

# Government of Georgia

## Ordinance No 520

1 September 2014, Tbilisi

### On Approving Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits

#### Article 1

The Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits attached to this document shall be approved under Article 17(10) and Article 71(1)(c) of the Law of Georgia on the Legal Status of Aliens and Stateless Persons.

#### Article 2

Ordinance No 237 of 5 July 2012 of the Government of Georgia on Determining Additional Conditions for Issuing Permanent Residence Permits to Aliens shall be invalid under Article 25(1)(b) of the Law of Georgia on Normative Acts.

#### Article 3

The Ordinance shall enter into force from 1 September 2014.

Prime Minister

**Irakli Gharibashvili**

### Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits

#### Article 1 – General provision

The Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits (the Procedure) determines the procedures and conditions for granting Georgian residence permits to aliens.

#### Article 2 – Definition of terms

1. The terms used in these Procedures have the meanings defined in the Law of Georgia on the Legal Status of Aliens and Stateless Persons.
2. In addition to the terms defined in paragraph one of this article, the terms used in these Procedures have the following meanings:
  - a) a minor – a person under 18 years of age, except as provided in Article 12(3) of the Civil Code of Georgia;
  - b) a representative – a person's legal representative or a person acting under a power of attorney in an administrative proceeding;
  - c) the Law – the Law of Georgia on the Legal Status of Aliens and Stateless Persons.

#### Article 3 - Submitting an application

1. To obtain or extend a Georgian residence permit, an alien shall apply to the Legal Entity under Public Law (LEPL) – the Public Service Development Agency of the Ministry of Justice of Georgia ('the Agency').
2. An application for obtaining or extending a residence permit shall be submitted to the Agency in printed or electronic form by completing the application form available on the Agency website.
3. A person of full age and capacity staying in Georgia may submit an application for obtaining or extending a Georgian residence permit. An alien staying in another country may apply electronically to the Agency to extend a Georgian residence permit by completing an application form available



on the Agency website. An alien may apply to the Agency in person or through a representative.

4. An alien shall apply to the Agency for a residence permit 40 calendar days before his/her lawful stay in the territory of Georgia expires. This requirement shall not apply to issuing special residence permits to the victims of or persons affected by the crime of trading in persons (human trafficking).

5. The question of granting a Georgian residence permit to minors or its extension shall be reviewed based on an application of their representatives. If an application for granting or extending a Georgian residence permit to a minor is submitted by a person acting under a power of attorney, the consent of both parents (if the minor has only one parent – the consent of that parent, or if the minor has no parents – the consent of his/her legal representative) shall be required. If one of the parents (or other legal representative) of a minor applies for granting or extending a Georgian residence permit to the minor, the consent of the other parent (or other legal representative) shall not be required, except where a permanent residence permit is issued to a minor.

6. The consent of the legal representative of a minor or of a legally incompetent person shall be expressed:

a) in a duly certified written form;

b) in a written form expressed in the presence of an authorised person of the Agency;

c) by submitting the consent form available on the Agency website by using an electronic identity or residence card;

d) by expressing consent before an authorised person of the Agency by means of an electronic communication, provided the consenting person can be identified and his/her identity can be verified against the electronic database of the Agency.

7. Representative authority to apply for a Georgian residence permit may be granted to a third person electronically under Article 16(1) and (2) of these Procedures, provided that the third person can be identified and his/her identity can be verified against the electronic database of the Agency.

8. Communication with the interested person shall be made by posting a relevant notice on the Agency website. When submitting an application to the Agency, an interested person may also indicate e-mail as an additional form of communication with the Agency.

9. When reviewing and deciding the issue of granting a Georgian residence permit to an alien, the Agency and other public authorities may communicate with each other in writing and electronically, according to the procedures determined by legislation.

#### **Article 4 - General requirements for documents to be submitted**

1. The Agency may request a health certificate in addition to the documents required by these Procedures in cases where there is a spread of disease in another country, and where the nature, gravity and duration of the disease may pose a risk to the population of Georgia.

2. An application and documents necessary for obtaining a Georgian residence permit shall be submitted to the Agency in printed or electronic form, in the official language. The Agency may accept an application completed in a non-official language.

3. If copies of documents are submitted, they shall be certified as prescribed by the legislation. Documents made in a foreign language shall be submitted to the Agency together with the Georgian translation certified as prescribed by the legislation. The Agency may accept the passport of an alien without a Georgian translation if it contains the alien's personal details in Latin transliteration.

4. Documents issued in another state and necessary for obtaining a Georgian residence permit shall be submitted after having been duly legalised or apostilled, unless otherwise determined by an international agreement or treaty of Georgia. These documents may be accepted electronically without submitting the original documents, provided the validity of apostillation or legalisation of the documents can be verified against the appropriate electronic register or by any other means.

5. If it is necessary to confirm a kinship relationship when considering the issue of granting a Georgian residence permit, the kinship can be confirmed by a birth, marriage, paternity, adoption or other document/certificate, as well as by a document evidencing the appointment of a guardian or a custodian. For a person with refugee or humanitarian status a kinship relationship may also be **confirmed with a document issued by the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia**.

6. When granting Georgian residence permits to aliens under the age of six, documents confirming the lawful stay in Georgia need not be presented, provided they did not leave the territory of Georgia before applying for a Georgian residence permit.

7. The receipt evidencing the payment of the service fee determined under these Procedures for reviewing the granting of a residence permit need not be presented if the payment of the service fee has been made in electronic form and the Agency can verify the payment through electronic means of communication.

#### **Article 5 - Documents to be submitted for obtaining a work permit**

1. To obtain a work permit for business or employment activity in Georgia, an alien shall submit to the Agency:

a) an application in the established form

b) a copy of the alien's travel document

c) a copy of the document evidencing the alien's lawful stay in Georgia (immigration visa D1/D2)

d) a document evidencing employment or business activity (labour contract or other employment document); if legal income of the alien is not



confirmed with these documents, money in the alien's personal bank account may also be regarded as income; the amount of that money, taking into account the duration of the residence permit, shall not be less than double the amount of the minimum subsistence level for average consumers in Georgia

e) a 3X4cm photo

f) a receipt evidencing payment of the service fee.

2. To obtain a Georgian work permit, freelance workers shall submit to the Agency:

a) an application in the established form

b) a copy of the alien's travel document

c) a copy of the document evidencing the alien's lawful stay in Georgia (immigration visa D1/D2)

d) a certificate of professional activity (certificate issued by a professional association or an education certificate (diploma, certificate, etc.)

e) a notice from a bank reflecting the amount available in the personal account; the amount shall not be less than double the amount of the minimum subsistence level for average consumers in Georgia

f) a recommendation made by a Georgian citizen or by a person having the right of residence in Georgia to issue a work permit to an alien for conducting activity in individual or public interests

g) a 3X4cm photo

h) a receipt evidencing payment of the service fee.

#### **Article 6 - Documents to be submitted for obtaining a study permit**

1. To obtain a study permit, an alien shall submit to the Agency:

a) an application in the established form

b) a copy of the alien's travel document

c) a copy of the document evidencing the alien's lawful stay in Georgia (immigration visa D3)

d) a certificate issued by an authorised Georgian educational institution confirming that the alien is studying at that institution (indicating the anticipated duration of study)

e) a document evidencing legal income earned in Georgia by the alien and/or by a Georgian citizen or by his/her relative having the right of residence in Georgia and a document confirming kinship relationship with this person; the money in the alien's personal bank account may also be considered as income; the monthly amount of the money, taking into account the duration of the residence permit, shall not be less than double the amount of the minimum subsistence level for average consumers in Georgia

f) a 3x4cm photo

g) a receipt evidencing payment of the service fee.

#### **Article 7 - Documents to be submitted for obtaining a residence permit for family reunion**

1. To obtain a Georgian residence permit for family reunion, an alien shall submit to the Agency:

a) an application in the established form

b) a copy of the alien's travel document

c) a copy of the document evidencing the alien's lawful stay in Georgia (immigration visa D4)

d) a document evidencing kinship

e) document evidencing legal income earned in Georgia by the alien and/or by a Georgian citizen or by his/her relative having the right of residence in Georgia; the money in the alien's personal bank account may also be considered as income; the monthly amount of the money, taking into account the duration of the residence permit, shall not be less than double the amount of the minimum subsistence level for average consumers in Georgia

f) a 3x4cm photo

g) a receipt evidencing payment of the service fee.

#### **Article 8 - Documents to be submitted for obtaining a residence permit of a former Georgian citizen**



1. To obtain a residence permit of a former Georgian citizen, an alien whose Georgian citizenship has been terminated shall submit to the Agency:

- a) an application in the established form
- b) a copy of the alien's travel document
- c) a copy of the document evidencing the alien's lawful stay in Georgia
- d) a certificate of termination of Georgian citizenship
- e) a 3x4cm photo
- f) a receipt evidencing payment of the service fee.

2. An alien whose Georgian citizenship has been terminated but who has not left the territory of Georgia need not submit a copy of the document evidencing his/her lawful stay in Georgia in order to obtain a residence permit of a former Georgian citizen.

#### **Article 9 - Documents to be submitted for obtaining a special residence permit**

1. To obtain a special residence permit, an alien shall submit to the Agency:

a) when a residence permit is issued to the alien on the initiative of a member of the Government of Georgia:

- a.a) an application in the established form
- a.b) a copy of the alien's travel document
- a.c) a written application of the member of the Government of Georgia
- a.d) a copy of the document evidencing the alien's lawful stay in Georgia (Georgian visa)
- a.e) a 3x4cm photo

b) when issuing a special residence permit to victims of, or persons affected by, the crime of trading in persons (human trafficking) – a petition from the agency providing services to the victims of trading in persons (human trafficking) or from the authority conducting the proceedings;

c) when issuing a special residence permit to the persons specified in Article 60 of the Law:

- c.a) an application in the established form
- c.b) a copy of the alien's travel document (if any)
- c.c) a 3x4cm photo.

#### **Article 10 - Documents to be submitted for obtaining a permanent residence permit**

To obtain a permanent residence permit, an alien shall submit the following documents to the Agency:

a) for issuing a permanent residence permit to a Georgian citizen's spouse, parent or child:

- a.a) an application in the established form
- a.b) a copy of the alien's travel document
- a.c) a copy of the document evidencing the alien's lawful stay in Georgia (immigration visa D4)
- a.d) a document certifying kinship with a Georgian citizen
- a.e) a document evidencing legal income earned in Georgia by the alien and/or by a Georgian citizen or by his/her relative having the right of residence in Georgia; if the Georgian citizen is of retirement age or receives social security benefits – a document evidencing the receipt of a state pension or social security benefits; the money in the alien's personal bank account may also be deemed as income.
- a.f) a 3x4cm photo
- a.g) a receipt evidencing payment of the service fee;

b) for obtaining a permanent residence permit for an alien who has lived in Georgia under a temporary Georgian residence permit for the last six years:

- b.a) an application in the established form
- b.b) a copy of the alien's travel document



b.c) a document evidencing that the alien has lived in Georgia under a temporary Georgian residence permit for the last six years (copy of a temporary Georgian residence card/permit)

b.d) a document evidencing legal income earned in Georgia by the alien and/or by a Georgian citizen or by his/her relative having the right of residence in Georgia and a document confirming kinship relationship with this person; if the Georgian citizen is of retirement age or receives social security benefits – document evidencing the receipt of a state pension or social security benefits; the money in the alien's personal bank account may also be deemed as income

b.e) a 3x4cm photo

b.f) a receipt evidencing payment of the service fee.

#### **Article 11 - Documents to be submitted for obtaining an investment residence permit**

To obtain an investment residence permit, an alien shall submit to the Agency:

a) an application in the established form

b) a copy of the alien's travel document

c) a copy of the document evidencing the alien's lawful stay in Georgia

d) a document evidencing at least GEL 300 000 investment in Georgia (audit report)

e) a written recommendation issued by a member of the Government of Georgia or by three citizens of Georgia having the authority to represent a Georgian-based business entity

f) a 3x4cm photo

g) a receipt evidencing payment of the service fee.

2. If a family member of the alien who has an investment residence permit wishes to obtain the same kind of permit, the following documents shall be submitted to the Agency:

a) an application in the established form

b) a copy of the alien's travel document

c) a copy of the document evidencing the alien's lawful stay in Georgia

d) a copy of the residence permit of the alien having an investment residence permit

e) a document evidencing kinship with the alien having an investment residence permit

f) a 3x4cm photo

g) a receipt confirming payment of the service fee.

#### **Article 12 – Residence permit of a stateless person**

If the status of a stateless person in Georgia is established, the person concerned shall automatically be granted a residence permit of a stateless person, which shall be indicated in the decision on the establishment of the status of the stateless person,

#### **Article 13 - Procedure and time limits for reviewing and deciding the granting of a residence permit**

1. All documents necessary for obtaining a Georgian residence permit shall be submitted with the application. The Agency may additionally request, at any stage of the administrative proceeding, the submission of the documents that support individual facts and circumstances provided by these Procedures (to establish circumstances that are crucial to reviewing and deciding the issue). In addition, during the review of the issue, the alien may submit, on his/her own initiative, additional documents necessary for reviewing the issue.

2. When reviewing the issue, the Agency may invite the applicant and obtain from him/her the documents/information and explanations necessary for reviewing the issue. If the applicant fails to appear without a valid reason, the Agency shall have the right not to review the application.

3. The time frame for reviewing an application for obtaining or extending a residence permit shall not exceed 30 days after all necessary documents have been submitted to the Agency.

4. If the applicant is no longer interested in obtaining or extending a Georgian residence permit, he/she may apply to the Agency at any stage of an administrative proceeding and request termination of the proceeding.

5. To identify the grounds for refusing a residence permit, the Agency shall be authorised, and to identify the grounds under Article 18(1)(a),(c),(d) and (e) of the Law shall be obligated, to request and obtain information from public authorities of Georgia within three days after receipt of the application.



Public authorities, physical and legal persons shall submit the requested information to the Agency within five days after the request is received. If this time frame is not enough to provide written information, the public authorities and physical and legal persons shall notify the Agency accordingly, after which they shall be given an additional two-day period. If public authorities and physical and legal persons do not submit the necessary information to the Agency within the above time frames, the grounds for denying the Georgian residence permit shall be deemed not to exist (except as provided in Article 18(1)(e) of the Law) and the Agency shall be obligated to complete the review within the period defined by the Law.

6. If a special residence permit is issued to an alien on the initiative of a member of the Government of Georgia, the grounds for denying the Georgian residence permit under Article 18 of the Law shall not be verified.

7. Based on the information submitted by an alien and information obtained, an authorised official of the Agency shall issue an individual administrative-legal act on granting or refusing a residence permit.

8. The Agency shall issue a residence card to an alien who has obtained a residence permit. The form of the residence card shall be approved by the Minister of Justice of Georgia.

9. An alien who has been refused a Georgian residence permit may re-apply on the same grounds not earlier than one month after the decision on the refusal of the first application is made.

#### **Article 14 - Validity of a residence permit**

1. A temporary Georgian residence permit specified in Article 15(a),(b),(c),(e) and (f) of the Law shall be issued for the period of an alien's anticipated stay in Georgia, but for not more than six years.

2. A first temporary Georgian residence permit shall be issued for at least six months and for not more than one year. It may be extended for up to five years, provided the total period of the temporary Georgian residence permit does not exceed six years.

3. Where so provided in Article 15(d) of the Law, a temporary Georgian residence permit shall be issued for six years.

4. In special cases, a first temporary Georgian residence permit may be issued for five years.

5. A residence permit shall be issued for three years to a person who has been granted the status of a stateless person in Georgia. The permit may be extended for the same period and under the same conditions.

6. The following shall be issued with the right of permanent residence:

a) a permanent residence permit;

b) an investment residence permit;

c) a residence permit issued to a stateless person whose Georgian citizenship has been terminated by renunciation of Georgian citizenship, or who had permanently resided in Georgia before 31 March 1993, was not considered as a Georgian citizen and has not been removed from permanent registration in Georgia after 31 March 1993.

#### **Article 15 - Conditions for terminating and extending a Georgian residence permit**

1. A residence permit shall be automatically terminated upon expiry. The Agency may terminate an alien's residence permit if it becomes aware of grounds for termination of the period of stay in Georgia specified in Article 21 of the Law. The information on termination of the alien's residence permit shall be communicated to the relevant public agencies electronically or in writing.

2. Public authorities and legal and/or physical persons shall inform the Agency of grounds for terminating the alien's stay in Georgia.

3. A temporary Georgian residence permit shall be extended under the same conditions as it was issued.

#### **Article 16 - Procedure for submitting applications electronically**

1. An electronic application shall be accepted according to the principles and conditions laid down in these Procedures, in consideration of the special characteristics set forth in this article.

2. An electronically submitted application may be accepted if the electronic communication allows for direct visual contact between the applicant and the person authorised to accept the application.

3. Within 10 days after the registration of an electronic application and attached documents, the documents necessary for reviewing the Georgian residence permit shall also be submitted in printed form.

4. If the documents indicated in the third paragraph of this article are not submitted in a printed form, the Agency may decide not to review the application.

5. If there is a reasonable suspicion about the applicant's identity, the Agency may refuse to accept an electronically submitted application.

6. The Agency shall keep the record of visual contact in electronic form in accordance with the legislation.



### **Article 17 – The procedure for appealing decisions made with respect to Georgian residence permits**

Decisions made by the Agency with respect to Georgian residence permits may be appealed to a court in accordance with the Law within one month after communicating the decision.

### **Article 18 – Transitional provisions**

1. The requirement of Article 3(4) of these Procedures shall not apply when extending Georgian residence permits for aliens the validity of whose Georgian residence permits/residence cards is less than 40 days from the day of entry into force of the Law.
2. When extending Georgian residence permit on these grounds, aliens who have Georgian residence permits/residence cards at the moment of entry into force of the Law need not have a visa of the corresponding category.
3. The review of applications made for a Georgian residence permit on the grounds of kinship and treatment before the entry into force of these Procedures shall be completed according to the procedures applicable on the day of receiving the applications.

