

# Law of Georgia

## on the Legal Status of Aliens and Stateless Persons

### Section I

#### General Provisions

### Chapter I

#### General Provisions

#### Article 1 - Aims, objectives, and scope of the Law

1. Under the rights and freedoms guaranteed by the Constitution of Georgia, as well as universally recognised principles and norms of international law, this Law is intended to:

- a) establish legal guarantees for aliens and stateless persons in Georgia according to universally recognised human rights and freedoms, and in line with state interests;
- b) protect universally recognised rights of aliens and stateless persons irrespective of race, colour, language, gender, religion, political, and other views, nationality, ethnic and social belonging, origin, property status and rank;
- c) promote the development of relations between Georgia and foreign states in economy, culture, education, and science;
- d) strengthen the rights of free movement and free choice of residence, as well as the free choice of activity and profession as guaranteed by the Constitution of Georgia;
- e) strengthen the conformity of Georgian legislation governing the legal status of aliens and of persons having the status of stateless person in Georgia, with universally recognised standards of international law and international agreements of Georgia;
- f) support international cooperation in preventing illegal migration; avoid spontaneous and unorganised migration; ensure the implementation of a targeted migration policy.

2. This Law regulates the legal basis and mechanisms for entry, stay, transit, and departure of aliens into/in/through/from Georgia; defines the rights and obligations of aliens and stateless persons, the types and procedures for removal of aliens staying in Georgia, and the scope of competence and responsibility of state institutions involved in the process of removal.

3. Article 5(c), Article 10(4), Article 47 and Chapter VI of this Law applies to persons seeking asylum or having refugee or humanitarian status, except when the Law of Georgia on Refugee and Humanitarian Statuses and the *1951 United Nations Convention* Relating to the Status of Refugees offer such persons a better legal position.

#### Article 2 - Definition of terms

The terms used in this Law shall have the following meanings:

- a) alien – a person who is not a citizen of Georgia, as well as a person having a status of stateless person in Georgia;
- b) stateless person – a person who is not considered a citizen by any state under its legislation;
- c) visa – an established permit or notation in a travel document that confirms the right of an alien to enter and/or stay in Georgia or transit Georgia;
- d) visa validity – the period during which an alien is entitled to enter and/or stay in Georgia;
- e) invitation – the written request of a citizen of Georgia, or of a person holding a Georgian residence permit, or of a legal person registered in Georgia, to invite an alien to arrive in Georgia and stating the purpose of arrival;
- f) travel document – a passport or other travel document serving as a passport substitute, as well as an ID recognised by the legislation or international agreements of Georgia that is valid for travelling;
- g) inspection at a border checkpoint – border migration control at the time of entry and departure of an alien into/from Georgia;
- h) family member – a spouse, child, parent of an alien or of a person having a status of stateless person in Georgia, as well as a person under guardianship or custody of an alien or of a person having a status of stateless person in Georgia, and/or a fully dependent minor, and a legally incompetent or disabled person;
- i) relative – a spouse, child, parent, sister, brother, grandfather, grandmother, grandchild of an alien or of a person having a status of stateless person in Georgia;



- j) border checkpoint – a highway or section of a road, part of railway station, port, harbour, airport (airfield) reserved for cross-border movement, where border and other types of control under the legislation of Georgia in terms of border crossing is carried out;
- k) border zone – maximum 5-km-wide terrestrial line within the territory of Georgia from the state borderline or coastal line, as well as the part of the territory of an international airport (airfield), railway station and sea port where the crossing of the state border of Georgia is controlled;
- l) freelancer – a person of a certain profession who carries out his/her professional duties independently, at his/her responsibility, in favour of other persons or the public interest;
- m) labour activity – any activity for which a person receives labour remuneration;
- n) transit – crossing of the territory of Georgia with the aim to enter a third state;
- o) carrier company – a legal person operating in the field of transport and engaged in bringing passengers to Georgia and taking them out of Georgia;
- p) period of stay in Georgia – the period indicated in a Georgian visa or a Georgian residence permit, as well as the period provided for by the legislation of Georgia during which an alien is authorised to stay in the territory of Georgia. The period of stay shall be calculated from the date an alien crosses the state border for the first time;
- q) an asylum seeker, a person having a refugee or humanitarian status – persons within the meaning of the Law of Georgia on Refugee and Humanitarian Statuses;
- r) temporary identity card – an identity document issued to asylum seekers and persons seeking a status of stateless person in Georgia, and persons under Article 60 of this Law. In the cases defined by an order of the Minister of Justice of Georgia and under established procedures, a temporary identity card may also be issued to persons to whom other identification documents may not be issued under the legislation of Georgia;
- s) removal – an action by an authorised government body, when there are grounds under this Law, to remove an alien or a person having a status of stateless person in Georgia against his/her will.

## **Section II**

### **Entry, Stay, Transit, and Departure of Aliens into/in/through/from Georgia**

## **Chapter II**

### **General Principles of Entry, Stay, Transit, and Departure of Aliens into/in/through/from Georgia**

#### **Article 3 – General principles**

The entry, stay, transit, and departure of aliens into/in/through/from Georgia shall be regulated based on the following principles:

- a) reciprocity;
- b) family unity;
- c) non-discrimination;
- d) non-removal;
- e) the best interests of children;
- f) crossing the state border of Georgia by an alien shall be regulated by the legislation of Georgia;
- g) government bodies, as provided for by the legislation of Georgia, may apply relevant laws and rules to an alien crossing the state border of Georgia, taking into account the reason and purpose for crossing the border;
- h) only the restrictions under the legislation of Georgia may be applied against an alien crossing the state border of Georgia;
- i) an alien who has been refused a visa or permission to cross the state border of Georgia may appeal such a decision, as provided for by the legislation of Georgia;
- j) an alien may enter Georgia under the legislation of Georgia, in observance of universally recognised principles of international law and international agreements of Georgia;
- k) an alien against whom criminal proceedings are pending for international crimes of terrorism, drug trafficking, or human trafficking may be denied entry into Georgia;
- l) an alien staying in Georgia shall be free to leave Georgia. This right may be restricted only according to law to ensure state and/or public safety necessary to maintain a democratic society to provide healthcare, to prevent crime, or to administer justice;



m) an alien may be removed from Georgia only under the legislation of Georgia, in accordance with universally recognised principles of international law;

n) stateless persons permanently residing in a foreign state are subject to the same legal regime as established for citizens of that foreign state;

#### **Article 4 - Entry into Georgia**

1. Unless otherwise provided for by the legislation of Georgia, aliens shall enter and depart from Georgia during the hours established for cross-border movement via border checkpoints if they hold a valid travel document and will obtain a permit to stay in Georgia.

2. If representatives of the armed forces of NATO and representatives of the countries participating in the Partnership for Peace Program enter, depart from, or transit through Georgia on official business in the manner provided for by the fifth and sixth paragraphs of this article without a valid travel document, they shall have only the following travel documents:

- a) an identification certificate issued by the dispatching country specifying their first name, surname, date of birth, position, number (if any), branch of the armed forces and a photo;
- b) an individual or collective movement order.

3. Foreign employees of diplomatic missions accredited in Georgia, consular offices, representation offices of international organisations, and other equivalent representations, including citizens of the countries that do not need a visa to enter Georgia, need a visa for the first entry into Georgia to work, unless otherwise provided for by an international agreement of Georgia. During accreditation, they shall stay in Georgia and shall cross the state border on the basis of an accreditation card issued according to procedures defined by the Ministry of Foreign Affairs (MFA) of Georgia.

4. A different regime for entry and stay in Georgia may be provided by the legislation of Georgia.

5. Representatives of the armed forces of NATO and representatives of countries participating in the Partnership for Peace Program do not need a visa for the entry into, departure from, and transit through Georgia when performing official duties related to training and operations associated with NATO and the Partnership for Peace Program.

6. When performing official duties that are not related to training and operations under NATO and the Partnership for Peace Program, in case of entry into, departure from, and transit through Georgia of representatives of the armed forces of NATO and representatives of countries participating in the Partnership for Peace Program, they will enjoy visa-free movement under prior written consent by the Ministry of Defence and the Ministry of Foreign Affairs of Georgia.

7. When performing official duties, representatives of the armed forces of NATO and representatives of countries participating in the Partnership for Peace Program may also enjoy the benefits defined in Article 12(3) and Article 20(3) of this Law.

8. An authorised body of the Ministry of Internal Affairs (MIA) of Georgia may, in special cases defined by the Ministry of Internal Affairs, permit an alien to cross the state border of Georgia without a travel document and stay in Georgia for up to three months.

#### **Article 5 - Grounds for entry and stay in Georgia**

The following shall be the grounds for entry into and stay in Georgia:

- a) a Georgian visa
- b) a Georgian residence permit
- c) a temporary residence card of a person having a refugee or humanitarian status in Georgia
- d) a temporary identity card
- e) other cases as provided by the legislation of Georgia.

### **Chapter III**

#### **Georgian Visa**

#### **Article 6 - General conditions for granting a Georgian visa**

1. A Georgian visa shall be granted at diplomatic missions and consular offices of Georgia abroad. In exceptional cases defined by an ordinance of the Government of Georgia, a visa may be issued at the Georgian state border.

1<sup>1</sup>. The Ministry of Foreign Affairs of Georgia shall issue a Georgian immigration visa to an alien who is lawfully staying in Georgia according to the procedure specified in Article 8 of this Law. For this purpose, an alien shall apply to the Ministry of Foreign Affairs of Georgia with an appropriate application not later than 45 days before his/her lawful stay in Georgia expires.

2. An alien, in whose country of citizenship Georgia does not have a diplomatic mission or a consular office, may apply for a visa to a nearby diplomatic



mission or consular office of Georgia.

3. An alien, in whose country of citizenship Georgia has a diplomatic mission or a consular office and who is in a third country, may apply for a visa to a diplomatic mission or a consular office of Georgia in the country of residence, provided he/she has a valid multiple entry visa or a valid residence permit in the country of residence. If a Georgian visa is granted to an alien of such category, the validity period of the above visa or the residence permit of the country of residence must be three months longer than the validity period of the Georgian visa.

4. In exceptional cases, a visa may be issued on the basis of international legal or humanitarian grounds or the state interests of Georgia, in the cases where an alien does not meet the requirements and conditions established for obtaining a visa. In that case a single entry visa with 30-calendar-days validity period shall be issued to the alien, and a temporary residence permit shall be issued after the entry of the alien into Georgia.

5. A single or multiple entry Georgian visa may be issued to an alien, provided he/she meets the requirements and conditions established for receiving a Georgian visa.

6. A single entry short-term visa may be issued in accordance with the number of days indicated in a visa application submitted by an alien, but for not more than 30 days.

7. A multiple entry short-term visa may be issued for maximum a five-year validity period. At the same time, the overall duration of an alien's entry and stay in Georgia shall not exceed 90 calendar days in any 180-day period. A multiple entry short-term visa shall be issued to an alien who obtained at least one Georgian visa during the previous year, used that visa in accordance with the legislation of Georgia, and there are grounds for requesting a multiple entry short-term visa.

8. A long-term visa shall be issued with the right of multiple entries and with the validity period of 90 calendar days. It shall be a precondition for obtaining diplomatic accreditation or a residence permit.

9. The Government of Georgia shall establish the procedure for issuance, extension, and termination of a Georgian visa.

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#### **Article 7 - Georgian visa categories**

1. A Georgian visa shall be divided into the following categories:

- a) diplomatic (A)
- b) special (B)
- c) ordinary(C)
- d) immigration (D)
- e) transit (T).

2. A Georgian visa may be short-term or long-term.

3. A Georgian visa shall be issued:

a) Diplomatic visa:

a.a) A1 - to top officials of foreign legislative and executive authorities, members of top- and high-level delegations, and their accompanying family members, arriving in Georgia on state, official, business, friendly or unofficial visits;

a.b) A2 - to employees of diplomatic and equivalent missions accredited to Georgia, as well as to consular officials and their family members; to employees of representation offices of international organisations located in Georgia, who have been granted diplomatic status by Georgia, and to their family members;

a.c) A3 - to diplomatic couriers and individuals arriving in Georgia on a special diplomatic mission;

a.d) A4 - to honorary consuls of Georgia, if they are citizens of a foreign country;

a.e) A5 – in the national interests of Georgia, to individuals holding a business/official or ordinary passport and entering Georgia on various missions.

b) Special visa:

b.a) B1 – to members of foreign delegations, their accompanying family members and other accompanying persons;

b.b) B2 – to administrative, technical and service personnel of foreign diplomatic missions, consular employees and service staff of consular offices, also to their family members and household servants; to employees of representative offices of international and humanitarian organisations located in Georgia and their family members who reside with them;

b.c) B3 – to individuals arriving to Georgia under international bilateral and multilateral treaties of Georgia; members of peacekeeping forces and other military contingents deployed in Georgia under an international agreement of Georgia;

b.d) B4 – in the national interests of Georgia, to individuals holding a business/official or ordinary passport and entering Georgia on various missions.



c) Ordinary visa:

c.a) C1 – to individuals arriving in Georgia for tourism purposes;

c.b) C2 - to individuals arriving in Georgia to visit relatives and friends, and to freelancers;

c.c) C3 - to individuals arriving in Georgia to hold business meetings and negotiations; participants of scientific workshops, conferences or other research, pedagogical, cultural or sports events; persons arriving in Georgia to engage in journalistic activity; crew members of the ships standing in Georgian harbours, unless visa-free movement of the crew members is provided for by an international treaty of Georgia;

c.d) C4 - to individuals arriving in Georgia to provide humanitarian assistance during life-threatening situations and situations hazardous to health, to carry out charity activities; a guardian or custodian of a citizen of Georgia; individuals under guardianship or custody of a citizen of Georgia; individuals arriving in Georgia for treatment; individuals visiting graves of relatives and friends; individuals arriving with the purpose of pilgrimage and establishing religious contacts; individuals arriving on scientific, sports, cultural or educational mission;

d) Immigration visa;

d.a) D1 - to individuals arriving in Georgia to work; representatives and consultants of companies and firms who travel to Georgia to perform their official duties; mass media workers visiting Georgia to perform their official duties; aliens entering Georgia to work under signed contracts;

d.b) D2 – to individuals arriving in Georgia to carry out entrepreneurial activity under the Law of Georgia on Entrepreneurs;

d.c) D3 – to individuals arriving in Georgia to study at authorised educational institutions in Georgia;

d.d) D4 – to individuals arriving in Georgia for family reunification;

e) transit visa – for transiting the territory of Georgia (10 days) in order to enter a third country.

4. Individuals holding an A1 visa shall enjoy diplomatic immunity in Georgia throughout the period of the visa validity.

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#### **Article 8 - Procedures for obtaining a Georgian visa**

1. To obtain a Georgian visa, an alien shall fill out a visa application the form of which is established by a normative act of the Ministry of Foreign Affairs.

2. A visa application shall be accompanied by the documents specified in the procedure for issuance of a Georgian visa; the documents shall confirm the following circumstances (or such circumstances shall be known to a visa issuing authority):

a) purpose and estimated conditions of travel

b) availability of funds sufficient for travel throughout the desired period of travel

c) individual health and accident insurance

d) when transiting the territory of Georgia, guarantees of entry by an individual into the destination country, except where transit visas are issued at the Georgian state border to truck drivers and co-drivers performing *international transportation of cargo*.

3. When necessary, a visa issuing authority may require additional documents or invite a visa applicant for an interview to verify:

a) the applicant's identity;

b) the authenticity of data provided in the visa application and accompanying documents;

c) the legality of funds;

d) the purpose, route, and duration of travel;

e) guarantees of return of the applicant.

4. In the cases provided for by the legislation of Georgia, an alien shall be required to present an invitation.

5. A legal representative(s)'s certified consent shall be required to obtain a visa for a minor and/or for a person with mental disorders.

6. For the issuance of diplomatic and special visas, a written application of a foreign affairs agency, a diplomatic mission, or a consulate of the respective country, or an international organisation, the employees of which enjoy the diplomatic or special/equal status, shall be required.

7. Diplomatic missions and consular offices of Georgia abroad shall make the decision regarding the issuance of a short-term Georgian visa within 10 calendar days from the receipt of a visa application and other documents necessary for issuing a visa. The period for making a decision on issuing a short-term Georgian visa may be extended by 30 calendar days, if further examination of an application is necessary. The period for making a decision on issuing a short-term Georgian visa may be shortened to two working days or a shorter period, in urgent cases defined by an ordinance of the Government.

8. Diplomatic missions and consular offices of Georgia abroad shall make a decision on issuing a long-term visa within 30 calendar days from receipt of a



visa application and other documents necessary for issuing a visa.

*Law of Georgia No 2788 of 14 November 2014 – website, 26.11.2014*

#### **Article 9 - Extending the validity of a Georgian visa**

1. The validity of diplomatic and special visas may be extended in Georgia.
2. The Ministry of Foreign Affairs of Georgia shall make a decision on the extension of a diplomatic or special visa validity period.
3. The validity period of diplomatic and special visas may be extended if the validity period of a Georgian visa obtained by an alien is not sufficient to complete the objective of his/her visit to Georgia.
4. A decision on the extension of a Georgian visa validity period shall be made within seven days after submission of the necessary documents. This timeframe may be extended up to one month.
5. Provisions of Chapters II and III of this Law shall be applicable when reviewing the issue of extending a Georgian visa validity period.

#### **Article 10 - Exemption from Georgian visa obligations**

1. An alien may be exempted from Georgian visa obligations under the legislation of Georgia.
2. An alien who does not need a short-term visa for entry into Georgia shall enter and stay in Georgia for maximum 90 calendar days in any 180-day period starting from the date of his/her initial entry into Georgia.
3. The list of the countries, whose citizens may enter Georgia without a visa shall be determined by a normative act of the Government of Georgia.
4. Aliens holding a Georgian residence permit or a temporary residence permit of a refugee or a person with humanitarian status shall enter Georgia without a visa for the entire permit validity period.
5. The following individuals do not require a visa for transit movement in Georgia:
  - a) passengers of an aircraft crossing Georgia without interim landing at a Georgian airport; provided a permit for crossing Georgia's air space has been obtained in advance;
  - b) members of a crew of an international airline, railway, or marine transport and stopover passengers, provided the passengers have a document evidencing the right to enter their country of destination and their period of stay in Georgia does not exceed 10 days. At the same time, passengers may not leave a designated transit area at an airport, a railway station or a seaport.

*Law of Georgia No 2788 of 14 November 2014 – website, 26.11.2014*

#### **Article 11 - Grounds for refusing a Georgian visa or entry into Georgia**

1. An alien may be refused a Georgian visa or entry into Georgia:
  - a) if he/she does not have documents necessary for entering Georgia as provided for by the legislation of Georgia;
  - b) if he/she has been banned from entering Georgia or has not paid a fine imposed for an unlawful stay in Georgia;
  - c) if he/she has submitted incomplete or false data or documents for obtaining a visa or for extending a visa validity period;
  - d) if he/she does not have health and accident insurance or sufficient funds to reside in Georgia and to return to his/her point of origin;
  - e) if his/her stay in Georgia poses a threat to the state security and/or public order of Georgia, or to the protection of the health, rights, and legitimate interests of citizens of Georgia and other persons residing in Georgia;
  - f) if his/her stay in Georgia is unacceptable because of foreign policy considerations;
  - g) if there is a reasonable doubt that he/she will unlawfully stay in Georgia after the visa validity expires;
  - h) if he/she does not provide, or provides false information about his/her identity and purpose of travel;
  - i) in other cases provided for by the legislation of Georgia.
2. An alien shall be denied a visa or entry into Georgia as provided for by the legislation of Georgia.
3. In the cases provided for by subparagraphs (e) and (f) of this article, a decision on considerations regarding visa issuance or entry into Georgia shall not be substantiated.
4. An alien who, as a result of inspection at a border checkpoint, has been denied entry into Georgia shall return to his/her point of origin.



5. In the case provided for in the fourth paragraph of this article if an alien cannot leave a border control zone immediately due to legal or factual reasons, he/she shall be placed temporarily at the border control zone, under observation, in a specifically designated place.

#### **Article 12 – Inspection at a border checkpoint**

1. For entry into Georgia an alien shall undergo inspection at a border checkpoint.

2. An authorised body of the Ministry of Internal Affairs of Georgia shall inspect aliens at border checkpoints in accordance with the legislation of Georgia. As a result of the inspection, the authorised body shall:

- a) grant consent to enter Georgia;
- b) deny entry into Georgia and return him/her to the point of origin.

3. Representatives of the armed forces of NATO member states and of the states participating in the Partnership for Peace Programme shall be exempt from inspection at border checkpoints at entry into, transit through, and exit from Georgia while performing their official duties, according to the procedures provided for by Article 4 (5) and (6) of this Law.

#### **Article 13 - Obligations of carrier companies**

1. A carrier company shall be obliged to:

- a) check an alien's documents to ascertain whether he/she has a valid visa and travel documents required for entry into Georgia under this Law;
- b) have aliens present for inspection at border checkpoints immediately upon arrival;
- c) return aliens who have been denied entry into Georgia to the point of origin.

2. A carrier company shall be obliged to bear the costs of the return transportation of an alien and the expenses of his/her stay incurred before his/her return if an alien has been denied entry into Georgia because the inspection revealed the absence of the grounds and travel documents required by this Law for entering and/or staying in Georgia.

3. If upon inspection at a border checkpoint an alien has been denied entry into Georgia, except for the cases provided for in the second paragraph of this article, the state shall be obliged to bear the expenses of stay incurred before the return of an alien, while the carrier company shall cover the return transportation when the alien returns to the point of origin.

4. A carrier company that covered the expenses of the return transportation of an alien may request the alien to reimburse any expenses the company incurred due the alien's denial of entry into Georgia.

5. If the carrier company fails to fulfil the obligations under this article (except for subparagraph (a) of this article), it shall be held liable under the procedure provided for by the administrative legislation of Georgia.

### **Chapter IV**

#### **Georgian Residence Permits**

#### **Article 14 – Body issuing Georgian residence permits and general conditions for issuing a residence permit**

1. A Legal Entity under Public Law (LEPL) within the Ministry of Justice - the Public Service Development Agency ('the Agency') - shall issue a Georgian residence permit.

2. An alien may apply to the Agency for the issuance of a Georgian residence permit for the same purpose for which he/she has obtained a permit to enter Georgia.

3. The requirement specified in the second paragraph of this article shall not apply to the cases of issuing a residency permit provided for in Article 15(d), (f) and (h) of this Law.

#### **Article 15 - Types of residence permits**

The following types of residence permits shall be issued in Georgia:

- a) A **work residence permit** shall be issued, under the legislation of Georgia, for carrying out entrepreneurial or labour activity in Georgia; the above permit shall also be issued to freelance professionals.
- b) A **study residence permit** shall be issued for the purpose of study at an authorised educational institution in Georgia.
- c) A **residence permit for the purpose of family reunification** shall be issued to family members of an alien holding a residence permit.



- d) A **residence permit of a former citizen of Georgia** shall be issued to an alien whose citizenship of Georgia has been terminated.
- e) A **residence permit of a stateless person** shall be issued to an individual whose status of statelessness has been determined in Georgia.
- f) A **special residence permit** shall be issued to an alien who is reasonably assumed to be a victim of or affected by the crime of trading in persons (human trafficking) in the cases provided for by the Law of Georgia on Combating Trading in Persons (Human Trafficking); to an alien in respect of whom a member of the Government of Georgia submits a written initiative on the issuance of a temporary Georgian residence permit; to persons provided for in Article 60 of this Law; and to a foreign citizen who has a status of compatriot living abroad.
- g) A **permanent residence permit** shall be issued to a spouse, parent, and child of a citizen of Georgia. A permanent residence permit shall also be issued to an alien who has lived in Georgia for the last 6 years on the basis of a temporary residence permit. This period shall not include the period of residence in Georgia for study or medical treatment, and the period of work at diplomatic missions and equivalent missions.
- h) An **investment residence permit** shall be issued to an alien who has made at least GEL 300,000 worth of investment in Georgia, in accordance with the Law of Georgia on Investment Activity Promotion and Guarantees, and to his/her family members. For the purposes of this paragraph, family members shall mean a spouse, a minor child, and his/her legally incompetent or disabled dependents.
- i) A **temporary residence permit** shall be issued to an alien who has been assigned the status of a victim under the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence.

*Law of Georgia No 2705 of 17 October 2014 – website, 31.10.2014*

*Law of Georgia No 2788 of 14 November 2014 – website, 26.11.2014*

### **Article 16 - A residence permit validity period**

1. A temporary residence permit defined by Article 15(a-f) of this Law may be issued to an alien for not more than six years.
2. A residence permit to a stateless person shall be issued for a three-year period. A residence permit with the right of permanent residence shall be granted to a stateless person whose citizenship of Georgia has been terminated by reason of renunciation of the Georgian citizenship, or who has permanently lived in Georgia as of 31 March 1993, has not been considered a citizen of Georgia and has not been removed from permanent registration in Georgia after 31 March 1993.
3. A permanent residence permit in Georgia defined in Article 15(g) and (h) of this Law shall be granted with the right of permanent residence.
4. The conditions applicable to issuing a temporary residence permit in Georgia shall also apply to extending its validity period.

### **Article 17 – Considering and making a decision on the matter of granting a Georgian residence permit**

1. For obtaining a Georgian residence permit, an alien shall apply to the Agency in person or through an authorised representative.
2. A legal representative shall submit a residence permit application for a minor or a legally incompetent person.
3. An application and accompanying documents for a Georgia residence permit may be submitted to the Agency electronically, according to the procedure established by the legislation of Georgia.
4. When a special residence permit is issued based on the written initiative of a member of the Government of Georgia, grounds specified in Article 18 of this Law shall not be verified. Additional documents to be submitted by the interested person and the procedure for their submission shall be defined by an ordinance of the Government of Georgia.
5. An alien about who is reasonably assumed to a victim of or affected by the crime of human trafficking shall be granted a special residence permit (or the validity period of his/her permit shall be extended) at the request of an institution providing services to victims of human trafficking or a body handling the proceedings.
6. An application and accompanying documents for obtaining a Georgian residence permit shall be submitted to the Agency in the official language of Georgia. In the cases provided for by the legislation of Georgia, the Agency shall be authorised to accept an application in a language other than the official language as well. An alien's passport may be submitted to the Agency without a Georgian translation, provided it contains the alien's personal data in Latin transliteration.
- 6<sup>1</sup>. The Agency shall issue a temporary residence permit to an alien who is the victim of domestic violence and shall prolong such permit based on application of the institution providing services to victims of domestic violence or the agency responsible for the proceedings.
7. The period for considering an application for obtaining a residence permit and for extending its validity period shall not exceed 30 days from the submission of all the required documents to the Agency.
8. The Agency shall be obliged to notify an alien electronically of the outcome of considering the application, in accordance with the procedure provided for by the legislation of Georgia.
9. A decision on the issuance of a residence permit may be appealed under the procedure provided for by the legislation of Georgia.
10. The issuance of a Georgian residence permit shall be considered and a decision shall be made under the procedure established by the Government of Georgia.





## **Article 18 - Grounds for denying the issuance of Georgian residence permits**

1. An alien may be denied a residence permit in Georgia if:

- a) there is a decision of an authorised body on the advisability of his/her residence in Georgia with regard to safeguarding state security and/or public safety interests.
- b) the grounds for which an alien obtained the right to stay in Georgia no longer exist.
- c) he/she is engaged in an activity that poses a danger to state security and/or public safety of Georgia.
- d) he/she has committed a crime against peace and humanity.
- e) he/she is wanted for a criminal offence or is convicted of a grave crime committed within the last five years before submitting the application (if the conviction has not been overturned or spent) or if criminal proceedings have been instituted against him/her - until the completion of the criminal proceedings.
- f) he/she has such infectious or other diseases, the nature, severity, or duration of which may pose a threat to the population of Georgia. The list of such diseases shall be established by the Ministry of Labour, Health and Social Affairs of Georgia.
- g) he/she has submitted forged or invalid documents for obtaining a Georgian residence permit.
- h) he/she has indicated incorrect data in the application or concealed significant information about circumstances that are of critical importance for making a decision on granting a residency permit in Georgia.

2. The protection of state and/or public security (order) interests specified in subparagraphs (a) and (c) of the first paragraph of this article shall include the cases where:

- a) the presence of the person in Georgia poses a threat to the relations with other states and/or international organisations;
- b) there is information indicating a high degree of probability of the person's connection with:
  - b.a) the armed forces of the country/organisation with hostile attitude to the defence and security of Georgia;
  - b.b) the intelligence services of another state;
  - b.c) terrorist and/or extremist organisations;
  - b.d) the illegal circulation of drugs, arms, weapons of mass destruction or their components, human trafficking and/or other criminal organisations (including transnational criminal organisations).

3. The information on the circumstances specified in paragraph (1)(c) of this article shall be presented to the body reviewing the case in such a way as not to prejudice the interests of state security and/or public order.

## **Article 19 - Reapplication for a Georgian residence permit**

An alien who has been denied a Georgian residence permit may re-apply for a residence permit on the same basis after at least one month after the decision on the denial of the first application was made.

## **Article 20 - Residence card**

1. The Agency shall grant a relevant residence card to an alien who has been granted a residence permit.

2. An alien shall be obliged to obtain a residence card within one month after obtaining a Georgian residence permit.

3. The following individuals shall be exempt from the obligation to obtain a residency card in Georgia:

- a) employees of diplomatic missions accredited to Georgia and equivalent representation offices, consular officers and family members of the abovementioned persons, as well as other individuals who enjoy the relevant privileges and immunity under an international agreement of Georgia;
- b) aliens with diplomatic and service/official passports;
- c) representatives of the armed forces of NATO member states and of the states participating in the Partnership for Peace Programme, in the cases provided for in Article 4(5) and (6) of this Law;
- d) aliens, in other cases as provided for by the legislation of Georgia.

4. Aliens that have been detained or are serving sentences of imprisonment shall be exempt from the obligation to obtain a Georgian residence permit



during the period of imprisonment.

#### **Article 21 - Termination of the term of stay in Georgia**

1. An alien's term of stay in Georgia may be terminated if:

- a) he/she has submitted forged or invalid documents for obtaining a Georgian residence permit or a Georgian visa;
- b) he/she performs an activity that poses a threat to the state security of Georgia;
- c) he/she terminated or completed studies at an authorised educational institution in Georgia before the expiration of the term of stay in Georgia, provided that he/she obtained the Georgian residence permit on that basis;
- d) he/she terminated the activity or relations based on which he/she obtained a residency permit in Georgia;
- e) the purpose for which a Georgian visa was issued no longer exists or has not been completed;
- f) he/she is no longer a custodian or guardian of a citizen of Georgia or is no longer under the custody or guardianship of a citizen of Georgia, provided that he/she obtained the Georgian residency permit on that basis;
- g) he/she entered into a fraudulent marriage in order to obtain a residence permit;
- h) he/she has been removed from Georgia;
- i) he/she has indicated incorrect data in the application or concealed significant information about circumstances that are of critical importance for making a decision on granting a Georgian residence permit;
- j) a change of citizenship, provided he/she obtained a permanent residence certificate in Georgia without obtaining a residence permit;
- k) he/she has not applied to the Agency for a residence card within six months after obtaining a Georgian residence permit.

2. A person shall have his/her term of stay in Georgia terminated if a decision is made to terminate his/her status of statelessness or his/her status of compatriot living abroad.

3. The validity of a special residence permit issued on the basis of a written initiative of a member of the Government of Georgia shall be terminated on the basis of a written request of the relevant member of the Government of Georgia.

4. The Ministry of Foreign Affairs of Georgia shall make decisions on the termination of the validity period of diplomatic and special visas in Georgia, while the Ministry of Internal Affairs of Georgia shall make decisions on the termination of the validity period of ordinary, immigration, and transit visas.

5. The Agency shall make a decision on the termination of the validity period of an alien's residency permit in Georgia, in accordance with the procedure provided for by the legislation of Georgia.

6. A Georgian visa and a Georgian residence permit shall become invalid if:

- a) a new Georgian visa or Georgian residence permit is issued to an alien, and the validity period of the above visa and residence permit comprises the validity period of a previously issued Georgian visa or Georgian residence permit;
- b) an alien for whom a Georgian visa or a Georgian residence permit has been issued, has acquired Georgian citizenship.

*Law of Georgia No 2788 of 14 November 2014 – website, 26.11.2014*

## **Chapter V**

### **Procedure for Determining the Status of Stateless Persons and the Legal Status of Stateless Persons in Georgia**

#### **Article 22 - Procedure for determining the status of stateless persons**

1. An individual interested in determining the status of stateless person shall submit an application to the Agency.

2. The Agency may invite an applicant for an interview to determine the circumstances necessary for making a decision.

3. The Agency may request the assistance of diplomatic missions and consular offices of Georgia abroad, and of international organisations, to obtain information necessary for considering a case.

4. The period of stay in Georgia of an individual staying in Georgia without legal grounds shall be considered as justified during the process of administrative proceedings for determining the status of stateless person.

5. The Agency shall issue a temporary identity card to an individual who has submitted an application for determining the status of stateless person. A temporary identity card shall be issued for a period of one year. A decision on determining the status of stateless person, or on denial to determine such



status, shall invalidate a temporary identity card.

6. The overall timeframe for making a decision on determining the status of stateless person or on denial to determine such status shall not exceed nine months.

7. The issue of determining the status of stateless person in Georgia shall be considered and a decision shall be made in accordance with the procedure established by the Government of Georgia.

### **Article 23 - Grounds for refusing to determine the status of stateless persons and for termination of statelessness status**

1. An applicant may be denied the determination of the status of stateless person in Georgia if:

a) it is determined that he/she is a citizen of Georgia or of a foreign state;

b) he/she has submitted, for the determination of the status of stateless person, false documents or incorrect information about circumstances significant for determining the status;

c) there is a decision of an authorised body on the advisability of his/her residence in Georgia with regard to safeguarding state security and/or public safety;

d) he/she cannot be identified;

e) there are circumstances specified in Article 1(2) of the 1954 UN Convention Relating to the Status of Stateless Persons applying to him/her.

2. The status of stateless persons in Georgia shall be terminated if:

a) he/she has acquired a citizenship of Georgia or of another country or it has been determined that he is a citizen of Georgia or of a foreign state;

b) the grounds specified in subparagraphs(b) (c) or (e) of the first paragraph of this article have been revealed;

c) a contracting state to the 1954 UN Convention Relating to the Status of Stateless Persons of has assumed responsibility for him/her in accordance with the requirements of that Convention.

3. A decision on terminating the legal status of stateless person in Georgia shall enter into force after one month of making the decision.

### **Article 24 - Legal status of persons having the status of stateless person in Georgia**

A person having the status of stateless person in Georgia shall have the rights and obligations laid down in Chapter VI of this Law.

## **Chapter VI**

### **Rights and Duties of Aliens**

### **Article 25 - Equality of aliens with citizens of Georgia in rights and duties, guarantees of protection of their rights and freedoms**

1. Aliens in Georgia shall enjoy equality of treatment with citizens of Georgia in relation to rights, freedoms and obligations, unless otherwise provided for by the legislation of Georgia.

2. Aliens in Georgia shall be equal before the law irrespective of origin, social and property status, race, nationality, gender, education, language, religion, political, or other views, activity, and other circumstances.

3. Georgia shall protect the life, personal inviolability, rights and freedoms of aliens in its territory.

4. The exercise of the rights and duties of aliens in Georgia shall not infringe on the interests of Georgia, and shall not limit the rights or disregard the legitimate interests of citizens of Georgia and other persons residing in Georgia.

### **Article 26 - Obligation to comply with the legislation of Georgia**

Aliens in Georgia shall be obliged to comply with the Constitution of Georgia and other normative acts of Georgia, respect local culture, traditions and customs, and the rights and freedoms of citizens of Georgia.

### **Article 27 - Acquisition of Georgian citizenship**

Aliens may acquire the citizenship of Georgia under the Constitution of Georgia and the Organic Law of Georgia on Georgian Citizenship.



#### **Article 28 - Right to investment and business activity**

Aliens in Georgia may carry out investment and business activity under the legislation of Georgia. In that case they shall have the same rights and duties as the citizens of Georgia, unless otherwise provided for by the legislation of Georgia.

#### **Article 29 - Right to work**

Labour activities of aliens shall be governed by the legislation of Georgia.

#### **Article 30 - Right to healthcare**

Aliens in Georgia shall be entitled to healthcare under the legislation of Georgia.

#### **Article 31 - Right to social security**

1. Aliens permanently residing in Georgia shall enjoy the same rights to assistance, pension, and other forms of social security as the citizens of Georgia.
2. Social security benefits of foreign citizens temporarily staying in Georgia shall be determined under the legislation of Georgia and international agreements.

#### **Article 32 - Property and non-property rights**

1. Aliens in Georgia may own, inherit, or bequeath any property, as well as enjoy non-property rights under the legislation of Georgia.
2. The rights stipulated in the first paragraph of this article may be limited only by a legislative act of Georgia.

#### **Article 33 - Right to education**

Aliens residing in Georgia are entitled to education under the legislation of Georgia.

#### **Article 34 - Right to use cultural values**

1. Aliens in Georgia shall have the same right to use cultural values as the citizens of Georgia.
2. Aliens in Georgia shall be guaranteed the right to use their mother tongue, observe their national culture and traditions, provided it is not prejudicial to the state or public security of Georgia.
3. Aliens shall be obliged to respect the historical and cultural monuments of Georgia and other cultural values.

#### **Article 35 - Right to participate in political and public associations**

1. Aliens in Georgia may not establish or become members of and participate in the activities of any political associations in Georgia.
2. Aliens in Georgia shall have the same right to establish public associations, become members of trade unions, scientific, cultural, sports associations, and other public organisations as the citizens of Georgia, unless this contradicts the bylaws of such organisations and the legislation of Georgia.

#### **Article 36 - Marital and family relations**

1. Aliens in Georgia may marry and divorce citizens of Georgia and other individuals under the legislation of Georgia.
2. In marital and family relations, aliens in Georgia shall enjoy similar rights and have similar duties as citizens of Georgia.

#### **Article 37 - Freedom of speech, opinion, conscience, religion, and belief**

Aliens, as well as citizens of Georgia, shall enjoy freedom of speech, opinion, conscience, religion, and belief. Aliens may not be persecuted on the grounds of speech, opinion, religion, or belief, or forced to express their opinions on the above.



### **Article 38 - Freedom of movement and residence**

1. Aliens in Georgia shall have the right to freedom of movement and residence.

2. The rights provided for in the first paragraph of this article may be limited only under the law for the purpose of ensuring state and/or public security necessary for the existence of a democratic society, health care, prevention of crime, execution of justice, or for the protection of the rights and legitimate interests of individuals living in Georgia.

### **Article 39 - Taxation of aliens**

Aliens residing in Georgia shall be taxed in the same manner as citizens of Georgia, unless otherwise prescribed by the legislation of Georgia.

### **Article 40 - Guaranteeing personal rights of aliens**

Aliens in Georgia, under the legislation of Georgia shall be guaranteed the inviolability of person and residence, privacy of personal and family life, respect of dignity and reputation, right to confidentiality of correspondence, and the right of free development of personality in economic, social, and cultural fields.

### **Article 41 - Protecting the rights of aliens**

1. Aliens in Georgia, regardless of their legal status, may apply to the courts and other state agencies to protect their personal, property, and other rights.

2. In legal proceedings aliens shall have the same procedural rights as citizens of Georgia.

3. Aliens may apply to a diplomatic mission or a consular office of the state of their citizenship or permanent residence or of the state that is authorised to protect their rights and legitimate interests.

4. If so requested by an alien, law enforcement authorities of Georgia shall be obliged to immediately notify the relevant diplomatic mission or consular office of the alien's arrest, detention or imprisonment. This paragraph shall not apply to asylum seekers or persons having refugee or humanitarian status.

### **Article 42 - Right to participate in elections and referenda**

Aliens may not vote in elections or be elected to local self-government and to central government bodies, or participate in referenda.

### **Article 43 - Right to assembly and manifestation**

Aliens shall have the right to assembly and manifestation under the legislation of Georgia.

### **Article 44 - Military service obligation**

Aliens shall not be obliged to serve in the military forces of Georgia.

### **Article 45 - Right of invitation**

Any person holding a Georgian residence permit may invite any foreigner.

### **Article 46 - Granting asylum**

Aliens in Georgia may seek and obtain asylum under the Constitution of Georgia, international agreements, and other normative acts.

## **Chapter VII**

### **Departure of Aliens from Georgia**



#### **Article 47 - General requirements for the departure of aliens from Georgia**

1. Aliens may leave Georgia through border checkpoints open for cross-border movement, provided that they have a valid travel document and have or had a permit to stay in Georgia, unless otherwise provided for by the legislation of Georgia.
2. When leaving Georgia, aliens shall be inspected at border checkpoints; the inspection shall be carried out by an authorised body of the Ministry of Internal Affairs of Georgia (MIA).
3. Aliens shall be obliged to leave Georgia before the expiry of their lawful stay in Georgia.
4. Aliens, whose lawful stay in Georgia has expired, shall be obliged to pay the penalty prescribed by the legislation of Georgia for unlawful stay in Georgia before or after leaving the country. The aliens who fail to pay the penalty shall be denied a visa and entry into Georgia until they pay the penalty.
5. If aliens leave Georgia within 30 calendar days after a relevant decision has been made by an authorised body, they shall not be charged with an administrative penalty, provided that:
  - a) their Georgian citizenship has been terminated;
  - b) their application for the determination of the status of stateless persons, or for the granting of refugee or humanitarian status has been denied;
  - c) their residence permit has been terminated on the grounds provided in Article 21(1)(b - d), of this Law;
  - d) their probation period has expired in case of a conditional sentence, or they served a sentence/punishment in case of deprivation of their liberty or administrative imprisonment.

#### **Article 48 - Deferring the obligation to leave Georgia**

1. Aliens who fail to fulfil the obligation of Article 47(3) of this Law may have their obligation to leave Georgia deferred in the following cases:
  - a) if they have applied to the Agency for a Georgian residence permit or the citizenship of Georgia;
  - b) if they are sick or pregnant, if according to a doctor's opinion further travel will pose a threat to their health. In that case, their family members and accompanying persons may stay with them;
  - c) if proceedings are pending in Georgia's court of general jurisdiction with their participation and if their stay in Georgia is essential for protecting their interests;
  - d) if they are involuntarily staying in Georgia for more than 10 days during their transit through Georgia; in that case, the following shall be regarded as involuntary stay:
    - d.a) natural phenomenon impeding the movement of trains, vehicles, ships, or airplanes;
    - d.b) necessary repairs of means of transport or a traffic accident;
    - d.c) delays in changing means of transport;
    - d.d) other cases where it is impossible to move from one place to another without impediment;
  - e) on the basis of an application by a competent person of a ministry of Georgia or a state sub-agency.
2. The Agency shall decide to defer an alien's obligation to leave Georgia within three days from the submission of the relevant application.
3. Seven calendar days before the expiry of his/her lawful stay in Georgia, an alien shall be obliged to apply to the Agency for deferring the obligation to leave Georgia on the grounds laid down in paragraph 1(a) of this article.
4. An alien's obligation to leave Georgia may be deferred on the grounds laid down in paragraph 1(a) of this article only once and up to three months.
5. In special circumstances, upon reasonable request, an alien's obligation to leave Georgia may be deferred once, up to three months, for the same purpose for which the permission to stay in Georgia was granted.
6. Application for deferring the obligation to leave Georgia and accompanying documents shall be submitted to the Agency in the same manner as prescribed for the submission of an application for a Georgian residence permit. If a foreign applicant is no longer interested in deferring the obligation to leave Georgia, he/she may, at any stage of administrative proceedings, apply to the Agency for the termination of proceedings. In the process of considering or deciding the issue, communication with the foreign applicant shall be carried out in the same manner as prescribed for communication with an interested party at the time of considering/deciding the issuance of a Georgian residence permit.

*Law of Georgia No 2788 of 14 November 2014 – website, 26.11.2014*

#### **Article 49 - Denying exit to aliens**

An alien may not be allowed to leave Georgia:



- a) if an alien's right to leave Georgia has been restricted under a court decision;
- b) if an alien has been convicted of a crime, until completion of the sentence or release from punishment;
- c) in the cases provided for by the legislation of Georgia, when he/she avoids fulfilment of duties imposed by a competent administrative body of Georgia, until such duty is fulfilled;
- d) in other cases stipulated by the legislative acts of Georgia.

### **Section III**

#### **Personal Data Processing, Liability and Removal of Aliens from Georgia**

### **Chapter VIII**

#### **General Provisions for the Removal of Aliens from Georgia**

#### **Article 50 - Legal grounds for the removal of aliens from Georgia**

The basis for removing aliens from Georgia shall be this Law, international agreements of Georgia, the Code of Administrative Offences of Georgia and other relevant normative acts.

### **Chapter IX**

#### **The Procedure for Considering and Deciding the Removal of Aliens from Georgia**

#### **Article 51 – Removing aliens from Georgia**

1. An alien may be removed from Georgia:

- a) if he/she has illegally entered Georgia;
- b) there are no legal grounds for his/her further stay in Georgia;
- c) his/her stay in Georgia is contrary to the state security and/or public order;
- d) his/her removal is necessary for protecting the health, rights, and legitimate interests of citizens of Georgia and of other individuals lawfully staying in Georgia;
- e) he/she repeatedly breaches the legislation of Georgia;
- f) he/she has obtained legal grounds for entry or stay in Georgia through forged or invalid documents;
- g) after he/she completes serving the sentence, if he/she has committed a premeditated crime for which he/she was sentenced to more than one year of imprisonment;
- h) before he/she completes serving the sentence, if he/she has been given a non-custodial sentence, or before the expiry of the probation period, if he/she has been given a conditional sentence.

2. Paragraph 1(a) (b) of this article shall not apply to a person during the course of the administrative procedure for determining the status of stateless person carried out by the Agency.

3. Any stateless person may be removed from Georgia only in the circumstances prescribed by paragraph 1(c) of this article, as provided for by this Law.

#### **Article 52 - Commencing the proceedings on the removal of aliens from Georgia**

1. An authorised body of the MIA shall make a decision regarding the removal of aliens from Georgia on the grounds laid down in Article 51(1) (a) and (b) of this Law; the court shall make a decision on the removal of aliens on the grounds laid down in Article 51 (1)(c-h).

2. The basis for commencing proceedings on removal of aliens from Georgia on the grounds in Article 51(1) (c)-(h) of this Law shall be a petition filed with the court by an authorised body of the MIA.

3. State institutions shall provide an authorised body of the MIA with all available information on the grounds for the removal of aliens from Georgia.

4. An authorised body within the MIA of Georgia shall commence proceedings on removal of aliens from Georgia if any of the grounds for the alien's



removal under Article 51(1)(a,b) of this Law have become known, and if the authorised body has substantiating evidence.

### **Article 53 - Procedure for making decisions on removing aliens from Georgia**

1. The court shall make a decision on removing aliens from Georgia as prescribed by the legislation of Georgia.
2. An authorised body of the MIA shall consider the issue of removing an alien from Georgia within 10 business days after detecting the grounds for removal and shall decide on one of the following in compliance with the legislation of Georgia:
  - a) removal of an alien from Georgia;
  - b) refusal to deport an alien from Georgia;
  - c) deferral of the removal of an alien.
3. The relevant decision-making body shall be obliged to present the alien to be removed a substantiated decision on his/her removal.
4. When making a decision on removing aliens from Georgia, the relevant decision-making body shall take into account:
  - a) the duration of an alien's lawful residence in Georgia, his/her personal, social, economic and other ties with Georgia;
  - b) the principle of family unity, implications for an alien's family or for individuals permanently residing with him/her.
  - c) an alien's social, economic and other links with the receiving country.

### **Article 54 - Leaving Georgia voluntarily under a decision on removal**

1. Under a decision on removal, an alien residing in Georgia shall be given a reasonable period up to 10-30 calendar days prescribed by a competent body authorised to consider the matter of removal of aliens; during that period the individual must depart from Georgia and the departure expenses shall not be covered by the State Budget of Georgia.
2. If an alien unlawfully residing in Georgia leaves the country voluntarily in accordance with the first paragraph of this article, an administrative fine shall be imposed on the alien.
3. If an alien is removed from Georgia on any of the grounds set forth in Article 51(1)(c-h) of this Law, the alien shall provide the court with relevant evidence to confirm his/her voluntary departure from the country.

### **Article 55 - Deferring the removal of aliens from Georgia**

1. An alien's removal from Georgia may be deferred for up to a 30 days:
  - a) in case of *force-majeure*;
  - b) if his/her physical and mental health has deteriorated;
  - c) if he/she is a disabled person and is left without supervision;
  - d) if an alien is pregnant, if under a doctor's opinion, further travel would endanger the person's health;
  - e) if the recipient country delays the provision of documents required for the removal of an alien;
  - f) if there is a danger that a minor may be left without supervision and/or his/her education may be interrupted.
2. If the relevant circumstance under the first paragraph of this article remains unchanged, a person's removal from Georgia may be deferred only once, for a period of 30 days.
3. The decision on deferring the removal of aliens from Georgia shall be made by the relevant body authorised to decide on the removal of aliens from Georgia.
4. An alien's removal from Georgia shall not be deferred in the circumstances provided for in paragraph (1)(e) of this article if the receiving State recognises the standard travel document of Georgia that is used for the removal.

### **Article 56 - Appealing the decision on aliens' removal from Georgia**

The decision on removing aliens from Georgia may be appealed in the manner prescribed by the legislation of Georgia within 10 days after the alien has been notified of the decision on removal.





**Executing the Decision on Removal of Aliens from Georgia**

**Article 57 - Time frames for executing decisions on removal**

1. If an alien does not leave the territory of Georgia within the time frame defined by an authorised body under Article 54(1) of this Law, the decision on removing the alien from Georgia shall be subject to compulsory execution.
2. The decision on removing an alien from Georgia shall be executed within 10 calendar days after expiry of the term for voluntary departure from the country on the grounds for removal set forth in Article 51(1)(a) and (b). The decision on removing an alien from Georgia shall be executed immediately after expiry of the term of voluntary departure on any of the grounds for removal set forth in Article 51(1)(c-h).
3. If an authorised body fails to execute the decision on removing an alien from Georgia due to the fact that the person to be removed is in hiding, the time frame defined in the second paragraph of this article shall be suspended until these grounds are eliminated.

**Article 58 – The agency authorised to execute decisions on removal**

1. The decision on removing an alien from Georgia shall be executed by an authorised body of the MIA in the manner prescribed by the Government decree.
2. State agencies shall be obliged to facilitate the execution of the decision on removal of an alien from Georgia within their competence.
3. The decision on removing an alien from Georgia shall be forwarded to the Ministry of Justice and the Ministry of Foreign Affairs of Georgia within twenty-four hours.

**Article 59 - Countries to which aliens may be removed**

1. Aliens may be removed to:
  - a) the country of citizenship or the country where they have the right of lawful residence;
  - b) the country from which the alien entered Georgia;
  - c) any country with whom Georgia has signed a readmission or other relevant bilateral agreement;
  - d) any country giving its consent to accept the alien.
2. Aliens shall not be removed to a country:
  - a) where he/she is persecuted for political opinions or for activities not regarded as a crime under the legislation of Georgia;
  - b) where he/she is persecuted for protecting peace and human rights, for engaging in progressive social, political, scientific, and creative activities;
  - c) where his/her life or health is threatened.

**Article 60 – Right of temporary stay in Georgia**

1. An alien who cannot be removed from Georgia under the second paragraph of this article shall be granted the right of temporary stay in Georgia.
2. The right of temporary stay shall be granted to aliens if there are one of the following circumstances impedes removal:
  - a) a person cannot be removed under the circumstances provided for in Article 59(2) of this Law;
  - b) the grounds specified in Article 55(1) of this Law have not been eliminated after the term set out in the second paragraph of that article expires;
  - c) a person cannot be identified;
  - d) no state agrees to accept an alien subject to removal.
3. The right of temporary stay in Georgia specified in the first and second paragraphs of this article – a temporary identity card – shall be issued by the Agency on the basis of an application of the MIA.
4. If the grounds specified in the second paragraph of this article are eliminated, the Agency shall revoke the temporary identity card on the basis of an application of the MIA.
5. The temporary identity card shall be issued for one year. If the period of temporary stay in Georgia is extended, the Agency shall issue another temporary identity card for the same period on the basis of an application of the MIA.



6. An authorised body of MIA shall make decisions on granting the right of temporary stay to aliens in Georgia and on extending the period of such stay. Aliens may apply to the Agency for a special residence permit after five years of receiving a temporary identity card.

7. Aliens who have received temporary identity card shall enjoy the rights and freedoms provided for in Articles 25, 29, 30, 33, 37 and 41 of this Law. They shall also have non-property rights under the legislation of Georgia.

#### **Article 61 - Prohibition of removal**

1. The following individuals may not be removed from Georgia:

a) an alien under custody or guardianship of a citizen of Georgia;

b) an alien reasonably assumed to be a victim of, or affected by, the crime of trafficking, – during the period of reflection prescribed by the Law of Georgia on Combating Human Trafficking;

b<sup>1</sup>) an alien who is the victim of domestic violence - until the relevant proceedings are ended and/or during the period of staying at a place for temporary accommodation of domestic violence victims (shelters) under the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence;

c) an alien who has been given a conditional sentence or a non-custodial sentence, except where there is a court decision on removal;

d) other persons as prescribed by the legislation of Georgia.

2. Individuals referred to in the first paragraph of this article may be removed only if they are a danger to state security and public order of Georgia.

*Law of Georgia No 2705 of 17 October 2014 – website, 31.10.2014*

#### **Article 62 - Funding the execution of a decision on removing aliens from Georgia**

1. All costs related to removal shall be borne by the alien concerned, or by a person having invited the alien.

2. Costs related to removal shall be covered partly or fully by Georgia if the costs cannot be covered under the first paragraph of this article.

#### **Article 63 - Banning re-entry into Georgia of aliens removed from Georgia**

1. Aliens removed from Georgia may not re-enter Georgia for a period of two to five years. The period shall be defined by the body authorised to make decisions on the removal of aliens from Georgia.

2. The ban on re-entry into Georgia shall not apply to the aliens voluntarily departing from Georgia under Article 54 of this Law. This procedure shall not apply to the removal of aliens from Georgia on any of the grounds specified in Article 51(1)(c-h).

3. Aliens removed from Georgia shall be obliged to pay the fine for violating the rules of lawful stay in Georgia either before or after leaving the country.

### **Chapter XI**

#### **Detention of Aliens and Their Placement in Temporary Accommodation Centres with the Purpose of Removal from Georgia**

#### **Article 64 - Grounds for detention of aliens and their placement in temporary accommodation centres with the purpose of removal from Georgia**

1. Aliens may be detained and placed in temporary holding facilities or temporary accommodation centres for the purpose of their removal. Aliens placed in a temporary holding facility shall be transferred to a temporary accommodation centre after the decision provided for in the legislation of Georgia has been adopted.

2. An alien unlawfully staying in Georgia may be detained and/or transferred to a temporary accommodation centre:

a) if the alien cannot be identified;

b) if there is a threat that the alien may go into hiding;

c) if the alien failed to fulfil the obligations prescribed by alternative means to detention determined by the judge;

d) if the alien prejudices the national security and/or public order of Georgia;

e) if the alien endangers his/her own life and health;

f) to ensure the enforcement of a decision on removal from Georgia;



g) to ensure bringing the alien before the court.

3. Within not later than 48 hours after detention, an alien shall be brought before the court for making a decision on his/her transfer to a temporary accommodation centre. Unless the court makes the decision, within the next 24 hours, on placing the alien in a temporary accommodation centre, he/she shall immediately be released.

4. If there is one of the grounds set forth in the third paragraph of this article, a detained alien may be placed in the temporary accommodation centre either before or after the decision on his/her removal from Georgia is made.

5. A detained alien may be placed at the temporary accommodation centre for up to three months. After expiry of that term, the person shall leave the temporary accommodation centre.

6. Minors left without supervision or a family may be placed at a temporary accommodation centre only in extreme cases and for as short a period of time as possible, bearing their best interests in mind.

7. Upon detention, an alien shall be informed in the language and in the manner he/she understands of:

- a) the grounds for detention
- b) the right to attorney
- c) the right to notify any desired person/close relative of his/her detention
- d) the right to apply to a diplomatic mission/consular office
- e) the right to request medical examination
- f) the right to appeal his/her detention.

8. A detained alien must be allowed to immediately notify the desired/close person of his/her detention, if necessary, by using the resource of an authorised body. If a detained alien is a minor or is helpless, the obligation to give notice of his/her detention shall rest with an authorised body. The legal representative of a minor alien and/or an authorised body shall be notified of his/her detention. The MFA of Georgia and the consular office of the relevant state shall immediately be notified of the detention of an alien.

9. The MIA shall prescribe the procedure for detaining and transferring aliens to a temporary accommodation centre.

#### **Article 65 - Alternative measures to the placement of aliens at a temporary accommodation centre**

1. The court may decide to impose alternative measures to the placement of aliens at a temporary accommodation centre.

2. Alternative measures to accommodation at a temporary accommodation centre may be:

- a) regular reporting to (appearing before) a relevant territorial department of the police, not more than twice a week;
- b) a citizen of Georgia connected to the alien and acting as surety for the alien, or a bank guarantee of at least GEL 1,000 or a certificate of regular income;
- c) a maximum bail of GEL 2,000.

3. The term for an alternative measure to accommodation at a temporary accommodation centre shall not exceed three months. The term for the alternative measure shall be determined by the court.

#### **Article 66 – Placement conditions for detained aliens**

1. A detained alien shall be placed at a temporary accommodation centre under the MIA of Georgia.

2. The temporary accommodation centre shall ensure:

- a) prohibition of discriminatory, degrading, and humiliating treatment of aliens;
- b) aliens are treated with consideration of their gender, age, and cultural specificities;
- c) if a family is placed at a temporary accommodation centre, respect for the principle of family unity;
- d) protection of the rights of minors;
- e) placement of women and men separately.



**Article 67 - Processing personal data of aliens**

1. Personal data of aliens shall be processed under the legislation of Georgia.
2. The rules, time frames, and conditions for the prompt exchange and use of aliens' personal data and information contained in the data shall be established by the Law of Georgia on Personal Data Protection and in Chapter IV of the Law of Georgia on International Law Enforcement Cooperation.

**Chapter XIII**

**Liability of Aliens**

**Article 68 - Liability for violating the legislation of Georgia**

Aliens shall be subjected to criminal, civil, or administrative liability for violating the legislation of Georgia.

**Article 69 - Liability for violating this Law**

The violation of the provisions of this Law shall give rise to liability under the legislation of Georgia.

**Chapter XIV**

**Georgian Visa and Georgian Residence Permit Fees and Charges**

**Article 70 - Georgian Visa and Georgian residence permit fees and charges**

1. Aliens shall pay the consular fee for the issuance of a Georgian visa according to the Law of Georgia on Consular Fees. Aliens shall pay the state due for the issuance of a short-term ordinary visa at border checkpoints. Aliens lawfully staying in Georgia shall also pay the state due for the issuance of an immigration visa by the Ministry of Foreign Affairs of Georgia according to the Law of Georgia on State Dues.
2. Aliens shall pay the service fee in the amount and in the manner prescribed by ordinance of the Government of Georgia for having their applications for residence permit considered and determined.

*Law of Georgia No 2788 of 14 November 2014 – website, 26.11.2014*

**Section IV**

**Transitional and Final Provisions**

**Chapter XV**

**Transitional and Final Provisions**

**Article 71 – Measures related to the enactment of this Law**

1. The government of Georgia, within three months of the enactment of this Law, shall ensure:
  - a) approval of the procedures for issuing a Georgian visa, its extension and termination
  - b) approval of the list of the countries whose citizens may enter Georgia without a visa
  - c) approval of the procedures for considering and deciding on the issuance of residence permit of Georgia
  - d) approval of the procedures for removing aliens from Georgia
  - e) approval of the procedures for determining the status of stateless persons in Georgia
  - f) conformity of appropriate subordinate acts with this Law.



2. The Ministry of Justice of Georgia shall approve the form and issuance procedures of temporary identity card.
3. The MIA shall approve the procedure for detaining and placing aliens in a temporary accommodation centre.
4. The relevant government institutions shall ensure the conformity of relevant legal acts with this Law.

#### **Article 72 – Transitional provisions**

1. The provisions of Chapter III of this Law shall not apply to aliens who crossed the state border of Georgia before this Law entered into force up to the time when they leave the territory of Georgia, but not later than until 1 July 2015.
2. Persons with the status of stateless person in Georgia who acquired the status before enactment of this Law under the legislation of Georgia on the legal status of aliens without relevant procedure and whose residence cards have expired, shall be obliged to apply to the Agency for new residence cards before 1 September 2015. In case of the failure to fulfil this obligation within the specified time frame the stateless status of these persons shall be terminated.
3. When applying for an appropriate residence permit in Georgia, an alien, who had been issued a Georgian residence permit before the entry into force of this paragraph, or an alien, who entered Georgia after 17 March 2014 and was staying in Georgia at the time of entry into force of this paragraph, shall be exempted, until 1 July 2015, from the requirement of Article 14(2) of this Law and from the obligation to submit a document evidencing his/her lawful stay in Georgia. In that case, an alien shall not be subject to removal from Georgia until the final decision on the issuance of a residence permit has been made.
4. If an alien obtains a Georgian residence permit according to the third paragraph of this article after his/her lawful stay in Georgia expires, the period of his/her unlawful stay in Georgia shall be deemed valid and he/she shall be exempted from the penalty prescribed by the legislation of Georgia.
5. An alien, who entered Georgia before 17 March 2014 and was staying in Georgia at the time when this paragraph entered into force, may obtain a Georgian immigration visa after his/her lawful stay in Georgia expires, until 1 July 2015, according to Article 6(1<sup>1</sup>) of this Law, except when he/she was refused a Georgian residence permit. If an alien obtains an immigration visa under this paragraph, the period of his/her unlawful stay in Georgia shall be deemed valid and he/she shall be exempted from the penalty prescribed by the legislation of Georgia. An alien shall not be subject to removal from Georgia until the final decision on the issuance of an immigration visa has been made.

*Law of Georgia No 2788 of 14 November 2014 – website, 26.11.2014*

*Law of Georgia No 3101 of 19 February 2015 – website, 24.2.2015*

#### **Article 73 - Normative acts declared null and void**

The following shall be declared void immediately upon the enactment of the legal acts specified in Article 71(1) of this Law:

- a) Law of Georgia on Legal Status of Aliens and Stateless Persons of 27 December 2005 (Legislative Herald of Georgia, No 3, 16.1.2006, Art. 16)
- b) Decree No 400 of 28 June 2006 of the President of Georgia on the Approval of the Statute on the Procedure for Consideration and Resolution of Issues Related to Granting Residence Permits in Georgia
- c) Decree No 401 of 28 June 2006 of the President of Georgia on the Approval of the Statute on the Procedure for the Removal of Aliens from Georgia
- d) Decree No 399 of 28 June 2006 of the President of Georgia on the Approval of the Statute on the Procedure for the Issuance, Extension, and Termination of Visas
- e) Decree No 515 of 27 June 2012 of the President of Georgia on the Approval of the Procedure for determining the Status of Stateless Persons

#### **Article 74 - Enactment**

1. This Law shall enter into force on 1 January 2014.

**President of Georgia**

**Giorgi Margvelashvili**

**Kutaisi**

**5 March 2014**

**N2045-IIs**

