



HOUSE OF LORDS

International Agreements Committee

14th Report of Session 2022–23

Scrutiny of International Agreements: UK-Georgia Readmission Agreement

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International Agreements Committee

The International Agreements Committee is appointed by the House of Lords in each session to consider matters relating to the negotiation, conclusion and implementation of international agreements, and to report on treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010.

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[Lord Geidt](#)

[Baroness Hayter of Kentish Town](#) (Chair)

[Lord Howell of Guildford](#)

[Lord Kerr of Kinlochard](#)

[Baroness Kingsmill](#)

[Lord Marland](#)

[Lord Morris of Aberavon](#)

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[Earl of Sandwich](#)

[Lord Udny-Lister](#)

[Lord Watts](#)

Declaration of interests

See Appendix 1.

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Committee staff

The Committee staff are Simon Keal (Clerk), Andrea Ninomiya (Policy Analyst), Cathy Adams (Legal Adviser) and Siddhant Gurung (Committee Operations Officer).

The Committee is grateful for the ongoing support provided by Ross Coron (Policy Analyst, Committees Scrutiny Unit).

Contact details

All correspondence should be addressed to the International Agreements Committee, Committee Office, House of Lords, London SW1A 0PW. Telephone 020 7219 4840. Email

HLIntlAgreements@parliament.uk

Twitter

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SUMMARY

This report addresses the following Agreement, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010:

- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Georgia on the Readmission of Persons Residing without Authorisation (CP 795, 2023)

The purpose of this Agreement is to allow for the return of Georgian citizens and third-party nationals with a verified connection to Georgia (a party to the ECHR) found to be in violation of immigration laws, policies, and procedures in the United Kingdom. The Agreement, which replaces the EU-Georgia Readmission Agreement which expired on the UK's departure from the EU, is reciprocal and also allows for the return of British Nationals found to be in violation of immigration laws, policies, and procedures in Georgia.

We report this Agreement between the United Kingdom and Georgia to the House for information.

Scrutiny of International Agreements: UK-Georgia Readmission Agreement

AGREEMENT REPORTED FOR INFORMATION

Agreement between the Government of the United Kingdom and the Government of Georgia on the readmission of persons residing without authorisation (CP 795, 2023)¹

1. The Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Georgia on the Readmission of Persons Residing without Authorisation (the Agreement) was laid before Parliament on 9 February 2023.
2. The scrutiny period for this Agreement is scheduled to end on 23 March 2023. The Agreement was considered by the Committee at its meeting on 16 March 2023.

Background to the Agreement

3. As an EU Member State, the UK participated in 14 EU Readmission Agreements (EURAs).² EURAs are treaties between the EU and non-EU countries to facilitate the return of people residing irregularly in a country to their country of origin or to a country of transit.
4. At the end of the Brexit Transition Period on 31 December 2020, the UK ceased to be covered by EURAs, including the EU-Georgia Readmission Agreement.³ The Government has been seeking to put in place agreements to replace the EURAs it previously relied on for making returns.⁴ This Agreement (the UK-Georgia Readmission Agreement) is the third of these agreements post-Brexit, following the conclusion of equivalent treaties with Albania in 2021⁵ and Serbia in 2022.⁶

1 HM Government, *Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Georgia on the Readmissions of Persons Residing without Admission*, CP 795 (26 January 2023): <https://www.gov.uk/government/publications/ukgeorgia-agreement-on-the-readmission-of-persons-residing-without-authorisation-cs-georgia-no12023> [accessed 20 February 2023]

2 Written Answer [HL1460](#), Session 2021–2022

3 Agreement between the European Union and Georgia on the readmission of persons residing without authorisation [OJ L52](#)

4 Foreign, Commonwealth & Development Office, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Serbia on the readmission of persons residing without authorisation*: <https://www.gov.uk/government/publications/ukserbia-agreement-on-the-readmission-of-persons-residing-without-authorisation-cs-serbia-no12022> [accessed 20 February 2023]

5 Foreign, Commonwealth & Development Office, *UK/Albania: Agreement on the Readmission of Persons*, CP 521 (14 September 2021): <https://www.gov.uk/government/publications/ukalbania-agreement-on-the-readmission-of-persons-cs-albania-no22021> [accessed 20 February 2023]

6 Foreign, Commonwealth & Development Office, *UK/Serbia: Agreement on the Readmission of Persons Residing without Authorisation*, CP 628 (24 February 2022): <https://www.gov.uk/government/publications/ukserbia-agreement-on-the-readmission-of-persons-residing-without-authorisation-cs-serbia-no12022> [accessed 20 February 2023]

5. Home Office officials indicated that this is currently the final readmissions agreement to replace prior EURA.

The Agreement

6. The Agreement will allow for the readmission of Georgian citizens, persons with right of abode in Georgia, and third-party nationals with a verified connection to Georgia, found to be in violation of immigration laws, policies, and procedures in the UK. The Agreement is reciprocal and will also allow for the readmission of UK nationals and third-party nationals with a verified connection to the UK. Its aim is to provide a mechanism for the return of individuals and to outline a process for doing so, rather than to specify who should be removed.
7. Readmission criteria are set out in detail in the body of the treaty, which includes relevant time limits, the evidence that will be accepted to establish nationality, the procedures for transit, and associated costs. Annexes to the Agreement contain further information about the list of documents which would be considered as proof of nationality, as well as proof of evidence for the readmission of third country nationals and stateless persons.

Human rights implications

8. Georgia is a party to the European Convention on Human Rights. This means that, although the treaty allows for the return of third-country nationals and stateless persons to a country which is not their country of origin, their rights under Article 3 of the Convention (prohibition against torture or cruel, inhumane or degrading treatment) are guaranteed.⁷
9. Article 17 of the Agreement (non-affection clause) expressly states that the treaty does not affect any rights or duties under the Convention relating to the Status of Refugees or any international agreements on human rights or asylum.
10. The Explanatory Memorandum (EM) assesses that there are “no significant human rights implications” arising from the Agreement and that it is “compatible with the UK’s international human rights obligations.”⁸

Entry into force

11. The EM states that no new legislation is required to bring the Agreement into force and that it will be implemented in domestic law in line with current Immigration Rules.⁹
12. The Agreement will enter into force on the first day of the month from when the parties notify each other of completion of their internal procedures. While this Agreement will be in place for an unlimited period of time, either Party can terminate the Agreement by notifying the other through diplomatic channels with the Agreement ceasing to apply six months after the notification.¹⁰

7 Foreign, Commonwealth & Development Office, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Serbia on the readmission of persons residing without authorisation*, para 8.2

8 *Ibid.*, para 8.4

9 *Ibid.*

10 Foreign, Commonwealth & Development Office, *Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Georgia on the Readmissions of Persons Residing without Admission*, Article 21

Territorial scope and consultation

13. The Agreement will apply to the UK and Gibraltar. This reflects the territorial application of the EU Readmission Agreement with Georgia when the UK was covered by this treaty.
14. The Government of Gibraltar was consulted on the drafting of the Agreement, but the devolved administrations were not as immigration policy is a reserved matter. The EM further notes that the Crown Dependencies were made aware of the treaty and its purpose, and that the “Crown Dependencies Team within the Ministry of Justice were consulted on the decision to retain the same scope as the EURA with Georgia”.¹¹

Amendments to the Agreement

15. A joint expert group may be set up to support the application and implementation of the Agreement. The EM states that the group will “monitor the application of the treaty and decide on any implementing arrangements necessary for its application, and it may make recommendations for the treaty and its annexes to be amended.”¹²
16. Article 20 of the Agreement (Amendments) provides that “This Agreement may be amended and supplemented by mutual consent of the Parties, which shall be drawn up in the form of separate protocols. [Such amendments] enter into force in accordance with the procedure laid down in Article 21 of this Agreement.” This means that any amendments to the Agreement will be subject to scrutiny under the Constitutional Reform and Governance Act 2010.
17. **We reiterate¹³ our call to the Government to ensure that where an EU agreement is being replicated, that the EM accompanying the Agreement contains relevant contextual information, including on the pre-existing agreements to which it relates, and whether the new agreement contains substantial differences from the preceding EU Agreement.**
18. **While the EM goes some way to address the Committee’s recommendations set out in its 2022 report on an equivalent UK-Serbia readmission agreement, gaps remain. The Committee additionally regrets the poor quality of this EM, highlighting typographical errors and unclear wording.**
19. **We are surprised that the Government apparently has no further plans to replace the 11 other EURAs in which the UK participated as an EU member state by bilateral readmission agreements. Nevertheless, we report the Agreement with Georgia for information. In particular, we highlight our comments at paragraphs 17-18.**

11 Foreign, Commonwealth & Development Office, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Serbia on the readmission of persons residing without authorisation*, para 10.1–10.2

12 *Ibid.*, para 4.14

13 International Agreements Committee, *Scrutiny of international agreements: Agreement between the United Kingdom and the Republic of Serbia on the readmission of persons residing without authorisation* (17th Report, Session 2021–22, HL Paper 173)

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Fox
Lord Geidt
Lord Grimstone of Boscobel
Baroness Hayter of Kentish Town (Chair)
Lord Howell of Guildford
Lord Kerr of Kinlochard
Baroness Kingsmill
Lord Marland
Lord Morris of Aberavon
Lord Razzall
Lord Udny-Lister
Lord Watts

Declarations of interest

Lord Fox
No relevant interests

Lord Geidt
President, Royal Overseas League

Lord Grimstone of Boscobel
No relevant interests

Baroness Hayter of Kentish Town
Senior Non-Executive Director, Association of British Insurers

Lord Howell of Guildford
No relevant interests

Lord Kerr of Kinlochard
No relevant interests

Baroness Kingsmill
No relevant interests

Lord Marland
No relevant interests

Lord Morris of Aberavon
No relevant interests

Lord Razzall
No relevant interests

Lord Udny-Lister
No relevant interests

Lord Watts
No relevant interests