

READMISSION AND ITS IMPORTANCE IN INTERNATIONAL LAW AND FOR GEORGIA

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ABSTRACT

There have been numerous readmission agreements between the EU and third countries in recent decades. The subject of the present paper will be readmission and its importance in migration law. The paper will discuss the meaning of the readmission agreement, the objectives of the agreement, the scope of its action, and its main implications, which is the outcome of successful implementation of the agreement. Georgia signed a readmission agreement in 2010, therefore, the paper will also focus on Georgia's commitments under this agreement, as well as the process preceded the conclusion and achievement of this agreement, which is the result of successful implementation of the Readmission Agreement for Georgia.

INTRODUCTION

The issue of illegal migrants has always been an important challenge. As of 2017, up to 2.4 million non-EU citizens entered the EU territory, and in 2018, 150,000 persons crossed the EU border illegally.¹ In the wake of the sharp increase in cases of illegal migration, it was necessary to find ways, develop an effective mechanism to ensure the most painless and guaranteed protection of migrants' rights to return to their country of origin and prevent further illegal migration. To this end, the EU used the readmission agreement and obliged the contracting states to return their illegally resided citizens in EU territory to their countries.² Initial practice showed that the signatory third states were somewhat delaying the entry into force of the agreement, so it was decided that a visa facilitation agreement would be concluded with the states in addition to the readmission agreement.³ Both of the aforementioned agreements were concluded with Georgia as well, of which implementation was subsequently successfully conducted.

The purpose of this paper is to examine in detail the content, purpose of the readmission agreement and to assess what positive effect it may have on the Contracting States. Besides, attention will be paid to Georgia's obligations under this Agreement and a description of the period that the country has gone through to successfully fulfill the terms of the Readmission Agreement.

The paper will first discuss the key issues of the readmission agreement, and then discuss the essential aspects of this agreement envisaged by Georgia.

¹ "FRONTEX - 2018 in brief," accessed February 23, 2019, <https://frontex.europa.eu/assets/Publications/briefreport2018/8/>.

² The first readmission agreement was signed with Morocco, Sri Lanka, Russia and Pakistan in 2000, followed by Hong Kong and Macao in 2001, the signatory states were Albania, Algeria, China and Turkey in 2002, European Commission, "Readmission Agreement," accessed February 23, 2019, http://europa.eu/rapid/press-release_MEMO-05-351_en.htm.

³ Florian Trauner and Imke Kruse, "EC Visa Facilitation and Readmission Agreements: Implementing a New EU Security Approach in the Neighbourhood," accessed February 23, 2019, <https://www.ceps.eu/publications/ec-visa-facilitation-and-readmission-agreements-implementing-new-eu-security-approach>.

The final part of the paper aims to finally evaluate the readmission agreement, taking into account its pros and cons. Also, underline the importance of successful implementation of this Agreement for Georgia.

1. HISTORICAL OVERVIEW

The readmission agreement has long been in place. After World War II, bilateral readmission agreements were signed between several Western European countries.⁴ The Benelux Convention was signed in 1960, which included terms on readmission.⁵ In the 1960s, member states of the European Economic Community (EEC) signed readmission agreements to combat illegal migration to their territories.⁶ Since the mid-1980s and after the fall of the Berlin Wall, there has been a significant increase in interest of a readmission agreement, along with political and migration changes, and lack of regulation on immigration.⁷ From this period, the readmission agreement has become more flexible, including the so-called “presumption of citizenship” embedded in the terms of the contract, as well as time constraints on the readmission requirement and other important aspects.⁸ Interestingly, there were 18 readmission agreements signed in 1950-1990 and 302 in 1990-2000.⁹

When referring to the readmission agreement, it is important to recall the Amsterdam Agreement (Amsterdam Agreement on Amendments to the EU Treaty, Treaties about establishing the EU and Specific Acts) which gave the EU the right to act on behalf of the Member States in the process of concluding the Readmission Agreement.¹⁰ However, this process began before 1999, when the Council of the European Union issued a recommendation containing a sample of the readmission agreement between a Member State and a third State on 30 November 1994.¹¹

⁴ Bjartmar Arnarsson, “Readmission agreements: Evidence and the prime concern”, (Master Thesis, University of Lund, 2007), accessed February 23, 2019, <http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=1555877&fileId=1563802>.

⁵ United Nations, “Treaty Series, Treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations”, (2007): 210, accessed February 23, 2019, <https://books.google.ge/books?id=JNnBDwAAQBAJ&pg=PA210&lpg=PA210&dq=benelux+convention+about+readmission&source=bl&ots=irPm98Arzf&sig=ACfU3U3zgkn3dj-zsQ2hQb8oZ4Z4g9Mh2g&hl=en&sa=X&ved=2ahUKEwir3NGm1ermAhUK7KYKHUyICbwQ6AEwAXoECAkQAQ#v=onepage&q=benelux%20convention%20about%20readmission&f=false>.

⁶ Ariadna Servent, “Setting Priorities: Functional and Substantive Dimensions of Irregular Immigration and Data Protection Under Co-decision”, accessed February 23, 2019, https://www.researchgate.net/publication/38109216_Setting_Priorities_Functional_and_Substantive_Dimensions_of_Irregular_Immigration_and_Data_Protection_Under_Co-decision.

⁷ Bjartmar Arnarsson, “Readmission agreements: Evidence and the prime concern”, (Master Thesis, University of Lund, 2007), accessed February 23, 2019, <http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=1555877&fileId=1563802>.

⁸ Ibid.

⁹ Ibid.

¹⁰ “Treaty of Amsterdam amending the treaty on European Union, the treaties establishing the European Communities and certain related acts”, accessed February 23, 2019, <http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf>.

¹¹ “Council Recommendation of 30 November 1994 concerning a specimen bilateral readmission

The establishment of the European Neighborhood Union in 2003, which was intended to create a chain of states around the EU that was characterized by a stable and friendly relationship with the EU, was an important issue. Such countries had been required to reform its political system to equalize with the EU's democratic and humanitarian standards. This required the creation of certain institutions that would support and play an essential role in the successful implementation of reforms.¹²

In September 2000, the European Commission was authorized to sign readmission agreements with Morocco, Sri Lanka, Russia and Pakistan on behalf of the Member States, but initially, it was difficult to achieve desired objectives by signing readmission agreements for the EU. Therefore, in July 2004, the Council of Europe entitled the European Commission to sign agreements with third countries not only on readmission but also on visa facilitation. At the first stage, a similar agreement was concluded with Ukraine and Russia. Following this initiative, China officially asked the EU to sign a visa facilitation agreement in parallel with the readmission agreement.¹³

The example of Ukraine, Russia, and Moldova have made it clear to the EU how important it was to conclude a visa facilitation agreement in parallel with a readmission agreement with third countries in order to successfully achieve the objectives set out in the agreement.¹⁴ The visa facilitation agreement has been a contributing and motivating factor for states to meet their readmission obligations in exchange for simplified visa procedures. Finally, the two treaties have made it possible for the EU to accomplish some of its tasks, namely to maintain internal security while maintaining external stability. With the readmission agreement, the EU has been able to find a way that would make it possible to enable both the readmission conditions and the process of reform by third countries, in particular, local legislation and domestic affairs.¹⁵

2. WHAT A READMISSION AGREEMENT MEANS

According to the European Commission's definition, a readmission agreement is an agreement between the European Union (EU) and / or an EU Member State with a third country, on the basis of reciprocity, establishing rapid and effective procedures for the identification and safe and orderly return of persons who do

agreement between a Member State and a third country", accessed February 23, 2019, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33105>.

¹² Edzard Wesselink and Ron Boschma, "Overview of the European Neighbourhood Policy: Its History, Structure and Implemented Policy Measures", (The Netherlands, Utrecht University, 2012), accessed February 28, 2019, <http://www.ub.edu/searchproject/wp-content/uploads/2012/02/WP-1.4.pdf>.

¹³ Florian Trauner and Imke Kruse, "EC Visa Facilitation and Readmission Agreements: Implementing a New EU Security Approach in the Neighbourhood", accessed February 28, 2019, <http://www.case-research.eu/sites/default/files/EC%20Visa%20Facilitation%20and%20Readmission.pdf>.

¹⁴ Ibid.

¹⁵ Ibid.

not, or no longer, fulfil the conditions for entry to, presence in, or residence in the territories of the third country or one of the EU Member States, and to facilitate the transit of such persons in a spirit of cooperation.¹⁶ And according to the definition of International Organization for Migration (IOM), readmission is an international agreement concluded on the basis of a bilateral will of countries, under which one State is obliged to return a person who is in its territory illegally to his or her country of origin or to the mediate country through which the person entered.¹⁷ To explain more clearly, readmission means an act by a State confirming its consent to return a person (its citizen or third-country national or stateless person), who has entered or is in the territory of another State illegally.¹⁸

3. THE OBJECTIVES OF READMISSION

In the preamble of Readmission agreements between Georgia and the EU, the objectives of the agreements are defined as the means to create a fast and effective procedure for the identification and return of persons when they not or no longer meet the requirements of the requesting State to enter the territory or stay there.¹⁹ The purpose of the Agreement is also to create uniform conditions for the readmission of the said persons based on the competent authorities, their local laws, and bilateral international agreements.²⁰ One of the main aims of the readmission is to ensure the timely return of the person illegally residing in the territory of the receiving State and the maximum protection of his/her rights.²¹ Comparing deportation and readmission to one another, the legal content can be said to be the same, although, in the case of a readmission agreement, the procedures for returning a person are fully set out, so unlike deportation, it is a painless process and gives more human rights guarantees.

4. SUBJECT OF A READMISSION AGREEMENT

As already stated, the Readmission Agreement applies to nationals of the signatory State, foreign nationals and stateless persons who do not or no longer satisfy the right to enter, stay or reside in the requesting country. According to this definition, the return of persons is possible in three cases, namely: 1) when the person entered the territory of a particular State without permission; 2) when he has entered the

¹⁶ “Definition of Readmission Agreement”, accessed February 28, 2019, https://ec.europa.eu/home-affairs/content/readmission-agreement-o_en.

¹⁷ Richard Perruchoud and Jillyanne Redpath-Cross, eds., *Glossary on Migration*, Second Edition, (Switzerland: International Organization for Migration, 2011), 79.

¹⁸ Tineke Strik, *Readmission agreements: a mechanism for returning irregular migrants*, (Netherlands: Committee on Migration, Refugees and Population, 2010), 7, accessed March 2, 2019, <https://www.refworld.org/pdfid/4bdadc1c3.pdf>.

¹⁹ “Agreement between the European Union and Georgia on the readmission of persons residing without authorization”, accessed March 2, 2019, <https://matsne.gov.ge/ka/document/view/1250250?publication=0>.

²⁰ *Ibid.*

²¹ Sehran Aktoprak *et al.*, *Manual on Readmission*, (Moscow: International Organization for Migration, 2010), 14, accessed March 2, 2019, http://publications.iom.int/system/files/pdf/manual_on_readmission1_en.pdf.

territory of a particular State lawfully but has stayed there illegally, e.g. in the case of a short-stay visa; 3) when persons enter and remain lawfully in the territory of the requesting State but do not have a long-term legal residence in that territory, for example, a person has a residence permit but has not been extended or renewed after some time.²² It is also noteworthy that, in the second and third cases, the requesting State can only be readmitted when those persons have legal status when making the request. Accordingly, unlike the citizen of the signatory State, in the other two cases, the person illegally residing can only be readmitted if they have a valid visa or residence permit in the receiving State. If the visa or the right to live has expired, the requesting State shall not have the right to withdraw.²³

It is noteworthy that in some cases the agreement contains a different rule for people who have certain health problems, belonging to a vulnerable group and etc.²⁴ It is important to note that the readmission agreement does not apply to asylum seekers or those who need international security due to specific circumstances. Such persons cannot be readmitted until their case is finally resolved and the competent authorities reach a final decision on their asylum claim.²⁵

There are additional exceptions where readmission cannot be carried out, in particular: when a particular person has not left the transit zone of the receiving State, also when a requesting State has been granted a visa or residence permit, but this exception does not apply where the receiving State has also issued a similar one and it is for longer period than a visa or residence permit issued by the requesting State.²⁶ With the exception of above-mentioned example, in each particular case, by agreement between the parties, additional terms may be provided in the agreement. On the other hand, we need to consider persons who may be readmitted by agreement. With regard to the nationals of the receiving State, everything is relatively clear. When a citizen of a particular State illegally resides in the territory of another country, under the customary law of the State there is already an obligation to take responsibility for that person, including returning to his home country. However, there are some difficulties which receiving state face during readmission.²⁷ The relatives of such persons are often financially dependent on illegal immigrants, so returning these people to their families and relatives may result in serious financial harm. The second problematic issue is that returned people may not return to their home towns and villages to settle but in the large cities, so the receiving state may face the problem of urbanization. Lastly, the readmission of the people willing to

²² Ibid. 25.

²³ Ibid.

²⁴ Sehran Aktoprak *et al.*, *Manual on Readmission*, (Moscow: International Organization for Migration, 2010), 27, accessed March 2, 2019, http://publications.iom.int/system/files/pdf/manual_on_readmission1_en.pdf.

²⁵ Ibid, 25-26.

²⁶ Ibid, 26.

²⁷ Kim Gillade, "Readmission Agreements Concluded by the Eu", (Master Thesis, Ghent University, 2011), accessed March 2, 2019, https://lib.ugent.be/fulltxt/RUG01/001/787/173/RUG01-001787173_2012_0001_AC.pdf.

migrate again is often ineffective in terms of outcomes.²⁸

The issue of readmission of third-country nationals in the transit country is also difficult. No transit country has experience of readmission of third-country nationals around its territory around the EU, and there is usually no practice of returning readmitted persons to their country of origin. The reason for this is that neither the transit country, nor the international organizations, nor the EU can foresee, potentially, the number of third-country nationals returning from EU member states, so the issue remains unclear.²⁹ In this respect, the problem is the institutional infrastructure of the authorities, which is poorly developed and also, inexperienced service personnel. On the other hand, there is a risk that the identified persons will return to their country of origin without realizing their right to seek asylum.³⁰ This is a very risky issue and therefore, it is essential that the readmission terms are met in a fair and honest manner.

As for stateless persons, the practice has shown that, under a readmission agreement, some states recognize them as their own citizens, some as aliens and others, even perceive them in a separate category, and therefore, it is not always possible to return them. In any case, it is necessary to thoroughly consider the principle of non-refoulement even when such a person can return to his or her original place of residence.³¹

5. FUNDAMENTAL PROVISIONS OF THE READMISSION AGREEMENT

A readmission agreement necessarily envisages a mutual commitment. Specifically, on the one hand, the state is obliged to return both its nationals and foreigners and stateless persons once their readmission has been confirmed in accordance with the terms of the agreement. Of course, the agreement details the persons to be readmitted, and the exceptions where the readmission is impermissible. Then the obligations of the EU and the relevant state are taken into account.³²

Next is the readmission procedures, including the principles under which the parties should be guided in the readmission process by what requirements the readmission statement shall meet.³³ It is essential that a person's citizenship is documented,

²⁸ Ibid.

²⁹ "Readmission agreements: a mechanism for returning irregular migrants, Prliamentary Assembly", accessed March 2, 2019, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17874&lang=en>.

³⁰ Ibid.

³¹ Sehran Aktoprak *et al.*, Manual on Readmission, (Moscow: International Organization for Migration, 2010), 24, accessed March 2, 2019, http://publications.iom.int/system/files/pdf/manual_on_readmission1_en.pdf.

³² "Readmission agreements: a mechanism for returning irregular migrants, Prliamentary Assembly", accessed March 2, 2019, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17874&lang=en>.

³³ "Agreement between the European Union and Georgia on the readmission of persons residing without authorization", accessed March 2, 2019, <https://matsne.gov.ge/ka/document/>

and if there is any doubt about his or her nationality, it must be well-examined so that there will be no wrongdoing at all. The agreement is accompanied by a list of documents that can prove a person's nationality.³⁴

The time frame is of crucial importance set by the readmission agreement, the time for the person to provide readmission statement. The EU-Georgian readmission agreement, says that the request of readmission for the competent authorities shall be presented no more than 6 months during the requesting State will be notified that the person asked for readmission, that he/she does not or no longer fulfill this country's entry, residing or living requirements. By way of exception, if there are legal or factual obstacles to submit a claim, the State may request to extend the term until these problems are eliminated.³⁵ The agreement also envisages the obligation of the host State to respond promptly to the request.

In making a readmission agreement, the essential provision is a transit procedure to determine when a person cannot be transferred. Significant attention is paid to the dangers that may arise in relation to a person, in a particular place, at the time of transfer or removal.³⁶ The agreement also stipulates the transportation procedure. Reimbursement of transportation and transit costs by the requesting State is provided in the Agreement. The agreement also provides obligation of personal data protection. And most importantly, the agreement includes a provision, according to which the parties are required to abide by the conventions related to human rights, including the 1951 Refugee Convention and its 1967 additional Protocol to the Status of Refugees, the International Conventions which are about a state's obligation to consider the asylum status for people, 1950 European Convention on Human Rights and obligations concerning the protection of its protocols, and more.³⁷

In order to make this agreement as effective as possible, it provides the establishment of a Joint Readmission Committee that oversees the implementation and execution of the Agreement. The Committee will also issue recommendations. It is important that the decisions of the Committee are binding on the signatory parties.³⁸ These are the key issues set out in the Readmission Agreement.

6. POSITIVE AND NEGATIVE ASPECTS OF THE READMISSION AGREEMENT

In light of the above, it can be said that readmission will ultimately play a positive role for both the State taking obligations and, of course, the EU and its Member States. In fact, there are risks that the terms of readmission may not have complied

view/1250250?publication=0.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ "Agreement between the European Union and Georgia on the readmission of persons residing without authorization", accessed March 2, 2019, <https://matsne.gov.ge/ka/document/view/1250250?publication=0>.

³⁸ Ibid.

with due diligence, mistakes may be made, the rights of a particular person violated, and the interests of the receiving State affected, but if parties of the agreement have sincere interest for implementation, all the possible mistakes and negative consequences can be avoided. Moreover, receiving state has quite a lot positive results underway, in particular: legally binding agreement between parties, which significantly contributes to the effective conduct of readmission process, establishment of the institutions, the competent authorities which are responsible for the implementation of the readmission procedures.³⁹ As we can see, one of the important pros of the readmission agreement is that it sets out the procedures and provisions under which the readmission should be carried out and therefore makes the process more effective and transparent.

The EU is providing financial and technical assistance to third countries in exchange for implementing the readmission agreement. E.g. In the case of Ukraine, a joint declaration on technical and financial assistance was signed between the latter and the EU. It is noteworthy that both financial and other assistance are provided to states in order to ensure better functioning of their state organs and effectively manage the problems associated with illegal migration.⁴⁰

The Visa Facilitation Agreement is another positive aspect of readmission, as third countries can sign a visa facilitation agreements in a simple way with the readmission agreement, which can have many positive effects for the state. Studies show that visa facilitation agreements significantly increase the economic situation of the country, as visa facilitation promotes the flow of tourists to the country and also creates additional employment opportunities.⁴¹

It is the visa regime and EU membership that precedes the successful implementation of readmission agreements. This is one of the pre-requisites for the countries that want to get a visa free regime from the EU and therefore, after successfully overcoming this stage, even come closer to EU membership. That is why the state shall be motivated to comply with the terms of the readmission agreement in the most conscientious and successful manner so as to further open the door for more significant achievements. It should also be borne in mind that in case of a successful implementation of the readmission agreement, the status of the country in the eyes of the European Union and its member states will naturally increase significantly.

7. READMISSION AND GEORGIA

In 1996, the Partnership and Cooperation Agreement was signed, which is the legal

³⁹ Sehran Aktoprak *et al.*, Manual on Readmission, (Moscow: International Organization for Migration, 2010), 24, accessed March 2, 2019, http://publications.iom.int/system/files/pdf/manual_on_readmission1_en.pdf.

⁴⁰ *Ibid.*

⁴¹ "The visa facilitation and readmission agreements", accessed March 7, 2019, <https://www.esiweb.org/index.php?lang=en&id=351>.

basis for relations between Georgia and the EU.⁴² Since then, several important agreements have been concluded with Georgia for strengthening relations. Given the objectives of the topic, it is of particular interest to focus on a Joint Declaration on cooperation in the framework of EU's Partnership for Mobility (PfM) signed by 16 EU countries and Georgia in November 2009.⁴³ The Declaration is important because it aims to combat illegal migration on the one hand, and promotes legal migration on the other. As such, it envisages co-operation on readmission as well. Worth notice the issue of circular migration, which states that the Declaration aims to promote the legal employment of Georgian citizens.⁴⁴

The Readmission Agreement was signed on November 22, 2010 and entered into force on March 1, 2011. The visa facilitation agreement also came into force at the same time. The main purpose of the Readmission Agreement is to strengthen cooperation between the EU and Georgia against illegal migration. It is also important that this agreement takes precedence over other similar agreements. Also, its full acceptance is an important and essential basis for visa liberalization and further deepening relations with the European Union. However, in the course of enforcement, which imposes specific obligations on both parties, maximum protection of human rights is essential.

When discussing the situation in Georgia in terms of readmission, it is interesting to consider the reports provided by the European Commission in the framework of the Visa Liberalization Action Plan with the EU, where Georgia is in the process of implementing this agreement.⁴⁵ The European Commission's first report lists countries with which Georgia has signed an agreement. On the other hand, it mentions an electronic readmission management system by Georgia, coordinated by the Minister of Internal Affairs, funded by the EU and implemented with the support of the IOM.⁴⁶ The European Commission has slightly addressed the issue of readmission in its third report, noting that "*the readmission procedures and the electronic readmission management system are in place and functioning well*".⁴⁷ The fourth report of the European Commission is important in this respect, which emphasizes that the EU-Georgia Readmission Agreement Committee on its meeting in 2015 confirmed the continuous and effective implementation of the terms of the

⁴² "Agreement on partnership and cooperation", accessed March 7, 2019, <https://investmentpolicy.unctad.org/international-investment-agreements/treaties/treaties-with-investment-provisions/3775/ec-georgia-cooperation-agreement>.

⁴³ "Georgia and the EU", accessed March 7, 2019, http://migration.commission.ge/index.php?article_id=17.

⁴⁴ Ibid.

⁴⁵ "First Progress Report on the implementation by Georgia of the Action Plan on Visa Liberalisation", accessed March 7, 2019, http://migration.commission.ge/files/20131115_1st_progress_report_on_the_implementation_by_georgia_of_the_apvl_en.pdf.

⁴⁶ Ibid.

⁴⁷ "Third Progress Report on Georgia's implementation of the Action Plan on Visa Liberalisation", accessed March 7, 2019, http://migration.commission.ge/files/third_progress_report_1.pdf.

Agreement.⁴⁸ It also mentions an electronic readmission management system, the foundation of which has been positively evaluated, and noted that the operation of the system has significantly facilitated communication on readmission cases. To simplify the readmission process, the electronic internet portal has an important role to play, with countries making and processing readmission statements.⁴⁹ More specifically, this system facilitates coordinated and streamlined communication between the competent authorities working on the above-mentioned issues within the country and between the relevant representatives of another country.⁵⁰ Finally, these reports refer to Georgia's effective and successful implementation of the terms of the readmission agreement.⁵¹

Undoubtedly, the implementation of the Readmission Agreement and the entry into force of the terms of the Visa Facilitation Agreement have had a positive impact on Georgia's domestic and foreign situation in several aspects. Successful implementation of the agreement has enabled the country to make a significant and, most importantly, productive step towards a rapprochement with the EU. On March 8, 2017, Georgia moved to the list of countries having a visa-free regime with the EU, therefore, from March 28, 2018, Georgian citizens can enter the EU / Schengen visa-free countries.⁵² This is a key result of the successful implementation of the Readmission Agreement and other EU requirements. It is important to note that before the visa-free regime in December 2016, an agreement was reached on a visa-free travel mechanism allowing the EU Member States to temporarily suspend visa-free travel to a third country under specific conditions.⁵³ The suspension mechanism may be applied in the following cases: 1) if the number of people who are refused to enter the EU member states increases or the number of illegal residents from those countries in the EU increases; 2) the number of asylum seekers is substantially increased; 3) if the country is less cooperative with the EU in terms of readmission; 4) If the people entering the EU threaten the public order and internal security of the EU state.⁵⁴ The existence of the suspension mechanism makes the issue of visa-

⁴⁸ "The fourth Progress Report on Georgia's implementation of the Action Plan on Visa Liberalisation", accessed March 10, 2019, http://migration.commission.ge/files/vlap4_geo_final_working_document_ka.pdf.

⁴⁹ "The fourth Progress Report on Georgia's implementation of the Action Plan on Visa Liberalisation", accessed March 10, 2019, http://migration.commission.ge/files/vlap4_geo_final_working_document_ka.pdf.

⁵⁰ Readmission to Georgia, An annual newsletter published by IOM as part of the report "Support to the Authorities of Georgia for the Implementation of the Readmission Agreement with the European Union", accessed March 10, 2019, http://iom.ge/pdf/Newsletter%202_Nov%202012.pdf.

⁵¹ Ibid, 63.

⁵² "Council regulation (ec) No 539/2001 of 15 March 2001", accessed March 10, 2019, https://www.mfa.gr/images/docs/schengen/REGULATION%20539_2001%20CONSOLIDATED%20VERSION.pdf.

⁵³ "Visa suspension mechanism: Parliament and Council negotiators strike a deal", accessed March 10, 2019, <http://www.europarl.europa.eu/news/en/press-room/20161128IPR53515/visa-suspension-mechanism-parliament-and-council-negotiators-strike-a-deal>.

⁵⁴ Ibid.

free travel quite risky for the countries. Consequently, it is essential for Georgia to cooperate with the EU in both the readmission and visa-free regime and to take effective steps in this direction.

CONCLUSIONS

The main aspects of the readmission agreement were discussed in detail within this paper. From the discussion, several key issues can be highlighted. Readmission is not a novelty for the 21st century; its development is made up of several stages, although it can be said that it is the most effective in its present form. Detailed procedures, the principle of reciprocity, the parties' obligations towards each other, and most importantly, with respect to a specific person, to ensure maximum possible protection of his/her rights and guarantees provides more effective and result-oriented agreement. Visa facilitation and readmission agreements with the EU and third countries will bring positive results, it motivates and raises interest rates of states.

As noted, it is state obligation to take care of its citizens and to take responsibility for them under customary international law. This obligation also concerns the return of illegal immigrants to the country of origin. Therefore, it can be said that the situation of state is not substantially complicated. On the contrary, a well-adjusted immigration policy, the implementation of the basic standards in which the state is assisted by the EU will naturally have a positive impact on both the political status and the practical situation of the state. Therefore, it can be concluded that the readmission agreement is very important, interesting and challenging for all parties and successful implementation will yield more positive results than negative ones. In the course of its implementation, no one should forget the Convention on Human Rights, the Convention on Refugees and other international legal acts which are mandated to protect illegal immigrants.

As for the signing and subsequent implementation of the aforementioned agreement with Georgia, this process has played an important role for our country. On the one hand, the successful implementation of this agreement was important in combating illegal migration, creating a legal framework that would regulate the issue of Georgian citizens being illegally resident in EU member states and create conditions for their safe return to their homeland. On the other hand, the successful implementation of the readmission agreement has been an important element in the process of rapprochement with the EU. As has been noted in many reports, Georgia has successfully implemented appropriate mechanisms for readmission and, as a result, along with implementation of all other conditions, Georgia has been able to obtain visa liberalization from the EU.