrants mainly from Southern and Eastern Asia, Africa and Middle East pass by Moldova to reach one of the European Union Member States.[121]

Gradually, Moldova has also become an attractive **country of destination for migrants:** the number of foreigners who have obtained the residence permit in the country (for work, education or family reunification purposes) has increased from 1,321 to 2,749 persons from 2000 until 2010. The majority of these migrants come from Russia, Ukraine and other CIS

[116] National Strategy on Migration and Asylum of the Republic of Moldova (2011-2020), Governmental Decision 655/September 8, 2011, www.justice.md (available in Romanian and Russian languages)
[117] National Bank of Moldova, Statistics, the international accounts of the Republic of Moldova, http://www.bnm.md/en/balance_of_payments_statistics, accessed on March 30, 2012.
[118] National Strategic Program on Demographic Security of the Republic of Moldova (2011-2025), Governmental Decision 768/October 12, 2011, www.justice.md (available in Romanian and Russian languages)
[119] Governmental Action Plan for 2011-2014, Governmental Decision 179/March 23, 2011, www.justice.md (available in Romanian and Russian languages)
[120] National Strategy on Migration and Asylum of the Republic of Moldova (2011-2020), Governmental Decision 655/September 8, 2011, www.justice.md (available in Romanian and Russian languages)
[121] Reports of Bureau for Migration and Asylum Ministry of Interior

countries, but there are also migrants from such countries as Syria, Jordan, Sudan, and Turkey.[122]

Finally, the ratification and implementation of Moldova's international instruments in the field of human rights makes it a **country of destination for persons seeking protection** from persecution.

II.3. Development of the state migration and asylum policy of the Republic of Moldova and state of play

State migration policy only started developing in Moldova after its independence in 1991. The first law on migration was adopted even before the declaration of independence. Already in the early 1990s the newly independent state started developing a legislative and institutional framework for migration management.

However, as mentioned earlier, a more comprehensive approach to migration management was not taken until the adoption of the Migration Policy Concept of Moldova in October 2002[123] as well as the second Law on Migration[124], which was more comprehensive than the first one. From that time onwards, migration policy became a cornerstone for national strategies, laws and internal regulations, which take into account both the situation of foreign nationals in Moldova and Moldovan nationals abroad.

In the next phase, from 2002 until 2011, the Republic of Moldova not only adopted and implemented national laws and respective by-laws with the aim of bringing national legislation in line with different international instruments, but also created subordinated bodies to manage migration issues in the country (e.g. in 2001, the first State Migration Service as independent Governmental Agency). For example, Moldova ratified the 1951 Geneva Convention Relating to Status of Refugees and its 1967 Protocol, the 1977 European Convention on the status of migrant workers, the 2006 Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, the 1997 European Convention on Nationality, etc.

At the same time, the main terms for migration were defined in above-mentioned laws and regulations, such as migrants (immigrants), forms of migration (immigration), immigration quota, migrants' rights and responsibilities, freedom of movement, social protection of migrants, asylum-seeker, refugee status, humanitarian protection, repatriation of own nationals, etc.

One of the most important phases of migration policy development occurred in 2006, when the Moldovan Government decided to create a special unit – the Bureau for Migration and Asylum - by reorganising the National Bureau for Migration and the MOI Department for fighting illegal migration. The aim of the new Bureau was to cover all relevant competences and administrative functions in the field of legal immigration of foreigners, statelessness, asylum, refugees, repatriates, detention and accommodation of migrants, fighting against irregular arrival and stay of aliens, visas and admission procedures, return and readmission procedures. Moreover, the Bureau was responsible for the most important issue which, at that time, was not covered by any other state institution, e.g. for drafting policy and strategy documents, relevant legislation in the field of immigration and asylum, and harmonisation of national legislation with the EU's *acquis*.

Finally, in September 2011, the Moldovan Government approved its first National Strategy on Migration and Asylum (2011-2020), a comprehensive document that aims to cover all migration issues in Moldova. In addition to this strategic document, in December 2011, the Government

[122] National Strategy on Migration and Asylum of the Republic of Moldova (2011-2020), Governmental Decision 655/September 8, 2011, www.justice.md (available in the Romanian and Russian language)
[123] Migration Policy Concept of the Republic of Moldova, Parliamentary Decree 1386-XV/ October 11, 2002, www.justice.md (available in Romanian and Russian languages)
[124] Law on migration, 1518-XV/ December 6, 2002, www.justice.md

adopted an Action Plan (2011-2015) for the implementation of the National Strategy on Migration and Asylum of the Republic of Moldova (2011-2020) .[125]

Moldovan state migration policy is reflected in following issues:[126]

- *emigration policy*

The state's emigration policy is set up in a way to maximise the **positive effects of migration and to minimise the negative consequences of emigration** as much as possible. Thus, the main activities of the state's emigration policy are: the promotion of circular migration, measures against irregular labour migration, the regulation of agencies' activities providing (legal/illegal) mediation of employment abroad, the reduction of brain drain and encouragement of brain gain, the emigration of young people, human rights standards for children left behind, the maximisation of positive effects from circular migration through the transfer of knowledge and new skills upon the return of migrants in the country, the possibility for diversification and facilitation of investing remittances in their own business, the strengthening of provisions for professional services by the diplomatic and consular missions abroad to ensure social and economic rights of migrants as well as the strengthening of ties with the diaspora and promotion of "social remittances" transfer.

- *immigration policy*

The immigration policy in Moldova is particularly focused on creating a link between immigration policies and economic and demographic policies. It aims to achieve a balance between the interests of the state, the business sector and the individual interests of immigrants. For this reason, immigration policy is selective and gives preferential status to highly qualified foreigners and skilled labour force with necessary qualification. To guard some flexibility, the conditions and procedures for admission are updated periodically on the basis of forecasted labour market demands and priorities for the state's economy.

- *statelessness and asylum policy*

Although national legislation provides sufficient protection against the risk of *statelessness*, the issue of statelessness in Moldova requires special attention due to the status of former Soviet Union citizens who reside in Moldova but who have neither acquired the citizenship of Moldova nor of any other country, and also due to the specific status of persons residing on the left bank of Dniester River – a territory which is not controlled by the constitutional authorities of the Republic of Moldova. Moreover, despite the legislation being in place, the determination of statelessness is not possible due to the absence of procedures and lack of decision-making powers on applications by public authorities. Therefore, the state policy in this area is focused on developing national mechanisms to determine the status of stateless persons and to strengthen respective institutional capacities in order to empower them to implement procedures related to statelessness, etc.

Regarding the asylum policy, strategic objectives are to strengthen the national asylum system and to ensure unhindered access to asylum procedures in line with the principles of non-refoulement and other standards as per the international treaties and conventions that Moldova ratified.

- *policy on the integration of foreigners and reintegration of Moldovan nationals*

Integration policy is closely linked to the abovementioned issue on international protection and statelessness. However, the increasing number of aliens holding residence permits in the Republic of Moldova demands for clearly defined policies for their integration into Moldovan society. The strategy underlines the importance for the development of a national legislative framework on the social integration of aliens. A law on the integration of foreigners in Moldova

[125] Action Plan (2011-2015) for the implementation of the National Strategy on Migration and Asylum of the Republic of Moldova (2011-2020), Governmental Decision 1009/December 26, 2011, www.justice.md (available in Romanian and Russian languages)

[126] National Strategy on Migration and Asylum of the Republic of Moldova (2011-2020), Governmental Decision 655/September 8, 2011**,** www.justice.md (available in Romanian and Russian)

was adopted in December 28, 2011 by the Moldovan Parliament.[127] The strategy also stresses the necessity to support active participation of foreigners in the economic, social and cultural life of the Republic of Moldova as well as to raise awareness of Moldovan society on the importance of and support to integration processes.

- *visa policy*

Visa policy is one of the migration tools that need further harmonisation with the EU's *acquis* and between state institutions in order to ensure a continuous exchange of information and information management.

- *irregular migration trends, return and readmission policy*

One of the strategic objectives of the Republic of Moldova is the development of comprehensive policies for the prevention of massive uncontrolled immigration into the country or in transit to the European Union. Moreover, the state migration policy aims at increasing the level of state actions to fight illegal migration by improving mechanisms of *return and readmission, by* promoting voluntary return policies and by facilitating the return of aliens to their country of origin under the readmission agreements concluded with these states.

- *integrated border management policy*

The main objectives of the state in this area are to further optimise border control through the implementation of necessary reforms, the development of national capacities, and the improvement of inter-institutional cooperation in the field of integrated border management.

- *document security, protection of personal data*

Travel documents and identity cards are primarily used to control the entry of a person into the country but they can also help to safeguard a person's freedom of movement and other fundamental human rights. This issue is important for the state's migration policy. Moldova ensures compliance to the EU and international standards on data protection for the issuance and assessment of travel and identity documents, and for the management and exchange of information.

Last but not least, all above-mentioned objectives should be supported by a comprehensive *IT system*, which would provide information to central and local public authorities. It would help to ensure efficient management of migration and asylum and to strengthen institutional capacities to collect, aggregate, systemize data that can be used to develop and monitor the implementation of policies on migration, asylum and the integration of aliens.[128]

II.4. International & national legislation in the field of migration

Migration and asylum issues are regulated in Moldova by national and international legislation as well as by bilateral intergovernmental agreements in specific areas.

National migration policies have been continuously changing over the past twenty years. Initially, they were mostly reactive, i.e. as they responded to post-Soviet events. In other words, migration was highly controlled and had a very restrictive character. But with the increasing need to ensure the right to free movement, a more comprehensive approach to intensified migration processes was applied. Also the need to protect the rights of Moldovan nationals abroad has led to significant changes in the national legislation and its relevant international instruments.

[127] The law on integration of foreigners in the Republic of Moldova was approved by the Parliament in December 28, 2011 (and entered into force on 1st July 2012) www.parlament.md (available in Romanian and Russian)

[128] National Strategy on Migration and Asylum of the Republic of Moldova (2011-2020), Governmental Decision 655/September 8, 2011, www.justice.md (available in Romanian and Russian)

International legislation

The Republic of Moldova is a signatory to the most important international treaties, primarily in the field of protection of **human rights, nationality and reduction and avoidance of statelessness**, such as:

- 1977 European Convention on the Legal Status of Migrant Workers;
- 1950 Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights - ECHR);
- 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- 1966 International Covenant on Civil and Political Rights (ICCPR);
- 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- 1989 Convention on the Rights of the Child;
- 1993 Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;
- 1997 European Convention on Nationality:
- 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession;
- 1951 Refugees Status Convention and Protocol of 1976 relating to the Status of Refugees.

In the fight against **trafficking in human beings**, Moldova joined the Council of Europe Convention on Actions against Trafficking in Human Beings, signed at Warsaw on 16 May 2005 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, New York, 15 November, 2000.

Moldova is as signatory to some treaties, although it is still not fully participating in them. However, becoming a signature is usually considered a first step to participation. Moldova is a signatory to following treaties:

- Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT 1984);
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT 2002);
- International Convention of the Rights of All Migrant Workers and Members of their Families (UN MW Convention 1990);

National legislative framework in the field of migration

Matters regarding the regulation and procedures on aliens' entry, residence, departure from the country, the rights of migrants, asylum-seekers, stateless persons and the integration of foreigners, etc., are all governed by relatively new laws and by-laws., most of which were approved after 2008.

In parallel, the state has taken measures in regards to legal migration/immigration by signing a number of bilateral agreements in labour migration, social protection of migrant workers (Moldovan nationals) and readmission agreements.

The national legislative framework of the Republic of Moldova in the field of migration includes following legal acts:[129]

[129] All legal acts of the Republic of Moldova can be found at www.justice.md, in Romanian or Russian.

- **Law on Foreigners Regime in the Republic of Moldova, No. 200-XVI, July 16, 2010**, regulating foreigners' entry into, stay and departure from the territory of the Republic of Moldova; granting and prolonging residency permits; the repatriation and documentation thereof; specifying enforcement measures in case of violation of the residence status and special immigration registration measures in compliance with the obligations assumed by the Republic of Moldova by ratifying international treaties;
- **Law on Asylum in the Republic of Moldova, No. 270/XV, December 18, 2008**, establishing the legal status of foreigners, stateless persons and beneficiaries, as well as procedures for granting, ending and cancelling their protection;
- **Law on Labour Migration, No. 180-XVI, July 10, 2008**, regulating the employment of foreign citizens and stateless persons on the territory of the Republic of Moldova; the requirements for conferring them the right to work and temporarily stay for labour purposes, as well as dealing with temporary employment abroad for Moldovan citizens, whose permanent residence is in the Republic of Moldova;
- **Law on State Border, Nr.215, November 11, 2011,** regulating the legal, organisational, administrative and institutional structures for the management and protection of state borders;
- **Law on Citizenship of Republic of Moldova**, No. 1024, June 2, 2000, regulating issues related to Moldovan citizenship;
- **Law on Integration of Foreigners in the Republic of Moldova**, was approved by the Parliament in December 28, 2011 (entered into force on 1st of July 2012); establishes principles for foreigners' integration in Moldova, as well as functions and responsibilities of state institutions involved in integration processes;
- **Law on Identity Documents of the National Passport System** No. 273-XIII, November 9, 1994.

Governmental Decrees:

- Procedures on Return, Expulsion and Readmission of Foreigners from Moldovan Territory/2011
- Regulation on Issuing Invitations to Foreigners /2011
- Regulation on the Minimum Quantum of Means for Foreigners in the Republic of Moldova/2011
- Regulation of the Centre for Temporary Detention of Foreigners/2011
- Regulation regarding Evaluation of Linguistic Competences for Foreigners, Applicants of Permanent Residence in the Republic of Moldova/2011
- Regulation on Creation of the One Stop Shop/2010
- Commission for the Coordination of Activities regarding the Migration Process/2010
- Regulation on the Creation of the Centre for Temporary Detention of Foreigners/2004
- Concept of the Informational Integrated Automatic System "Migration and Asylum"/2007
- Regulation on Education of Foreign Students in the Republic of Moldova/2003
- Regulation on Procedures for Issuing Residence Permits and Travel Documents for Foreigners, Stateless Persons, Refugees and Beneficiaries of Protection/1995.

The newest legal acts of the Republic of Moldova in the field of migration and asylum were harmonised (fully or partially) with the EU's *acquis*:

- Regulation 562/2006/CE of the European Parliament and of the Council of 15 March 2006 implementing the **common code on border crossing regimes by persons (Schengen Borders Code)**;
- Regulation 810/2009/CE of the European Parliament and of the Council of 13 July 2009 establishing a **community code on visas (Visa Code)**;
- Council Directive 2003/86/CE of 22 September 2003 on the **right to family reunification**;
- Directive 2008/115/CE of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for **returning third-country nationals residing illegally in the country**;

- Council Regulation 539/2001/CE of 15 March 2001 listing the third-countries whose **nationals must be in possession of visas** when crossing the external borders and those nationals who are exempted from that requirement;
- Council Directive 2004/114/CE of 13 December 2004 on the conditions of **admission of third-country nationals for the purposes of studies**, study exchanges, unremunerated training or voluntary service;
- Council Directive 2003/109/CE of 25 November 2003 concerning the status of third-country nationals who are **long-term residents**;
- Council Directive 2004/81/CE of 29 April 2004 on the residence permit issued to third-country nationals who are **victims of trafficking in human beings** or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities;
- Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or persons who otherwise need **international protection**, etc.

Moldova is Party to following readmission agreements: European Community (EU 27, entered into force on 1, January 2008), Swiss Confederation (2004, 2010), Kingdom of Norway (2006), Macedonia (2008), Serbia (2011), Kingdom of Denmark (2011), Ukraine (1997).

III. Migration data sources

III.1. Migration statistics in Moldova

As indicated earlier, the Republic of Moldova has already created an institutional framework in the field of migration to manage migration processes. As a result, migration is an issue dealt with by a number of state institutions. All these institutions, in one way or another, collect, maintain and analyse statistical data related to migration.

The following institutions keep track of migration data in Moldova:

- **National Bureau of Statistics**, www.statistica.md**,** is a central statistical authority that manages and organises statistical activities in Moldova such as census, labour force and household budget surveys, etc.
- **State Enterprise "Registru"** at the Ministry of Information Technology and Communications, www.registru.md, is responsible for issuing all identity cards in Moldova. Therefore, it keeps data relating to this type of document. This institution is also responsible for registering persons, and among other, a "Migration and Asylum" integrated system;
- **Bureau for Migration and Asylum** in the Ministry of Internal Affairs, www.bma.gov.md, is the main provider and user of the "Migration and Asylum" integrated system;
- **Border Guard Service**, www.border.gov.md/index_en.php, collects and stores information on state border crossing;
- **Centre for Combating Trafficking of Persons** in the Ministry of Internal Affairs, www.mai.md/cctp, is responsible for collecting, storing and analysing information related to trafficking of human beings and victims protection;
- **Ministry of Labour, Social Protection and Family**, www.mpsfc.gov.md, has several units which functions also include migration issues. Consequently these units also collect and store migration-related data. The responsible units include the National Employment Agency (labour migration issues), National Coordination Unit of the National Referral System for Assistance and Protection of Victims and Potential Victims of Trafficking (data on assistance to victims of trafficking), Migration Policy Section, etc;
- **Ministry of Foreign Affairs and European Integration**, www.mfa.gov.md, is responsible for developing and implementing visa policies as well as for protecting and assisting citizens abroad;
- **National Bank of Moldova**, www.bnm.org/en/home, and **Ministry of Finance**, www.mf.gov.md/en/, are responsible for information on balance of payments, including remittances of migrant workers;
- Some other institutions, such as the Ministry of Education, Ministry of Health, etc.

III.2. International migration statistics

There are a number of international actors collecting, storing, analysing and providing statistical data on migration. Many of these agencies also collect data from national statistical offices and national migration authorities. The most important sources for statistics on international migration are listed below.

UN population and migration statistics:

- **UNECE Census Database**: The UNECE (UN Economic Commission for Europe) Census Database mainly contains census forms (questionnaires) and links to national statistical offices in the UNECE region. For many countries additional information (handbooks, instructions for enumerators, census laws etc.) is also available (http://www.unece.org/stats/census/2000/Welcome.html);
- **ILO migrant database**, International Labour Organisation, consists of three datasets on international labour migration statistics, antidiscrimination action profiles, and good

practices on labour migration (http://www.ilo.org/public/english/protection/migrant/info/ilm_dbase.htm);

- **MIGRATIONINFO**: The databases maintained by UNICEF in cooperation with the University of Houston features migration estimates from the UN Population Division. It allows customized data queries. Apart from tables, it can produce maps and charts (http://www.migrantinfo.org/);
- **UN Population Division**: the database provides estimates on migrant worldwide since 1960s. In addition to ad-hoc web-based tables, data can be downloaded in spreadsheet format (http://esa.un.org/migration/);
- **UN Statistics Division**: the website provides a wide range of (largely census-based) data on core demographic indicators, including the size and structure of the population, natality, mortality, international migration, ethno-cultural characteristics, etc. (http://unstats.un.org/unsd/default.htm);
- **UNHCR database**: the database provides comprehensive statistics on asylum-seekers, refugees and other persons of concern. Statistics are published in UNHCR's annual statistical reports. Various other statistics can be downloaded in excel format (http://www.unhcr.org/pages/49c3646c4d6.html).

EU statistical databases and databases in the EU region:

- **PROMINSTAT** database is a comprehensive inventory of statistical datasets on migration, integration and discrimination in Europe and currently contains descriptions of more than 1,400 statistical datasets. It documents the availability, comparability and accessibility of quantitative data (www.prominstat.eu);
- **CLANDESTINO database** on irregular migrants in the European Union: the database provides an inventory and a critical appraisal of data and estimates in the European Union and in selected Member States. It contains estimates on the size of irregular migrant populations and indicators of their composition with regard to gender, age, nationality and sector of economic activity (http://irregular-migration.net//);
- **Eurostat database** provides a large range of statistical data in various areas, including statistics on population and social conditions (health, education, labour market, living conditions and social protection, crime and culture). Population statistics include data on demography, international migration and asylum, population projections, and census tables (http://epp.eurostat.ec.europa.eu/);
- **European Union Democracy Observatory on Citizenship (EUDO)** is part of a larger EUDO observatory on democracy in Europe. It provides the most comprehensive source of information on acquisition and loss of citizenship in Europe for policy makers, NGOs and academic researchers. In addition to legal and policy information, detailed statistics on citizenship acquisition can be downloaded from their website: (http://eudo-citizenship.eu/index.php?option=com_content&view=article&id=40&Itemid=16).

For this research paper, the dataset from Eurostat was used. In order to compare trends related to irregular migration of Moldovan citizens, the research drew on statistical data provided by individual states to ICMPD for the development and elaboration of ICMPD's Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe.

IV. Moldovans in the European Union - According to Eurostat

This part of the research focuses on Moldovans residing in the EU: how many are there? What are the reasons for their migration and what is their legal status in the receiving country? How many Moldovan citizens were forced to leave the EU? In other words, this part will provide an overview of Moldovan immigration to the EU based on Eurostat data.

IV.1. Number of Moldovan migrants within the EU

In the EU, Norway and Switzerland (which are not part of the EU)[130], there were 512,206,602 residents in 2009.[131] Germany, France, the United Kingdom and Italy are the most populated countries, while Malta, Luxemburg, Cyprus, Estonia, Slovenia, Latvia, Lithuania are among the least populated.

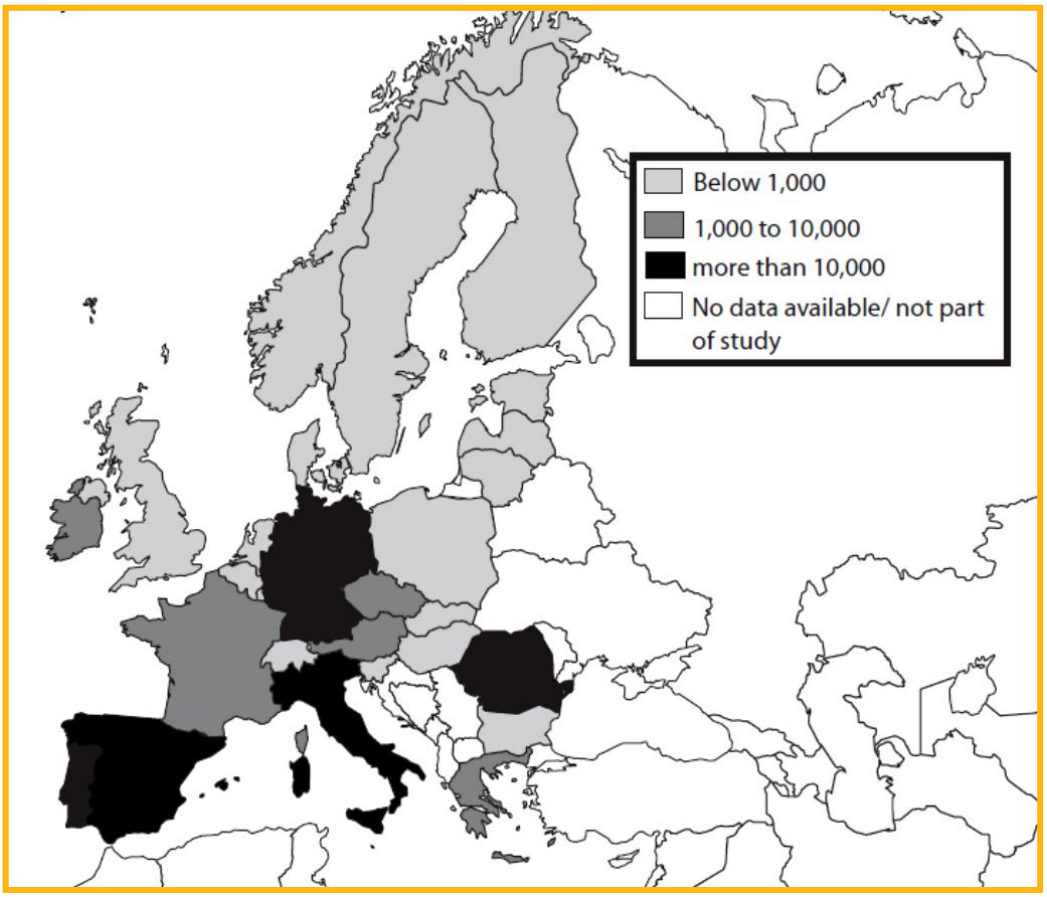
All together, there are 33,794,702 foreigners living in the EU27+2. The countries with the highest number of foreigners are Germany, Spain, the UK and Italy. The share of Moldovans residing in the EU is small compared to other major groups of immigrants: approximately 166,977 Moldovan citizens resided in the EU27+2 in 2009, which makes only 0.49% of the total number of foreigners.

According to the data collected in 2009, Moldovan migrants most often move to **Italy** (89,424 persons, or 53.6% of the total number of Moldovans in the EU27+2 and 2.3% of the total foreign population in Italy), **Portugal** (21,353 persons, or 12.8% of the total number of Moldovans in EU27+2 and 4.8% of the total number of foreigners in Portugal), **Spain** (17,536 persons, or 10.5% of the total number of Moldovans in EU27+2 and 0.3% from the total number of the foreigners residing in Spain), **Germany** (13,214 persons, or 7.9% of the total number of Moldovans in EU27+2 and 0.2% of the total number of the foreigners in Germany), **Romania** (10,450 persons, or 6.3% of the total number of Moldovans in EU27+2 and 33.3% of the total number of the foreigners residing in Romania), **Czech Republic** (8,435 people, or 5.1% of the total number of Moldovans in EU27+2 and 2.1% of the total number of foreigners in the Czech Republic). Some countries, such as France, the UK, Greece, Cyprus, Lithuania, Estonia and others did not

[130] From hereon, The EU, Norway and Switzerland will be noted as EU27+2.
[131] If not specified differently, all statistical data provided in this section, is taken from Eurostat database, section population, last accessed on 23 July, 2012, http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database

provide data on Moldovan residents to Eurostat, thus the situation described above is incomplete.

Figure 9. **Main destination countries in the EU for Moldovan emigrants, 2008-2009**



"Born in Moldova". Eurostat also provides data on EU residents who were born in a foreign country (outside the EU); therefore, there are 46,614,151 citizens born outside the EU in EU27+2. There are 181,274 residents born in an "EU-alien country", such as the Republic of Moldova, which stands at approximately 0.39% from the total number born outside the EU (according to Eurostat). Most of them live in Italy (83,575 people, or 46.1% of the total number of Moldovans in EU27+2; 1.9% of the total number of persons "born in Moldova"), Portugal (20,530 persons, or 11.3% of the total number of Moldovans in EU27+2; 2.6% of the total number of people "born in Moldova"), Romania (44,564 people, or 24.6% of the total number of Moldovans in EU27+2; 27.6% from the total number of people "born in Moldova"), Spain (16,837 people, or 9.3% of the total number of Moldovans in EU27+2; 0.3% of the total number of people "born in Moldova"), the Czech Republic (8,379 people, or 4.6% of the total number of Moldovans in EU27+2; 2.2% of the total number of people "born in Moldova").

The discrepancy of data between Moldovan citizens and those born in Moldova can be explained through a number of factors. Some of these people hold a citizenship from one of the EU Member States, either because they have been naturalized or because they have reclaimed their historic origins (e.g. in Romania or Bulgaria). Furthermore, there are persons who were born in Russia, Ukraine, and other independent states, but who are citizens of Moldova. In a post-soviet environment, these numbers can add up, thereby greatly influencing the statistical data.

Gender. Most of Moldovan migrants born in Moldova are women (101,568 persons or 56.03% of the total number).

It should be noted that, in general terms, women tend to migrate more than men (in Norway, women represent 69% of the total number of migrants, in Sweden – 66%, in Italy – 63%, Austria, Slovenia, Denmark – 61%, Romania, Poland - 57%). The exceptions are Slovakia (28%), the

Czech Republic (36%) and Portugal (42%), where there are more male migrants. This also means that there are countries with male or female Moldovan migrants' profile. There are several countries that have a balanced gender representation, such as Spain, Ireland, Holland, Latvia, and Belgium.

This shows that family reunifications also form a part of the migration flows (depending on the country's gender profile and based on the local labour market).

IV.2. Legal immigration of Moldovan citizens to the EU

According to the Eurostat data, 201,986 Moldovan citizens had a valid residence permit in one of the EU Member States in 2008 compared to 240,634 in 2009. This constitutes a growth of 16.07%. Nevertheless, in 2010, this number decreased again, although it did not reach the same level as in 2008: **233,809 Moldovan citizens had a valid residence permit in one of the EU Member States**. The number of Moldovan emigrants residing in a EU Member State constitutes about **6.6% of the total population of Moldova**. Additionally, in recent times the number of Moldovan citizens who have acquired EU Member State citizenship has increased but these persons are not yet reflected in the statistics of foreigners who reside in the host country legally. In 2010, **4,931** former Moldovan citizens acquired the EU citizenship (Eurostat data for 2010 did not include the data on acquisition of citizenship by Moldovans in Romania). In 2009 the number was **10,909**. Between 2000 and 2010, 43,882 Moldovan citizens became citizens of one of the EU Member States (mainly Romania, Portugal, Italy, Bulgaria, Germany, the United Kingdom, and Ireland).

More than half of residence permits were issued to Moldovan citizens in **Italy**: in 2008, its share was 51.1% (103,232 persons), while in 2009 it increased to 57.5% (138,274 persons). In 2010, the share of residence permits issued in Italy increased to 60.28% (140,954 in total).

In other main destination countries for Moldovan migrants, which have been identified through the data on migration stocks, the number of valid residence permits actually decreased in **Portugal:** from 21,147 in 2008 (10.5% of the total number of Moldovan citizens residing in the EU) to 15,641 in 2010 (6.7% of the total number) - In total, 5,506 persons less, which can however be explained by the fact that many Moldovan citizens acquired the Portuguese citizenship. In 2009, 2,896 former Moldovan citizens became citizens of Portugal, in 2010 it was 2,675; hence for these two years the total was 5,571 persons. The number of Moldovan residents remained approximately the same in Portugal, or even increased slightly: only their legal status changed from resident to citizen. Noteworthy is also the fact that the acquisition of citizenship by Moldovans is the highest in Romania, followed by Portugal. Italy, with 1,060 acquisitions in 2010, is in third place.

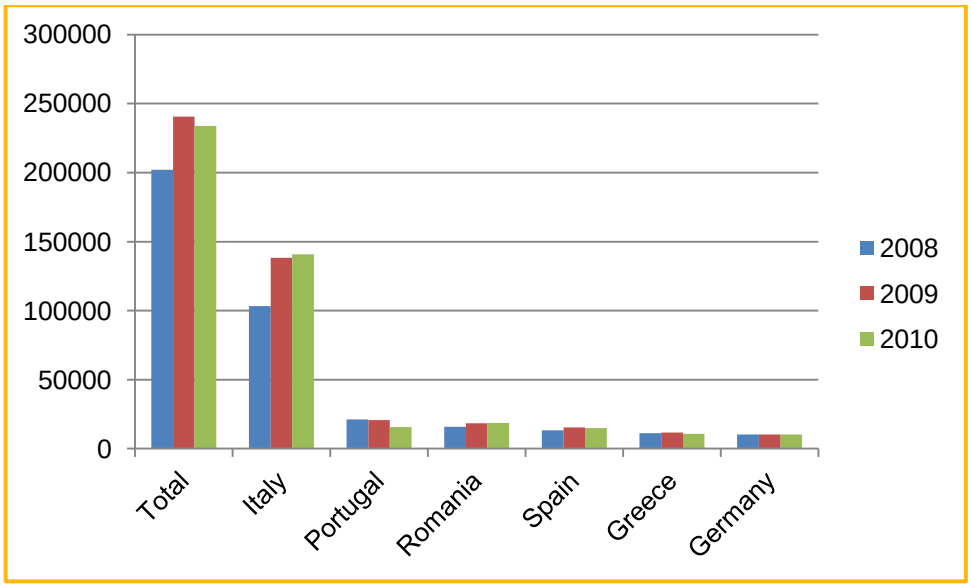
The third main country of destination for Moldovan citizens is **Romania**: in 2008, 15,919 Moldovan citizens were residing legally in that country (7.9% of the total number of Moldovan citizens residing in the EU), in 2009 it was 18,497 (7.7 %), and in 2010 it was 18,595 (7.9%). If only this data would be taken into account, it would become obvious that the number of Moldovan citizens in Romania has practically not changed. However, in 2009, 6,230 Moldovans became Romanian citizens and part of them had resided in Romania prior to their naturalisation.

In **Spain**, the number of residence permits issued to Moldovan citizens increased in recent years: in 2008, 13,418 Moldovan citizens resided legally in this country (6.6% of the total number of Moldovan migrants in the EU), in 2009, it was 15,342 (6.4%) and in 2010, it was 15,045 (6.4%).

The situation in **Greece** has not been analysed in the previous section, as Eurostat did not provide any data on the share of Moldovan citizens compared to the total population in Greece. According to the number of residence permits issued to Moldovan citizens in this country, Greece is one of the top destinations for Moldovans, although the number of Moldovans in this country has remained almost the same over the years: in 2008, 11,273 Moldovans were legally residing there (5.5% of the total number of Moldovans residing in the EU), in 2009, it was 11,809 (4.9%), and in 2010, it was 10,814 (4.6%).

As for the other countries, **Germany** had 10,387 Moldovan residents in 2010 (4.4% of the total number), the **Czech Republic** had 7,435 Moldovan residents (3.1%), **Cyprus** had 4,107 Moldovan residents (1.8%) and **France** had 3,040 (1.3%).

Figure 10. **Number of valid residence permits issued to citizens of Moldova in the selected EU MS, 2008-2010**



The reasons for legal migration of Moldovans into the EU27+2 are the following:

- **Labour**

Labour-related issuance of residence permits is the most common. There were 96,823 permits (47.94% of all permits issued that year to Moldovans) issued for work in 2008; in 2009, their number had greatly increased to 116,374 permits (48,36% of the total number) and in 2010 it was 108,790 (46.5% of the total number).

Italy, by far, has been the country that has issued most permits on the basis of labour in the period between 2008 and 2010 (68.2%, 76.9% and 83.9% respectively). The Czech Republic is on second place (8.6%, 6.2% and 3.5%), followed by Spain (6.2%, 5.5%, and 3.2%) and Greece (5.9%, 4.8%, and 3.9%). Yet, Italy is not the forerunner when it comes to the share of work permits within the total number of permits. In the Czech Republic work permits for Moldovan citizens between 2008 and 2010 represented 74.7%, 68.7% and 51.2%, in Cyprus it was 76.8%, 65.9% and 71.1%, in Italy 64.0%, 64.7% and 64.7%; in Greece and Spain it was between 30% and 50%. In other main destination countries the share of work permits is much smaller: in Portugal and Romania it did not exceed 10% between 2008 and 2010, and in Germany it was less than 2%. On this basis, it can be concluded that - even though the main reason for Moldovan emigration between 2008 and 2010 was labour – the reason were various depending on the country: the Czech Republic, Cyprus, Italy and partly Greece and Spain are the main destination countries for labour migrants, while Portugal, Romania and Germany seem to attract more migrants who are moving there to be reunified to their families or for other reasons.

- **Family reasons or reunification of families**

Family reunification is the second major reason for Moldovan emigration to the EU: in 2008, 49,682 permits (24.6% of the total number) were issued to Moldovan citizens on that ground. In 2009, this number grew to 64,003 (26.6%), and in 2010 it was 78,606 (33.6%). The increase of the share of permits for family reunification can be seen in almost all main destination countries, with the only exception being Portugal.

Traditionally, most family reunification permits between 2008 and 2010 were issued in Italy (50.5%, 56.1% and 62.0%), Romania (13.7%, 14.9% and 13.5%) and Greece (9.4%, 7.9% and 6.4%).

Even despite the huge number of family reunification permits in Italy, it is still not the leading country when taking into account its share with that of the total number of permits for Moldovan citizens. The permits issued for family reunification constituted 42.9%, 51.5% and 57% between 2008 and 2010. In France, it was 44.5%, 46.7% and 48%, in Germany it was 31.6%, 34.4% and 34.8%, in Italy it was 24.3%, 26.0% and 34.5%.

A comparative analysis of the number of permits granted on the basis of family reasons and the number of permits granted for labour show that the number of permits for family reunification has grown faster between 2008 and 2009 than the ones for labour. It can be noticed that Moldovan migration into the EU countries has new features based on the reunification of families. The most obvious reason for this can be seen through the Italian case where the number of family reunifications recently grew faster than the ones for labour residence permits. A simple explanation is that labour migrants from Moldova first moved to one or another country, found a job and legalised their status, and then invited family members to join.

- **Study reasons**

In 2008, there were 10,906 people (5.4%) who received permits to study. In 2009, however, this number dropped to 10,569 permits (4.39%). The decrease in the issuance of these permits continued in 2010: only 9,644 permits were issued (4.1%). Most permits for study purposes between 2008 and 2010 were issued in Romania (64.6%, 67.0% and 69%) and in Italy (14.5%, 11.5% and 6.5%). They represent approximately 80% of the total number of permits issued for studying.

Romania has also issued the biggest share of residence permits to Moldovan citizens when compared with the total number of residents permits issued in other countries. Between 2008 and 2010, the share represented 44.2%, 38.3% and 35.8% respectively. Overall, the decrease of residence permits due to study reasons could be explained by the global financial crisis, which resulted in the decrease of the total number of study grants and financial means to support children's study abroad.

- **Other reasons**

Some reasons for issuing residence permits are rather questionable: Eurostat does not offer an explanation for the issuance of such permits to Moldovan citizens but it is estimated that it is quite high. In 2008, there were 42,414 such permits (21%), in 2009 there were 47,999 (19.95%), and in 2010 there were 36,290 permits (15.5%) issued.

Portugal is the country with the highest issuance rate for this type of permit with 32.7% in 2008, 34.8% in 2009 and 38.8% in 2010, followed by Italy (24.7% (2008), 24.2% (2009), but only 0.85% in 2010) and Germany (15.3% (2008), 13.0% (2009) and 16.9% (2010).

When compared to the total number of residents permits issued to Moldovan citizens in Portugal, it represents the biggest share with 65.6% in 2008, 80.5% in 2009 and 90% in 2010. In Germany it was 62.5% (2008), 59.9% (2009) and 59.1% (2010) and in Ireland, it was 45.2% (2008), 53.3% (2009) and 54.6% (2010).

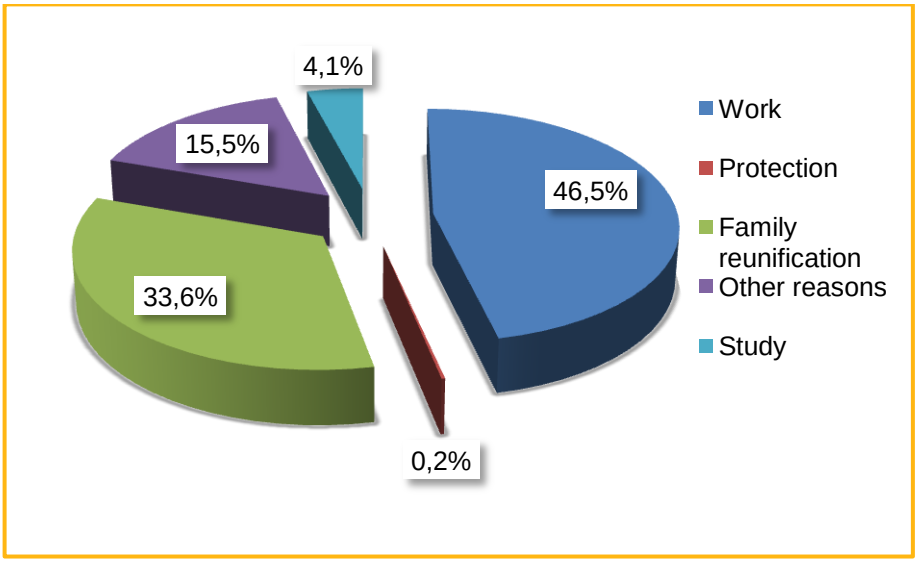
The definition of permits on the basis of 'other reasons' varies among EU Member States. This will not be elaborated further in this research, albeit some few explanations can be provided. For example, out of 11,872 Moldovan citizens residing in Germany in 2011, 6,188 persons (52%) have obtained the status of long-term residents (*Niederlassungerlaubnis (zeitlich unbefristet)*) which does not fall in the category of permits granted on the basis of family, study or work.[132] Therefore this group of residence holders is reflected under 'other reasons' in the Eurostat data. In Portugal, "other reasons" for Moldovan emigrants include long term-residence status,

[132] German Federal Statistical Office, Foreign Population, 2011, https://www.destatis.de/DE/Publikationen/Thematisch/Bevoelkerung/MigrationIntegration/AuslaendBevoelkerung.html

international protection status and other reasons such as protection of victims of trafficking in human beings, etc[133].

In conclusion, most Moldovans immigrate to the EU Member States in order to work (in 2010, 108,790 valid residence permits, or 46.5% of the total number of residence permits), to be reunified with their families (78,606 residence permits, or 33.6%) or for other reasons. According to both national and EU legislation following groups of resident permit holders can be found: those who have settled for long-term (36,290 residence permits, or 15.5%), those who move for study reasons (9,644 residence permits or 4.1%), and those who are seeking protection, e.g. those who have obtained refugee status or subsidiary protection (479 residence permits or 0.2%).

Figure 11. **Reasons for Moldovan immigration to EU Member States according to Eurostat, 2010**



IV.3. First residence permits issued to Moldovan citizens in the EU

The overall number of Moldovans in the EU who reside in a country with a valid residence permit decreased by almost 7,000 between 2009 and 2010. The main reason for this is not a decrease in Moldovan immigration - as could be assumed - but the acquisition of citizenship from one of the EU Member States (mainly Romanian, Portuguese, Italian and Bulgarian) by Moldovan citizens. In order to see changes in Moldovan migration, it is crucial to not only examine the number of Moldovan migrants in the EU but also their flows, i.e. to see how many residence permits are issued to Moldovan citizens for the first time.

In total, 2,559,298 new residence permits were issued in the EU in 2008. This number decreased by almost 200,000 in 2009 adding to a total of 2,368,234 residence permits. In 2010, it increased again so that 2,501,670 foreigners received a new residence permit in 2010. The share of Moldovan migration in the EU was 2.3% in 2008, 1.9% in 2009, and 2.2% in 2010. Although the total share of Moldovan migration is not high, in some countries Moldovan citizens represent a significant proportion of the total share of migrants. For example, in Romania, Moldovan migrants constituted more that 1/4 of all migrants in the country in 2008. In 2009, this share was 1/3, and in 2010, they represented more than 40%. Italy hosts more than 21% of all migrants in the EU, therefore the share of Moldovan migration in Italy constituted 7.1% in 2008 and 2010, and 6.1% in 2009.

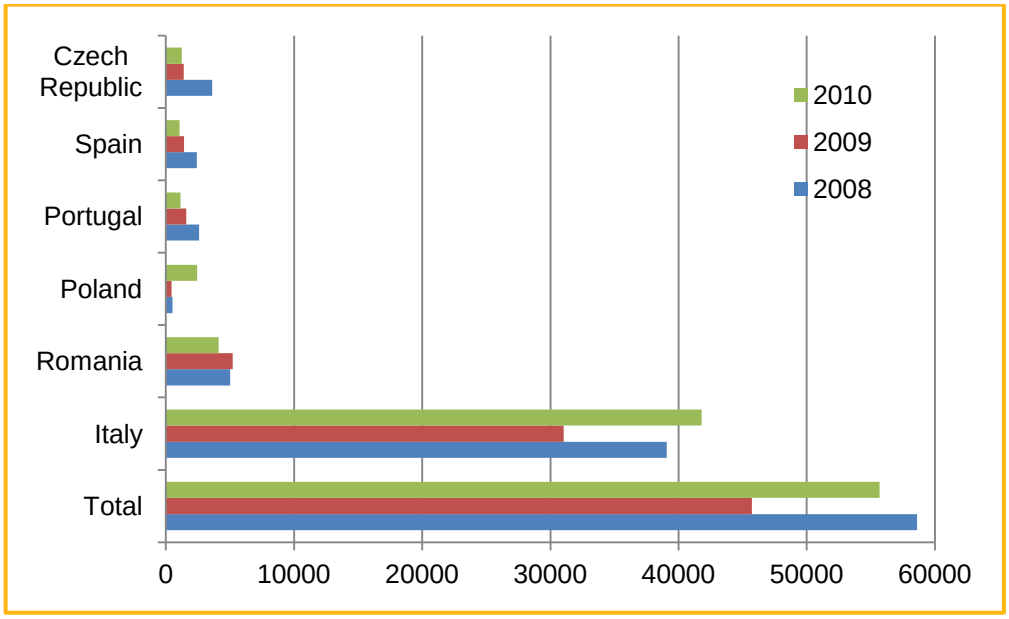
In 2008, **58,620 new residence permits were issued to Moldovan citizens in the EU Member States**. In 2009, this number decreased by almost 13,000 thus creating a total of 45,715 residence permits. But already in 2010 this number increased although it did not reach

[133] Information provided by the coordinator of the GOVAC project in Portugal on request of the researchers

the same level as in 2008. 55,689 residence permits were issued to Moldovans in 2010. Although there were less residence permits issued to Moldovan citizens in almost all EU Member States in 2009, the decrease of this number in Italy by almost 8,000 was the most significant one. As indicated earlier, in 2010, the number of residence permits issued in Italy increased by more than 10,000, thereby explaining the total increase of migration flows from Moldova to the EU. Looking at the statistics, it becomes clear that Italy issued more than 80% of the work permits, thus making Moldovan migration primarily dependant on the Italian labour market. As the data shows in 2008 and 2010 more than 60% (63% and 62.3% respectively) and in 2009, 48.2% of all new residence permits in Italy were issued on the basis of work.

However, migration flows from Moldova decreased with the shortage of jobs coupled with changes in migration legislation and practices that aimed at limiting migration flows. This situation should be taken into account when developing state and labour migration policies and strategies.

Figure 12. **New residence permits issued to Moldovan citizens in the EU Member States, 2008-2010**



Significant changes can be found in regard to migration of Moldovan citizens to Poland: in 2008, only 517 residence permits were issued to Moldovan citizens for work reasons (representing 68%). In 2009, it was 438 (63%) and, in 2010, it was 2,447 (96%). Immigration to Poland increased drastically between 2009 and 2010 (33,427 new residence permits in 2009 and 101,574 in 2010). The majority of residence permits issued in 2010 are linked to work (85.5%) reflecting their preparation to EURO2012 and their shortage of local construction workers. Therefore, the increase in the number of Moldovan migrants to Poland could have been temporary and this number could decrease again in the coming years.

The migration flow to Romania is quite different: although the migration to this country is quite significant, it is mostly due to family reasons (50 – 58% from the total number of residence permits in 2008-2010), followed for educational purposes (28 – 47% in 2008-2010) and then for reasons relating to work (2 – 12% in 2008-2010).

IV.4. Irregular migration of Moldovan citizens to the EU

As for many other countries, it is rather difficult to estimate how many Moldovan citizens live irregularly in the EC27+2. Using Eurostat data, some conclusions regarding irregular migration from Moldova and its dynamics could be made on the basis of those who were detected as staying irregularly in the receiving country and who were subsequently returned to the country of origin or refused at the border. In general, Eurostat's data from 2008-2010 indicates that the amount of illegal migrants into the EU countries has decreased over the years.

- **Third country nationals found to be residing illegally in the EU**

The numbers of citizens of Moldova residing illegally in one or another EU Member States: in 2008 – 7,100 persons, in 2009 – 5,320 persons, and in 2010 – 4,390 persons. The decrease during these years represents 38.2%.

Most irregular migrants were detected in Italy (31.4%, 27.9% and 25.3%) and Romania (14.9%, 18.2% and 21.6%). The number of detected migrants constitutes almost half of all the irregular migrants from Moldova (45-47%). The reasons are pretty clear. Italy is considered a "dream country" by Moldovan migrants, while Romania is a neighbouring country, which shares a border with the Republic of Moldova.[134] Germany (with 6.3%), Austria (6%), Slovakia (5.5%), and Hungary (5.2%) are among the countries with a high number of irregular migrants from Moldova.[135]

Some EU Member States have implemented regularisation programmes or mechanisms in order to have the status of irregular migrants legalised. Italy is the best example for this. This country implemented a number of measures to regularise migrants. The regularisation, which took place in 2002, resulted in 702,156 persons applying for legalisation. Almost half of them were intended for domestic workers, while the remaining applications were for other jobs in dependent employment. 29,471 persons from Moldova were legalised.[136] 1,918 Moldovan citizens were legalised in Greece in 2005, and 372 in 2007.[137] Moldovan citizens are also mentioned as one of the top nationalities to have benefited from the regularisation programme of 2004 in Portugal.[138]

- **Orders to leave from the EU Member States**

Most of the Moldovan migrants who were found to be residing illegally in the EU Member States have received an order to leave, in accordance with the legislation of the receiving country. Statistical data from Eurostat show that during 2008-2010, the number of such orders decreased: in 2008, there were 6,700 of these orders (against 7,100 migrants found illegally that year), in 2009, it was 5,300 (5,320 migrants found to be living there illegally), while in 2010 the number dropped to 4,190 (against 4,390 illegal migrants). The decrease from 2008 to 2010 represents 37.46%.

Italy (33.3%, 28.0% and 26.5%) and Romania (11.9%, 15.7% and 18.0%) issued the most orders to leave.

- **Returns following an order to leave**

The deportation orders issued by EU Member States also decreased during 2008-2010. Returns to Moldova were undertaken in accordance with the readmission agreement between the EU and the Republic of Moldova (2008), or in accordance with individual readmission agreements that have been signed by a number of EU countries, such as Romania, Italy and others.

There were 9,515 persons deported to Moldova during the study period. In 2008, there were 3,810 deported persons, in 2009 there were 3,090 deported persons and in 2010 there were 2,615 deported persons. The decrease of deported Moldovan citizens represents 31.37%.

Countries which returned most Moldovan migrants were Romania (24.3%, 26.4% and 27.7%), France (9.4%, 10.8%, 12.4%), and Italy (14.3%, 12.8% and 9.2%).

- **Persons who were refused entry**

One of the measures to fight irregular migration is to act preventatively. Therefore, refusals to enter the territory of the EU shall also be analysed. Moldova only shares a common EU border

[134] *Not only Romania is a popular migration country. In an additional case study, we will show that Ukraine is also a country that borders with the Republic of Moldova. But it is not a member of the EU.*
[135] These numbers are taken from 2010.
[136] Martin Baldwin-Edwards, Albert Kraler: Regularisations in Europe; 2009, p. 354, 358 and 369.
[137] Ibid, p.318 and 321.
[138] Ibid, p.419

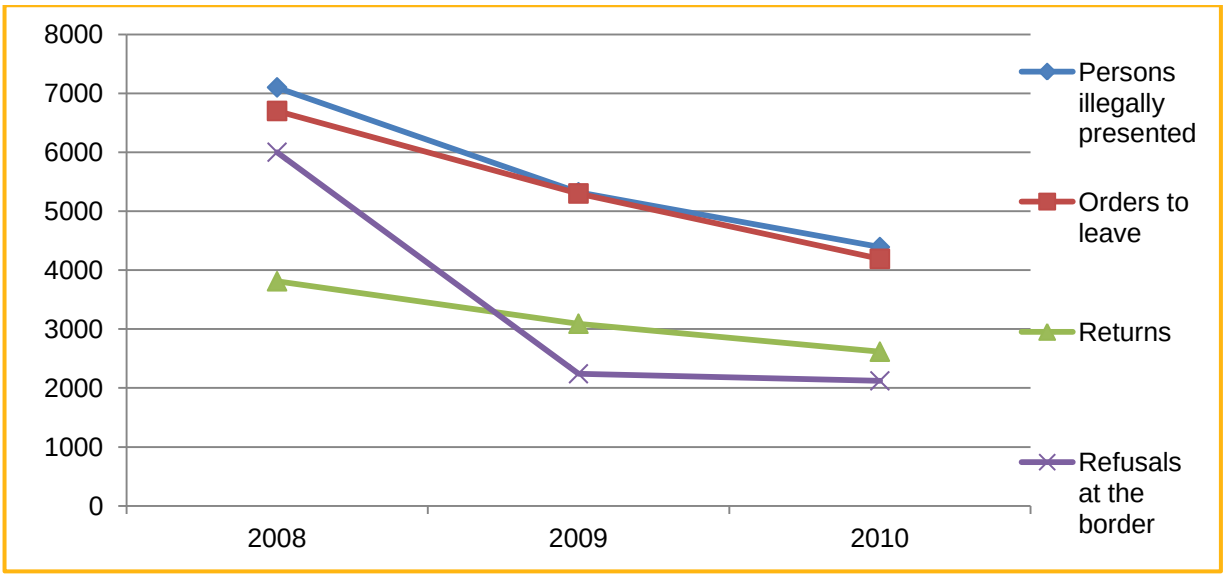
with Romania. Nevertheless, as Romania is not part of the Schengen area yet, Moldovan citizens can also be refused entry at Romanian-Bulgarian and Romanian-Hungarian borders. Furthermore, refusals of entry can also occur at air borders even if Moldovan citizens enter the EU from third countries and not directly from Moldova.

Refusals at the border, as well as other indicators of irregular migration of Moldovan citizens, have decreased between 2008 and 2010. In 2008, 6,000 refusals were registered, in 2009 it was 2,240, and in 2010 it was 2,120. As expected, the majority of refusals took place at the common Moldovan-Romanian border: 81.2%, 62.7% and 68.1% in 2008-2010 respectively. Other countries with relatively high number of refusals were Hungary (270-290 refusals in the reported period, approximately 12%), Poland (approximately 2-5%), Italy (approximately 2%), and the United Kingdom (1.8%), which is not part of the Schengen area either.

The main reason for refusals were lack of a valid visa or of a residence permit (29.7%, 40.2% and 40.8 in 2008-2010 respectively), and lack of justification for the purpose and conditions of their stay (7.7%, 27.0% and 26.6%). In 2008, 2,140 Moldovan citizens were refused entry because they had already stayed in the EU for 3 months during the 6-month period (36% of the total number of refusals in 2008). But in the period 2009-2010, the number of refusals under this ground was only 85 per year.

In conclusion, despite the stable or even growing Moldovan migration to EU Member States, irregular migration seems to be decreasing continuously. This can be seen in all indicators provided by Eurostat: in the numbers of persons found to be residing illegally, in the number of deportation orders as well as in the returns and refusals at the borders. This confirms the hypothesis that Moldovan migration is mainly of legal character and that it is well organised.

Figure 13. **Indicators of irregular migration to EU Member States with regard to Moldovan migrants, 2008-2010**



Case Study: Irregular migration of Moldovan citizens to the EU

Introduction

The socio-economic crisis in the Republic of Moldova, which started at the beginning of the Nineties, made the country's population explore new ways to make a living for themselves and their families. One of the possibilities was to migrate to EU countries.

It is hard to estimate how many people are irregular migrants, in the same way as it is difficult to estimate how many have managed to achieve their aim of living in a host country and to have a job. Irregular migration can be only measured through the failed attempts, meaning the migrants who were registered by the migration authorities in the countries of destination or transit.

In our previous section, only the Eurostat data was analysed, however in this section other sources will be examined and compared. We will look at the data provided to ICMPD by the European migration agencies for the completion of the Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe. The statistical data from the reports of more than 20 countries of Central and Eastern Europe was summarised and analysed by ICMPD, which has been studying the matter for several years.[139]

[139] *Annual Report on Illegal Migration and Trafficking in Central and Eastern Europe (1999-2000) prepared by ICMPD Liaison Office, Budapest, January 2000; 2001 Yearbook on Illegal Migration and Trafficking in Central and Eastern Europe. Prepared by ICMPD Liaison Office, Budapest March 2002; 2002 Yearbook on Illegal Migration and Trafficking in Central and Eastern Europe. Prepared by ICMPD Liaison Office, Budapest May 2003; 2002 Yearbook on Illegal Migration and Trafficking in Central and Eastern Europe. Prepared by ICMPD Liaison Office, Budapest May 2003; 2004, Yearbook on Illegal Migration and Trafficking in Central and Eastern Europe. – Vienna, ICMPD, 2005; 2005, Yearbook on Illegal Migration and Trafficking in Central and Eastern Europe. – Vienna, ICMPD, 2006; 2006, Yearbook on Illegal Migration and Trafficking in Central and Eastern Europe. – Vienna, ICMPD, 2007; Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe. A Survey and Analysis of Border Management and Border Apprehension Data from 2007. – Vienna, ICMPD, 2008;*

When analysing the yearbooks it is important to mention that they represent national case studies from a long period of time: 1999-2009. Many of the countries that participate in this research (Poland, Slovakia, Czech Republic, Slovenia, Hungary, Romania, Bulgaria, Latvia, Lithuania, Cyprus, and Estonia) have now become Members of the EU. Other countries, such as Macedonia, Croatia and Turkey, have become candidate countries. The third group, Albania, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, Ukraine, Belarus, Armenia, Azerbaijan, Georgia, Moldova are neighbouring countries of the EU.

All of these countries have experienced short, yet rich change processes that have shaped their history. Many things are different now, such as their geopolitical situation (that has greatly influenced their customs regime and its productivity); their illegal migration policy and their operative abilities – all of which have been increased. A certain evolution was needed so that the country would be able to fulfil certain requirements for the creation of country reports and which have been presented in the earlier-mentioned statistical compilations. This has also influenced the character and content of illegal migration from Central and Eastern Europe towards the EU.

The main goal of this case study was to review the dynamics of Moldovan irregular migration into the EU Member States by studying specific data that has been submitted by the customs and police officers to ICMPD.

Main finding of the case study

During the study period (1999-2009), there were a number of irregular migration activities done by Moldovans. In general, four parameters can be used to characterise the irregular migration situation of Moldovans:

- Illegal border crossing or other violations of border regimes (e.g. falsified documents, lack of visa, etc.);
- Refusals at the border;
- Illegal stay in the receiving country;
- Return or deportation either to the home country or to a third country, from which the migrant had arrived.

The statistical data provided in Table 5 presents the indicators with regard to irregular migrants – citizens of Moldova.

Table 5. **Irregular migration of Moldovan citizens according to irregular migration indicators in 1999-2009 (summary)**

Irregular migration indicator	Number
Border violators	113,230
Persons rejected at the border	299,097
Refused residence	13,259
Removed persons	64,955
Total	**490,541**

Among the different indicators for irregular migration, Moldovans are most often found in the group of “Persons rejected at the border” (60.97% of the total number). Moldovan citizens are in second place as “Border violators” (with 23.08%). “Refused residence” was registered for 13.24% of the cases and “Removed persons” represented 2.71%.

The values of the last two indicators are smaller since they can only be applied inside the country, usually after their legal arrival.

According to above-presented indicators, irregular migration flows of Moldovan citizens between 2000 and 2009 shows that there is a drastic reduction of the amount of cases, which confirms the conclusions made after having analysed the Eurostat data.

Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe. A Survey and Analysis of Border Management and Border Apprehension Data from 2009. – Vienna, ICMPD, 2011.

Figure 14. **Indicators of irregular migration of Moldovan citizens, 2000-2009, in Central and Eastern European countries**

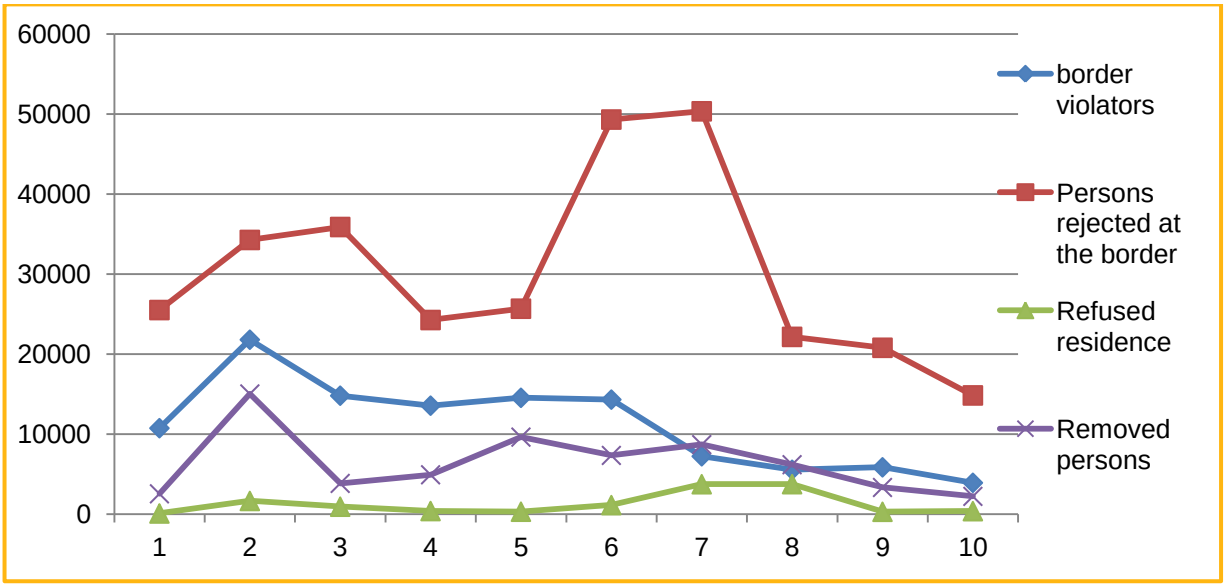


Table 6. **Indicators of irregular migration of Moldovan citizens, 2000-2009, in Central and Eastern European countries**

Indicator	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Border violators	10,772	21,820	14,828	13,583	14,564	14,340	7,264	5,576	5,883	3,950
Persons rejected at the border	25,525	34,279	35,893	24,278	25,690	49,316	50,346	22,172	20,811	14,862
Refused residence	122	1,684	967	424	342	1,165	3,774	3,782	332	412
Removed persons	2,577	15,045	3,875	4,956	9,656	7,369	8,720	6,213	3,365	2,257
Total	**38,996**	**72,828**	**55,563**	**43,241**	**50,252**	**72,190**	**70,104**	**37,743**	**30,391**	**21,481**

The changes in irregular migration indicators from 2000 to 2009 confirm that the protection of EU's external borders has become a priority for the EU. Also the new EU Member States were admitted to the Union only after they had proved that they could fulfil the requirements for external border control. As a consequence, the controls at the borders between the EU and neighbouring countries have increased and with it came a drastic reduction of irregular migration both at the border and then subsequently within the territory of the Member States. Migrants, aware of that situation, have begun to search for new, legal, safe and reasonable ways to migrate. This is especially so for labour migrants, which holds a considerable share of the total number of migrants. The number of individual labour contracts has increased, and at the same time, the increase in the issuance of tourist visas, visas for family reunification and the acquisition of citizenships could indicate that some labour migrants use these ways to migrate legally to the EU.

From the data collected throughout the research period (1999-2009), it can be seen that the penalisation of irregular migrants varies from country to country. Ukrainian and Romanian authorities have the highest number of registrations amounting to 50% of the total cases. At the end of the research period, these two countries even increased to 80% of the total cases.

In the category of "border violators" the number was even higher at 86% (from the original 36%). The "persons rejected at the border" increased to 82% (while it was 66% at the beginning of the research period). There are a few reasons that could explain this:

- Ukraine and Romania are the only two states that share a common border with Moldova, therefore it is obvious that most violations are registered there;
- Moldova and Ukraine have a visa-free regime. Additionally, many citizens of Moldova feel that Ukraine is part of one state and that, for this reason, there is no need for border or migration regulations;
- Financial, technical and methodological (capacity building, training, etc.) support provided by the EU to Ukraine and Romania in the field of migration policies and border control, etc.

Figure 15. **Registration of "border violators" with regard to Moldovan citizens by Romania and Ukraine, 2000-2009 (in % to the total number of cases registered by all countries participated in the study)**

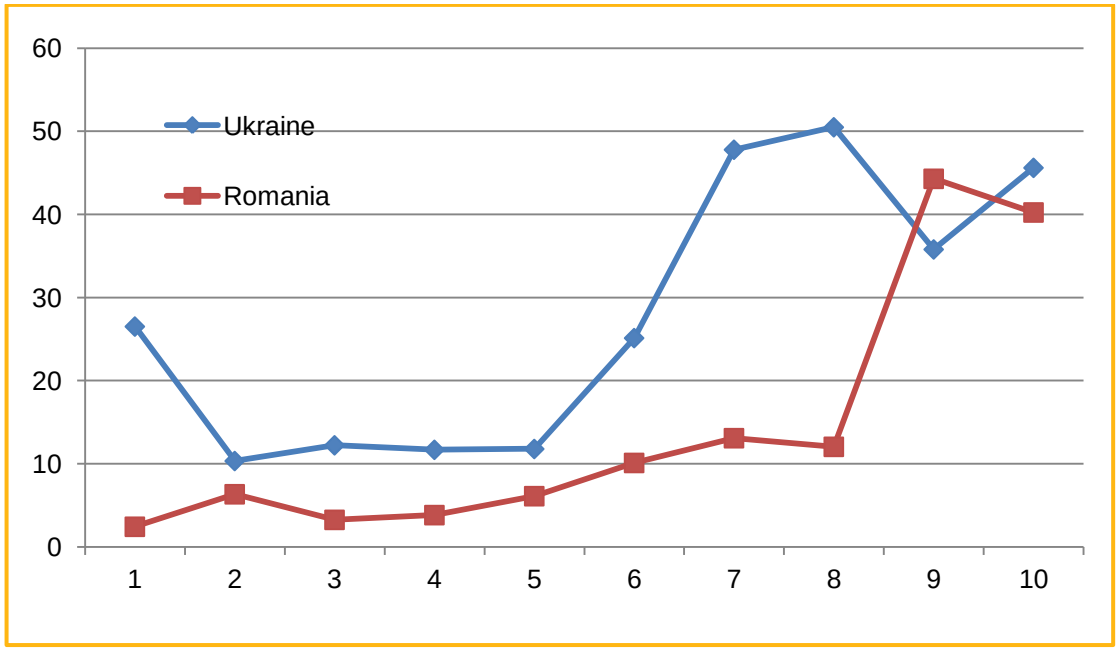


Figure 16. **Registration of "persons rejected at the border" with regard to Moldovan citizens by Romania and Ukraine, 2000–2009 (in % of the total number of cases registered by all countries that participated in the study)**

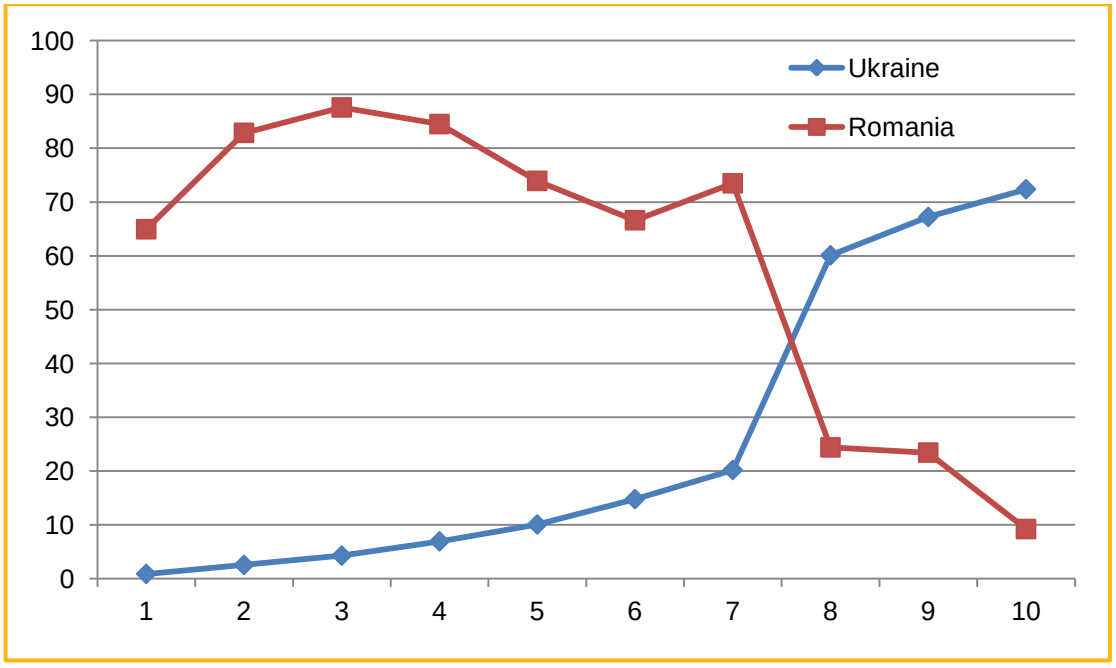
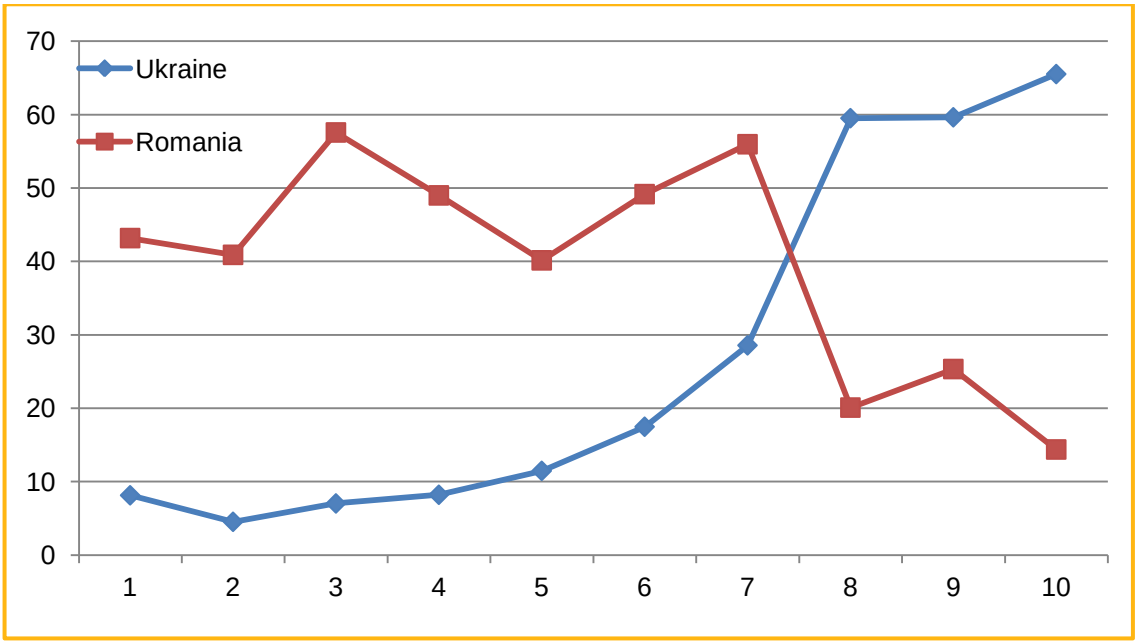


Figure 17. **Registration of all indicators of irregular migration with regard to Moldovan citizens by Romania and Ukraine, 2000–2009 (in % of the total number of cases registered by all countries that participated in the study)**



When analysing the figures presented above, it becomes obvious that irregular migration to Romania and Ukraine from Moldova has changed radically: until 2007, the main irregular migration flow from Moldova was towards Romania. Since 2007, it has been going towards Ukraine. Romania joined the EU in 2007 but it already started to strenghthen their border controls in 2004, which also included its dealings with Moldova. In order to cross the border, Moldovan citizens had to use a passport (before that, starting with 1991, they would only use their ID cards). In 2006, Romania introduced a visa-regime (in the context of EU's policy and practices for migration and safety). As mentioned, besides Romania, also Ukraine shares a common border with Moldova, which explains the change on irregular migration after Romania's accession to the EU.

There is also an increase in the number of people who try to cross the Romanian (Romanian-Hungarian) border illegally. Additionally, some Moldovan citizens attempt to cross the borders of Slovakia, Poland, Hungary (Czech Republic, Germany, Austria, Slovenia, Italy, etc.) illegally through Ukraine. Still, the majority of Moldovan migrants prefer to search for work opportunities in Russia or other CIS countries rather than in the EU: Russia does not have a visa regime with Moldova, nor with Ukraine[140], nor with other CIS countries (in according with the Biskek Agreement from 1992).

Although the data provides a lot of focused and useful information, there is some inconsistency with the data provided by some individual countries. There could be many explanations for that. Notwithstanding this could form part of an additional research topic. Therefore, this research should be taken as an additional source of information on irregular migration from Moldova, which can be confirmed or refuted by other data.

[140] *Ukraine is increasing becoming the customs regime for the CIS countries, including Moldova. Since 2005, Ukrainian customs require passports instead of the ID card.*

V. Conclusions and recommendations

1. Moldova has been a country of emigration ever since the first day of its independence due to political, economic and ethnic reasons;
2. Migration from Moldova has both positive and negative effects. Among the positive effects - and in first place - are the flow of remittances: in 2009, remittances constituted more than 30% of the country's GDP, and despite the global economic crisis, remittances have continued to grow in 2010 and 2011. Among the negative aspects of migration - and the most worrying one - is the depopulation of Moldova, which could create a vicious circle: depopulation will even worsen the economy and social situation thus causing a new wave of emigration from the country;
3. Moldova is gradually becoming a country of destination for migrants: all necessary legislations and institutional frameworks are in place. There are some international migrants residing in the country. State migration strategies, development plans and programmes should consider international immigration to Moldova as one of the ways to further economic growth in the country;
4. Migration from Moldova to the EU Member States is only one of the aspects of migration flows. Still, the highest migration flows are towards the East, mainly to the Russian Federation and other CIS countries;
5. Migration of Moldovan citizens to the EU countries has remained stable with occasional increases over the last few years. Many Moldovan migrants acquire the citizenship of the receiving countries in the EU (Romania, Portugal, Italy, Germany and other), which could reflect their decision to stay abroad (with the exception of Romanian citizenship since, in many cases, Moldovans can keep their Moldovan citizenship). This also means that the Moldovan Government should pay special attention to those who were repatriated and also to Moldovan diaspora with the view of contributing to the country's development;
6. The main reason for Moldovan migration to the EU Member States is work-related, followed by family reunification, although some Moldovan citizens could be justifying their stay for family purpose while also trying to access the EU labour market;
7. The main countries of destination for Moldovan migrants are: Italy, Romania, Portugal, the Czech Republic, and Spain. Migration to Poland has increased several times over the last years but this could be only temporarily. In terms of number of migrants, then Italy dominates in both absolute terms as well as with the amount of labour migrants. This makes Moldovan labour migration dependent on the labour market and migration regulations in Italy. It might happen that a significant number of labour migrants in Italy (140,954 Moldovan citizens were holding residence permits in Italy in 2010) could spontaneously return back to Moldova due to the lack of jobs, limitations in migration policy in the receiving country or other reasons. In such case, Moldova would face a challenge related to admission of all these returnees into the labour market, social protection system, etc. This fact should be taken into account when developing migration policies in Moldova, in particular as it relates to labour migration and repatriation of migrants. The dependence of the state only on one or a very few external labour markets should be avoided;
8. Irregular migration from Moldova to the EU Member States has been decreasing. This tendency is even more noticeable when taking into account the increase in legal migration. However, there is a noticeable increase of irregular migration from Moldova to Ukraine, which shares the only land border with Moldova beside the EU external border with Romania.

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List of Acronyms:

CIS	Commonwealth of Independent State
CoE	Council of Europe
CRA	Civil Registry Agency (Georgia)
DRC	Danish Refugee Council
EU	European Union
EU MS	European Union Member States
EUDO	European Union Democracy Observatory
Eurostat	Statistical Office of the European Union
FDI	Foreign Direct Investment
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GDP	Gross Domestic Product
GOVAC	Building Training and Analytical Capacities on Migration in Moldova and Georgia project
ICMPD	International Centre for Migration Policy Development
ID	Identity Document
IDP	Internally Displaced Person
ILO	International Labour Organisation
MFA	Ministry of Foreign Affairs
MIPEX	Migration Integration Policy Index
MOI	Ministry of Interior
MOJ	Ministry of Justice
MRA	Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia
OSCE	Organisation for Security and Cooperation in Europe
PTF	Project Task Force
SSR	Soviet Socialist Republic
UK	United Kingdom
UN	United Nations
UNECE	UN Economic Commission for Europe
UNHCR	UN High Commissioner for Refugees
UNICEF	UN International Children's Emergency Fund
US	United States
USA	United States of America
USD	US dollars
USSR	Union of Soviet Socialist Republics

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