Challenges of Migration Policy-Making in Armenia, Azerbaijan and Georgia

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Abstract
This article discusses migration policy-making and its challenges in Armenia, Azerbaijan and Georgia since 1991, explores the structural challenges for migration policy formulation, and elaborates on the main themes addressed in the migration policy frameworks of these three countries.

Migration Dynamics

During the last 23 years, wars, ethnic conflicts, and political and socioeconomic hardships in post-Soviet Armenia, Azerbaijan and Georgia had a dramatic impact on migration: In the first decade following the Soviet collapse in 1991, negative net migration resulted in a population decline of more than 15% in Armenia and Georgia (Mansoor and Quillin 2006: 33). Azerbaijan is the only country in the South Caucasus that, despite persistently high emigration trends, avoided a population decline given its high crude birth-rate. To date emigration-related concerns have not diminished. According to the United Nations and the World Bank data (ETF, 2011), the emigration stock remains as high as 28% of the population in Armenia, 25% in Georgia, 16% in Azerbaijan; and only in 2011 migrant remittances accounted for 20% of the GDP in Armenia, 11% in Georgia, and just 3% in Azerbaijan.

To date, the ultimate objective in all three countries is to reverse ongoing migration flows, i.e. to increase immigration over emigration. This article comparatively discusses migration policy-making and its challenges in Armenia, Azerbaijan and Georgia.

Factors Shaping Migration Policy Conceptualization

Migration policy-making has been quite challenging in post-Soviet states, and Armenia, Azerbaijan and Georgia are no exception. With the collapse of Soviet statistical data collection systems, data on annual migration flows became too unreliable to guide policy action. As a consequence, the lack of accurate migration data was the first policy challenge.

Second, young post-Soviet states could not immediately build the legislative and institutional capacity necessary to address migration. In the early stages of state-building, Armenia, Azerbaijan and Georgia addressed migration issues in policies on economic and demographic development and poverty reduction, whereas legal aspects of migration were regulated in laws on citizenship, the status of aliens, and refugees and asylum seekers. Models for these laws were often borrowed from Western (immigrant-receiving) countries, and thus, cen-tred on regulating immigration, which explains their disconnect from the emigration reality that dominated population trends in the South Caucasus.

Third, despite the highly politicized nature of migration, there was not much input from diverse political actors on migration policy itself (Makaryan 2013), especially in the early years of migration policy-making. While in the United States or in the European Union representatives from various sectors (industry, civil society, government, academia) are involved in debating the particularities of migration policy (such as border control strategies, or whether to ease procedures for work permits for migrants in agriculture), in Armenia, Azerbaijan and Georgia the debate has focused on the structural causes of migration, such as the on-going economic crisis or governmental corruption. On the one hand, the lack of policy input from other social actors gave the government considerable leeway in drafting and implementing its policy agenda on migration. On the other hand, without much input from the public and political parties, the responsibility for not only implementing, but also initiating migration policy fell on the authorities. This situation, therefore, made the authorities by default the primary target of blame for enduring emigration, and also increased the constraints on the kind of policy initiatives they could enact. For example, in Armenia, the authorities have to date not adopted the Law on the Regulation of Overseas Employment (drafted in 2001 and revised several times since then) to avoid public criticism if the law is perceived as encouraging emigration (Chobanyan, 2012).

In recent years, cooperation with the European Union (EU), as part of the European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP), has increased the engagement of local civil society in migration policymaking. The EU funding and grant opportunities have forged collaborations between the authorities and non-profit entities at the national level, regionally in the South Caucasus, and with the EU.

Fourth, even when migration policy objectives were aligned with migration trends, the lack of implementation plans, unrealistic objectives or poorly estimated funding needs often delayed migration policy implemen-

tation, especially for the first waves of migration policy frameworks adopted in the early 2000s.

Comparative Analyses of Migration Policy Frameworks

In 2000 Armenia was the first country in the South Caucasus to adopt a Concept on State Regulation of Migration. It was revised into the second policy framework in 2004, and into the third policy concept in 2010 (in force until 2016). Azerbaijan adopted its first migration policy concept only in 2004, and then revised this document in 2006 into the State Program on Regulation of Migration. In 2013, Azerbaijan consolidated its migration-related legislation into the newly drafted Migration Code, which is the first among post-Soviet states and was adopted by Azerbaijan's parliament in June 2013. Georgia adopted its first migration policy only in March 2013.

The adoption of Georgia's migration policy was delayed in part by political events in the country (conflicts in Abkhazia and South Ossetia, the Rose revolution of 2003) but also as an intentional strategy of the Georgian authorities to attract investors and migrants by minimizing migration restrictions. Consequently, Georgia unilaterally established a visa-free regime that today extends to more than 100 countries. Additionally, the legislative regulation of migration was minimized to the extent that a tourist could start working in Georgia without actually violating a law (IOM 2008). This approach had its benefits because businesses, such as those involved in the construction of the Baku–Tbilisi–Ceyhan, Baku–Tbilisi–Erzurum, and Baku–Supsa pipelines, had fewer obstacles in operating or employing foreign labor in Georgia. However, unregulated migration also brought high costs—such as human trafficking, and Georgia becoming a migrant transit route for immigrants from Russia and Asia who target Turkey or the European Union as their final destination.

In Armenia and Azerbaijan, migration policy agendas centred on domestic challenges—resettlement and housing of refugees and IDPs; capacity building for enhanced migration regulation, such as migration measurement, legislative reforms, and institutional coordination; consequences of migration from rural areas; as well as the rights of co-citizens and co-nationals abroad and possibilities for their return and repatriation. The emphasis on these issues has not diminished even as newly emerging policy priorities have received increased attention. Similar issues were salient also in Georgia. But in the absence of a harmonized and centralized migration strategy, these issues were addressed through various legal acts.

To facilitate the return of migrant co-nationals (in Armenia also diaspora repatriation), Armenia and Georgia have adopted laws to engage with their diasporas (dual citizenship in Armenia since 2007, Georgia's Law on Compatriots Living Abroad and Diaspora Organizations, adopted in 2011). However, while migrant return is also an objective in Azerbaijan, the opposite—the institutionalization of an Azeri diaspora—is also equally important and was actively pursued by the government of Azerbaijan (Rumyansev 2012) and has been framed by Azeri authorities as a mechanism to expand the political lobbying power of Azerbaijan abroad. Thus, the migration policy of Azerbaijan puts considerable emphasis on creating Azeri diaspora organizations abroad which would help mobilize the Azeri diaspora, extend the state's agenda abroad to its citizens, and help protect the rights of Azeri migrants abroad.

The EU, an active player in migration policy reform in post-Soviet states in recent years, has not changed the migration policy priorities of Armenia and Azerbaijan. Rather, with its European Neighborhood Policy, launched in 2004, and its Eastern Partnership Initiative, launched in 2009, it has only expanded the agenda on combating irregular migration—an issue of mutual interest also to the EU. Thus, the EU's primary involvement has been on technical capacity building, such as a border registration system, document security and biometric passports, and unified information systems on entry/exit; legislative reforms, such as those addressing refugee and asylum policy and human trafficking; and dealing with irregular migrants already in the EU, such as the readmission and return of overstayed or undocumented migrants.

To minimize the number of illegal migrants from the South Caucasian states, and to facilitate the migration of legal migrants, the EU has signed bilateral readmission, as well as visa facilitation agreements (i.e. reduced visa paperwork and reduced fees for legal travelers of select categories) with Armenia and Georgia, and the process is underway with Azerbaijan.

The EU's impact on policy change has been most visible in Georgia, where the migration policy framework would probably not have been adopted had the EU not included it among the ENP 2006 Action Plan objectives with Georgia. The migration policy concept, finally adopted by Georgia in 2013, was fully drafted along the priorities of the ENP Action Plan and centered on legal and illegal migration, asylum policy, and readmission and reintegration of return migrants. The activities are similar to the reforms happening in Armenia and Azerbaijan—i.e. the improvement of border management, data system on entry/exit, institutional coordination of migration and asylum flows, legislative reform, etc. The implementation plan (for 2013–2015) is tightly linked to EU financial support and to already ongoing EU-funded projects in Georgia.

The Ultimate Objective: Turning Emigration into Immigration

While Armenia and Georgia are still predominantly migrant-sending countries, Azerbaijan's boom in the energy and construction sectors has helped attract migrant workers from Turkey, Georgia, Pakistan, Russia and Central Asia while emigration of its own citizens and their stock abroad still remains high. In the late 2000s, the state migration program of Azerbaijan specified annual immigration quotas and defined penalties for organizations employing undocumented migrants. These quotas—set at 11,970 persons for 2012—have been criticized by migration experts for their arbitrary nature, for underestimating the labor-force demand for international migrants in Azerbaijan, and for shifting the burden from employers onto migrant workers themselves to maintain the legal status with work permits (Zerkalo, 2012). The Migration Code of Azerbaijan adopted in 2013 did not eliminate quotas, but as the authorities insist, has eased the process of granting work permits to foreigners. The Code, widely advertised by the State Migration Service of Azerbaijan, has also waived the requirement for work permits to migrants married to a person holding Azerbaijan's citizenship, or having adopted an Azerbaijani child. Persons who have invested in Azerbaijan's banking system or enterprises are eligible for a three-year residence permit. However, the Migration Code has also created some measures, such as preconditioning the permanent residency on knowledge of the Azeri language. This will increase the obstacles of integration of immigrants in Azerbaijan, and will potentially expose the migration policy debate to xenophobic or nationalistic attitudes.

Georgia has also benefitted from the construction of gas and oil pipelines that carry Azerbaijan's energy resources through Georgia and have attracted numerous migrant workers for their construction. However, emigration of Georgia's own citizens remains very high and is still a concern for its authorities.

Armenia comes in last since, without managing to attract a foreign labor force (except very minimally from Iran), it also has not been able to halt the emigration of its own citizens.

Conclusion

To date the primary emphasis of migration policy frameworks in Armenia, Azerbaijan and Georgia remains on combating irregular migration—both of their own citizens who emigrate or reside abroad without documents or in violation of their migrant status, and of foreign migrant workers (for Azerbaijan and Georgia). Synergies, starting to evolve in recent years, with other policy areas have been tailored towards economic development, and frequently neglect linking migration policy, such as the engagement of migrants abroad, with political reforms. Yet, emigration in Armenia, Azerbaijan and Georgia is due not only to economic dynamics, but also to corruption and political repression. Thus converting emigration into immigration is not only about migration policy, but also about achieving real economic, political and social structural changes in these countries.

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